

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

Hearing transcripts - 22 February 2011 - Morning session

1 Tuesday, 22 February 2011

2 (10.00 am)

3 LADY JUSTICE HALLETT: Mr Beggs. I didn't expect to have to
4 remind West Yorkshire Police that these are judicial
5 proceedings. It has been brought to my attention that
6 certain documents have been distributed amongst the
7 press, subject to an embargo. What is going on?

8 MR BEGGS: My Lady, that's correct. What has been
9 distributed to the press, on my understanding, is that
10 which is already in the public domain, albeit embargoed,
11 as you rightly say.

12 LADY JUSTICE HALLETT: Mr Beggs, what I have seen in the
13 short time I've had to look at the documents appears to
14 contain summaries of arguments, summaries of evidence
15 yet to be given, and my Inquest team were given no
16 notification whatsoever of the intention to distribute
17 these documents.

18 Now, at the very least, I consider that
19 discourteous. I also question the propriety of
20 distributing copies of evidence that I have yet to
21 receive.

22 MR BEGGS: Could I deal with discourtesy first? Certainly
23 no discourtesy was intended, though I accept that is
24 a reasonable interpretation of the actions.

25 So far as its probity or propriety of doing so, the

1 intention was a pure one: namely, to ensure that those
2 media outlets that are going to continue to report this
3 do so as accurately as possible. No other intention
4 whatsoever.

5 LADY JUSTICE HALLETT: Well, I am extremely displeased and
6 I think all legal representatives need to consider the
7 propriety of what is happening during the course of
8 these proceedings.

9 I am hearing evidence, and I expect to hear the
10 evidence before it is published to the press. I also
11 don't expect to have cases argued in the press. The
12 place for interested persons to argue their case, to the
13 extent they can according to the law and the
14 Coroners Rules, is in this court. I hope I make myself
15 plain.

16 MR BEGGS: You do.

17 LADY JUSTICE HALLETT: Thank you.

18 MR KEITH: My Lady, Mr Hill has some further information in
19 relation to the point that he raised in the course of
20 proceedings yesterday.

21 MR HILL: Yes, my Lady, I was asked to confirm or, shall
22 I say, volunteer to confirm overnight that when looking
23 at what for you, my Lady, are tabs 19 and 20 in your
24 bundle, the transcription of the 21 February 2004
25 conversation, the reference in the subject column to NM1

1 and 2 does mean "northern male".

2 LADY JUSTICE HALLETT: "Northern male"?

3 MR HILL: Yes.

4 LADY JUSTICE HALLETT: Does that appear anywhere as an
5 explanation on the document for the reader?

6 MR HILL: No. The Officers Wallace and Vernon, on my
7 instructions, were working in tandem to prepare
8 transcripts. The first that we see, which has, at
9 tab 19, the date February 2004, was a draft which was
10 later worked upon by DC Vernon, and, when confirmed,
11 ultimately had not "NM" but "unknown male, northern
12 accent".

13 The way to trace that through is by going, as
14 I indicated yesterday, from tab 19 through to tab 22
15 where, in relation to the same part of the transcript,
16 instead of "NM", as first appeared, DC Vernon placed the
17 words "unknown male, northern accent".

18 LADY JUSTICE HALLETT: Thank you. Right, Mr Keith?

19 WITNESS G (continued)

20 Questions by MR KEITH (continued)

21 MR KEITH: G, good morning. The position appears to be,
22 then, that following the giving to the
23 Metropolitan Police of the audio tape of the
24 eavesdropping device in the car on 21 February,
25 transcripts were prepared by the Metropolitan Police

1 with successive degrees of comprehension. It would
2 seem, however, that those first drafts which made
3 reference to "northern males" were not brought to the
4 attention of the Security Service, who had the primary
5 role of ascertaining and assessing the intelligence
6 arising out of the events which were being surveyed and
7 taped?

8 A. The Service would have been aware of them, but the
9 Service would have been relying much more on the
10 transcripts prepared by our own officers that we looked
11 at yesterday.

12 Q. The original, shorter transcriptions?

13 A. That's correct, in different parts.

14 Q. From your researches, are you able to tell my Lady
15 whether or not those drafts prepared by the
16 Metropolitan Police -- and the first two drafts were, of
17 course, prepared in March and April 2004, before or
18 certainly around the height of Operation Crevise, the
19 joint investigation -- were brought to the attention of
20 the desk officers and discussed amongst them?

21 A. I don't believe they were.

22 Q. Had they been so, the position would have been this, of
23 course, would it not, that there would then have been an
24 understanding of a Honda Civic coming from Leeds from
25 the north on 2 February and 28 February, and

1 subsequently a Vauxhall Corsa assessed to be driven by
2 the same driver as the Honda Civic coming to the south
3 on 21 and 23 March, and a meeting of some sort on
4 21 February at which there was apparently a northern
5 male present?

6 A. (Witness nods).

7 Q. So there would have been five links of varying degrees
8 of clarity to somebody from, at any rate, outside the
9 Crawley area coming to meet the conspirators?

10 A. Well, there would have been more, because, of course,
11 the Crevice conspirators had other links to the north,
12 not just UDMS D and E.

13 Q. They did, but of course, the Security Service were aware
14 that the driver of the Vauxhall Corsa was the same as
15 the driver of the Honda Civic, the Honda Civic was
16 linked to the registered owners Hasina Patel and
17 Sidique Khan?

18 A. But none of those were linked to the 21 February
19 conversation.

20 Q. Indeed, but there was a reference then to "northern
21 male" and, although there were other people coming from
22 outside the area, one reasonable question for the desk
23 officers might have been: are these the same northern
24 males, or is there a link? But the question was never
25 asked because you weren't aware that the

1 Metropolitan Police supposed there was a possibility
2 that the participants in the conversation had northern
3 accents?

4 A. That's correct.

5 Q. The transcript is important in another way, is it not,
6 because, although you were not aware of it, it was, of
7 course, available in the possession of the
8 Metropolitan Police at February, March and April,
9 or March and April 2004, and would have been relevant to
10 any assessment of the importance of D and E, if that
11 link had been made?

12 A. Yes, that's correct.

13 Q. Again, I emphasise the link wasn't made between
14 21 February, and it was only after 7/7 that you were
15 sure that Mohammed Sidique Khan had been one of the
16 participants in the conversation.

17 So if the link had been made, it would have been
18 relevant to an assessment of how important D and E were,
19 because there was some discussion, albeit lacking much
20 clarity, of operations in Pakistan, or of travelling to
21 Pakistan, of facilitative activities; is that right?

22 A. If the link had been made, but as you rightly say, we
23 could not have made that link before 7/7.

24 Q. Is that quite right, G? Because, obviously, you made
25 the link after 7/7 that Khan was in the car on

1 21 February. But you had a voice recording of him from
2 23 March when he reappeared in the south in his
3 Vauxhall Corsa, and that recording could have been
4 matched to the recording, I suppose, of 21 February?

5 A. Well, there was no technical system for that kind of
6 voice analysis comparison. It would have required the
7 enormous amount of diligent work the Met did after 7/7
8 to review all such tapes to make that connection.

9 Q. So the position is this: it was so difficult -- and
10 we've heard yesterday how imprecise the recording is --
11 it wouldn't have been possible for a desk officer or
12 a Met officer to listen to the 21 February and 23 March
13 and go, "That's the same person"?

14 A. That's correct.

15 Q. Right. The Metropolitan transcript of March 2004, which
16 is our tab 19, SYS11070 [SYS11070-1] , is, in as far as it goes and
17 subject to all the caveats that you've quite properly
18 explained to us, of some significance in identifying the
19 degree of extremism or the nature of activities of the
20 participants, because we can see that there is
21 a reference there, at 13.00, in the second row, to
22 northern male 1 stating he would like an extension, as
23 his wife is about to give birth.

24 We now know, of course -- although it could not have
25 been appreciated at the time -- that that was

1 a reference to the birth of Khan's daughter in the
2 summer of 2004. His wife was obviously pregnant at the
3 time of this conversation, so he was supposing that she
4 would be giving birth later in the year and he wanted an
5 extension, but again, that couldn't possibly have been
6 ascertained then.

7 There's a reference to terrorism. In fact, that was
8 an inaccurate transcription, was it not? There was no
9 reference on the tape.

10 Further down the page, there are references to
11 training camps, we can see that about seven or eight
12 lines from the bottom there, a reference to meeting up
13 with brothers, a one-way ticket, running scams --
14 further down the page, please:

15 "All the brothers are running scams."

16 To give one or two further examples, over the page [SYS11070-2],
17 they discuss in the middle what equipment might have to
18 be taken in the context of travelling to Pakistan.

19 At the bottom of the page, please, a question is
20 raised as to about how to say goodbye to family and
21 Khyam, the ringleader, explains that he's personally
22 moved out of his immediate family's address and he
23 believes there are big raids planned in the
24 United Kingdom:

25 "There's another brother we've got, who is just

1 coming in. From all the tests that we've done, our
2 general consensus of opinion is that he is ready."
3 These are all indicia, are they not, of something
4 being planned, but it is not possible to ascertain
5 whether it was anything more than scams, financial
6 scams, to support criminal or possibly extremist
7 activity, as opposed to attack planning; is that a fair
8 summary?

9 A. I think that's fair. There's certainly nothing to
10 indicate attack planning.

11 Q. Yes. Over the page [SYS11070-3], they discuss how easy it is to get
12 to Pakistan:

13 "The second thing is you have to understand it is
14 not as easy as getting to Pakistan and in two weeks you
15 are at the front. You'll go to Pakistan, you will be
16 enrolling in colleges, doing electronic courses,
17 whatever you want to do, and you will be given a normal
18 life-style ..."

19 Further down in the same paragraph:

20 "We've got intelligence that they're following us,
21 we want them to follow until they think these guys are
22 nothing. When we think the time is right ... it all
23 depends on the situation. Everybody wants to go to the
24 front, everybody wants to fight."

25 They then go on to discuss fraud, opening bank

1 accounts and trying to get credit cards to carry out
2 financial frauds on banks and builders, and we know
3 that, of course, they visit builders to try to open
4 accounts.

5 Is the position this, then, that even if you had
6 been made aware of that transcript, there was nothing in
7 it, in addition to the rougher transcript prepared on
8 22 February, that indicated that these people were
9 discussing more than training camps, travel to Pakistan,
10 fraudulent activities and activities ancillary to attack
11 planning?

12 A. Yes, that's correct.

13 Q. Does that give us some idea, G, of where the line has to
14 be drawn in deciding where resources are to be dedicated
15 thereafter, because from what you've told us, it seems
16 that that level of debate, although it is very serious,
17 because it concerns terrorism, training camps and so on,
18 would not necessarily have triggered the dedication of
19 further resources and time, although we know that D and
20 E were pursued to an extent?

21 A. Yes, that's true.

22 Q. If this transcript had been made available, because it
23 had more clarity than the one prepared for the Service,
24 by the Service, would there have been a more anxious
25 debate as to whether or not those men, if they had been

1 identified as the same E, and possibly D, would have
2 required or would have merited further investigative
3 resources being dedicated towards identifying them?

4 A. Certainly not at the time of this first transcript
5 because of the demands of Crevice and then Rhyme
6 following on afterwards.

7 Q. So even if you'd had the transcript and these details of
8 their ancillary terrorist activities, you are confident
9 that that of itself would not have been enough to
10 trigger more time being spent trying to identify them?

11 A. Yes, I am.

12 Q. But later, when -- many years later of course -- the
13 position was different, because the transcript was very
14 much more detailed and there were specific links to
15 saying goodbye, to dates, a date, in fact, in May,
16 perhaps, in hindsight, the decision would have been
17 different?

18 A. Possibly so. Even on the later transcripts, there's not
19 very much to go on in terms of developing the
20 investigation.

21 Q. Because there is, again, no discussion of the fertiliser
22 bomb plot with which Crevice was primarily concerned?

23 A. Correct, but also there's very little to advance the
24 investigation based on what's in the conversation.

25 Q. Because of a lack of names, places, dates that are

1 specific?

2 A. Correct.

3 Q. You would you agree in principle, though, that this
4 transcript detailed -- to the extent that it is as
5 detailed as it is, is a relevant piece of information
6 that ought properly to have been put before the desk
7 officers and the managers of the Security Service so
8 that you could have considered the issue of resources
9 and the dedication of resources to yet greater extent?

10 A. I think the original transcripts we had were enough to
11 give us a flavour of the information, and I don't think
12 there's anything in the Metropolitan Police transcripts
13 that makes a significant difference to that flavour.

14 Q. Perhaps we could have up on the screen, if we may,
15 please, the original Service one, which is SYS11065 and
16 if we could start, please, at page 4 [SYS11065-4] , 21.08, we can see
17 there the reference to the extension, 25 May, and
18 page 9 [SYS11065-9], please, discussion of equipment for travelling
19 to Pakistan, the sleeping bag and the rucksack and
20 "things going through".

21 It is very much shorter and broader and less precise
22 than the Metropolitan Police transcript, is it not?

23 A. It's shorter and broader, but I think the flavour is
24 similar.

25 Q. You would not wish, and I'm sure your officers would not

1 wish, to make important decisions about the dedication
2 of resources and the pursuit of investigative leads on
3 flavours. It would have been better, would it not, to
4 have the more precise detail of the other transcript?

5 A. Well, we have no choice but to make decisions about
6 resources on flavours because of the pace at which we
7 work.

8 Q. Do we take it from that, then, that, ordinarily, there
9 is not enough time available, because of the speed with
10 which investigations develop, to be able to go back and
11 review the broad, quickly prepared transcripts to see
12 whether or not further information comes to light from
13 them?

14 A. That's correct, unless there is something in that
15 particular transcript which excites the desk officer's
16 interest.

17 Q. So if there had been a reference to attack planning,
18 that would have been such a trigger?

19 A. Unquestionably.

20 Q. Is the position the same now, or would the sort of
21 Legacy Review systems which are now in place tend to
22 sweep up that sort of review of material to see whether
23 or not subsequent transcriptions, prepared for whatever
24 reason, contain more detail that might prompt
25 a reassessment of the importance of the participants?

1 A. It really depends on the volume. For a large operation
2 like this, the volume of eavesdropping material is so
3 great that it is unlikely that even a dedicated Legacy
4 team would be able to look through all of it.

5 Q. So there is, in fact, quite a high degree of
6 happenchance here, because this transcript was only
7 prepared because there happened to be criminal
8 proceedings in play, in due course, and the
9 Metropolitan Police decided to start the job early of
10 getting the transcripts prepared?

11 A. That's correct.

12 Q. Thank you, G, that brings that issue to an end.

13 May I, before I move on chronologically to
14 28 February, which was the next visit by Khan to the
15 south, ask one question arising out of a question that
16 I put to you yesterday.

17 You told us that one of the other investigative
18 links to the man called Sidique Khan was the subscriber
19 check on 11 March 2003 which showed that a phone was
20 registered to his name and the address at 49A Bude Road,
21 we know subsequently to have been the Iqra bookshop, and
22 you, therefore, would have been able to assess that one
23 of the calls made in July and August by
24 Mohammed Qayum Khan, one of the participants in Crevice
25 in the early days, was to that name and address?

1 A. (Witness nods).

2 Q. Why was a subscriber check being done in March if the
3 calls from Mohammed Qayum Khan were not until July
4 and August?

5 A. Because, at that point, we were reviewing earlier
6 billing on Mohammed Qayum Khan on which that number came
7 up.

8 Q. Oh, I see, so the Crevice operation, having started
9 earlier in the year, had meant that there were checks
10 from the very beginning going on in relation to calls
11 made by the participants --

12 A. That's correct.

13 Q. -- which is why a check was made in March?

14 A. That's correct.

15 Q. So Crevice started long before July and August, towards
16 the early part of 2003, in fact.

17 A. In the early part of 2003, yes.

18 Q. Before 11 March, presumably?

19 A. Yes, I can't remember the exact date, but certainly
20 before then.

21 Q. But logically, it must have been before.

22 A. It was, it was.

23 Q. All right. 28 February, then. On 28 February, the
24 Honda Civic -- so this is a week after the meeting of
25 which the Security Service had no understanding of

1 Khan's presence -- Khan undoubtedly appeared again
2 because the Honda Civic reappeared, R480 CCA. It met
3 Khyam and his brother Mahmood in a car park in Crawley
4 at, I think, about 9.00 in the morning. Could we have
5 SYS11001 [SYS11001-1], please, on the screen?
6 If you bear with me one minute, please, the tab for
7 my Lady is tab 24.
8 At 08.56, if you could enlarge the fourth entry,
9 please:
10 "The Suzuki drove into the Sainsbury's car park,
11 Crawley Avenue, Crawley and pulled up alongside a green
12 Honda Civic ..."
13 So this was the second appearance of the green
14 Honda Civic, and:
15 "Three unidentified males from the Honda Civic
16 entered McDonalds ..."
17 Some more photographs were taken there, were they
18 not?
19 A. That's correct.
20 Q. Some of those photographs were subsequently shown to
21 Babar --
22 A. (Witness nods).
23 Q. -- because they formed part of a pack of photographs
24 that the Metropolitan Police assembled and they were
25 routinely shown to other people and they were put to

1 Babar in the summer, in August 2004?

2 A. That's correct, in August 2004.

3 Q. So that brings us back yesterday to the point that you
4 made, which is, even though Babar was only shown
5 a cropped picture of Tanweer and no picture of MSK from
6 the photographs taken on 2 February by the Service, he
7 was shown subsequently other photographs of D and E and
8 failed to identify them as the two extremists he knew as
9 Ibrahim and Zubair?

10 A. That's correct. Of course, D was not Zubair, so he
11 wouldn't have identified him, but failed to identify E
12 as Ibrahim.

13 Q. Yes. At 09.02:

14 "All Together [that's Khyam] exited Sainsbury's, got
15 back in the Suzuki and drove back to McDonalds ..."
16 They are then joined by the three --

17 LADY JUSTICE HALLETT: Sorry, before we go on, Babar was
18 shown subsequently photos of those who attended this
19 meeting in the car park in McDonalds. Do we know what
20 the quality of those photographs was like?

21 A. Yes, I imagine we're coming to that, Mr Keith.

22 MR KEITH: We are.

23 LADY JUSTICE HALLETT: Very well. As long as we're coming
24 to it.

25 MR KEITH: We are, my Lady, yes. They're in the latter part

1 of tab 49.

2 LADY JUSTICE HALLETT: Thank you.

3 MR KEITH: The men travel around the Crawley area, do they
4 not? At 09.42, they proceed in convoy, west on the A23,
5 to Telford Place in a trading park, and they make
6 a series of visits to builders merchants and, in light
7 of what we now know from the conversation on
8 21 February, it seems that perhaps they were
9 endeavouring to put into action whatever plans or
10 schemes that they had concocted for the purposes of
11 scamming builders and merchants into giving them credit
12 and then eloping with that credit.

13 A. Yes, that's correct.

14 Q. They travel to Wellingborough, or they go to a mosque,
15 I think, in Slough. Is that correct?

16 A. Yes.

17 Q. Then they go back to Khyam's address in Hencroft Street
18 in Slough. Then they travel to Wellingborough near
19 Northampton via Toddington services near Luton, and this
20 takes all day. They then return to Slough in the early
21 evening. They drop off Khyam and his brother, Mahmood,
22 at about 11.30.

23 There's nothing said in the course of that day,
24 although the eavesdropping device is there, which
25 impacts upon the men in the Honda Civic, from the

1 Honda Civic, Khan, as we now know him to be?
2 A. That's correct.
3 Q. The surveillance team, whether it be Metropolitan Police
4 or the Security Service, follow the men in the
5 Honda Civic again back to Yorkshire?
6 A. (Witness nods).
7 Q. On this occasion, could we have, please, [MPS3-45]?
8 They're followed back, in fact, in the early hours of
9 the following morning. Is that correct?
10 A. Yes.
11 Q. 29 February. We can see at 02.46:
12 "Dropped one passenger off at Tempest Road,
13 Leeds ... a second passenger off at Lodge Lane ..."
14 That's the second reference to Tempest Road, the
15 second reference to Lodge Lane. Then the vehicle is
16 housed in Pickles Field, Batley, and surveillance is
17 terminated shortly thereafter. What does "housed" mean?
18 A. "Housed" means the vehicle has gone to a place and the
19 driver has got out and we're satisfied that the
20 individual is spending -- we believe that the individual
21 is likely to spend the night there.
22 Mr Keith, actually, that's the first reference to --
23 I'm sorry, this is very detailed, but that's the first
24 reference to Lodge Lane. If you recall, we said
25 Lodge Road the first time.

1 Q. You did indeed. I stand corrected. You said
2 Lodge Road. Although, on the original handwritten
3 surveillance note of Lodge Road, the "Lodge Road" was
4 crossed out or wasn't the original address --

5 A. "Lodge Lane" was crossed out and replaced with "Road".

6 Q. "Lodge Lane" was crossed out and it was then changed to
7 "Lodge Road".

8 There was nothing significant, as far as the Service
9 is able to ascertain, said in the course of that day
10 that impacts upon whether or not these men were
11 involved, on that day, in anything more than credit card
12 fraud?

13 A. That's correct.

14 Q. But we have, do we not, available for my Lady's benefit
15 tabs 25 and 26, that the monitors note of some of the
16 eavesdropping product from that day and, at tab 26,
17 a transcription, dated 1 March and 2 March, of what was
18 said at various points in the day. But you wouldn't
19 wish to refer us to anything in there as being of great
20 relevancy to these issues?

21 A. No, that's right.

22 Q. Although the absence of a reference to attack planning
23 you would say --

24 A. Is significant.

25 Q. -- is significant in terms of the overall analysis.

1 Then, on 28 February, because the Honda Civic had
2 appeared again, further checks were done in relation to
3 its registered keeper, and it transpired that there had
4 been a change of registered keeper.

5 Who was the new registered keeper?

6 A. Sidique Khan.

7 Q. So not Hasina Patel anymore?

8 A. Correct.

9 Q. As a result, were further checks asked of
10 West Yorkshire Police in relation to Sidique Khan and
11 whatever details were available in relation to him?

12 A. They were.

13 Q. Could we have, please, MPS11009, at page 20 [MPS11009-20]? If you
14 could enlarge the middle of the page, please,
15 28 February is the time. This is an action, so the
16 Metropolitan Police have recorded a request that they
17 have made and it's called an action. Anything that they
18 do is recorded as an action.

19 "This vehicle has been the subject of a previous
20 action ..."

21 That was the earlier request which revealed the
22 registered keeper was Hasina Patel?

23 A. (Witness nods).

24 Q. "A PNC check completed today ... reveals a completely
25 different registered keeper and address", Sidique Khan

1 of 11 Gregory Street, Batley.

2 Checks were made in relation to his insurance
3 policy. It was revealed he had a policy with
4 Zurich Insurance. There were checks made on a system
5 called CRIS.

6 The acronym, please, G?

7 A. That's a Met system, so I'm afraid you'll have to ask
8 them.

9 Q. It's a Met system:

10 "Vehicle is no trace on CAD [the computer-aided
11 dispatch record] and there are no significant entries on
12 a trace enquiry enquiry."

13 So that enquiry led nowhere, did it, because there
14 was nothing significant in relation to Sidique Khan as
15 the new registered keeper?

16 A. That's correct.

17 Q. Were any checks done, as far as you are aware, to see
18 what the connection, if any, was between Hasina Patel,
19 the earlier registered keeper, and Sidique Khan, the new
20 registered keeper?

21 A. No, I'm not aware that any checks of that type were
22 done.

23 Q. They, of course, were, in fact, man and wife?

24 A. Indeed.

25 Q. Because they had married in an Islamic ceremony

1 in October of 2001. Do you know whether there is any
2 database or system for registering such marriages such
3 that a check can be made as to who one's husband or wife
4 is?

5 A. I don't know if such a system exists.

6 Q. Then or now?

7 A. Then or now.

8 Q. Because if it had existed, of course, it would have then
9 shown that, although it was apparent from his
10 description that he was the same person anyway, he was
11 obviously the driver of the car on both occasions
12 because it was his wife's car on the first occasion?

13 A. Indeed.

14 Q. It doesn't matter, because he was physically the same
15 person, but it would have shown another link?

16 A. Correct.

17 Q. At this time, a number of steps were taken, were they
18 not, by the Metropolitan Police and the Service to look
19 at CCTV material from Toddington service station, to do
20 a level 2 research on the car, the Honda Civic, and to
21 research addresses connected to Sidique Khan.

22 One of the addresses was 99 Stratford Street, was it
23 not, open source material showed that he had lived at
24 a previous address?

25 A. That's what I understand. I'm still not sure quite what

1 the open source material was.

2 Q. It's not clear from the documentation, is it, G?

3 A. No.

4 Q. But in any event, it was a previous address --

5 A. Yes.

6 Q. -- and a check was done there as well?

7 A. Yes.

8 Q. There was some suggestion in the Intelligence and
9 Security Committee report that a check was done of that
10 previous open address, 99 Stratford Street, because it
11 had a storage facility connected to it. That was not
12 right, was it?

13 A. No, that's correct, that's an error in the ISC report.

14 Q. There was no suggestion that there was a concern on the
15 part of the Met or the Security Service that that
16 address had had a lock-up attached to it in which there
17 might have been placed something to do with the
18 fertiliser bomb?

19 A. No, that's correct.

20 Q. In fact, the Security Service didn't ask
21 West Yorkshire Police to check 99 Stratford Street, it
22 was the Metropolitan Police?

23 A. That is correct.

24 Q. Could we have West Yorkshire Police document 9, page 17 [WYP9-17],
25 my Lady's tab 28. Metropolitan Police, 3 March, to

1 West Yorkshire:

2 "Could you please check the following details

3 through your databases and with your local contacts:

4 99 Stratford Street ..."

5 The response on page 18 [WYP9-18] -- the next page, please --

6 was that there were a number of people living at the

7 address or had been living at the address. One of them

8 had been, we know, Mohammed Sidique Khan, for there is

9 his full name, Mohammed Sidique Khan, the others are

10 redacted because I think they were children or females.

11 A. (Witness nods).

12 Q. So those enquiries were, it seems, made very speedily?

13 A. They were.

14 Q. They revealed everything there was to know about

15 11 Gregory Street, Sidique Khan, the registered keeper

16 of the Honda Civic, Mohammed Sidique Khan, as far as he

17 was understood to be any connection, as well as

18 99 Stratford Street?

19 A. Yes.

20 Q. And lock-ups?

21 A. And lock-ups.

22 Q. Then on 21 March, three days later, a green

23 Vauxhall Corsa appears for the first time in Crawley,

24 does it not?

25 A. It does.

1 Q. It arrives at Langley Walk, Crawley in the very early
2 hours of the morning, I think 1.15 in the morning?
3 A. (Witness nods).
4 Q. A surveillance log, [MPS11011-82], please, and then over
5 the page, at page 83 [MPS11011-83], we can see at the bottom -- it's
6 my Lady's tab 29 -- 01.12, a vehicle has arrived at
7 14 Langley Walk and driven away shortly afterwards.
8 "Report [an officer reports or somebody reports] two
9 vehicles seen leaving the vicinity of the address. One,
10 a blue Vauxhall Astra and another vehicle."
11 The registration number of what is thought to be the
12 blue Vauxhall Astra is put down there: YB52 ULF?
13 A. No, Mr Keith, that's the registration incorrectly of
14 the --
15 Q. It was J --
16 A. But it's not a Vauxhall Astra, it's a Vauxhall Corsa.
17 Q. You're quite right, thank you very much. Yes, it's the
18 Vauxhall Corsa, not the Astra, and checks are then done
19 on the Vauxhall Corsa.
20 The Corsa was, in fact, a car rented to or used by
21 a company called the Car Clinic, was it not?
22 A. It was, though that's not clear from the immediate
23 checks on it.
24 Q. It had "Car Clinic" written on the side --
25 A. Yes, yes.

1 Q. -- but the surveillance officers weren't able to see
2 that?
3 A. Yes, that's correct.
4 Q. But they did get the registration number?
5 A. That's correct.
6 Q. They immediately realised, did they not, that the driver
7 of the Corsa appeared to be the same as the driver of
8 the Honda Civic who had appeared on 2 February and
9 28 February?
10 A. No, they did not realise that on 21 -- sorry, 21 March,
11 because it was too difficult to see, but they did
12 realise that on 23 March.
13 Q. Yes, I think -- I'm sorry, did I suggest 21 March? Yes,
14 the Corsa appeared again two days later and they
15 realised then that it was the same person?
16 A. Correct.
17 Q. Were enquiries made on 21 March in relation to that
18 number plate?
19 A. They were.
20 Q. We, I think, can see some of the enquiries, [MPS11009-60].
21 We can see at the top of the page:
22 "The following vehicle was seen in the vicinity of
23 14 Langley Walk ... the apparent home address of
24 All Together [Omar Khyam] index YB52 ULF."
25 This vehicle, it's said, was a silver Ford Mondeo

1 registered to Lex Vehicle Leasing.
2 There had been an error, had there not, in the
3 recording of the name for the purposes of this enquiry?
4 A. The recording of the registration number, yes.
5 Q. The registration plate?
6 A. Yes.
7 Q. It then transpired that, in fact, that registration
8 number was erroneous. Further enquiries were made,
9 could we go to page 66 [MPS11009-66] of this document:
10 "YB52 is a green Vauxhall Corsa ... registered to
11 Lombard Vehicle Management ...
12 "Enquiries ... have revealed that the vehicle is
13 currently shown as being leased to Just Car Clinic ..."
14 This action is dated, you can see, 23 March, so it
15 was apparent then what the link was to Car Clinic and
16 Lombard Vehicle Management.
17 A. Yes, that's correct.
18 Q. A great deal of time later, documents came to light
19 showing that Khan had rented or, rather, had been given
20 a car as a run-around by Just Car Clinic while his own
21 car was being repaired, but it didn't matter, did it, G,
22 because the officers knew that this was the same person
23 as the driver of the Honda whom they knew was
24 Sidique Khan?
25 A. They didn't know he was Sidique Khan, they knew that he

1 was UDM E at this point.

2 Q. Registered -- the car was registered to a person, the
3 registered keeper was Sidique Khan?

4 A. Yes, we wouldn't have made the assumption that the
5 registered keeper was necessarily the driver.

6 Q. All right. But it was a reasonable assumption to make?

7 A. It would have been more reasonable if he had been housed
8 at the --

9 Q. 11 Gregory Street?

10 A. Correct.

11 Q. So that was 21 March. Then on --

12 MR EADIE: Sorry to interrupt. Before my learned friend
13 goes on, I'm sure no-one is going to attach any
14 significance to it, but perhaps my Lady and the
15 transcriber could note 21 March is not, in fact, three
16 days after 28 February, it's three weeks after
17 28 February, so a correction needs to be made to
18 page 25, line 13 of the transcript.

19 MR KEITH: Quite. On 23 March, two days after 21 March, the
20 Vauxhall Corsa reappears and the officers see it's the
21 Car Clinic car, and the driver, as you say, is believed
22 to be identical to the driver of the Honda Civic who had
23 appeared on 28 February. Could we have [MPS11011-107],
24 my Lady's tab 33?

25 On 28 February, Khyam and Mahmood were seen to meet

1 up with the occupants of a green Honda motor car. On
2 23 March, they were seen in company with the occupants
3 of a green Vauxhall Corsa. The driver of the green
4 Honda is believed to be identical with the driver of the
5 green Corsa.

6 A. (Witness nods).

7 Q. So it seemed, then, that this person had appeared in the
8 Crawley area on four occasions.

9 A. Yes.

10 Q. Honda, 2 February, 28 February; Vauxhall Corsa,
11 21 March, 23 March?

12 A. Yes.

13 Q. This was, was it not, around the time when the material
14 demonstrates Operation Crevice and the bomb plot was
15 reaching its terrible conclusion, because it seemed that
16 they then began to discuss targets and putting the plans
17 into fruition?

18 A. That's true for the last three of those contacts, but
19 not for the first.

20 Q. The first preceded the arrival in the United Kingdom of
21 Khawaja, the bomb-maker, the bomb expert, and the
22 discovery of the storage lock-up in which the fertiliser
23 was held?

24 A. Correct.

25 Q. But the Crevice was, of course, an operation that had

1 been proceeding for some time, from the previous year,
2 as you've told us earlier this morning?

3 A. Yes.

4 Q. The investigation was a lengthy one. This was a crucial
5 time in both the operation being investigated and the
6 investigation itself?

7 A. Yes, it was.

8 Q. There was considerable significance, was there not, in
9 the fact that the same man appeared to have been taking
10 the trouble to drive from outside the Crawley area,
11 certainly on two of the occasions trailed back to
12 Yorkshire, at a time when the operation and the
13 investigation was at its peak?

14 A. There was some significance, but at the time, we were
15 concentrating on those we knew or believed were
16 associated with attack planning, and there was no
17 evidence that this individual was.

18 Q. My Lady asked yesterday how many other people appeared
19 to have arranged to meet up with Omar Khyam and the
20 central plotters around this time, February, March,
21 2004? Is the number in the tens or the hundreds or the
22 thousands?

23 A. In the tens, I would say, of this sort of contact.

24 Q. Did anybody else appear with such regularity over the
25 course of this period?

1 A. Well, lots of people appeared with this sort of
2 regularity, many of whom were much more closely
3 associated with the plot.

4 Q. So there were other people, associates of the core
5 plotters, who were involved with the fertiliser bomb
6 plot, who were coming in and out of surveillance
7 regularly during this time?

8 A. On a much more regular basis than this, yes.

9 Q. Can you tell us whether or not the desk officers and the
10 contemporaneous documentation such as it is explored the
11 significance of E in the context of him having appeared
12 with apparent regularity at this time?

13 A. The best contemporaneous documentation here are the
14 Executive Liaison Group gists, and you will note that
15 the man we now know to be D came up once in those.

16 Q. There is one reference in the course of one ELG. Could
17 we have, please, [MPS5-26]? An ELG, an Executive Liaison
18 Group numbered 19, you have told us already, G, that
19 they were held almost every day, or every day.

20 This one, dated 28 February -- so the time of the
21 second appearance of the Honda Civic -- makes
22 a reference as part of the intelligence update, third
23 bullet point:

24 "... Khyam and his brother have been observed
25 travelling around builders' merchants and ... There have

1 been indications that Khyam's father is in the
2 United Kingdom ... Another vehicle, the Honda Civic, met
3 Khyam and Shujahuddin Mahmood and have been travelling
4 round builders merchants in convoy ..."

5 The ELG, though, is a very broad overview, is it
6 not, of the day-to-day minutiae of the intelligence?
7 It's the tactical and strategic analysis that goes on
8 daily in relation to the investigation as a whole?

9 A. It's the tactical and strategic analysis, but as you
10 rightly say, it goes on daily, so it does consider
11 events of significance from each day.

12 Q. There is no reference in the ELGs after, is there, to
13 the reappearance of the driver, but this time in the
14 driving seat of the Vauxhall Corsa on the two subsequent
15 occasions?

16 A. There's a very oblique reference on 23 March to vehicles
17 travelling in convoy.

18 Q. Yes.

19 A. But that's all.

20 Q. That's it. I asked you whether the desk officers had
21 specifically addressed the significance of this man
22 appearing on perhaps four occasions, and you pointed us
23 to the ELG, but the ELG only made a reference to that
24 one visit of the Honda on the second occasion of the
25 four. Is there any subsequent discussion of the

1 significance of the four visits as a whole?

2 A. No.

3 Q. Have you been able to find any contemporaneous
4 documentation, or have you been able to discuss with the
5 desk officers what thoughts they had on that particular
6 point?

7 A. I haven't found any contemporaneous documentation, and
8 discussions with the desk officers suggest that UDMs D
9 and E did not feature in their minds during Crevice.

10 Q. Because, I'm sure you would say, there were so many
11 people, both in the core plotting group, as well as the
12 peripherals, who were under potential investigation?

13 A. That's correct.

14 Q. We'll return to this topic later, but is there a note
15 kept or any kind of record kept as to what the officers
16 thought at the time of what to do about the various
17 people who come in and out of an investigation?

18 A. Our systems are not as formal as those of the police, so
19 there are many notes kept of things that we decide to do
20 on targets of significance. It is extremely rare for us
21 to make a recording of why we have decided not to do
22 something or why we consider a target not to be
23 significant.

24 Q. The Intelligence and Security Committee had reported
25 that the Security Service had told it that, of the

1 several thousand contacts monitored during Crevice, MI5
2 were unable to identify 150 of those unidentified
3 individuals, 15 were categorised as "essential", D and E
4 were among a group of 40 categorised as "desirable".

5 Putting aside the accuracy of the descriptions
6 "essential" and "desirable", to which we'll return
7 later, there must have been some record or some
8 understanding of the numbers of the people and what was
9 done about them in order to be able to provide that
10 information to the Intelligence and Security Committee?

11 A. That's right. That wasn't contemporaneous work. That
12 was work done afterwards effectively to try and scope
13 the size of the problem for the ISC. There isn't
14 a document of the time which lists 15 and 40 in that
15 way.

16 Q. How, as part of any Legacy Review, or any reanalysis of
17 the importance of particular people in the
18 investigation, can you go back and see what was thought
19 at the time if there is no record of what was thought at
20 the time?

21 A. One has to reconstruct it from those records that do
22 exist at the time.

23 Q. But there are not very many.

24 A. There are lots of records, but those records are much
25 more around the things that we have done, not things

1 that we haven't done.

2 Q. They are checks, they are reports, they are pieces of
3 intelligence from all the various places made available
4 to the Security Service?

5 A. Pieces of intelligence and analysis.

6 Q. So there is some sort of analysis made at the time as to
7 where the investigation should go and what should be
8 done?

9 A. It tends to be done both at a strategic level through
10 something like the ELG, and at an individual level for
11 individual targets by individual desk officers.

12 Q. You, of course, tell my Lady that, with hindsight, and
13 even without hindsight, the decision not to pursue D and
14 E more than they were pursued was reasonable, but that
15 can therefore only be as a result of a reconstruction of
16 what must have been apparent at the time, rather than
17 any ability on your part to go back and see what was
18 actually thought at the time?

19 A. It's definitely a reconstruction, yes.

20 Q. Is that desirable, G, to use one of your terms?

21 A. Yes, this is a thing that the Service considers on
22 a regular basis, whether we need to engage in much more
23 detailed, contemporaneous record-keeping of everything
24 we do and don't do, and we have concluded that the
25 resources required for that degree of contemporaneous

1 record-keeping are better spent on actually engaging in
2 investigations.

3 Q. You are, of course, a secret service, although not the
4 Secret Service. It must be a difficult line to tread
5 between spending money on operational matters as opposed
6 to record-keeping.

7 A. It is a difficult line to tread. There are two separate
8 things here. Record-keeping, in terms of ability to get
9 information, is very important to us; record-keeping, in
10 terms of an audit trail of what we've done, is also
11 important to us; record-keeping, in terms of an audit
12 trail of what we have not done, is not something we
13 invest in significantly.

14 Q. But the dividing line is not as clear as that, is it G,
15 because, of course, any consideration of the
16 reasonableness of decision must necessarily incorporate
17 what you have done as well as any decision not to do
18 something.

19 A. The dividing line is not as clear, I agree with that.

20 Q. The ISC were concerned, were they not, that the ability
21 to reconstruct records of day-to-day work and day-to-day
22 activities was not perhaps as good as it might be?

23 A. It is certainly not as good as it might be, for the
24 reasons I've given.

25 Q. "We believe the Legacy team is a welcome new

1 development. However, the idea of searching back
2 through records of old operations to discover new leads
3 brings us on to a more general concern."
4 There is a tension between your need to keep
5 a record of their activity and decisions, on the one
6 hand, and being hindered in your day-to-day work by the
7 level of record-keeping, on the other:
8 "MI5 believe they keep a fully adequate record of
9 their work and decisions, but in the course of this
10 review we have found that new information has come to
11 light, but often because of the questions we have asked
12 and the specific issues we have pursued with them."
13 Is that a fair observation?
14 A. Yes, that's entirely fair.
15 Q. That then brings us to --
16 LADY JUSTICE HALLETT: Sorry, if we're moving on, going back
17 to how you've reconstructed from discussions and what
18 documents you can find, the categorisation of D and E as
19 "desirable", where did you find that, Mr G?
20 A. We have a number of individual electronic records around
21 for individuals who came up in Crevice, and that
22 includes some material on D and E. So that's how that
23 one was worked through.
24 MR KEITH: My Lady, it in fact will form part of a specific
25 topic to which I will return later, but may I pursue

1 my Lady's question by putting this to you for the
2 moment, G: this was of course an issue raised with the
3 Security Service by the Inquest team, and you thought it
4 right to respond to this in writing in your second
5 statement. You said:
6 "I refer to the Service's assessments of the
7 significance of unidentified males D and E prior to 7/7.
8 There are no standalone records of the Service's
9 assessments of the significance of D and E relative to
10 the Service's numerous other targets."
11 You go on then to address how you've reached your
12 views by looking at other documents relating to all the
13 enquiries carried on and your discussions with the desk
14 officers and your general understanding of how things
15 worked.
16 An even more precise answer to my Lady's question is
17 there are no standalone documents in which the
18 significance of D and E is actually referred to?
19 A. Contemporaneously, that's correct.
20 Q. Just concluding the detail of the 23 March --
21 MR EADIE: My Lady, I'm sorry to interrupt again, but if my
22 learned friend is going to put that point by extracting
23 a sentence from paragraph 4 of the second statement, it
24 might be as well to have the entirety of paragraph 4 up
25 on the screen where there then follows an explanation

1 that you can say that their significance was considered
2 by reference to A, B and C.

3 MR KEITH: I think my learned friend will be aware, with
4 respect, that I have just summarised those three
5 subparagraphs. He will have an opportunity of examining
6 G further, and G, of course, is quite well aware of his
7 own statement and the point which have I have made to
8 him, and he answered it as he saw fit.

9 LADY JUSTICE HALLETT: I'm sorry, Mr Keith, it's probably my
10 fault for taking you to something that I think you
11 intended to do in a slightly different fashion.
12 I apologise to everybody if I have caused confusion.

13 MR KEITH: My Lady has caused no confusion at all. If
14 I have not fairly put a segment of G's witness
15 statement, the opportunity lies for G to make the point
16 better than I could make it on his behalf and, of
17 course, my learned friend Mr Eadie to examine him
18 further.

19 There was discussion, was there not, on 23 March
20 about the Madrid bombings?

21 A. There was.

22 Q. Why was that important, G, in terms of the overall
23 significance of D and E, Tanweer and Khan as we now know
24 them to be, who were present?

25 A. We don't believe that E was present at that particular

1 discussion. We believe that D may have been. In terms
2 of its overall significance, we would not have
3 considered at the time, and still do not consider, that
4 conversation of great significance.

5 Q. Why?

6 A. These individuals were all extremists. From their own
7 narrow and twisted perspective, the Madrid bombings had
8 been an enormous success and it's unsurprising they were
9 discussing it less than a fortnight later.

10 LADY JUSTICE HALLETT: As I say, could you remind me of the
11 date of the Madrid bombings?

12 A. 11 March, I think.

13 LADY JUSTICE HALLETT: Thank you.

14 MR KEITH: So it was shortly before the conversation. So
15 the point that I think the Service would make is that
16 there was nothing in that conversation which was
17 between, in particular, Khyam and unidentified male D,
18 later assessed to be Tanweer, that indicated that D had
19 any significance insofar as attack planning was
20 concerned?

21 A. If it was unidentified --

22 Q. If it was.

23 A. -- man D, about which we can still not be certain.

24 Q. Although the assessment was made -- I appreciate it
25 doesn't have to be certain, but an assessment was made

1 it was probably Tanweer?
2 A. It certainly could have been, yes.
3 Q. For my Lady's benefit, the particular reference is in
4 the transcription of the tape, which was, of course,
5 originally overheard by the monitor, and I think it's
6 [SYS11067-2], tab 36 of our bundle.
7 We can see there at the top of the page:
8 "Unidentified male asks: Did you hear on the news
9 about [something, something] a guy ... estimated
10 Britain ..."
11 Then there was a reference there, if there was an
12 attack the size of Madrid, and then another unidentified
13 male says "Look on the success of the Madrid bombing".
14 So it was a very broad level of discussion about Madrid,
15 nothing to suggest that whoever was in the place where
16 the eavesdropping device was located was engaged in the
17 attack planning concerning the fertiliser bomb plot?
18 A. That's correct.
19 Q. On 30 March, the core plotters were arrested.
20 A. (Witness nods).
21 Q. After the arrests, what steps did the Security Service
22 take to go back and to start reassessing or to assess
23 further the significance of some of the people who had
24 appeared on the periphery of Crevice, ie not those
25 arrested or suspected of being involved in the bomb plot

1 itself?

2 A. The immediate step we took was one we referred to
3 yesterday which was the establishment of a new
4 operation, Operation Scraw, which looks at 12 targets
5 who were part of Operation Crevice but who were not
6 amongst those arrested whom we considered of the
7 greatest significance.

8 Q. Why were those 12 chosen, Witness G?

9 A. There were a variety of reasons. Some to do with their
10 nearness to the plot. Some to do with their ability to
11 open up other avenues of intelligence for us.

12 Q. Presumably, those decisions were made in light of, in
13 part, the intelligence that had come to light in the
14 course of Crevice itself as well as other information
15 available to you?

16 A. Very much so.

17 Q. So you would, of necessity, have had to go back and look
18 at all the people who appeared on the face of Crevice
19 and decide whether or not they should be in that list?

20 A. Yes. Though the process would have been a reasonably
21 intuitive one at this point. We made the decision to
22 start Scraw the day that the Crevice arrests took place,
23 so there wasn't a great deal of reviewing back the
24 material that was available beforehand. It would have
25 been based on the knowledge built up by the desk

1 officers, particularly in the operational phase, the
2 phase since February 2004, of Operation Crevice.

3 Q. You refer to intuition. It is a fair point to be made,
4 is it not, G, that, at their heart, the desk officers
5 are performing an intelligence job, it's a detective
6 job, and detectives must, of course, assess where they
7 feel leads can properly be taken?

8 A. That's absolutely right. Intelligence assessment is an
9 art more than a science.

10 Q. But D and E were not amongst the 12 targets whom you
11 have mentioned for further investigation, but did, in
12 fact, form the subject of further enquiries?

13 A. That's correct.

14 Q. Why were they pursued, albeit they were not amongst the
15 12?

16 A. Because, as the summer wore on, we had the opportunity
17 to engage in some housekeeping around a number of lower
18 priority -- these were lower priority Crevice leads --
19 and we therefore undertook a roundup of the material
20 that we had learned about UDMs D and E during Crevice.

21 Q. So even if there was no contemporaneous note taken of
22 the significance of D and E in March and April, in March
23 certainly, when E appeared four times, was there not
24 some record taken of how the list of 12 plus D and E was
25 arrived at?

1 A. No contemporaneous list of that kind. I mean, I think
2 it's important to say it's not just the 12 plus D and E.
3 It's the 12 plus a number of other individuals,
4 including D and E.

5 Q. Can you help us with what assessments were made and what
6 factors were taken into account when deciding how D and
7 E should join the list of those suitable for further
8 investigation?

9 A. Again, I have no contemporaneous documentation, but
10 based on my discussions at the time, it would have
11 seemed a sensible thing to do while reviewing the
12 targets of Operation Crevice who were out of the Crawley
13 area.

14 Q. What weight, from those discussions, appears to have
15 been attached to the fact that E had appeared four
16 times?

17 A. The best way to look at that, I think, is the summary
18 telegram we sent to the West Yorkshire Police on
19 8 June 2004, which does not set particularly great
20 weight by that.

21 Q. Let's then have a look at that, G. We'll come back to
22 it later. I think it's the message on 10 June, the
23 cluster message on 10 June incorporating a letter on
24 8 June, SYS11004 [SYS11004-1], my Lady's tab 42. Is this it, G?

25 A. Yes, it is.

1 Q. If you could enlarge the second half of the page:

2 "During Operation Crevice we identified the
3 following possible connections between the Crevice
4 network and associates from the Leeds/West Yorks area."

5 You knew, of course, what the link was to

6 Leeds/West Yorks because the Honda Civic had been
7 followed back --

8 A. That's correct.

9 Q. -- to Leeds twice --

10 A. That's correct.

11 Q. -- and Sidique Khan was the registered keeper of the
12 Honda Civic with an address at 11 Gregory Street,
13 Batley, and the Vauxhall Corsa had come -- although you
14 weren't quite aware of that yet -- from a company, the
15 Car Clinic, also in the Leeds area.

16 But you didn't understand that there was somebody on
17 21 February with a northern accent because, from what
18 you've told us earlier, the desk officers were not aware
19 of NM1 and 2 from the Met's transcript?

20 A. No, and even if we had understood it was a man with
21 a northern accent, we wouldn't have been able to link
22 that between UDM D or E.

23 Q. It would have added some weight to the fact that there
24 was a connection to the north, but that would be all
25 that it would have been?

1 A. Indeed, and there were other connections to the north as
2 well.

3 Q. Yes. A green Honda Civic was observed as an associated
4 vehicle, the registered keeper is Sidique Khan, the
5 previous owner is Hasina Patel.

6 Open source checks show links to Thornhill Park
7 Avenue, which of course was the registered address for
8 the Honda Civic originally, and 99 Stratford Street,
9 another address for Sidique Khan, in fact
10 Mohammed Sidique Khan.

11 Then on 28 February, the surveillance concerning the
12 green Honda Civic, and over the page [SYS11004-2], please, details of
13 that trip, the following back of the vehicle to Leeds
14 and the housing of the vehicle that you described, then
15 the green Vauxhall Corsa on 23 March and, of course,
16 there is the appearance of the green Vauxhall Corsa on
17 the 21st as well.

18 Then over the page, I think that's it on that
19 document.

20 If you bear with me, G, we'll see whether or not we
21 can get the rest of the string.

22 That page is redacted. The reply comes, as we'll
23 see later, SYS10994 [SYS10994-1], on 14 July. Obviously some time
24 had to be taken to respond to the enquiries, but
25 West Yorkshire Police, and then a particular something

1 called the regional intelligence cell, respond with all
2 the details that they have in relation to the green
3 Honda Civic and Sidique Khan and Hasina Patel and
4 Stratford Street, and essentially the detail set out in
5 the Security Service's email.

6 What was it about that link to the Honda Civic and
7 the Vauxhall Corsa that led to the further enquiries
8 being deemed to be necessary after Crevice as part of
9 Operation Scraw?

10 A. It would -- again in the absence of contemporaneous
11 records, my judgment is it was a sensible piece of
12 pursuing a lead, where there looked likely to be an
13 option where we might be able to identify who that
14 person was for certain.

15 Q. Of course, in the course of that enquiry, you were not
16 told, because it was not brought to your attention, that
17 a Sidique Khan of 11 Gregory Street had had a car that
18 had given a lift to McDaid, the suspected extremist,
19 in April 2003?

20 A. That's correct.

21 Q. Those enquiries were where the matter was left?

22 A. That's correct.

23 Q. But the Security Service did not stop there, did it?
24 Because, around that time, new information came to light
25 by way of the new source, Mr Babar, in the custody of

1 the Americans. Is that right?

2 A. That's correct.

3 Q. In April 2004, Mr Babar was spoken to by the FBI. Could
4 we have [MPS4-1], please?

5 The American government, through its embassy, has
6 made available for the purposes of these proceedings
7 notes made in relation to the interviews of Babar
8 conducted from 6 April onwards, all the way through to
9 the following year.

10 A. That's correct.

11 Q. At page 15 of that document, [MPS4-15], we can see that,
12 in fact, on the first of the occasions on which he was
13 interviewed according to that note, 6 April, he was
14 shown a number of photographs.

15 Was it that occasion that he was shown the cropped
16 picture of man D who we now know to be Tanweer?

17 A. I believe that's correct, yes.

18 Q. Can we see that there as the third photograph:
19 "Babar was shown photograph labelled H (known to the
20 FBI as 'man D')."

21 So obviously you told them that you knew him to be
22 man D.

23 "Babar did not recognise the individual in
24 photograph H."

25 We discussed yesterday how difficult or easy it

1 might have been to recognise him from that cropped
2 photograph.

3 Can you help us with why D was shown? Was it
4 because Babar had revealed himself to be somebody who
5 knew something about the Operation Crevice participants
6 or some of them, and, therefore, there was some use to
7 be gained in seeing whether he knew some of the other
8 people on the periphery of Crevice?

9 A. That's correct.

10 Q. So there's no significance, is there, in the fact that D
11 was shown as opposed to maybe hundreds or thousands of
12 people in the Security Service's files?

13 A. No, I mean, as you can see, a number of other
14 individuals were shown, many of whom were associated
15 directly with Crevice.

16 Q. He was shown further photographs, was he not, on
17 30 April, [MPS4-50], please. If you could enlarge the
18 middle of the page. Babar was shown photographs of
19 Operation Crevice, subjects that were passed over by the
20 British authorities.

21 It seems, does it not, G, that there were a number
22 of steps taken to try to see whether he would identify
23 people from Crevice?

24 A. That's correct.

25 Q. And he did, by and large, identify the main core

1 participants?

2 A. Yes, he did.

3 Q. Then on 12 May, a month later or thereabouts, [MPS4-63],
4 was there a significant development because he made
5 reference to two men called Ibrahim and Zubair?

6 A. (Witness nods).

7 Q. Could you explain, please, the significance of that
8 middle passage on the page concerning the events
9 in June 2003?

10 A. Yes, I would describe it, at this point, as a new
11 development rather than a significant one. What
12 Mr Babar tells us at this point is, in the course of
13 going to the airport to pick up some individuals who
14 were associated with the Crevice plot who were going to
15 a training camp, while they were at the airport in
16 Islamabad, they also met two other individuals
17 identified as Ibrahim and Zubair, who were being met by
18 someone else, and they all had breakfast together.

19 Q. Why was the reference to two men, Ibrahim and Zubair, of
20 significance at all?

21 A. Because the other man that they were meeting --
22 Khalid -- is of interest in both this context and more
23 broadly.

24 Q. The context being the meeting in Pakistan for the
25 purposes, perhaps, of attending terrorist training camps

1 elsewhere in the region?

2 A. Possibly, though that wouldn't have been a judgment we
3 could have made on the information we have here.

4 Q. This didn't appear to be a social gathering, given the
5 number of Crevice participants who appeared to be in the
6 locality?

7 A. I think the breakfast meeting, at the point of this
8 particular reporting, would have been seen as a social
9 gathering, but as a social gathering of those who are
10 like-minded extremists.

11 Q. Yes. These two men, Ibrahim and Zubair, were arriving
12 in Pakistan for some purpose?

13 A. Correct.

14 Q. They were being met by somebody who may or may not have
15 had some nefarious purposes of his own?

16 A. Correct, and I'm sure we'll go on to consider that.

17 Q. Yes. That was one of the two strands that we looked at
18 yesterday. The second strand was that another detainee,
19 detainee 2, also became available. Is that correct?

20 A. Yes, that's right.

21 Q. In May, were a separate bundle of photographs to that
22 which had been prepared and shown to Babar on 6 April
23 prepared and shown to detainee 2?

24 A. They were.

25 Q. Is that SYS11066 [SYS11066-1]? My Lady, the first part of the bundle

1 of the photographs to which I referred my Lady a few
2 moments ago.

3 A. Yes.

4 Q. We can see there a file note from the Security Service,
5 14 May:

6 "The attached photographs are A4 ..."

7 That's Security Service surveillance, is it not?

8 A. (Witness nods).

9 Q. "... surveillance photographs of peripheral individuals
10 associated with the main Operation Crevice targets.

11 They will be shown to [may we presume detainee 2] for
12 potential recognition purposes."

13 A. Correct.

14 Q. So that we can understand fully what the
15 Security Service was doing, you had shown some
16 photographs, including the cropped version of Tanweer,
17 to Babar on 6 April, but when a second informant source,
18 or intelligence source, came to light, you then showed
19 a separate different bundle of photographs to him or her
20 as well?

21 A. That's right.

22 Q. These photographs, this bundle of photographs -- could
23 we have the following page, please? -- had been redacted
24 for our purposes. On the following page [SYS11066-3], because they
25 refer to other people with whom we're not concerned --

1 A. That's correct.

2 Q. -- but there on the bottom left, is that a rather poorer
3 version of the colour picture taken at Toddington
4 service station on 2 February of the two men, D and E,
5 we now know to be Tanweer and Khan?

6 A. It's a poorer version, but the pixelation on this
7 version makes it look poorer than it actually is.

8 Q. My next question. This version is a black and white
9 one. Do you know whether or not the picture shown to
10 detainee 2, which was the whole photograph rather than,
11 on this occasion, a cropped version, was colour?

12 A. I don't know.

13 Q. Have you been able to ascertain one way or t'other?

14 A. No, I have discussed it with the individuals involved
15 and we can't be sure.

16 Q. The original photograph -- let's have a look at some of
17 the variants. I think we have a black and white one, of
18 a slightly better kind. Could we have SYS11006 [SYS11006-1],
19 a slightly better version. A colour version at
20 SYS11060 [SYS11060-1], please. That was the original colour one that
21 we looked at yesterday, and I think an even better
22 version, which may reflect the uploading into the
23 inquest system, SYS11078 [SYS11078-1]. In fact it's not colour, it's
24 black and white.

25 Your view is, having discussed it with the desk

1 officers, that the version shown to detainee 2 was of
2 the better type rather than the less good one that we
3 have in our bundle?

4 A. That's my belief, though I cannot confirm it.

5 Q. What was the result of that photograph being shown,
6 Witness G?

7 A. Detainee 2 failed to identify either of the individuals
8 in it.

9 Q. So the position by then was that those photographs that
10 had been shown, that happened to incorporate D on two
11 occasions -- once on 6 April to Babar and once on 14 May
12 or thereafter to detainee 2; and the one picture of E,
13 we've just seen him there on the right, shown to the
14 second detainee -- no one picked him, or them, out as
15 being connected to the people who had been in Pakistan
16 in July of 2003?

17 A. That's correct.

18 Q. What was the significance of that negative result, in
19 terms of any decision to investigate D and E further?

20 A. It's more the absence of a positive result.

21 Q. That was the question. What was the significance of the
22 negative?

23 A. Because there was no indication that, you know, they had
24 been out in Pakistan from two sources who should have
25 known, there would have been nothing to increase their

1 prominence or significance.

2 Q. If a source tells you that they do not recognise
3 somebody, how much weight can be given thereafter to the
4 possibility that they might be mistaken or that they
5 might, in fact, be somebody you thought they were?

6 A. Much would depend on the source. In both these cases,
7 particularly in the case of detainee 2, it would have
8 been a reasonable expectation that he could identify
9 these people.

10 Q. And when they did not?

11 A. It would therefore have been a reasonable expectation
12 that the people not identified were people that he
13 hadn't seen before.

14 Q. In essence, there were no good grounds thereafter for
15 supposing that D and E were in any way connected to
16 Ibrahim and Zubair, the two extremists who had arrived
17 in Pakistan in the summer of June 2003?

18 A. Yes, that's a reasonable assumption.

19 Q. That was the assumption that was reached?

20 A. Yes.

21 Q. Again, there are no notes of that assumption, but this
22 is a retrospective analysis --

23 A. That's correct.

24 Q. -- as to which you're confident?

25 A. That's correct.

1 Q. Detainee 2 provided some more details however, did he
2 not? What were they?

3 A. Detainee 2 made the story more interesting. He reported
4 that Ibrahim and Zubair had been sent to Pakistan on
5 a fact-finding mission by Mohammed Qayum Khan.

6 Q. One of the early ringleaders in Crevice?

7 A. Correct.

8 Q. The man whose call was traced to Sidique Khan of
9 Bude Road?

10 A. Correct.

11 Q. What impact did that further information have on the
12 overall assessment of Ibrahim and Zubair, given that
13 they'd not been picked out by either detainee 2 or
14 Babar?

15 A. At this point, they still didn't appear all that
16 significant. A phrase which was used in the Service
17 then, and is still used, is the phrase "Jihadi tourism"
18 where individuals go to Pakistan to have a look and see
19 what's going on, and the additional material from
20 detainee 2 would have tended, at that point, to suggest
21 that perhaps that's why they were going.

22 Q. Because detainee 2 and Babar had not picked out D and E
23 as being in any way connected with the two extremists,
24 Ibrahim and Zubair, that disposed effectively of that
25 investigative enquiry, that lead. But detainee 2, as

1 well as Babar, or certainly particularly detainee 2, had
2 said that Ibrahim and Zubair were from Leeds?

3 A. That's correct.

4 Q. You knew, of course -- nothing to do with Ibrahim and
5 Zubair -- that you had a link to Leeds arising in
6 Crevice. The Honda Civic, the Vauxhall Corsa, man E on
7 four occasions, Hasina Patel, Gregory Street and so on,
8 as well as Iqra, McDaid, and that connection.

9 Was there an assessment made through that route of
10 whether or not there were people in Leeds who might have
11 been connected to or be, in fact, D and E who had
12 appeared in Crevice?

13 A. There's no contemporaneous documentation on this.

14 I would suggest that the best way to make that would
15 have been through the photographs of those men that we
16 knew were from Leeds, which is what we did.

17 Q. West Yorkshire Police had carried out its own
18 surveillance operation in April 2003 that they'd shared
19 with you, and were concerned with extremism through
20 McDaid from 1998 --

21 A. 1998.

22 Q. -- onwards, but here was another express reference to
23 Leeds and, as we'll hear later, you received a reference
24 from another source, whatever the intelligence was, that
25 had led you to be concerned about two people called

1 Saddique (surname not Khan) and Imran and that also had
2 referred, that intelligence, to the same locality,
3 I think Batley --

4 A. Yes.

5 Q. -- Bradford, Batley then Bradford. So there were
6 a number of links to that area. Were they put together
7 and assessed at any stage?

8 A. I'm sure we'll come back, as you noted there, to the
9 specific identification of Ibrahim and Zubair being from
10 Bradford rather than Leeds, which comes later.

11 Q. Yes, it does.

12 A. The generality of individuals being from Leeds,
13 particularly this area, which is a mixed area, is not of
14 itself that significant.

15 Q. I took you earlier to the fact that the Security Service
16 had contacted West Yorkshire Police in June 2004, to
17 which they'd replied in July, about the Crevice links.
18 The Service also spoke to or communicated with
19 West Yorkshire about Ibrahim and Zubair, did it not?

20 A. It did indeed in that same telegram.

21 Q. Can we go back, then, to that particular message which
22 is SYS11004 [SYS11004-2], my Lady's tab 42, and to the second page,
23 which is paragraph 8, if you can enlarge the bottom half
24 of the page, please:

25 "Finally, subsequent reporting has indicated that

1 two individuals from Leeds, known as Ibrahim and Zubair,
2 were also historical contacts of
3 Mohammed Qayum Khan ..."

4 That was the information, in fact, from either Babar
5 or detainee 2.

6 A. From detainee 2 at this point.

7 Q. That was detainee 2:

8 "Ibrahim and Zubair are reported to have travelled
9 from the United Kingdom to Islamabad in June 2003, in
10 order to become involved in possible extremist
11 activities."

12 So West Yorkshire Police were asked about both
13 intelligence strands, Crevice and Ibrahim/Zubair?

14 A. (Witness nods).

15 Q. They had nothing further to add on that subject when
16 they responded?

17 A. No, West Yorks quite reasonably responded that, on those
18 limited details, there was very little they could do.

19 Q. Is it the position, then, that that was all that could
20 be done, because of the generality of the reference to
21 Leeds, the generality of the links to the north, all
22 that could be done would be to ask West Yorkshire Police
23 whether there were any more details about either
24 Sidique Khan, Hasina Patel, Gregory Street, or
25 Ibrahim/Zubair, and then there the matter would have to

1 end?

2 A. Correct, though clearly the two were not linked. Though
3 they're in the same telegram, we weren't assuming one
4 was the other.

5 Q. In fact, unbeknownst to you, ironically, they were very
6 much linked?

7 A. But we weren't aware of that.

8 Q. They were the same person?

9 A. Indeed.

10 Q. But because of the links to Yorkshire, both strands of
11 intelligence were put to West Yorkshire Police for their
12 thoughts?

13 A. That's correct.

14 Q. So you asked the right people but there was no further
15 information?

16 A. That's correct.

17 Q. Their response we've addressed was on 16 July. They
18 I think sent some further information, did they not, at
19 the end of July 2004, SYS11002 [SYS11002-1], arising out of the same
20 query, because they made some further enquiries about
21 some of the addresses?

22 In the middle of the page, they made -- we can see
23 they made further checks of Pickles Field where the
24 Honda Civic had been -- the Vauxhall Corsa had been
25 traced back to.

1 A. No, the Honda Civic.

2 Q. The Honda Civic, thank you, and Tempest Road, where the
3 Honda Civic had been traced back to, or, rather, one of
4 the passengers had alighted there.

5 They also included, did they not, some information
6 about the man known as Sidique Khan, I think there was
7 a photo, SYS10997 [SYS10997-1]. No, I have the wrong reference.
8 There is the start, I think, of the message. Could you
9 enlarge it, please? 19 July:

10 "In response to your cluster ... please see attached
11 report and photographs of Khan, Patel and [somebody
12 else]."

13 I think we may find it at WYP9-36 [WYP9-36], the actual
14 photograph.

15 A. Yes.

16 Q. Is that the photograph?

17 A. Yes, it is.

18 Q. It's quite hard to see there. This was a different
19 person, with a different date of birth, to the person
20 who had been revealed by the United Kingdom passport
21 authority when a check was made of it in February.

22 A. That's correct.

23 Q. This was the real Sidique Khan, if I may put it that
24 way?

25 A. Certainly the Sidique Khan of interest to us

1 subsequently yes.

2 Q. It wasn't the other one who had no connection?

3 A. No.

4 Q. When that photograph arrived, it was obviously
5 appreciated that that was man E because that was the
6 person whose photograph was in West Yorkshire Police
7 files in connection to Sidique Khan, the registered
8 owner of the Honda Civic and the occupant of
9 11 Gregory Street or one of the addresses in the area?

10 A. I wouldn't say "obviously". That photograph was taken
11 actually when he was a much younger man, a much
12 thinner-faced man.

13 Q. At the time of an earlier arrest?

14 A. Correct. 1993.

15 Q. 1993.

16 A. What is more helpful there is a date of birth, that's
17 a much more easily to verify thing, and you may recall
18 that, amongst the material, there was a proposed date of
19 birth for the hirer of the car, which was the same date
20 of birth, it was the correct date of birth.

21 Q. There was no doubt that this Sidique Khan was the
22 Sidique Khan connected to the Honda Civic?

23 A. I think "no doubt" is too strong, but I think --

24 Q. But there wasn't much reasonable doubt?

25 A. -- it's a very reasonable judgment.

1 Q. Was this photograph, albeit a much older photograph when
2 he was younger, compared by anybody to the photograph
3 taken at Toddington on 2 February or subsequently
4 in March?

5 A. No, I don't believe so.

6 Q. Would it have achieved any purpose?

7 A. I think it's unlikely to have done, given the difference
8 in the photographs.

9 Q. Even if they had been compared and someone said "That's
10 the same person", you would have still not have known
11 him as anything other than Sidique Khan?

12 A. No, but it would have been helpful in terms of
13 determining that Sidique Khan was definitely the driver
14 of the car.

15 Q. Was the photograph shown to any source, in particular
16 Babar or detainee 2?

17 A. This photograph?

18 Q. This photograph.

19 A. I don't believe so.

20 Q. Would it have achieved anything?

21 A. I don't believe so.

22 Q. Why not?

23 A. Again, for the reason that, if they were unable to
24 identify him from a contemporaneous photograph, I think
25 identifying him from a photograph from a decade before,

1 when he was a much younger and thinner man, would have
2 been extremely difficult for them.

3 Q. All right, that, then, is July 2004. In that same
4 month -- August -- Babar was shown some more Crevice
5 photographs, was he not?

6 A. He was.

7 Q. Perhaps we could look at the showing to Babar of the
8 photographs [MPS4-79], please, exhibit 4, page 79. We can
9 see, if you could enlarge the middle of the page, the
10 date, 12 August. Is that right, G?

11 A. Yes, it is.

12 Q. We can see photographs there being listed, and we can
13 see immediately that some of them include the
14 ringleaders in Crevice, Omar Khyam, Shujahuddin Mahmood.
15 Then over the page [MPS4-80], the photographs continue and, if you
16 bear with me, only some of them are of relevancy to us
17 as being photographs that did actually contain pictures
18 of either man D or E.

19 If we can mentally ring them, they are: photograph
20 10 there, photograph 11, photograph 12, photograph 13
21 and then, on the following page [MPS4-81], 19, 20, 21 and 22.
22 These were almost all group photographs, were they
23 not --

24 A. They were.

25 Q. -- taken from Crevice at various dates earlier in the

1 year, in particular I think 28 March?

2 A. That's correct, for the most significant ones, yes.

3 Q. The most significant were 28 March. He didn't recognise

4 either man D or man E in any of those photographs?

5 A. That's correct.

6 Q. Were the photographs shown, do you know, again, in

7 colour or in black and white?

8 A. Again, I cannot confirm.

9 Q. All right. Well, let's then have a look at the

10 photographs and we'll see what quality they were.

11 So these are different to the ones shown originally

12 to Babar in April, and different to the ones shown to

13 detainee 2 in May?

14 A. That's correct.

15 Q. They were, no doubt, the result of more extensive

16 photograph surveillance undertaken by the

17 Metropolitan Police --

18 A. That's correct.

19 Q. -- during the Crevice enquiry?

20 A. Yes.

21 Q. The first one of those, 10, is [MPS22-17], please.

22 We have, my Lady, the photographs in all sorts of

23 different variants. G, can you help us whether or not

24 that quality was less good or better than you think the

25 photograph actually shown to Babar?

1 A. I believe that's less good.

2 Q. Could you please look at SYS11078 ? It's a PDF file.

3 We can try another one -- ah yes, there we are.

4 SYS11078, that's a colour one of quite good quality.

5 Was it less good than that?

6 A. I think that's about the best there is.

7 Q. The ISC report asserted, presumably on information from

8 your organisation, that Babar was shown black and white

9 versions of this colour one.

10 A. Yes, we can't be certain, but I think black and white is

11 most likely.

12 Q. Let's see whether we can find one third version of this,

13 which might be closer to what was shown to Babar.

14 [SYS11066-18]. Maybe that's less good.

15 A. Yes.

16 Q. All right. We'll then, just quickly review in their

17 best form -- not necessarily the form that was shown to

18 Babar, but in their best form -- the photographs, going

19 back to [SYS11078-14], that's the first one. The man we

20 now know to be Mohammed Sidique Khan is the man on the

21 right, is he not?

22 A. Correct.

23 Q. Tanweer, with his bobble hat on, is in the middle?

24 A. Correct.

25 Q. This photograph was taken, was it not, on 28 February,

1 the second visit of the Honda Civic?

2 A. That's right.

3 Q. The next photograph, photograph 11 according to the
4 numbers for Babar -- it's not that one, I'm afraid. Not
5 SYS11078-11. Page 11 from the FBI transcript, I think
6 we think it's 15 [SYS11078-15], in the actual Lextranet exhibit. Yes.
7 There we have Tanweer second from the left, again
8 28 February, and Khan on the far right.

9 A. Correct.

10 Q. So not a good picture of Khan, a better one of Tanweer?

11 A. Yes.

12 Q. Then page 16 [SYS11078-16], the 12th photograph shown to Babar,
13 further away, Khan again is on the right, Tanweer is
14 obscured, I think he is behind the man on the left,
15 Sports Bag possibly.

16 A. That's right, no, the man on the left is Shipon Ullah.

17 Q. That's Shipon Ullah, man C?

18 A. Correct.

19 Q. Waheed Ali?

20 A. Correct.

21 Q. Then, page 17 [SYS11078-17], Tanweer clearly in the middle with his
22 hat, Khan with his back to the cameraman or camerawoman,
23 and then a subsequent set of photographs taken on
24 a different occasion, not 28 February but 23 March,
25 page 23 [SYS11078-23], of the exhibit, much poorer?

1 A. Indeed.

2 Q. It almost seems to be obscured by some sort of lens or
3 something.

4 A. I don't know.

5 Q. Was that a still from a video?

6 A. I think that is a still from video.

7 Q. At any rate, Sports Bag is the far left. Khyam in the
8 middle. A man called Front Row. Then Khan on the far
9 right?

10 A. Yes.

11 Q. Exhibit-page 24 [SYS11078-24], . Number 20 on the list shown to Babar.
12 Very hard to see, but Khan on the far left on this one?

13 A. (Witness nods).

14 Q. Then somebody, and then Khyam the ringleader and then
15 Tanweer on the right?

16 A. (Witness nods).

17 Q. Is that correct?

18 A. Yes, indeed.

19 Q. Then, finally, page 25 [SYS11078-25], of the exhibit, again another
20 photograph taken on 23 March of Khan alone.

21 A. Yes.

22 Q. But not a very clear one?

23 A. No.

24 Q. The best photograph would, in retrospect, in hindsight,
25 appear to have been the one taken from 2 February, the

1 one of Khan and Tanweer together in the Toddington
2 service station in the Burger King restaurant, but that
3 was the one that was cropped?

4 A. Correct.

5 Q. Of course, Khan there wasn't shown to Babar in April at
6 all?

7 A. That's right.

8 Q. But a less good copy of that was shown to detainee 2 --

9 A. That's correct.

10 Q. -- in its entirety?

11 A. That's correct.

12 MR KEITH: All right. My Lady, is that a convenient point?

13 LADY JUSTICE HALLETT: Thank you.

14 (11.35 am)

15 (A short break)

16 (11.50 am)

17 MR KEITH: From those photographs, G, Babar had failed to
18 identify any of them as relating to the two extremists
19 he knew as Ibrahim and Zubair. Subsequently, did he
20 provide a witness statement?

21 A. He did.

22 Q. You mentioned earlier a reference to Bradford. What was
23 that reference?

24 A. In March 2005, he provided a witness statement to the
25 Metropolitan Police in which he gave more details and

1 more interesting details about Ibrahim and Zubair, but
2 he also said that they were from Bradford.

3 Q. So when, originally, he was spoken to by the FBI, he
4 hadn't said where they were from, detainee 2 had said
5 that Ibrahim and Zubair were from Leeds, and then Babar,
6 subsequently in his witness statement, referred to them
7 as having come from Bradford?

8 A. That's correct, I'm not absolutely sure whether he said
9 they were from Leeds in his first statement, detainee 2
10 certainly did.

11 Q. That's what I said, detainee 2 -- I'll say it again.
12 Babar made no reference to where they had come from --

13 A. Yes, that's the bit I'm not certain about.

14 Q. -- when he had spoken to the FBI; detainee 2 said Leeds;
15 in his statement, Babar said Bradford?

16 A. I just can't remember whether, originally, MJB said they
17 were also from Leeds, detainee 2 certainly said that.

18 Q. All right. That, as I say, was where the matter ended.
19 We have now covered, have we not, three out of the
20 four investigative strands of which we spoke yesterday:
21 one, the Iqra, McDaid, Honeysuckle, Warlock, training
22 camp, such as it was, lead; two, Crevice; three, Ibrahim
23 and Zubair, whether by Babar or detainee 2?

24 A. (Witness nods).

25 Q. We are now at, essentially, the summer of 2004, and

1 there is nothing to suggest, at that stage, that Khan
2 had spent it plotting his attack in London the following
3 year?

4 A. Indeed, we actively believed that he had not, by the
5 summer of 2004.

6 Q. Because, as we have heard from other evidence, his home
7 video in which he says "I do this thing for my future"
8 is in November 2004 and appears to relate to going to
9 Pakistan from which he was never intending to return,
10 and only after his return from Pakistan in February 2005
11 do the purchases of hydrogen peroxide, and so on and so
12 forth, start?

13 A. That's correct.

14 Q. In the early part of 2005, the fourth intelligence
15 strand surfaces, does it not? What was that?

16 A. May I refer to the gist? I think --

17 Q. It's tab 47.

18 A. Thank you. Be aware this is a particularly difficult
19 area, in terms of the protection of national security.
20 So you'll forgive me if I'm particularly cautious.

21 Q. SYS53 [SYS53-1], please. In broad terms, G, what was the import
22 of the new intelligence?

23 A. This new strand indicated that there was a man called
24 Saddique (surname given, but not Khan) and another man
25 called Imran, both from Batley, both who had been

1 trained in Afghanistan in the late 1990s and early
2 2000s.

3 Intelligence further suggested that Saddique had
4 lived in the Soothill area of Batley.

5 Q. All right, pause there, then, if you would be so kind.
6 There was no link, on the face of it, to Imran and
7 Zubair?

8 A. Ibrahim and Zubair, no.

9 Q. Sorry, did I say "Imran"? Ibrahim and Zubair, but there
10 was a reference in this intelligence to two men having
11 been trained in Afghanistan from Batley?

12 A. That's correct.

13 Q. Batley was, of course, the area in which Gregory Street
14 is located, from Crevice, and obviously connected to the
15 area concerned with the investigations between 1998 and
16 2003, carried out by West Yorkshire Police into
17 extremism. But very broad links.

18 A. Most of the West Yorkshire Police investigations are
19 actually into Beeston, rather than Batley.

20 Q. But there were links to the general area, of course?

21 A. There were some links to Batley, yes.

22 Q. Yes. The significance of the intelligence was that, not
23 only had these two men trained in Afghanistan, but they
24 were extreme in their views towards the west. Is that
25 correct?

1 A. Correct.

2 Q. They were assessed to have, or rather, intelligence also
3 suggested, that they had associates in West Yorkshire
4 including an Asian man named Taf, and
5 West Yorkshire Police also reported that that person,
6 Taf, was Tafazal Mohammed, or likely to be so, and that
7 Tafazal Mohammed was linked with McDaid, of whom we've
8 already heard?

9 A. Yes.

10 Q. So this intelligence could be linked, could it not, to
11 the intelligence which had been received by
12 West Yorkshire Police and communicated with you, in
13 2003, about the goings on of Tafazal Mohammed and McDaid
14 in the Yorkshire area?

15 A. Yes, it could.

16 Q. There was a specific link to Batley and they were
17 extremists. No investigative steps were taken, we can
18 see from the gist, after March 2005 to identify Saddique
19 (surname not Khan). The reason why cannot be disclosed,
20 can it, G?

21 A. That's correct.

22 Q. But you have asserted, although we have no means of
23 testing it in open, that there were good reasons?

24 A. That's correct.

25 Q. I think you describe them as proportionate or

1 reasonable?

2 A. That's my judgment.

3 Q. Is that an analysis which has been carried out wholly
4 retrospectively or was it at the time -- that is to say
5 in March 2005 -- assessed that it was reasonable and
6 proportionate not to try to identify who that person,
7 Saddique (surname not Khan) might be?

8 A. The analysis has been carried out wholly retrospectively
9 by me. The reasons which applied at the time continue
10 to apply.

11 Q. By "good reason", may we presume that you mean good
12 operational reasons, not reasons unconnected to the task
13 which you generically have set yourself, which is to
14 investigate and counter terrorism?

15 A. Good operational reasons, yes.

16 Q. There was, of course, no understanding at the time that
17 Saddique (surname not Khan), one of these two people
18 that the intelligence suggested was an extremist, was in
19 fact, we now know, Mohammed Sidique Khan?

20 A. That's correct.

21 Q. No intelligence at all?

22 A. That's correct.

23 Q. But the Security Service does not suggest that, if it
24 had operationally decided it was necessary or
25 proportionate or reasonable to try to identify that

1 person, that it could not have done so?

2 A. No, that's correct also.

3 Q. So you could have found out who Saddique (surname not
4 Khan) was, but for good reason, no steps were taken in
5 that direction?

6 A. I have a high degree of confidence that we could have
7 done.

8 Q. The timing is significant, isn't it, G? Because, as we
9 were looking at the intense efforts taken by the
10 Security Service to investigate Crevice and all the
11 leads and so on, those enquiries, even if they had led,
12 in hindsight, to an identification of
13 Mohammed Sidique Khan, would only have led to his
14 identification up to August 2004 before he ever, it
15 appears, intended to start planning a bombing on London.
16 Correct?

17 A. Yes.

18 Q. But this intelligence came to light in the following
19 year. So if this person had been identified as
20 Mohammed Sidique Khan, and he had come under intrusive
21 investigation thereafter -- if, I accept a big "if" --
22 then there would have been a greater chance that
23 whatever he was plotting then -- and we know he had
24 started plotting by February/March 2005 -- might have
25 come to light?

1 A. Yes, greater chance. I would say high degree of
2 intrusive investigative measures would have been
3 required to uncover the plot from what we know of it
4 now.

5 Q. Because the only overt signs at that time were purchases
6 of hydrogen peroxide and up to March 2005, after which
7 no steps were taken to identify this person, no other
8 overt signs of plotting had revealed themselves?

9 A. Correct.

10 Q. So you would have had to not only identify him, but also
11 put him under such a degree of surveillance as to find
12 that he and his associates were visiting hydroponic
13 outlets?

14 A. Yes, such a degree of surveillance which would not have
15 appeared to be proportionate, even if we'd identified
16 him on the basis of this information.

17 Q. That was the next question, G. But you're at pains to
18 tell us, so why don't you tell us why it wouldn't have
19 been proportionate?

20 A. Had we identified him on the basis of this information,
21 it would have made him an interesting target, but as
22 I just noted, being an interesting target would not
23 necessarily mean that he had very large numbers of
24 intrusive resources thrown at him, either on resource
25 grounds or, more importantly in this case, on

1 proportionality grounds, and therefore, I don't think we
2 could have made a case to mount that degree of
3 surveillance against him even if he had been identified
4 from this piece of reporting.

5 Q. With respect, though, it wouldn't just have been
6 a question of assessing whether this extremist, on the
7 hypothesis that he's identified as
8 Mohammed Sidique Khan, is worthy of further
9 investigation, because, if he had been identified as
10 Mohammed Sidique Khan -- which would have been
11 possible -- he would also have been identified as being
12 the Sidique Khan from Crevice, the Sidique Khan from
13 Mohammed Qayum Khan's calls, the inhabitant of
14 11 Gregory Street, the husband of Hasina Patel, and,
15 therefore, rather more than just an extremist reported
16 on by this intelligence as being an extremist in
17 Afghanistan from Batley?

18 A. More than just this piece of reporting. As you've
19 summarised there, though, some parts -- like being
20 married to Patel -- would not have been terribly
21 important to us. He would have been seen as an
22 extremist who had links to Crevice.

23 Q. Links to Crevice, links to McDaid, links to
24 Tafazal Mohammed, links to Iqra, links, importantly, to
25 extremism?

1 A. Links to extremism, certainly.

2 Q. Of course, the gist properly identifies, does it not,
3 that, albeit after the event in question, after 7 July,
4 the intelligence, whatever it was, suggested that this
5 person, who we now know to be Mohammed Sidique Khan, was
6 capable of carrying out a martyrdom operation, although,
7 of course, there must reasonably be an element of
8 hindsight in that, we don't know what the intelligence
9 is, but it may be that it was affected by the events as
10 they happened?

11 A. We certainly know it wasn't reported beforehand that he
12 was capable of carrying out a martyrdom operation.

13 Q. But it's relevant, is it not, to, if the intelligence
14 had been pursued, whether or not the capability of Khan
15 of carrying out a martyrdom operation might have come to
16 light before 7 July?

17 A. Yes, I think that's fair.

18 Q. But we'll never know?

19 A. No, indeed.

20 Q. So it does really come to this, doesn't it: that the
21 greatest chance of identifying Mohammed Sidique Khan
22 came, not through Crevice or really from West Yorkshire
23 in 2003, or even before then from 1998 onwards and the
24 investigation into McDaid, but from a single strand of
25 intelligence later that could have led to his

1 identification and could have identified him as capable
2 of carrying out a martyrdom operation?

3 A. No, I think the greatest chance came from the Ibrahim
4 and Zubair reporting, which was of significance, obvious
5 significance, at the time, particularly by March 2005.

6 Q. Because the March -- well, Ibrahim and Zubair was
7 brought to your attention, of course, earlier, but would
8 have been combined with whatever this new intelligence
9 led to, to give, as I've suggested, a fuller picture of
10 what this person was capable of?

11 A. Mr Keith, perhaps would it be helpful if I touched
12 earlier on the interesting new information provided
13 in March 2005, would it be useful if I just went through
14 that?

15 Q. Yes, of course.

16 A. The significance of the March 2005 information was, for
17 the first time, Mohammed Junaid Babar said Ibrahim and
18 Zubair had attended the training camp that the Crevice
19 plotters also attended. This was significant to the
20 Service, this is why the Service started an operation
21 called Downtempo to try to identify the individuals.
22 More than any of the other strands of reporting,
23 this is the one that gets the individual, who we now
24 subsequently know to be Mohammed Sidique Khan, closest
25 to attack planning of some kind, and that's why

1 I consider it the most significant.

2 Q. There are areas of different significance, are there
3 not? There is significance in terms of closeness to
4 attack planning to which you've correctly observed
5 Ibrahim and Zubair were reported to be closer to by
6 virtue of their attendance at a training camp in
7 Afghanistan, according to Babar, but there is also
8 significance in terms of identification, of who they
9 are.

10 The links to Babar and detainee 2, or the enquiries
11 of them, had led nowhere because no one had identified
12 Ibrahim and Zubair, had they?

13 A. No, indeed, though they could have done.

14 Q. They didn't. But they were asked, "Are these
15 photographs, D and E, anybody that you know, in
16 particular Ibrahim and Zubair?", and they said "No".
17 So for precisely the reason you explained earlier,
18 you couldn't take that negative at anything other than
19 face value. You had to say that's the end of that
20 investigative stream.

21 But with this intelligence, you didn't get a "No".
22 For operational reasons, good ones, the question was
23 never posed. What would have happened if you'd been
24 identified? Isn't that the position?

25 A. Yes, that is true.

1 Q. In terms, therefore, of identifying Saddique (surname
2 not Khan) as Mohammed Sidique Khan at time closer to the
3 plot to bomb London, and in terms of the capability of
4 carrying out a martyrdom operation, this was the most
5 significant lead?

6 A. In terms of identifying, yes.

7 Q. Yes, and once you'd identified him, that would have led
8 to an immediate appreciation, would it not, of
9 Gregory Street and all the other links, including
10 Crevice?

11 A. Hopefully so.

12 Q. Realistically so?

13 A. Yes, realistically so.

14 Q. Because you would have had Gregory Street, Honda Civic,
15 Vauxhall Corsa, McDaid, everybody?

16 A. Realistically so.

17 Q. That is why, may I suggest to you, G, that this is of
18 the utmost significance, because it is not right to
19 suggest, is it, that this was an opportunity missed; it
20 was an opportunity that had to go missed for good
21 operational reasons.

22 A. That's correct.

23 Q. Does that exemplify the extraordinary difficulties that
24 the Service faces in pursuing intelligence leads?

25 A. It's a reflection of the choices we make every day.

1 Q. Is that why you say hindsight is a glorious but terrible
2 thing?

3 A. Not necessarily terrible, it can be of value in making
4 sure that we haven't missed stuff, but it can also be
5 very misleading.

6 Q. No doubt very anxious consideration is being given to
7 that operational decision and its wisdom, in light of
8 what we now know.

9 A. (Witness nods).

10 Q. Is there any record of the propriety, the pros and cons,
11 the balance of that operational decision held within the
12 Security Service?

13 A. There's a record of that decision and why it was taken.

14 Q. At the time, of course.

15 A. At the time.

16 Q. Yes. That is an area in which there is -- again,
17 without going into closed -- relatively full coverage of
18 why the decision was taken?

19 A. Full by the standards of the Service.

20 Q. Yes, by comparison to, perhaps, some of the other
21 assessments which we have explored in relation to
22 Crevice?

23 A. Yes.

24 Q. The Operation Downtempo which commenced as a result of
25 the new information from Babar led, as I have inferred,

1 nowhere, did it?

2 A. Not in the time, no.

3 Q. Not in the time. Although some progress was made, the
4 progress wasn't of assistance in identifying
5 Mohammed Sidique Khan until afterwards?

6 A. Correct.

7 Q. So when we come close to the bombs on 7 July, this
8 strand was of potentially the greatest importance, but
9 was not one that could be pursued?

10 A. Importance in terms of identifying him, yes, and,
11 correct, could not be pursued.

12 Q. The bombs occurred, of course, as we all know, on
13 7 July 2005, and on the 14th, a week later, Babar
14 identified Ibrahim as Mohammed Sidique Khan?

15 A. Correct.

16 Q. We will never know whether or not he could have
17 identified him before, but certainly he was shown
18 a different photograph afterwards, I think a press
19 report?

20 A. Media reporting, yes.

21 Q. A media report, which was a very clear picture of
22 Mohammed Sidique Khan?

23 A. Indeed.

24 Q. There are two possibilities, are there not? He
25 genuinely didn't know him before, or he did know him but

1 he didn't say?

2 A. Quite so.

3 Q. Can I now turn, please, to some final topics and only
4 a handful of topics, arising out of -- trying to draw
5 the threads together of the various aspects of evidence
6 that you've assisted us with?

7 Categories of target. The issue of what terminology
8 is given to targets is of importance because it can
9 affect how resources are then directed. We know from
10 what you've told us that, as you told the Intelligence
11 and Security Committee, or your colleagues did, it might
12 have been possible to identify D and E from Crevice, but
13 for resource reasons and because of the enormous
14 difficulties faced by the Security Service, they didn't
15 fall within the category of people who merited further
16 intensive investigation.

17 A. (Witness nods).

18 Q. The Intelligence and Security Committee reported that
19 your position had been: it was decided not to
20 investigate them further, other than the steps taken
21 through West Yorkshire Police.

22 But to say it was decided not to investigate them
23 further doesn't quite reflect, does it, the precision
24 with which any such decision, in fact, was taken. Is
25 that fair?

1 A. Yes, that's entirely fair.

2 Q. Because the categories of who merits further
3 investigation are much more nuanced and broader than
4 that?

5 A. They are.

6 Q. In fact the terms "essential" and "desirable" aren't
7 really used in this context at all in reality, they're
8 used for funding bids and management aspects of the
9 Service.

10 A. Well, they are no longer used at all, but it's an
11 accurate reflection of how they were used at the time.

12 Q. Were they actually used at the time? So could you once
13 say of any particular person: that person is essential,
14 that's desirable, and that person is utterly irrelevant?

15 A. They were used at the time in terms of collecting data
16 for resource bidding, but it's not the kind of
17 phraseology that an operational officer would have been
18 using on a daily basis.

19 Q. So there is a level of confusion, or perhaps inaccuracy,
20 then, in the material that we have from the Intelligence
21 and Security Committee when it refers to assessments
22 actually being made at the time to the effect that D and
23 E were not classified as essential but only as
24 desirable?

25 A. Not inaccuracy. I think it's fair to say the ISC wished

1 to produce their report in a way that was accessible and
2 understandable for people to read, and so we were
3 content for them to use those terms in the way they do.

4 Q. Well, they make repeated references to those terms
5 throughout --

6 A. Indeed.

7 Q. -- and, indeed, it forms the heart of their analysis, G.

8 A. Yes.

9 Q. But so that we are clear, we now have a better
10 understanding, officers use an intuitive, practical
11 experienced-based process of trying to say who gets
12 further investigation and who doesn't?

13 A. Absolutely, and again, that's well-reflected in the
14 Executive Liaison Group minutes where you won't see the
15 terms "essential", "desirable" and "other" being used.

16 Q. You have observed in your later statement how the
17 Director General himself, in June of 2007, accepted,
18 whilst being asked questions in secret by the
19 Intelligence and Security Committee, that, if it had
20 been known that the man known as Sidique Khan had been
21 present in the car, the Vitara, on 21 February, and
22 therefore wasn't just an NM1, that that might have moved
23 him from the category of desirable to essential.

24 A. (Witness nods).

25 Q. Is that too broad an observation? Might it have moved

1 him up some degree, but not necessarily into a specific
2 category?

3 A. It would definitely have -- my judgment is the same as
4 the Director General's, that it would have moved him up.
5 Because we weren't really using the categories as
6 rigidly as is presented in that evidence, it wouldn't
7 have moved him from category desirable to category
8 essential in quite such a rigid way.

9 Q. But how -- perhaps alarming isn't the right word, but
10 how significant it is, isn't it, then, that the
11 transcript from the Metropolitan Police which made
12 a reference to "NM", a northern male, which might have
13 been of assistance if fully transcribed, would then have
14 affected whether or not the person in the car was
15 assessed to be Khan or not, which then would have
16 impacted directly on whether E would have been seen to
17 be essential rather than desirable?

18 A. It's significant, but bear in mind the discussion we had
19 yesterday about the availability of resources. Merely
20 moving somebody up the priority list unfortunately
21 didn't necessarily mean more resources were available to
22 them. Particularly when attack planning in the UK was
23 under consideration.

24 Q. But we can say, can we not, that although not everybody
25 who was essential gets the ultimate intensive resource

1 investigation applied to them, at least if they are
2 classified as essential, or broadly as essential, there
3 is a very much greater chance that they will be
4 investigated more thoroughly?

5 A. There is a greater chance. At that time, I wouldn't
6 have described it as a very much greater chance.

7 LADY JUSTICE HALLETT: Mr Keith, can I just go back to the
8 basis of your question? If the transcript from the
9 Metropolitan Police had made reference to "northern
10 male", what you're saying is it's the fact that two
11 speakers had northern accents that raises the
12 significance?

13 MR KEITH: My Lady, I put it on two bases, cumulative bases.
14 I did, in fairness, suggest to G that, if there had been
15 an appreciation of "northern male" and it had been
16 transcribed -- is what I in fact said -- then, of
17 course, the full extent of what was said in the car
18 might have impacted upon the assessment of whoever was
19 in the car as being essential or desirable, if they had
20 been identified. That is the essence of it. Because
21 the Director General accepted, did he not, that if it
22 had both been appreciated that Khan was the person in
23 the car and that the discussion was as detailed as we
24 now know it to be, that would have moved him into
25 essential?

1 A. But, of course, the Director General said, as I have
2 done today, that it would not have been possible to
3 identify that Khan was in the car.

4 Q. There was certainly, as you've described, intelligence
5 later, which is closed, which led you to believe that he
6 was in the car, but you might have been able to work out
7 through other routes that he was likely to have been the
8 person in the car, from the accent, from the
9 transcription, the references in detail to what that
10 person said?

11 A. The references in detail do not, in my judgment, help in
12 any way identify the individual. So all we would have
13 had to go on was a northern accent, and it's a big leap
14 to say that that northern accent was even likely to be
15 UDM E, given that we know that the Crevice players, the
16 key Crevice players had other contacts in the north of
17 England.

18 Q. This was, of course, subject to any discussion on how
19 much by way of resources is available, even if you are
20 an essential target?

21 A. Indeed so.

22 Q. Has there been a change since 7 July 2005 in relation to
23 how officers approach the categorisation or the
24 significance of targets?

25 A. Yes.

1 Q. A substantial change?

2 A. Yes.

3 Q. Why has there been such a change?

4 A. We now prioritise by operations, by groups of
5 individuals, rather than by individuals themselves, and
6 I think that is a better reflection of how Islamist
7 terrorism operates, rather than trying to do this on an
8 individual-by-individual basis.

9 Q. Why does analysis by network, which is what the ISC
10 report states, rather than individual make a difference?

11 A. Because it allows us within a broader canvas to make
12 better judgments about the allocation of resources.

13 Q. Is that because, if greater resources are dedicated to
14 what's a particular network, you can move them around
15 within the network more easily?

16 A. That's right.

17 Q. If that new position -- the new approach -- had been in
18 place in 2004, in March and April, might it have made
19 a difference to the resources dedicated towards the
20 peripherals including D and E or not?

21 A. It might have done. If it had done, then the likelihood
22 is that resources would have been allocated to the Scraw
23 peripherals as a group and, within that, UDMS D and E
24 were not very significant.

25 Q. For the other people in Scraw, the twelve principal

1 targets as well as the others, did they find themselves
2 subject to a greater degree of investigative work than D
3 and E?

4 A. Some did and some didn't.

5 Q. So D and E were in the broad range, they weren't right
6 at the bottom of the list?

7 A. I mean, some didn't because, in order to bring things to
8 a conclusion with those individuals, not much more
9 investigative work was required.

10 Q. I appreciate, with hindsight, it's difficult to compare,
11 but are you confident now that with a new system of
12 categorisation or approach to targets you gain a better
13 overall coverage of those in whom you're interested than
14 you had at the time of 2004?

15 A. That is our belief.

16 Q. So it's not just a question of more resources, which you
17 described earlier. The investigative approach and the
18 management of your investigation is now better advanced?

19 A. That's very much our judgment, yes.

20 Q. Record-keeping we touched upon. In fact, we've
21 addressed it at some length. Are there now better
22 systems in place for being able to go back and assess
23 the reasonableness, the propriety, the accuracy -- for
24 we all make mistakes -- of assessments made as to how
25 targets will have resources dedicated towards them?

1 A. The prioritisation system is better, which allows that
2 retrospective judgment to be done more easily.

3 Q. You have disclosed in these proceedings a document which
4 was prepared just after 7 July 2005, a review document,
5 SYS11079 [SYS11079-1], which has been disclosed at the request of
6 my Lady because it gives a fairly good contemporaneous
7 view of the views of the Service as to what the
8 intelligence before 7/7 amounted to.

9 We can see it doesn't set out in nearly as much
10 detail as the evidence that you have now given because
11 it was a snapshot of the position at the time, but we
12 can see at paragraph 22 -- we'll just have to scroll
13 forward please, until we get to paragraph 22 [SYS11079-4]:
14 "It is important to realise that Shipon Ullah,
15 Tanweer and MSK were not identified at the time ..."

16 LADY JUSTICE HALLETT: Is this in the bundle? If so, which
17 tab?

18 MR KEITH: It is at -- I think it went in right at the very
19 back on Friday. It could be one of my Lady's 51, 52 or
20 53.

21 LADY JUSTICE HALLETT: Thank you. 51 is
22 Intelligence Service -- no, I only have 51.

23 MR KEITH: Then it may be 52. May I hand up an unmarked
24 copy?

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

1 MR KEITH: I'm sorry, in fact I meant to refer to
2 paragraph 20, if we could just go back further up the
3 page slightly.
4 There is a reference there to "our assessment of
5 Omar Khyam at the time" and then, paragraph 29 on the
6 next page [SYS11079-5], please, the heading "Assessment/Action Taken
7 When Reporting Received", and at paragraph 29 "Our
8 Assessment", and then paragraphs 37 and 43 on the next
9 page [SYS11079-6], 37 "Assessment/Action":
10 "Our assessment at the time was that the Crevice
11 targets were opening accounts with a number of building
12 merchants ..."
13 Then at 43 [SYS11079-7], and later as well, further references to
14 "our assessment at the time".
15 This review document was prepared in the light of
16 7 July, naturally bearing in mind the huge significance
17 of what, after the event, was discovered to be the
18 significance of Khan.
19 This sort of review requires, does it not, for it to
20 be a proper and full review, some sort of
21 contemporaneous documentation to assist it?
22 These assessments, despite the impression that they
23 give of hard and fast assessments at the time in 2004,
24 were assessments in fact based on discussions with desk
25 officers as well as reviews of other documents

1 highlighting the enquiries that were going on at the
2 time.

3 A. That's correct.

4 Q. There is no, in truth, document at any time prepared,
5 either then or now, which sets out the thinking of desk
6 officers or the thinking as to why targets are pursued
7 and why others are not.

8 A. In the context of Crevice, no, that's correct.

9 Q. Well, generally.

10 A. Well, there's some training material on, you know, how
11 people should go ahead about investigations, but that's
12 clearly very general stuff.

13 Q. But if -- and I referred to this earlier -- if these
14 sorts of review processes or Legacy Reviews or analyses
15 of whether or not people merited, I don't know, an
16 application for an intercept or an application for an
17 audio device being inserted, how can we be sure that the
18 right decisions are being taken if you, as a very senior
19 manager, can't go back and look at why decisions were
20 being made at that time and how they were noted to be
21 made at that time?

22 A. Well, by and large, we can go back and see how positive
23 decisions will be made. So to take an example there
24 about an application for any kind of warrant, there will
25 be a long and detailed audit trail behind that because

1 of the need for approval.

2 Where we cannot be so clear is where we try and
3 determine why we did not take a particular decision.

4 Q. You are less clear as to why that is the case?

5 A. Correct.

6 Q. I mean, to give an example -- I tasked you on this
7 yesterday -- you've got some reasoning as to why you
8 might have made an application for a warrant or an
9 eavesdropping device or a directed surveillance, but we
10 know that there was no application for a warrant to use
11 intrusive techniques for D and E, was there?

12 A. Correct.

13 Q. Why not?

14 A. They would have been very -- a long way below the
15 threshold.

16 Q. Where are the discussions as to whether or not they ever
17 merited such intrusive techniques?

18 A. There are none.

19 Q. There are none at all?

20 A. No.

21 Q. So although you can have sight of why a positive
22 decision is taken, you will never be able to go back and
23 say to yourself: did we ever consider intrusive
24 techniques for D and E and, if so, why did we reject
25 them?

1 A. We can safely say, to take that example, that we did not
2 consider them to any extent to which the desk officer
3 even began to draft a warrant form.

4 Q. That's not quite the same, is it?

5 A. No.

6 Q. What was in the desk officer's mind when you considered
7 whether D and E merited further intrusive investigation?

8 A. The desk officer would not have been considering them
9 very significant.

10 Q. Two final areas, please, if I may. Better regional
11 coverage. It's now a matter of public record that you
12 have regional offices around the United Kingdom as well
13 as a headquarters in Northern Ireland.

14 You describe in your statement some of the benefits
15 that the new system has brought about, in particular
16 a closer daily working relationship with the police.
17 The Intelligence and Security Committee commented on
18 some of the missed opportunities between the police and
19 MI5 and identified some communication difficulties,
20 although some of them, in fact, were erroneous. They
21 thought, mistakenly, that information about Khan and the
22 Honda Civic had not been passed on. In fact, it had.

23 At a basic operational level, how has the
24 development of regional offices helped?

25 A. By ensuring that our officers and those of the relevant

1 police forces are talking together on a much closer,
2 much more informal, much more regular basis and there's
3 a much freer interchange of material at quite a detailed
4 level.

5 Q. On a most practical basis, on a most practical level,
6 would that, by reference to these proceedings, perhaps
7 have allowed West Yorkshire Police and the
8 Security Service and the Metropolitan Police to sit down
9 in a room together and say, "I'm worried about Batley",
10 or "I don't like this link to 11 Gregory Street" or
11 "Would X, Y or Z perhaps merit further investigation?"

12 A. Of those, I think the former, though I'm sure they would
13 have said Beeston rather than Batley --

14 Q. Or Beeston.

15 A. -- is the most likely, but, yes, any of those would have
16 been possible.

17 Q. The Intelligence and Security Committee report observed
18 that the July 2005 attacks had come as real shock to our
19 Government agencies because they had emphasised how much
20 was unknown to the police and the Security Service about
21 extremist activity at local level.

22 Do you think that the new systems in place
23 concerning different targeting, regionalisation of your
24 functions, has helped in giving the Security Service and
25 the police a better understanding of what is happening

1 on the street?

2 A. Yes, I do.

3 Q. There was, was there not, a failure by all concerned --
4 not just the Security Service -- to understand that
5 bubbling away in institutions, in organisations, shops
6 and libraries of the type that we've heard, extremist
7 activity, extremist thoughts, people on the cusp of
8 moving from facilitation and discussion of terrorist
9 activity to attack planning?

10 A. Extremist activities and extremist thoughts are not the
11 same as moving towards terrorist attack planning, and
12 I don't think you can make that judgment purely from the
13 events of 7 July.

14 Q. The ISC report, in particular its first report, spent
15 a great deal of its time discussing the speed of
16 radicalisation of the 7/7 bombers themselves, and of
17 course, we know that, from 2003, at that stage in 2004,
18 Mohammed Sidique Khan was somebody who appeared to have
19 played a role in the distribution of extremist material,
20 he was on the intelligence picture at any rate, on the
21 peripheries of Crevice, talking about credit card scams,
22 getting money, training in Pakistan, and then he
23 graduates to, as I've observed before, prime conspirator
24 and murderer.

25 The signs of that transformation might have been

1 picked up with a better understanding of local
2 intelligence and regional intelligence?

3 A. Yes, I think they might. But that's a point about
4 Mohammed Sidique Khan rather than about extremists in
5 general.

6 Q. Well, he's not alone, presumably, in that graduation, is
7 he?

8 A. He's not alone, but nor is it a linear process.

9 Q. No, which is why, presumably, intelligence-gathering
10 must accommodate all the possibilities. Unless there is
11 sight at a local level, the intelligence won't come to
12 your attention.

13 A. Yes, that's correct.

14 Q. Has that issue, perhaps the lack of sight of local
15 intelligence and local extremist activity, been
16 addressed?

17 A. Things are much improved.

18 Q. Is more attention now paid to intelligence-gathering in
19 relation to people involved in the distribution of
20 extremist material, the facilitation of terrorism by way
21 of money laundering, financial scams, fraudulent credit
22 applications and the like?

23 A. Those are two quite different areas, and certainly more
24 attention is paid to facilitation. But distribution of
25 extremist literature is not necessarily a path towards

1 terrorism.

2 Q. I'm not suggesting that it was. It would be wrong to
3 suggest that anybody or everybody who engages in the
4 reading of extremist material necessarily becomes
5 a terrorist. But as we can see from the evidence in
6 this case, it certainly formed a significant aspect to
7 some of the activities being carried out in the Beeston
8 area of Leeds.

9 A. Yes, it did.

10 Q. Finally, my Lady's point from yesterday about training
11 camps.

12 It's clear that the Security Service was not aware
13 and, indeed, nobody was aware, of Khan's travel to
14 Pakistan in 2001 and 2003 or certainly they were aware
15 of the travel subsequently, but not of the significance
16 of the travel, and nobody was aware at all, let alone in
17 terms of gauging the significance of the travel in the
18 winter of 2004.

19 The role of terrorist camps and training camps
20 appears to be quite significant, because we can see the
21 presence of the camps in the -- by reference to the
22 Crevice conspirators, Babar, Ibrahim, Zubair and a host
23 of other people who appear to have gone through them.
24 You obviously cannot tell us what steps are
25 operationally taken to give you better sight of such

1 activities, but do you have better sight now than you
2 had in 2003 and 2004?

3 A. Both better sight and better understanding of the
4 significance.

5 Q. So would you say finally, G, that although, as you
6 observed at the beginning, the police and the
7 Security Service cannot stop all attacks all the time
8 and it would be foolish and unrealistic to expect that
9 they could, the chances are somewhat better now than
10 they were then?

11 A. The chances are better but are not perfect.

12 MR KEITH: Thank you, G. I have no further questions.

13 LADY JUSTICE HALLETT: Mr Eadie?

14 Application by MR EADIE

15 MR EADIE: My Lady, before Mr O'Connor wants to ask one or
16 two questions of Witness G, I have an application and
17 the application is that my Lady should at this stage
18 admit into evidence the three statements that G has
19 prepared. I make that application on four principal
20 grounds.

21 Firstly, Witness G, as all concerned now know, is
22 a corporate witness. As such, his evidence is based on
23 a very, very large quantity of research and
24 a considerable number of discussions that he's had with
25 his colleagues.

1 This exercise, the inquest, is designed to provide
2 as much information to my Lady as can possibly be
3 provided so that decisions that you have to take can be
4 taken on the fullest information.

5 This is not, and should not be, a memory test for
6 Witness G and no one I think is suggesting that that
7 would be an appropriate, fair or sensible course.

8 Therefore, it is, in my submission, appropriate, for
9 that first reason, for the carefully considered
10 statements that he's made to be admitted at this stage
11 into evidence.

12 Secondly, as my Lady will be well aware, the most
13 considerable care has been taken by all concerned, with
14 the detailed involvement of your team, to strike the
15 very difficult balance between ensuring that as much as
16 can possibly be made public about his evidence is in
17 fact made public, but with the very important rider that
18 no damage must be done to the public interest in doing
19 so.

20 The striking of that balance has involved detailed
21 consideration being given by all concerned -- including,
22 I know, by my Lady personally -- as to precisely what
23 form of words can properly be used so as to ensure that
24 the public are as informed as they can be without that
25 damage to the public interest, and the Security Service

1 has, throughout these proceedings, been concerned to
2 ensure that as much as possible can get into the public
3 domain, so as most fully and most properly to inform
4 those such as the families who are here to listen to
5 and, if my application is granted, will now be able to
6 read what Witness G, on behalf of the Security Service,
7 says about the actions and conduct of the
8 Security Service.

9 Thirdly, my Lady, I make this application at this
10 point because I know that my Lady was concerned -- and
11 we quite understand the reasons for this -- to allow my
12 learned friend Mr Keith to take Witness G through his
13 evidence, as it were, orally.

14 The position is that, although my learned friend
15 Mr Keith has tried as hard as possible, and in very,
16 very large part with conspicuous success, fairly to
17 present the core elements of Witness G's evidence as
18 reflected in the three statements that he has made,
19 there are, inevitably, points of nuance and some points
20 of significance which appear fully from the detailed
21 statements that have been prepared by Witness G and do
22 not currently appear on the transcript that my Lady has,
23 and I emphasise that we consider it to be very, very
24 important, not merely that the public should be informed
25 about the totality of Witness G's evidence, but also

1 that my Lady should not, as it were, cut off the
2 totality and the detail of that source of evidence.
3 Fourthly, and finally, there have already been very
4 frequent references at least to the fact of the
5 statements and, at the moment at least, the press, who
6 are no doubt sitting comfortably in the tent below us,
7 have seen the answers that have been given but do not
8 have access to the detailed evidence that Witness G has
9 set out in his written statements.

10 One final point perhaps, not so much a justification
11 for admitting the statements into evidence now, but at
12 least a point of some practical significance. I don't
13 think anyone is disputing that it would be open to me,
14 if I considered it appropriate and without in any shape
15 or form wishing to waste my Lady's time, to ask
16 Witness G in re-examination -- rather oddly, given that
17 the process is happening backwards so far as that is
18 concerned -- whether or not he has produced three
19 witness statements, whether or not that signature is
20 his, whether or not, subject to the evidence he's given
21 orally, those witness statements properly and fairly
22 reflect the views of the Service now and his evidence to
23 my Lady.

24 If the answer to that question, or those questions,
25 were to be "yes" all the way through, as I confidently

1 expect and hope, then the statements, it might be
2 thought it would be very difficult at that stage to say
3 they shouldn't properly be admitted into evidence in
4 that form.

5 I do not want to get into the position where I have
6 to, as it were, go through and ask to be put up on the
7 screen each of the individual paragraphs which we think
8 Mr Keith may not have entirely fully covered.

9 So for all those reasons, my Lady, the application
10 that we make now is that both the statements should be
11 admitted into evidence and that they should be available
12 to be released, and my Lady I know will be aware that we
13 had some correspondence with the Inquest team and,
14 although there was no, as it were, legal preclusion on
15 us putting those statements out into the public domain,
16 in the sense that the undertaking didn't bind us not to,
17 we were very mindful of my Lady's concern, which was
18 that this was your inquest and the evidence should come
19 out in the manner in which you determined it should come
20 out. But the position has now been reached, we
21 respectfully submit, at which, not merely should this
22 evidence be admitted as such into evidence, but also
23 that those statements can now, and should now, be
24 released to the press.
25 My Lady, that's my application.

1 LADY JUSTICE HALLETT: Just before I turn to you, Mr Keith,
2 Mr O'Connor, do you have any comments? It might
3 arguably make your task simpler if the statements were
4 on the transcript, but it's ...

5 MR PATRICK O'CONNOR: My Lady, whether they're on the
6 transcript or not, we have them, the witness has them.
7 Indeed, I say this, my Lady -- I hope you don't mind --
8 one assumes the witness may have available to him, to
9 hand, his own witness -- he's nodded, and I'm grateful
10 for that, so the mechanics are not particularly changed
11 in any way.

12 My Lady, we have nothing to be afraid of about this
13 and we've had these statements not for too long, but
14 obviously we've pored over them and we are familiar with
15 them.

16 My Lady, three points really, which are fundamental.
17 One is the evidence in any proceedings is that which is
18 given from the witness-box.

19 Secondly, the whole function of the final
20 examination or re-examination, whatever it's called, is
21 precisely to give the witness's own counsel the
22 opportunity to fill in any gaps, put things in order, so
23 that they're more comprehensible.

24 My Lady, thirdly, one of my learned friend's reasons
25 is actually a little bit worrying, because he seems to

1 be concerned about differences, he calls it, of nuance
2 or whatever, differences anyway, between the witness's
3 actual evidence and what is in the witness statements,
4 and he seems to want to remedy that by putting in the
5 witness statements.

6 Well, the answer to that is one of law, and it's
7 very clear. Even if these witness statements do, as it
8 were, go in, they don't remedy or correct what the
9 witness says from the witness-box, because it is the
10 latter that is the evidence and that is what matters.
11 Now, so one of my learned friend's reasons is
12 precisely the mischief behind his suggestion. So we're
13 concerned about that.

14 LADY JUSTICE HALLETT: I appreciate that concern and,
15 subject to anything else that Mr Eadie said, I don't
16 think that was necessarily his best point. I suspect
17 his best point is that, technically, if we had all the
18 time in the world, he could go through reading out each
19 of the paragraphs from the statement, or three
20 statements, that he feels Mr Keith hasn't covered and
21 asking Witness G to confirm it. As you know, I am very
22 concerned about the timetable, and I suspect you're very
23 concerned that you have sufficient time. So the more
24 time Mr Eadie has to be allowed to put before Witness G
25 passages from the statement he doesn't feel have been

1 fairly dealt with, the less time you'll get,
2 Mr O'Connor.
3 So back to my pragmatism, I fear.
4 MR PATRICK O'CONNOR: I understand, and I fully accept that.
5 But I think just this one mischief must actually be
6 corrected, because if this, as it were, goes in evidence
7 and becomes the publicised document, it must not
8 actually detract. The status of it must not be
9 misunderstood.
10 LADY JUSTICE HALLETT: A point well worth making,
11 Mr O'Connor, thank you.
12 Mr Taylor, I know you wanted to ask some questions.
13 Do you have any comments about this application? Or are
14 you happy to leave it to the lawyers?
15 MR TAYLOR: I'm happy to leave it to Mr O'Connor, actually.
16 I agree with what Mr O'Connor said.
17 LADY JUSTICE HALLETT: Thank you, Mr Taylor. Mr Keith?
18 MR PATRICK O'CONNOR: My Lady, I've been nudged with
19 a technical point, and I think it's merited. Rule 37(6)
20 of the Inquest Rules.
21 LADY JUSTICE HALLETT: Of which I shall have to be reminded,
22 as I am afraid I don't have a copy in court.
23 MR PATRICK O'CONNOR: It's one sentence:
24 "Any documentary evidence admitted under this rule
25 shall, unless the coroner otherwise directs, be read

1 aloud at the inquest."

2 So we have to go through that hoop, you will have to
3 direct, if you admit this, that they should not be read
4 out aloud.

5 My Lady, also, this is subject to the veto which we
6 faced earlier under rule 37(1), truly a veto, by the
7 interested persons.

8 My Lady was asking me for my observations. In fact,
9 under rule 37(1), if an interested person objects, then
10 that is a complete bar to this happening.

11 LADY JUSTICE HALLETT: I'm not sure -- do these witness
12 statements fall into the category of documents covered
13 by that rule? Anyway, it looks to me as if we're taking
14 up precious time at this stage.

15 I think what we'll do, Mr O'Connor, is I will put
16 Mr Eadie's application on hold until we break for lunch,
17 giving everybody a chance to consider the matter over
18 lunch. You can, in the meantime, do 15 minutes of
19 examination and I shall return to Mr Eadie's application
20 this afternoon, once we've all had an opportunity to
21 consider the rules and whether or not my pragmatism is
22 going to be thwarted by the rules.

23 Right, thank you, if you'd like to continue,

24 Mr O'Connor.

25 Questions by MR PATRICK O'CONNOR

1 MR PATRICK O'CONNOR: G, I hope you appreciate from this
2 exchange that nobody, but nobody, is seeking to be
3 unfair to you or to the Security Service. Do you
4 understand that?

5 Can I say at the outset that all of the bereaved
6 families represented in these proceedings wish at the
7 outset to acknowledge publicly, and to you representing
8 the Security Service, your successes in preventing many
9 other terrorist atrocities and, therefore, saving very
10 many lives.

11 G, you haven't even acknowledged that with a nod.
12 Would you like to acknowledge that?

13 A. Thank you.

14 Q. I'm grateful. Secondly, that none of the represented
15 bereaved families have any desire at all for the
16 Security Service to be criticised unjustly for failing
17 to prevent the atrocities of 7 July 2005.

18 Now, no doubt you have read her Ladyship's ruling of
19 much earlier last year about the scope of this inquest.

20 A. I have.

21 Q. At the heart of it, in general terms on preventability,
22 is a finding -- I put it very generally -- that it may
23 be possible for more answers to be given to the bereaved
24 and to the public about what happened in the lead-up to
25 those events. You appreciate that's a --

1 A. I do.

2 Q. It is, isn't it? I ask you -- I'm about to come to my
3 first question, but I ask you to accept, therefore, that
4 the questions of the bereaved families put through me
5 are merely seeking to explore the information and the
6 explanations that have been advanced by the
7 Security Service in respect of those questions.

8 Do you understand that?

9 A. I do.

10 Q. I'm most grateful.

11 May I call you Mr G? I didn't go to the same kind
12 of school as Mr Keith, and I like to have some sort of
13 prefix to a name. Do you mind if I call you Mr G?

14 A. Not at all.

15 LADY JUSTICE HALLETT: I would prefer comments like that to
16 be excluded.

17 MR PATRICK O'CONNOR: I'm sorry.

18 What I would like to do, Mr G, first of all, and
19 I hope really quite quickly because of how
20 comprehensively we can take you through events, is to
21 look at some of the themes that emerge from the four
22 meetings between -- let's call them the Yorkshire
23 visitors and the Crevice plotters. You will note, I'm
24 saying four, leaving out of account 21 February, as you
25 wished to do, and we largely agree can be left out of

1 account.

2 In other words, the four meetings, these were the
3 four meetings, weren't they, which were known, certainly
4 at the time of the arrests at the end of March, as
5 involving the same people?

6 A. Yes, that's correct.

7 Q. I'm very grateful. So if we could go to the first in
8 that series, 2 March and --

9 A. 2 February, Mr O'Connor.

10 Q. 2 February, of course, I'm very sorry, and just pick out
11 what happened. This is quite a short and simple
12 incident at about 8.30 in the evening on 2 February in
13 Crawley.

14 A visiting Honda pulls up next to Omar Khyam's
15 Vitara. Omar Khyam gets into the visiting car and
16 drives off with the driver of the visiting Honda. The
17 other occupants of the visiting car get out and get into
18 the Vitara and stay there with Omar Khyam's companion?

19 A. That's correct.

20 Q. Now, this meeting was at somewhere called Langley Parade
21 in Crawley, wasn't it?

22 A. It was.

23 Q. You do know that Omar Khyam's family home was at
24 Langley Walk, Crawley, wasn't it, presumably very
25 close-by?

1 A. It is very close-by, yes.

2 Q. So we have a first feature that they choose not to go
3 into Omar Khyam's family home, but to stay in a vehicle,
4 these two.

5 A. Yes. Of course, Omar Khyam has more than one home at
6 this point.

7 Q. Yes, indeed. I don't think this changes the point.
8 He's got his home in Slough and he's got his family home
9 in Crawley.

10 They choose not to go into a premises. They choose
11 to meet in a vehicle alone. Yes?

12 A. Yes.

13 Q. And they choose to meet in the visiting vehicle. Do you
14 follow?

15 A. Yes, indeed.

16 Q. The Honda?

17 A. (Witness nods).

18 Q. The two in the Honda spend about 40 minutes together?

19 A. Yes, that's correct.

20 Q. In fact -- without going to the log, which we can do if
21 necessary, I hope not -- within two minutes of the Honda
22 arriving, this swap occurs and the Honda drives off?

23 A. That sounds right to me, yes.

24 Q. It comes back but they stay for a little longer talking
25 in the Honda alone, and then they swap back again into

1 their original vehicles and, within two minutes of that
2 happening, the Honda drives off?
3 A. That's correct.
4 Q. We know, because the decision was made for the Honda to
5 be followed back to Leeds, that that's where the Honda
6 and the occupants had come from?
7 A. That's right.
8 Q. We know the journey time that it takes because they
9 leave Crawley at 9.10 in the evening and they're
10 dropping themselves off and finishing the journey after
11 1.30 in the morning.
12 A. (Witness nods).
13 Q. So it's a four-hour journey one way --
14 a four-and-a-half-hour journey one way, forgive me.
15 A. Yes.
16 Q. In total, a round trip of 9 hours.
17 A. Presumably.
18 Q. Crawley to Leeds, 250 miles or more?
19 A. I haven't checked, but that would sound about right.
20 Q. Around 500 miles. At any point, actually, in any of
21 these visits, did the observing Security Service or
22 police officers detect any other point to -- focusing on
23 this, any other point to this trip?
24 I give you an example: relatives of the people from
25 the north whom they popped in to see -- do you follow --

1 on the way?

2 A. No, the judgment would have been that the 2 February
3 trip was to come down to meet Omar Khyam.

4 Q. My point is it seems solely for that purpose. Is that
5 right?

6 A. Certainly no evidence to the contrary.

7 Q. Of course, if the point is this meeting between the two
8 people apparently, there are three others who do this
9 round trip as well, about whom it's a bit of a puzzle.
10 Do you agree?

11 A. Two others?

12 Q. Forgive me, on this occasion, it's three people.

13 A. Three people in total, yes.

14 Q. Yes. No, no, I think there are four occupants of the
15 Honda; the driver and three passengers.

16 A. Yes, I understood that to be when it was travelling
17 around. In other words, the fourth person is
18 Omar Khyam.

19 Q. That's correct. So three people have not participated
20 in this meeting between Omar Khyam and
21 Mohammed Sidique Khan. Do you understand? Three of
22 them are just there, get out, swap vehicles, get back in
23 and drive off again.

24 A. Yes, I think this is a narrow point, but I think only
25 two of those others are from Leeds.

1 Q. If I said from Leeds, then forgive me, that's irrelevant
2 and arguably wrong. It's not relevant to my point.

3 There are three people who seem to come down --

4 A. Yes.

5 Q. -- for no particular purpose, on a round trip of nine
6 hours.

7 LADY JUSTICE HALLETT: Sorry, I'm afraid I'm terribly
8 confused now, Mr O'Connor. Your question was three
9 others -- in other words, three other than the one who
10 goes off with Omar Khyam -- did the round trip?

11 MR PATRICK O'CONNOR: Yes.

12 LADY JUSTICE HALLETT: So you're saying four people
13 including --

14 MR PATRICK O'CONNOR: In the Honda.

15 LADY JUSTICE HALLETT: Four people in the Honda, excluding
16 Omar Khyam. So four people come from Leeds, you say?

17 MR PATRICK O'CONNOR: Well, four people have come down in
18 the Honda on a long round trip. Three of them do not
19 participate in -- do not go on in the Honda.

20 LADY JUSTICE HALLETT: There's an awful lot of concern. Are
21 we all agreed on the numbers? I thought we were.
22 That's why I'm getting confused.

23 MR PATRICK O'CONNOR: Yes, I think there are four occupants
24 in total of the Honda before the swap.

25 MR KEITH: I may be mistaken, but I had certainly

1 understood, my Lady, that the contemporaneous
2 surveillance notes showed the green Honda as having
3 three occupants at the moment that it parked alongside,
4 but I may be mistaken.

5 LADY JUSTICE HALLETT: Let's go back to the surveillance
6 notes. What tab are we in?

7 MR KEITH: [SYS10998-2]. Tab 8.

8 LADY JUSTICE HALLETT: A green Honda with three occupants
9 parked next to the Vitara. That's what I thought,
10 Mr O'Connor. That's why I'm getting confused.

11 MR PATRICK O'CONNOR: My Lady, I will check on this because
12 I've got it that there are -- there is an operational
13 summary as well. There are a number of documents.
14 Can I just take a step back as elegantly as I can?
15 If it's three occupants in total, or four -- may I put
16 it allowing for that? -- either two or three other
17 occupants of the visiting Honda other than the driver
18 appear to come down on this long round trip for no
19 purpose, apparently.

20 A. No apparent purpose, yes.

21 Q. That's right, thank you. May I say, whether it is two
22 or three who do, although we must be accurate, for the
23 purpose of that point, I suggest doesn't matter very
24 much.

25 There was a degree of anti-surveillance detected by

1 the surveillance officers, do you agree?

2 A. A degree of possible anti-surveillance.

3 Q. Exactly. This incident was assessed at the time, was
4 it, as being sufficiently suspicious to justify
5 committing resources to the following of that vehicle
6 into the early hours and up to Yorkshire?

7 A. That decision would have been made -- correctly, in my
8 view -- by the surveillance team leader at the time.

9 Q. We then get the major developments which have been very
10 well flagged up. You get some intelligence in
11 early February that this may be about a bomb plot and
12 Omar Khyam.

13 A. I think "may" is a little weak from our perspective,
14 but, yes.

15 Q. You get the arrival of Khawaja, suspected rightly to be
16 an electronics expert and perhaps a bomb construction
17 expert?

18 A. Yes.

19 Q. You get detected conversations involving him about bombs
20 and targets and the construction of devices?

21 A. Yes.

22 Q. Then you get the information from the storage facility
23 of the presence of 600 kilos of fertiliser, a potential
24 explosive?

25 A. Yes, that's correct.

1 Q. These are major developments --

2 A. They are.

3 Q. -- and transform the picture. Thus, that is the picture
4 when we reach the next meeting on 28 February. This is,
5 by contrast, very much longer, isn't it --

6 LADY JUSTICE HALLETT: Would you like to break there,
7 Mr O'Connor, if that's convenient?

8 MR PATRICK O'CONNOR: Absolutely.

9 LADY JUSTICE HALLETT: It's a matter for you, whichever you
10 prefer.

11 MR PATRICK O'CONNOR: Fine.

12 LADY JUSTICE HALLETT: During the luncheon break -- and I
13 shall allow a little longer to enable this to be done --
14 I need to know more, Mr Keith, please, about the
15 attitude of other interested parties to the request made
16 by Mr Eadie, because I am concerned. We have, of
17 course, already dealt with a certain number of arguably
18 corporate witnesses and I don't intend to face a whole
19 flood of applications from those who have already given
20 evidence.

21 MR KEITH: My Lady, yes.

22 LADY JUSTICE HALLETT: I am concerned about those who may
23 have evidence to give.

24 MR KEITH: Yes.

25 LADY JUSTICE HALLETT: Obviously, I am concerned about other

1 corporate witnesses who plan to be giving evidence this
2 week. Not everybody is represented here today.
3 MR KEITH: Quite so.
4 LADY JUSTICE HALLETT: So I think there are a number of
5 questions before I will be in a position finally to
6 resolve Mr Eadie's application.
7 MR KEITH: One of the points I will be intending to address
8 my Lady on in due course when the application is heard.
9 LADY JUSTICE HALLETT: Thank you. 2.10, please.
10 (1.00 pm)
11 (The short adjournment)
12