

Coroner's Inquests into the London Bombings of 7 July 2005
Hearing transcripts - 22 February 2011 - Afternoon session

1 (2.10 pm)

2 LADY JUSTICE HALLETT: Mr Keith?

3 MR KEITH: Does my Lady wish to hear short submissions in
4 relation to Mr Eadie's application now?

5 LADY JUSTICE HALLETT: I think I'd prefer to do so after
6 Mr O'Connor has completed his examination.

7 MR KEITH: By all means.

8 LADY JUSTICE HALLETT: Thank you. Mr O'Connor?

9 MR PATRICK O'CONNOR: My Lady, thank you, we would agree
10 with that for our part.

11 Mr G, the second of the four meetings, 28 February,
12 this is much longer, and the parameters of the day are
13 that in Crawley the same Honda Civic with a total of
14 three occupants as, may I say, on the first meeting,
15 2 February, meet up with the Suzuki with Omar Khyam and
16 one other occupant, they go round builders' merchants in
17 the morning, two vehicles, they go to Slough -- I'm
18 going very quickly through it here -- to a mosque, to
19 Omar Khyam's flat in Hencroft Street in Slough --

20 A. (Witness nods).

21 Q. -- for a short time, and then -- this is to some extent
22 what I want to focus on -- do they leave Slough at about
23 4.30 and do they go on a round trip to Wellingborough?

24 Is that right?

25 A. I'm taking your precise timings as you put them. I'm

1 not quite sure if it was 4.30, but that sounds about
2 right.

3 Q. I've got written down 4.25, but I'm deliberately keeping
4 it as a broad picture. Do you follow? They go on
5 a round trip to Wellingborough, starting at about 4.30
6 in the afternoon, returning back to Slough at shortly
7 after 11.30 in the evening. Is that right?

8 A. That sounds right to me.

9 Q. Then the visiting Honda leaves, having deposited
10 Omar Khyam and his colleague, and drives off.

11 Now, that trip to Wellingborough was carried out
12 with all five persons in the visiting Honda Civic?

13 A. That's correct.

14 Q. So can I ask you to confirm these aspects, then: the
15 visitors spend 14 and a half hours approximately in the
16 company of Omar Khyam and his colleague?

17 A. Yes, that's right.

18 Q. Again, whether it's the same day or not, both ways,
19 a reasonable assumption is a round trip of nine hours
20 and about 500 miles again?

21 A. That's a reasonable assumption.

22 Q. Can you confirm, without necessarily going into the
23 detail, a certain number of manoeuvres which could have
24 been anti-surveillance?

25 A. Which could have been, yes.

1 Q. Thank you. One detail, though, was it noted that
2 Omar Khyam, on this day, was carrying a video camera?
3 A. Yes, that's right.
4 Q. Had his carrying of a video camera been noted before on
5 previous occasions?
6 A. I don't know, I'm afraid.
7 Q. You don't. Can I just see if this does trigger your
8 recollection, and perhaps invite my Lady's note, that it
9 is -- may I ask you this first question, though?
10 If Omar Khyam is carrying a video camera, do you
11 agree a possible concern about that is that he may be
12 using it for targeting purposes?
13 A. That would have certainly been something we considered
14 at the time.
15 Q. Yes. It is recorded, five days before the day we're
16 talking about, on the ELG gists for 23 February that the
17 ELG concluded that he was not using the video camera for
18 targeting. Do you understand?
19 A. Yes.
20 Q. Is there any other possible significance of his carrying
21 a video camera?
22 A. Significance in a terrorist context?
23 Q. Yes.
24 A. Not that I can think of.
25 Q. Is it possible that it has an anti-surveillance

1 implication?

2 A. There's a definition of terms here, actually. What
3 you're asking about is countersurveillance, an attempt
4 to identify surveillance being covered.

5 Q. That's right, yes.

6 A. Video cameras would be a very unusual way of doing that
7 because the purpose of countersurveillance is to try to
8 do it without those people that you are surveilling
9 knowing that you're countering the surveillance of them.

10 Q. Yes, I understand that. So you're really saying that's
11 pretty unlikely.

12 A. I would say that was unlikely.

13 Q. Do you agree a possibility, maybe unlikely, but
14 a possibility, a small handheld video camera filming
15 vehicles behind a suspect vehicle could be used to be
16 examined later and see if there's consistency over
17 vehicles behind?

18 A. I certainly wouldn't exclude that possibility.

19 Q. Thank you very much.

20 Again, though, we have this round trip from about
21 4.30 to just after 11.30, a round trip of 7 hours from
22 Slough to Wellingborough where the visiting car is used
23 alone, and all five people do that trip in the visiting
24 car.

25 A. (Witness nods).

1 Q. Do you agree that a consequence of that --
2 Wellingborough is vaguely north of London, isn't it?

3 A. It is.

4 Q. And Slough is to the west of London. And that, if
5 they'd gone to Wellingborough in both vehicles, the
6 Honda and the Vitara, the Honda wouldn't have had to go
7 from Wellingborough down to Slough to drop off
8 Omar Khyam and his colleague and then go back up past
9 Wellingborough, getting back up to Yorkshire. Do you
10 agree?

11 A. Yes.

12 Q. So do you agree it looks as though, because of that
13 substantial inconvenience, that there will have been
14 some rather good reason in the minds of those people for
15 doing it that way rather than going in two vehicles?

16 A. There might have been.

17 Q. Yes. Then what was done in Wellingborough for part of
18 the time, do you agree it is recorded, is that time was
19 spent in an internet cafe?

20 MR EADIE: My Lady, if my learned friend is going to keep
21 putting those sorts of questions, "Do you agree it is
22 recorded?", it might be thought sensible at least for
23 the witness to see where it is said to have been
24 recorded so the witness can have the document in front
25 of him.

1 MR PATRICK O'CONNOR: Oh, absolutely, if this is going to
2 take --
3 MR EADIE: If you could give him the reference, that would
4 be helpful.
5 MR PATRICK O'CONNOR: Most certainly. It will mean that
6 this will take a long time and, with the witness's
7 cooperation, we've gone quite quickly through things.
8 I can gladly give the reference. It's recorded in the
9 surveillance log for the day. I'll find the precise
10 reference. It's tab 24 and it's -- my Lady, my choice
11 is that it is absolutely not necessary to go to these
12 documents, but if the witness isn't familiar with this,
13 then of course we do.
14 LADY JUSTICE HALLETT: If at any stage, Mr G, you have any
15 questions, please just say and we'll pause and check the
16 records. I'm sure you will do so anyway without my
17 reminding you, but ...
18 A. Thank you, my Lady.
19 LADY JUSTICE HALLETT: Let's carry on, Mr O'Connor.
20 Mr G, can you remember that they go to an internet
21 cafe in Wellingborough or would you like to check?
22 A. My recollection is that Easytalk, the premises they
23 visit, is in fact a mobile telephone shop.
24 LADY JUSTICE HALLETT: By the sounds of it, we'd better
25 check.

1 MR PATRICK O'CONNOR: With internet facilities?
2 A. I don't know, Mr O'Connor. I've always seen it as
3 a mobile telephone shop.
4 Q. Right. They spend three hours in there. Certainly
5 Omar Khyam spends three hours in there from 18.20 until
6 21.26.
7 LADY JUSTICE HALLETT: So you're putting Omar Khyam spends
8 three hours in ...?
9 MR PATRICK O'CONNOR: Easytalk.
10 LADY JUSTICE HALLETT: Easytalk. Which tab do you say we're
11 checking?
12 MR SAUNDERS: SYS11001-3.
13 LADY JUSTICE HALLETT: Thank you, Mr Saunders.
14 MR PATRICK O'CONNOR: SYS11011-55.
15 LADY JUSTICE HALLETT: Something did flash up on the screen,
16 I saw "Easytalk".
17 MR PATRICK O'CONNOR: MPS -- I'll get the document up.
18 [MPS3-45], and it is at tab 23 of our bundle.
19 A. I think it's actually [MPS3-48] isn't it, on the MPS one,
20 that refers to going to Easytalk? As well.
21 Q. Yes. These are split up because it's split up into
22 different things, but we do see the visit to Easytalk,
23 18.20 [MPS3-45]:
24 "All subjects out of vehicle. All five go into
25 Easytalk.com. That's 18.21 to 21.26. So that's three

1 hours. Do you see?

2 A. Indeed.

3 Q. Is it right that there is some association between those
4 premises and a radical imam?

5 A. That is correct.

6 Q. And, indeed, that Omar Khyam had been there before on
7 a previous occasion?

8 A. That is correct, though at this point we didn't know of
9 the radical imam.

10 LADY JUSTICE HALLETT: Is that post-7 July that you find out
11 about him or before?

12 A. No, we learn about him in May 2004.

13 MR PATRICK O'CONNOR: My Lady, that's recorded in the first
14 page under your tab 41 in a Special Branch note,
15 paragraph 6.

16 LADY JUSTICE HALLETT: Thank you.

17 MR PATRICK O'CONNOR: Just about that journey, it is
18 recorded in the ISC report that, on the way, the Honda
19 and its occupants met Mohammed Qayum Khan, is it not?

20 A. That's in the ISC report, yes.

21 Q. My Lady, that's at page 21 in the hard copy and
22 I constantly will have to add seven pages, so it's at
23 page 28 in the system copy of ISC2. But you have
24 confirmed it without us having to go to the document.

25 That is an error which you correct at page 46 in

1 your first witness statement.

2 A. That's correct.

3 Q. Do you know how that error has arisen?

4 A. Yes, I do.

5 Q. How is that, then?

6 A. When we were collating information for the ISC, we

7 misinterpreted one of the logs from that day and gave

8 the ISC the incorrect information.

9 Q. Can you identify now for us which log was

10 misinterpreted? Because it's difficult to find any

11 basis for this at all in any log.

12 A. No, I can't, because the log is not included in here.

13 I'm afraid I'd have to get some more detail on the exact

14 log, which I, myself, haven't reviewed.

15 Q. Indeed, I suggest to you, according to the actual logs,

16 Mohammed Qayum Khan is recorded as going into his local

17 Tesco's in Luton at about that time. So the logs would

18 seem to be inconsistent with that.

19 A. We do indeed accept that we briefed the ISC incorrectly,

20 as stated in my statement.

21 Q. Could you go to your appendix B, which is the review

22 document to your third witness statement?

23 A. The contemporaneous review document?

24 Q. That's right.

25 A. I'm not sure I've actually got a copy of that in my

1 bundles, so I would appreciate that on the screen.

2 Q. We can get it up. It's SYS11079, and it is at page 6 [SYS11079-6] of
3 that document, paragraph 35.

4 Second sentence:

5 "The Crevice log indicates that, at 17.30, the Honda
6 stopped at junction 11 of the M1 where MQK was waiting
7 for them. The meeting is assessed to have lasted for
8 only 10 minutes as [intelligence, in fact, you've told
9 us in some further information] showed MQK entering his
10 home address in Luton a short time after the meeting
11 took place."

12 So this is recording the same mistake.

13 A. That's correct.

14 Q. This visit, too, was deemed to be sufficiently
15 significant for a further follow to be made of this
16 vehicle and its occupants back to Yorkshire?

17 A. Yes, that's correct.

18 Q. The third is very short and simple, the third of these
19 meetings. On 21 March, a new vehicle pulls up at
20 Langley Walk, Crawley, Omar Khyam's family home, at
21 11.24 hours in the evening, 23.24 hours, and picks up
22 Omar Khyam and another person, drives off with them for
23 35 minutes and comes back again, the two people who got
24 in at Langley Walk get out again, and the unidentified
25 vehicle drives off.

1 A. That's correct.

2 Q. A very short apparent meeting indeed, and if it was the
3 result of yet another nine-hour, 500-mile round trip --
4 do you follow? We don't know because it wasn't
5 followed, but if it was, it's very strange, isn't it?

6 A. I don't understand why it should be strange.

7 Q. Well, it begs the question of what on earth they're
8 doing --

9 A. Indeed, yes.

10 Q. -- and why they're going to all that effort?

11 A. Indeed.

12 Q. Finally, we have 23 March. At 1.29 in the afternoon,
13 Omar Khyam's Vitara and the same visiting vehicle as
14 from 21 March drive together to Slough. They spend
15 a lot of time together in the two vehicles going from
16 Slough to Uxbridge to the East End of London, yes?

17 A. Yes.

18 Q. Through the day?

19 A. Yes.

20 Q. Then they end up back at Mr Khyam's Slough flat shortly
21 after 8.00 in the evening?

22 A. Yes.

23 Q. And the visiting vehicle and its occupants drive off at
24 about midnight?

25 A. Yes.

1 Q. First of all, it was immediately recorded, wasn't it,
2 that the visiting Corsa had a name, a business name, and
3 a telephone number on the side?
4 A. That's correct, yes.
5 Q. "Car Clinic", with a phone number?
6 A. "Just Car Clinic", with a phone number.
7 Q. Yes. There had been an entirely forgivable, very
8 temporary error on the 21st with the registration number
9 of that car which reflected the difficulty of
10 observation, but that was entirely cleared up by the
11 23rd.
12 Immediately, also, can you confirm, the occupants --
13 two of the occupants of the Corsa were recognised as
14 having been men D and E from the Honda visitors on
15 28 February?
16 A. Yes, that's correct.
17 Q. They spend ten and a half hours in each other's company
18 on that day from 1.29 until midnight?
19 A. Yes.
20 Q. This time there are four visitors in the visiting car.
21 Is that right?
22 A. Four visitors?
23 Q. Four come in the visiting Corsa.
24 A. No, you'll have to direct me to that, Mr O'Connor.
25 Q. Right, well, there are -- there is a total -- let me

1 just put it this way: there is a total of six occupants
2 of the two vehicles as they travel around together. Is
3 that right?

4 A. Yes.

5 Q. Good. You agree that, therefore, it's highly unlikely
6 that all six of those occupants were going to squeeze
7 into one of those cars?

8 A. Unlikely.

9 Q. Yes. There is a lot of talk of fraud on the audio
10 surveillance from the Hencroft Street flat that
11 evening --

12 A. That's correct.

13 Q. -- and there is some reference to fraud in the audio
14 surveillance from Omar Khyam's car during the day.

15 A. You'd have to direct me to that. I don't remember that
16 bit.

17 Q. I think it's already been dealt with, but it's not a big
18 point. I need to make progress, so it doesn't matter
19 too much.

20 Can you confirm here also that there was some
21 possible anti-surveillance?

22 A. Again possible, yes.

23 Q. Putting these together, I suggest there are some clear
24 themes. There are repeated warnings on the ELG gists as
25 they develop, aren't there, about possible

1 anti-surveillance by the suspects who were being
2 watched?

3 A. (Witness nods).

4 Q. Does that develop so that, in a non-ELG document, by
5 25 March, officers are being warned that the degree of
6 anti-surveillance has been noticeably raised?

7 A. Yes, that's correct.

8 Q. These meetings, putting them together, apart from
9 meetings and having conversations, do you follow,
10 there's no positive indication, is there, of anything
11 happening such as -- it would have to be small
12 objects -- small objects being handed over, transported?

13 A. There's reporting, I think, from 2 February that
14 Omar Khyam hands the man we now know to be MSK a piece
15 of paper.

16 Q. That's right. A piece of paper. It may or may not have
17 been some directions. Apart from that, there's no
18 positive indication of anything being handed over,
19 supplied, transported between the two groups of people,
20 is there?

21 A. No, that's correct.

22 Q. Is that something that can be ruled out?

23 A. No.

24 Q. If one puts that to one side, then the sole object of
25 these meetings seems to have been communication.

1 A. Yes.

2 Q. Of course, there are very many ways of communicating at
3 distance without travelling 500 miles and on a nine-hour
4 round trip, aren't there, of course?

5 A. There are.

6 Q. As we've seen, apart from on 23 March, when there are
7 six people and too many for one car -- do you follow --
8 the theme is the use of the visiting car, isn't it?

9 A. No, I would say on all these trips they do quite a lot
10 of swapping between one car and another.

11 Q. On 2 February and 21 March -- 2 February, Omar Khyam
12 leaves his car and gets into the visiting car, doesn't
13 he?

14 A. Yes.

15 Q. 21 March, the two men get into the visiting Corsa?

16 A. Yes.

17 Q. I mean, they don't all go into the house?

18 A. No, and on 28 February and 23 March, the man we now know
19 to be Shehzad Tanweer gets into the Vitara.

20 Q. Yes. I understand that. Of course, on 23 March, there
21 are too many people for one car. But in relation to the
22 Wellingborough trip on 28 February in the evening, they
23 all get into one car at marked inconvenience, don't
24 they?

25 A. I wouldn't say at marked inconvenience. They certainly

1 all get into one car.

2 Q. No, I'm not talking about the physical inconvenience,
3 I'm talking about the round trip that has to be done by
4 the visiting car from the north in order to get back to
5 Slough to drop their occupants off and then drive back
6 past Wellingborough. That's marked inconvenience, isn't
7 it?

8 A. It's certainly not very logical.

9 Q. No, and increasingly, these visits are taking place
10 towards the culmination of the Crevice plot?

11 A. Well, towards the arrests rather than the culmination of
12 the Crevice plot. The two are not the same thing.

13 Q. Thankfully not the culmination, but as the plot is
14 developing closer and closer to its potential
15 culmination, these visits are taking place, and
16 questions arise, don't they, such as -- Omar Khyam was
17 the leader of the Crevice plot, wasn't he?

18 A. He was.

19 Q. Questions arise, don't they, such as why he should be
20 spending this amount of time on this number of occasions
21 with these people while this plot is progressing. It's
22 a question, isn't it? I'm not asking you to answer it,
23 it's a question.

24 A. It's certainly a question.

25 Q. I'll come to how, in a sense, those obvious questions

1 were assessed and answered to the best of their ability
2 by Security Service officers at the time. Can I just
3 address the question of principle first?

4 The statutory duty of the Security Service is the
5 protection of national security?

6 A. Yes.

7 Q. Can I ask you if, in the field of counter-terrorism, the
8 role of the Security Service may be described under
9 three core functions? You will most certainly correct
10 me if this is not right.

11 First of all, the gathering of intelligence.

12 Secondly, its assessment. And thirdly, the deployment
13 of resources in accordance with those assessments. Is
14 that a reasonable summary?

15 A. I'd add a fourth, which is recommendations for action on
16 the basis of that, which is more than the gathering of
17 further intelligence through the deployment of
18 resources.

19 Q. Yes, the -- I'll just write that down. So the third is
20 not so much deploying resources; it is the
21 recommendation of action.

22 A. Well, I think that's a fourth, because we would deploy
23 additional resources before recommendations for action.

24 Q. Now, there are many competing pressures on your
25 resources?

1 A. There are.

2 Q. The assessment stage is critical?

3 A. It is.

4 Q. Do you agree it's a difficult task?

5 A. It is.

6 Q. It's not a scientific exercise?

7 A. It is more an art than a science.

8 Q. Yes. You cannot eliminate instinct and intuition?

9 A. And would not wish to.

10 Q. And wouldn't want to. But do you agree that it's very

11 important, when you're choosing how to deploy scarce

12 resources, that there is some consistency in approach to

13 assessment?

14 A. Yes, I would agree with that.

15 Q. Because, otherwise, do you agree -- what is the rank of

16 the person who makes decisions about allocating

17 resources? Was it a senior manager or --

18 A. It would normally be a senior manager. It depends on

19 the sorts of resources, the pressure there is under, the

20 competing bids for those, but normally a senior manager.

21 Q. A senior manager would, therefore, be approached by

22 a desk officer with a description of a concern, of

23 a target, and why resources should be deployed to his or

24 her target. Do you understand?

25 A. (Witness nods).

1 Q. And perfectly likely, on the same day, another desk
2 officer will approach bidding for the same resource?
3 A. Quite so.
4 Q. Without a consistent approach, a structured approach,
5 there's a danger of the strongest personality winning or
6 something like that, which is random and irrelevant?
7 A. That remains a danger even with a structured approach.
8 Q. Yes. But the having of a structured approach lessens
9 that danger, doesn't it?
10 A. Yes, that's fair.
11 Q. So a consistent approach to operational assessments is
12 critical to the effective deployment of your scarce
13 resources?
14 A. Yes, indeed.
15 Q. That is what was described, wasn't it, in the second ISC
16 report? If we could just have that page up again with
17 the table, it is [INQ8305-34] on the system, but if you've
18 got a hard copy it's our page 27.
19 Paragraph 86 down:
20 "At the time MI5 prioritised investigative effort
21 based on the threat posed by individuals. Those
22 assessed to be involved in actively planning ...
23 generally designated as 'essential' ... those not ...
24 were a lower priority."
25 Then there's a reference to a different approach now

1 and then there's the inset box setting out investigative
2 categories, "essential", "desirable" and "other", and
3 the important caveat at the bottom of the box:
4 "These categories were fluid and, depending on the
5 latest available intelligence, targets might move
6 between them."
7 Right? And that is right, it's one thing I wanted
8 to ask you, that an added aspect of assessment is that
9 it's not set in stone or static; it is constantly
10 reviewed?
11 A. That's correct.
12 Q. So there is no question that this report was conveying
13 to any reader that this was the consistent structural
14 approach to operational assessments, wasn't there?
15 A. It's certainly the structure of approach.
16 Q. The report goes on, doesn't it, to make very clear that
17 those were the categories applied in this very case. If
18 we could go to system page 14 [INQ8305-14], paragraph 18, hard copy
19 page 7, a very early stage of the report, that last
20 sentence, Mohammed Qayum Khan was -- MI5 made MQK
21 a desirable target, yes?
22 A. Yes.
23 Q. System page 29 [INQ8305-29], please, hard copy page 22, and
24 paragraph 65:
25 "Given that the unidentified males ..."

1 Is that "UDM"?

2 A. Correct.

3 Q. "... were only discussing financial fraud, and there was
4 no mention of a bomb plot, they were assessed as not
5 posing an immediate threat to life and were therefore
6 classified as 'desirable' (ie not a top priority)."
7 Thus the report is saying that these targets were
8 categorised within the structure they've set out in the
9 first page we looked at.

10 A. Correct.

11 Q. At system page 34 [INQ8305-34], paragraph 84, second sentence:
12 "... nothing at the time to suggest that D or E were
13 more than small-time fraudsters who had some minor
14 contact with the Crevice plotters."
15 Last sentence:
16 "There was nothing at the time to suggest that
17 [they] should divert resources away ... from
18 investigations of known terrorist plots in order to
19 investigate someone whom they believed was a minor
20 criminal."
21 Bottom of the page, having summarised what happened
22 with D and E:
23 "[They] were of some interest ... and were heard (on
24 23 March) talking about financial fraud and possible
25 travel to Pakistan. This was sufficient to categorise

1 them as 'desirable' targets."
2 Then two pages further on, the whole page there --
3 so system page 36 [INQ8305-36] -- is devoted to a comparative
4 illustration of how -- of examples, anonymised of
5 course, of essential targets by contrast with the
6 categorisation of men D and E, yes?
7 A. Yes.
8 Q. And then of other desirable targets, paragraphs 93 and
9 94.
10 So any reader of this report, and most particularly,
11 it's not unreasonable to think of the bereaved in this
12 case, would have perfectly -- well, would have
13 inevitably concluded that there is there a clear
14 structure to MI5's assessments of threat and that that
15 structure had been applied to these targets. Do you
16 agree?
17 A. That's how the report reads, yes.
18 Q. Your first witness statement for these proceedings was
19 signed on 10 January of this year?
20 A. It was.
21 Q. You say something very different, don't you?
22 A. I say something different, yes.
23 Q. It's very different, isn't it?
24 A. I consider it to be different.
25 Q. If we go to Security Service document 00005 -- forgive

1 me, I'm looking at paragraph 32 in the hard copy.
2 SYS11005, at paragraph 32, which is at page 20 [SYS11005-20]:
3 "The terms 'essential', 'desirable' and 'other' as
4 referred to by the ISC can be used to describe in very
5 broad terms the ranking of targets in relation to their
6 level of involvement in terrorist activity, and the ISC
7 found it useful to adopt these terms in the course of
8 its investigations. In actual fact, these terms were
9 used by the Service for the purposes of communicating
10 funding bids to Whitehall since they assist with
11 identifying the scale of the problem it faces. The
12 terms were used by the Service to better describe how
13 resources were deployed against targets on the basis of
14 prioritisation."
15 If we go to your third statement, you add to that.
16 So that's Security Service document SYS11082, and it's
17 at the fifth page [SYS11082-5].
18 Paragraph 19:
19 "First, as I have noted in ... my [first] ...
20 statement, the categorisation of targets as 'desirable'
21 or 'essential' was used principally to describe how
22 resources were deployed against targets. That
23 categorisation was used by the ISC to describe in very
24 broad terms the ranking of targets. However, there was
25 no system in place, or used by those responsible for

1 operational decisions, which involved making assessments
2 based on these categories. The operational system of
3 prioritisation was, of necessity, more nuanced than
4 that, and involved decisions about the deployment of
5 finite resources in the most effective manner."

6 Then you go on to explain about the stresses on your
7 resources, so I don't read that one out. Do you follow?

8 So you're really saying that these categories were
9 not used operationally in assessments at all, weren't
10 you?

11 A. That's correct.

12 Q. That is very different from what the ISC was saying,
13 isn't it?

14 A. As I say in my statement, the ISC rightly wanted to
15 express material they'd taken from us in a way that they
16 thought would be accessible and would also not damage
17 national security, and the use of "essential",
18 "desirable "and "other" was found helpful.

19 Q. By whom?

20 A. By the ISC.

21 Q. So are you saying that the Security Service did not tell
22 the ISC that you were using those categories
23 operationally?

24 A. Did not tell? I'm not sure I've quite understood the
25 question.

1 Q. I'll repeat the question. I'm naturally trying to get
2 at the source of the content of the ISC report. Are you
3 saying that the Security Service did not tell the ISC
4 that they were using those categories for operational
5 assessments?

6 A. The Security Service told the ISC it was using those
7 categories.

8 Q. For what purpose?

9 A. For the purpose of the resource planning. I would need
10 to check the exact transcripts to see what we said about
11 the operational side of that.

12 Q. That really reflects your witness statement, to keep it
13 concise, where you're saying it was used for budgetary
14 purposes and you've added resource planning?

15 A. Correct.

16 Q. So I just come back to my question: did the
17 Security Service tell the ISC that it was using these
18 categories in operational assessments or not?

19 A. I don't know, I would need to check all the transcripts
20 to be sure.

21 Q. Because -- it goes further than that. It's not just
22 it's a general use, but we have agreed, I think, from
23 the -- all but the first of my citations from the ISC2
24 report, the ISC was actually saying, wasn't it, that
25 those categories had been used in assessing these

1 targets?

2 A. The ISC was certainly using them as terms of art, which
3 it thought would assist in its published version of its
4 report, yes.

5 Q. The ISC was saying that those categories had been used
6 in assessing these targets, weren't they?

7 A. The ISC found these terms helpful in its report, as
8 I say in my witness statement.

9 Q. The ISC was saying that those categories had been used
10 in assessing these targets, wasn't it?

11 A. The ISC certainly uses those terms.

12 Q. The ISC was saying that those categories were used in
13 assessing these targets, wasn't it?

14 A. The ISC report uses those terms.

15 Q. And says that those terms were used in assessing these
16 targets?

17 A. It certainly ascribes these terms to those targets, yes.

18 Q. It says that they were used in assessing these targets.

19 A. I'd have to look back on all the detail of all the
20 ISC --

21 Q. I've taken you to the quotations. I'll just list them
22 again. Paragraphs 18, 65, 87, were all saying that
23 these categories were used in assessing these targets,
24 weren't they?

25 A. But that may be a term of art rather than a specific

1 statement that they were used.

2 Q. Whatever, whether it's a term of art or a lay term or
3 anything, the ISC was saying in this report that those
4 categories were used in assessing these targets, wasn't
5 it?

6 A. As a term of art, yes.

7 Q. Good, and in fact, they weren't used in assessing these
8 targets, that's your evidence?

9 A. That's true for UDMS D and E. The ones you cited at the
10 end, which are longer-term ones, they were. Not in
11 operational terms, but again in the way described.

12 Q. So the ISC was inaccurate when it was saying that those
13 categories were used in assessing man D and man E. Is
14 that right?

15 A. The ISC expressed itself in a way which is different to
16 the way I have done.

17 Q. And it's not what happened within the Security Service.

18 A. Not in terms of operational prioritisation, no.

19 Q. Now, these reports -- the ISC sits in the
20 Cabinet Office, doesn't it?

21 A. It wouldn't accept that -- physically sits, or as part
22 of?

23 Q. In the same building as the Cabinet Office?

24 A. Well, it sits in some Cabinet Office premises.

25 Q. In secure conditions, for good reason?

1 A. Correct.

2 Q. With the sole exception of when they agreed to meet some
3 of the bereaved and survivors from the 7/7 atrocities,
4 it sits in closed session. Again, for very good reason,
5 that's its statutory job?

6 A. I'm not aware it's had any other open sessions, but
7 I don't know for sure.

8 Q. Because of the sensitivity of the material being
9 considered, the staffing, the Secretariat of the ISC, is
10 security cleared to a high level?

11 A. That's correct.

12 Q. When a report is drafted, this is a very important
13 report, isn't it, ISC2?

14 A. It was indeed.

15 Q. Because it had to be prepared because of the recognised
16 limitations upon the ISC1, the first report some years
17 before?

18 A. Which were legal rather than --

19 Q. That's right. When the report is drafted, having heard
20 all the evidence, no doubt it is sent back to the
21 Security Service to check, to make sure that nothing of
22 national security sensitivity is included in it --

23 A. That's correct.

24 Q. -- and no doubt to check for accuracy?

25 A. That's also correct.

1 Q. That will have happened to this report?

2 A. It did happen to this report.

3 Q. It will have been checked to a very high level within
4 the Security Service because of the importance of the
5 report?

6 A. To a very great depth rather than to a very high level,
7 I think.

8 Q. Yes. So it is bound to have been noticed, within the
9 Security Service, that this report was not accurately
10 reflecting what the Security Service had actually done
11 in assessing these targets.

12 A. Yes, that's fair.

13 Q. Did the Security Service try to correct these inaccurate
14 parts of the report?

15 A. Well, given our judgment it was a term of art, it
16 wouldn't have been something we sought to correct.

17 Q. What do you mean by "a term of art"?

18 A. I mean an attempt by the ISC, which works very hard at
19 this, to translate the quite difficult and technical
20 language used in complicated assessments into a means
21 that are easily accessible to the general public.

22 Q. So it was for the benefit of the public, was it, that
23 they were told something that wasn't accurate?

24 A. It was reflected in a way that would be easy for the
25 public to understand.

1 Q. So it was more important that it was easy for them to
2 understand than that they actually understood the true
3 position. Is that it?

4 A. I don't think the position reflected in the ISC report
5 is an untrue one.

6 Q. We've agreed you didn't use these categories in
7 assessing the targets man D and man E, did he?

8 A. No.

9 Q. The ISC report says that you did.

10 A. Yes.

11 Q. It is, therefore, inaccurate, isn't it?

12 A. But that doesn't make it untrue. It is just not
13 entirely detailed.

14 Q. I'm sorry, it's inaccurate, but true?

15 A. From our perspective, I think it is a fair reflection of
16 how the process worked. The terms used are not those
17 that we were using.

18 Q. Do you understand any reason why the ISC couldn't say
19 the true position, which is that you didn't have any
20 operational structure for your assessments?

21 A. No, the ISC could have said that.

22 Q. Why didn't the Security Service suggest to the ISC that
23 they did say that?

24 A. Because it wouldn't be for us to tell the ISC how to
25 express their own report.

1 Q. Yes, it would be for you, very much for you, if the ISC
2 was misstating what you had done.

3 A. It would be, if we'd felt that that was a significant
4 change, yes.

5 Q. You mean a significant misstatement?

6 A. Yes.

7 Q. So you didn't think it was a significant misstatement?

8 A. We think it fairly reflects, though the terms are
9 different, the relative prioritisation of UDMS D and E
10 at the time.

11 Q. You say the terms were different. What different terms
12 were actually used?

13 A. No terms were used.

14 Q. That's right, so it's not different; it's representing
15 to the public and the bereaved that terms were used when
16 no terms were used.

17 A. In the narrow operational sense, yes.

18 Q. Yes. You see, could it be that the Security Service was
19 reluctant to have it revealed publicly in this very
20 important report that you didn't have a structured
21 approach to assessments?

22 A. No.

23 Q. Therefore, you were quite happy to go along with the ISC
24 misrepresenting what had happened?

25 A. We certainly went along with the ISC.

1 Q. You see, I suggest this is very, very serious, Mr G.
2 The ISC has a statutory responsibility to supervise
3 aspects of the Security Service, does it not?
4 A. Oversee rather than supervise.
5 Q. Yes, oversee. Happy with that. And the
6 Security Service, the Secret Intelligence Service, MI6
7 and GCHQ, yes?
8 A. Correct.
9 Q. Formally, it is a Select Committee of Parliament, isn't
10 it?
11 A. No, it is not a Select Committee.
12 Q. Well, it doesn't report to Parliament, does it? It
13 reports to the Prime Minister?
14 A. Correct, it's not a Select Committee.
15 Q. All right. But it is the single body to which MI5
16 reports, isn't it, on behalf of the public?
17 A. It's the single Parliamentary body.
18 Q. Yes. That's a very important role, isn't it?
19 A. Yes, it is, oh, yes.
20 Q. Can you explain to us who first suggested that this
21 should be the description of the operational assessment
22 in this case?
23 A. No, I would need to go back to the original advice given
24 to the Directors General and the drafts of the report.
25 Q. Can you do that for us?

1 A. No, not without referring back to them.

2 Q. No, I mean, can you refer back to them for us and report
3 back to the coroner?

4 A. I imagine. I'm not sure that's something we could do by
5 tomorrow, given the detail of this.

6 Q. Let me move on to records of assessments. It's already
7 been up and you've used the words. In your second
8 witness statement, you reveal that there are no
9 standalone records, documentary records, of the
10 assessments in this case.

11 A. For UDMs D and E, yes.

12 Q. What you have done -- here, perhaps, we could have it up
13 to see the scheme, because I'll be coming back to
14 this -- is that you convey your information about the
15 assessments actually in this case in your first witness
16 statement, G1, which is Security Service document
17 SYS11005 at page 47 [SYS11005-47]. If you have your statement --
18 I don't know if you actually have your statement to hand
19 or you're relying on the screen?

20 A. I have, but it's very helpful if I have it on the screen
21 too.

22 Q. In paragraph 70, you convey the relative significance of
23 D and E by illustrating it from the fact that the only
24 reference to them in the ELG minutes is on one day,
25 28 February.

1 A. (Witness nods).

2 Q. Then you use an exchange of messages at your
3 paragraph 72, so on page 48 [SYS11005-48], with the Service sending
4 a message to West Yorkshire Police on 8 June and the
5 response from the north-east regional intelligence cell
6 on 14 July, your paragraph 73 [SYS11005-49]; yes?

7 A. Yes, correct.

8 Q. So you're using those documents to infer what the
9 assessments were. Is that fair?

10 A. Well, and also to report what we were doing.

11 Q. Yes. You are doing that because there are no standalone
12 records of the assessments made at the time?

13 A. That's right.

14 Q. Can I just ask you a few questions, as I did about
15 structured approach to assessments, about the potential
16 importance of records of assessments, do you understand?

17 A. (Witness nods).

18 Q. Because, without a record being made by the
19 decision-maker, there isn't a record of their reasons.
20 Is that right?

21 A. Normally, yes.

22 Q. There is no record, for instance, of what facts they
23 appreciated, what their understanding of documents or
24 surveillance was at the time?

25 A. It would depend on the decision, but, no, that may be

1 the case.

2 Q. Let's start, then, just go back to the beginning,
3 because, quite rightly, you pointed out that some
4 positive decisions, such as the obtaining of warrants,
5 have ample documentation at the time, and that is
6 because the law requires those records in order to get
7 authority.

8 A. That's correct.

9 Q. You've conceded that there is no record of negative
10 decisions.

11 A. Not normally.

12 Q. No. What about other positive decisions which don't
13 involve external legal formalities? So, for example --
14 I give you a practical example in this case -- the
15 sending of the photographs to the FBI for Babar to look
16 at in April 2004. That's a positive decision, isn't it?

17 A. Yes.

18 Q. But it's not with any legal requirement for formal
19 recording?

20 A. No, that's right.

21 Q. So to take that as an example, is there any record of
22 the reasoning behind that?

23 A. No, there isn't.

24 Q. There isn't. So you see, it's not just negative
25 decisions which don't have records; it's many positive

1 decisions as well.

2 A. I mean, there's clearly evidence of the positive
3 decision because we know it was done. But there isn't
4 evidence of the reasoning behind it.

5 Q. That's right. So, for instance, a supervisor
6 supervising a particular decision, positive decision or
7 negative decision, weeks or months later, has no record
8 that he or she can go to to examine?

9 A. That may be true, yes.

10 Q. Therefore, would rely, if this has to be done, on
11 approaching the decision-maker and asking them verbally?

12 A. Or sometimes through the means of a written application,
13 but not one that necessarily had a lot of reasoning
14 behind it.

15 Q. Do you see sometimes, in terms of saving of time and
16 also accuracy, it may actually be better simply to have
17 a written record that a supervisor can go and look at?

18 A. It may be better in accuracy terms, but not in saving
19 time terms.

20 Q. Not in saving time terms?

21 A. Not given the number of decisions that are being made on
22 a daily basis.

23 Q. No, of course not, but a supervising manager may only
24 need to want to look at one or two decisions six months
25 ago. Do you understand?

1 A. Yes.

2 Q. So the choice is between the supervising manager not
3 having to go and ask the desk officer at all, initially,
4 anyway, going to some filing system, and finding a card
5 or paper memo of the reasoning.

6 That, arguably, may well be quicker, particularly if
7 it's electronic, than going to the decision-maker and
8 asking for their recollection. It could be quicker,
9 couldn't it?

10 A. It could be.

11 Q. Yes, good. So you potentially have a possible saving of
12 time, and you've certainly got an increase in accuracy?

13 A. I'd certainly accept the latter.

14 Q. If you are inferring what the assessment was from the
15 action that was taken -- I'll rephrase the question.

16 You are substantially relying on inferring what the
17 assessment was from the action that was or wasn't taken?

18 A. Yes, that's fair.

19 Q. Do you agree that, if you're doing that, a supervisor is
20 not going to detect any inconsistency between the
21 assessment and the decision that's made? Do you
22 understand? I'll put it another way.

23 If you're trying to test or examine how good or
24 accurate an assessment was and you're starting from the
25 decision or action that took place or did not take

1 place, you're always going to be assuming, because
2 there's no record, that the assessment was consistent
3 with the action or nonaction. Are you following me?

4 A. Yes.

5 Q. You're always going to be inferring the consistent
6 assessment. You have no opportunity -- by "you", I mean
7 in the position of a senior manager -- to examine and
8 test for any such inconsistency, do you?

9 A. No, but you can pursue it with the desk officer.

10 Q. Yes, verbally and subject to the disadvantages we've
11 just been talking about.

12 A. Verbally or in writing, if you thought it was
13 appropriate.

14 Q. This is a very serious impediment to effective
15 supervision and management of desk officer assessments,
16 isn't it?

17 A. Not in our judgment, no.

18 Q. Well, you wouldn't know, would you?

19 A. We could only be judged here by results.

20 Q. Sometimes you succeed and sometimes, sadly, you fail?

21 A. Indeed.

22 Q. Let's bring it down to this case and what was said in
23 the second ISC report, which is again [INQ8305-34]. I'm
24 looking at paragraph 84.

25 We looked at that just before. Can we just look at

1 that second sentence:

2 "There was nothing at the time to suggest that D or
3 E were more than small-time fraudsters who had some
4 minor contact with the Crevice plotters."

5 The last sentence:

6 "There was nothing at the time to suggest that MI5
7 should divert resources away from investigations of
8 known terrorist plots in order to investigate someone
9 whom they believed was a minor criminal."

10 So we pick out these phrases "nothing more than
11 small-time fraudsters" and "minor criminal", right?

12 That is what the ISC were told was the actual
13 assessment: so where did that come from?

14 A. So that is a reflection of our review of the material
15 leaving out 21 February after the event.

16 Q. So it comes from the review?

17 A. Yes.

18 Q. We've covered two very important aspects, I suggest, of
19 this critical function within the Security Service of
20 assessment of intelligence.

21 First of all, is it right, then, that there was in
22 2004/2005 no structured operational system for assessing
23 threat?

24 A. No recorded structured system, no.

25 Q. Secondly, no records were kept of such assessments,

1 standalone records?

2 A. What do you mean by "such assessments"?

3 Q. Assessments of risk, assessments of threat?

4 A. I mean, clearly there are for the more significant
5 targets in many ways. But not for some of the less
6 significant ones.

7 Q. Right. Can I just give you a final opportunity to
8 explain and justify those two aspects of the
9 Security Service's role? Because I suggest there are
10 very, very many people who will be astonished that that
11 was the state of play. Is there anything else you want
12 to add? Mr Eadie is very concerned you should give your
13 full account. Anything else you want to add to justify
14 or explain those practices within the Security Service?

15 A. I think it's fair to say our prioritisation process has
16 improved since 2004. I think it's also fair to say that
17 this was a particularly demanding time in terms of
18 moving towards the much more disparate and harder to
19 keep control of Islamist target, which meant some of our
20 prioritisation mechanisms which had served well for
21 counter-espionage and Irish counter-terrorism needed
22 reviewing as they had been.

23 Q. I'm going to come to your explanation of the actual
24 assessments under this regime, but is this a fair
25 summary: that the assessments of men D and E were

1 largely based on, first of all, the absence of any
2 mention of attack planning in any surveillance of them?

3 A. Yes.

4 Q. Secondly, the positive, strong presence of discussions
5 about fraud?

6 A. Yes.

7 Q. Is that a fair overview of the global thinking behind
8 these assessments?

9 A. Yes, particularly the former.

10 Q. Yes. I'm going to come to that. Let us look, in the
11 light of that, at the effect of the audio surveillance.
12 Can I invite you to draw a distinction, though? At the
13 time, in the lead up to the late March arrests, the
14 Security Service and the police were, I suggest,
15 justifiably anxious to concentrate on those who were
16 actually talking about attack planning.

17 A. Yes, that's correct.

18 Q. Enormous issues of public safety were at stake.

19 A. That's correct.

20 Q. And some of the Crevice plotters -- actually, not all,
21 but some of them -- had definitely been detected attack
22 planning?

23 A. Discussing attack planning, yes.

24 Q. Others were not detected discussing attack planning. Is
25 that right?

1 A. The four Crevice plotters?

2 Q. I just repeat the question. It may be we've just
3 misunderstood each other. Let's start with men D and E.
4 They were not detected discussing attack planning, were
5 they?

6 A. Correct.

7 Q. May I just ask you, are you saying that all the Crevice
8 plotters, those tried and convicted, were detected by
9 audio surveillance, attack planning or not?

10 A. I'd have to review that to be certain.

11 Q. All right, fine. There's a difference, isn't there,
12 between attack planning not being detected on audio
13 surveillance -- do you follow -- which is a negative,
14 and a positive conclusion that suspects were not
15 discussing attack planning? Do you understand?

16 A. Yes, there is a difference.

17 Q. Those are two different things, aren't they?

18 A. There is a difference.

19 Q. Going back to the scheme of your explanation of these
20 assessments in your first witness statement -- so
21 Security Service document [SYS11005-55] onwards -- you go
22 through these meetings, don't you?

23 A. (Witness nods).

24 Q. In relation to 2 February, over the page on page 56 [SYS11005-56], you
25 say this:

1 "There was no intelligence as to what was discussed,
2 but in the light of the eavesdropping product gained
3 from other meetings, it [was] assessed that this did not
4 concern the fertiliser bomb plot or attack planning."

5 Do you understand?

6 A. Yes.

7 Q. That's not saying just they weren't detected attack
8 planning, in fact there was no audio surveillance at all
9 at the time, was there?

10 A. Indeed.

11 Q. That is positively saying that your colleagues assessed
12 that the meeting did not concern the fertiliser bomb
13 plot or attack planning?

14 A. Yes.

15 Q. What's the reasoning behind that?

16 A. It's the absence of intelligence on that particular
17 subject when, particularly in Omar Khyam's car, he had
18 proven so free with those who were members of the
19 conspiracy to discuss attack planning.

20 Q. You're referring, aren't you, in that respect, to
21 20 to 22 February and the visit of the Canadian bomb
22 expert, Khawaja; is that right?

23 A. No, there were other discussions that he had with other
24 conspirators about attack planning throughout the
25 Crevice period, not just the Khawaja ones.

1 Q. I promise I will be reviewing that with you, because you
2 set out the contrast in your statement later on. You
3 well know you set out:

4 "By contrast, here are these attack planning
5 conversations ..."

6 A. Indeed. Yes, indeed.

7 Q. So we will come to that.

8 LADY JUSTICE HALLETT: Mr O'Connor, I'm sorry to interrupt
9 you, I would normally take break for the stenographer,
10 if not for the witness, so would that be a convenient
11 moment?

12 MR PATRICK O'CONNOR: Absolutely fine.

13 LADY JUSTICE HALLETT: Shall we restrict it to ten minutes?

14 (3.25 pm)

15 (A short break)

16 (3.40 pm)

17 LADY JUSTICE HALLETT: Mr O'Connor, can I use you or speak
18 through you? I understand there has been a request from
19 various parties about my order about the use of laptops
20 and computers.

21 I am content to allow lawyers to use laptops or
22 computers, provided they do not access the internet,
23 save that they may access Lextranet.

24 I can police that because that's within my
25 courtroom. I would be perfectly prepared to consider

1 a provision to that effect from representatives of the
2 media, and I do understand their difficulties because
3 they're so used to using technology. My problem is
4 I can't police the annex. So I would revisit my order
5 if anybody can work out a way whereby I could make sure
6 we have a delay between the witness giving evidence just
7 in case anything comes out that might threaten national
8 security. But at the moment, I can't see that I can
9 control the annex. So I'm sorry to use you, but those
10 are my present directions.

11 MR PATRICK O'CONNOR: Thank you very much, my Lady.

12 Mr G, we were moving to your assessment, your
13 reflection of the assessment made of the second meeting,
14 28 February 2004, and that appears, continuing in your
15 witness statement, which is Security Service SYS11005
16 from page 56. You deal with it across the next couple
17 of pages.

18 Is a fair summary of it on 58, in your last
19 paragraph, to this effect: that you place significance
20 on the -- to the extent that Omar Khyam was talking
21 alone with UDM D, he was not discussing attack planning?

22 A. Yes.

23 Q. I add to that there was some reference detected, when
24 those two were alone, to some discussion about fraud.

25 A. Yes, that's right.

1 Q. Right. There are two records of the audio surveillance
2 covering that time, G. In our core bundle, they are at
3 tabs 25 and 26. The first is the contemporaneous
4 monitoring.

5 Now, as you appreciate, I've been very anxious to
6 save time and this is a handwritten document. I'm going
7 to try to do justice to it and also to do this
8 efficiently, but it's Security Service document
9 SYS11037, core bundle-tab 25.

10 Now, without trying to decipher the writing -- I'm
11 looking at the second page [SYS11037-2]. If we just get the
12 structure of this without trying to decipher the
13 writing, on the second page you'll see that the notation
14 starts at 08.56, does it not? Do you see, 08.56, at the
15 bottom, there starts to be some continuous -- more
16 continuous monitoring?

17 A. More continuous rather -- I mean, the notation doesn't
18 start there.

19 Q. No, no, it doesn't, forgive me, but there is plainly
20 some reflection of some conversation in this car going
21 on from 08.56 and I'm focusing on that because I think
22 that meets with the observations, do you follow?

23 A. Yes.

24 Q. If you go to the third page, fourth and fifth page , on
25 the fifth page [SYS11037-5] we see 10.59, six lines from the bottom,

1 do you follow?

2 A. 10.59 to 11.01?

3 Q. That's right.

4 A. Yes.

5 Q. If you just draw a line there, we just get an idea

6 because two hours have passed from 08.56 to 10.59, and

7 this writing reflects the monitored audio product from

8 those two hours. Do you follow?

9 A. Yes, that's correct.

10 Q. Do you agree most of the writing, the monitoring, no

11 criticism of anyone, is reflecting indistinct speech,

12 single words, interfering noises, vehicle noise,

13 et cetera?

14 A. Yes, for the reasons I gave yesterday, monitors' notes

15 like this are really intended only to pick out the most

16 extraordinary intelligence, or any indication that there

17 is a threat to the device in a vehicle or a house or

18 whatever.

19 Q. Fine. But so far as we can tell, it would be very

20 difficult to conclude from this that attack planning was

21 not discussed because it's such -- perforce, it is such

22 an incomplete record?

23 A. That's correct, but this wouldn't have been the record

24 the desk officer was relying on.

25 Q. Right. I'm going to come to the next one, which is

1 better. That you've accepted, have you not, that
2 really, after 10.59, it is actually entirely unclear who
3 is in Omar Khyam's Vitara with him. The surveillance
4 logs merely show another occupant, don't they?

5 A. Yes, it's not entirely clear beforehand, but it's even
6 more unclear afterwards.

7 Q. It is, isn't it? Then just to reflect again the
8 limitations, if we look at page 5 from 11.02 onwards to
9 13.35, that's another three and a half hours and we've
10 basically got really one complete side of paper, very,
11 very thin material.

12 If we go over the tab in our core bundle but to
13 SYS11073 [SYS11073-1], we get a typed-up transcript of this, created
14 on 1 March within a few days, yes?

15 A. Yes.

16 Q. Or the next day. Again, this is much longer. It's much
17 clearer that the second page -- much clearer that fraud
18 is being discussed at the bottom of the second page. Do
19 you agree, 08.54 onwards, the bottom of that whole page?

20 A. My version actually hasn't got those notations on, so
21 I'm not sure which page.

22 Q. Yes, it's regrettable. I'm sure within the system this
23 is the second page of this document.

24 A. Can you give me a time, Mr O'Connor?

25 Q. Yes, 8.54. There's a whole block of that page from

1 08.54 onwards, 08.54. It's certainly on the screen.

2 A. No, you're right, there's something about fraud in
3 there.

4 Q. Really the whole of the bottom of that, if it makes any
5 sense at all, it's talking about fraud.

6 Then, if we go to the fourth page [SYS11073-4], please, we then
7 start getting into indistinct territory, et cetera,
8 until we reach, just after 10.00, lots of electronic
9 bleeps and things, and from then on it's entirely
10 uncertain who's in the vehicle with Omar Khyam, isn't
11 it?

12 A. (Witness nods).

13 Q. So it really is impossibly thin material upon which to
14 conclude, with any degree of safety, that attack
15 planning was not being discussed, isn't it?

16 A. Well, it needs to be compared with material from similar
17 sources where attack planning was being discussed.

18 Q. Well, I know, but there's only a contrast if you're
19 starting from the proposition that attack planning was
20 not being discussed. Then there's a significant
21 contrast. We've agreed on the distinction between
22 attack planning not being discussed and no detection of
23 a discussion of attack planning. You've agreed on that
24 distinction.

25 A. Yes, where there is intelligence of attack planning, it

1 is from the same sources that are not reporting it here.

2 Q. Well, yes, but there are all sorts of very unfortunate
3 random factors which affect the quality of audio
4 surveillance from the same vehicle, aren't there?

5 A. Yes, there are.

6 Q. Whether the radio is on, whether they're singing, how
7 many people are in the car, whether there's sirens going
8 by. This is very, very thin material from that period,
9 isn't it?

10 A. It is pretty good by intelligence standards.

11 Q. Right, but we see what it is, we see what it is.

12 This is a case where you surely only can say no
13 discussion of attack planning was detected, rather than
14 no discussion of attack planning took place?

15 A. Yes, that's logically true.

16 Q. Good. Now I come to the final day, please, which you
17 very clearly explain. You place quite a lot of reliance
18 on 23 March, the final meeting, because, correct me if
19 I'm wrong, there is, for the first and only time,
20 a pretty good transcription of quite a lengthy time when
21 men D and E are present: namely, in Omar Khyam's flat in
22 Slough on the evening of 23 March; is that right?

23 A. It's certainly a long period of time, yes.

24 Q. I mean, other than what we've just looked at, this is
25 the audio surveillance, isn't it, of these --

1 effectively --

2 A. It includes D and E, yes.

3 Q. Yes, and there is a lot of quite detailed talk about

4 fraud.

5 A. (Witness nods).

6 Q. But earlier on that day there was some audio

7 surveillance from Omar Khyam's car -- and it's SYS11033,

8 core bundle-tab 37 [SYS11033-1] -- and this is recorded between 14.29

9 and 14.48, and we have a typescript of it. Do you

10 follow?

11 A. Yes, I do. This is a Metropolitan Police transcript,

12 not a Service one.

13 Q. Yes, so the first question, which actually arises in

14 relation to many of these, is the date of preparation

15 and, therefore, of availability of this transcript. Can

16 you help us on that?

17 A. Yes, I believe that this one is from August 2005.

18 Q. Right. May I just flag that with the ever-willing

19 Mr Hill to seek -- to find out if that is accurate, but

20 thank you, Mr G, because there's no clue from the

21 document, is there, on the face of it?

22 A. There is in the top left-hand corner, and that's why I'm

23 not absolutely certain whether that's a 3 or an 8.

24 Q. I see, there's a handwritten -- well, yes, it could be

25 a 3 or a 5. So it may be important. Mr Hill is hearing

1 us.

2 MR HILL: Clearly it's difficult to read, my Lady, what's in
3 manuscript. We think that this is after 7/7, so we
4 think that what could be a 3 in fact is an 8, making it
5 21 August 2005.

6 MR PATRICK O'CONNOR: May I just deal with it very, very
7 briefly, though, and this can be very brief, simply just
8 in case it turns out that this is actually March 2005.

9 It's just, looking at that first page, there is
10 a reference there, isn't there, to the unidentified male
11 saying that he will be 22 in December?

12 A. Yes, that's correct.

13 Q. In fact, Tanweer was born on 15 December 1982?

14 A. He was indeed.

15 Q. But, of course, that could not have been picked up if
16 this wasn't available to the Security Service?

17 A. No, that's correct.

18 Q. I fully accept. There's also reference to being from
19 Leeds at the bottom of the page?

20 A. Leeds or Blackburn.

21 Q. The unidentified male says he's from Leeds, and then
22 Omar Khyam says something about Leeds and then refers to
23 Blackburn.

24 A. Yes.

25 Q. Right. But having done that, I move on because of the

1 big question mark over the relevance of this. We really
2 come to the transcripts of the conversations in the flat
3 in the evening. This is core tab 39, my Lady, and it is
4 SYS11068 [SYS11068-1]. We've had to hand-paginate the pages through.
5 My Lady's core bundle will not have, unless my Lady's
6 written it in, these handwritten pages, but the system
7 will obviously follow it.
8 We are at the bottom of the second page, we've got
9 a number of people inside the flat, and there is
10 a reference at the bottom of that page to a northern
11 accent, isn't there, the second page, UM2, who has
12 a northern accent, the second page of SYS11068, it's the
13 24 March 2004 transcript --
14 A. The typewritten one, not the monitor's notes?
15 Q. The typewritten one. Bottom of the second page.
16 A. Yes, indeed, UM2 has a northern accent, thank you, yes.
17 Q. So this is available the next day?
18 A. That's correct, yes.
19 Q. Could I invite you -- I've got it noted as page 19 [SYS11068-19].
20 I'll try to give a better guide. It's the 19th page of
21 this document. Mr G, unless you've got it paginated,
22 it's difficult to help you to find this.
23 A. If you give me a time, Mr O'Connor.
24 Q. Yes, of course I can. It's 23.04 to 23.06. So it's
25 getting very much towards the end of the evening. It's

1 11 -- 4 minutes to 6 minutes past 11 in the evening in
2 the flat.
3 A. 23.04-23.06, I have it, thank you.
4 Q. Can you see the bottom of that paragraph:
5 "UM says there are three of us from Leeds. UM asks
6 if they are going back to Leeds tonight. Musical tones.
7 UM says we are leaving here. Mention of Birmingham and
8 Leicester. UM says going back to Leeds is a serious
9 journey and asks 'Were you working in, query, London?'.
10 UM says he works at a school, two hundred and fifty
11 pupils."
12 Of course, Omar Khyam, on whatever basis, taught,
13 didn't he?
14 A. Mohammed Sidique Khan, I think you mean?
15 Q. I'm very sorry. If it gets late in the day and I have
16 a senior moment, please do forgive me. Of course,
17 I meant Mohammed Sidique Khan taught in a school in
18 Leeds, didn't he?
19 A. He did.
20 Q. This is plainly a clue as to the identity of whoever's
21 talking --
22 A. Yes, it is.
23 Q. -- and is present? Was this something that was picked
24 up at the time by your colleagues?
25 A. No, it wasn't.

1 Q. Just over the page, one detail, because we've been --
2 when the vehicles were not followed back to Leeds,
3 between the two of us we've been acting on the basis of
4 an assumption of a round journey, haven't we?

5 A reasonable assumption but an assumption --

6 A. (Witness nods).

7 Q. -- with the possibility, clear possibility, they're
8 coming down and going back in the same day. Do you
9 follow? But here, do you see under 23.09 to 23.11, six
10 lines from the bottom:

11 "UM mentions lack of sleep and you just giggle at
12 anything. Delusional. Have been awake for 16 hours."

13 Then UM replies somebody drove into the back of him
14 and, in retrospect, we see he's driving the Corsa
15 because his Honda's been damaged.

16 But do we see there's a clear indication there that
17 they are indeed doing arduous return journeys on the
18 same day, do you agree, at least on this day?

19 A. I don't think you could say that's a clear indication,
20 but it is a possibility.

21 Q. Up for 16 hours, et cetera. Now, there are other
22 transcripts of this, but I needn't take you to them.
23 Let me go back to principle, and we've explored your
24 reasoning, do you follow, and what you can get out of
25 this audio surveillance about the significance of lack

1 of detected attack planning being discussed.
2 Audio surveillance could, of course, give a deep
3 insight into the intentions and capabilities of the
4 people talking, but when examining the absence of
5 a mention of something and how significant that is,
6 that's a different kind of exercise, isn't it? I ask
7 you to consider the following:

8 There was no audio surveillance coverage in the
9 visiting Honda or the visiting Corsa, was there?

10 A. Correct.

11 Q. Can I take you to some of the minutes of the ELG
12 meetings which are at core tab 6? My Lady, this is
13 Metropolitan Police document 5 at page 47; [MPS5-47].
14 The bottom of the page, this is 15 March 2004, yes?

15 A. Yes, thank you.

16 Q. Under the heading "Technical and surveillance
17 deployments":

18 "The Security Service commented that the likelihood
19 of serious compromise is increasing and will continue to
20 do so at the current rate of deployment. Khyam may have
21 avoided talking in the car because he believes the car
22 has been targeted, although this assessment is
23 unconfirmed."

24 There's a reference to something irrelevant.

25 It's unconfirmed, perhaps very little is completely

1 confirmed, but there is the clear possibility that the
2 active Crevice plotters were concerned about talking
3 about their plot in certain environments because of the
4 fear of audio surveillance, isn't there?

5 A. There is.

6 Q. That affects the interpretation of the absence of
7 detected discussion of attack planning, doesn't it?

8 A. It might do. Our experience of other cases, and indeed
9 this one, the absence of it is key, is normally, even if
10 we cannot identify a particularly sensitive
11 conversation, we are aware that measures are being taken
12 in order to prevent us getting hold of a particular
13 conversation.

14 Q. It is a relevant factor in assessing the significance of
15 the absence of detected discussion of attack planning,
16 isn't it?

17 A. It is a factor.

18 Q. Next, in relation to the substantial audio surveillance
19 of the discussions in the Hencroft Street flat that
20 evening, do you agree that from the surveillance an
21 unclear but quite significant number of people seem to
22 have been in attendance?

23 A. Yes.

24 Q. My Lady, this is just worth looking at to see what we
25 mean, if I may. [MPS11011-94] to 95 [MPS11011-95], which is at our

1 tab 32.

2 I'm bound to get precise numbers wrong, so I say
3 that in advance, but perhaps precise numbers are not so
4 much the point. We'll try to track it through.

5 Do you see on page 94, at 21.11 hours, the Corsa and
6 the visiting vehicle -- sorry, and V3, the Vitara, I'm
7 sorry, pull up outside 56 Hencroft Street, and four
8 people go in to Hencroft Street. The codes FR, SB and
9 two unidentified males.

10 All Together, Omar Khyam, and another unidentified
11 male remain outside and are joined by three separate
12 unidentified males wearing traditional Islamic dress,
13 yes?

14 A. Yes.

15 Q. So they've not gone in yet. Four have gone in, they're
16 outside. Omar Khyam visits a video store with UI male.
17 Now that turns out to be Mohammed Sidique Khan actually
18 doesn't it?

19 A. That's correct.

20 Q. Over the page, please, 21.26, they go in to
21 Hencroft Street, 21.26 --

22 A. Yes.

23 Q. -- All Together and UI male. Inferentially,
24 Mohammed Sidique Khan --

25 A. Yes.

1 Q. -- but not clear.

2 A. Yes.

3 Q. Then Omar Khyam and unidentified male come out, and then
4 Omar Khyam and four unidentified males go in. Do you
5 follow?

6 A. I do.

7 Q. Then he comes out with two and then he returns alone,
8 et cetera.

9 Now, if we -- forgive me, but if we total these
10 people up, we're talking about at least eight people,
11 aren't we, if not more?

12 A. Possibly.

13 Q. The possibility plainly is, isn't it, from the sheer
14 numbers of people there, that the Crevice plotters may
15 have avoided talking about attack planning because there
16 were so many people there and some of them may not have
17 been party to the Crevice plot. Do you agree?

18 A. It's certainly not impossible to rule that out.

19 Q. That is relevant to the assessment of the significance
20 of the absence of detected talk of attack planning,
21 isn't it?

22 A. Not necessarily. Only if it was the case that they had
23 been doing so.

24 Q. No, I think we might be at cross-purposes. You've
25 accepted it's a possibility from the unclear numbers,

1 but significant numbers of people there, that there were
2 some people there not involved in the Crevice plot, thus
3 the Crevice plotters may have been reluctant to talk in
4 their presence?

5 A. Yes.

6 Q. That's a possibility?

7 A. Yes.

8 Q. If that's a possibility, that's relevant, highly
9 relevant, to the assessment of the significance of the
10 absence of the talk about attack planning, isn't it?

11 A. But the likelihood of that possibility plays
12 significantly to the relevance.

13 Q. I'm sorry, I've not -- could you keep your answer a bit
14 simpler, if you can do justice to your answer?

15 A. I mean, there are all sorts of things which are not
16 impossible, but the likelihood of them must be
17 significant in terms of making a judgment of their
18 relevance.

19 Q. You contrast the absence of detected talk of attack
20 planning with men D and E with the detected attack
21 planning talk?

22 A. Yes.

23 Q. You say it's that contrast which is significant?

24 A. Yes.

25 Q. Could we look at how you explain the detected attack

1 planning talk, and it's in your statement, paragraph 87
2 onwards?
3 It's Security Service document SYS11005 at page 87
4 onwards.
5 I am very sorry, I've confused page with
6 paragraph -- it's page 60 [SYS11005-60] onwards, I apologise to the
7 system people, sorry. Page 60, paragraph 87 onwards.
8 This is where you list the -- by contrast, the positive
9 discussions of attack planning. Could we just go
10 through them?
11 The first you cite at (a) on page 61 [SYS11005-61] is where Khyam
12 is certainly attack planning, 22 February?
13 A. Discussing targets, yes.
14 Q. Discussing targets. The second is Akbar who, on
15 1 March -- and this is a panic, isn't it, in his home,
16 about the presence of hidden CDs, and Omar Khyam is not
17 party to that?
18 A. That's right.
19 Q. Him and his girlfriend.
20 A. That's correct.
21 Q. (c), 10 March [SYS11005-62], Akbar discussing with Osmim plainly
22 targets and attack planning?
23 A. Yes.
24 Q. (d), 12 March, a discussion of three bombs. Can you
25 help us with who was party to that discussion?

1 A. No, I'd have to double-check that.

2 Q. All right. Can I just leave that and positively invite
3 you to, because it helps my Lady to get a full picture.

4 So query that one, right?

5 18 March, reference to possible use of fertiliser
6 and to a little action. Isn't that Javad Akbar and
7 Nabil Hussain?

8 A. That's my belief, but again, I'd want to double-check
9 it.

10 Q. (f), 19 March [SYS11005-63], Waheed Mahmood definitely talking about
11 attack planning and targets, and can you help with who
12 other parties may have been to that conversation?

13 A. Again, my memory is Waheed Mahmood was talking to
14 Omar Khyam then, but I would want to double-check that.

15 Q. I'm perfectly prepared to accept for these purposes and
16 more that -- let us assume it was Omar Khyam, it's very
17 likely to have been.

18 Then, in fact, you add that on that date, Omar Khyam
19 was saying he wanted to do something and spoke of
20 getting the brothers together tonight, et cetera, all
21 right? So this is the contrast you've drawn?

22 A. Yes.

23 Q. Putting together the totality of the audio surveillance
24 of Omar Khyam, you had audio surveillance in his car
25 from 16 February 2004 until at least 23 March, but

1 probably actually the day of the arrests, didn't you?

2 A. I'm not absolutely sure it was the 16th. I'm sure it
3 was around then.

4 Q. Around then. I hope I can be forgiven for --
5 approximations are sufficient for this purpose. We're
6 talking about at least 40 days of coverage in his car?

7 A. Yes.

8 Q. And he's using his car a lot?

9 A. Yes, he is.

10 Q. Then in his flat, in Hencroft Street in Slough, you had
11 coverage from 18 or 20 February, until the arrests?

12 A. Again, I'm not absolutely certain of the start date, but
13 around then.

14 Q. So again, approximately just short of 40 days, and you
15 had audio coverage, as we've agreed in our last
16 questions and answers, in Javad Akbar's home, didn't
17 you, for a time, from at least 22 February until the
18 arrests?

19 A. With the same caveat about the start date, yes.

20 Q. Exactly. So approximately 36 days or so. If we add
21 this up -- I realise this is just a notional figure we
22 must understand what it means, but you've there got from
23 three places a total of nearly 120 days of audio
24 surveillance coverage. Do you understand?

25 A. Yes.

1 Q. Now, the actual product of attack planning discussions
2 which you use as a contrast is quite slim, isn't it?

3 A. Yes, it is.

4 Q. Indeed, the number of discussions actually for instance
5 involving the leader of the plot -- Omar Khyam -- is
6 really quite slight. I mean, we've found two or three,
7 let's assume there's four, five, six. Do you follow?

8 A. (Witness nods).

9 Q. But for this extent of audio surveillance -- let me put
10 this to you. If you had only had audio surveillance of
11 Omar Khyam for half of one day, do you understand, you'd
12 have been very lucky indeed to pick up one of those
13 attack planning discussions, wouldn't you?

14 A. Yes.

15 Q. Because there are so few?

16 A. Yes, but that's perfectly normal. The nature of audio
17 surveillance is obviously much domestic product is taken
18 up. You shouldn't assume that most of it would be about
19 attack planning.

20 Q. No, I quite understand. But do you see where I'm going?
21 If you agree that the leader of the Crevice plot, you
22 would have been very lucky to pick up anything said by
23 him relevant to attack planning if you'd only had half
24 a day's coverage, you only had half a day's coverage of
25 men D and E, effectively, didn't you?

1 A. But that was their interaction with the Crevice
2 plotters.

3 Q. Well, no, it wasn't. It was the detected interaction,
4 verbal interaction, with the Crevice plotters and that's
5 your crucial mistake, Mr G. You see, you've just made
6 the very mistake which I tried to highlight at the
7 beginning; the distinction between what you detect and
8 what was actually happening.

9 You cannot conclude, can you, that there was no
10 discussion of attack planning between man D and E and
11 the Crevice plotters, you cannot possibly reach that
12 conclusion, can you?

13 A. We cannot conclude with certainty. I think the other
14 thing worth saying here is, of course, the successful
15 prevention of the Crevice plot required a great deal of
16 post-investigative activity by both us and the police,
17 and that did not yield any indication of any kind that
18 man D and E had been privy to or part of the plot.

19 Q. No. No positive indication. I accept that. But let me
20 bring this to a conclusion, because critical to your
21 thinking, you've accepted, was the absence of detected
22 attack planning discussion, and I suggest that, in the
23 absence of very good and extensive audio coverage of
24 a target, and in the absence of their talking freely on
25 the occasions which have been listened to, you can

1 attach very little or no significance to the any lack of
2 detected discussion of attack planning. Do you
3 understand? Do you understand my question?

4 A. I understand your question.

5 Q. And you have grossly -- you have given grossly excessive
6 significance to the lack of detected discussion of
7 attack planning on this very limited audio surveillance
8 of man D and man E. That's my suggestion to you.

9 A. I don't accept that it's grossly exaggerated, I think
10 for two reasons.

11 One, clearly all intelligence is fragmentary and
12 difficult, and in actual fact the coverage we had in
13 Crevice was rather good by our standards.

14 And secondly, as I've noted, because we successfully
15 disrupted Crevice, an enormous amount of work was done
16 afterwards, none of which has given any indication that
17 men D or E were privy to or party to the Crevice plot.

18 Q. The second part of your reasoning, which we agreed
19 I think is there, is that what you did detect was a lot
20 of talk about fraud.

21 A. Yes.

22 Q. Certainly, that's characteristic of the evening of
23 23 March in the Hencroft Street flat?

24 A. Yes.

25 Q. Now, do you agree that the audio product of Omar Khyam

1 and his associates is littered, practically every single
2 day, with references to dishonestly raising money?
3 A. Yes, I would.
4 Q. For Jihadi purposes?
5 A. Not necessarily for the latter, sometimes it's not
6 clear, but, yes.
7 Q. Very wide-ranging -- fraudulent cars, fraudulent mobile
8 phones, fake accounts for mail order, credit card fraud,
9 I think Ocean Builders, was that something that was
10 created by Omar Khyam?
11 A. (Witness nods).
12 Q. He's got an uncle running a shop and he wanted -- he
13 pointed out how they could use the credit card fraud
14 through him. He has family in Belgium with a business.
15 Is that right?
16 A. Yes.
17 Q. Now, Omar Khyam was the leading member of the Crevice
18 plotters, wasn't he?
19 A. He was.
20 Q. There is absolutely no inconsistency, is there, between
21 being party to discussion about fraud and being actively
22 involved in the Crevice plot --
23 A. No.
24 Q. -- or attack --
25 A. -- there is no logical inconsistency.

1 Q. So that's no reason to assess that men D and E were not
2 attack planning, is it?

3 A. It is a reason, when others were clearly involved in
4 attack planning and they were not.

5 Q. Yes, but that's going back to your first reason. We're
6 not adding anything to your first: no detected
7 discussion of attack planning.

8 A. But it is a reason.

9 Q. No, forgive me, it isn't. Let's just go through it.
10 You just agreed that lengthy discussion about fraud is
11 not at all inconsistent with being actively involved in
12 attack planning.

13 A. No, that's correct.

14 Q. That is shown by Omar Khyam and generally from your
15 experience. That is the case, isn't it?

16 A. (Witness nods).

17 Q. So the fact that men D and E were detected discussing
18 fraud does not point in any way to them not being
19 involved in attack planning, does it?

20 A. It's not a certain indicator, no.

21 Q. No, it's not an indicator at all, because it's not an
22 indicator at all in relation to Omar Khyam.

23 A. No, but --

24 Q. You've got to be consistent with your logic, haven't
25 you?

1 A. In Omar Khyam's case, we -- and in other plotters', we
2 clearly have discussions both about fraud and about
3 attack planning.

4 Q. That's why your real point, but it's one point, is there
5 wasn't any detected discussion about attack planning.

6 Can you follow me? The fraud aspect falls away, it's
7 not a reason for concluding that men D and E were not
8 involved in attack planning. Do you agree? I'm not
9 going to push it again if you don't see it, but that's
10 obvious, isn't it?

11 A. Our assessment at the time was that they were involved
12 in fraud.

13 Q. Yes, but it's what you did with that -- that's accurate.
14 It's how you threw that into the balance of assessing
15 whether they were attack planning and it doesn't help
16 you at all, does it?

17 A. It does in the absence of any intelligence about attack
18 planning when there are others where there clearly is
19 such intelligence.

20 Q. Mr G, we are going round in circles, forgive me.

21 LADY JUSTICE HALLETT: I think you are, Mr O'Connor.

22 I don't think it's that you're misunderstanding each
23 other, I think you're just disagreeing on the conclusion
24 that you draw from the facts that --

25 MR PATRICK O'CONNOR: I understand. It's attempting,

1 perhaps rather overambitiously, to be using logic about
2 which hopefully there should not be disagreement, but
3 anyway, I will move on.

4 There was a third reason which appeared temporarily
5 behind the assessment of men D and E, and it appears in
6 the first ISC report, which is bundle tab 50, that is
7 inquest document INQ8304 and it's the last tab.

8 It's paragraph 48, which is hard copy page 14, but I've
9 got to add four pages, so it's page 18 [INQ8304-18] on the system,
10 hopefully. Is that showing paragraph 48? Thank you
11 very much indeed. Do you see that, Mr G?

12 A. I do, thank you.

13 Q. Please do glance down the first six lines or so of
14 paragraph 48, but if I can start halfway down when you
15 have glanced down it, and I'll start reading:

16 "The judgment was made (correctly with hindsight)
17 that they were peripheral to the main investigation and
18 there was no intelligence to suggest they were
19 interested in planning an attack against the UK.
20 Intelligence at the time suggested that their focus was
21 training and insurgency operations in Pakistan and
22 schemes to defraud financial institutions."

23 Do you follow?

24 A. Indeed.

25 Q. Now, that reason does not appear, I don't think -- it's

1 a big document -- in the second ISC report and also does
2 not appear in your witness statement.

3 A. Which bit, Mr O'Connor?

4 Q. The bit about "intelligence at the time suggested that
5 their focus was training and insurgency operations in
6 Pakistan and schemes to defraud financial institutions",
7 that bit.

8 Now, that doesn't appear in your witness statement,
9 does it, as a reason for assessing them?

10 A. The training and insurgency operations in Pakistan, no.

11 Q. It doesn't. I think, but I will willingly be corrected,
12 that in the very substantial ISC2 document it doesn't
13 appear there either.

14 Now, looking at it, is that true, that intelligence
15 at the time -- that is at the time of the assessment of
16 the meetings; do you follow -- suggested that their
17 focus was training and insurgency operations in
18 Pakistan; is that true?

19 A. No, not unless it's a reference, which it might have
20 been in the drafting, to 21 February 2004.

21 Q. Well, that's right, because that wasn't the intelligence
22 at the time, was it?

23 A. No.

24 Q. Now, we're still dealing with your assessments and
25 perhaps, my Lady, I'm now just thinking that if I can

1 just make one further point, which will take a few
2 minutes, that might --

3 LADY JUSTICE HALLETT: I can't sit late tonight, I'm afraid.

4 MR PATRICK O'CONNOR: I understand. I'm in your hands.
5 I think that I can -- well, I think I'll drift. I'll be
6 more realistic with myself. I think, if I start on
7 this, it may be an issue. If my Lady wants to rise at
8 4.30, then my respectful suggestion is maybe that
9 there's a divide now.

10 LADY JUSTICE HALLETT: Very well. I'll rise until tomorrow
11 morning.

12 I understand, Mr O'Connor -- this is directed,
13 I think, to you, because I understand there may be some
14 concern as to what interested parties may or may not do
15 as far as the media are concerned.

16 Throughout these proceedings, I've been acutely
17 conscious of the various sensitivities and I have
18 allowed considerable leeway because I appreciate that,
19 having had to wait so long, survivors and bereaved
20 families have discussed matters with the press, and
21 I don't wish to gag anyone and I'm not a jury and,
22 therefore, I'm prepared to continue to allow a certain
23 amount of leeway.

24 I welcome the responsible reporting that we've had,
25 for the most part, of these proceedings.

1 My reference to the fact these are judicial
2 proceedings is that I am concerned as to the possibility
3 that people may cross the line, and, therefore, I have
4 referred to the fact that these are judicial proceedings
5 so that parties may know that I do not expect to see
6 evidence gathered for the purposes of this inquest
7 published before I've had a chance to hear it, because,
8 as you said earlier, the evidence is the evidence I hear
9 in this courtroom.

10 I'm also a bit concerned, given the sensitivities,
11 particularly with Witness G's evidence, that we don't
12 cross the line.

13 So what I suggest is that I leave it to the good
14 sense and judgment and advice of the likes of you and
15 Ms Gallagher, Mr Saunders and others, Ms Sheff, to talk
16 to your lay clients about where the line can be drawn.
17 I am not saying suddenly they have to stop talking to
18 the press. But I do think we need a bit of caution.
19 I am deciding these proceedings, in this courtroom,
20 on the evidence as called before me. That's the point
21 I've been trying to make.

22 MR PATRICK O'CONNOR: My Lady, we all welcome that, and it
23 is the anxiety of the interested persons that they don't
24 go across the line and it's sometimes difficult for them
25 to tell. I think we'll give them very cautious and

1 conservative advice at this sensitive time.

2 LADY JUSTICE HALLETT: Thank you all very much.

3 (4.27 pm)

4 (The inquests adjourned until 10.00 am the following day)

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