## Coroner's Inquests into the London Bombings of 7 July 2005 Hearing transcripts – 3 March 2011 - Afternoon session

- 1 (2.05 pm)
- 2 LADY JUSTICE HALLETT: Mr Keith?
- 3 MR KEITH: Deputy Chief Superintendent, you will recall that
- 4 Mrs Waugh, Sylvia Waugh, I think the very first witness
- 5 spoke of the group of males outside her address in the
- 6 very early hours of 7 July 2005 and she made reference
- 7 in the course of her evidence to a white car, an older
- 8 white car.
- 9 Could you just detail for my Lady what steps were
- taken by the Metropolitan Police to try to trace whether
- there was any white car that might have been associated
- 12 at all with the affairs of the bombers that morning?
- 13 A. Certainly.
- 14 The area described by the witness Sylvia Waugh
- 15 wasn't directly covered by any CCTV, so extensive CCTV
- 16 material, where it existed, across the whole of the area
- 17 was seized, attempting to identify any white car that
- 18 may have had a connection with that area at that time in
- 19 the early morning of 7 July, and none was seen.
- 20 The only potential car that was identified was
- 21 a white Toyota Corolla car that was ultimately traced to
- 22 a driver who delivered for a local takeaway restaurant
- and whilst he couldn't say for certain whether he had
- been in that area at that time on 7 July, he couldn't
- 25 discount it.

- 1 But all other efforts to trace a white car as having
- 2 been present on the morning of 7 July were unsuccessful.
- 3 Q. You made enquiries, did you, of the HOLMES system, the
- 4 vast computer system operated by the
- 5 Metropolitan Police, you made house-to-house enquiries,
- 6 you made enquiries into possible white cars in the
- 7 ownership of family members or associates of the
- 8 bombers, as well as enquiries of local car hire
- 9 companies and enquiries on the police national computer?
- 10 A. That's correct. I think we exhausted all potential
- 11 lines of enquiry in an attempt to try to identify
- whether a white car could be established.
- Q. She made reference, of course, also to somebody whom she
- 14 described as "the Jamaican" and we are, of course, aware
- that Jermaine Lindsay travelled to Luton railway station
- in his own car, and therefore wasn't there that morning.
- 17 A. That's correct. From reviewing the CCTV material from
- 18 the station car park at Luton, I believe the time that
- 19 his car, with him driving, was seen to arrive was at
- about 5.00 am, and our belief is that he travelled there
- 21 from Aylesbury and, therefore, our assessment is he
- 22 couldn't possibly have been in the vicinity of
- 23 Alexandra Grove at the time Sylvia Waugh said that she
- 24 saw a Jamaican man.
- 25 It may well be that her recollection is conflated

- 1 with that of another day, because we are satisfied that
- 2 he did attend that premises at some point.
- 3 Q. Indeed, her reference to at least six males may have
- 4 been erroneous, because there was nothing from the CCTV
- or any of the other evidence to suggest that there were
- 6 as many as six males leaving that address that morning?
- 7 A. That is correct.
- 8 Q. She made also reference to somebody whom she described
- 9 as an Egyptian. One of the persons of interest --
- 10 that's to say persons of whom enquiries were made -- was
- 11 a man called Magdy El-Nasher, who held, I think, the
- leasehold of the premises at 18 Alexandra Grove.
- 13 Were considerable enquiries, a considerable number
- of enquiries, carried out in relation to him, in
- 15 particular in relation to whether or not he was part of
- 16 the conspiracy hatched at Alexandra Grove?
- 17 A. That's correct, extensive enquiries were made concerning
- 18 what part, if any, Mr Magdy El-Nasher may have played in
- 19 any conspiracy. He was eliminated from the enquiry
- subsequent to the events of 7 July.
- 21 He was seen, a letter of request was sent to the
- 22 Egyptian authorities, he was interviewed in the presence
- of officers from the Operation Theseus enquiry, he
- 24 agreed to provide voluntarily biometric samples, which
- 25 were compared against outstanding forensic samples and

- 1 he was eliminated from the enquiry.
- Q. Was there subsequently a further interview process at
- 3 the request of the Metropolitan Police and, as a result
- 4 of those further interviews, was the assessment
- 5 unaltered, which was that he would, if he were to be in
- 6 this country, be considered to be a significant witness
- 7 rather than a suspect on the basis of the material then
- 8 available?
- 9 A. That's correct, my Lady.
- 10 Q. The issue of the white car was addressed further in the
- 11 context of Luton railway station, was it not, because
- 12 Detective Sergeant, or Detective Inspector now, Kindness
- 13 reviewed the CCTV material to see whether or not there
- 14 was any trace of a white car at Luton either?
- 15 A. That is correct. In fact, the CCTV material that was
- seized that would have covered the entire journey from
- 17 Leeds to Luton was reviewed, and at no stage was there
- 18 any suggestion that there was another vehicle in convoy
- 19 with the Micra. The Micra arrived solely at Luton
- 20 railway station and there was no sign of a white car
- 21 arriving there.
- Q. In relation to just the two cars then that appeared to
- 23 be associated at Luton, there was some evidence to
- 24 suggest a confusion or a lack of clarity as to how many
- 25 men were in those two cars, because you will recall that

- 1 Susan Clarke, the witness, made reference in her
- 2 original diagram that she provided to the police to the
- 3 possibility of a fifth male being present, and you'll
- 4 remember that she noted a question mark on her original
- 5 diagram.
- 6 Was very careful consideration given by the police
- 7 to the CCTV to see whether or not the possibility of
- 8 a fifth man could be resolved?
- 9 A. Yes, it was. A brief chronology was that
- 10 Jermaine Lindsay arrives at Luton railway station in the
- 11 hours past 5.00 am on his own. He's there for
- 12 a considerable period before the Nissan Micra arrives
- 13 containing three individuals.
- 14 They are then, together, parked next to each other
- in the car park at Luton railway station, where there is
- interaction between them as a group of four at the rear
- of the cars, and then there are other cars arriving
- during the -- that period of time, which is about 7.20
- in the morning, all of whom have been identified as
- 20 legitimate commuters and there is nothing to suggest
- 21 there was any contact between the four bombers and any
- 22 other person at Luton railway station car park.
- 23 Q. The three men in the Nissan were seen at Woodall service
- station, were they not, and there were three men there?
- 25 A. That's correct.

- 1 Q. In relation to Jermaine Lindsay in the red Fiat Brava,
- 2 my Lady heard a statement from Mohammed Okasheh, who was
- 3 the man who issued the parking penalty. He made
- 4 reference only to there being one man asleep in the car?
- 5 A. That's correct, and it is quite clear from the CCTV,
- 6 albeit in the early hours of the morning, and not of
- 7 particularly great quality, but it's clear that there is
- 8 one individual associated with the Fiat Brava.
- 9 Q. Was a very detailed analysis of the CCTV carried out
- 10 again quite recently, in the course of these
- 11 proceedings, to eliminate, yet again, any possibility of
- 12 any of the people who had gone past the two cars being
- associated with them? So although there was a man in
- a BMW who arrived at 6.58, was he seen subsequently on
- 15 the CCTV as having got on to the train at platform 1,
- 16 and left --
- 17 A. That's correct.
- 18 Q. -- not with the bombers?
- 19 A significant person, too, who arrived at 7.19 and
- 20 parked near to the cars was subsequently seen to be
- 21 still on platform 3 at the station after the bombers had
- gone.
- 23 And was a third significant person, again whose car
- 24 had parked near the other two cars -- the two cars with
- 25 which we're concerned -- also eliminated from the

- 1 enquiry because they, too, were seen to be on the
- 2 station platforms separate from the bombers and, in
- 3 fact, still to be there once the bombers had departed
- 4 from Luton?
- 5 A. All those points are correct.
- 6 Q. The evidence then of Benedict Leech and Karl Sylvester,
- 7 they were the witnesses who gave evidence of the travel
- 8 of the bombers to London.
- 9 Is it the assessment of the Metropolitan Police --
- 10 although the evidence, of course, is entirely a matter
- 11 for my Lady -- that there is no other material or no
- material at all to support the assertion that there were
- any other men associated with the bombers on the way
- 14 down to King's Cross?
- 15 A. That is correct.
- 16 Q. Is that the conclusion that you set out at
- 17 paragraph 7.16 on page 28?
- 18 A. That is correct.
- 19 Q. Bomb-making, next, please. Page 29 [INQ11410-29], if we can have that
- 20 on the screen.
- 21 You refer to the evidence given to my Lady from
- 22 Clifford Todd who spoke of his view that it wasn't
- 23 feasible for the bombs to have been created without some
- 24 initial guidance or instruction and, is this the
- 25 position: that there is no evidence in the possession of

- 1 the police to suggest that any of the four bombers
- 2 received specialised bomb-making training in the
- 3 United Kingdom or in any way supervised in the
- 4 construction of the bombs whilst in the United Kingdom?
- 5 A. That also is correct.
- 6 Q. The police, of course, are aware of the evidence in
- 7 a way we could not be, it has always been your view, has
- 8 it not, that the link to Pakistan provides some
- 9 suggestion of training, the specialised nature required,
- 10 as having been undertaken in Pakistan?
- 11 A. That's correct.
- 12 LADY JUSTICE HALLETT: What about the bomb expert from
- 13 Canada?
- 14 A. I think our assessment in relation to Momin Khawaja is
- that his role in the Crevice plot was to provide the
- 16 electronics capability to be able to devise a remote,
- 17 radio-controlled initiating mechanism rather than in the
- 18 construction of the explosives themselves.
- 19 MR KEITH: You will recall that Witness G referred, of
- 20 course, to material from probes utilised in the course
- of Operation Crevice at the latter end of February 2004,
- 22 which made a reference to that sort of specialised
- 23 bomb-making equipment --
- 24 A. That's correct.
- 25 Q. -- while Khawaja was here?

- 1 You then turn to the operational phones used by the
- 2 bombers, page 31, and to the evidence that my Lady has
- 3 heard concerning the links between the operational
- 4 phones and Pakistan.
- 5 Were enquiries made to try to see whether or not
- 6 anybody could be identified as having made those calls?
- 7 A. Yes, enquiries were raised with authorities in Pakistan
- 8 to identify the locations from where those phone calls
- 9 were being made, and they were established to be public
- 10 call offices.
- 11 I think it's important to understand that a public
- 12 call office in Pakistan is very often an informal
- 13 establishment that provides telephone services to large
- 14 numbers of people. They are not particularly
- well-regulated, and records that are kept are generally
- 16 kept for the purpose of making sure people pay the
- 17 appropriate amount for the call rather than for any
- 18 other official purpose.
- 19 And it would not be unsurprising to find crowds of
- 20 people waiting to use PCOs in Pakistan.
- 21 Q. Radicalisation. Part of your report deals with the Iqra
- 22 bookshop and the Hamara Centre with which it was
- 23 associated.
- 24 We heard some evidence from, I think,
- 25 West Yorkshire Police -- I'll be corrected if I'm

- wrong -- concerning the searches that were carried out
- on the Iqra bookshop after 7/7; that is to say, between
- 3 15 and 19 July 2005.
- 4 Is this the position, as we heard during the
- 5 evidence, that, although a vast amount of material was
- 6 seized and searched, and although some of it was highly
- 7 distressing, indeed deeply unpleasant, there was nothing
- 8 that was found to indicate evidence of a connection to
- 9 extremist activity in the sense of acts preparatory to
- 10 acts of terrorism?
- 11 A. That's correct, and I think it's important to draw the
- 12 distinction between material that is radical, material
- that is extreme and material that encourages, directs,
- 14 advocates the use of violence in furtherance of
- 15 extremism.
- 16 None of the material which was seized at the
- searches fell into the latter category, and none of the
- 18 material in itself would have formed the basis of any
- 19 criminal charge.
- 20 Q. And no charges were brought in relation to those
- 21 seizures. The material, as you've observed, in relation
- 22 to which Khalid Khaliq was convicted, related to a later
- 23 search conducted some two years later?
- 24 A. That is correct.
- 25 Q. You, of course, are aware, Detective Chief

- 1 Superintendent, of the evidence, in particular from
- 2 Mr Hargreaves, concerning the distribution of extremist
- 3 material from the Iqra bookshop, and you will recall the
- 4 reference to distribution of material, I think to
- 5 Glasgow and to the north of the country.
- 6 Was any such extremist material found during the
- 7 search in July 2005?
- 8 A. Not that I can recollect. I don't believe so.
- 9 Q. Enquiries were carried out, were they not, into the Iqra
- 10 bookshop and, in particular, its finances?
- 11 A. That is correct, and recently, in fact, a report has
- 12 been published by the Charities Commission with whom
- a joint investigation was subsequently mounted.
- 14 Q. The police themselves didn't carry out detailed
- 15 financial checks, did they, of the Igra bookshop, but
- there was some exploration of its financial situation?
- 17 A. That is correct.
- 18 Q. Why were further, more detailed checks, using, perhaps,
- 19 production orders and court authorised searches, not
- 20 carried out?
- 21 A. At the time, following the searches, it was clear that,
- 22 although the Igra bookshop had been a place where some
- of those involved in the attacks on 7 July had met,
- there was nothing found there which in itself inherently
- 25 formed the basis of any criminal activity.

- 1 It was then we were keen to pursue and to establish
- 2 or eliminate whether any of the funding that had gone
- 3 through the Iqra bookshop had been used to assist in
- 4 financing the attacks of 7 July.
- 5 Q. Because Operation Theseus was an investigation into the
- 6 attacks on 7 July, not a wider investigation into
- 7 potential extremism in the Dewsbury area?
- 8 A. That is correct.
- 9 Q. The Charities Commission report into Iqra has now been
- 10 concluded, and although I don't think it's publicly
- available yet, the process is complete, and you've been
- able to say in your report briefly that it revealed some
- indication of material of an extremist nature being
- 14 available at the bookshop, but, again, nothing that
- 15 would have given rise to criminal charges and there was
- some financial mismanagement in terms of the failure to
- 17 file accounts to the Charities Commission and to account
- 18 for the residual funds that were in its accounts when
- 19 the police raided it?
- 20 A. That's correct, I am under the impression that the
- 21 report is now available. I think it was published on
- 22 the 22nd.
- 23 Q. I think it's been formally concluded and released, but
- 24 I don't know that it's been disseminated and made
- 25 publicly available. We have certainly seen a copy of

- 1 it, but is that a fair summary of its conclusions?
- 2 A. It is, yes.
- 3 Q. The Hamara Centre was obviously associated with the Iqra
- 4 bookshop and there were a number of associations through
- 5 the people of whom we've heard -- Khalid Khaliq,
- 6 Sadeer Saleem, Khan himself, Tanweer and Hussain. Were
- 7 those premises also searched in July 2005?
- 8 A. That is correct, they were, on 14 July.
- 9 Q. Was there anything discovered in the course of that
- 10 search that indicated that extremist material or
- 11 evidence preparatory to acts of terrorism was on the
- 12 premises?
- 13 A. No, there was no evidence at all.
- 14 Q. It's plain from the evidence that Mohammed Sidique Khan
- and Shehzad Tanweer were concerned, in their travel to
- 16 Pakistan, with terrorist-related activity.
- 17 Were steps taken to try to see whether their steps,
- 18 their location in Pakistan, and their activities, could
- 19 be ascertained?
- 20 A. They were. Attempts were made with colleagues in
- 21 Pakistan to attempt to identify precisely what Khan and
- 22 Tanweer had been engaged in whilst there. However,
- 23 there was no evidence, no eyewitness reports and nothing
- 24 that could progress the enquiry.
- Q. It's obvious, is it not, that it would be incredibly

- difficult to try to find evidence relating to activities
- 2 in so-called training camps. It's not something that
- 3 admits to the production of evidence?
- 4 A. No, not widely publicised, no.
- 5 Q. There was some material, was there not, by way of
- 6 statements taken from the maternal uncles of Tanweer, to
- 7 try to ascertain their location, where they were, in the
- 8 course of the time that they were in Pakistan?
- 9 The dates provided by Tanweer's relatives were not
- internally inconsistent, but they didn't provide a full
- 11 picture, and could not provide a full picture of where
- they had been throughout their time in Pakistan?
- 13 A. That is correct.
- 14 Q. The next subject, please, the martyrdom recordings,
- 15 so-called.
- 16 The one in relation to Mohammed Sidique Khan was
- 17 broadcast by Al Jazeera on 2 September 2005. We have
- seen, in the course of these proceedings, an edited
- 19 version of it. In particular, it omitted the
- 20 accompanying speech of Al-Zawahiri, the then second in
- command of Al-Qaeda, as well as offensive and unpleasant
- 22 reconstructions of the detonation of explosives in the
- 23 Underground.
- 24 Were steps taken to try to ascertain when that video
- 25 was made?

- 1 A. Only in as far as a careful examination of the product
- that was broadcast was undertaken. Steps weren't taken
- 3 to try to discover the means by which the agency that
- 4 broadcast the material came by it, but you --
- 5 Q. Was there anything about the sound or the way in which
- 6 the video was recorded that indicated its origin?
- 7 A. There was a careful analysis undertaken, but I think the
- 8 person who undertook it is quite candid in saying that
- 9 this is an area of science, expertise, that doesn't
- really exist, it's only using his best possible judgment
- and, whilst he was being able to give an assessment of
- 12 what the room may have been like in which the recording
- was made, there is nothing he can add to what geographic
- 14 location it was made in, albeit it is self-evident that
- the only two videos that were released have been
- 16 released by two men that we know travelled to Pakistan
- and the two accomplices that didn't travel, there is no
- 18 material in relation to them.
- 19 Q. So would that aspect, that feature, tend to negate the
- 20 supposition from Mr Gilbertson that the recordings may
- 21 have been made at the Iqra bookshop in the video editing
- 22 suite that was apparently located on the top floor?
- 23 A. I think they do, yes.
- 24 LADY JUSTICE HALLETT: One would assume that, given these
- videos are made by people who are very often being

- 1 hunted, they become quite expert at hiding the
- 2 background and anything that might betray their
- 3 location?
- 4 A. I think quite correct, my Lady.
- 5 MR KEITH: A completely separate subject, please, then, the
- 6 semi-automatic handgun, telescopic sight and bullets
- 7 found in the boot of the Fiat Brava. You will recall,
- 8 Detective Chief Superintendent, that evidence was given
- 9 about the DNA links, in particular, between the
- 10 handle -- the handle of the handgun and some of the
- 11 bullets that linked them to Jermaine Lindsay.
- Were tests done to see whether or not there was any
- connection between the handgun and the ammunition found
- and any other offences on police databases?
- 15 A. That's correct, analysis was conducted by the Forensic
- 16 Science Service to see whether bullets from that gun or
- bullets that matched the bullets we recovered had been
- 18 used in any criminal offence relating to handguns in the
- 19 United Kingdom with a negative result.
- 20 Q. Finally, some very brief issues, if I may.
- 21 Over the years, there have been a number of
- 22 suppositions and views expressed as to the causes of the
- 23 7 July bombs and their location.
- 24 The ISC, the Intelligence and Security Committee,
- 25 made some observations and reached some very firm

- 1 findings in relation to some aspects of the theories
- 2 that have been generated over the years. Some of them
- 3 are touched upon in your report and they have also been
- 4 the subject of considerable evidence before my Lady.
- 5 You address them only to dismiss them summarily.
- 6 May I just list them?
- 7 There was nothing ever found to suggest that the
- 8 explosions were connected to or caused in any way by
- 9 a power surge.
- 10 There was nothing to suggest that the explosions
- 11 ever took place under the trains in the case of the
- 12 three trains.
- 13 There was nothing to suggest that the explosions
- 14 were in any way connected with exercises or terrorism
- training exercises being carried out at any time in
- 16 advance of 7 July.
- 17 A. That is correct.
- 18 Q. And there is nothing to suggest, and nor has there ever
- 19 been anything to suggest, that these devices were
- 20 exploded in any other way other than by the four suicide
- 21 bombers?
- 22 A. That also is correct, my Lady.
- Q. In addition, you have examined in your report, in
- 24 a supplemental report in fact, whether or not there is
- 25 anything by way of fingerprint, DNA or handwriting

- 1 evidence to support the notion that there may have been
- 2 anybody else closely connected with the four bombers on
- 3 the morning of their travel to London on 7 July.
- 4 A. That is correct.
- 5 Q. There was nothing to suggest that the unknown profiles
- 6 were of such significance -- because, obviously, there
- 7 were some unexplained fingerprints and handwriting from
- 8 people who may long in the past have used those cars or
- 9 been given lifts in them quite innocently -- but there
- 10 was nothing to suggest that there was anything
- 11 significant in any of those profiles that led you to
- believe that they were involved that morning?
- 13 A. That is correct.
- 14 Q. The second matter and the last matter, in fact, in your
- 15 supplemental report concerns port and border controls.
- 16 You were asked to address this topic by one of the
- interested persons, and my Lady consented that you
- 18 should address this issue also.
- 19 The Terrorism Act 2000 introduced powers for police
- 20 officers, immigration officers and certain customs
- 21 officers to stop, question and detain any person who is
- 22 believed or suspected to be concerned with the
- 23 commission, preparation or instigation of acts of
- 24 terrorism?
- 25 A. That's correct.

- 1 Q. Do they have a power to detain for up to nine hours, in
- 2 effect, therefore, to stop them travelling?
- 3 A. Yes, they do.
- 4 Q. You also go on to deal with certain powers contained in
- 5 the Prevention of Terrorism Act 2005, control orders
- 6 which we are, of course, aware only came into force
- 7 in March 2005, as well as the powers under the
- 8 Terrorism Act 2006 and the Counter-Terrorism Act 2008.
- 9 A. That is correct.
- 10 Q. May I finally return to your role as coroner's officer.
- 11 Could I please have on the screen INQ11438 [INQ11438-1] ? I think
- it would be remiss of me if I didn't acknowledge through
- 13 you, Detective Chief Superintendent, the names and the
- 14 number, in fact, of police officers who have assisted
- 15 you in the carrying out of your function as coroner's
- 16 officer.
- 17 Do we see there the list of the investigation team,
- 18 the analysts and the major incident room staff, all of
- 19 whom have assisted in the compilation of the evidence
- 20 adduced before my Lady and in the vast number of
- 21 enquiries that have been carried out in the course of
- 22 these proceedings?
- 23 A. Yes, that's the small body of personnel that I've been
- 24 relying upon.
- 25 Q. Many of them, of course, were involved in the original

- 1 investigation, Operation Theseus, but have some of them
- been employed virtually full-time to address the issues
- 3 arising in the course of these inquests?
- 4 A. They have, yes.
- 5 MR KEITH: My Lady, may I also be permitted at this juncture
- 6 to acknowledge the identity of your own Secretariat in
- 7 relation to whom a list has similarly been compiled,
- 8 INQ11395 [INQ11395-1]. You have, of course, Officer, worked very
- 9 closely with the members of my Lady's Secretariat in
- 10 addressing the many issues which have arisen and which
- 11 have been addressed in the course of these proceedings.
- 12 Thank you very much, I've no further questions.
- 13 LADY JUSTICE HALLETT: Mr Saunders, Ms Sheff?
- 14 MR SAUNDERS: Nothing, thank you, my Lady.
- 15 LADY JUSTICE HALLETT: Mr Patterson?
- 16 Questions by MR PATTERSON
- 17 MR PATTERSON: I'm grateful, my Lady.
- 18 Detective Chief Superintendent, may I express our
- 19 gratitude for the detail in your two reports addressing
- 20 these various topics that relate broadly to the four
- 21 dead bombers, and can I cover, I hope very briefly,
- 22 a number of distinct topics?
- 23 First of all, how the investigation that began on
- 7 July led you to Luton railway station and the
- 25 identification of the four bombers.

- 1 Do I understand it was as follows: that the
- 2 documents and the names of the four bombers that were
- 3 found at the scene; the finding of the CCTV footage of
- 4 the group of four at King's Cross station moving through
- 5 the tunnel that connects the Thameslink station to the
- 6 main station, that was the next stage in the
- 7 investigation, is that right?
- 8 A. That's correct.
- 9 Q. The reporting by Hussain's family that he was missing
- and the link to Alexandra Grove, which you've referred
- 11 to this morning. Is that right?
- 12 A. That's correct.
- 13 Q. So from that footage that you had of the men in the
- 14 Thameslink tunnel in particular, you were able, with the
- assistance of photographs from the DVLA to identify
- 16 I think three of them: MSK, Tanweer and Hussain?
- 17 A. That's correct.
- 18 Q. Is that right? And although you had already identified
- 19 the link with Operation Crevice and the mention of Khan
- 20 in that investigation, I think the fruits of that
- 21 investigation didn't assist you in identifying his
- 22 involvement on 7 July; it was fresh analysis, really,
- 23 from scratch, on 7 July?
- 24 A. It really was from 7 July moving forward that we were
- able to identify the involvement of the four bombers.

- 1 You've already outlined, I think, most of the main
- 2 threads of investigation that led to us Luton railway
- 3 station and it's -- it was a fortuitous coincidence
- 4 that, on the day that we had discovered the CCTV from
- 5 Luton railway station, we, of course, were assisted by
- 6 the coming forward of some witnesses from Luton, from
- 7 whom you have heard, who raised with us the suspicious
- 8 activity they'd seen in relation to the cars that
- 9 morning.
- 10 Q. In relation to the photographs, presumably those three
- 11 photographs from the DVLA were of sufficient quality to
- be able to confirm that the images on the CCTV were
- indeed Khan, Tanweer and Hussain?
- 14 A. Yes.
- 15 Q. Presumably, you got to Luton railway station simply by
- 16 considering that they may have come in a southerly
- 17 direction down the Thameslink line from one of the
- 18 stations north of London?
- 19 A. I think from the examination of the CCTV at King's Cross
- 20 we were able to see they had come from the southbound
- 21 platform at King's Cross Thameslink at what was then the
- 22 King's Cross Thameslink station, which was slightly up
- 23 Pentonville Road, and then, from the platform CCTV, that
- 24 they had alighted from a train which was travelling
- 25 southbound.

- 1 It was then a good guess that Luton might have been
- one of the locations to look at. Luton, Bedford,
- 3 St Albans and Harpenden being the main stations that
- 4 service that line in the morning.
- 5 Q. Then the enquiries at those stations led to the finding
- of the footage at Luton that we've seen, the well-known
- 7 footage of the men with their rucksacks leaving the car
- 8 park and eventually getting on to the train?
- 9 A. That's correct, my Lady.
- 10 Q. How did you identify the fourth man, Jermaine Lindsay?
- 11 Because obviously you saw in the footage, both at
- 12 King's Cross and at Luton, that there was this fourth
- man whose appearance was fairly clear and his clothing
- 14 and his ethnic origins and so forth. How did you
- identify him as being Jermaine Lindsay?
- 16 A. My recollection of the chronology of that was in
- 17 relation to the viewing of the CCTV material from the
- 18 car park at Luton, it identified the fourth man who had
- 19 met with the other three, having come from a car parked
- 20 next to it.
- 21 When the CCTV from the days moving forward from the
- 22 7 July was reviewed, it was noticed that that Fiat Brava
- 23 had, in fact, been removed by a vehicle removal company
- on behalf of Bedfordshire Police, and Jermaine Lindsay
- 25 was associated with that vehicle as the registered

- 1 keeper.
- Q. Then finally on this topic, the remains of the bodies
- 3 you've already explained how the evidence from the
- 4 pathologists indicated that the four remains in question
- 5 were likely to have been very close to the explosions,
- 6 and I think DNA testing ultimately confirmed that those
- 7 remains matched the DNA samples that were obtained in
- 8 relation to the four men?
- 9 A. That's correct. I think it's also important to say
- 10 that, in the days prior to the pathologists'
- 11 examination, there had already been some speculation
- 12 from the -- from point one, one of the explosives
- officers raised it as a potential because of the
- 14 significant disruption to one of the bodies at one of
- 15 the scenes, and the crime scene examiners had raised it
- as a potential, but it was not until the pathology and
- 17 anthropology was conducted that we were able to say with
- any certainty that they had been suicide bombings.
- 19 LADY JUSTICE HALLETT: One of the things presumably that
- 20 alerted you is there's no evidence of any remote
- 21 detonating device?
- 22 A. No, that's right. There was no electronic circuitry
- 23 board or any material as such to suggest that there was
- 24 anything other than a very short fuse.
- 25 MR PATTERSON: As we know already, the various documents in

- 1 the names of the bombers that were found close to but
- 2 slightly removed from the seats of each of the
- 3 explosions?
- 4 A. That's correct, Mr Patterson.
- 5 Q. The evidence that you dealt with with Mr Keith in
- 6 relation to whether there's material that might suggest
- 7 they were accompanied on the day by, perhaps, a fifth
- 8 person, I think we can take this briefly, but first,
- 9 dealing with the evidence up in Leeds in the early hours
- 10 from Sylvia Waugh, does it come to this: that, although
- 11 she said that there were at least six males outside the
- 12 address, the bomb factory, that all lines of
- investigation into whether there were others were
- 14 unsuccessful in that you couldn't identify any others
- 15 assisting them on the morning?
- 16 A. That's correct, my Lady.
- 17 Q. She said in her statement -- you deal with this in your
- report at page 23 [INQ11410-23] -- that there were, in fact, four men
- 19 who got into the Nissan Micra as it set off on its
- 20 journey south.
- 21 Now, obviously, the CCTV material, as you've
- 22 indicated, suggests that there were only three in that
- 23 Nissan Micra. Is it your conclusion that it's likely
- that she was simply wrong about that?
- 25 A. Yes, it is. By the time the vehicle arrived at the

- 1 service station where it stopped, where the CCTV footage
- 2 was taken at Woodall Services, there are certainly only
- 3 three persons within the vehicle.
- 4 Q. Then, as we follow the evidence through the course of
- 5 the morning at Luton railway station, the
- 6 reconsideration of the footage showed one person who
- 7 lingered between the two cars, round about the time that
- 8 the four bombers made off with their rucksacks, and
- 9 I think it was checked and it was concluded, wasn't it,
- that there was, in fact, a parking ticket machine next
- to the cars that is likely to be the explanation for
- that fifth image, that fifth person standing near the
- 13 cars?
- 14 A. That's correct. The crossover time between that car
- 15 with that individual arriving, being in the same
- location as the four bombers, is about five seconds and,
- in the course of that period, there is no interaction
- 18 between the driver of that car and the four bombers, and
- 19 you're accurate in saying that there is a ticket machine
- 20 immediately next to where that vehicle parked and
- 21 further review of it shows that that individual took
- 22 a different route to the station than the four bombers.
- 23 Q. Then, on the train south down to London, Mr Keith has
- 24 mentioned the witnesses who gave accounts of the bombers
- 25 during the journey: a Mr Leech and a Mr Sylvester.

- 1 I think from the report, Mr McKenna, it's your
- 2 conclusion, isn't it, that it's likely that the group
- 3 divided into two carriages, two men in each carriage, is
- 4 that right?
- 5 A. Certainly from the CCTV, both at Luton and on arrival at
- 6 King's Cross, it looks as if they had broken into two
- 7 pairs.
- 8 Q. The suggestion, at that stage of the day, that there
- 9 might be a fifth person, really comes from the evidence
- of Mr Leech that, in relation to the two men that he saw
- in his carriage, they were talking with the third
- 12 person, who was also a young Asian male.
- 13 Have you any reason to suppose that that third
- 14 person in that carriage was in any way assisting or
- 15 accompanying the men on the morning?
- 16 A. None at all. One thing that does -- that struck me when
- 17 I watched the CCTV myself is the number of people
- 18 alighting that train wearing backpacks in the middle
- 19 of July in London.
- 20 Q. Then perhaps the final evidence on this distinct topic,
- 21 I suppose, would be Joseph Martoccia, the witness who
- 22 saw the group at King's Cross railway station shortly
- 23 before the explosions.
- 24 If you remember, he gave rather graphic evidence of
- 25 a team of four to six men hugging and I think the word,

- from memory, that he used was they seemed to have
- 2 a "euphoric" mood, and you probably recall that
- 3 evidence.
- 4 A. I recall the evidence, but we have found nothing that
- 5 suggests there was anything other than the distinct
- 6 group of four men.
- 7 Q. I hope I've identified the various strands that might
- 8 suggest accompanied by a fifth person. Having
- 9 considered it carefully and, in particular, the CCTV at
- 10 Luton and Thameslink tunnel, is it your conclusion that
- 11 the four men were on their own?
- 12 A. It is. I think the CCTV, together with the
- 13 communications data, together with the forensic evidence
- and all other enquiries suggest the four men were on
- their own from the point that they left Luton railway
- 16 station.
- 17 Q. Another distinct topic, please, Mr McKenna. Liquid
- oxygen purchases. You've dealt very helpfully with the
- 19 procedures that have been introduced since 2005 with the
- 20 intention of raising awareness amongst, in particular,
- 21 retailers as to the dual uses of hydrogen peroxide and
- 22 liquid oxygen.
- 23 We heard evidence from Detective Constable Reynolds
- 24 about this to the effect that it is, however, still
- 25 possible to make large purchases without detection, and

- 1 those various procedures that have been introduced, they
- 2 don't actually impose, do they, any statutory duty or
- 3 requirement on the part of a retailer to notify any
- 4 suspicious customers or any suspicious purchasers?
- 5 A. No, that is correct, and I think it must be remembered
- 6 as well that hydrogen peroxide has a large number of
- 7 legitimate uses.
- 8 Unfortunately, it does also have some illegitimate
- 9 uses, particularly around the hydroponic growing and
- 10 cultivation of cannabis. So there is an illicit grey
- 11 market and a number of establishments that sell on to
- 12 people in the full knowledge that it's being used in
- 13 cannabis production.
- 14 So it is very difficult to control the sales of
- 15 hydrogen peroxide.
- 16 LADY JUSTICE HALLETT: Presumably, too, you can alert the
- owners or managers of a shop or outlet but their staff
- 18 are likely to be on the move and --
- 19 A. Yes.
- 20 LADY JUSTICE HALLETT: You have a sort of floating
- 21 population of salespeople, I would have thought.
- 22 A. That's correct, my Lady, and also where we have this
- 23 illicit nature to the sale of hydrogen peroxide because
- 24 of its utility for the illegal cultivation of cannabis,
- even if the point of retail isn't prepared to alert us

- 1 to suspicious transactions, we hope, by moving up the
- 2 chain to the distributors and manufacturers, they will
- 3 identify that there are significant additional purchases
- 4 taking place through one outlet.
- 5 LADY JUSTICE HALLETT: You say there are a number of
- 6 legitimate uses. I can see that for certain quantities
- of hydrogen peroxide. Are there lots of legitimate uses
- 8 for large quantities?
- 9 A. Yes, I think in the chemical industry, in bleaching of
- 10 wood, in manufacturing processes, but then their supply
- 11 chain will look very different to that which is sold
- 12 through retail outlets in the street.
- 13 MR PATTERSON: Indeed, there were various witness statements
- 14 taken from the retailers in this particular case who
- made the sales in the spring of 2005 or, indeed, in some
- 16 cases, who indicated to the police that there were
- 17 requests for large quantities. They might have queried
- 18 that with whoever it was -- Tanweer or MSK or whoever --
- and that they didn't come back on the next occasion
- 20 after the order had been placed and the extra quantities
- 21 had been brought in.
- 22 A. That's correct.
- Q. It's right, isn't it, that one of those retailers, it
- 24 actually went through his mind that it might be
- 25 something that was intended for explosives and he

- 1 jokingly said to the Asian male who came in and asked
- 2 for 10 five-litre quantities, "Do you know you can make
- 3 explosives with that?"
- 4 A. Yes, it seems, in hindsight, a strange but prophetic
- 5 remark.
- 6 Q. None of these retailers notified the police and, as
- 7 you've indicated today there is no obligation to notify
- 8 the police.
- 9 We've helpfully heard today that there is draft
- 10 legislation being considered at the moment by the Home
- 11 Office. Would you, Mr McKenna, welcome any further
- tightening of sales in this area?
- 13 A. It is always a difficult balance between restricting
- 14 free trade, commerce and introducing additional
- 15 restrictions. I think the awareness campaign has gone
- some way and I think the proposed legislation hopefully
- 17 will deal with anything else that is necessary.
- 18 Q. A separate but linked topic, the freely available
- 19 material on the internet that gives surprisingly
- 20 detailed information about bomb-making ingredients and
- 21 techniques.
- 22 We heard about this from Detective Constable
- 23 Reynolds and from the expert, Clifford Todd. Both of
- them confirmed the availability of this sort of
- 25 material.

- 1 Are you aware of any plans to try to address this
- 2 problem or can you, yourself, suggest any means of
- 3 addressing this problem?
- 4 A. Where the material in itself that is published on the
- 5 internet constitutes a criminal offence, it is possible
- 6 to take action. It's possible to bring prosecutions
- 7 against those who are loading it, downloading it, making
- 8 use of it, where possession of the material may be an
- 9 offence.
- 10 Q. Under the Terrorist Act?
- 11 A. Under the Terrorism Act or where it's malicious
- 12 communications under malicious communication
- 13 legislation.
- 14 Where the information in itself isn't a criminal
- 15 offence, it becomes very difficult to regulate and,
- 16 again, we are in that very fine balance between freedom
- of speech, freedom of expression, and censorship.
- 18 So I know it is something that is under constant
- 19 discussion, both within the UK and globally, because the
- 20 internet is a global phenomenon, that -- I think all
- 21 that can be done is being done.
- Obviously, there are concerns where that material is
- 23 posted in foreign jurisdictions who may not have similar
- 24 legislation to ourselves. It becomes increasingly
- 25 difficult to regulate.

- 1 But where there is access provided in the UK and
- 2 people are accessing material the possession of which
- 3 constitutes an offence, there is adequate legislation to
- 4 deal with it.
- 5 Q. The Iqra bookshop. You've mentioned Khalid Khaliq, one
- of the individuals linked to that shop, who is a trustee
- 7 and who you told us pleaded guilty to a criminal
- 8 offence.
- 9 Another person closely associated both with opening
- the bookshop and running it, and who was associated with
- 11 Mohammed Sidique Khan was Tafazal Mohammed.
- 12 Is it right that, in relation to him, after careful
- 13 consideration, no charges were brought or no criminal
- offences were believed to have been committed?
- 15 A. I don't believe there was any criminal offences
- 16 disclosed in relation to Mr Mohammed.
- 17 Q. In relation to the type of material that was being
- disseminated from that bookshop, I think by the time the
- 19 links with Leeds were made in the aftermath of 7/7, it
- 20 wasn't until 15 July that the search took place at the
- 21 Iqra bookshop, and so, is it possible that any extremist
- or unlawful material that was held there might have been
- 23 removed by then?
- 24 A. Entirely possible.
- Q. Before I leave that topic, you've mentioned the

- 1 Charities Commission and their recent enquiry into the
- 2 bookshop.
- 3 Are you aware of any changes that would be needed in
- 4 relation to the procedures that would allow charitable
- 5 status to be given or funding easily to be obtained by
- 6 organisations that might be involved in the
- 7 dissemination of extremist or unlawful material? Do you
- 8 know if they have addressed this issue?
- 9 A. I think they have. The Charities Commission report is
- 10 quite comprehensive in what their findings are. They
- 11 have been able to take specific action in relation to
- 12 Iqra. They have made a number of recommendations which
- really emphasise the importance of the role of trustees
- to a charity to ensure they are playing an active part
- in regulating its activities.
- 16 Q. Thank you, Mr McKenna.
- 17 Then finally, please, can I deal with one last
- topic, and that's the overseas military or terrorist
- 19 training camps that are believed to have been visited by
- 20 Mohammed Sidique Khan and Shehzad Tanweer?
- 21 You've touched upon this, haven't you, in your
- 22 report in relation to what's believed to have been the
- 23 case, and we've heard from other witnesses that it is
- 24 believed that they have on a number of occasions
- 25 attended such camps, and reference has been made to the

- 1 evidence of Mohammed Junaid Babar?
- 2 A. That's correct, yes.
- Q. I think, with your assistance, and with my Lady's leave,
- 4 perhaps I can very briefly highlight some evidence that
- 5 perhaps adds a little bit more detail to those training
- 6 camps.
- 7 I think, Mr McKenna, the first occasion when it's
- 8 believed that there was attendance at one of those camps
- 9 is in 2001 on the part of MSK. Is that right?
- 10 A. That's correct.
- 11 Q. We've already heard from Acting Detective
- 12 Inspector Sparks that Witness B gave information to the
- police tending to suggest that MSK had attended Pakistan
- 14 and crossed into Afghanistan and had learnt to shoot and
- 15 fight, and that this was before his marriage
- 16 in October 2001.
- 17 A. That's correct.
- 18 Q. Evidence was given by Waheed Ali, at both his trials, to
- 19 the effect that he had been present at that camp and
- that that is indeed what had happened in relation to
- 21 MSK, that he had attended this camp in, I think,
- 22 Kashmir.
- 23 A. That is also correct.
- Q. I think from a digest of some of the evidence given in
- 25 those trials, can you assist us with just a little of

- 1 the detail of what took place at that camp?
- 2 A. I mean, are you talking about the camp at Malakand in
- 3 2003, or are you talking about the first experience
- 4 in --
- 5 Q. Yes, the 2001 visit by MSK. Waheed Ali, also known as
- 6 Shipon Ullah, indicated that he was a very close friend
- of Tanweer and, indeed, that he became radicalised by
- 8 viewing videos with Tanweer of so-called Muslim brothers
- 9 fighting and firing Kalashnikovs.
- 10 A. That's correct. This is evidence he gave during his
- 11 various trials, yes.
- 12 Q. He found this "really inspirational", were his words,
- and he would listen to audio recordings with Tanweer of
- 14 war songs about Jihad?
- 15 A. That is correct.
- 16 Q. He said that his opinions developed so that he put
- 17 posters on his bedroom wall of the Mujahaddin and
- 18 Kalashnikovs?
- 19 A. Yes, that is also correct.
- 20 Q. And he asked if he could accompany MSK to the training
- 21 camp in 2001, and he did?
- 22 A. Yes, that's correct.
- Q. In relation to that camp, I think, looking at page 2 of
- 24 the digest of the evidence, in summary, did they fly
- 25 together to Islamabad where they were picked up by

- 1 a vehicle openly marked with Harkat Ul Mujahaddin
- 2 stickers?
- 3 A. That's correct, yes.
- 4 Q. And did he indicate that, at that time, people weren't
- 5 shy about this in Pakistan and that everybody in
- 6 Pakistan knew what the HUM were all about?
- 7 A. That's correct. This was before the events of
- 8 11 September 2001.
- 9 Q. Yes. So they drove in this way to the HUM office in
- 10 Islamabad and then they made their way to a mountaintop
- in Kashmir where there were some 100 to 200, as he put
- it, brothers receiving physical training, firing
- 13 Kalashnikovs, learning how to strip and clean them?
- 14 A. That's correct.
- 15 Q. And that, after attendance at the camp,
- 16 Mohammed Sidique Khan and Ali, together, travelled
- 17 across the border into Afghanistan. Again, they openly
- 18 went to a large HUM building in Kabul, where they, as he
- 19 put it, signed up before going to the front line near
- 20 the Bagram airfield?
- 21 A. That is correct, yes.
- Q. And they spent some time there with MSK, on occasions
- 23 going up to the front line?
- 24 A. That is also correct, yes.
- Q. Then finally in relation to that travel, did he say that

- 1 it was later believed that Omar Khyam had also been out
- there at around about the same time, because evidence
- 3 from Khyam's passport suggested that he had been in
- 4 Pakistan between June and August of 2001?
- 5 A. That's certainly correct, yes.
- 6 Q. He said that, at that time -- and as you've mentioned,
- 7 before 9/11, things were different, but at that time
- 8 recruitment for training camps and fund-raising was
- 9 openly going on in the United Kingdom in mosques, and at
- 10 other organisations?
- 11 A. That is as Waheed Ali said, yes.
- 12 Q. But that he said that, although things went underground
- after 9/11, even thereafter, as he put it, they weren't
- 14 secretive in Pakistan, so that there was still a degree
- of openness about this kind of training?
- 16 A. That's correct, yes.
- 17 Q. Then next, in relation to 2003 and the trip to the
- 18 Malakand training camp, again, this was confirmed in the
- 19 evidence of Mohammed Shakil during his two trials, and
- 20 I think there's a digest of his evidence at page 7 that
- 21 you've considered.
- 22 A. Yes.
- 23 Q. In relation to that, perhaps taking it quickly, did he
- 24 indicate that he believed that MSK was collecting money
- 25 from those who were sympathetic to the Afghanistan

- 1 Taliban?
- 2 A. He does, yes.
- 3 Q. And that he brought it out with him when they went to
- 4 Islamabad in the summer of 2003?
- 5 A. That's correct, yes.
- 6 Q. And that, at the training camp there, which, as we know,
- 7 was attended by the witness Babar, there was again
- 8 physical training, shooting exercises, lectures about
- 9 Jihad?
- 10 A. That's correct, yes.
- 11 Q. Did he, in his evidence, say that, at that camp,
- 12 Mohammed Sidique Khan had been getting, as he put it,
- 13 very close to Omar Khyam and to the witness Babar?
- 14 A. He did, yes.
- 15 Q. And that, after MSK returned to England in the autumn of
- 16 2003, he would travel south in England to meet up with
- some of those who had been at the camp with him and that
- 18 Tanweer had also been present on at least one of those
- 19 visits down south?
- 20 A. That's correct, yes.
- 21 Q. As you said yourself, Mr McKenna, in your report, Babar
- 22 gave evidence to similar effect, didn't he, in a number
- 23 of trials -- the Crevice trial and the two Theseus
- 24 trials?
- 25 A. That's correct, he's also given evidence in Canada.

- 1 Q. In a digest in relation to his evidence at page 11 --
- 2 again, perhaps, if we could quickly just highlight one
- 3 or two parts of what he revealed about this training
- 4 camp -- did he indicate that, while MSK was present at
- 5 that camp in Malakand, there had been a test explosion
- 6 that had been carried out by Khyam and Babar some
- 7 distance away from where the men were training but that
- 8 would nevertheless have been within earshot?
- 9 A. That's correct, yes.
- 10 Q. In relation to Khyam, and in relation to the sorts of
- 11 views that he had, did he indicate in general terms that
- 12 Khyam was openly expressing to him Khyam's mindset and
- thoughts about Jihad and suicide bombings and the like?
- 14 A. That is correct, yes.
- 15 Q. So although there was no direct evidence of MSK stating
- 16 what was going through his mind, certainly the evidence
- was that he was associating very closely with somebody
- 18 who himself had those sorts of opinions?
- 19 A. That's correct, yes.
- Q. Did he say that, at that camp at Malakand, there was
- 21 a video recording made in which MSK featured with his
- face covered, the purpose of which was to play it back
- in the United Kingdom in order to raise money for Jihad?
- 24 A. That is correct, that's in his testimony, yes.
- 25 Q. Then finally, Mr McKenna, in relation to 2004, was there

- 1 evidence given, again from Witness B, in a statement
- 2 obtained from the police that tended to support the
- 3 suggestion that MSK, on that occasion, had been engaged
- 4 in some kind of terrorist purposes?
- 5 A. What, during the course of his visit in late 2004?
- 6 Q. In late 2004?
- 7 A. That's correct, my Lady.
- 8 Q. Then finally, again, Waheed Ali gave evidence on two
- 9 occasions in his trials, didn't he, that when he was --
- when he travelled out there and himself went to
- 11 a training camp, that he was -- that he saw Tanweer and
- 12 Mohammed Sidique Khan and that Tanweer said, "We've
- 13 already done what you've done. You can catch up with us
- 14 in a bit"?
- 15 A. That's correct, yes.
- 16 Q. In other words, stating that they had, on that occasion,
- 17 undergone training, but were going off somewhere for
- 18 some other purpose?
- 19 A. That's right. I think the suggestion being that Khan
- 20 and Tanweer had been in Pakistan for some time before
- 21 Shakil arrived, and suggested that they were going off
- 22 to do something for the brothers and they could catch up
- in a few weeks.
- Q. Saleem gave evidence to similar effect, did he not, and
- 25 indeed said that, in the spring of 2005, back in

- 1 England, MSK said to him "It's a bit hot, you guys keep
- 2 a distance for a little while" --
- 3 A. That's correct.
- 4 Q. -- and that would therefore have been at around about
- 5 the time MSK was deeply involved in the planning for
- 6 the July 2005 attack?
- 7 A. Yes.
- 8 MR PATTERSON: Thank you very much, Mr McKenna, I've no more
- 9 questions.
- 10 LADY JUSTICE HALLETT: Mr Hall?
- 11 Questions by MR HALL
- 12 MR HALL: Mr McKenna, can I ask you about page 20 [INQ11410-20], please,
- of your report, and I wonder if we could just have that
- 14 briefly on screen?
- 15 A. Page 20?
- 16 Q. Yes, 20. You've already said that there is no evidence
- 17 that you found that the 7/7 plot was conceived
- 18 before November 2004, yes?
- 19 A. That's correct, yes.
- 20 Q. In fact, can you confirm -- and as you say in the second
- 21 sentence of paragraph 6.1 -- there is, in fact, strong
- 22 positive evidence that the plot was not formed until
- 23 after MSK's departure to Pakistan on 18 November 2004?
- 24 A. That is correct.
- Q. Thank you, and that's the evidence that Mr Keith

- 1 referred you to this morning and which you set out in
- 2 the remainder of paragraph 6?
- 3 A. That's correct, my Lady.
- 4 MR HALL: Thank you.
- 5 LADY JUSTICE HALLETT: Mr Hill?
- 6 Questions by MR HILL
- 7 MR HILL: Only briefly, five short topics, please,
- 8 Mr McKenna. Firstly, in relation to questions asked
- 9 during the course of the day about the initiative which
- is now known as the "Know Your Customer" campaign.
- 11 I think you're privy to documents generated by the
- 12 National Counter-Terrorism Security Office and they
- include briefing notes on hydrogen peroxide initiatives,
- and you may even have copies there with you, which
- 15 I mention just to elicit the fact that -- and this is to
- 16 pick up one of my Lady's questions this afternoon about
- 17 the known use of hydrogen peroxide in the industrial
- 18 market as well as the domestic market -- is it a fact
- 19 that the "Know Your Customer" campaign, first introduced
- in 2005, was, as you've said, designed to raise
- 21 awareness in industry about the dual use of certain
- 22 chemicals?
- 23 As that campaign rolled out, was there promotion
- 24 through, for example, industry trade associations such
- 25 as the CIA, the Chemical Industries Association, and the

- 1 CBA, the Chemical Businesses Association, as opposed to
- 2 letters used in other contexts elsewhere and, indeed,
- 3 trade journals and other industrial small or large scale
- 4 outlets, including dispensing chemists, pharmacies,
- 5 opticians, dentists and the like, and that was part of
- 6 a large campaign domestically and, as you told us
- 7 earlier, in conjunction with foreign liaison efforts
- 8 through other EU countries and, indeed, other parts of
- 9 the world?
- 10 A. That's correct, I think the whole purpose was to cast
- 11 the net as wide as is possible.
- 12 Q. So the initiative which may yet lead to EU regulations
- is designed to encompass uses of high quantity and, in
- 14 particular, high concentration hydrogen peroxide to
- 15 ensure that, where there are instances of high level
- 16 purchase in high concentrations, that is either outlawed
- 17 by regulation or is so visible through the "Know Your
- 18 Customer" campaign that it will, one hopes, be brought
- 19 to the attention of the authorities.
- 20 A. That's correct, my Lady.
- Q. But that leaves either low volume or low concentration
- 22 purchase, which, as we know, sadly, from the events of
- 23 7 July, can still be a precursor to an explosive event,
- particularly if individuals buying in smaller quantities
- and at low concentration have the wherewithal to so

- 1 manipulate the materials so as to form part of explosive
- 2 devices?
- 3 A. That's correct.
- 4 Q. That's all I want to ask about that.
- 5 Second topic. I don't want to spend time on it.
- 6 My Lady will draw her own conclusions from all of the
- 7 evidence, but the enquiry report published by the
- 8 Charities Commission on 22 February, of which I think
- 9 you have a copy, is, so far as we are aware, publicly
- 10 available, because it's on the Charities Commission
- 11 website, and so, just for completeness -- and I'm going
- 12 to page 10 at paragraph 58, the conclusions of the
- 13 Charities Commission report -- after their own lengthy
- 14 examination, were the conclusions as follows:
- 15 That the Commission concluded: did carry out
- 16 activities compatible with advancing its object to
- 17 advance the Islamic faith?
- 18 A. That's correct.
- 19 Q. That there was no evidence that charity funds were used
- 20 to fund the 7/7 terrorist attacks?
- 21 A. That also is correct.
- 22 Q. And that the majority of the material from the bookshop
- area of the charity's premises that was removed by the
- 24 police and viewed by the enquiry -- that's the
- 25 Charities Commission enquiry -- was capable of advancing

- 1 the Islamic faith? However, approximately a fifth of
- 2 the material reviewed was considered to be political,
- 3 biased propagandist or otherwise inappropriate for
- 4 a charity advancing the Islamic faith?
- 5 A. That's correct, my Lady.
- 6 LADY JUSTICE HALLETT: And that's what was left?
- 7 MR HILL: That's what was left. That does not place that
- 8 one fifth of the material left in the category of
- 9 material that would be susceptible to prosecution as
- 10 representing criminal offences, but nonetheless, there
- 11 was an incompatibility with the majority of the material
- 12 left which the Commission concluded was for the purpose,
- it seemed, of advancing the general object of the
- 14 charity, advancement of the Islamic faith?
- 15 A. That's correct, my Lady.
- 16 Q. That's all I want to ask about that. Three further
- 17 matters.
- 18 You were asked -- this is in relation to the most
- 19 recent short report that you prepared for my Lady, and
- 20 under the topic "Port and border controls", it's
- 21 paragraph 2.1 within this short addendum report, under
- 22 the heading "Measures now in place to prevent persons
- 23 travelling abroad for the purpose of attending training
- camps". The statutory regime in force in 2005, by
- 25 virtue of the Terrorism Act 2000, includes under

- 1 schedule 7 of the Terrorism Act provisions enabling
- 2 a range of individuals described accurately by Mr Keith,
- 3 constables, immigration officers or designated customs
- 4 officers to question -- and the range of the power is
- 5 broad, isn't it -- to question any person who is at
- 6 a port for the purposes of entering or leaving the
- 7 country?
- 8 A. That is correct. The threshold for intervention is
- 9 extremely low.
- 10 Q. For the sake of clarity, it is not the fact that the
- 11 examining officer, in order to perform a stop under this
- schedule 7 power must have a formed suspicion that the
- 13 person is concerned in the commission, preparation or
- 14 instigation of acts of terrorism?
- 15 A. That is correct.
- 16 Q. The fourth matter, in relation to page 28 [INQ11410-28] of your longer
- 17 report, paragraph 7.15, Mr Patterson's questions about
- 18 CCTV from Luton railway station.
- 19 You've told us about the fruits of that enquiry into
- 20 CCTV footage. It being the case, of course, that there
- 21 was no CCTV footage inside the carriage, inside the
- 22 train itself, which travelled from Luton to King's Cross
- 23 that morning.
- 24 A. No, there was not.
- Q. You do establish, or your team were able to establish,

- 1 that the four bombers caught the 07.23 London-bound
- 2 train. It appears that they entered the train in pairs.
- 3 But was it clear, is it clear, perhaps contrary to
- 4 Mr Patterson's question or an inference from his
- 5 question, that they necessarily entered different
- 6 carriages or may it be the case that they entered the
- 7 same carriage, albeit through separate doors, in pairs?
- 8 A. Entirely possible. They vanish from view as they walk
- 9 along the platform at Luton railway station. It's
- impossible to determine precisely how they got on to the
- 11 train and which doors they took.
- 12 Equally, at King's Cross, it is not possible to see
- them all alighting the carriage once it's arrived at
- 14 King's Cross Thameslink, only as they walk together as
- a larger group along the platform and down in towards
- 16 the Underground.
- 17 Q. But you would say, therefore, that with regard, for
- 18 example, to Mr Sylvester's observations, it should be
- 19 borne in mind that the CCTV examination, exhaustive
- though it was, was not able to conclude that the bombers
- 21 were in separate carriages necessarily?
- 22 A. No, it was not.
- Q. The final topic is this: questions asked from the
- transcripts of the evidence given in another court in
- 25 the context of the Operation Theseus 7/7 conspiracy

- 1 trials.
- 2 It is a fact, is this right, that the matters put
- 3 from those trial transcripts by Mr Patterson, entirely
- 4 accurate though he was as to transcription, these were
- 5 all accounts that were provided in 2008 or 2009 --
- 6 and/or, I should say, 2009 -- during the two public
- 7 trials?
- 8 A. That's correct, my Lady.
- 9 Q. In relation to Waheed Ali, also known as Shipon Ullah,
- 10 and Mohammed Shakil, they were, to take it shortly,
- 11 partially acquitted but partially convicted at the end
- 12 of that process?
- 13 A. That's correct, my Lady.
- Q. In the case of both of those men, the convictions
- 15 recorded against them at their second trial were upon
- 16 the basis that a jury was satisfied that they, in 2007,
- were in the course of a conspiracy to travel for the
- 18 purpose of terrorist training, to attend training camps?
- 19 A. That's correct. They were being prosecuted under the
- 20 relatively recent legislation at that time that
- 21 encompassed attending training camps.
- Q. It follows, does it, that when we look at accounts of
- 23 previous trips abroad, which you were taken through
- 24 briefly, it is the fact that, so far as Ali and Shakil
- is concerned, the accounts they were giving were their

- own personal account in the course of a wider defence
- 2 which they maintained to all of the charges laid against
- 3 them.
- 4 A. That is correct, my Lady.
- 5 Q. It may or may not be appropriate, but I ask you as
- 6 a seasoned criminal investigator. The observation that
- 7 comes to mind is that there was an element of confess
- 8 and avoid to the accounts given by both of these men?
- 9 A. I think that's a fair conclusion --
- 10 LADY JUSTICE HALLETT: I think I can take judicial notice of
- 11 that, Mr Hill.
- 12 MR HILL: Other very experienced criminal practitioners or
- 13 former criminal practitioners in court.
- 14 For the avoidance of doubt, and finally, that
- 15 context -- namely, the giving of evidence at a time when
- the person giving evidence and giving evidence of events
- 17 which may or may not be capable of independent
- 18 verification -- that would also apply to
- 19 Mohammed Junaid Babar?
- 20 A. That is also correct.
- 21 MR HILL: Thank you.
- 22 LADY JUSTICE HALLETT: Mr McKenna, it looks as if those are
- 23 all the questions that we have for you. Back at the
- 24 beginning of 2010, I was promised by the Commissioner of
- 25 the Metropolitan Police and by Mr Yates of

- 1 New Scotland Yard that I would receive the fullest
- 2 cooperation from the service and that's exactly what has
- 3 happened.
- 4 I am extremely grateful to you, in particular, and
- 5 obviously also to all your team -- I'm afraid I didn't
- 6 get a note of all their names -- for the huge amount of
- 7 work that you put in in preparing the material for me
- 8 and, if I may say so, I should like to commend you all
- 9 on your skill and dedication, and also many
- 10 congratulations on what must be a unique investigation
- as far as Operation Theseus was concerned.
- 12 A. Thank you, my Lady.
- 13 LADY JUSTICE HALLETT: Let's hope it is unique.
- 14 A. Yes.
- 15 MR KEITH: Thank you, Officer.
- 16 LADY JUSTICE HALLETT: Thank you, Mr McKenna.
- 17 MR KEITH: My Lady, Detective Chief Superintendent McKenna
- 18 concludes the evidence in these proceedings.
- 19 My Lady, without detracting from the gravity and
- 20 purpose of these proceedings and the terrible loss
- 21 suffered, of course, by the bereaved families, may I say
- 22 one thing more?
- 23 I hope my Lady won't think it impertinent, if, as
- 24 your counsel, I thank you, but on behalf of the Bar, it
- 25 would remiss of me not to express our general gratitude,

- 1 and may I also mention again, without in any way
- 2 detracting from the purpose of these proceedings, four
- 3 other persons whose names I've not made reference to
- 4 today, but they are, of course, your solicitors,
- 5 Martin Smith and Tim Suter, and your other counsel,
- 6 Andrew O'Connor and Benjamin Hay.
- 7 LADY JUSTICE HALLETT: Thank you very much, Mr Keith.
- 8 I should like to congratulate and thank everyone,
- 9 not only all the lawyers and obviously my Inquest team,
- but all those who have supported them in whatever
- 11 capacity for completing the evidence by today according
- 12 to the timetable.
- I confess there were times when I didn't believe it
- 14 possible, but it has happened, and it's thanks to the
- endeavours of all of you and all of those who have
- 16 supported you.
- 17 I consider it a very major achievement to get
- 18 through such a huge quantity of material and
- 19 particularly given the harrowing nature of it.
- 20 I know that a number of bereaved families have
- 21 stayed with us for the bulk of the proceedings. I hope
- 22 that they and those who have followed at a distance, and
- 23 the survivors, will feel that we have conducted
- 24 a thorough and robust investigation, whatever my
- conclusions may eventually be and, whether or not they

- 1 eventually agree with them, I hope they'll agree that we
- 2 have left no reasonable stone unturned.
- 3 I would like to thank them for acting throughout, in
- 4 the most appallingly distressing circumstances at times,
- 5 with the dignity and restraint that they have shown.
- 6 Thank you all.
- 7 (3.20 pm)
- 8 (The inquests adjourned until 10.00 am on Thursday,
- 9 10 March 2011)

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