

1 Friday, 7 November 2008

2 (10.00 am)

3 (In the presence of the jury)

4 CHIEF SUPERINTENDENT WILLIAM TILLBROOK (continued)

5 SIR MICHAEL WRIGHT: Good morning, Mr Tillbrook.

6 A. Sir, good morning.

7 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

8 A. Sir, I wonder if I might be able to make a comment
9 before the next question. Is that okay?

10 SIR MICHAEL WRIGHT: Yes.

11 A. I want to come back to something the learned Coroner
12 said at the very end of yesterday's proceedings.

13 SIR MICHAEL WRIGHT: Oh dear.

14 A. Sir, you described it as a comment that may appear
15 flippant. I actually took it in the spirit in which you
16 meant it and this is a comment about robots or
17 computers. There is actually a serious point here. One
18 could take a computer or robot and program in a million
19 and one scenarios, and the instant you go to deal with
20 will be the million and second. It will be different.

21 My point is that I would trust human judgment every
22 time. It's a serious point. So thank you for raising
23 it, sir, but that's the point I would like to make.

24 SIR MICHAEL WRIGHT: Thank you very much. Yes,
25 Mr Mansfield.

1 Questions from MR MANSFIELD (continued)

2 MR MANSFIELD: Just as a postscript to that, it has to be
3 human judgment which is in a context of training,
4 experience, information, for a start, does it not?

5 A. All of those things.

6 Q. All of those things, and not just clearly a reaction
7 based on an emotional or instinctive response?

8 A. I don't think you can ever write those things out, in
9 all honesty, you can never write those things out, but
10 I wouldn't suggest for a minute that the outcome would
11 be based purely on emotion or reaction or instinct.

12 There will be a lot of things that lead up to that.

13 Q. What you are trying to do in training and education is
14 to, as far as humanly possible, provide people with the
15 facility to make a proper judgment without being
16 overinfluenced by matters which may lead to
17 misconceptions?

18 A. Humanly possible is the key phrase there, sir. We can
19 provide the best training, the best equipment that the
20 world has to offer, but you are providing that training
21 and equipment to human beings whose judgment, whose
22 professional judgment, ultimately you must rely on.

23 Q. Then of course it's a question of assessing whether that
24 judgment has been properly exercised; that's the further
25 question?

- 1 A. This process I would suggest, sir, is of course part of
2 that assessment, and again you asked me yesterday what
3 has or what would CO19 do differently, and with
4 reference to the learned Coroner's late direction
5 yesterday, of course I can't discuss tactics; however,
6 CO19 and the Metropolitan Police is not so arrogant that
7 we don't debrief and examine in minute detail every
8 operation that we undertake.
- 9 Q. One of the objects of debriefing and looking back is to
10 assess whether there are -- and I have called it
11 protocols or safeguards that could be put in place to
12 minimise, I have never suggested they can be eradicated,
13 to minimise the risks of a wrongful shooting. Have you
14 understood the question?
- 15 A. I do, sir, I do understand. The safeguards will be the
16 way in which you train and equip your staff to do the
17 job.
- 18 Q. Yes, and what they are trained to look for?
- 19 A. Yes, that will form part of their threat assessment.
- 20 Q. Plainly, within that, and you haven't been asked about
21 it but I'll ask you now, they have to, as it were, be
22 trained to deal with the risk of perceptual distortion,
23 don't they?
- 24 A. I mean, that's a science in itself, sir, which we of
25 course can discuss. It is, and we discussed it

1 yesterday afternoon, it is one of a number of human
2 reactions that any person would go through at times of
3 trauma.

4 Q. Of course. We are dealing with specialised firearms
5 officers.

6 A. We are, sir. We are dealing with highly trained, highly
7 professional people, who remain human beings, subject to
8 human reaction.

9 Q. That topic is certainly foremost in the minds of
10 officers when they come to make their statements about
11 what they remember, isn't it?

12 A. Foremost in their minds -- I can't comment on that.
13 They will be aware of it. I can't confirm for you or
14 otherwise it will be foremost in their minds. They will
15 be aware of it, and again I think we discussed it
16 briefly yesterday afternoon.

17 Q. Now I want to move, if I may, to just a few other
18 topics, because one of the things I want to ask you
19 about I am afraid is a tactic and obviously if you can't
20 answer it I can't pursue it.

21 By July 2005, at least by then, had firearms -- in
22 other words between 2001 and 2005, when the
23 Metropolitan Police were anticipating the possibility of
24 foot-borne suicide bombers, had there been any training
25 within SO19 that you are aware of which involved

1 a covert approach to a suicide bomber in an urban
2 environment where there might be a number of people, so
3 it might be a tube station concourse, it might be a bus
4 queue, it might be a shopping precinct, but it's
5 a covert approach from behind in which two officers
6 simultaneously secure both arms of the suspect in
7 a standing position. Was there any tactic akin to that
8 practised before 2005?

9 A. I don't feel in a position to discuss that, sir.

10 Q. Well, sir, I do feel this is a somewhat important issue,
11 because we have heard it in relation to Ivor and what he
12 thought he could do, and I have already put it to
13 another officer, the one before this. He indicated the
14 reasonableness of the approach, and that I should ask
15 this officer about it. Now, if there was such a tactic
16 developed, I think we are entitled to know about it in
17 relation to particularly decisions taken by the control
18 room at the point at which it was 10.03 in the
19 morning --

20 SIR MICHAEL WRIGHT: I think I have heard Mr Tillbrook's
21 answer. Effectively what he is saying is that this is
22 sensitive, I think.

23 A. It is, sir, and there is a bit more to it. I wasn't
24 with CO19 for about two and a half years prior to 2005.
25 What I would be prepared to say is, and clearly, sir,

1 I can't confirm for you whether that's correct or not --

2 SIR MICHAEL WRIGHT: I see --

3 A. You are right, sir.

4 SIR MICHAEL WRIGHT: Is the answer that you don't know?

5 A. That's part of it, but also clearly it is sensitive, and

6 what I would say is this: since my arrival in CO19 we

7 have and will continue to look at any available tactic

8 that will enable us to resolve an incident with due

9 regard to the safety of the public and police, and I'm

10 afraid that's as far as I can go on that issue.

11 SIR MICHAEL WRIGHT: Yes, I think if Mr Mansfield wants to

12 press this, I would prefer to call it a manoeuvre rather

13 than a tactic, but still.

14 MR MANSFIELD: Yes, yes.

15 SIR MICHAEL WRIGHT: Isn't this something which I ought to

16 ask Mr Tillbrook to discuss with Mr Horwell briefly in

17 the absence of the jury?

18 MR MANSFIELD: Yes, I think this one is relevant to the

19 particular circumstances of this case as well as

20 generally, so yes.

21 SIR MICHAEL WRIGHT: We are in the position where Ivor told

22 us that he described to us a manoeuvre that he thought

23 he could have undertaken with the assistance of Ken.

24 That's what you are after?

25 MR MANSFIELD: Yes.

1 SIR MICHAEL WRIGHT: You want to know whether it's been
2 trained?

3 MR MANSFIELD: Yes, by CO19.

4 SIR MICHAEL WRIGHT: Do you have Superintendent Stewart
5 here?

6 MR HORWELL: Commander Stewart is here.

7 SIR MICHAEL WRIGHT: I beg his pardon.

8 MR HORWELL: I didn't mean it in that sense, I was just
9 identifying him properly.

10 SIR MICHAEL WRIGHT: Would that be helpful?

11 MR HORWELL: We have of course had discussions in these
12 terms already, although --

13 SIR MICHAEL WRIGHT: What I am really thinking of is that
14 you and Commander Stewart between you can give
15 Mr Tillbrook such guidance as you feel is appropriate as
16 far as answering that question is concerned.

17 MR HORWELL: I am more than happy to take that opportunity.
18 The position may still remain that --

19 SIR MICHAEL WRIGHT: I understand that.

20 MR HORWELL: -- this witness's concern is that no-one, no
21 terrorist, should benefit from the evidence given at
22 this inquest, and even going back to what was happening
23 in 2005 could be of assistance to a terrorist in
24 determining police thinking in 2008. That's
25 Mr Tillbrook's concern, I have no doubt, and it's also

1 mine.

2 SIR MICHAEL WRIGHT: Yes, I understand that. I understand

3 that, but I think, I mean, what you are really asking me

4 to do is to sort of conduct an informal PII hearing on

5 a very narrow specific aspect.

6 MR HORWELL: Yes.

7 SIR MICHAEL WRIGHT: I am quite prepared to do that. It may

8 be that I will have to be addressed in closed court.

9 MR HORWELL: I understand.

10 SIR MICHAEL WRIGHT: I think I will send the jury back for

11 another cup of coffee and --

12 MR MANSFIELD: Sir, would it help if I just finish the

13 questions I have to ask.

14 SIR MICHAEL WRIGHT: Certainly. Pick a suitable time to do

15 it.

16 MR MANSFIELD: Rather than in and out.

17 SIR MICHAEL WRIGHT: Certainly.

18 MR MANSFIELD: I have only two more topics.

19 A. Yes, sir.

20 Q. They are related to ARVs and TSTs.

21 A. Yes, sir.

22 Q. You have given us some helpful information about both of

23 them. First of all, can I deal with the TST, because

24 they are accustomed to providing mobile support to

25 surveillance?

- 1 A. They are, sir.
- 2 Q. In other words, what's known as MASTS. You indicated it
3 was a sergeant and nine PCs available that day?
- 4 A. Yes, sir.
- 5 Q. That is the 22nd, from 7 am. Now, do we understand that
6 they could be split into three vehicles, given the
7 number of people, or you can't say?
- 8 A. It would be reasonable to suggest, sir, that that team
9 could be deployed into a number of vehicles. Clearly
10 that would be a decision for the team leader and the
11 tacticians on the day.
- 12 Q. Yes, I understand that.
- 13 SIR MICHAEL WRIGHT: It might be three, it might be more.
- 14 A. Yes.
- 15 MR MANSFIELD: So that from 7 o'clock onwards -- I had
16 better ask you this first.
- 17 If they can be split into a number of vehicles, they
18 don't all have to travel together, or do they? Could
19 they be split to different locations?
- 20 A. In theory, sir, in theory, however, the tactical experts
21 and the team leaders I'm sure would prefer, if they are
22 going to deploy as a team, then they deploy as a team.
- 23 Q. Right, but is it possible, in practice, for them to be
24 split to different locations? That's all I am asking
25 you now.

1 SIR MICHAEL WRIGHT: What you are really talking about is
2 doing different jobs, I mean different deployments.

3 MR MANSFIELD: Well, I'll come to the point.

4 In other words, if at 7 in the morning there were at
5 least two addresses that were of interest, Portnall Road
6 and Scotia Road, and we know there were two addresses by
7 that time, would it have been possible to send part of
8 the TST team to Portnall Road and part of the TST team
9 to Scotia Road?

10 A. What I would say, sir, is that it would be extremely
11 rare for tactical advisers or team leaders to dilute
12 their resources in that way.

13 Q. That's what I wanted to know.

14 SIR MICHAEL WRIGHT: If they are going to go to separate
15 destinations, effectively the tactical adviser loses the
16 team leader and the team leader loses the tactical
17 adviser.

18 A. Indeed, sir, and the way that they train, the way that
19 they practice day in, day out relies on the strength of
20 the team and to dilute it --

21 SIR MICHAEL WRIGHT: It's a team effort.

22 A. Indeed, sir, and it would clearly dilute the resources
23 available and clearly limit the tactical options
24 available to them.

25 SIR MICHAEL WRIGHT: So you don't envisage as a matter of

1 practicality, really, even though it's a nine-man team,
2 you don't envisage it being split up in order to cover
3 two targets?

4 A. It would be extremely rare, sir.

5 SIR MICHAEL WRIGHT: I am not sure that's necessarily what
6 Mr Mansfield is putting.

7 MR MANSFIELD: I am just dealing with the extreme position.
8 However, what I want to come to specifically, if at
9 7 o'clock someone at New Scotland Yard, we need not go
10 through the command team, someone had decided that as
11 an interim measure it was desirable to keep the team
12 together, that is the nine constables and the sergeant,
13 and to send them to the vicinity of Scotia Road, that
14 would have been possible, wouldn't it?

15 A. Sorry, I missed the first part of the question, sir. If
16 a senior Commander had decided to keep them together or
17 to split them up?

18 Q. Well, if they had been decided -- you suggested it's
19 desirable to keep them together?

20 A. Yes.

21 Q. Now, on that basis, if a senior Commander had decided
22 that it would be desirable to send them as a unit to
23 Scotia Road on an interim basis, that would have been
24 possible?

25 A. Theoretically it would have been possible. However,

1 clearly the senior tactical adviser would need to, in
2 light of the fact that it was a TST resource, not an SFO
3 resource, tactical adviser would need to revise in this
4 case his tactical options.

5 Q. I understand that.

6 SIR MICHAEL WRIGHT: What we are talking about really is gap
7 plugging, as you appreciate.

8 A. Yes, sir. However, of course I am not in a position to
9 know exactly, the resource --

10 SIR MICHAEL WRIGHT: We don't know what they were doing that
11 day.

12 A. I don't, sir. The resources clearly in black and white
13 on a piece of paper indicate that that TST team was on
14 duty. I of course have no idea where they were or their
15 state of preparedness.

16 MR MANSFIELD: No, I'm not suggesting that you do know
17 exactly where they were. The procedure presumably is
18 well known to tactical advisers. If they did want this
19 team to be deployed, given the nature of the threat
20 which we have heard about so often here, there is no
21 question that this must have been, on the 22nd, probably
22 the highest threat level, ie a possibility of another
23 suicide bomber, the highest threat level in London?

24 A. I would suggest it doesn't get any higher, sir.

25 Q. So if somebody at New Scotland Yard had said, "We now

1 have the highest threat level ever and we would like to
2 send whatever else is going on in London and whatever
3 else is happening to the TST, we would like to send them
4 down to Scotia Road", that's entirely possible, isn't
5 it?

6 A. It's an option that would need to be considered. It's
7 a well trained resource. Clearly, and we have gone
8 through the levels of training yesterday, the SFOs are
9 the highest trained resource. However the TSTs are very
10 professional, well trained officers, and an available
11 resource. If someone wanted to consider making that
12 decision, then the tactical adviser would look at the
13 resource available, ie it's TST, not SFO, would look at
14 what that resource was going to be asked to do and
15 provide appropriate advice to the command team.

16 Q. Yes, I understand all that. May I pass on from the TSTs
17 to the ARVs, and I'm going to be specific about this, so
18 you can follow. Please look at your statement if you
19 need to. There is more information in that, I believe,
20 about the actual availability of armed response, the
21 next tier down?

22 A. There is, sir, would you mind giving me the paragraph,
23 sir? I have it, paragraph 16.

24 Q. That's it. I'm going from the evidence you gave
25 yesterday which is in line with that. Now, the nearest

1 ARV -- I'll take it in time, I was going to be specific.

2 At 6 o'clock in the morning of the 22nd, would there
3 have been an ARV in Lambeth and an ARV in Southwark? Or
4 is it that's just their bases, they could have been
5 anywhere in London?

6 A. The bases are in Lambeth and Tower Hamlets. My
7 statement covers from the early shift. I think, sir,
8 unfortunately to answer that question, I would need to
9 look at the night duty shift from the 21st into the
10 22nd.

11 Q. Yes, I'm just wanting to know, if you are able to help,
12 about the availability of ARVs in terms of the areas
13 that they were covering at 6 o'clock in the morning, and
14 then I think it changes because the shifts change?

15 A. They do, sir. All I can say in answer to that is that
16 at 6 o'clock, yes, there would be ARVs available. It is
17 a 24/7 response. I am not in a position sitting here
18 now to tell you whether it was 6 am. That would have
19 been the night duty before.

20 Q. At 7 am?

21 A. At 7 am it would be reasonable to expect that the early
22 shift ARVs would be in the process of being briefed and
23 deployed, so what we can do is now take the information
24 in my statement that covers the available resource at --

25 SIR MICHAEL WRIGHT: The real trouble is again that we don't

1 know what they were doing?

2 A. Indeed, sir. All I have is indication of what their
3 directed patrol was for that shift, not of knowing
4 exactly where they were at which time. It may be
5 possible --

6 MR MANSFIELD: It's all right, don't worry, I'm not going to
7 go down --

8 SIR MICHAEL WRIGHT: Not at three years' remove. The
9 trouble is, Mr Mansfield, I don't think this was ever
10 gone into at the Health and Safety trial, was it?

11 MR MANSFIELD: Well, it was to some extent but not in this
12 kind of detail.

13 The question really is rather than asking you to go
14 back and find out where they actually were, if, and
15 please understand, I am dealing with a very precise
16 situation now, if somebody at New Scotland Yard, and I'm
17 not suggesting anybody had done this, in the command or
18 control room had calculated that the window of
19 opportunity for an armed stop, in other words stopping
20 someone between the place, namely the block of flats,
21 21 Scotia Road, and a bus stop; and it will depend on
22 what bus stops were operational, but I'm going to use
23 a minimum window of four minutes, all right, so they
24 have calculated it's four minutes within which they have
25 to do a stop; it may be longer because nobody knows

1 which way somebody is going to turn or go, but that's
2 a minimum.

3 It would have been possible, would it not, to have
4 asked or requested for ARVs on standby, that's a known
5 procedure, isn't it?

6 A. The request is possible.

7 Q. But it's a known procedure, isn't it, to put them on
8 standby?

9 A. Yes and no, sir. What you are talking about, you are
10 stepping into the realms of a pre-planned operation.
11 Generally the ARVs are there for response, spontaneous
12 response. However, the ARVs can be deployed into
13 a pre-planned situation. So what I am saying is the
14 request is possible. The tactical advice would again
15 need to be commensurate with the fact that it's an ARV,
16 not a TST or an SFO, and the tactical options would
17 clearly have to be reviewed by the tactical adviser.

18 Q. Of course, but this is all in the absence of specialised
19 officers being there, do you follow?

20 A. I do, sir, and the first armed response that the Met
21 provides is an ARV.

22 Q. Yes, but of course because you don't know where they
23 are, it's pretty tight to get an ARV, which you don't
24 know where it is, it could be anywhere within the -- I'm
25 only dealing with the south London boroughs for the

1 moment, Lambeth and Southwark, it's going to be pretty
2 tight to get one there within a window of four minutes,
3 just spontaneously?

4 A. Possibly, sir, but not impossible. It will depend on
5 where they are. It will take a phone call to mobilise
6 an ARV or a call over the radio and it depends where
7 they are.

8 Q. We don't want to depend when we have the highest threat
9 possible, do you follow; this is not just any old
10 threat, this is the highest threat possible where you
11 don't want to take any unnecessary risks. The way in
12 which it could have been done with tactical advice is to
13 alert any available ARV, wherever they are in London,
14 but certainly the nearest one, to be on standby for
15 a period of time to deal with the biggest threat
16 London's faced. Now, that's entirely possible?

17 A. I understand, sir --

18 SIR MICHAEL WRIGHT: What do you mean by standby,
19 Mr Mansfield?

20 MR MANSFIELD: I mean to be in a position to reach the
21 scene.

22 SIR MICHAEL WRIGHT: They have to be somewhere pretty close.

23 MR MANSFIELD: Somewhere pretty close but not obviously
24 within sight of the block and not to arouse suspicion,
25 not to compromise the operation, which is covert; in

1 other words we know at that time in the morning it
2 wouldn't take more than a few minutes to get there,
3 provided it's within a compass of Scotia Road. In other
4 words, within at least a five or six-minute range of
5 Scotia Road.

6 A. Yes, I understand all of that.

7 Q. You do?

8 A. I acknowledge the threat and I'm not looking to --
9 I wasn't for a second looking to belittle the level of
10 threat here. What I am saying to you is that the ARVs
11 are a 24/7 resource. They are a response -- there are
12 operations and scenarios where in my experience they
13 have been available to take part in an operation. But
14 clearly it depends at the time what is available on the
15 day. Now, again I would suggest to you that if a call
16 had gone in for an ARV, given the circumstances, then
17 CO19 would have made the utmost effort to source this
18 operation, but neither of us at the moment are in
19 a position to say where those ARVs were and what the
20 response time would have been.

21 Q. No, I appreciate. Finally this: if someone in the
22 command room on the back of -- I am going back to CO19
23 for the moment -- wished to direct CO19 to do an armed
24 stop safely away from the premises, in relation to
25 anyone who could not be discounted, in other words

- 1 anyone who was a positive suspect, a probable suspect,
2 or a possible suspect, but not a negative, S019 could do
3 that, couldn't they?
- 4 A. Safely.
- 5 Q. Yes.
- 6 A. They would do everything within their power to do
7 whatever's required of them safely.
- 8 Q. Just to be clear, if the command room had decided they
9 wanted an armed stop, because of the level of threat
10 here, an armed stop safely on a possible suspect because
11 of the risks, that could have been entertained by S019?
- 12 A. If the request was made to put a stop on somebody, and
13 what I would do, you are dealing with possibles or
14 probables, I will just use the word threat, it's their
15 approach to a threat. They will approach that threat,
16 they will assess it and they will put that stop in where
17 they consider it is safe to do so in the interests of
18 the public and themselves and of course the subject that
19 they are approaching.
- 20 Q. Yes, I follow all of that. That's the consequence. But
21 if they are asked to do so by the command, in other
22 words an order to intervene, they will then determine
23 where it's safest to do it?
- 24 A. They will, sir, based on their experience and their
25 training.

1 MR MANSFIELD: Yes, thank you very much.

2 SIR MICHAEL WRIGHT: On the point that Mr Mansfield was
3 making a moment ago, I have just been looking up your
4 tables, your statistics.

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: In 2005, you record that there were 670
7 SFO operations.

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: Which presumably means 670 occasions
10 when SFOs were called out?

11 A. Or allocated to an operation, sir, and bearing in mind
12 what I said yesterday, that can mean more than one team.

13 SIR MICHAEL WRIGHT: The interesting statistic is that in
14 the same year there were 14,500 calls for ARVs.

15 A. Indeed, sir.

16 SIR MICHAEL WRIGHT: That's the differential in volume.

17 A. Indeed, sir, and it follows on really from what Mr Swain
18 was saying yesterday, it indicates the pervading threat
19 in London and in fact the state of mind of the public at
20 the time. Sorry to talk over you. Clearly that's the
21 highest figure for some years.

22 SIR MICHAEL WRIGHT: It is in fact the highest figure for
23 any of the years that you have recorded. But ARVs, of
24 course, are called out or may be called out whenever
25 there is perceived to be not obviously, not bomb threats

- 1 but any firearms threat.
- 2 A. Indeed, sir, any threat, it could be a call from the
3 public or our unarmed colleagues, and as I suggested
4 yesterday, this is a spontaneous response and perhaps
5 without the benefits of properly developed intelligence
6 or without the luxury of planning, this is a spontaneous
7 response, so I and we the public, only 10 per cent of
8 the police in London, sir, are armed and because of that
9 90 per cent can remain unarmed. But the Met clearly has
10 to have an armed response in the 21st century --
- 11 SIR MICHAEL WRIGHT: To cover all sorts of emergencies.
- 12 A. Indeed, sir, and they answer thousands and thousands of
13 calls every year.
- 14 SIR MICHAEL WRIGHT: What I am really getting at is that we
15 now don't know at this remove whether there was an ARV
16 available between 6 o'clock and 9 o'clock on the morning
17 of 22 July, but it must be a fair chance that there
18 wasn't.
- 19 A. All I can confirm, sir, is that there would have been
20 ARVs on duty. It's a 24/7 response. That's all I can
21 confirm at the moment. And it would have met the night
22 duty servicelevel agreement.
- 23 SIR MICHAEL WRIGHT: Yes. But also, of course, I mean, this
24 is an obvious, it is the blindingly obvious, that if you
25 take an ARV away for three hours simply to back up

1 a surveillance team, then you have lost them for
2 whatever other purpose they may be required?

3 A. That is correct, sir. But of course one has to have due
4 regard to the threat.

5 SIR MICHAEL WRIGHT: Oh, Mr Mansfield has made the point
6 about the threat --

7 A. I don't disagree with anything Mr Mansfield has said
8 about the pervading threat, but it is a limited resource
9 and there will be people within my department, the duty
10 officer, inspector in particular, who would need to
11 consider that request, bearing in mind the duty
12 officer's responsibility to service all of London.

13 SIR MICHAEL WRIGHT: All of London, yes.

14 Now, Mr Mansfield, Mr Horwell, if you both want
15 a break --

16 MR HOUGH: Sir, it may be better, more efficient, for
17 everybody else to ask their questions, then to have --

18 SIR MICHAEL WRIGHT: Because then we will have to put the
19 screens up anyway.

20 MR HOUGH: Or just to have a break once others have asked
21 their questions and before this potential question is --

22 SIR MICHAEL WRIGHT: You are as always being pragmatic.

23 Thank you, Mr Hough.

24 MR DAVIES: No questions, sir.

25 MR STERN: Sir, I do have questions, but --

1 SIR MICHAEL WRIGHT: Yes, Mr Stern.

2 MR STERN: I hate to disagree with Mr Hough, who I never
3 disagree with, but I would prefer, if it is at all
4 possible, for this matter to be dealt with before I ask
5 any questions.

6 SIR MICHAEL WRIGHT: No, let us go on. I will let anybody
7 who wants to come back on it.

8 Questions from MR STERN

9 MR STERN: Very well.

10 Mr Tillbrook, I represent C2 and C12.

11 A. Good morning, sir.

12 Q. Good morning. We have heard quite a bit about the
13 training of specialist firearms officers in relation to
14 accuracy of shooting?

15 A. Yes, sir.

16 Q. I'm not going to ask you about that, but there are
17 a very broad range of skills over and above that, are
18 there not?

19 A. There are, sir. Accuracy of shooting is clearly
20 essential but it is just a part of the make-up of
21 an SFO.

22 Q. In addition to physical skills, there are also, I think,
23 tactical skills that are taught?

24 A. Yes, sir. Their training skills are developed and they
25 are trained to employ those shooting skills in a variety

- 1 of environments.
- 2 Q. They are, if I may call them such, classroom skills or
3 in a classroom environment, strategic planning?
- 4 A. Yes, sir, planning, briefing, researching.
- 5 Q. We have seen, I think, one or two PowerPoint
6 presentations, and obviously there are a number of those
7 that are also given to CO19 officers or to specialist
8 firearms officers to help them with that sort of
9 training as well?
- 10 A. There are, sir, and I dare say if I put an experienced
11 instructor in this seat, they could give you chapter and
12 verse on all of that.
- 13 Q. I am just asking for the general picture at the moment.
- 14 A. Yes, sir.
- 15 Q. There are quite a lot of classroom skills, if you like,
16 in addition to the physical skills?
- 17 A. Yes, sir. In fact everything is done to best equip
18 these individuals to do the extremely challenging job
19 that they do.
- 20 Q. Now, the other aspect of training that I want to ask you
21 about is judgment training, because you have been asked
22 a number of questions about specialist firearms
23 officers' judgment. What sort of judgment training is
24 there? Just in general terms.
- 25 A. Yes, sir. This may take a couple of minutes to answer.

- 1 Q. Don't worry.
- 2 A. Judgment is something that is assessed right from the
3 point that an officer applies to join CO19. It is the
4 subject of comment by the officer's line manager and
5 senior line managers, even at the application stage. So
6 if one takes the application form and the various
7 assessments that an officer would go through to join the
8 department, the first time that it is properly, let us
9 say, assessed in practice would be on an initial
10 firearms course. What this actually consists of is
11 a set of video scenarios where an officer will be
12 placed, generally with a partner or a colleague, placed
13 in front of a large screen --
- 14 Q. When you say large, all of us have different views as to
15 what large --
- 16 A. Cinematic, sir. Virtually cinematic. Several feet wide
17 and high.
- 18 Q. We are not talking about a widescreen television; we are
19 talking about much bigger than that?
- 20 A. It is large, sir. I'm just trying to picture it. It
21 would be virtually life size.
- 22 SIR MICHAEL WRIGHT: Life size.
- 23 A. And a video scenario will play out in front of the
24 officers, they will be told to interact with that
25 screen, bearing in mind that the screen won't interact

1 with them, but they are told to interact, and these
2 scenarios are there to, let us say, test an officer's
3 judgment. The two skills that any of us, I think,
4 certainly in my department, would look for from
5 a firearms officer is the ability to handle and shoot
6 a weapon safely, fundamentally, but equally
7 fundamentally is to exercise good judgment.

8 Clearly there are other skills, but they are the two
9 fundamental qualities we would look for, and this is one
10 way which you can test an officer's judgment and
11 decision-making. So the scenario is played out, and
12 they are told to react to what they see on the screen,
13 and then they are debriefed afterwards, and their
14 reactions and their decisions are discussed.

15 MR STERN: Those scenarios, are they just watching it or are
16 they participating in it; in other words, that they are
17 holding a gun or not holding a gun, how does it --

18 A. It's very much interactive, sir. They are holding
19 a weapon, and indeed not all of these scenarios are what
20 we would term shoot scenarios. They may indeed be
21 circumstances where it is not appropriate to actually
22 open fire, so they watch the video and they provide the
23 most appropriate, in their honestly held belief, the
24 most appropriate response to what happens on the video.

25 Q. I think you are not an authorised firearms officer?

1 A. I have done the AFO training, sir, but I don't think the
2 Met wants its senior managers deploying on the
3 street with firearms, but I have done the AFO training,
4 I have done the training.

5 Q. That's what I was going to ask you. I won't ask whether
6 you passed.

7 A. I did, sir.

8 Q. You have done the training, and you will have done that
9 judgment training scenario, as you have described it?

10 A. I have, sir, yes.

11 Q. How difficult is it?

12 A. Of course the scenarios vary, some of them are extremely
13 complex, but one does find oneself standing there next
14 to a partner with ear protection on, eye protection,
15 with a weapon, with a live weapon, interacting with
16 something which you know is a video. Nevertheless, my
17 experience is you do find the sweaty palms and the
18 concentration is required, and it's not easy, even
19 though you know it's a training environment. And
20 neither is it actually a test of shooting skills. You
21 know this is all about judgment and decision-making, and
22 it's one of the best things that you can do to put
23 yourself into the shoes of a firearms officer and
24 decisions that they have to make day in, day out. And
25 at some stage if you wish, we can discuss how we

1 actually put the public through this as well.

2 Q. I was going to ask you, do you put other people in the
3 shoes of firearms officers, other people who are not
4 qualified firearms officers?

5 A. We do, sir. We have a laser version of this training
6 tool, portable, that we regularly take out and we do
7 public engagements so we talk about the work that CO19
8 does. It is one of the last sections of the
9 Metropolitan Police Service to actually go out and
10 explain to the public, and in my view something maybe we
11 have been missing for a few years, one of the last
12 sections of the Met to go out and talk to the public
13 about what we do.

14 Q. Have you yourself done this, taken it round?

15 A. A number of times, yes, sir.

16 Q. Approximately how many times?

17 A. Somewhere between 15 and 20, I would suggest, sir.

18 Q. What sort of people have you taken them round to?

19 A. That varies. The Metropolitan Police Authority
20 themselves, the policing community consultative groups,
21 stakeholder groups where we think we can get a message
22 across. Clearly sometimes the request comes into us.
23 On occasions we would get in touch with a borough and
24 say, "Could you please set this up, we would like to
25 come out and deliver some messages about what we do".

1 And we, to come back to the tool itself, again it's
2 a large screen, it's a laser version, so it's completely
3 safe, we explain to the public that it's not a test of
4 shooting skill, it is all about judgment, and we put
5 them into the shoes of a firearms officer.

6 Q. These people who have done it have obviously not had
7 firearms training?

8 A. Some, sir. You get the occasional one slip in who is
9 a private shooter but by and large, no, they are not.

10 Q. Have you experienced from having seen people do it,
11 their perceptual distortion or not?

12 A. I have, sir. Again, I think I said yesterday this is
13 a science in itself and I'm not a scientist --

14 Q. Let me make it clear, I'm not asking you from
15 a scientist's point of view or an expert, but your
16 experience of having seen it?

17 A. I understand the question, sir, yes, and to keep it in
18 layperson's terms, I have seen the reaction and when we
19 do the debrief of the members of the public afterwards,
20 you can see that the effect on them of what again is
21 clearly a video, but pressure is put on them to deal
22 with a scenario --

23 SIR MICHAEL WRIGHT: This is interesting, Mr Stern, but
24 where are we going?

25 MR STERN: I'm going to ask about perceptual distortion in

1 these individuals who have not undertaken --

2 SIR MICHAEL WRIGHT: We are concerned with police officers.

3 MR STERN: I know we are, sir, but we are also concerned
4 with members of the public, and I am asking whether
5 members of the public who have taken these courses have
6 had any visual distortion or auditory distortion,
7 anything like that?

8 A. I understand, sir. Can I give two examples, one of
9 which is personal, obviously as a police officer, and
10 one from the public perspective.

11 I can't remember the exact video scenario that I was
12 dealing with, but clearly I was stood there with
13 a partner dealing with a video scenario. We both, I
14 believe, fired in the end, it was established, although
15 that was not clear to either of us at the time, and when
16 the instructor sat us down, it was clear that both the
17 partner and I had seen and heard different things, even
18 though we genuinely believed in what we thought we were
19 seeing and hearing at the time.

20 So that was clear.

21 The public example, there is one scenario where the
22 public are put in the shoes of a firearms officer
23 responding to a silent alarm at a bank, and at one
24 point, a suspect bursts out of the bank dressed head to
25 foot in denim, runs away and eventually turns and shoots

1 at the officer. However, during the debrief, one member
2 of the public described the subject to me as wearing
3 a Hawaiian shirt. It's but one example but it does give
4 an indication, and I spoke yesterday about human
5 reactions.

6 SIR MICHAEL WRIGHT: This is an example, really, this is
7 very, very well known, I'm sure, that when you ask
8 a group of people to watch an unexpected, startling
9 incident, they all come up with sometimes wildly
10 different versions.

11 A. They do, sir. It is a human reaction and human
12 reactions --

13 SIR MICHAEL WRIGHT: I have to say that we have actually
14 heard some examples of that in the course of this case.

15 MR STERN: We have.

16 A. It's no surprise to me, sir.

17 Q. That's really what I wanted to ask you, whether it was
18 a surprise, because we have heard obviously a range of
19 people who were actually in the carriage who heard
20 completely different things, saw completely things.
21 That doesn't surprise you?

22 A. I am not at all surprised by that, particularly if it
23 was members of the public, and police officers are not
24 immune to this, but if it's from members of the public
25 I would completely understand that as well.

1 SIR MICHAEL WRIGHT: All you can ever do --

2 MR MANSFIELD: If this is going to be examined, I would like
3 the witness to be asked about where members of the
4 public all say the same thing.

5 SIR MICHAEL WRIGHT: I am not sure at the moment -- I see
6 what Mr Stern is doing -- I'm not sure it will help the
7 jury very much to know what happened to general members
8 of the public, because they have seen a demonstration,
9 in fact, but what we are talking about is the extent to
10 which you are able to overcome that tendency by
11 training.

12 A. Indeed, sir. And it's trained from the -- right from
13 what you would call the introductory or entry level
14 course, ie the initial firearms course, it's trained.
15 But I can also say, having, and I have spoken to
16 instructors about this, that SFOs when they conduct
17 exercises, hostage rescue, et cetera, they will debrief
18 and they will still discuss issues of, let us call it
19 perceptual distortion. They probably won't, they may
20 use those phrases, but they will talk about what they
21 see and what they hear.

22 So yes it's trained, it's examined constantly --

23 SIR MICHAEL WRIGHT: I think the two questions really are
24 these: is it your view and your experience that by
25 training, you can reduce the propensity of your police

- 1 officers to suffer perceptual distortion?
- 2 A. I think, sir, my response would be that you can train
3 them to acknowledge it and be aware of it --
- 4 SIR MICHAEL WRIGHT: Can you improve the results?
- 5 A. I think it would be reasonable to adduce that through
6 experience and exposure, you may reduce the impact.
7 I would suggest you could never train it out --
- 8 SIR MICHAEL WRIGHT: You can't get rid of it.
- 9 A. You can't, sir. It's a human reaction, but you may
10 through constant exposure reduce the impact. You may.
- 11 SIR MICHAEL WRIGHT: That's really the point.
- 12 MR STERN: That is the point, I'm grateful.
- 13 I think the position is this: that if a specialist
14 firearms officer, during the course of the training, is
15 failing in these judgment trainings, then obviously you
16 have the power to remove their ticket or card?
- 17 A. Yes, instructors do, sir.
- 18 Q. When I say you, I mean the instructors and ultimately
19 CO19?
- 20 A. If it was clear, if it was clear that an officer's
21 judgment generally was not up to the job, then there
22 would be an obligation on CO19 not to pursue that
23 officer's firearms career.
- 24 Q. And that is what is taken seriously by CO19?
- 25 A. Extremely seriously, sir, yes. As I said just now it's

1 one of the two fundamental qualities that we look for.

2 MR STERN: Thank you very much.

3 SIR MICHAEL WRIGHT: Ms Leek.

4 MS LEEK: No questions, thank you, sir.

5 SIR MICHAEL WRIGHT: Mr Perry.

6 Questions from MR PERRY

7 MR PERRY: Thank you very much, sir.

8 Mr Tillbrook, I ask questions on behalf of
9 Commander McDowall, and Cressida Dick and also
10 Chief Inspector Esposito, and Mr Purser.

11 I have just three topics, if I may, please, sir, and
12 the first is the ACPO firearms manual. Could we have on
13 the screen page 269 of the documents which is an extract
14 from the ACPO firearms manual.

15 I just want to look at the paragraphs under the
16 heading, "Tactical Advice", Mr Tillbrook.

17 A. Yes, sir.

18 Q. If I may, please, concentrate on 5.4 and 5.5. May we go
19 through them first of all just to see what we are
20 dealing with. 5.4 first of all:

21 "While the need for tactical advice will always
22 exist at the level of Silver Commander as a priority,
23 Gold Commanders may wish to seek the advice of
24 a tactical adviser concerning the potential operational
25 effect of setting tactical parameters."

- 1 A. Yes, sir.
- 2 Q. So what I would like your assistance upon, please,
3 Mr Tillbrook, is this: what this is in effect saying is,
4 if you are the Silver, you need to have a tactical
5 adviser?
- 6 A. It's essential, sir, yes.
- 7 Q. Thank you. If you are Gold, it's in effect a discretion
8 vested in Gold as to whether he thinks it appropriate to
9 seek tactical advice?
- 10 A. Indeed, sir, should Gold request it, it would be made
11 available.
- 12 Q. Yes, and that is a conventional and well-known rule
13 within the Metropolitan Police?
- 14 A. Indeed, sir, it's the ACPO manual which --
- 15 Q. It's basic, isn't it?
- 16 A. Yes.
- 17 Q. Thank you. Now, the second thing is, if we go on to
18 5.5:
- 19 "The advisers do not make any decisions or take
20 independent action. The responsibility for the validity
21 and reliability of the advice lies with the adviser, but
22 the responsibility for the use of the advice lies with
23 the Commander."
- 24 So what this is making clear, this particular
25 paragraph, that advisers advise, Commanders decide?

- 1 A. Indeed, sir.
- 2 Q. Commanders assume the responsibility of command hoping
3 that they have received the best possible advice?
- 4 A. Yes, sir. May I suggest that the advice available from
5 a CO19 senior tactical adviser is the best possible
6 advice.
- 7 Q. Yes. Thank you very much for that. I just want to ask
8 you just these points on this particular topic: we have
9 just looked at those paragraphs, but we should bear in
10 mind that so far as the command structure is concerned,
11 the starting point, again it's a basic point, is that
12 Gold sets the strategy?
- 13 A. Yes.
- 14 Q. The tactical implementation of the strategy is a matter
15 for Silver?
- 16 A. Yes, sir.
- 17 Q. That's in the Gold, Silver, Bronze command structure?
- 18 A. Yes.
- 19 Q. That is how the structure is supposed to operate?
- 20 A. Clearly, sir, it's one that's been in existence for some
21 years and is understood by us all.
- 22 Q. It wouldn't be for the Gold Commander to micromanage or
23 concern himself in the minutiae of the tactics?
- 24 A. Generally, sir, no. You can't always write it off.
25 Generally -- generally on principle that is not Gold's

1 role.

2 Q. Thank you. The second matter -- that's the first
3 matter, so I am moving on to the second point -- I want
4 to deal with, please, Mr Tillbrook, is this: you have
5 told us that you were not within CO19 in July 2005?

6 A. That's correct, sir.

7 Q. We of course have heard in this case from those who were
8 in CO19 at the time, including Andrew, a person whom you
9 know?

10 A. I do, sir.

11 Q. Inspector ZAJ, someone else whom you know.

12 A. I do, sir, yes.

13 Q. Also Chief Inspector Esposito, again someone else you
14 know?

15 A. Yes, sir.

16 Q. Would it be fair, do you think, to say this: that they
17 would be in a better position to explain the firearms
18 resources on the day and the issues surrounding the
19 24-hour standby cover? That they would be in a better
20 position?

21 A. Better position than me?

22 Q. Yes.

23 A. I wouldn't disagree with that for a second.

24 Q. Thank you very much. Would they also be in a better
25 position to tell us about the location of the specialist

1 firearms officers on the morning of the 22nd,
2 whereabouts they were located, whether at home or in
3 hotels.

4 A. Of course, sir, they were there, I wasn't.

5 Q. As far as they are concerned, Mr Tillbrook, by the way
6 that's not a criticism of you.

7 A. No, of course.

8 Q. But would you also accept this, Mr Tillbrook, that they
9 were in the best position to advise on the day how to
10 use the resources available, given the threat level and
11 the fact that the threat could materialise anywhere in
12 London?

13 A. Yes, sir. I would acknowledge that those individuals
14 are amongst the most experienced, if not the most
15 experienced in the country in that particular role.

16 Q. Thank you very much.

17 A. Particularly Mr Esposito and Andrew, particularly.

18 Q. That's very handsome and generous of you, Mr Tillbrook,
19 and that brings me on to the third factor, which is
20 about intervention. I am just going to try to put this
21 in context before I ask you some questions.

22 A. Yes.

23 Q. Because you said yesterday that when specialist firearms
24 officers are in a confined situation, the range of
25 tactical options is reduced. You were being asked

1 questions.

2 A. That's right, sir. Well, what is certainly reduced is
3 the opportunity, and we were talking specifically about
4 a tube carriage here, what is clearly reduced is the
5 option of cover, and the option of distance.

6 Q. Well, that's what I want to come on to, if I may,
7 Mr Tillbrook, but you see, what was being discussed
8 yesterday was that the range of tactical options is
9 reduced and the ultimate outcome may be very tragic, and
10 the example that was put to you was of dealing with
11 a potential suicide bomber in the middle of Hyde Park?

12 A. Yes, sir.

13 Q. But even in Hyde Park, in the situation put to you, the
14 ultimate outcome may be tragic?

15 A. Of course. The environment is different. The
16 environment is different --

17 SIR MICHAEL WRIGHT: What you said to me yesterday was the
18 environment is different and the chances of avoiding
19 a tragic outcome are probably better.

20 A. Possibly, sir. Possibly, because one thing that
21 distance would give is the opportunity for just maybe
22 a second or two's further assessment, let us say. But
23 the outcome may in the end be the same.

24 MR PERRY: In the end, everything is going to depend upon
25 the actual situation confronting the firearms officer or

- 1 officers in question?
- 2 A. Without a doubt, sir, without a doubt.
- 3 Q. The simple fact is that there is no such thing as
4 an easy intervention?
- 5 A. No, sir.
- 6 Q. Even in Hyde Park, if you have the situation, if a child
7 appears or if the person in question is making his or
8 her way towards a group of people who are in the park,
9 that's going to present its own particular difficulty?
- 10 A. Yes, sir. There are many, many words that you could use
11 to describe the job that a firearms officer does; easy
12 is not one of them.
- 13 Q. Given that there is no such thing as an easy challenge,
14 whether it be in Hyde Park, on a bus, a pavement outside
15 Brixton, a pavement outside Stockwell tube station, the
16 entrance hall of Stockwell tube station, on the
17 escalators at Stockwell tube station, or in a carriage
18 at Stockwell tube station, the difficulties and
19 challenges are immense in any of those situations?
- 20 A. They are, sir. Again, I keep using this phrase,
21 a million and one, but the environments can change --
22 an environment can change at a split second.
23 Ultimately, it comes down to the judgment of
24 a well-trained and professional individual.
- 25 Q. The difficulties are going to be magnified once you have

1 other people, members of the public, around the person
2 who is the subject of the intervention?

3 A. Of course, sir. Again, it's -- they form part of the
4 environment and firearms officers are trained to
5 consider those things, of course, and they will always
6 in my opinion do what they need to do, making the best
7 possible effort to do so safely.

8 Q. That brings me really to the final point, because in all
9 of these situations, whether it's on the pavement, in
10 a park, wherever, police officers are making decisions
11 guided by the overriding principle that it is their
12 responsibility to protect the public?

13 A. It is, sir. And they never lose sight of that. As
14 I said yesterday, it is their job to put themselves
15 between the public and a threat.

16 MR PERRY: Thank you very much indeed.

17 SIR MICHAEL WRIGHT: Thank you, Mr Perry. Mr King?

18 MR KING: Nothing from me, sir, thank you.

19 SIR MICHAEL WRIGHT: Mr Horwell?

20 MR HORWELL: Do you want me to cross-examine now and then
21 have the break, or shall we have it now? Just in case
22 anything emerges, that's all. I haven't got very much
23 in any event.

24 SIR MICHAEL WRIGHT: Why don't you do the other matters that
25 you can deal with, and then we will deal with the whole

1 lot.

2 MR HORWELL: Of course.

3 Questions from MR HORWELL

4 MR HORWELL: Mr Tillbrook, Richard Horwell on behalf of
5 the Commissioner.

6 A. Good morning, sir.

7 Q. I have only a few questions to ask you. One relates to
8 an answer that you gave yesterday to Mr Mansfield, when
9 he asked you in respect of training what has changed.
10 You said very little has changed?

11 A. Yes.

12 Q. You have in part answered my question by what you said
13 this morning, but I think it's important that the jury
14 understand what you meant by that, "very little has
15 changed". It's not a statement that is made out of
16 arrogance?

17 A. No, sir.

18 Q. It's not a statement that is made through
19 an unwillingness to change?

20 A. No.

21 Q. The fact is that, having thought about it, no doubt over
22 many, many days and months, you have not been able to
23 change the training, for all of the reasons that you
24 have given over the last two days?

25 A. Indeed, sir, and I actually welcome the opportunity to

1 qualify what I said yesterday.

2 Q. Do, please.

3 A. Because if it sounded either defensive or arrogant it
4 really wasn't meant to, and I understand where
5 Mr Mansfield was coming from, in that the family would
6 wish there to be reassurances maybe that everything
7 possible is being done to ensure there would not be
8 a repetition.

9 Now, the core tactics available to my staff from
10 armed intervention remain broadly the same, and I have
11 said this already this morning, that CO19 would not miss
12 any opportunity to debrief an operation, to re-examine
13 a tactic, to fine-tune a tactic, and that goes on every
14 day. So I really wouldn't wish it to appear in any way
15 arrogant that we think we have got it absolutely
16 perfect. We will look at what we do every day and at
17 every opportunity to try to improve.

18 Q. Questions were asked of Mr Swain yesterday about the
19 blue book that firearms officers carry?

20 A. Yeah, blue card, sir.

21 Q. I am sorry.

22 A. Yes.

23 Q. I just want, simply on the basis of ensuring that the
24 full evidence is given and accurate evidence is given,
25 Mr Swain, a long time ago or some years ago since he had

1 a blue card, he thought that it was only Section 3 of
2 the Criminal Law Act on the card?

3 SIR MICHAEL WRIGHT: I don't think he meant that.

4 MR HORWELL: You have a card, obviously?

5 A. I do, sir.

6 Q. Could you take it out?

7 A. Yes, sir.

8 Q. Could we have put up, please, page 290 of the documents.

9 SIR MICHAEL WRIGHT: ACPO?

10 MR HORWELL: It's the ACPO manual.

11 A. Replicated on here, sir.

12 SIR MICHAEL WRIGHT: I see. It's a straight print, is it?

13 A. It is, sir.

14 MR HORWELL: It's paragraphs 3.1, 4.1, 5.1 and if we go to
15 page 291, is it simply what is on page 290,
16 Mr Tillbrook?

17 A. Particularly individual responsibility, but -- and
18 I think Mr Mansfield asked a number of times about rules
19 of engagement yesterday.

20 Q. Yes.

21 A. If one looks -- I am looking for a paragraph,
22 circumstances when weapons may be fired.

23 Q. Yes.

24 A. If we look at 2.1, ultimately that is what a firearms
25 officer will depend upon.

1 Q. Is that on the blue card?

2 A. It is, sir, that firearms be fired when only absolutely
3 necessary and, clearly, that is the judgment of the
4 individual.

5 SIR MICHAEL WRIGHT: And where conventional methods if tried
6 are likely to fail.

7 A. Likely to fail, sir, and again all of these will be part
8 of the assessment. These will be assessed by the
9 individual. But that, if you want to call it a rule of
10 engagement, that's one, but firearms --

11 SIR MICHAEL WRIGHT: Does it actually have Section 3 of the
12 Criminal Law Act on there as well?

13 A. It does, sir.

14 SIR MICHAEL WRIGHT: On the card, I mean.

15 A. On the card, sir, yes.

16 MR HORWELL: I'm told helpfully there are copies of the blue
17 card if that would be of assistance to the jury.

18 SIR MICHAEL WRIGHT: I think it would be.

19 A. Because it also covers the issue of oral warnings.

20 SIR MICHAEL WRIGHT: Yes, and warning shots.

21 A. Yes.

22 SIR MICHAEL WRIGHT: Which are not approved of.

23 A. No.

24 SIR MICHAEL WRIGHT: I think this is something that may well
25 go in your jury bundle, ladies and gentlemen, you will

1 probably find it helpful. (Pause).

2 MR HORWELL: Now that we all have it, it will only take
3 a few minutes, I will read the card because it is
4 important, and this is a card that every firearms
5 officer carries?

6 A. Yes, this is their authorisation to carry a firearm,
7 sir, yes.

8 Q. And a firearms officer will be very familiar with these
9 words?

10 A. Absolutely, yes. Yes.

11 SIR MICHAEL WRIGHT: It is the first two pages that matter,
12 isn't it?

13 MR HORWELL: Yes. If we all have them, I will start from
14 the first page:

15 "Individual Officer's Responsibility: The ultimate
16 responsibility for firing a weapon rests with the
17 individual officer, who is answerable ultimately to the
18 law in the courts. Individual officers are accountable
19 and responsible for all rounds they fire and must be in
20 a position to justify them in the light of their legal
21 responsibilities and powers. Any discharge of a weapon
22 other than in training, whether intentional or
23 otherwise, must be reported by the officer concerned.
24 The pointing of a firearm at any person may also
25 constitute an assault and must also be reported and

1 recorded."

2 A. Yes.

3 Q. This is what we have heard a lot of. Section 3 of the
4 Criminal Law Act 1967:

5 "A person may use such force as is reasonable in the
6 circumstances in the prevention of crime, or in the
7 effecting or assisting in the lawful arrest of offenders
8 or suspected offenders or of persons unlawfully at
9 large. When making a determination as to whether the
10 level of force used was lawful in any particular
11 instance the courts will take cognisance of the articles
12 under the ECHR."

13 That's the European Convention of Human Rights?

14 A. Indeed, sir. May I just ask, clearly there are far
15 better legal minds than mine in here --

16 Q. Careful, that may not be right, Mr Tillbrook.

17 A. When one refers to circumstances, is it not somewhere
18 qualified that there is the individual honestly believed
19 them to be at the time. Is that correct?

20 Q. That will all be part of the Coroner's directions at a
21 later stage, but you are absolutely right, yes.

22 "Circumstances When Weapons may be Fired:

23 "Firearms are to be fired by AFOs in the course of
24 their duty only when absolutely necessary after
25 conventional methods have been tried and failed or must,

1 from the nature of the circumstances, be unlikely to
2 succeed if tried. (It is strongly advised that warning
3 shots are a dangerous option as they may lead a subject
4 or other officers to believe they are under fire or
5 cause collateral injury.)"

6 A. Indeed, not something that's encouraged in any way.

7 Q. No.

8 "Oral Warning:

9 "AFOs shall identify themselves as such and shall
10 give a clear warning of their intent to use firearms,
11 with sufficient time for the warnings to be observed,
12 unless to do so would unduly place any person at a risk
13 of death or serious harm, or it would be clearly
14 inappropriate or pointless in the circumstances of the
15 incident."

16 A. Yes, sir.

17 Q. I don't think the rest of the card is relevant.

18 SIR MICHAEL WRIGHT: Would you like to put, ladies and
19 gentlemen, if you have not already done it, I think it's
20 tab 63 in the second volume of your bundle.

21 MR HORWELL: Thank you.

22 A. I say again, sir, the point was raised about rules of
23 engagement; that's about as probably close as an AFO
24 would have to rules of engagement.

25 Q. So if we were to summarise that which has just been read

1 out, the discharge of a weapon is an act of last resort?

2 A. When it's deemed absolutely necessary.

3 Q. If anyone were to ever consider that specialist firearms
4 officers are in any sense trigger-happy, Mr Tillbrook,
5 we not only have your evidence that they are not; is
6 that right?

7 A. Indeed, sir, and I think I would suggest that the tables
8 speak for themselves.

9 Q. That is what I was going to come to. We not only have
10 your evidence, we have the statistics that are revealed
11 in those tables that were shown to the jury yesterday?

12 A. Indeed, sir. In fact the term "trigger-happy" was used
13 by a fairly high-profile individual in the last couple
14 of years, I have got to say that my staff find that --
15 well, reprehensible, a terrible comment to make about
16 professionals that do the job they do.

17 Q. Thank you.

18 Can I just finally, we have been round and round
19 this so many times, Mr Tillbrook, but it's been
20 mentioned again this morning, this suggestion that there
21 can be a window of opportunity in which the police can
22 plan to stop somebody in circumstances similar to these.

23 We have heard a lot of evidence to the effect that
24 it is impracticable to have a plan in which there are
25 designed stop points for people, because it can take

1 moments, it can take minutes, in which somebody is
2 identified?

3 A. Indeed.

4 Q. That is an unknown in any situation?

5 A. Indeed, sir. I mean, any plan of course is desirable
6 but it can change in a split second. The environment in
7 which the officer finds him or herself can change in
8 a split second.

9 Q. So the variables are these: no idea at what stage anyone
10 is going to be identified to a level at which an armed
11 intervention is necessary?

12 A. Indeed.

13 Q. No idea where any individual is going to go, no idea how
14 that individual is going to proceed, on foot, or in
15 a vehicle?

16 A. Indeed, and may I add, sir, that even when the firearms
17 officers know these things, and they may choose the most
18 desirable place to carry out intervention, with a brick
19 wall in the background, for example, but you can never
20 negate the fact that even that environment can change
21 within a moment.

22 Q. The idea of a marked ARV car being near to premises,
23 that, as we have heard so many times already,
24 Mr Tillbrook, can blow the covert nature of
25 an operation?

1 A. An ARV, sir, is generally a large BMW with bright yellow
2 spots in the window with three officers kitted up. The
3 last thing it is is covert. Of course it's an available
4 resource, but the last thing it is is covert.

5 MR HORWELL: That's what I wanted to ask you. Thank you,
6 that's all I ask.

7 SIR MICHAEL WRIGHT: Mr Hough. Do you have anything on the
8 general evidence of the officer?

9 MR HOUGH: Yes, just two or three things.

10 Further questions from MR HOUGH

11 MR HOUGH: First of all, Mr Tillbrook, you were asked about
12 activities teams.

13 A. Yes.

14 Q. You very helpfully told us that there was one on duty on
15 the morning of 22 July?

16 A. The resource system tells me that is the case, sir, yes.

17 Q. The suggestion was that we don't know what they were
18 doing. We do know what they were deployed to do.

19 Perhaps we can have page 7685 of the documents on screen
20 for that. You may not have seen this recently or you
21 may. It's an operational policy log.

22 A. I have never seen this.

23 Q. Mr Esposito's first entry on 22 July upon taking over as
24 firearms tactical adviser, responsible for resourcing
25 that day at 6 am, was to write in the last sentence:

1 "TST and ARV to be the spontaneous response."

2 A. I see that, sir.

3 Q. Does that indicate that that Tactical Support Team was
4 intended to play the role of providing a spontaneous
5 response if somebody like Mr Carter, the DSO in the
6 information room, should want a team of that kind to
7 provide a spontaneous response?

8 A. Indeed, sir, it was a CO19 resource available for
9 deployment to the command team as and when considered
10 necessary.

11 SIR MICHAEL WRIGHT: We can see from that, of course, that
12 Mr Esposito had effectively allocated both the
13 immediately and potentially available SFO teams to jobs.

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: That was the lot, that's all he had as
16 far as --

17 A. At that stage, sir, yes, it appears so.

18 SIR MICHAEL WRIGHT: So he has effectively reserved the TSTs
19 and ARVs for spontaneous response.

20 A. He has, sir. And just to qualify that, the TSTs, yes,
21 ARVs, Mr Esposito would clearly know that ARVs are
22 available 24/7. I would not suggest for a minute he has
23 said, right, it will be that ARV -- he may have done,
24 but he would know there would be ARVs available if
25 required.

- 1 MR HOUGH: They are generally a spontaneous response.
- 2 A. Generally a spontaneous response, yes.
- 3 SIR MICHAEL WRIGHT: That's their normal function, is it
- 4 not?
- 5 A. It's the reason -- it's what they are paid for, it's the
- 6 24/7, it's the first response to a call from the public
- 7 or our unarmed colleagues.
- 8 MR HOUGH: On that particular day, is this right, the DSO on
- 9 call in the information room would have a particular
- 10 need to have a spontaneous response team available to
- 11 him, given what had been happening over the previous
- 12 days?
- 13 A. It would make sense -- again, sir, I wasn't there but it
- 14 would make sense.
- 15 Q. So the TST team allocated for that purpose?
- 16 A. Yes, sir.
- 17 Q. You were also asked by me and then by others about ARV
- 18 deployments on the morning of the 22nd?
- 19 A. Yes.
- 20 Q. You indicated how many ARVs in different boroughs there
- 21 were?
- 22 A. Yes, sir.
- 23 Q. Is it possible to do research to find out if the
- 24 Southwark ARV was deployed to other operations that
- 25 morning, say, between 9.30 and 10?

1 A. It's --

2 MR HORWELL: Sir, if I can interrupt Mr Hough, I hope

3 helpfully, we have, I hope, in the building information

4 as to where particular cars were at particular stages,

5 and we will obtain that.

6 SIR MICHAEL WRIGHT: Can it be dealt with on a hearsay

7 basis?

8 MR HORWELL: I am sure it can be.

9 MR HOUGH: Probably through Mr Reynolds on Monday.

10 SIR MICHAEL WRIGHT: Very well.

11 MR HOUGH: That was as preface also to this question: if the

12 Southwark ARV had been actively engaged on something

13 else important between 9.30 and 10 o'clock, would it

14 have been possible for those in the control room to call

15 upon an ARV from an adjacent borough?

16 A. Yes, sir. The duty officer would, the ARV duty officer

17 would --

18 SIR MICHAEL WRIGHT: Not within four minutes, though.

19 A. Depends where they are, sir, they can move around pretty

20 quickly on occasions. It would really depend where they

21 were. I would suggest knowing what was going on at the

22 time that the ARV duty officer would do his or her

23 utmost to provide that response if asked.

24 MR HOUGH: Then this finally: you were asked about

25 challenges and interventions, and I think you said quite

1 understandably that any challenge or intervention in any
2 environment is difficult and challenging?

3 A. There are inherent risks, yes, on any given day, sir, or
4 any time.

5 Q. Will a tactical adviser who advises the Commander give
6 advice on where a challenge should take place, having
7 regard to the environment? Just as a general
8 proposition.

9 A. Well, what I think would probably happen, sir, is that
10 the tactical adviser would provide the options, but it
11 really would be down to the team leader at the time to
12 indicate where the most appropriate place for that
13 intervention would be to take place.

14 Q. In your experience, does a tactical adviser provide any
15 advice on the best place to effect a challenge, having
16 regard to what he knows of how SFOs work?

17 A. They may do, sir, they are hugely experienced
18 individuals, they have done the role themselves, and
19 they have an intimate understanding of what the
20 practitioners would do on the ground.

21 MR HOUGH: Thank you very much. Those are all the questions
22 that I have, subject obviously to this one point.

23 SIR MICHAEL WRIGHT: Let the jury go away for a cup of
24 coffee. You might have a slightly longer break than
25 usual. Don't let that worry you. We will let you know

1 when we are ready to go on.

2 (11.20 am)

3 (In the absence of the jury)

4 SIR MICHAEL WRIGHT: Right. I think Mr Tillbrook can stay
5 where he is because he may as well listen to this. What
6 I really want to do, Mr Mansfield, is define and refine
7 as closely as possible the topic that you want to
8 explore.

9 We have had the evidence from Ivor as to what he
10 thought could have been achieved. We have actually also
11 heard from Mr Swain, for reasons which I don't suppose
12 Ivor knew anything about, that certainly the putting
13 down to the ground might not be a good idea when he is
14 dealing with peroxide-based explosives.

15 What is it you wished to explore further with this
16 officer?

17 MR MANSFIELD: It is the proposition I put to, in fact,
18 Mr Swain, and he I think accepted it was a reasonable
19 proposition, namely a training for CO19 to make a covert
20 approach from behind, and to, as it were, secure
21 simultaneously the arms of the suspect -- I am dealing
22 with the second category but it might apply to the
23 first --

24 SIR MICHAEL WRIGHT: Can I just keep up with you. I want
25 really to define this as closely as I possibly can.

1 MR MANSFIELD: This is the defined point. Covert approach
2 from behind --

3 SIR MICHAEL WRIGHT: All on foot, of course.

4 MR MANSFIELD: All on foot, and we would say particularly
5 applicable to urban crowded areas where officers could
6 approach covertly.

7 SIR MICHAEL WRIGHT: Covert approach from behind on foot,
8 securing arms.

9 MR MANSFIELD: Yes, the obviously two officers with a third
10 on hand. The two officers either side who secure the
11 arms immediately in a position away from the body, and
12 then obviously a third officer may produce a weapon or
13 not depending on the position, but they would have to
14 declare who they were at that point.

15 SIR MICHAEL WRIGHT: He is the challenging officer.

16 MR MANSFIELD: Yes, well, the two officers doing it may
17 declare they are armed police. That's the fairly
18 straightforward scenario.

19 SIR MICHAEL WRIGHT: Yes, and the question really is, any
20 training prior to 22 July 2005?

21 MR MANSFIELD: Yes.

22 SIR MICHAEL WRIGHT: Now, I don't know whether, having had
23 a chance to chew it over, Mr Tillbrook, whether in fact
24 you are, you still think that that is something you
25 don't want to answer?

1 A. I make a couple of points, if I may, sir. Firstly, the
2 manoeuvre, let us call it --

3 SIR MICHAEL WRIGHT: I do not want you to answer the
4 question by accident.

5 A. No, sir, I understand. Let me put it this way, then:
6 having already said in evidence that CO19 will continue,
7 have and will continue to explore every possible option
8 to resolve such an incident with due regard to the
9 safety of everybody, we will continue to do so.

10 As far as was it in existence at around or before
11 July 2005, I'm not -- I'm simply not in a position to
12 answer that. I could go away and research it. Now, you
13 could argue, is answering a question about something
14 that was in place historically, would that compromise my
15 staff in the future? Well, quite possibly. Quite
16 possibly. I wouldn't wish to give away anything to
17 anybody which might compromise my staff in the future.

18 SIR MICHAEL WRIGHT: Okay. It depends, I suppose, whether
19 even thought it is historic, it may still be current.

20 A. Indeed, sir.

21 SIR MICHAEL WRIGHT: Okay, I understand that. I think let
22 Mr Horwell and Commander Stewart have a chat about this
23 with Mr Tillbrook, and if you want a PII hearing,
24 without the usual trimmings I am afraid, we will deal
25 with it in the usual way.

1 MR HORWELL: Yes. We will let everyone know if that is to
2 take place.

3 SIR MICHAEL WRIGHT: Everybody else can have some coffee.
4 (11.25 am)

5 (A short break)

6 (11.50 am)

7 (In the presence of the jury)

8 SIR MICHAEL WRIGHT: Now, how do you want to deal with it,
9 Mr Horwell? Are you going to ask the question?

10 MR HORWELL: Thank you for the time. Mr Tillbrook is
11 content to say that in July 2005, this was not a tactic
12 that the police would have used.

13 SIR MICHAEL WRIGHT: Or trained for?

14 MR HORWELL: Or trained for.

15 SIR MICHAEL WRIGHT: That's right, is it, Mr Tillbrook?
16 A. Yes, sir, I have confirmed that.

17 SIR MICHAEL WRIGHT: Now, Mr Mansfield, a nil return is
18 a nil return. Do you want to ask anything else about
19 that?

20 MR MANSFIELD: I think it would be probably just extending
21 the ambit too far.

22 SIR MICHAEL WRIGHT: I think it would. Thank you very much.
23 Mr Tillbrook, thank you very much indeed.

24 A. Sir, thank you.

25 SIR MICHAEL WRIGHT: After all that, you are free to go.

1 A. Thank you, sir.

2 (The witness withdrew)

3 MR HILLIARD: Sir, the next witness is Mr Macbrayne, please.

4 DETECTIVE SUPERINTENDENT JOHN MACBRAYNE (sworn)

5 SIR MICHAEL WRIGHT: Thank you, Mr Macbrayne, please sit
6 down.

7 A. Thank you, sir.

8 Questions from MR HILLIARD

9 MR HILLIARD: Is it John Macbrayne?

10 A. It is, sir, yes.

11 Q. Mr Macbrayne, I am going to ask you some questions first
12 of all on behalf of the Coroner, and then you may be
13 asked questions by others.

14 A. Yes.

15 Q. Do you have with you a statement that you made on
16 19 September 2008?

17 A. I do, sir, yes.

18 Q. Have you got some notes, JM1 and 2, original notes
19 I think that you made at the time of the events I am
20 going to ask you about?

21 A. I do, sir. Yes, sir, and I do have some other notes
22 which are from other officers which I have referred to
23 as having referred to in the statement.

24 Q. So you understand, you can look at all that material as
25 we go along, and please do so. We are under a bit of

1 time pressure, so it will help if you have those
2 documents there.

3 A. I have, sir. Just for absolute clarity, within the
4 binder, you can see I do have some other notes.

5 Q. Thank you for saying, but that's fine. Are you
6 a Detective Superintendent in the Counter-Terrorist
7 Command?

8 A. Yes, sir.

9 Q. What job did you have in July 2005?

10 A. I was the Detective Superintendent with the overall
11 responsibility for the forensic wing of the command, one
12 or two other bits as well but in particular that.

13 Q. Right. Overall responsibility for the forensic team,
14 which formed part of the group or branch; what does that
15 actually mean, can you just explain that?

16 A. There is a number of officers who are trained and
17 specially deployed around forensic recovery and search.
18 So they --

19 Q. Picking up or recovering, what, items, for example, from
20 the scene of a crime or the scene of an arrest which
21 might then find themselves being examined by scientists?

22 A. Yes.

23 Q. Is that right?

24 A. They're the conduit from the scene to scientific
25 examination.

1 Q. DNA, fingerprints, all that kind of thing?

2 A. That's correct, sir.

3 SIR MICHAEL WRIGHT: You are seen on television going round
4 in white suits?

5 A. They are, sir, yes.

6 SIR MICHAEL WRIGHT: Not you, they.

7 A. Yes.

8 MR HILLIARD: All right. Anyway, all that process we
9 understand goes on, and you were in charge of that, you
10 had overall responsibility for it?

11 A. I did, sir, yes.

12 Q. Presumably the events of 7/7, as it's known,
13 7 July 2005, must have been very time consuming for you
14 indeed?

15 A. It was, sir, yes, it put a considerable amount of
16 pressure on all the officers. I can't remember then,
17 but it's about right, there was around about 28 officers
18 in that section. I think there are in effect around
19 about another 100 country-wide trained, and they were
20 all called upon, everyone who was available was called
21 upon to support the events of the 7th.

22 Q. Because you have a number of scenes of explosions
23 obviously to examine in minute detail?

24 A. Yeah, there were, in effect there were four scenes of
25 explosions on 7 July, but in its entirety for that

1 investigation, there were over 200 different crime
2 scenes of one form or another, whether it be vehicles,
3 premises or --

4 SIR MICHAEL WRIGHT: You mean you were calling in forensic
5 officers from other Forces?

6 A. Yes, sir, there is a network of officers who are trained
7 in the same way as the permanent Metropolitan Police
8 officers for this very event, either to support
9 a terrorist incident or terrorist search, let us say, in
10 a different part of England and Wales, or to support our
11 efforts if there is a big inquiry.

12 SIR MICHAEL WRIGHT: You have recourse to all of them.

13 A. More or less.

14 MR HILLIARD: You give an example of how time consuming, for
15 obvious reasons, the process can be. You explain in
16 your statement that officers were still engaged at the
17 Russell Square scene from 7 July 2005, still engaged
18 there on 21 July; is that right?

19 A. They were, sir, yes, and they were also still engaged in
20 West Yorkshire dealing with what became known as the
21 bomb factory for 7 July.

22 Q. Right. Looking at paragraph 5 of your statement, you
23 explain that, given the scale and complexity of
24 terrorist investigations, particularly following events
25 like those on 7 July and 21 July, which I am now coming

1 on to, you say that something called a forensic
2 co-ordination role is required. So somebody has to do
3 that job. Can you just tell us, what's meant by
4 forensic co-ordination, please?

5 A. In effect it's, and it doesn't just happen, it happens
6 whenever there is multiple searches, so it's not just
7 bomb scenes, for example, but it's somebody to do with
8 the crossover issues for each scene, to provide the
9 officers who are the scene examiners at each scene with
10 the adequate support. It might be making sure there is
11 lifting equipment made available, it might be all those
12 sorts of issues, but it's also a conduit for
13 information.

14 Q. So if something particularly significant is found at
15 a scene, sort of people you are going to tell us about,
16 would they be responsible for getting that information
17 back to what I will call HQ?

18 A. In effect, sir, yes. By way of example, I think in the
19 early days after 7 July, an issue arose around the
20 amount of people contacting the scenes for information,
21 so another aspect of that was to be a single point of
22 contact, or a focal point for the scene examiners to
23 provide the information, so they weren't constantly
24 bothered by varying aspects of the organisation or
25 outside for information from the scene. So it was

1 another chain, if you like, or link in the chain, to
2 facilitate the scene examination, to make sure they got
3 the support they needed but to provide a point of
4 contact for them.

5 In this case on 21 July that was carried out by
6 Detective Sergeant Jolly.

7 Q. With the assistance of?

8 A. Acting Detective Inspector Asman. Mr Asman had carried
9 out the role, or was carrying out the role for 7 July,
10 Mr Jolly did it for the 21st but they were both still on
11 duty and both supporting -- you know, Jolly took the
12 lead role in that aspect.

13 Q. Forensic co-ordination role being carried out then for
14 21 July by Mr Jolly and Mr Asman, and another name you
15 give in your statement, the scene examiner at
16 Shepherd's Bush station, please, was who?

17 A. It was Detective Constable Andrew Meneely, sir, and he
18 in effect is responsible for the search. He won't do
19 all the search himself necessarily but the recovery, the
20 packaging and the recording of exhibits found at the
21 search.

22 Q. Right. Have you had access to various documents,
23 worksheets, notes and so on, these three officers
24 completed?

25 A. Yes, sir.

1 Q. You can just help us a bit to follow the sequence of
2 timing. On 21 July 2005, were the events at the Oval,
3 Warren Street and Shepherd's Bush Underground stations,
4 were those reported I think between 12.35 and 12.43?

5 A. Yes.

6 Q. Then the bomb on the bus at Columbia Road in Hackney,
7 was that reported at about six minutes past 1?

8 A. Yes.

9 Q. Just following the sequence through, at about 1 o'clock
10 in the afternoon, was information received from the
11 exhibits officer at the Oval to the effect that
12 monitoring equipment had given an indication of the
13 potential presence of a nerve agent?

14 A. That is correct, sir, yes.

15 Q. What does that mean?

16 A. There is some monitoring equipment that can detect
17 different chemicals or agents, and what that really
18 meant to us, was there was the potential for this to be
19 a chemical or a biological sort of attack, and that's,
20 I'm not an expert on nerve agents, sir, but that sort of
21 thing.

22 Q. Right.

23 SIR MICHAEL WRIGHT: One of the quickest monitoring factors
24 is that everybody's eyes started streaming when they
25 were investigating the rucksacks?

- 1 A. That's right, sir. I don't know whether that was them
2 examining the rucksack or just the members of the public
3 who had been on the train at the time, but it would be
4 very difficult to decipher the two.
- 5 SIR MICHAEL WRIGHT: This was a reported symptom, if you
6 like?
- 7 A. Yes, which would be another indicator of potential
8 problems.
- 9 MR HILLIARD: And the upshot was, is this right, that
10 experts from Porton Down were called to the scene?
- 11 A. Yes, sir, yes.
- 12 Q. Were the four scenes closed to all except explosives
13 officers who were obviously there to make sure things
14 were as safe as they could be?
- 15 A. Yes, and although I can't say with certainty whether
16 they did or didn't go in, I suspect that they too would
17 be in the same position and would wait for the
18 deployment of the personnel from Porton Down. But some
19 of them have training and may have felt they could do
20 it, but they would be in control at that stage in terms
21 of declaring safety.
- 22 Q. Just so far as the explosives officers are concerned, we
23 are going to hear about Porton Down in a moment, but
24 there is Porton Down to look at the scenes, there is the
25 explosives officers; and is this right, the scene

- 1 examiner doesn't assume control of the scene until the
2 explosives officer and in this case Porton Down have
3 said that it's safe to do so?
- 4 A. That's correct, sir, yes.
- 5 Q. Porton Down sent two teams; is that right?
- 6 A. Yes, sir.
- 7 Q. And went to the Oval and Warren Street first before
8 going to Shepherd's Bush and the Hackney bus; is that
9 right?
- 10 A. That's correct, sir, yes.
- 11 Q. I think they were at the Oval from 1549, started at
12 1549; is that right?
- 13 A. Yes, sir.
- 14 Q. And --
- 15 SIR MICHAEL WRIGHT: The one we are interested in is
16 Shepherd's Bush, isn't it?
- 17 MR HILLIARD: That's the one we are coming to.
18 Arrived at Shepherd's Bush at 1745; is that right?
- 19 A. Yes, sir.
- 20 Q. Between 1745 and 8 o'clock -- I should say ten to 9 in
21 fact, 1745 to 8.50 in the evening, were they making
22 their assessment?
- 23 A. They were, sir. It probably was --
- 24 Q. They completed it at 2050; is that right?
- 25 A. Yes, I think that's correct, sir, yes. It's drawn from

1 Mr Meneely's note but yes, 2050, they had finished their
2 assessment.

3 Q. They had completed their assessment and said, is this
4 right, that they were really virtually certain at that
5 initial stage that the device was peroxide based, so in
6 fact the concerns that had been expressed didn't
7 actually come to pass; is that right?

8 A. That's correct, sir, I think the first part of it was
9 discussions between them, the scene examiner, the
10 explosives officer about perhaps the methodology they
11 would employ. They then entered the scene, examined the
12 device and then left, and by that time, 2050, they had
13 finished.

14 SIR MICHAEL WRIGHT: So you had clearance at 2050?

15 A. Yes, sir, yes.

16 MR HILLIARD: So that meant the scene examiner could begin;
17 is that right?

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

19 Q. Is the first thing that happens what's called opening
20 photography?

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

22 Q. Does that mean you take pictures to show the scene
23 before it's disturbed by detailed examination?

24 A. That's correct, sir, yes. It's just a practice that's
25 developed over the years in response to varying

- 1 terrorist trials, in effect.
- 2 Q. So you can see how everything was?
- 3 A. Yes.
- 4 Q. That didn't begin at Shepherd's Bush, is this right,
5 until 10 o'clock because of a defect with the original
6 camera?
- 7 A. That's correct, sir, an hour was lost, just over.
- 8 Q. Thank you. I think the opening photography concluded at
9 1.15, so into the early hours of the 22nd?
- 10 A. That's correct, sir, yes.
- 11 Q. At 1.30 did Mr Asman contact Mr Meneely?
- 12 A. Yes, sir.
- 13 Q. Top of your page 5, and give him what instruction?
- 14 A. He gave him an instruction that the priority of the
15 rucksack search should be correspondence and other items
16 that might lead to the identification of the suspect.
17 The reason being that it probably boils down to the
18 scene examiner, depending on the situation at the time,
19 but there is the potential that they would start, for
20 example, sampling the explosive material so the
21 remainder of it could be removed, and that takes some
22 considerable time, so it was a potential -- not
23 necessarily change of priority but was to reiterate the
24 priority for Mr Meneely.
- 25 Q. Right. Then did Mr Meneely give priority to that, and

1 I think at 1.53 did he pass details of the gym card in
2 the name of Hussain Osman that was in the rucksack, did
3 he pass those details to Sergeant Jolly?

4 A. He did, sir, yes.

5 Q. I think Mr Meneely also explained that the rucksack had
6 started to smoke and so the explosives officer had been
7 given the job again to have another look?

8 A. Yes, sir. At a number of the scenes, I can't be precise
9 exactly where, but the material was quite volatile and
10 it started bubbling, smoking and then stopped and
11 started again, so there was -- the risk around it was in
12 doubt and the explosives officer was re-tasked.

13 Q. Mr Meneely, although it had begun to smoke, managed to
14 get some items out of the rucksack to try to progress
15 the investigation?

16 A. That is correct, sir, yes.

17 Q. Those were a cap, a South Bank gym card itself; is that
18 right?

19 A. Yes, sir.

20 Q. Some paperwork and a bottle of water?

21 A. Two lots of paperwork, sir. There was some religious
22 correspondence and some torn paperwork in an envelope
23 and a bottle of water which was actually not within the
24 rucksack, but was within the carriage, and had some of
25 the material -- looked like it had some of the explosive

1 material on it, so it had potentially been in the bag,
2 so he collected that too.

3 Q. I think Mr Meneely took a video film of the contents of
4 the bag, but no still images at that time; is that
5 right?

6 A. A video was taken, whether it was by Mr Meneely or
7 a colleague, I'm not entirely sure, but a video was
8 taken, that's correct.

9 Q. I think as you understand it, you have been informed
10 that the video does show the detail of the gym card; is
11 that right?

12 A. It does, sir, yes.

13 Q. 3.25, the explosives officer was stood down; is that
14 right?

15 A. That's correct. In effect he had declared the scene
16 safe.

17 Q. In the meantime and up to that time of 3.25, I think
18 between five to 2 in the morning and 25 past 3, was
19 Mr Meneely engaged amongst other things in
20 reconstructing torn photographs that we have seen many
21 times now that had come from the bag, the rucksack?

22 A. Yes, the photographs and the -- there is some jobseeker
23 allowance correspondence, the general correspondence.

24 Q. Does his digital camera show that he took his first
25 image, first picture at 3.33 in the morning and the last

1 image of the torn photographs was taken at four minutes
2 past 4 in the morning; is that right?

3 A. That is correct. There are obviously images after 4.04,
4 but in relation to the photographs, the last one was
5 4.04.

6 Q. Right. So far as the gym identification card and the
7 cap which had come from the rucksack were concerned, at
8 2 o'clock in the morning, did Detective Constable
9 Weedon, who had also been involved helping at the scene,
10 did he telephone the details about those items into
11 an S013 operations room?

12 A. He did, sir, yes. Again, that was something that
13 evolved out of 7 July, so that there was a point of
14 contact and an audit trail for the information coming
15 from the scenes, so that the various aspects of S013, as
16 it was then, could access it from that operations room
17 which is distinct from the other operations room but
18 clearly relevant to this --

19 SIR MICHAEL WRIGHT: Help me, Mr Macbrayne, what's not quite
20 clear, you have listed the items that Mr Meneely managed
21 to get out of the bag before it started smoking or
22 before everything stopped because of the smoking, did
23 that include the photographs?

24 A. They were in the envelope which is, I have shown in my
25 statement as exhibit AM8.

1 SIR MICHAEL WRIGHT: What you have described as "torn
2 paperwork".

3 A. I think probably when he has listed them, he didn't know
4 they were photographs or --

5 SIR MICHAEL WRIGHT: I follow.

6 A. It also includes the --

7 MR HILLIARD: He is engaged actually in --

8 A. He puts them together and it does include the jobseeker
9 allowance correspondence and other stuff.

10 SIR MICHAEL WRIGHT: It all came out just before the bag
11 started smoking.

12 A. Yes, it did.

13 SIR MICHAEL WRIGHT: Thank you.

14 MR HILLIARD: So Mr Weedon has telephoned the details about
15 the card and the cap into an S013 operations room, and
16 at 2.05 am did Mr Asman contact you?

17 A. Yes, sir.

18 Q. For what reason?

19 A. He told me that the details from the gym card which
20 I made a note in my book, which you referred to earlier.

21 Q. What did you actually write down about the gym card?

22 A. If I can refer to it, it's very rough note, but I think
23 it's just the very broad details of it. I have written
24 the name, the ID number, the words, "part photo and bar
25 card, South Bank club, 124-130 Wandsworth Road", and the

1 phone number and the email address.

2 Q. 1396, it's in the statements bundle. There we are.

3 A. Yes, sir.

4 Q. You have timed the note, is that right, is that 2.05?

5 A. It is, yes, sir.

6 Q. Does that say Keith --

7 A. Keith Asman.

8 Q. So that's what you are telling us about, all right.

9 Thank you very much.

10 You were given that information from the gym card,
11 you have made a note of it, and is this right, that as
12 a result of that conversation, the cap and the gym card,
13 and is it also the video that Mr Meneely had taken?

14 A. I believe that's right, sir. Last night in, before
15 coming here, I looked at the notes of DS Jolly again,
16 and there is notes in there relating to the
17 transportation of stuff that suggests it might have been
18 a little bit later than 2.05 but I can't answer whether
19 it was -- my recollection is that during the course of
20 that conversation, we have discussed bringing those
21 items from the scene.

22 Q. So to New Scotland Yard for you to look at?

23 A. Yes, sir.

24 Q. As you recall it, do you think pretty soon after the
25 2.05 call?

- 1 A. Yes, sir, pretty quickly after that we were, the
2 potential significance was obvious and we were taking
3 whatever steps we could to progress it.
- 4 Q. I think you can remember discussing the gym card with
5 colleagues, in particular Mr Mellody who we have heard
6 from; is that right?
- 7 A. Yes, sir.
- 8 Q. We have also heard that officers were sent to the gym
9 and enquiries were made to try to find the keyholder so
10 you could get into the gym; correct?
- 11 A. Yes, sir.
- 12 Q. I think by 3 am an officer had recovered the gym
13 membership card that was actually kept at the gym
14 itself; is that right?
- 15 A. Yes, sir.
- 16 Q. Was it apparent that it was a dual membership with
17 Abdi Samad Omar, and there was a card for each of them;
18 is that right?
- 19 A. That's correct, sir.
- 20 Q. If we can have a look at those, 1404, that's the
21 Hussain Osman card; is that right?
- 22 A. Yes.
- 23 Q. I think over the page will be the back of that card. It
24 doesn't matter, that's just a gym card. That's 1409.
25 So those are the two cards that were actually recovered

1 from the gym; is that right?

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

3 Q. The photos you say in your statement from the gym, so on
4 these cards, were put in to something you have described
5 as the operational intelligence system. Can you tell
6 us, what's that?

7 A. Well, there was a -- that was Mr Mellody's sort of area
8 of expertise. In fact he was in charge of the
9 intelligence system, but there was -- he is much better
10 placed than me to describe what the mechanics of it
11 were, but there was a system, and part of our
12 intelligence aspect of the command, similar to the
13 forensic, there is an intelligence one, they had their
14 mechanisms in place and it went into that system.

15 Q. Right, he is coming back on Monday, I think, so he will
16 be able to tell us.

17 Then at 3.10 am did Mr Meneely tell Mr Jolly that
18 the photograph on the Hussain Osman card, gym card, was
19 the same person as the man in the wedding photo, so the
20 torn-up pictures that Mr Meneely had been putting back
21 together?

22 A. Yes, sir.

23 Q. Did Detective Sergeant Jolly tell you that?

24 A. Yes, sir.

25 Q. Then at about the same time, did Mr Jolly tell you, we

1 have heard about this as well, that jobseekers
2 correspondence in the name of Girma was also found in
3 the rucksack?

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

5 Q. Now I am going to the last page of your statement.

6 As far as the torn wedding photos from
7 Shepherd's Bush were concerned, did you have any way of
8 being able to say when those pictures had been taken?

9 A. No, sir, not from -- I think my recollection is at the
10 time I either had a conversation with Mr Jolly --
11 certainly with Mr Jolly, potentially Mr Meneely as well,
12 although I can't exactly recall, and there was nothing
13 on them to say when they had been taken.

14 Q. Did it fall to you in any way to make any decision as to
15 if surveillance officers were going to become involved,
16 as to what material they should be given? Do you see
17 what I mean, in terms of photographs? Whose job's that?

18 A. I think it was certainly my responsibility, overall
19 responsibility for the scenes, and clearly as part of
20 that, I could have called for those photos if I -- for
21 that potential. But at that stage I don't think any
22 discussion had taken place, or I might be wrong, around
23 the deployment of surveillance teams, and as I say in my
24 statement I think, in any event the -- I certainly
25 formed the view that the wedding photos, if we can call

1 them that, didn't take us further, and that they also
2 had a huge potential forensic value. And so whilst
3 I can't remember whether there was a specific "we need
4 them for surveillance" or we don't, there was a clearly
5 an option open to me to say, "We must remove them now"
6 but I also had to balance that with their forensic
7 potential, which was significant.

8 Q. To examine them for fingerprints and so on, which
9 presumably obliterates, I think; the sort of powder
10 that's put on will obliterate the image?

11 A. The chemicals will, as I think has happened in this
12 case, will render it to destruction in terms of visible
13 value, yes. Principally fingerprints, but of course I
14 was aware that they had been torn or cut into small
15 pieces, but equally potentially DNA examination,
16 I haven't mentioned it in the statement, but other
17 forensic disciplines do have potential for success in
18 terms of potentially fibres, particularly where it's
19 been torn, catching to the edge of the photograph, and
20 potentially some sort of mechanical fit. So, for
21 example, if a part of that photograph had been missing,
22 and it was subsequently recovered on someone's person or
23 at an address, then a scientific process could be gone
24 through that would link them to that rucksack, in
25 effect.

- 1 Q. Presumably, though, once the bits had been put back
2 together, the torn photographs, would this be right,
3 I don't know, if somebody had wanted, or if you had
4 taken a decision that they might be useful if
5 surveillance was going to be conducted, presumably
6 a photograph could be taken, could it, of them as it
7 were -- I won't say stuck back together, but you know
8 what I mean, when they have been put back in their
9 proper shape?
- 10 A. Yes.
- 11 Q. Which would then avoid the need to destroy the item by
12 tests; is that right?
- 13 A. Yes, indeed, that's right. DC Meneely did reconstruct,
14 if that's the word, the photographs. He did photograph
15 them during that time. However, the reason, his reason
16 for photographing them or one reason, I don't know what
17 was entirely in his mind, was that the point you have
18 already made, that they were going to be examined to
19 destruction and to avoid constant opening of the bags
20 and constant touching or copying of the photographs,
21 which destroys the forensic evidence and can mean that
22 the integrity or continuity of those photographs can be
23 called into question, the scene examiner can take record
24 photography, which is -- their term for it is record
25 photography, to show what was then subsequently

1 examined.

2 Now, on this occasion, DC Meneely did that, as
3 I have said earlier, between 3.33 and 4.05. Sometimes
4 that takes place -- for example if the weather is poor
5 or the conditions are poor, that may well take place
6 much later and back at the police station, but on this
7 occasion it did take place and it did take place by 4.04
8 in the morning, or 4.03 in the morning.

9 Q. Did you know in due course whether the gym card images
10 were going to be used by surveillance officers? Is that
11 something you ever became aware of?

12 A. Yes. I was aware of that, and I think part of the
13 reason or part of the rationale, as I recall, for
14 sending the officers to the gym was not only to make the
15 obvious enquiries as to where we gleaned the address of
16 Scotia Road and things like that, but was to see what
17 records they had. Because -- and as it turned out they
18 had a duplicate, if that's the right word, of the gym --
19 or they had the original, whichever way it was, of the
20 gym card. That negated the need for using the one that
21 was found within the scene, which was then also going to
22 be subject to forensic examination.

23 So having previously called for the items from the
24 scene, and that was to see them -- clearly there is
25 a potential photograph of somebody connected to that

1 device on it, it's critical that that information came
2 back to the centre.

3 Once we realised we had or were getting the same
4 thing without any forensic considerations, those
5 originals from the scene are sent back to the scene, for
6 the safe-keeping of DC Meneely.

7 Q. I am getting at this: whether you knew that the gym
8 cards were going to be used by surveillance officers and
9 if you did, whether you considered that they might also
10 benefit from having the wedding photographs? Do you
11 see, that's the question.

12 A. Yes, sorry, I understand. I think whether -- I knew
13 that there was a potential for surveillance, for sure,
14 and that is why we instigated the enquiries to get the
15 photographs we did.

16 I clearly formed -- well, I did form the view from
17 the conversations I had had, that the wedding
18 photographs, I didn't know that DC Meneely had
19 photographed them, so on -- my mindset was around the
20 originals, that they had significant forensic value,
21 they had been torn or cut into small pieces, and they
22 actually didn't take us any further in terms of the
23 identification or the image of what turned out to be
24 Hussain Osman.

25 Clearly I am doing that without actually seeing the

- 1 photographs, but that's the position I reached.
- 2 Q. All right. The last point is this: I just want to ask
- 3 you something, very, very little because again we have
- 4 a witness coming on Monday who's going to deal with
- 5 this. If we have your notes, please, which are
- 6 page 1395, if we can have that on the screen. In the
- 7 copy that we have, I don't know if this is right in the
- 8 original book, this page headed "Op Ragstone" is
- 9 immediately before the page that has the note of the
- 10 conversation at 2.05 am; yes?
- 11 A. Yes, sir.
- 12 Q. Does it follow that this page would have been written at
- 13 sometime before five past, if we are trying to time the
- 14 note, two in the morning on the 22nd?
- 15 A. Unfortunately not, sir. On that, I generally use
- 16 (indicated) that side of the page and that one's blank.
- 17 Q. Yes?
- 18 A. I am not organised enough that I always write on that
- 19 side later on if something is relevant to the page. But
- 20 the Ragstone entries are on the left-hand side. I don't
- 21 know when they were written. They were written at some
- 22 time during the course of the evening, but I couldn't
- 23 say when. I don't think they were before that. In fact
- 24 I'm very confident they weren't before that but I
- 25 couldn't be absolutely sure.

- 1 Q. They would probably be on the right-hand side page,
2 would they?
- 3 A. Yeah, the following on page is more about the stuff from
4 the scene. In fact the next entry on the right-hand
5 page is around the jobseeker allowance. I can't be
6 sure, I don't think it was -- I'm confident it wasn't
7 before but I couldn't time it.
- 8 Q. When you say some time in the evening, do you mean by
9 that some time this night?
- 10 A. Yes, that's right, it's definitely that night, because
11 I had started a new book by, in preparation, I think,
12 for a 7 am meeting. I do have an entry in the second
13 book timed at 5.40.
- 14 Q. So you think we could say before 5.40?
- 15 A. I think so, sir, yes.
- 16 Q. If we just look at this, Operation Ragstone, then we can
17 see four vehicles, is that "in farm in Cumbria"?
- 18 A. Yes.
- 19 Q. And then some vehicle details are given?
- 20 A. Yes, sir.
- 21 Q. Then do you see, is it, "report, 15 Asians in combat
22 company"?
- 23 A. I think it's "in combat" or it might be "camping".
- 24 Q. Yes?
- 25 A. I think there might be an oblique missing.

- 1 Q. Then there is a reference to vehicles, yes?
- 2 A. Yes.
- 3 Q. Can you help with this: did you have any direct
4 knowledge yourself of Operation Ragstone?
- 5 A. No. I may have been aware of its existence, I certainly
6 was at that time, but beyond that, no, sir.
- 7 Q. Did you know, for example, whether or not
8 surveillance -- we know they were -- would you have
9 known at this time that surveillance photographs had
10 been taken in the course of the operation?
- 11 A. I don't think so, sir, no. It's possible it came out
12 during the course of the conversations on the night but
13 not prior to that.
- 14 Q. Did anybody discuss with you the possibility of
15 comparing the photographs, for example, that you have
16 from the gym club with any of the Ragstone photographs,
17 to see if it was possible to say whether the same people
18 were involved? Was that ever discussed with you?
- 19 A. No, I don't think so, I think that from my recollection
20 clearly an awful lot of work was going on from the
21 intelligence side to research all the information that
22 was available, and things like the Ragstone information
23 obviously came to light and beyond that people are
24 clearly doing research around that, which I am sure
25 would have included trying to find photographs, but

1 I don't know and I don't think -- I am sure we -- no-one
2 discussed with me getting to the point of well, we have
3 got these photographs now, we need to compare now.

4 SIR MICHAEL WRIGHT: I am sure it's my fault, because
5 I haven't quite tied this up in my mind. As we now
6 know, of course, the Ragstone -- there was a link,
7 a visible link from the Ragstone photographs of the car
8 which led to Omar.

9 A. Yes.

10 SIR MICHAEL WRIGHT: How did Ragstone come up to be entered
11 into your notebook at this time, around about some time
12 just before 5 o'clock in the morning? How did the topic
13 actually arise?

14 A. I don't know, sir. I am trying to remember, and look at
15 the note and see if --

16 SIR MICHAEL WRIGHT: Because what you were looking at at
17 that time was the material that had been recovered from
18 the rucksack at Shepherd's Bush.

19 A. Yes, sir, and that instigated other enquiries, the gym
20 card, and then subsequently the jobseeker allowance in
21 the name of Girma.

22 SIR MICHAEL WRIGHT: And that leads to a car and the car
23 leads to Ragstone.

24 A. Yes.

25 SIR MICHAEL WRIGHT: I don't suppose, it may be because it

1 was in other hands, you don't know how Ragstone then
2 comes to be mentioned to you?

3 A. No, I don't, sir, I just remember it being discussed and
4 I have made a note around it.

5 SIR MICHAEL WRIGHT: I see.

6 MR HILLIARD: Thank you very much.

7 SIR MICHAEL WRIGHT: Mr Mansfield.

8 Questions from MR MANSFIELD

9 MR MANSFIELD: Good morning. My name is Michael Mansfield.

10 I represent the family of Jean Charles de Menezes.

11 A. Sir.

12 Q. Since that topic has now arisen, perhaps I can just
13 develop it with you. Could you have the maps brochure,
14 please, page 4.

15 A. Yes.

16 Q. Have you seen this before?

17 A. Very briefly, sir, yes.

18 Q. I will just give you a moment. There are some points
19 I want to direct your attention to. The car that the
20 learned Coroner has just talked about, which is in your
21 notebook, is there, the blue Golf L199; you see that?

22 A. Yes, sir.

23 Q. That is linked to somebody sometimes shortly called
24 Yesh Girma, a woman, do you see that above?

25 A. Yeshiembet Girma, yes.

- 1 Q. It is all, as you will see from the top, information or
2 intelligence known prior to the 22nd. I am not
3 suggesting that you have researched all this to get to
4 this, but this is what was known. You will see in the
5 middle of the page that the, towards the middle, blue
6 Golf was seen on the operation, Ragstone, again you have
7 that in your note?
- 8 A. Yes, sir.
- 9 Q. Then to the right of that, but without an arrow, at the
10 moment, is the name of Hussain Osman; do you see that?
- 11 A. Yes, sir.
- 12 Q. Just for the moment, that will do. Now I want you to
13 look at your notes, please. The page you just had with
14 Ragstone at the top, 1395, I think you have said was
15 written at about 5 am?
- 16 A. Well, no, sir, I can't say a time, I am going from my
17 second notebook, there is another entry timed and it was
18 in that book --
- 19 SIR MICHAEL WRIGHT: Before 5.40.
- 20 MR MANSFIELD: Before 5.40.
- 21 A. I think so, sir.
- 22 Q. I want you to look at JM2. Is that another book?
- 23 A. It is, sir, yes.
- 24 Q. This is a red notebook. Is it hardback?
- 25 A. It is, sir, yes.

- 1 Q. Could you look at the page which we have as 1399. Would
2 you be kind enough, unless you have an objection, may
3 I see the original? (Handed). Thank you. (Handed).
4 Could you hang on to it please, thank you very much.
- 5 This notebook which we have starting on 1398, with
6 the heading "Operation Vivace" at the top?
- 7 A. Vivace.
- 8 Q. All right. Never mind.
- 9 A. I am sure it's me, sir.
- 10 Q. No, no, it could be anybody. On 1398, when was this
11 written up, can you help us?
- 12 A. Well, I think from memory, I did this in advance of
13 a meeting at 7 am that I knew was going to take place at
14 or around 7 am, and from recollection it was to make
15 sense of the rather scrawled note in my other book, the
16 timing issue because I do have one there that says
17 5.40 am, which, because I can't find any record of that
18 in the earlier book, I am assuming was written at around
19 5.40 am and then I have another one at 7 am in the
20 conference room, which is very brief details of that
21 meeting.
- 22 Q. Right. So that the jury may follow how you are working
23 this out, can we have 1401 on screen. This is a later
24 page in the same red notebook JM2, and that's the one
25 that has "7 am conference room" at the top, 22nd?

- 1 A. Yes, sir.
- 2 Q. So this is the context, you are assembling notes for the
3 7 o'clock meeting. Now can we go back to 1399, and
4 I want to go down this page to the same blue car.
5 L199 FPA. You have written out the name of the woman
6 who's on that schedule we have just looked at, and
7 an address.
- 8 Now I want you to look to the right-hand side.
- 9 A. Yes, sir.
- 10 Q. "Wife of H Osman"?
- 11 A. Wife of Osman, yes.
- 12 Q. Yes, wife of Osman?
- 13 A. Yes, sir.
- 14 SIR MICHAEL WRIGHT: Is that your writing?
- 15 A. It is, sir, yes.
- 16 MR MANSFIELD: When did you discover that?
- 17 A. I don't know, sir. I don't know, sir.
- 18 Q. So what we need to add is that, on this schedule, on the
19 4th, is that somebody was able to inform you because you
20 weren't part of Ragstone, were you?
- 21 A. No, sir, no.
- 22 Q. Somebody has told you, you have got from some source,
23 the fact that if we go back to the maps brochure,
24 page 4, before the 22nd or on the 22nd, somewhere around
25 that, certainly before the shooting, the blue Golf was

- 1 not only linked to the woman named above but was linked
2 to Osman; correct?
- 3 A. I think that must be right, sir, yes.
- 4 Q. Yes. So I would ask for, at least in pencil, an arrow
5 to be added to this map schedule. Now I just want to
6 continue. Can you help us, please, I am going to
7 suggest to you it's very important where you got this
8 information from. It can have only come from a limited
9 number of sources, can't it?
- 10 A. Yes.
- 11 Q. The limited number of sources in your case must be
12 primarily Mr Mellody?
- 13 A. Either Mr Mellody or those who were working, doing that
14 research work, I would suggest, yes, I can't be sure.
- 15 Q. All right, the intelligence unit?
- 16 A. I would say so, sir, yes, because that's where, as far
17 as I'm aware, the work was being done around developing
18 the information that had been found, whether it be from
19 the gym card or anything.
- 20 Q. During your time that morning, because you spend
21 a reasonable amount of time with Mr McDowall, who is the
22 Gold Commander, and also of course you attend this
23 7 o'clock meeting, don't you?
- 24 A. Yes, sir.
- 25 Q. At any time between 4 o'clock and 7 o'clock in that

1 three hour window, has anybody mentioned to you that the
2 Ragstone operation involved taking photographs, in fact
3 that was one of its main objectives, to capture people
4 and photographs of what they were doing, did anybody
5 mention that?

6 A. It's very possible they did, sir, I don't know. I don't
7 know.

8 Q. I would like you to think about it, because this is
9 an urgent, imperative, high threat situation on this
10 morning, to track down, and you are part of a proactive
11 operation, aren't you, to track down?

12 A. Yes, sir, yes, of course.

13 Q. I appreciate you only have a part of it, but you are
14 a part of it, and you are at some of the crucial
15 meetings, aren't you?

16 A. I am at a number of meetings, sir, yes, both.

17 Q. If somebody is talking about photographs at Ragstone,
18 that would -- whilst you may not be interested in what
19 they have had for breakfast and so on, you would be
20 interested if they had taken photographs, wouldn't you?

21 A. Well, I would be interested in the same context as
22 everybody else, I suppose, I'm there and it's
23 interesting, but I wasn't then developing that forward
24 or, for example, undertaking the role of Mr Boutcher or
25 anybody else. So it's perhaps more relevant to others

1 than me, but I'm there and interested, yes, of course.

2 SIR MICHAEL WRIGHT: Well, Mr Mansfield has established that
3 at some time before the 22nd, or certainly before the
4 7 o'clock meeting on the 22nd, you had picked up from
5 somewhere, you think Mr Mellody, the fact that there was
6 a link between the blue Golf through Yeshiem Girma, to
7 Mr Osman. You may not know the answer to this, we will
8 have to ask Mr Mellody, that's one thing, that merely
9 tells you that a car to which Osman could be linked was
10 up at -- was there at Operation Ragstone.

11 Did you at that stage know whether Osman was there?

12 A. No, sir. Not as far as I can recall.

13 SIR MICHAEL WRIGHT: Had you actually seen the Ragstone
14 photographs?

15 A. I have seen one or two of them subsequently, but not at
16 the time.

17 SIR MICHAEL WRIGHT: I am so sorry, before the 22nd?

18 A. No. My recollection is that however the link was made,
19 which I think you have articulated, was made, and that's
20 ongoing work that's of interest, and yes, I am making
21 notes around what's going on because it may become
22 relevant to me, I may need to know, it may be important
23 or I may be asked later on. But I can't honestly say or
24 recall what I knew when, around Ragstone or what the
25 actual detail of it was.

1 MR MANSFIELD: I may have to obviously reserve this further
2 information for Mr Mellody when he comes back on Monday.

3 Now, I do want to turn to an area which was
4 definitely within your purview, as it were, and that's
5 the rucksack. You knew perfectly well that night, after
6 4 o'clock, and I'll make it precise, you were present at
7 a meeting with Mr McDowall, the Gold Commander, when
8 strategy was set, were you not?

9 A. Yeah, I was at a meeting with Mr McDowall when the
10 strategy was formulated.

11 Q. Yes, and you have read his statement and you
12 acknowledged that that was an accurate reflection of the
13 strategy that was being set?

14 A. Yes, I think so, from my recollection, sir, yes.

15 Q. And the strategy involved surveillance, didn't it?

16 A. It did, sir, yes.

17 Q. You knew in fact it was going to be one of the prime
18 objectives in the first place to control and contain the
19 premises via surveillance?

20 A. Yes.

21 Q. Particularly 21 Scotia Road?

22 A. Scotia and Portnall, yes.

23 Q. Of course Portnall comes into it as well. And you knew
24 that the name Osman, as well as the other name, had
25 a link to Scotia Road?

- 1 A. Yes, sir, yes.
- 2 Q. You not only knew it at 4.55, when the strategy was set;
3 you knew it of course at the 7 o'clock meeting in New
4 Scotland Yard when a large number of people were present
5 discussing the very operation?
- 6 A. Well, that follows, sir, yes.
- 7 Q. Yes, it does, so you see it's just to deal with one
8 answer you gave this morning: you weren't aware that
9 there was surveillance at that stage; you were certainly
10 aware from 4.55 onwards that surveillance was a prime
11 objective of the operation?
- 12 A. Oh, absolutely, yes, of course.
- 13 Q. Absolutely. You are also aware that if the surveillance
14 team are going to conduct surveillance, they need the
15 best possible assistance that they can have; you are
16 aware of that?
- 17 A. Yes, sir.
- 18 Q. When you saw the gym card, by which I mean not the one
19 from the rucksack but one that had come from the gym, so
20 it didn't involve any forensic difficulties, what did
21 you think about that gym card? Did you think it was
22 good, bad, indifferent, what?
- 23 A. In terms of the image?
- 24 Q. Yes?
- 25 A. I think it's a good image.

- 1 Q. You do?
- 2 A. Yes.
- 3 Q. I only ask you because the surveillance officers one
4 after another, and I won't name all of them, regarded it
5 as a rather poor image, but that's not your view?
- 6 A. No, it's not my view.
- 7 Q. You thought that was a good image, did you?
- 8 A. I think it is a -- yes, a good image, yes.
- 9 Q. When was it taken?
- 10 A. I'm not sure, actually, from recollection, I think that
11 my -- and I think I am wrong about this, but my memory
12 was I thought at the time it was about six months old,
13 but I think from discussions I have had in relation to
14 coming here today, that actually the other photograph in
15 relation to Abdi Omar could be timed at six months old
16 but it's less clear about Hussain Osman is my
17 understanding.
- 18 Q. I am sorry, I'm not interested in what you have learnt
19 today. What did you discover on the 22nd about when
20 this photograph, which you regarded as a good image, was
21 taken? Must have been taken by?
- 22 A. Well, it was, I can't say, because I don't know exactly
23 what I knew at the time, but my recollection is that it
24 had been obtained from the gym and we at least had
25 detail of when he joined the gym and there was some sort

- 1 of date to it.
- 2 Q. When had he joined the gym?
- 3 A. I don't know, sir.
- 4 Q. You don't know. Did you know at the time?
- 5 A. Well, that's what I have just tried to explain. I think
- 6 I thought at the time it was within about six months.
- 7 It was relatively recent.
- 8 Q. Do your notes assist on this?
- 9 A. I don't think so, sir, but perhaps. If you could direct
- 10 me to them and where they may assist, I'll look, but
- 11 I don't think they do.
- 12 Q. They don't.
- 13 A. No.
- 14 Q. But in fact there was information, I am going to
- 15 suggest, if you were paying attention to detail, which
- 16 I suggest you should have been, somebody had gone to the
- 17 gym that night, you knew that; somebody had obtained the
- 18 gym card from the gym, taken a copy of it and left the
- 19 original back at the gym, and had acquired the dates on
- 20 which the two individuals depicted in the gym cards had
- 21 joined; and the name of the witness, so you know exactly
- 22 who I am talking about, Melissa Moore; do you know her?
- 23 A. No, sir, I don't.
- 24 Q. That's the officer. Can we have statements page 1544,
- 25 please.

1 A. Just one thing you said, sir, that I may be incorrect
2 about. I thought they had brought the original away
3 from the gym.

4 Q. That may be my mistake, I stand corrected, they may have
5 brought the original as well from the gym. I stand
6 corrected.

7 A. Yes, sir.

8 Q. I think we have seen an original here from the gym, you
9 are quite right.

10 Now, the date, 1544, we have it there. The date of
11 joining for Osman is at the top of that page, do you
12 see? 29 December 2003. So assuming that that card was
13 issued then with that photograph, and I have to make
14 that assumption for the moment, that that photograph is
15 likely to have been taken, logically, before
16 December 2003; do you see that?

17 A. Yeah, or in December 2003.

18 SIR MICHAEL WRIGHT: I don't think you can say any more than
19 that, because it doesn't have to have been taken at that
20 date or anywhere near it.

21 MR MANSFIELD: Of course, I appreciate that.

22 A. And it could have been subsequently taken and you know,
23 it's a new card issued, I don't know.

24 Q. What you were working on, I think, is if you look on
25 that page a little further down, the Omar date of

- 1 joining, as you will see, is much more recent?
- 2 A. Yes.
- 3 Q. Now, that's in relation to the gym card itself. You
- 4 also knew, because you have told us, and I want to
- 5 examine this a little bit, that there were other
- 6 photographs according to the person at the scene doing
- 7 the examination?
- 8 A. Yes.
- 9 Q. His view was that these other photographs were of the
- 10 same man?
- 11 A. Yes, sir.
- 12 Q. Where was he doing this examination?
- 13 A. At the scene, sir.
- 14 Q. Right. Where did he do the reconstruction?
- 15 A. At the scene, sir.
- 16 Q. Where did he do the photography?
- 17 A. The scene as well, sir.
- 18 Q. Right. If you had wanted to see them yourself, you
- 19 could have asked them to be -- that is not the originals
- 20 but his photographs -- brought to the Yard, couldn't
- 21 you?
- 22 A. I could have, sir, yes, but I didn't -- I didn't know
- 23 that there was photographs of the photograph existing.
- 24 Q. Well, that's standard procedure, isn't it, you explained
- 25 to my learned friend that when they go to the scene, you

1 take photographs of what's found at the scene, that is
2 standard procedure?

3 A. What's standard -- yes, sir, but what's standard
4 procedure is that there is opening photography of the
5 scene so it's undisturbed; they are more general and
6 would not and did not in this case go into the detail of
7 what was in the -- within the rucksack.

8 It is also standard procedure that at some stage,
9 what's termed record photography would be taken of those
10 items because they were likely to be destroyed, that in
11 this case was taken at the scene. That is not always
12 the case.

13 Q. Did you ask, if you were a little unsure about the
14 situation, Mr Meneely: are you going to take photographs
15 of these photographs since we are seeking a bomber?

16 A. I can't remember exactly the discussions I had. I think
17 the position was that I had had a discussion with either
18 him and/or DS Jolly that they were cut into pieces, that
19 they had high forensic value, and my -- the opinion
20 I formed without seeing them, I accept, was that they
21 didn't take the identification or the photographic issue
22 further. So I think, having formed that mindset,
23 I didn't then -- as I think you are pointing out --
24 I did not then ask for or instruct, ask, make further
25 inquiry of DC Meneely about the record photography

1 aspect, whether he was going to do it, when he was going
2 to do it, and what he would then do or should do with
3 the image. I didn't do that, that's correct.

4 SIR MICHAEL WRIGHT: When you had this discussion with
5 Mr Meneely, if I have understood this correctly, you had
6 not seen them?

7 A. I hadn't seen them at all --

8 SIR MICHAEL WRIGHT: You were relying on his description of
9 what the state of the photographs was?

10 A. I was, sir, and I think even some of the -- and I can't
11 be certain that I think I did speak to Mr Meneely on the
12 night, but for the reasons I tried to outline earlier,
13 a lot of my conversation would have been with Mr Jolly.

14 MR MANSFIELD: Is there any record of the conversation with
15 Mr Jolly?

16 A. In Mr Jolly's book, I think there is a very brief note.

17 Q. Is there any suggestion from Mr Jolly, whatever the
18 record that's been kept, that he was saying to you that
19 these were useless photographs?

20 A. There is no note to that effect, no. What the note
21 says, they appear to be the same as the person, in the
22 same person as the gym card.

23 Q. Yes, and what I am going to suggest to you is that you
24 should never have decided without seeing copies -- I'm
25 not talking about the originals because they need to be

1 kept safe -- of the originals which were available by
2 4 o'clock, that these were photographs you were not
3 going to be interested in, should you?

4 A. Well, I think I made the judgment on the basis of the
5 originals. I think, as I accept, I didn't make inquiry
6 around the photography. If I had known, and been alive
7 to the fact that the photography was taking place, then
8 I can understand that it's a logical point for me to
9 then say, "Let's get the copies out", but I didn't do
10 that because I wasn't -- for one reason I wasn't alive
11 to the fact that that photography was actually taking
12 place.

13 Q. I want to take it a little bit further, because when did
14 you see the photographs first?

15 A. I think I probably -- it's -- I either saw them, I think
16 I saw them as part of or in the preparations for the
17 trial of Hussain Osman and others, I think. I have
18 certainly seen them in the media during the course of
19 and other documents during the course of this inquest.

20 SIR MICHAEL WRIGHT: You are still talking about the wedding
21 photographs?

22 A. I assume so.

23 MR MANSFIELD: Yes.

24 SIR MICHAEL WRIGHT: I just wanted to be sure.

25 MR MANSFIELD: So it's clear, the trial of the man in the

- 1 photographs is much, much later, isn't it?
- 2 A. Oh, yes, it is, sir, yes.
- 3 Q. So you don't see them on the 22nd, 23rd, 24th, 25th,
4 anything within days of this all happening, you don't
5 get to see them.
- 6 A. I think I can check actually, sir. I think what
7 happened was they stayed with DC Meneely, and stayed in
8 his camera, probably until I think the 25th, but I can
9 double check.
- 10 Q. The 25th of?
- 11 A. If I ... the ... yeah, it stayed with DC Meneely, the
12 camera and therefore -- and the disk or the card within
13 it, stayed with him until Monday the 25th.
- 14 Q. Of July?
- 15 A. July 2005 from which a print was produced, which I have
16 here if you wish to see, of what was on the disk, and
17 again that was stored because it was taken from the
18 point of view of being a record with the expectation
19 that the items within it may well be destroyed, and he
20 has taken photographs of varying correspondence, the
21 photographs, and other items such as the explosive
22 material that was in and around the rucksack.
- 23 Q. Did you see it on the 25th?
- 24 A. No, I didn't, sir.
- 25 Q. So the first time you saw it, that is these wedding

1 photographs, reconstructed, and of course now you have
2 seen them, you do accept they are very clear, aren't
3 they?

4 A. They are --

5 Q. They are, all right?

6 A. They are clear, yes.

7 Q. Just continuing, at 4 o'clock when you knew -- sorry,
8 4.55 when the strategy was set -- at any time, because
9 you were with Mr McDowall, up until that point, in his
10 office or wherever he was seeing you, did you say to
11 Mr McDowall, "Actually, they found some other
12 photographs at the scene besides the gym card"?

13 A. I don't think so, sir, I have no recollection of doing
14 so, and if I had it would have been from my mindset at
15 the time, which was they were the same as the gym card,
16 they were cut into small pieces and they didn't take us
17 any further.

18 Q. That's all very well for you to make that decision
19 without having seen them and without a single word from
20 the officer who took the photograph to suggest they were
21 useless, you have agreed that?

22 A. Well, I have agreed that I hadn't seen them. I think
23 I did have a quick discussion with the officer and
24 certainly -- and DS Charlie(?) as well, I can't be
25 absolutely certain.

1 Q. Let us be absolutely clear: no-one had suggested to you
2 that the photographs were useless, had they?

3 A. I don't think anybody -- I can't recall anybody saying
4 in those exact terms, in other words forget about them,
5 they are useless, but I did form a clear impression that
6 they didn't actually take anybody any further, and they
7 had a hugely potential value forensically, the originals
8 that is.

9 SIR MICHAEL WRIGHT: I understand that, but I would have
10 thought, wouldn't you assume as a matter of course, that
11 everything that came out of the rucksack would have been
12 photographed?

13 A. It would be, sir, but it wouldn't necessarily be
14 photographed there and then in situ. It just depends on
15 the prevailing circumstances as to when they would be
16 photographed.

17 SIR MICHAEL WRIGHT: Of course the consideration of forensic
18 value involving, as you say, all sorts of tests which
19 wouldn't lead to the destruction of the photographs, the
20 whole point about that is that they are photographed
21 before that starts?

22 A. Yes, sir.

23 MR MANSFIELD: I can deal with the next part very quickly
24 just before lunch.

25 Will you accept from me you don't mention the

1 existence of these photographs to Mr McDowall; you do
2 not mention them in fact at all that day to anyone in
3 any of the operations concerned with either
4 Portnall Road or Scotia Road, do you?

5 A. I can't recall doing that, sir, so if -- I think if --
6 I would have to accept that, sir, yes, if you said that,
7 I can't dispute that at all.

8 Q. No, and on top of that, you can check your notes if
9 necessary over lunch, there doesn't appear to be any
10 reference in your notes, JM1 or 2, to the existence of
11 these photographs, does there?

12 A. I don't think so, sir, no.

13 Q. What's the explanation for not even mentioning them?

14 A. I think the explanation is, as I have tried already to
15 illustrate, was I had a conversation, Mr Jolly has
16 a note of relaying the fact, and it is one line, that
17 the wedding photos are the same as the ID card. That
18 once, from the discussions I had, I was of the view, and
19 I accept I hadn't seen them, but I was of the view that
20 they didn't take us any further, and that actually the,
21 because at the same time or there or thereabouts,
22 whether it was the same conversation I'm not quite so
23 sure, but at more or less the same time, I was told
24 about the jobseeker correspondence in the name of Girma,
25 which was something new to the inquiry. It was a new

1 name and clearly needed significant research done to
2 develop that and see whether that person could have been
3 the bomber and what was the connection of that person or
4 those correspondence to the attack and that maybe the
5 focus in my mind switched to Girma, because I was
6 satisfied or I felt I was satisfied that the wedding
7 photos didn't take the matter further.

8 MR MANSFIELD: Sir, would that be a convenient moment?

9 MR HILLIARD: Can I just mention this, I don't know much
10 longer the witness will be because the next witness is
11 anonymous, so if we can put the screens up and delay
12 lunch a bit ...

13 SIR MICHAEL WRIGHT: How much more do you have,
14 Mr Mansfield?

15 MR MANSFIELD: I can finish it.

16 MR HILLIARD: And others, I hope.

17 SIR MICHAEL WRIGHT: Does anyone else have anything?

18 MR PENNY: Five or ten minutes, sir.

19 SIR MICHAEL WRIGHT: Five.

20 MR HORWELL: I have some too, sir.

21 SIR MICHAEL WRIGHT: Five? That's all right.

22 MR HORWELL: Mr Mansfield hasn't finished but I will be
23 shorter than Mr Mansfield, let us put it that way.

24 MR MANSFIELD: I'm going to do the next bit quickly.

25 I have dealt with the fact that you have not

1 mentioned it to anybody in any of the meetings. Then
2 you come to make a statement on 4 September this year,
3 do you remember?

4 A. Yes.

5 Q. There is not a mention of it there, is there?

6 A. There isn't, sir, no.

7 Q. Why not?

8 A. I think because I was still, I don't say -- I think
9 I had no knowledge, I had forgotten about it, I had
10 moved on from that, I didn't realise that that
11 information was -- I must have forgotten about it,
12 because I made this statement on that date, on -- sorry,
13 you have got the date, I have got a copy but not a dated
14 copy. I was asked around the meeting with Mr McDowall
15 and the firearms aspect of it, and my presence during
16 the course of the night of the 21st into the 22nd, and
17 that's what I made a statement about. I didn't -- it
18 didn't occur to me and it wasn't put to me that anything
19 else was an issue until I subsequently met with those
20 instructing you, and -- which led to the second
21 statement.

22 Q. All right. Just moving away from the wedding
23 photographs for a moment, once you knew the name Osman
24 that morning, and either before the surveillance teams
25 get to their various venues, although that might be too

1 quick but certainly from 6 am onwards, did you make any
2 enquiries of the DVLA?

3 A. I didn't make any personal enquiries of the DVLA. That
4 would fall to Mr Mellody's team who were developing the
5 intelligence packages. I don't know what they did and
6 didn't do. I would expect that they would at some
7 stage. Whether it is possible at that time of night,
8 I don't know, sir.

9 Q. All right, I leave that for him. Secondly, was
10 there available to the DSO the next day a blue folder
11 which contained a series of what's been called
12 professionally taken photographs relating to four
13 suspects? Do you know anything about that?

14 A. I don't, sir, no.

15 Q. Were you ever involved in compiling a brochure or file
16 containing photographs of that kind?

17 SIR MICHAEL WRIGHT: You are talking about what Mr Paddick
18 described?

19 MR MANSFIELD: Yes, it's Mr Paddick and Mr Smith has
20 accepted there were photographs, he called them
21 professionally taken, Mr Paddick called them
22 surveillance photographs.

23 A. Either way, sir, no.

24 SIR MICHAEL WRIGHT: It doesn't mean anything to you.

25 MR MANSFIELD: Thank you very much.

1 SIR MICHAEL WRIGHT: I have one question about this.
2 Whatever view you took of them, as I understand it,
3 Mr Meneely or Mr Jolly appears to have reconstructed
4 these wedding photographs?
5 A. Yes.
6 SIR MICHAEL WRIGHT: At the scene.
7 A. Mr Meneely did that.
8 SIR MICHAEL WRIGHT: Did that and as we now know,
9 photographed them.
10 A. Yes, sir.
11 SIR MICHAEL WRIGHT: Would he have done that off his own bat
12 or would he have had to have instructions?
13 A. No, he would have done that off his own bat.
14 SIR MICHAEL WRIGHT: Very well. Mr Gibbs?
15 MR GIBBS: No questions, thank you.
16 SIR MICHAEL WRIGHT: Sorry; Mr Davies?
17 MR DAVIES: Still no questions.
18 SIR MICHAEL WRIGHT: Thank you very much. You are doing
19 very well so far.
20 MR STERN: No questions.
21 SIR MICHAEL WRIGHT: Thank you. Mr Penny?
22 Questions from MR PENNY
23 MR PENNY: Right, Mr Macbrayne, I am under starters orders
24 so we had better do it quickly. I'm asking questions on
25 behalf of Commander McDowall and other senior officers

1 as far as this is concerned.

2 Can we look at your notes, please. The position is
3 that the exhibit JM1, that you produced in your witness
4 statement given in this matter, were the rough notes
5 that you made. If we look at page 1389, please. We can
6 see top right-hand corner, you have written "JM1".
7 Those were the rough notes that you made during the
8 course of the night, is that right?

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

10 Q. They come from one of your books?

11 A. Yes.

12 Q. For the purposes of the 7 o'clock meeting in preparation
13 for it, you wrote them up in neater form replicating
14 some of the information as it had been received in
15 another book, JM2. If we go to page 1398 we can see
16 "JM2" written in the top right-hand corner?

17 A. Yes, sir.

18 Q. So JM1 is the information as it comes in and JM2 is when
19 you write it up for the purposes of your preparation for
20 the 7 o'clock meeting, which you attended with all the
21 other officers that were --

22 A. Yes, sir.

23 Q. I want to look at one issue in particular with you,
24 please. Can we go, please, to page 1397. If we just
25 have up on the screen as well 1396, if that's possible.

- 1 Can we have 1396 and 1397 up? No, all right. This will
2 be difficult then.
- 3 A. I can see them both, sir.
- 4 Q. All right. 1396, can we just briefly look at 1396.
5 That's the page you were being asked about by
6 Mr Mansfield?
- 7 A. Yes.
- 8 Q. Which has the information about Hussain Osman which came
9 from the gym and then at the bottom we have the
10 information which comes from the jobseeker
11 documentation?
- 12 A. Yes, sir.
- 13 Q. In relation to Girma?
- 14 A. Yes, sir.
- 15 Q. Of course as far as the contacts that are being
16 suggested are concerned, it shouldn't be forgotten that
17 these two items had come from the same rucksack at the
18 scene?
- 19 A. Yes.
- 20 Q. Right. So if we go over the page to 1397, we can see
21 there under the name Abdi Omar, can we see that you had
22 written down at some stage during the course of that
23 night:
- 24 "Abdi Omar, Pownall Close, 21 Scotia Road, SW2".
- 25 A. Yes, sir.

1 Q. Can we have up on the screen, please, page 1857.
2 This is Mr McDowall's red book. 1857, please. I am not
3 doing very well on calling out the numbers. Then if we
4 look in the page, this is a note which began at least at
5 4.20 from Mr McDowall, and if we just follow it down, we
6 can see:

7 "Abdi Samad Omar -- Warren Street night duty CID,
8 21 Scotia Road training camp? Black Nissan Primera".

9 Then the note of the Primera's registration, and:
10 "In three other vehicles".

11 Then we see the words:

12 "Pownall Road?? 15 Asian males dressed in combat
13 clothing, camping."

14 Can we leave that and put up page 374. These are
15 Alan's notes. Alan is the S012 officer. Do you know
16 who I am talking about, Mr Macbrayne?

17 A. No, I don't, sir.

18 Q. Don't worry about it, we do, and we know that he was at
19 least involved in receiving some information at some
20 stage that night. Here we have, in the middle of the
21 page, I don't know if you can see it:

22 "Abdi Samad Omar, 26/6/63, both 21 Scotia Road SW2?
23 Another Pownall Road."

24 I am taking it in the round. It appears that some
25 time that morning the information that was available to

1 Mr McDowall, to you and to Alan as to the second address
2 was somewhat hazy and there was a question mark over it
3 and it was in relation to somewhere called Pownall Road
4 or Pownall Close?

5 A. Yes.

6 Q. If we look on in your notes, please, and go to
7 page 1398, we are now into JM2, this is when you are
8 writing up the notes, and we can see in the middle of
9 the page, can you see that, "other address
10 Pownall Close"?

11 A. Yes, sir.

12 Q. These are the notes that are written up in preparation
13 for the 7 o'clock meeting. If we have a quick look at
14 the bottom of the page, we can see you are writing up
15 the Ragstone information, "four vehicles at Baybrown
16 Farm, 15 Asian males".

17 Over the page onto 1399, some of this information we
18 probably know off by heart, the details of the four
19 vehicles, and then details of a telephone number. If we
20 could have the whole page visible, please, thank you.

21 Then over the page at 1400, can we see at the top
22 there, "Cliff Todd, 5.40 am, packaging to be",
23 something?

24 A. "Vented".

25 Q. That's something to do, is it, with the handling of one

- 1 of the exhibits at one of the scenes?
- 2 A. That would be specifically to do with the explosive
3 materials.
- 4 Q. You have written that down, timing it as being
5 information that you received at 5.40 that morning?
- 6 A. Yes, sir.
- 7 Q. Then we have 5.40, and a line across and you write, do
8 you, "21 Scotia appears historic"?
- 9 A. Yes, sir.
- 10 Q. Below that, "61A Portnall Road, W9, March 2004". So at
11 that stage, at 5.40, it appears that you have got more
12 precise hardened up information about that address, 61A
13 Portnall?
- 14 A. It would appear so, sir.
- 15 Q. You have received information that Scotia is a historic
16 address in relation at least to one or two of these two
17 suspects?
- 18 A. I think there was concern around it, but I think the
19 next entry relates to the Primera, which was found in
20 the vicinity of Scotia which --
- 21 Q. We heard other information that the Primera was seen at
22 6.20 in the morning, so about 40 minutes later, so
23 Scotia obviously continued to be of relevance. It's
24 really the timing I am interested in as to when the
25 precise address for Portnall Road was identified.

1 Having looked at your notes, can we go back to
2 Commander McDowall's red book at 1857, where we were,
3 and can we turn over to 1858. This at the bottom of the
4 page is where Commander McDowall recorded the strategy
5 which we know was set at 4.55 am. Then over the page to
6 1859, and at the top 5.15 am, "tac advisers present", is
7 what Commander McDowall has recorded. Then jobseeker,
8 Stockwell, Elias Girma Eyassu, Operation Anomalous, and
9 there we have Commander McDowall recording the
10 information, "61A Portnall Road, W9 -- Omar,
11 14 March 2004" and that piece of information, you in
12 your notes had recorded receiving at 5.40 am; is that
13 right, Mr Macbrayne? As in the precise address?

14 A. Well, I have got a definite precise note of 5.40, yes.

15 MR PENNY: It's really just the sequence of the receipt of
16 the information that I wanted to deal with with you.
17 Thank you very much.

18 SIR MICHAEL WRIGHT: What does it all come to? Is it all
19 the information, relevant information, apart from the
20 wedding photographs, that was found in the rucksack was
21 in the possession of senior officers at Scotland Yard by
22 5.40?

23 MR PENNY: The existence, the precise existence of the
24 second address, 25 minutes after Commander McDowall
25 records a meeting taking place with tactical advisers.

1 SIR MICHAEL WRIGHT: Got it, thank you. Thank you very
2 much. Yes, Mr King?

3 MR KING: Nothing from me, thank you.

4 SIR MICHAEL WRIGHT: Mr Horwell.

5 Questions from MR HORWELL

6 MR HORWELL: Mr Macbrayne, Richard Horwell on behalf of
7 the Commissioner.

8 A. Sir.

9 Q. Your actions and decisions on the night of the 21st/22nd
10 have been called into question. Can we first of all
11 establish something about you. You joined the
12 Metropolitan Police Service in January 1980.

13 A. Yes, sir.

14 Q. You transferred, and I am taking your career very, very
15 quickly, Mr Macbrayne --

16 A. It's gone quickly, sir.

17 Q. You transferred to the Anti-Terrorist Branch in
18 January 2000?

19 A. Yes, sir.

20 Q. So by the time of these events you had been a police
21 officer for 25 years and part of S013, the
22 Anti-Terrorist Branch, for five and a half years?

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: And in forensics?

25 A. Specifically I think about, probably about a year before

1 2005. I may be wrong about that.

2 MR HORWELL: At the time, Detective Superintendent, and what
3 was your overall responsibility for what was taking
4 place in July of that year?

5 A. It was to -- the way I see my responsibility, it was to
6 put the systems in place, and make sure the people who
7 were examining the scenes, whether it be the 7th, the
8 21st or the varying addresses that came with it were
9 able to do their job to facilitate an effective forensic
10 recovery for the purpose of subsequent prosecutions,
11 investigations.

12 Q. So overall responsibility for the forensic teams for
13 both 7 July and the 21st?

14 A. Yes, sir, and other issues including the major incident
15 room, high tech unit, and other areas of the business as
16 well, but obviously particularly the forensic in this
17 case.

18 Q. Just to move forward, very recently you received the
19 Queen's Police Medal for your services to the
20 Metropolitan Police Service?

21 A. Yes.

22 Q. Let us turn to these events. You had started your duty
23 for these relevant hours at 8 o'clock in the morning on
24 21 July?

25 A. Or thereabouts, sir, that would be the norm.

- 1 Q. You remained on duty for some 24 hours; is that right?
- 2 A. Yes.
- 3 Q. Until about 8 o'clock in the morning on the 22nd?
- 4 A. Yes, sir.
- 5 Q. You have said time and time again in relation to
6 questions asked of you by Mr Mansfield that you were
7 very much concerned with the potential forensic value
8 which these exhibits in the bag may have had?
- 9 A. Yes.
- 10 Q. I am sure the point is obvious but a prosecution can
11 turn on a single fingerprint?
- 12 A. Yes, sir.
- 13 Q. A single invisible fibre?
- 14 A. Sir.
- 15 Q. And an invisible sample of DNA?
- 16 A. Yes, sir.
- 17 Q. Clearly very much in your mind was keeping the integrity
18 of these exhibits until the scientists had examined
19 them?
- 20 A. Yes, sir. We have adopted a practice, if you like, of
21 learning from experience and it's been quite clear, not
22 only in the time I have been involved in this sort of
23 work from 2000 onwards but prior to that, that we needed
24 to refine our practices because, quite rightly, the
25 forensic, the risks of contamination, the risks of lack

1 of continuity of the forensics issue -- forensic
2 exhibits, is absolutely critical. So yes, that's an
3 absolutely key aspect, to get that absolutely right.

4 Q. Because exhibits, I'm sure the jury understand -- we can
5 look at the actual photographs we have -- exhibits are
6 sealed at the scene?

7 A. Yes.

8 Q. And should that seal be broken before the exhibit is in
9 the hands of a scientist, all sorts of allegations can
10 be made against police officers?

11 A. Allegations, sir, or even just the risk of innocent
12 contamination or damage to fingerprints or DNA that may
13 be contained on them.

14 Q. Now, Mr Mansfield asked you at least twice: no-one
15 suggested to you that the photographs were useless?

16 A. That's correct.

17 Q. Can we turn that question around: did anyone say to you
18 that the photographs were of value?

19 A. Nobody said to me, sir, that they are of -- no, is the
20 short answer. No, that there is nothing that was said
21 to me that made me think that they were of absolute huge
22 significance, and why I am sure of that is that there
23 was a similar discussion around the gym identity card,
24 which clearly was of absolute significance, and that
25 sparked a chain of events. In other words, one, it was

1 being called from the scene; two, the enquiries to the
2 gym to see what else could be found and, as turned out,
3 a second version was recovered.

4 Q. Mr Meneely, an experienced exhibits officer?

5 A. He is, sir.

6 Q. And obviously if he thought that a piece of evidence was
7 a breakthrough in the course of an investigation, he
8 only has to telephone you?

9 A. He does, sir, yes, or there's a very quick route in --

10 Q. Or one of your other officers?

11 A. And there was a formal route through the ops room, sir,
12 yes.

13 Q. So we can have some idea of what Mr Meneely was faced
14 with, could you look at these, and I'll ask the jury to
15 see them very, very quickly. (Handed). These are the
16 actual photographs that Mr Meneely took from the
17 rucksack, exhibit AM8, part of it.

18 A. Yes, sir.

19 Q. And when the jury see them, they will see that there is
20 nothing on those fragments of photographs because they
21 have been examined by scientists, I imagine for
22 fingerprints; is that right?

23 A. It is fingerprint treatments that damage them, yes, sir.

24 Q. And fingerprint treatment effectively destroys the
25 exhibit?

1 A. It depends on the treatment, but yes, there's a chemical
2 treatment that will have this effect.

3 SIR MICHAEL WRIGHT: It ruins the picture?

4 A. It ruins the picture but is particularly effective in
5 recovery of ...

6 MR HORWELL: Yes.

7 We can see from those three bags the size of the
8 fragments and the size of the photographs that
9 Mr Meneely would have seen?

10 A. Yes, sir.

11 MR HORWELL: Could they just be shown very quickly, please
12 (Handed).

13 SIR MICHAEL WRIGHT: I think you did tell us; was
14 a fingerprint recovered?

15 A. Several were recovered, sir, I think from the whole
16 exhibit AM8, which is the envelope, the correspondence
17 and the photos, there was 12 I think; and from the
18 actual photographs themselves there was five, and one of
19 which remains unidentified.

20 SIR MICHAEL WRIGHT: This is as they were found, is it,
21 apart from the fact that they have been treated?

22 A. Yes, in terms of the way they were cut.

23 (Pause)

24 SIR MICHAEL WRIGHT: Mr Meneely must be good at jigsaw
25 puzzles because, if I have this right, he had put them

1 those exhibits?

2 A. They were, sir, yes.

3 Q. At this stage of a criminal investigation of this
4 gravity, you have no idea in advance what an exhibit may
5 reveal?

6 A. Absolutely not, sir, no.

7 Q. On 22 July, did you act throughout in the best interests
8 of this investigation?

9 A. Yes.

10 Q. Did you consider that the photograph that you had of
11 Hussain Osman would be of value to surveillance
12 officers?

13 A. I did, sir, yes, and I was also aware we had the CCTV
14 image which I know you have seen. But I do, I did and
15 still do think that, whilst identification from
16 a photograph of any sort is extremely difficult, and
17 I understand the difficulties for surveillance officers
18 in that regard, I do think it is a good image.

19 Q. And of course it has the considerable benefit of being
20 linked to the name Hussain Osman, through his membership
21 of the gym club?

22 A. It does, sir, yes.

23 MR HORWELL: Mr Macbrayne, thank you, that's all I ask.

24 MR HILLIARD: No, thank you.

25 SIR MICHAEL WRIGHT: Mr Macbrayne, thank you very much

1 officer by the Metropolitan Police?

2 A. Yes, sir.

3 Q. Did you have extensive experience, we don't need all the
4 details, in the army with explosives before you joined
5 the Metropolitan Police in 2005?

6 A. That's correct, sir.

7 MR STERN: Sir, if it helps, I have a spare copy here.
8 (Handed).

9 SIR MICHAEL WRIGHT: That's very helpful, thank you.

10 MR HILLIARD: Thank you very much. (Handed).

11 A. Thank you.

12 Q. If we can just start, please, with dealing with your
13 involvement in the aftermath of the 7/7 attacks. It
14 should be page 3 of your statement. In the days after
15 those bombings, did you receive information about the
16 nature of the devices which had been used?

17 A. There was assessments as to what type of device had been
18 used but there was no real details on the explosive type
19 at that particular point.

20 Q. Right. Did you become aware in due course that the main
21 charge of the bombs had been a form of organic peroxide?

22 A. Yes, sir.

23 Q. I think in the course of your service in the army, from
24 time to time you had put together home-made, as it were,
25 made by you, improvised explosive devices for use as

- 1 training aids; is that right?
- 2 A. That's correct, sir.
- 3 Q. Had you ever used peroxide as a component part of any of
4 those?
- 5 A. Not at all, sir, it's far too dangerous to manufacture.
- 6 Q. Dangerous because?
- 7 A. Basically it is extremely sensitive to both heat,
8 friction, electrical charge, even the static in your
9 body. If you were to put your hand on a small amount of
10 organic peroxide explosive it can cause it to detonate.
11 So it's just far too unsafe for us to manufacture.
- 12 Q. On 12 July 2005, did you receive a call asking you to go
13 to Luton as soon as possible?
- 14 A. Yes, sir.
- 15 Q. And the purpose of that? I am looking at the top of
16 page 4 if it helps you.
- 17 A. It was to clear one of two vehicles that had been found
18 in the Luton area. The one that I was tasked to was in
19 Luton train station, and it was believed they had been
20 used to transport the 7/7 bombers from their location in
21 Leeds down to Luton train station.
- 22 Q. From where they had got a train to London?
- 23 A. Yes.
- 24 Q. Did you see the vehicle in the station car park?
- 25 A. Yes.

- 1 Q. I'm not going to go through everything that was in it,
2 but in the front passenger footwell, could you see
3 a black rucksack?
- 4 A. That's correct, sir.
- 5 Q. Was it zipped shut?
- 6 A. Yes, sir.
- 7 Q. Obviously you couldn't see inside it?
- 8 A. No.
- 9 Q. Using particular equipment and from a distance, did you
10 have or make sure that the rucksack was taken out of the
11 vehicle?
- 12 A. Yes, sir.
- 13 Q. How did you go about trying to look inside it?
- 14 A. What we did, or what I decided to do, having moved it
15 sufficiently to negate a victim operated IED threat
16 within the --
- 17 Q. Sorry, a victim operated IED?
- 18 A. Improvised explosive device. So make sure there wasn't
19 a booby trap with, inside the rucksack if I had just
20 gone in and it took my hand.
- 21 SIR MICHAEL WRIGHT: It's a booby trap really.
- 22 A. Yes, sir. I then was happy enough to make a small
23 incision with a knife in an area of my own choosing on
24 the bag itself, and then to look inside.
- 25 MR HILLIARD: Did you undo the zip or not?

- 1 A. No.
- 2 Q. Because?
- 3 A. One of the problems with organic peroxide explosives is
4 that it can go through a chemical process called
5 sublimation, where it goes from a solid to a vapour and
6 then recrystallises on any sort of surface; if any of
7 that peroxide explosive had recrystallised on the zip,
8 you open the zip, it can cause friction and cause it to
9 detonate.
- 10 SIR MICHAEL WRIGHT: That then detonates the whole bomb?
- 11 A. Possibly, sir.
- 12 MR HILLIARD: What you do is cut the bag open effectively?
- 13 A. Yeah.
- 14 Q. When you did that, were you able to see a number of
15 items?
- 16 A. Yes, sir.
- 17 Q. I think in due course, is this right, they were taken
18 out of the bag, put on the ground where they were
19 photographed?
- 20 A. That's correct, sir.
- 21 Q. Can we get those on the screen, please, Tom. Were there
22 a total of 12 of this kind of item?
- 23 A. That's correct, sir.
- 24 Q. These, as you may have heard Mr Horwell say, are the
25 mock-ups that have been done?

- 1 A. Yes, sir.
- 2 Q. First of all, there is some jars, is that right, which
3 I have; you can see those on the bottom right?
- 4 A. Yes, that's correct, sir.
- 5 Q. Four of those. Then there is those sort of flat items
6 up the top?
- 7 A. Yes, sir. They are actually the bottom of soft drinks
8 bottles that have been --
- 9 Q. Right, so those are two (indicated) of the -- or
10 mock-ups of two of the jars, front right, aren't they,
11 of the picture?
- 12 A. That's correct, sir.
- 13 Q. Then these are the other two, we can see they have sort
14 of wire coming out of the top or masking tape?
- 15 A. Yes, sir.
- 16 Q. We can see these have nails sticking out and we will
17 hear about those later. Correct?
- 18 A. Okay, sir.
- 19 Q. Then the flat items, I will hold those up again, you
20 were about to say they are the bottom of?
- 21 A. Basically like a soft drinks bottle, 1.5-litre,
22 whoever -- the perpetrators had cut the bottom of the
23 bottle and used it like a container, put cling film on
24 it and put the organic peroxide explosive inside of
25 that, sir.

- 1 Q. Then to the left, those four items, I have a mock-up of
2 one here, can you describe them for us?
- 3 A. Yeah. Basically they were sheets of what looked like A4
4 paper that had been tightly wrapped, and inside of it
5 was a quantity of organic peroxide explosives and then
6 heavily taped with the earthing tape that you can see on
7 the example there.
- 8 Q. To make effectively a sort of slimmish tube of the
9 material; is that it?
- 10 A. Yes.
- 11 Q. So when you managed to look inside the bag you were able
12 to see those items?
- 13 A. Yes, sir.
- 14 Q. Then they are taken out and photographed. Did you x-ray
15 them?
- 16 A. I x-rayed the four devices to the right of the actual
17 screen itself, basically because with the other items
18 you could clearly see inside of them and that negated
19 any sort of threat inside of those. But with the other
20 four items, especially the ones with the cables going
21 inside, I wanted to see if there was any initiator
22 inside, and when we took the x-rays of the two with the
23 cable, they found flash bulbs which will be a typical
24 igniter for, as it was, TATP explosives.
- 25 SIR MICHAEL WRIGHT: That's the four jars or whatever they

1 were?

2 A. Yes, sir.

3 MR HILLIARD: Did you speak to a scientist at the forensic
4 explosives laboratory, and did you discuss whether it
5 was safe to try to fingerprint these items?

6 A. Yes, sir.

7 Q. What was the view you were given?

8 A. That it was far too dangerous for anyone to actually
9 handle them. I then inquired would it be beneficial if
10 I could try and take a sample, and the advice was given
11 that, you know, it was my own decision whether it was --
12 whether I could take the risk to actually get into one
13 of the containers to actually get a sample; and having
14 looked at the items, the easiest ones were the four jars
15 at the top of the actual picture which only had
16 cellophane on, because I could easily cut one of those
17 open with a knife, pour some desensitising fluid inside
18 there and then take a sample from that.

19 Q. The flat packages?

20 A. Yes, sir.

21 Q. Did you take a sample from one of those?

22 A. Yes, sir.

23 Q. You did, all right. Ordinarily, would items like this
24 be taken away to the laboratory and be examined there?

25 A. No, not at all, sir, they were far too dangerous to

- 1 actually move any sort of distance and the forensics --
- 2 Q. I meant as it were ordinarily if you find items of
- 3 significance that --
- 4 A. Yes, sir.
- 5 Q. As far as these were concerned you were saying?
- 6 A. The nature of the explosives, because it is so
- 7 sensitive, is far too dangerous to move any distance at
- 8 all, and obviously the forensic scientist would have
- 9 refused to take it into the forensic laboratory, just
- 10 because of the nature of how dangerous it is so they
- 11 wanted --
- 12 Q. One of us is speaking too quickly. It could be me.
- 13 A. It's probably myself, sir.
- 14 Q. In case it's you, just -- yes?
- 15 A. So they would only take a sample that had been
- 16 desensitised, and then subsequently with the other items
- 17 they were destroyed by demolition a short distance from
- 18 where the vehicle was so we didn't cross-contaminate any
- 19 other evidence.
- 20 Q. So can you just explain to us, so they are photographed,
- 21 x-rayed and they are too dangerous to take to the
- 22 laboratory?
- 23 A. That's correct, sir.
- 24 Q. So they are detonated not quite there but --
- 25 A. It's about 150 metres down the car park was an area of

1 rough ground, grass, where I dug a small pit, got the
2 fire brigade to bring some sandbags, each item was
3 detonated using a single electrical detonator --

4 Q. Pause a moment. A detonator that was, as it were, there
5 ready or that you had to provide?

6 A. That I had to provide.

7 Q. I do not want to go into details about it but how big,
8 as it were, the detonator that you had to use, roughly
9 the size?

10 A. It uses an amount of high explosives about the size of
11 your fingernail. So when it actually functions it will
12 sound like a gunshot, so a very, very small explosive
13 charge, but very powerful inasmuch as you get the rest
14 of the explosive train to start, to actually propagate
15 it.

16 Q. I think you had 80 or so --

17 SIR MICHAEL WRIGHT: While you are talking about that,
18 sorry, Mr Hilliard, it's hardly proper to ask if you got
19 a big bang or perhaps you did. The kind of explosion
20 that these items were producing when you detonated them,
21 capable of killing?

22 A. Yes, sir.

23 MR HILLIARD: We are going to come to that. If you read on
24 it's all there.

25 Right, 80 or so sandbags, is that right, delivered

- 1 by the fire brigade?
- 2 A. Yes, sir.
- 3 Q. You have dug a little pit, is that right?
- 4 A. That's correct, sir.
- 5 Q. You put in their turn each of these, did you, with a
6 detonator in the pit?
- 7 A. Yes, sir.
- 8 Q. Then detonated them?
- 9 A. Yes, sir.
- 10 Q. If you have got page 6 of your statement, so we have it
11 as accurate as we can, last but one paragraph, you just
12 explain and we will come on to lethal or not in
13 a minute, what happened when you detonated these various
14 devices?
- 15 A. You got a violent explosion and a typical sort of
16 supersonic crack, which is very typical of a high
17 explosive charge or a high explosion being detonated,
18 and much more violent than you would associate with just
19 a detonator function. So from that and from my
20 experience of working with explosives, I realised that
21 the actual explosive inside there was a high explosive.
- 22 Q. First of all, what happened to the sandbags?
- 23 A. The sandbags were completely disintegrated and there was
24 some remnants of them, they were blown sort of 5 or 6
25 metres away from that, once again indicative of a high

- 1 explosive charge.
- 2 Q. Two of these, ones towards the bottom right, had got
3 nails taped round them?
- 4 A. Yes, sir.
- 5 Q. Correct? What was the effect of that when those were
6 detonated? I am looking at the bottom of the page.
- 7 A. Yeah, the nails are added by the bomb maker to produce
8 improvised fragmentation, and the effect on the sandbags
9 was to shred the sandbags, because obviously the nails
10 are sharp and blown at supersonic speed through the
11 sandbags themselves.
- 12 Q. You note in your statement that the nails pierced the
13 sandbags to a considerable depth?
- 14 A. Yes, sir.
- 15 Q. I will just come to the question you were asked a moment
16 or two ago. Knowing what you do and having seen what
17 you had when each of these items was detonated, what was
18 your opinion about detonating one of these even in
19 an unconfined space?
- 20 A. That anyone that was in close proximity, say within 1 to
21 2 metres, maybe a little bit more, would be more than
22 likely killed by the effect of the explosion.
- 23 Q. Pause a minute.
- 24 A. And then --
- 25 Q. Just a minute.

- 1 A. Sorry.
- 2 Q. So 1 to 2 metres, maybe a bit more, likely to be killed?
- 3 A. Yes.
- 4 Q. Then you were going on to say?
- 5 A. Then as the distance increases, maybe out to 10 metres
6 you would get injuries particularly with the devices
7 that had the fragmentation, the nails on.
- 8 Q. And serious injury?
- 9 A. Yes, I mean obviously dependent on where the nails
10 struck the body, if it had been near the face,
11 et cetera, and then as the distance progresses further
12 outwards, then the injuries would become less and less.
13 Certainly I would -- in my experience of the military,
14 it would be very much like an anti-personnel hand
15 grenade, so if you think back to any war films that
16 people have seen, that sort of effect of a grenade going
17 off in there.
- 18 Q. I am afraid you are still going too fast.
- 19 SIR MICHAEL WRIGHT: You have to break the habits of
20 a lifetime, Neil.
- 21 A. Sorry. Basically just to finish on that, it's very much
22 like the effect of a small hand grenade.
- 23 MR HILLIARD: Right. If I read it we will go a bit more
24 slowly.
- 25 A. Yes.

- 1 Q. I think you concluded, is this right, that if the
2 devices were to be detonated more than one at a time,
3 because you were setting them off one after the other,
4 if they were to be detonated more than one at a time,
5 and/or in a confined space such as an underground train,
6 I think you thought the effect of the explosion and the
7 range over which the explosion would be lethal would be
8 greatly magnified; is that right?
- 9 A. That's correct, sir, because basically the explosive
10 effect has nowhere to go apart from inside that
11 container.
- 12 Q. Did you in fact or do you have a view as to what the
13 different types, we have sort of three types really
14 there, haven't we?
- 15 A. Yes, sir.
- 16 Q. Do you have a view as to what the purpose of each of
17 them was? Because they are all different. They are
18 types. It suggests they were perhaps to be used for
19 different things. From your experience, can you help,
20 and slowly, as to what that was?
- 21 A. Yes. The items on the left-hand side of the image, the
22 long tubes, I believe were going to be used as what we
23 call a booster tube. The main explosive charges in the
24 rucksacks were organic peroxide explosives.
- 25 Q. Pause a moment. Yes?

1 A. Which is relatively insensitive. The explosive inside
2 these items was pure peroxide explosive, which is as
3 I said before very sensitive. It would be extremely
4 dangerous for the terrorist to transport a large
5 quantity of TATP or HMTD or pure organic explosives as
6 a main charge, because obviously on a tube train he
7 would only have to be bumped into or if he dropped that
8 rucksack the whole thing would detonate.

9 Q. Pause again. Yes?

10 A. So to make the device safer for the terrorist to
11 transport and to actually deploy, he would have a small
12 amount of this organic peroxide explosive or the pure
13 peroxide explosive surrounded by the organic explosive,
14 which is a lot more -- or a lot less sensitive, and you
15 could knock it, move it about and carrying it with
16 relative safety as you know, any explosive is dangerous.
17 So we think they were the four booster tubes --

18 Q. To go with --

19 A. Potentially the argument was there that: are there, for
20 the devices, main charges somewhere? These were never
21 found, so that's what we thought they were, because they
22 matched very much the devices, the failed devices from
23 the 21/7 attacks when a device was taken apart and we
24 found one of these boosters inside there that was
25 similar to this type.

- 1 Q. So that's the tube-like ones?
- 2 A. That's correct.
- 3 Q. Then what I have been calling the flat ones?
- 4 A. Yes. Once again, just my opinion that potentially these
- 5 were test mixes of home-made explosive, because
- 6 obviously by the nature of making a home-made explosive,
- 7 you can't guarantee that it is going to work, so with
- 8 our experience from Northern Ireland, we found that
- 9 terrorists would do test blows of explosives in remote
- 10 areas to see how effective their mix had been. And
- 11 potentially this is what we might have found with these.
- 12 And because they were going for a suicide mission, they
- 13 decided to collect all the explosives together, just put
- 14 them in the car and take them with them. Once again,
- 15 there was evidence of TATP explosive at the bomb-making
- 16 factory in Leeds. The other four devices --
- 17 Q. Pause a moment. If we come to the four, the bottom
- 18 right, two of which have the nails?
- 19 A. Yeah, effectively we can split those four into two. We
- 20 have the two with the cables running in. Those ones,
- 21 the x-ray showed up had a flash bulb as the initiator,
- 22 so to cause those to function, you would attach
- 23 a battery on to the end of the cable, the current would
- 24 pass through to the flashbulb, cause that to ignite and
- 25 that heat would be enough to set off the explosives

1 inside.

2 Q. Pause a moment.

3 A. Two other jars had a lighting or a firework fuse pushed
4 through a hole in the top of the actual container and
5 then the, surrounding the igniter, or the fuse, were
6 match heads. These had been placed there, so when you
7 strike a match, the matches would flare up, cause the
8 firework fuse to burn down into the explosive, and once
9 again cause it to actually detonate. But one point to
10 note that with all four of those devices, because of the
11 nature of the explosive inside there, you could
12 literally grab one of those and just throw it on the
13 floor and that would cause it to detonate, so really the
14 means of initiation was overelaborate, potentially for,
15 if it was going to be used as an anti-personnel weapon.

16 Q. Right. Just so we understand, not, you say you could
17 throw it and it would probably --

18 A. Yes.

19 Q. Do I understand what you are saying right, that these
20 are not, although they were suicide bombers, these --
21 and you have explained how you might put the bit on the
22 left in the rucksack and so on -- aren't typically what
23 people might strap to themselves for example or are
24 they?

25 A. The two with the cables on the outside could well be.

1 The ones with the burning fuse, I would suggest would
2 not be, because of the difficulty in lighting the item
3 in a concealed environment if it was stuffed inside your
4 jacket or something like that. Whereas the ones with
5 electrical cable, it could simply be a case of
6 connecting a battery to it --

7 Q. If you had it in a pocket or something of that sort,
8 then you would go up with it?

9 A. Whereas the other one you would have to bring out into
10 the open, light a match and then ignite it.

11 SIR MICHAEL WRIGHT: Were they, the ones with the cables,
12 it's difficult to see in the photographs, full of
13 explosives or just empty glass jars?

14 A. No, they were full to the top, sir.

15 SIR MICHAEL WRIGHT: Was that organic peroxide or the pure?

16 A. The pure explosives, sir.

17 SIR MICHAEL WRIGHT: They carried them down to Luton?

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: All right.

20 MR HILLIARD: Then on 17 July, just to finish off, you had
21 gone to what's been called the bomb factory in Leeds; is
22 that right?

23 A. That's correct.

24 Q. Sure enough peroxide was the principal fuel; is that
25 right?

1 A. That's correct, sir.

2 Q. An organic peroxide had been what you call the trigger;
3 is that right?

4 A. Yes, sir.

5 SIR MICHAEL WRIGHT: I don't know, at some point,
6 Mr Hilliard, do you want the jury to see this?

7 MR HILLIARD: I didn't, really, but if they want to see
8 them ...

9 SIR MICHAEL WRIGHT: I will ask if they do. I think they
10 do. Particularly they want to be able to have a look at
11 the jars, because they are not very clear in the
12 photograph.

13 MR HILLIARD: No. There we are. (Handed).

14 SIR MICHAEL WRIGHT: We will hand them round separately.
15 The first lot are the jars, cable connectors or fuse
16 stuck in it. Those you think are particularly suitable
17 for carrying on the body?

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: Well, insofar as anything is.

20 A. Easy to conceal inside your pockets or anything like
21 that, sir. (Pause).

22 SIR MICHAEL WRIGHT: While this is going round, it's
23 slightly idle curiosity, Mr Neil, but I am interested
24 because of a case I was involved in many, many years
25 ago.

1 How does this stuff, the peroxide-based explosive,
2 in its pure state, how does that compare with liquid
3 nitroglycerin?

4 A. I would say probably, TATP and HMTD, this pure organic
5 peroxide is probably more dangerous, sir.

6 SIR MICHAEL WRIGHT: Than nitroglycerin?

7 A. Yeah, because one of the problems is you can make it in
8 a scientific laboratory which does happen, but one of
9 the problems is all this time and in storage it degrades
10 and becomes even more sensitive, so one of the
11 problems --

12 SIR MICHAEL WRIGHT: Which nitroglycerin does not?

13 A. No. Like I say, a lot of terrorist groups certainly in
14 the Middle East have gone away from using this because
15 of the fact that it was so dangerous and they had what
16 we referred to as own goals where the terrorist would be
17 killed by his own device.

18 SIR MICHAEL WRIGHT: That's a question I have which I have
19 to ask you in a minute. (Pause). That's a comment, not
20 a question. (Pause). While we have an enforced pause,
21 Neil, we heard, I think from Mr Swain yesterday, that it
22 is thought that with this sort of explosive something
23 like one in five of terrorist bomb-makers kill
24 themselves?

25 A. That's probably correct, sir.

1 SIR MICHAEL WRIGHT: Have there been any such cases in this
2 country?

3 A. Not of terrorist groups, sir, but there has certainly
4 been a case where schoolboys and those people interested
5 in manufacturing their own explosives purely from
6 a scientific point of view have ended up injuring
7 themselves, sir.

8 SIR MICHAEL WRIGHT: Yes, but you are not aware of any cases
9 in this country of terrorist-based -- a terrorist-based
10 bomb manufacturer using this material and killing
11 himself?

12 A. Yes, there was one in London, sir, a gentleman had
13 manufactured some and it was initially reported as a gas
14 explosion, but subsequent investigation found that he
15 had actually been manufacturing organic peroxide
16 explosives.

17 SIR MICHAEL WRIGHT: Was that before or after 22 July?

18 A. Before, sir.

19 MR HILLIARD: Then the last thing, please, I think you were
20 asked, having been asked I think, you had your own view
21 but also discussed it with colleagues, but were you
22 asked whether before 7 July you had ever come across or
23 heard of rucksacks or luggage being used by a suicide
24 bomber as a means of carrying the device that they
25 exploded?

1 A. Yes, sir.

2 Q. Had you come across that before?

3 A. No, no, I hadn't, sir.

4 Q. I think as you understood it, the experience before 7/7
5 was that suicide bombers had carried their explosives on
6 them, in other words either under clothing or packed
7 into a belt around the body; is that right?

8 A. That's correct, sir, because their aim was to conceal
9 the fact that they were carrying a device, because the
10 targets they were attacking or intending to attack had
11 security around them and carrying something like luggage
12 et cetera would immediately steer security people to
13 them, sir.

14 MR HILLIARD: Thank you very much.

15 SIR MICHAEL WRIGHT: Does the presence of the iron, the
16 nails and so forth, packed around the explosives, does
17 it have any -- is there any potential chemical reaction
18 between the iron and the explosives?

19 A. No, sir, because that was actually taped to the glass.

20 SIR MICHAEL WRIGHT: They are separated?

21 A. That's correct.

22 SIR MICHAEL WRIGHT: Thank you. Yes, Mr Mansfield.

23 Questions from MR MANSFIELD

24 MR MANSFIELD: Good afternoon. My name is

25 Michael Mansfield. I represent the family of

1 Jean Charles de Menezes.

2 A. Hello, sir.

3 Q. I want to separate the two issues. First of all, the
4 items which were in the photograph, perhaps the
5 photograph could be brought back up, please, of the
6 items from the boot. We have seen reconstructions of
7 those. Do you have your statement in front of you? It
8 might be a bit quicker. The one on 13 September.
9 That's the one.

10 A. Yes, sir.

11 Q. Could you look at what is for you the seventh page.
12 I just want to get you to confirm that when you made the
13 statement, this statement, as I have just indicated in
14 2007, you had a paragraph on this page which is near the
15 end that reads as follows, I want to see if this is
16 still your view:

17 "As far as I am aware, the use to which the bombers
18 intended to put the small devices which I detonated
19 remains unconfirmed."

20 Just pausing, the small devices, are they meant to
21 include the ones that are in that photograph?

22 A. Yes, sir.

23 Q. If we just read on:

24 "However, given particularly their size, composition
25 and construction, and the fact that they were being

1 carried in the passenger compartment of the car whilst
2 the main charges were in the boot, leads me to the view
3 (which I understand is shared by others involved in the
4 investigation of the 7/7 bombings) that the devices were
5 intended for use either as 'defensive weapons' against
6 police or others in the event the bombers had been
7 stopped or challenged on their way down from Leeds to
8 Luton (in effect as a form of grenade) or as suicide
9 devices with which the bombers would have attempted to
10 kill themselves to evade arrest in the event of such
11 a challenge."

12 That's what you wrote last year. Is that still your
13 view?

14 A. Yes, sir.

15 Q. I want to pass to suicide vests and belts and so on,
16 that form of suicide bomb?

17 A. Yes, sir.

18 Q. Are you familiar with that?

19 A. I have seen examples of those types of devices.

20 Q. You have, right, I just want to ask you a bit about it
21 for a moment. First of all, we know from Commander Dick
22 that there was no intelligence to suggest that suicide
23 bombs or belts, in terms of vests or belts, were being
24 manufactured in the United Kingdom. I want to ask you
25 whether, with your connection with the Leeds

1 investigation and so on, is it right that there was no
2 material that you found or you are aware of from the
3 laboratory suggesting that suicide vests or belts or
4 anything akin to that had been found at any of the
5 addresses up to 22 July 2005?

6 A. That's correct, sir.

7 Q. In other words, it's not just a case of sticking a bit
8 of explosive in your pocket. In order to construct
9 a suicide belt or vest, is it not right that the
10 customary way of doing it is to secrete the explosive
11 material inside pouches that are then linked, either
12 round a belt at the waist or in a vest that goes over
13 the rest of the body or part of the body?

14 A. That's correct, sir.

15 MR MANSFIELD: Sir, I wonder in the light of that answer,
16 I have certainly warned Mr Hilliard, there is a very
17 short clip from a television programme that everybody
18 has been served with which just, it's about, I don't
19 know, 20 seconds of clip, of an actual suicide bomber
20 filmed by the Israeli army. Unless there is objection,
21 I just want to show the clip?

22 SIR MICHAEL WRIGHT: I have not seen this. I don't know
23 about it. Does anybody have any objections?

24 MR STERN: I haven't seen the clip.

25 SIR MICHAEL WRIGHT: Nor have I.

1 MR MANSFIELD: It was a Panorama programme originally.
2 I don't ask for the commentary or the rest of the
3 programme, just the part of it where the programme went
4 to Israel and retrieved film of --
5 SIR MICHAEL WRIGHT: Just explain to me the point, if you
6 will.
7 MR MANSFIELD: It's just to demonstrate, because nobody --
8 one has had reconstructions, no objection to that -- no
9 one has actually -- one's had descriptions given of
10 suicide belts and vests. The film actually shows
11 an example of one.
12 SIR MICHAEL WRIGHT: Using organic peroxide?
13 MR MANSFIELD: It's TATP.
14 SIR MICHAEL WRIGHT: Very well.
15 MR MANSFIELD: I have asked Tom.
16 SIR MICHAEL WRIGHT: Have you set this up?
17 MR MANSFIELD: Yes.
18 SIR MICHAEL WRIGHT: Very well.
19 (Video footage shown)
20 MR MANSFIELD: I'm hoping there will be no commentary.
21 I don't mind the commentary but I'm eliminating that.
22 It's very shortly after this, this is in fact in Israel.
23 There. (Pause). This is an Israeli officer talking
24 about it. I don't ask for what his description is,
25 unless anybody wants it. There is another clip,

1 I think, that just comes after this. (Pause). Thank you
2 very much. I don't think there is any dispute about it.
3 It was somebody who was stopped by the Israeli army and
4 he was made to take it off.

5 SIR MICHAEL WRIGHT: Oh, it wasn't a demonstration.

6 MR MANSFIELD: No, no, this was an actual event, that we are
7 led to believe happened, and the Israeli officer is
8 talking through the fact that they had stopped somebody
9 and filmed it.

10 SIR MICHAEL WRIGHT: Yes.

11 MR MANSFIELD: Now, that's what's called a suicide vest,
12 isn't it, what you saw there?

13 A. Yes, sir.

14 Q. Continuing with this --

15 SIR MICHAEL WRIGHT: Yes, can I immediately while I think
16 about it ask a question about that?

17 MR MANSFIELD: Yes, certainly.

18 SIR MICHAEL WRIGHT: What would your comment be on the
19 apparent sizes and dimensions of what we have just been
20 looking at, as to the type of bomb it was intended or
21 type of explosion that it was intended to produce?

22 A. It would -- not knowing whether it had fragmentation in
23 it, there seems a considerable amount of explosives on
24 the actual or in the jacket itself. And that would
25 indicate that he was going for mass casualties,

1 potentially typically in Israel, of going on a bus or
2 some form of public transport to cause maximum
3 casualties.

4 SIR MICHAEL WRIGHT: You have told Mr Mansfield already that
5 in your view, the devices that were found at Luton were
6 primarily at any rate intended as almost like personal
7 grenades to use against an arresting or challenging
8 police officer?

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: Much smaller scale of explosion.

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: Yes, thank you.

13 MR MANSFIELD: Just one more thing, and that is, in relation
14 to, as it were, either the belt or the vest form of
15 this, to construct it, is it commonly, whether vest or
16 belt, contained in what's called pouches so they are
17 separate compartments which are then linked together
18 with a wire?

19 A. Yes, sir.

20 Q. Then in order to detonate such a thing as a belt or
21 a vest, one of the ways of doing it is to have a PP9
22 battery in your pocket with a wire coming either from
23 the vest or the belt, through the clothing, into the
24 pocket where the battery is?

25 A. Yes, sir.

1 Q. Right, and then if you are going to detonate that, you
2 would have to have your hand in your pocket and connect
3 the wire to the battery to make a circuit?

4 A. That's correct, sir.

5 MR MANSFIELD: Thank you very much.

6 SIR MICHAEL WRIGHT: Thank you. Mr Davies.

7 MR DAVIES: No, thank you, sir.

8 SIR MICHAEL WRIGHT: Thank you. Mr Stern.

9 Questions from MR STERN

10 MR STERN: Just a few questions. I represent two of the
11 firearms officers.

12 Can you just help us, please, you are a very
13 experienced individual in relation to explosives. You
14 said you had seen suicide bombs, but I'm just wondering
15 what your experience is in that regard?

16 A. During my military service, I have served in Afghanistan
17 and was witness to the aftermath of an attempted suicide
18 attack on a German Forces base, where an Iraqi civilian
19 disabled a -- wandered into the sentry post carrying
20 hand grenades that had all been rigged to be initiated,
21 and unfortunately he had fallen short, the devices had
22 functioned prematurely, but I haven't actually defused,
23 if that's the thing, of a device itself.

24 Q. I just wondered whether you had carried out research,
25 because we heard from an individual yesterday, Mr Swain,

1 do you know him?

2 A. Yes.

3 Q. He has done a lot of research and I wondered --

4 A. It's in our professional interest to make sure that we
5 are aware of the threats around the world, sir.

6 Q. Absolutely. I just want to ask you one or two questions
7 because you may be able to help with this. The first is
8 this: I think when you first went to Luton station, at
9 the car park, the trained explosives dog was led past
10 the vehicle?

11 A. That's correct, sir.

12 Q. At that time, I don't want to ask you about anything
13 that has taken place since then, but at that time the
14 trained explosives dog gave no indication of detecting
15 any explosives?

16 A. That's correct, sir.

17 SIR MICHAEL WRIGHT: That's not a criticism of the dog.

18 MR STERN: I am not criticising the dog, far be it from me
19 to do that.

20 Because at that time, dogs were not trained to
21 detect that type of explosive?

22 A. That's correct, sir.

23 Q. The second aspect was this: in relation to the rucksack,
24 I think you were concerned that just unzipping the
25 rucksack might cause the detonation?

- 1 A. Yes, sir.
- 2 Q. You told us that there were sandbags that were used, you
3 arranged for sandbags to come to the car park, and you
4 dug a hole. You didn't tell us the number. I think
5 there were about 80 of them?
- 6 A. Yes, sir.
- 7 Q. Were those 80 put over the pit in order to protect you
8 and anyone else who may have been around in this open
9 space?
- 10 A. Yes, sir, and basically to catch any fragmentation which
11 subsequently could be used as evidence and taken to the
12 laboratory for examination, sir.
- 13 Q. I think the trains were suspended as well?
- 14 A. Yes, that's correct, sir.
- 15 Q. Were you aware of any evidence linking the bombers from
16 7 July and 21 July?
- 17 A. No, sir.
- 18 Q. The devices that you have shown us that were found at
19 the car park, they could easily have been carried in
20 a coat or jacket pocket, could they not?
- 21 A. Yes, sir.
- 22 Q. They would not have been visible if they were carried in
23 an appropriate way to anyone at all?
- 24 A. Correct, sir.
- 25 Q. Let me ask you this, as I say you are a person with

1 great experience in this regard: what would be your
2 approach to a suicide bomber? How would you approach
3 a person, I don't mean to disarm them but would you go
4 near a suicide bomber?

5 A. The only time that I would go near a suicide bomber is
6 that he would be required to strip naked, move himself
7 away from where the items of clothing or any luggage
8 that he had, move off and then I would examine the
9 actual items of clothing. At no point would I approach
10 a suicide bomber when he is still fully clothed.

11 MR STERN: Thank you very much.

12 SIR MICHAEL WRIGHT: Thank you. Ms Leek?

13 MS LEEK: No, thank you, sir.

14 SIR MICHAEL WRIGHT: Mr Penny?

15 MR PENNY: No, thank you.

16 SIR MICHAEL WRIGHT: Mr King?

17 MR KING: No, thank you.

18 SIR MICHAEL WRIGHT: Mr Horwell?

19 Questions from MR HORWELL

20 MR HORWELL: Only a few questions. Richard Horwell on
21 behalf of the Commissioner.

22 I am sure you have said this already, Neil, but can
23 I please, in case there is any doubt, ask you to
24 confirm, any one of those small jars that the jury has
25 seen, if they were detonated, they will kill anyone

- 1 within a short distance?
- 2 A. Yes, sir.
- 3 Q. Could I ask you to look, please -- it's a long, long
4 time since we looked at the exhibits brochure. That's
5 the other brochure that I think we have only seen the
6 once. If you could be given a copy. It should have
7 "Exhibits Brochure" on the front.
- 8 A. I have the maps brochure. (Handed).
- 9 Q. The reason I'm asking you about this is when we first
10 saw this brochure, a page was missing and it's
11 subsequently been inserted in the bundle. Let us just
12 to remind ourselves, start at page 4, please. This is,
13 as we know, the bomb factory for the 21 July bombers.
14 These are pages that we have seen before. I'm going to
15 take very little time on them. We are seeing here the
16 materials and pots and pans and the like that are used
17 to reduce peroxide, if we go on pages 5 and 6, to
18 manufacture the explosive.
- 19 A. Yes, sir.
- 20 Q. The page that we were not able to see last time, because
21 it was missing, was page 9. As I have said, page 9 has
22 now been inserted in these bundles. These are the light
23 bulbs that can be used to detonate these devices?
- 24 A. Yes, sir.
- 25 Q. Light bulbs, of course, were found at Curtis House. To

1 remind ourselves, if we go to page 10, and 11 please,
2 these are the many, many bottles and cans of liquid
3 peroxide that were found at Curtis House, and the
4 bombers had utilised a great deal of patience, no doubt,
5 and ingenuity to turn that peroxide into a bomb?

6 A. Yes, sir.

7 Q. The fear on 22 July was that the bombers would change
8 tactics. They had used rucksacks on the 7th, they had
9 used rucksacks on the 21st. But the fear on the 22nd
10 was that they would utilise a different form of carrying
11 the explosive, and when the protection of the public is
12 your duty, that fear was a sensible one to have; do you
13 not agree?

14 A. Yes, sir.

15 Q. Anyone who has the patience, the tenacity, the ingenuity
16 to manufacture these wretched devices is plainly going
17 to have the skill and the ingenuity to make a body belt?

18 A. Yes, sir.

19 Q. Mr Mansfield has just played a very small episode from
20 a Panorama programme showing a body belt on a child?

21 A. Yes.

22 Q. Now, from your expertise, Neil, is that a very large
23 body belt?

24 SIR MICHAEL WRIGHT: Relatively speaking.

25 MR HORWELL: Relatively speaking, of course.

1 A. Yes, for that individual it is, because obviously being
2 a child, you have slight build, it was fairly bulky, so
3 would need quite a large jacket to conceal that. But
4 from my experience, I have seen devices that use other
5 types of explosives, and basically if you look at
6 a person, he could be wearing just a long shirt and you
7 would not notice that he had anything on. They've also
8 made them into pants, so you would wear them as
9 underpants or put another pair of pants over the top.
10 So there is no lack of ingenuity from terrorist
11 organisations in which they will secrete the device.

12 Q. If we try to imagine the mindset of a terrorist, it's
13 not simply to butcher people, it is to bring capital
14 cities such as London to a standstill; do you not agree?

15 A. Yes, sir.

16 Q. Therefore their objectives were not only to murder
17 people, but to cause chaos on Underground systems?

18 A. Yes, sir.

19 Q. So if they use small devices that only killed five, six
20 or seven people, that would suit their ends?

21 A. At the end of the day, sir, when it's reported in the
22 press, it's still reported as a bomb. It doesn't say
23 a large bomb or a small bomb. It is a bomb that has
24 killed people. So a small device would have a similar
25 media effect as a large car bomb.

1 Q. Do you not agree that people that have this terrible
2 degree of ingenuity, it is not beyond their ability to
3 manufacture small body belts that cannot be seen, that
4 will kill in an underground carriage?

5 A. Yes, sir.

6 MR HORWELL: Thank you.

7 SIR MICHAEL WRIGHT: Thank you very much. Mr Hilliard?

8 Further questions from MR HILLIARD

9 MR HILLIARD: Just this, I want to make sure I have
10 understood right, you were telling us first of all when
11 we looked on the screen as I understand it why you think
12 the devices were made in the first place, so the booster
13 charges were the tubes, the test explosives were the
14 flat packages and so on.

15 A. Yes.

16 Q. The passage that Mr Mansfield was asking you about where
17 you had said in your statement, given where the items
18 were in the car, that your view was they were intended
19 for use either as defensive weapons against the police
20 or as suicide devices in an attempt to evade arrest.
21 Are you saying there you mean that's why they had taken
22 them with them on this particular journey?

23 A. It was an assumption because one of the things we
24 couldn't understand was why they were left behind in the
25 actual vehicle itself. Maybe they had a change of

1 heart. No one has conclusively said the reason why
2 those devices, one were manufactured and two were left
3 in the vehicles.

4 Q. You are talking about different things, the explanation
5 you were giving me is why you think they were made in
6 the first place?

7 A. Yes.

8 Q. What you were dealing with, with Mr Mansfield, was why
9 it may be they were carried in the vehicle on that day?

10 A. Yes.

11 MR HILLIARD: Thank you very much.

12 SIR MICHAEL WRIGHT: Thank you very much indeed, Neil. As
13 soon as the doors have been cleared you are free to go.

14 (The witness withdrew)

15 MR HILLIARD: Sir, the next witness is going to be C2402.

16 Can I just explain because I know that one of the jurors
17 has to leave, that's the last witness we are calling
18 today.

19 SIR MICHAEL WRIGHT: Just to explain to you who this is,
20 because we have not heard him mentioned before, this
21 gentleman is the team leader of the surveillance team
22 that took up position outside Portnall Road.

23 CODENAME "CENTRAL 2402" (sworn)

24 SIR MICHAEL WRIGHT: Thank you, please sit down.

25 Questions from MR HILLIARD

- 1 MR HILLIARD: You are going to be known for the purpose of
2 these proceedings as C2402, all right?
- 3 A. Yes, sir.
- 4 Q. I am going to ask you some questions first of all on
5 behalf of the Coroner, then you may be asked questions
6 by others.
- 7 A. Okay, sir.
- 8 Q. Have you got a copy of a witness statement you made on
9 21 October, in fact this year?
- 10 A. Yes, sir, I have.
- 11 Q. Do you have the copy there?
- 12 A. In front of me now, yes.
- 13 Q. In making that, did you have available to you copies of
14 a log book that you completed on 22 July 2005?
- 15 A. Yes, sir.
- 16 Q. Of a pocket book containing some notes?
- 17 A. Yes, sir.
- 18 Q. And also copies of the pocket books of some members of
19 your team?
- 20 A. Yes, sir, I do.
- 21 Q. It's already been indicated before you came into court
22 that on 22 July 2005 you were, I think, the team leader
23 of the blue surveillance team; is that right?
- 24 A. That's correct, sir, I was, yes.
- 25 Q. At about 5 o'clock in the morning on the 22nd, did you

- 1 get a call at home from somebody who's been known as
2 Colin?
- 3 A. Correct, sir, I did.
- 4 Q. Calling from room 1600, the operations room at New
5 Scotland Yard?
- 6 A. Yes, sir.
- 7 Q. What did he want?
- 8 A. He instructed me to get myself and my team to
9 Scotland Yard as soon as possible, and he reiterated it
10 was as soon as possible.
- 11 Q. What was it about?
- 12 A. He mentioned it was in relation to the activities of the
13 previous 24 hours, ie the suicide bombers, and that we
14 were to be deployed --
- 15 Q. In connection with that?
- 16 A. In connection with that, yes.
- 17 Q. I think you contacted your team by pager and passed on
18 the message?
- 19 A. That's right, sir, yes, I did.
- 20 Q. You, I think, got to New Scotland Yard at about
21 6 o'clock; yes?
- 22 A. Correct, correct.
- 23 Q. Did you see Colin?
- 24 A. I did, sir, yes.
- 25 Q. What did he say to you?

- 1 A. He reiterated pretty much what he had told me on the
2 phone, that there had been some -- evidence had been
3 recovered from one of the crime scenes the night before,
4 and that I would get a briefing from DI Whiddett
5 forthwith.
- 6 Q. Had the material recovered from one of the crime scenes,
7 had that given information about addresses?
- 8 A. Not at that point. It didn't allude to that at that
9 point, no. It was a conversation which lasted a minute,
10 if that, before DI Whiddett came and spoke to me.
- 11 Q. Your statement says:
- 12 "I saw Colin briefly who clarified that some
13 addresses for the bombing had been discovered..."
- 14 A. Yes, sorry, he made me -- may well have mentioned that,
15 yes.
- 16 Q. Right, and that you would receive a briefing from
17 Mr Whiddett?
- 18 A. Yes.
- 19 Q. I think at that time only two or three members of your
20 team were present, the rest still on their way?
- 21 A. En route, I believed, yes, sir.
- 22 Q. It may be this is where the confusion has come in.
23 I think it's some time after 6, is it, that Mr Whiddett
24 actually told you about specific addresses that had come
25 to light through enquiries overnight?

- 1 A. That's correct, sir, and they were the addresses that
2 I wrote down in my pocket book.
- 3 Q. Right, and they were, is this right, addresses for the
4 suspects for the bombings might be Portnall Road, 61A
5 Portnall Road, 21 Scotia Road and 34 Mitcham Lane; is
6 that right?
- 7 A. That's correct, sir, yes.
- 8 Q. Suspects, were you told, Abdi Omar, codename Regal Wave,
9 and Hussain Osman, codename Nettle Tip?
- 10 A. Yes, sir.
- 11 Q. Were you also told that another address, Flat 40,
12 Blair House, on the Stockwell Gardens Estate was also
13 believed associated with the suspects?
- 14 A. That's correct, sir, yes.
- 15 Q. Were you told about two vehicles, a blue VW Golf, the
16 start of the registration I'm only going to give that,
17 L199, and a black Nissan Primera, again, just the start,
18 P579; were you told about those?
- 19 A. Yes, sir.
- 20 Q. Were you told that the Golf was thought to be connected
21 with the Blair House address?
- 22 A. Yes, that's right, correct, sir, yes, I was.
- 23 Q. Were you told that the registered keeper or owner of the
24 Primera was at Portnall Road?
- 25 A. The vehicle I believe was registered to a keeper at

- 1 Portnall Road, yes.
- 2 Q. Were you told that the vehicle itself had been seen
3 outside Scotia Road?
- 4 A. That's correct, sir, yes.
- 5 Q. Were you shown any photographs?
- 6 A. I was shown two photographs at that time. One of which
7 was a copy of something that was recovered from the
8 crime scene, I believe the day before, which was of
9 a pass, some kind of identity pass.
- 10 Q. Can you remember what the other one was or not?
- 11 A. I can't remember what that was, sir, no.
- 12 Q. That I think you say didn't appear to be a very good
13 quality, that one?
- 14 A. That -- I did comment on that, yes.
- 15 Q. Did you in fact ask Mr Whiddett if there was any better
16 image?
- 17 A. I did, sir, yes.
- 18 Q. Were you told by another officer that there was a better
19 photocopy available?
- 20 A. Yes, sir, I was.
- 21 Q. Did he say where that was, though?
- 22 A. He said that it was in the possession of an S013
23 inspector who was apparently engaged elsewhere, and
24 wasn't contactable at that time.
- 25 Q. Did you ever get the better copy?

- 1 A. No, I didn't see that particular copy, sir, no.
- 2 Q. Did you make copies of the photocopied image, as it
3 were, did you make more copies?
- 4 A. I did, for the benefit of my team, I did, sir, yes.
- 5 Q. For the team, but that is the one that is of not very
6 good quality?
- 7 A. That's right, it was a photocopy of a photocopied copy.
- 8 Q. You made copies, you say, for your team. You showed
9 them the image, but did they take their own copies of
10 the image, your team or not, did they give them back to
11 you?
- 12 A. As I recall it, some officers, at that time they did
13 take away a copy. Others didn't. For example, the
14 motorcyclists wouldn't do that normally.
- 15 Q. You were aware, I think, when you were speaking to
16 Mr Whiddett that some members of your team weren't
17 present; is that right?
- 18 A. That's correct, sir, yes.
- 19 Q. Indeed, I think you have seen copies of pocket books of
20 some of them which give different times for the
21 briefing, 6.30 in one case, 6.50 in another?
- 22 A. Yes, sir.
- 23 Q. Do you remember a sort of rolling briefing going on, as
24 they came in, they would be updated on what was going
25 on?

- 1 A. That's right, sir. I mean, to say a briefing is, it
2 formalises something which was pretty informal.
- 3 Q. Right. Did Mr Whiddett tell you that the red team were
4 controlling Scotia Road?
- 5 A. Yes, he did, sir.
- 6 Q. Did he mention anything about the grey team?
- 7 A. He did. He said that the red team would be relieved in
8 due course by the grey team at that particular address,
9 Scotia Road.
- 10 Q. Did he give you your job?
- 11 A. Our -- yes, our priority was to get to Portnall Road
12 address as soon as possible, and control it.
- 13 Q. If any of the suspects appeared, were you told what was
14 to happen?
- 15 A. Yes, we would be supported by C019 officers and an armed
16 intervention ie arrest would take place.
- 17 Q. Did he say that he would update you when he had got
18 further information?
- 19 A. Yes, sir, he did.
- 20 Q. And that you would be contacted by Silver firearms
21 commander and the C019 team leader in due course?
- 22 A. That's correct, sir, yes.
- 23 Q. What sort of time did you leave New Scotland Yard
24 yourself?
- 25 A. I said in my statement, bearing in mind this is the

- 1 first time I have recorded any, anything in the three
2 years, so it was some time between 6.30 am and 7 am.
- 3 Q. Can you help us with the sort of time you were satisfied
4 you had enough people to do the job there at
5 Portnall Road?
- 6 A. Yes, that was at 7.08. It was when I opened the log
7 book.
- 8 Q. You wouldn't open it unless, as it were, you were
9 absolutely satisfied you were ready to go?
- 10 A. That's correct, sir, yes.
- 11 Q. You have told us that you had been told what was to
12 happen or what would happen if any suspects came from
13 the address. Did you ever ask for information about
14 what to do with anybody who came from the address who
15 wasn't apparently one of the suspects?
- 16 A. Yes, I do. It's a routine question that a team leader
17 would ask and I do, and I did, ask that on the day.
- 18 Q. Do you remember who you asked for that information?
- 19 A. That would have gone through the ops room, whoever the
20 surveillance monitor was on that day, I don't recall who
21 that was.
- 22 SIR MICHAEL WRIGHT: Was that when you had got there?
- 23 MR HILLIARD: When you had actually got there, was this?
- 24 A. Yes, when we got there, sir.
- 25 Q. Did you get an answer to that question?

- 1 A. No, not at the time.
- 2 Q. Did you have any information or did you ask for any
3 about the firearms team?
- 4 A. Well, it's when I got to the location, talking on the
5 radio, I would expect if we were going to be supported
6 by the firearms team, then I would hear them on the net,
7 that wasn't happening and that then prompted me into
8 making enquiries as to where they were.
- 9 Q. Again, who do you think you made or can you remember --
- 10 A. That would have gone through to the ops room again, sir,
11 yes.
- 12 Q. Would there ordinarily be a time difference between the
13 deployment of a surveillance team and the arrival of the
14 firearms team on an operation of this sort?
- 15 A. Well, again, I mean, given the unique nature of this, we
16 would not have expected a gap ordinarily in previous
17 operations that I have been --
- 18 SIR MICHAEL WRIGHT: You would not have expected a gap?
- 19 A. No, in ordinary circumstances, I would not have expected
20 a gap. However, given the rapid nature of our
21 deployment, then it wasn't entirely -- it was
22 understandable to a certain extent.
- 23 MR HILLIARD: Right, and you say you wouldn't have expected
24 a gap ordinarily in previous operations, but on this one
25 you say it was understandable to a certain extent?

1 A. Given the very hurried nature and the rapid nature of
2 our deployment from Scotland Yard, yes.

3 SIR MICHAEL WRIGHT: Would you know enough about the way of
4 life of a CO19 officer to know that it might well take
5 longer to deploy a firearms team from scratch than it
6 would to deploy one of your teams?

7 A. Absolutely, sir, yes.

8 SIR MICHAEL WRIGHT: You would have understood that.

9 A. I do appreciate that, yes.

10 MR HILLIARD: When you say "understandable to a certain
11 extent", can you explain; do you mean not completely
12 understandable, or perhaps you do?

13 A. Obviously it was -- we were told that we would get armed
14 support on that deployment. I have gone there hoping
15 that they would be there straightaway, which they
16 weren't. So I qualify that by -- I may sound a little
17 bit uncertain there, but I could understand it in the
18 circumstances. Obviously that's reflecting back on it
19 over three years later.

20 Q. Right. So you ask where the firearms team was, and what
21 answer did you get from the ops room?

22 A. I can't recall what answer I got, sir.

23 Q. See if your statement helps, do you have the second page
24 just below the middle of the page, can you see you say:
25 "I recall asking where the firearms team were."

- 1 A. Yes. I beg your pardon.
- 2 Q. It's very difficult and it's a long time after that you
3 even made the statement, isn't it, so it's probably
4 difficult?
- 5 A. It is, sir, yes, but I -- simply reiterating that
6 I would be contacted by Silver when they arrived at the
7 scene.
- 8 Q. Were you told later on by Silver that the firearms team
9 were deployed at Harrow Road?
- 10 A. At some time later on, yes, that's correct.
- 11 Q. Did you discuss a strategy with Silver in the event that
12 either on foot or in a vehicle there was movement away
13 from the address by one of the apparent suspects?
- 14 A. Yes, sir, we did.
- 15 Q. And surveillance officers would follow the suspect from
16 the address, is this right, to either end of
17 Portnall Road?
- 18 A. Yes, sir.
- 19 Q. That's the sort of distance that you had in mind?
- 20 A. Yes.
- 21 Q. Where they would be arrested, I think you have said, by
22 CO19 officers; is that right?
- 23 A. Yes, in a discreet distance away so as not to compromise
24 the integrity of the address itself.
- 25 MR HILLIARD: Right. Thank you very much.

1 SIR MICHAEL WRIGHT: Thank you. Mr Mansfield.

2 Questions from MR MANSFIELD

3 MR MANSFIELD: Good afternoon. My name is

4 Michael Mansfield. I represent the Jean Charles
5 de Menezes family.

6 A. Yes, sir.

7 Q. I just want to take up the last point. Could we have
8 7704, document. It should be a plan of Portnall Road.
9 Portnall Road is marked there?

10 SIR MICHAEL WRIGHT: Sort of.

11 MR MANSFIELD: But not very clearly.

12 SIR MICHAEL WRIGHT: It's the middle one, that's it.

13 MR MANSFIELD: If you look along it, there is a star against
14 the number 61.

15 A. Yes, sir, I can see that, yes.

16 Q. Now, first of all, did you have a map like this, or this
17 map, I don't know?

18 A. No, I didn't, sir, no.

19 Q. Did you have any kind of map before you went there?

20 A. Yes, it was a street map of London we were issued with,
21 yes.

22 Q. What has been put repeatedly in this inquest every time
23 I have suggested it is that nobody would ever work out
24 where to stop somebody. Now, in your case, and
25 I suggest perfectly sensibly, you worked out with your

1 Silver Commander where it was safe to stop somebody; is
2 that right?

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

4 Q. It's common sense to work that out, isn't it?

5 A. Well --

6 Q. I am sorry, I am asking you obvious questions.

7 A. Yes.

8 Q. Up until today the opposite has been apparently
9 contested on behalf of others.

10 Now, was it clear to you that the strategy that had
11 been set -- I don't know, you haven't mentioned it in
12 your statement -- that a suspect or subjects leaving the
13 address were to be not allowed to run but to be stopped
14 at a safe distance, so obviously you don't compromise
15 the address, and of course one of the concerns was
16 public transport.

17 Do you remember any of this strategy being
18 discussed?

19 A. No, it wasn't discussed with me at all, sir, no.

20 Q. Wasn't discussed with you?

21 A. No.

22 Q. Did you know where the nearest public transport was to
23 this address?

24 A. I did, yes, sir, I knew where there was a bus stop
25 fairly close by.

- 1 Q. Looking at the plan here, I'm sorry, it's some time ago
2 and if you can't help -- if you came out of number 61 as
3 it is on the plan, would the person turn to the left or
4 the right to go to the bus stop?
- 5 A. If the Harrow Road is to the south of this picture, then
6 the subject would turn left out of that address.
- 7 Q. Turn left?
- 8 A. Yes, sir.
- 9 Q. All right. The plan that you had worked out is that
10 a stop for a subject or suspect would be off this plan,
11 would it, at either end of the road?
- 12 A. Yes, sir, that's right.
- 13 Q. At either end?
- 14 A. Yes.
- 15 Q. Just dealing with subjects, did you understand that in
16 your case -- perhaps you didn't understand. Did you
17 understand on what basis the armed intervention would
18 take place? In other words a positive identification, a
19 possible identification, a probable identification, was
20 that part of your thinking or you weren't bothered?
- 21 A. It wasn't that I wasn't bothered, sir, no. There was no
22 formality as you have described it. It was certainly
23 down to my team to try to make that identification if we
24 could of that subject that we took a photograph of.
- 25 Q. Did you have a framework at that time within which you

- 1 worked, in other words something that would be clearly
2 understood by others, in other words positive, probable,
3 possible, negative, or just a form of words?
- 4 A. It was -- possibly identified with was a possible.
- 5 Q. Possibly identified with?
- 6 A. Yes.
- 7 Q. That's how you understand PIW?
- 8 A. Possibly identical with, yes.
- 9 Q. I think you have realised straightaway, slightly
10 different meanings and they may be important. In your
11 case, please understand, I am not going through what
12 actually happened, but PIW meant at that time what?
- 13 A. It's a possible.
- 14 Q. It's a possible?
- 15 A. Yes.
- 16 Q. All right. Of course you have got a different situation
17 to Scotia Road because it's an identifiable door that
18 you are looking at?
- 19 A. Yes, sir, it is.
- 20 Q. Did you have a fixed -- I don't want to know where it
21 was or what it was -- position first of all so you could
22 keep an eye on the front door or was it mobile?
- 23 A. Well, I had officers from my team, it wasn't -- in terms
24 of premises, are you asking?
- 25 Q. No, I do not want --

- 1 A. Or a team member, I had a team member who had good
2 control of that door.
- 3 Q. Had good control. I don't want to know how he had it,
4 but he had good control.
- 5 Did you do this, I don't know the answer to this,
6 I'm just asking you, in case he happened to miss it
7 because he is doing something else, did you have any
8 back-up, in other words an officer or officers nearby?
- 9 A. Yes, sir, I did.
- 10 Q. Did you know where the officers were who were nearby?
- 11 A. They were either in a position to get to either end of
12 the street.
- 13 Q. Right. Then I have only got one other question for you.
14 You talked about being shown an image. Can you look at
15 tab 37 which will come up on screen, you can have a hard
16 copy if you wish. Tab 37 in the jury bundle. The image
17 or images that you were shown, was this one of them?
- 18 A. If that is the image taken from the identity card, then
19 yes it was, but I can't, given the length of time, say
20 for certain that that was the actual image, sir.
- 21 Q. Yes, it is one taken from a gym card in fact so it's
22 like an identification card.
- 23 A. Okay.
- 24 Q. So I suppose it's too long ago for you to say, well,
25 this is a similar quality or worse quality, or ...?

1 A. I can't really say, but when I made that comment to
2 DI Whiddett initially, it was only the fact that I had
3 been made aware that there was perhaps a better copy
4 that I had something to compare it with. I never
5 actually saw that. So I don't know how well the copy
6 that we actually got was.

7 MR MANSFIELD: Thank you very much for your help.

8 SIR MICHAEL WRIGHT: Thank you very much. Mr Davies?

9 MR DAVIES: No, thank you, sir.

10 SIR MICHAEL WRIGHT: Mr Stern?

11 MR STERN: No, thank you.

12 SIR MICHAEL WRIGHT: Ms Leek?

13 MS LEEK: No, thank you.

14 Questions from MR PENNY

15 MR PENNY: Just a few things, please. I ask questions on
16 behalf of Mr McDowall, DAC Dick, DCI Purser and
17 Chief Inspector Esposito.

18 A. Yes, sir.

19 Q. Just first of all about the way in which the blue team
20 became involved. You got your call, I think you told us
21 about 5 am?

22 A. It was approximately 5 am, yes.

23 Q. By the time that you got to Scotland Yard, you think
24 that a number of the members of your team were there
25 already, although you were amongst the first, I think,

- 1 to arrive?
- 2 A. Yes, I believe so, sir, yes.
- 3 Q. You have seen the notebooks of some of your colleagues,
4 some of the other members of the team who were briefed
5 by DI Whiddett that morning, and I think you have
6 noticed or you have seen that some of them have noted
7 the fact that they attended a briefing as late as 6.50
8 that morning?
- 9 A. That's correct, sir, yes.
- 10 Q. So the position is that, as one would expect, depending
11 upon where you lived and how quickly you could get in
12 upon being contacted, some arrived more quickly than
13 others, others weren't in a position to get into
14 Scotland Yard for very nearly two hours after they had
15 been contacted?
- 16 A. That's correct, sir, yes.
- 17 Q. Which is just in the nature of things?
- 18 A. It is, yes.
- 19 Q. If someone phones you up and says, "Get into work now
20 immediately, there is something very important to be
21 done"?
- 22 A. Correct, sir, yes.
- 23 Q. But you as a surveillance team can deploy, I suppose,
24 without having to concern yourselves with such things as
25 firearms and that sort of thing, equipment that you

- 1 need? I know you will have equipment, but it's easier
2 for a surveillance team to get out and on the plot than
3 it is for a firearms team?
- 4 A. Relatively speaking, sir, yes, but obviously the
5 firearms aspect to our work is still -- there are
6 certain protocols and procedures that we have to
7 conduct.
- 8 Q. In this case it was to deal with handguns?
- 9 A. That's correct, sir, yes.
- 10 Q. I think the position is that you made the decision to
11 deploy with only part of your team, is that right?
- 12 A. That's correct, sir, yes.
- 13 Q. Because you wanted to get out there?
- 14 A. Yes.
- 15 Q. So I don't know, do you have any idea of what sort of
16 percentage of your team you took with you when you first
17 went?
- 18 A. As a minimum I would be quite happy to take that over
19 with four people and one of those may be a motorcyclist.
- 20 Q. Of course the scene you were dealing with at
21 Portnall Road was a single long narrow street with
22 Georgian terraces on it?
- 23 A. That's correct, yes, sir.
- 24 Q. As somebody came out of the premises at 61A
25 Portnall Road, there were two ways they could go, they

- 1 could either go right or left out of the front door?
- 2 A. Essentially. We couldn't discount the possibility of
- 3 there being a rear exit, I couldn't say for sure, but I
- 4 think that was it.
- 5 Q. At the bottom end of that street, you have the
- 6 Harrow Road?
- 7 A. Yes, sir.
- 8 Q. The other end leads off further up towards the
- 9 Harlesdon/Kensal Rise area?
- 10 A. Other residential roads, sir, yes.
- 11 Q. Anyway, you think that you were satisfied to commence
- 12 surveillance at about 7.08 that morning?
- 13 A. Yes, sir, I could.
- 14 Q. The reason you can nail that down is because that's when
- 15 you opened the log?
- 16 A. Absolutely right, sir, yes.
- 17 Q. You had contact with the operations room, no doubt both
- 18 over the telephone and via the Cougar system that
- 19 morning?
- 20 A. Yes, sir.
- 21 Q. I would like you just to help us with the record that
- 22 was made by the surveillance monitor in relation to the
- 23 communications that came from your team. Can we look at
- 24 page 1464, exhibits. Maybe it's in the statement
- 25 bundle. That's it.

1 This of course wasn't a document that you created,
2 but it was created on the computer by the surveillance
3 monitor who it would appear in fact spoke to more than
4 just your team, the blues, but also to the reds at
5 various stages?

6 A. Yes, sir.

7 Q. We can see his name is Bernard. If we look at the
8 second entry down, he has recorded on the surveillance
9 monitor -- control room log the fact that the vehicle
10 with a registration given there is unattended at
11 Scotia Road. That's a message that's come in from the
12 red team at 6.20?

13 A. Yes.

14 Q. But the message that's been recorded by the surveillance
15 monitor at 7.55 suggests that your team stated or rather
16 the monitor recorded that you, the blue team, were in
17 the vicinity of Portnall Road at 7.55?

18 A. Yes, sir.

19 Q. Just this: someone who was in the control room, if they
20 were looking at that log, might well gain the impression
21 from that log, if it was up on a screen for example and
22 they were looking to it, that you had in fact only
23 deployed at 7.55?

24 A. That's very possible, sir, yes.

25 Q. When in fact we know the truth to be that your log which

1 you opened, your document makes it plain that you had in
2 fact deployed at 7.08?

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

4 Q. So I suppose what we can take from that is that what's
5 on the log in the control room won't necessarily always
6 be accurate?

7 A. So it seems, sir, yes.

8 Q. So it seems, as far as that example --

9 SIR MICHAEL WRIGHT: It might. It depends when he checked
10 in. I would expect you to check in as soon as you got
11 there, but you might not have done, I suppose?

12 A. Sir, as I made a supplementary statement trying to offer
13 some sort of an explanation here. What would happen in
14 this, in 2005 we were using a Cougar system which, as
15 you are probably aware, it's not the -- it is affected
16 by local environmental factors. One of the first things
17 that we have to do is to establish communications, and
18 that is with the operations room as well.

19 MR PENNY: They need to know you are there.

20 A. They need to know we are there, and with that --

21 SIR MICHAEL WRIGHT: We are told you all had mobile phones
22 as well.

23 A. We had mobile phones as well.

24 SIR MICHAEL WRIGHT: You could have rung in on the mobile
25 phone and it wouldn't necessarily have come up on the

1 screen.

2 A. I could have done, but it's -- that would not be normal,
3 I wouldn't do that ordinarily, sir.

4 MR PENNY: Shall we just look to see whether you did in fact
5 phone in on the mobile phone.

6 A. Yes, sir.

7 Q. Can we look at page --

8 SIR MICHAEL WRIGHT: I shouldn't have started this, should
9 I?

10 MR PENNY: As somebody else said, you have started so I'll
11 finish. 1577, please. I don't know which bundle this
12 has come from. I hope it's statements. If it's not,
13 let us try documents or exhibits.

14 SIR MICHAEL WRIGHT: Are you looking for the telephone
15 schedule?

16 MR PENNY: Yes, the supplementary bundle.

17 SIR MICHAEL WRIGHT: Well, we are not going to embark on it
18 now.

19 MR PENNY: All right. Let me just put the proposition to
20 you, and if anyone wants to dispute it they can
21 challenge it: your telephone is recorded as being in
22 contact with the operations room at 7.38 that morning.

23 A. Yes, sir.

24 Q. So that's either half an hour after you opened the log,
25 or 20 minutes before the surveillance monitor made the

- 1 entry in relation to 7.55?
- 2 A. Apparently so, sir, yes.
- 3 Q. But if you communicated with them, well, you have
4 already told us that you communicated with them, for
5 example, in relation to the question of the whereabouts
6 of the firearms team?
- 7 A. Well, that's correct, sir.
- 8 Q. Now, if you as the team leader were interested in the
9 whereabouts of the firearms team, you could have, for
10 example, obtained a means of contacting the Silver
11 firearms commander?
- 12 A. I could have, had I asked for it, yes.
- 13 Q. You could have asked for the mobile telephone number of
14 the Silver firearms commander?
- 15 A. Very possibly, yes, I could, sir.
- 16 Q. And that would have been provided to you and you could
17 have made a telephone call to the Silver firearms
18 commander if necessary?
- 19 A. Yes, hypothetically.
- 20 Q. Had you been in possession of the Silver firearms
21 commander's mobile telephone and had you thought it
22 necessary to locate the firearms team, you could have
23 made both of those calls?
- 24 A. Possibly, sir, yes. Can I just, on that particular
25 point, it's not, I didn't see it and still don't, within

1 my role to question the whereabouts, once I am told that
2 the firearms team will be coming, I accept that, and
3 I know that they will get there as soon as possible, and
4 there was no --

5 Q. In the case of the firearms team that came to join you,
6 they deployed from New Scotland Yard shortly after
7 8 o'clock that morning?

8 A. I don't know where they deployed from, sir, no.

9 Q. They got to Harrow Road police station and I think you
10 then established contact with them?

11 A. When they did, sir, yes.

12 MR PENNY: Thank you very much.

13 MR KING: Nothing, thank you.

14 MR HORWELL: No, thank you, sir.

15 SIR MICHAEL WRIGHT: Mr Hilliard.

16 Further questions from MR HILLIARD

17 MR HILLIARD: The later time that's in the running log, blue
18 team in vicinity of Portnall Road, that would not be for
19 example when you got all your team there, would it?

20 A. No, sir.

21 MR HILLIARD: Thank you very much.

22 SIR MICHAEL WRIGHT: Thank you very much indeed.

23 (The witness withdrew)

24 MR HILLIARD: Sir, I think perhaps there are one or two
25 matters to mention to you, but so the jury know where we

1 are, there are three witnesses to call on Monday, and
2 then that's it. There may be the odd statement to be
3 read but so we are on course to finish on Monday. It
4 should not be a late day.

5 SIR MICHAEL WRIGHT: Ladies and gentlemen have a quiet,
6 peaceful weekend. Don't let Monday worry you too much.
7 We will see you at 10 o'clock on Monday morning.

8 (In the absence of the jury)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

	INDEX	
		PAGE
1		
2		
2		
3	CHIEF SUPERINTENDENT WILLIAM	1
4	TILLBROOK (continued)	
5		
6	Questions from MR MANSFIELD (continued) ..	2
7		
8	Questions from MR STERN	23
9		
10	Questions from MR PERRY	34
11		
12	Questions from MR HORWELL	42
13		
14	Further questions from MR HOUGH	51
15		
16	DETECTIVE SUPERINTENDENT JOHN	60
17	MACBRAYNE (sworn)	
18		
19	Questions from MR HILLIARD	60
20		
21	Questions from MR MANSFIELD	87
22		
23	Questions from MR PENNY	110
24		
25	Questions from MR HORWELL	117

1		
2	CODENAME "NEIL" (sworn)	125
3		
4	Questions from MR HILLIARD	125
5		
6	Questions from MR MANSFIELD	146
7		
8	Questions from MR STERN	153
9		
10	Questions from MR HORWELL	156
11		
12	Further questions from MR HILLIARD	160
13		
14	CODENAME "CENTRAL 2402" (sworn)	161
15		
16	Questions from MR HILLIARD	161
17		
18	Questions from MR MANSFIELD	173
19		
20	Questions from MR PENNY	178
21		
22	Further questions from MR HILLIARD	186
23		
24	In the absence of the jury	187
25		