

1 Thursday, 25 September 2008

2 (10.00 am)

3 (In the presence of the jury)

4 SIR MICHAEL WRIGHT: Mr Hilliard, I know you talked to
5 Mr Perry about this, what frequency of break do you
6 think we ought to have?

7 MR HILLIARD: I think in the first instance we thought if we
8 keep going until I have asked all the questions I was
9 going to of Mr McDowall, that might be in the order of
10 an hour or something of that sort, and then perhaps if
11 we could have a break then, and --

12 SIR MICHAEL WRIGHT: Yes. Will you just stress to
13 Mr McDowall he must ask for a break if he wants one.

14 MR HILLIARD: Certainly, thank you very much.

15 A. Thank you, I am very much obliged.

16 DEPUTY ASSISTANT COMMISSIONER JOHN MCDOWALL (continued)

17 Questions from MR HILLIARD (continued)

18 MR HILLIARD: Mr McDowall, when we finished yesterday
19 afternoon, we were dealing, you remember, with the
20 strategy that you told us you had set at 4.55 in the
21 morning on 22 July of 2005; yes?

22 A. Yes, that's correct, yes.

23 Q. Just so we have got the overall picture before we look
24 at some of the detail of this, there is the attempt to
25 explode the bombs on the 21st?

1 A. Yes.

2 Q. Then there comes a time that night when Scotia Road is
3 identified as a possible address for Hussain Osman, who
4 appeared to be one of the attempted bombers?

5 A. That's correct.

6 Q. So it's with all that in mind that you set your
7 strategy?

8 A. That's correct.

9 Q. And you told us that your strategy was to control the
10 premises at Scotia Road through covert surveillance, to
11 follow any person leaving the premises until it was safe
12 to challenge them, and then to stop them?

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

14 Q. I am just going to look at the individual parts of that,
15 Mr McDowall, with you, in a moment.

16 First of all, did you record that strategy anywhere?

17 A. Yes, I did. I recorded it in brief in my red book,
18 which is a form of day book that I carried with me to
19 note significant issues or events or things that
20 I needed to recall.

21 Q. I think very helpfully the pages in that red book,
22 a typed copy has been prepared of those; is that right?

23 A. That's correct, sir.

24 Q. And we are grateful for that. Do you have your red book
25 in front of you and the typed copies?

1 A. Yes, I have, sir.

2 Q. I am going to deal with the typed copy page numbers and
3 I think we have this available and can put it under the
4 document camera so we can all see it. Members of the
5 jury, in a minute or two, there will be a copy for you
6 of this page, but we will just look at it on the screen
7 for the minute. Can we get up page 1858? There we are.

8 The bit that I want to ask you about, can you see,
9 down to the bottom half of that page, Mr McDowall, that
10 there are four sections that begin "DEC", is that short
11 for decision?

12 A. Yes, it is, sir.

13 Q. And the third one up says:

14 "Gold firearms strategy in respect of premises."

15 Do you see that?

16 A. Yes, I do, sir.

17 Q. That's the one I am going to ask you about, but it's
18 almost impossible, I think, as we have the page on the
19 screen, not just to deal very briefly with everything
20 else on there, because everybody will be wondering, but
21 very, very quickly just to get it out of the way.

22 Top right, can you see:

23 "Ripped up corres in bomb bag, appears to relate
24 to", is that Girma?

25 A. Yes.

- 1 Q. "Jobseeker Stockwell". In no more than a sentence, what
2 does that relate to?
- 3 A. That relates to the rucksack that had been found and the
4 possibility that there was correspondence in it relating
5 to an individual and a job seeker application or job
6 seeker correspondence.
- 7 Q. Is that the same rucksack as we have been hearing about?
- 8 A. Yes, I believe it is.
- 9 Q. Is that a reference, there is somebody called Girma, is
10 there a reference to an address for that person and
11 a vehicle?
- 12 A. Yes, that's correct.
- 13 Q. And the Blair House address we see there, Mr Perry
14 yesterday, you will not know this, but drew attention to
15 Blair House and showed how close that was to Stockwell
16 station on a map yesterday.
- 17 A. Yes, that's correct, it's one of the addresses I believe
18 that became of interest to us in the course of the early
19 hours of that morning. I think we had six by about 9 or
20 9.30, and that was one of them.
- 21 Q. Then there is reference to somebody Omar. Who is that,
22 please?
- 23 A. That is the individual we were discussing yesterday,
24 Abdi Omar.
- 25 Q. And then a reference to operation "Op Ragstone"?

- 1 A. That's correct.
- 2 Q. Ever so briefly, can you explain what that was?
- 3 A. Ragstone was a confidential inquiry or investigation
4 that we touched on yesterday which was concerned with
5 camping activity on the part of quite a large number of
6 individuals, and if you recall, I mentioned yesterday
7 there were a significant number of photographs in our
8 possession, many of which we had not managed to identify
9 the subjects from.
- 10 Q. That was to give it the operation name, that was
11 Operation Ragstone?
- 12 A. That's correct.
- 13 Q. And then, don't need to go through all of this, but we
14 can see a name there and a reference to organising white
15 water rafting. Was that part of the camping expedition
16 or is that something different?
- 17 A. No, it was part of a series of expeditions, if you like,
18 and I believe that may have formed part of Ragstone.
- 19 Q. All right. Then if we come to the four "decs" or
20 decisions at the bottom half of the page?
- 21 A. Yes.
- 22 Q. Decision, "Prisoners -- done and no trace. Not
23 Belmarsh. 4.50 am. Woodhill -- stopped".
24 Can you just explain what that's about?
- 25 A. Yes. I believe mention was made of it again yesterday,

1 but what we were trying to do was approach any person or
2 persons that may be able to assist us with the identity
3 of individuals in the photographs, and clearly two
4 obvious ways of doing that is to approach sources or
5 prisoners who had been convicted offences of terrorism
6 or similar offences and Woodhill is one of Her Majesty's
7 Prisons which houses a number of terrorist prisoners.

8 Q. Thank you very much for that. So we are now at the one
9 that I want to deal with in a little detail. So
10 decision: "Gold firearms strategy, in respect of
11 premises". Just help us, does that relate to
12 Scotia Road?

13 A. Yes, it does.

14 Q. Did it relate to any other premises at that time?

15 A. Yes, I believe it also related to the address at
16 61A Portnall.

17 Q. Right. There we can see the words "Control. Challenge.
18 Stopped." Then "W.S019 recce", and then there is
19 a time, 4.55 am. You told us the time that you set the
20 strategy.

21 Can you help us then, as we go along that line,
22 "Control. Challenge. Stopped. W.S019 recce".

23 If you deal with it in your own way, if you would?

24 A. The strategy comprised controlling premises which
25 I suppose in plainer English means to establish that you

1 have contact with them by line of sight to see who is
2 leaving or entering a premises; in other words, put some
3 control around them from the police perspective, so that
4 we knew what was happening there as far as we were able,
5 and then to challenge individuals leaving the premises
6 when it was safe to do so.

7 So it would mean, because this was a covert
8 operation, taking them under surveillance control some
9 distance away from the premises in order that no-one
10 either inside the premises should be alerted to what was
11 happening or that there was police activity; or indeed
12 that anyone outside those premises that may have had
13 some linkage to them might be able to make that link; in
14 other words police activity related to that address.

15 And the "stop" is exactly that, to stop them in
16 order to ascertain whether they are indeed the suspects
17 or whether they have knowledge of either the suspects or
18 the premises that they have just come from.

19 Q. Then the "W.S019", that's the firearms specialist
20 operations team, isn't it, S019 "recce", what's that
21 about?

22 A. The W is my shorthand for the word "with", so what I was
23 asking was for the firearms team when they arrived to
24 conduct a brief reconnaissance to establish the lie of
25 the land, the layout of the property and so on, which

1 would I think be standard practice. Generally that
2 isn't a detailed reconnaissance, it is generally really
3 a driveby, something of that nature.

4 I understand in this instance, I learnt much later
5 that I don't think that that reconnaissance took place,
6 but then I also understand that the premises were
7 contained in a cul-de-sac which would have rendered that
8 quite difficult to achieve anyway.

9 Q. Did you envisage that reconnaissance happening ahead of
10 what I'll call the main deployment of S019 firearms
11 officers to the area, or did you envisage it as being
12 the first thing that some part of their team would do
13 when they got there?

14 A. Yes, the latter.

15 Q. The latter, right. I am going to come on to the rest of
16 the entry in a moment, Mr McDowall, so don't think that
17 we are leaving it. Can you just help us with this: what
18 was your understanding of 21 Scotia Road at that time?
19 Did you think that it was one house on its own, or did
20 you appreciate that it was, as we know, one flat within
21 a block?

22 A. No, at the time I didn't appreciate that it was a flat
23 within a block, I thought it was one address.

24 Q. Had you known that, would or could that have made
25 a difference to the strategy you set?

1 A. The fundamental strategy would have remained the same.
2 It would have made a difference, I think, because my
3 understanding and belief in what we were trying to
4 achieve was to stop all people leaving those premises,
5 either because they would be a suspect or because they
6 might have knowledge of a suspect or, at the very least,
7 be able to inform us more about the internal layout of
8 the premises.

9 It was a covert operation. Had I known that it was
10 a number of flats, we would have had to have been
11 a great deal more selective in who we stopped, and it
12 would have become a matter of judgment, because, as
13 I have stated on many occasions now, the intention was
14 for this to be a covert operation, and clearly the
15 number of stops that were achievable in the vicinity
16 were very limited anyway because of the resources we had
17 available to us. But also, it would have been the case
18 that the more police activity, the more stops that were
19 being conducted around those premises, the more likely
20 it would have been that police activity would have been
21 discovered.

22 Q. So when you refer in the note to the "Gold firearms
23 strategy in respect of premises" --

24 A. Yes.

25 Q. And when you have just indicated as you have said that

1 the plan was to try to stop all people leaving those
2 premises --

3 A. Yes, sir.

4 Q. -- just so we understand it, what you meant, and you
5 tell me, I do not want to put words in your mouth, you
6 meant, as I understand it, number 21?

7 A. Yes, your understanding is absolutely correct, sir.

8 Q. Right. If I have understood it also right, what you are
9 saying was, had you envisaged that number 21 was a block
10 of flats, then that would have required, as it were,
11 an element of discretion on this question of stopping
12 all people?

13 A. Absolutely, yes, the strategy would have remained in my
14 view that of trying to control the premises as I have
15 described, and then, when felt appropriate, in other
16 words that's where the element of discretion would have
17 applied, if we felt that for whatever reason that
18 an individual had come from 21 itself, then we would
19 continue to challenge and stop.

20 Q. I just want to understand this: does it follow that
21 because, as far as you were concerned, you had thought
22 it was, as it were, one dwelling on its own, if I can
23 put it that way, the question for example as might arise
24 with a block of flats of perhaps seeking to empty the
25 other flats in some way and isolating one particular

1 flat, that presumably just wouldn't have crossed your
2 mind at this time?

3 A. No, simply because of not being aware that it was
4 a block as you described it, with a communal door
5 I believe.

6 Q. Right.

7 A. Ultimately that would have probably have become -- it
8 did in fact I think become part of the tactical
9 considerations when we actually tried to get closer to
10 the door itself, when we had established it was a block,
11 and clearly evacuation of those premises was one of the
12 things we were actively considering and struggling with
13 how we could actually do that covertly.

14 Q. So we understand, was that something, as it were, that
15 you were grappling with later on?

16 A. No, it was being grappled with by the Silvers, who were
17 obviously utilising the tactics I suppose or deploying
18 the tactics and finding the most appropriate way
19 forward.

20 Q. Right. Mr McDowall, if we can just then please go back
21 to the note.

22 A. Sorry, sir, could I just clarify my last answer?

23 Q. Yes, of course.

24 A. It was something that I personally came to consider but
25 much later, for the simple reason that we were having

- 1 extreme difficulty in progressing how we would control
2 and in fact enter those premises, so it was something
3 that came back to Gold. In fact, it came back to
4 DAC Peter Clarke and myself I think it was in the
5 evening of the 22nd.
- 6 Q. That's what I wanted to know from you. So it comes back
7 to Mr Clarke in the evening of the 22nd. When did it
8 come back to you, before or after the shooting, if we
9 say 10 o'clock for the shooting for these purposes?
- 10 A. I think it came back after that, and I think it came
11 back as an issue much later in the day.
- 12 Q. Thank you. All right, if we go back to the note, so you
13 have put a time in for your setting of that strategy,
14 you gave us the time yesterday but that's where we get
15 that from, is it, 4.55 am?
- 16 A. That's correct.
- 17 Q. Then you have said "Silver to be ident each plot"?
- 18 A. Yes, that's for a firearms Silver to be identified in
19 respect of both of those addresses.
- 20 Q. If we just look, if you have the jury bundle there, if
21 you turn, please, to section 2, just so we can start to
22 become familiar with perhaps some of the names.
23 Section 2, page 6, Mr McDowall, if the handwritten
24 numbers bottom right are looked at.
- 25 A. Yes.

- 1 Q. Do you have that?
- 2 A. Yes.
- 3 Q. For us, it's just above the lower of the two
4 holepunches. DCI Greg Purser, Silver. Silver Commander
5 of the operation, do you see description of his role of
6 the operation for the Scotia Road address?
- 7 A. That's correct.
- 8 Q. And then if we go down a couple, DI Merrick Rose, Silver
9 Commander of the operation at the Portnall Road address;
10 do you see that?
- 11 A. Yes, I do.
- 12 Q. If we just go up a little bit while we have the page
13 open, middle of the page, can you see D for detective, D
14 Superintendent Jon Boucher?
- 15 A. Yes, sir.
- 16 Q. Silver Commander within control room?
- 17 A. That's correct.
- 18 Q. Go back to your note. So "Silver to be identified for
19 each plot" so that's for each address. Do you know, at
20 this time, 4.55 or so, would Mr Purser and Mr Rose have
21 been identified then or very shortly thereafter?
- 22 A. I think that Mr Rose had been identified, but I am not
23 clear on whether Mr Purser, I don't believe he had been
24 identified just then, but I think he was shortly after
25 that.

- 1 Q. Just help us, by shortly after, I mean, do you mean
2 within a very short time, a matter of minutes?
- 3 A. I think probably within half an hour to an hour,
4 I guess.
- 5 Q. Then what about Mr Boucher, going to be Silver Commander
6 in the control room?
- 7 A. Yes, I think I had asked for Mr Boucher to perform that
8 role.
- 9 Q. So "Silver to be identified each plot, to liaise W. ..."
10 That again is your abbreviation for with; is that
11 right?
- 12 A. Yes.
- 13 Q. "... with Silver DSO Cress", DSO, Designated Senior
14 Officer and Cress is that Cressida Dick?
- 15 A. Yes, it is.
- 16 Q. "(Consult Commander Carter) and update accord"
17 presumably according to "developing intelligence"?
- 18 A. That's correct, yes.
- 19 Q. All right. Can you just amplify that for us a bit,
20 please?
- 21 A. Yes, those lines mean that I was asking for a Silver
22 firearms commander; in other words someone trained to
23 perform that role, for each of those locations, and that
24 those individuals were to liaise with the Designated
25 Senior Officer, Commander Dick, and also consultation

1 was to be had with Commander Carter, who was performing,
2 I believe, either the role of Designated Senior Officer
3 for the Metropolitan Police that day, or who was
4 co-ordinating the list, if you like, of designated
5 senior officers. Then for any updates to be given to
6 those individuals according to any intelligence that
7 developed as we went forward from that time.

8 Q. Obviously for the strategy you had set, did you envisage
9 that in addition to firearms officers, that was going to
10 require surveillance officers?

11 A. Yes, it was the case as well that surveillance should be
12 placed, as I have said, in order to try to establish
13 that control, as I have described it, of those premises.

14 Q. I just want to follow this through a bit. After you
15 have set the strategy at 4.55, whose job is it to start
16 getting those people into place? So the surveillance
17 officers and the firearms officers.

18 A. It's -- it could be one of a couple of individuals.
19 There would have been an ops room co-ordinator, so
20 a person who is responsible for setting up and running
21 the operations room and ensuring that the operation is
22 moving on as envisaged, or had the SIO been present,
23 then it might have fallen to that individual to do that.
24 Clearly the identified Silver investigation, Senior
25 Investigating Officer, Jon Boucher, was not at Scotland

- 1 Yard quite at that hour of the morning, so --
- 2 Q. Sorry, you go on.
- 3 A. So my expectation was that the control room would ensure
- 4 that these resources that we required, these specialist
- 5 resources, would be obtained.
- 6 Q. Can you help us who that would be in the control room?
- 7 A. Yes, I believe at that time on that day --
- 8 Q. Do you want to look down the list of people?
- 9 A. I think it is someone who ... yes, shown at page 8 of
- 10 the second part.
- 11 Q. Yes, so divider 2, page 8 if we are using the
- 12 handwritten numbers?
- 13 A. Yes, the individual fourth down, "Alan".
- 14 Q. Right. (Pause). If we just look at his job description,
- 15 "Joint SO12 Operations Co-ordinator".
- 16 SO12, that's Special Branch, isn't it?
- 17 A. That's correct, sir, yes.
- 18 Q. So obviously the surveillance, because that comes from
- 19 SO12; is that right?
- 20 A. Yes. That's correct.
- 21 Q. So he would be responsible, would he, first of all, for
- 22 making sure that surveillance officers were available
- 23 and in place?
- 24 A. Yes.
- 25 Q. And just explain, why would it be his responsibility to

- 1 arrange firearms officers?
- 2 A. Because as part of his role he would need to ensure that
- 3 the operation was moving forward as we were intending it
- 4 to, so the acquisition of the relevant specialist
- 5 resources would have fallen to him.
- 6 Q. I just want you to look, please, at the timeline that we
- 7 have got, that's in divider 1. I want you to look at
- 8 page 2, bottom right.
- 9 A. Yes.
- 10 Q. Just looking at this page, 4.55, there is reference,
- 11 isn't there, to you setting your Gold firearms strategy?
- 12 A. Yes, that's correct.
- 13 Q. 5.15, just looking at this document, there is reference
- 14 to a surveillance team leader being briefed by Alan,
- 15 that's the person you have been telling us about;
- 16 correct?
- 17 A. That's correct. Correct.
- 18 Q. 5.40, the red surveillance team being briefed. There is
- 19 then reference here at 5.45 "information relating to
- 20 second possible address at 61A Portnall Road becomes
- 21 known". This isn't infallible, but you think it's
- 22 earlier than that?
- 23 A. I thought it was earlier than that, yes.
- 24 Q. You may very well be right. All right, so that's just
- 25 in passing. But 6.04, do you see "Red surveillance team

1 arrives at Scotia Road area"? Do you have that, can you
2 see that one?

3 A. Yes, yes, I can.

4 Q. So that's four minutes past 6 in the morning. What
5 I want to know is this: as you were there at your desk
6 getting on with the various jobs that you had to do, did
7 you envisage that the question of arranging surveillance
8 and firearms capabilities for the address would be being
9 done at the same time?

10 A. Yes, I did.

11 Q. So no reason as far as you were concerned why, for
12 example, if it be the case that surveillance capability
13 would be put into place much more quickly than firearms?

14 A. The surveillance teams would have been able to deploy
15 somewhat quicker than the firearms teams, simply because
16 of the processes they need to go through. So there
17 would likely have been some form of time lag in the
18 surveillance and firearms teams joining up together,
19 whenever they were warned.

20 Q. The firearms authority we know had been granted at, was
21 it 11.50 on the 21st?

22 A. Yes, I believe that's correct, yes.

23 Q. We all understand it's not just a question of snapping
24 your fingers and a team is on site, I am sure. In
25 general terms, were firearms teams or a firearms team on

1 standby generally?

2 A. I believe that there was a -- one firearms team, one
3 specialist firearms team on standby for the early hours
4 of the morning, for night duty that day, yes.

5 Q. So we understand, if the team is on standby, does that
6 mean that they are at the police station where their
7 weapons will be and from where they will deploy?

8 A. No, I believe that the standby team were at a hotel
9 somewhere.

10 Q. Right, so they are on standby at a hotel, so they have
11 to get from their hotel to, is it Lemn Street from
12 which they deploy?

13 A. Yes, it is, that's correct.

14 Q. We will hear about that from other people but I just
15 want the general position from you, thank you.

16 SIR MICHAEL WRIGHT: Are you leaving that, Mr Hilliard?

17 MR HILLIARD: For the moment, I am, yes.

18 SIR MICHAEL WRIGHT: There is one thing I would like to go
19 into a little further, if I may.

20 Mr McDowall, the red team actually arrived at
21 Scotia Road at four minutes past six, we can see that
22 from the timeline?

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: I know it didn't happen but of course
25 it was always possible that very shortly after they had

1 arrived and set up, the first person out of the communal
2 doorway might have been someone who was a very good
3 likeness to the photograph that the surveillance team
4 were equipped with, the photograph of Osman; yes?

5 A. Yes, sir, yes.

6 SIR MICHAEL WRIGHT: What I told the jury in opening, and
7 I would just like your comment about this, my
8 understanding of it is that if it is thought that you
9 are dealing with a suspected suicide bomber, the only
10 people who would be asked to stop and detain such
11 a person would be specialist firearms officers from
12 SO19?

13 A. Yes, sir, that would be the preferred position by quite
14 a long way.

15 SIR MICHAEL WRIGHT: By quite a long way?

16 A. Yes.

17 SIR MICHAEL WRIGHT: What I am not quite clear about, then,
18 is why -- it may be I am not assessing the situation
19 correctly -- would you not have expected or wanted at
20 any rate, firearms representation at any rate to be
21 there when the surveillance team arrived, to be with
22 them, in effect?

23 A. Yes, sir. I think I asked for that to be done as
24 quickly as could be done. I appreciated that there
25 would be a difference simply because the necessity for

1 the teams to equip themselves and be briefed and so on
2 and to have a Silver join them would delay that process.
3 In an ideal world, sir, yes, we would want everybody
4 there together and everybody to have been probably
5 briefed together as well. But as I say, that would be
6 the ideal world and I think we always appreciated that
7 we were trying to catch up with this, we were trying to
8 just get things organised and get everybody in place as
9 quickly as could be done.

10 SIR MICHAEL WRIGHT: I think that's probably you are
11 answering my question, you would have wished the
12 firearms teams to have been in place as soon as ever
13 possible after the surveillance team had got there?

14 A. Yes, that's correct, sir.

15 SIR MICHAEL WRIGHT: Very well, thank you.

16 MR HILLIARD: I don't know, is this right, would you have
17 envisaged that, as it were, once you have set your
18 strategy, that soon after that, that the standby team of
19 firearms officers in their hotel will be summoned to
20 Leman Street and would begin to make their preparations?
21 Or would you have not thought about it in that kind of
22 detail?

23 A. I didn't think about it in that kind of detail but
24 I think that there would have been other considerations
25 at the time, for example the availability of the

1 firearms teams was reasonably limited. I believe that,
2 at that time, we had four specialist firearms teams
3 available because of leave commitments at that time of
4 year. Ordinarily there would have been six.

5 We, as you know, had two addresses to consider, one
6 was in Portnall Road which is should north of
7 Scotland Yard and Scotia Road which is somewhat south.
8 So a decision would have been necessitated about where
9 to send that team to. Other considerations and here
10 I don't know what was going through the minds of those
11 who were making these choices, but I am just trying to
12 inform you of the things that I think would have been
13 thought about. There was clearly obviously always the
14 possibility of other and better addresses or suspects
15 being seen somewhere, or that sort of thing. So the
16 commitment of that team then was a decision that would
17 have been made balanced against those other
18 considerations.

19 SIR MICHAEL WRIGHT: Well, you would need to keep some
20 reserves, presumably?

21 A. If we had them, sir, I am not sure that we actually had
22 much by way of reserve at that time.

23 SIR MICHAEL WRIGHT: I see.

24 MR HILLIARD: All right.

25 Then just one other topic I want to pick up on is

1 just to go back again to the question of the appointment
2 of Commander Dick as Designated Senior Officer; yes?

3 A. Yes. Yes.

4 Q. You told us yesterday that Metropolitan Police
5 procedures didn't envisage the appointment of
6 a Designated Senior Officer for what was termed Kratos
7 People, but it did for what was called a Clydesdale
8 situation; yes?

9 A. That's correct.

10 Q. Just remind us again, would you, because it's early
11 days, of the difference between the two, Kratos and
12 Clydesdale?

13 A. The Kratos People policy, if that's the right word for
14 it, or advice, was that in the event of a suicide bomber
15 or a suspected suicide bomber coming to note at very
16 short notice, almost like a 999 call to the police
17 saying that a person is now about to go and blow
18 themselves up at wherever, that there would not be time
19 for a Designated Senior Officer to deploy and make
20 informed decisions. And that would be dealt with by the
21 Chief Inspector in command of the central command
22 complex at Scotland Yard until the situation was
23 resolved.

24 However, in terms of the Clydesdale scenario, this
25 related to where there was a great deal of forewarning,

1 so it would be an event or an occasion where it was
2 anticipated or it was thought to be a possibility that
3 a suicide bomber may be present or may attend, and
4 I gave the example yesterday I think of State occasions
5 and that sort of thing.

6 Q. Yes.

7 A. In that event, a Designated Senior Officer would be
8 identified and appointed in order to be present when
9 that event unfolded.

10 Q. You did say something about this yesterday but I just
11 want you to reiterate it, if you would. As far as you
12 were concerned, was the situation you had here at the
13 time of Commander Dick's appointment either one of those
14 situations, Kratos People situation or the Clydesdale
15 scenario?

16 A. It wasn't really one or the other, it was a new
17 situation that I don't think a great deal of thought had
18 been given to, the prospect of failed suicide bombers
19 out and about, it had not come into the thinking,
20 I don't believe.

21 Q. So the reason for the appointment of Commander Dick as
22 the Designated Senior Officer was?

23 A. It just seemed sensible at the time bearing in mind that
24 we knew a threat might exist, to have someone available
25 to command that aspect of the operation. As I say, we

- 1 were having to make our planning around new
2 contingencies, new situations.
- 3 Q. Thank you. Does your note, I am not going to ask that
4 we look at this, do you have a note for 5.15 in the
5 morning?
- 6 A. Yes, I do.
- 7 Q. What happened at 5.15 in the morning?
- 8 A. At 5.15 in the morning, I made a decision to ask for the
9 prison that I referred to a few minutes ago, Woodhill,
10 to be put into a state of lockdown. This followed
11 a discussion --
- 12 Q. Forgive me, that we had on our sheet. It's my fault,
13 top of the next page I think in your notes?
- 14 A. Yes, I do. I have a note to the effect that tac
15 advisers, that's the firearms tactical advisers, were
16 present. That's with me in my office.
- 17 Q. Who were they?
- 18 A. My belief is that it was the individuals who were
19 deployed or employed, I should say, in that role during
20 the course of that night.
- 21 Q. Can you help us with who those were?
- 22 A. Yes, sir, if I can refer again to the list.
- 23 Q. Yes, if you go to divider 2, page 11, handwritten bottom
24 right?
- 25 A. Yes, at the top of the page, I believe it was Andrew,

1 and I believe there was another firearms specialist at
2 Scotland Yard at the time as well, but I don't see him,
3 I don't think, noted on this page.

4 Q. Do you remember who that was?

5 A. I think it was someone working as a deputy to Andrew.

6 Q. All right. If we need the name, we will not have it
7 from you for the moment, but if we need the name, it's
8 in your mind, is it?

9 A. I can certainly make enquiries as to who that would have
10 been. I don't know the name personally.

11 Q. Can you make enquiries? If there is any sensitivity
12 about the name, we will deal with it in a particular
13 way. But if you could make enquiries about the name,
14 that would be helpful.

15 A. Yes.

16 Q. Thank you. Now, 5.15, Andrew and possibly his deputy or
17 assistant. Do you remember what you would have been
18 discussing with them?

19 A. Yes, I would have been discussing the strategy that
20 I had set. No firearms strategy should go forward
21 effectively without taking the advice of the specialists
22 whose job this is 24/7 effectively. So that is the role
23 of the firearms tactical adviser, to sit alongside this
24 sort of operation and to provide advice and guidance and
25 to question if necessary the strategy that was being set

- 1 and to discuss how it will unfold, et cetera.
- 2 Q. Would they or either of them play any part in ensuring
3 that the firearms capability was made available and got
4 ready?
- 5 A. I would have expected that to have formed a part of
6 their responsibility, unless it had already been put in
7 hand by someone else.
- 8 Q. Then -- and I am looking, if it helps you, at
9 paragraph 40 of your witness statement -- did you have
10 a meeting at 6.40 in the morning?
- 11 A. Yes, I did.
- 12 Q. Can you help us about that, please?
- 13 A. Yes, that meeting was an update for a number of senior
14 officers who had come to my office from the
15 Anti-Terrorist Branch, the firearms branch, and the
16 designated senior officers, and that was to alert them
17 to developments and the planned activity for the
18 locations that morning, and during this meeting
19 I outlined the proposed strategy again to the firearms
20 tactical adviser for the day shift, again --
- 21 Q. Who was that?
- 22 A. That was, again, if I can just briefly refer to page 11?
- 23 Q. Yes.
- 24 A. Just to ensure -- yes. I just wanted to ensure he was
25 referred to by his name, it's Chief Inspector Esposito.

- 1 Q. Also known as Trojan 80?
- 2 A. Yes, that's correct.
- 3 Q. Right. I am looking at your statement, is this right,
4 also present at this meeting at 6.40 was Andrew, who you
5 told us you had seen earlier at 5.15?
- 6 A. Yes, that's my belief, although I haven't noted
7 specifically him at 5.15, but I believe he was there.
8 He was also there at 6.40, and I believe that was
9 probably for purposes of handing over, as it were, the
10 night duty responsibility to the day shift
11 responsibility. And then at 6.50, I went to the
12 conference room which is a larger room, and repeated
13 that process, that is to say that briefing around what
14 had developed during the early hours of the morning and
15 the planned activity for later that day.
- 16 This was to a wider audience, I do not have the list
17 in front of me, but I have in my statement it numbered
18 19 individuals in total.
- 19 Q. Right, and -- sorry, you carry on.
- 20 A. This included the firearms advisers, the two Silvers,
21 that's Silver for Scotia Road, DCI Purser and
22 Detective Inspector Rose.
- 23 Q. Who was Silver for Portnall Road?
- 24 A. That's correct.
- 25 Q. Yes.

1 A. And the designated senior officers, Commanders Carter
2 and Allison.

3 Q. They were the officers you explained to us were, as it
4 were, designated senior officers for things aside from
5 this particular operation where the Designated Senior
6 Officer for suicide bombing purposes was Commander Dick?

7 A. That's correct, and one or possibly both of them were
8 responsible for ensuring that a rota was maintained of
9 sufficiently trained designated senior officers to be
10 available.

11 And then at 10 past 7, Detective Superintendent
12 Boucher, who was the Silver, the super -- investigating
13 officer for the proactive investigation joined the
14 meeting, and five minutes later we were joined by
15 Commander Cressida Dick.

16 During the course of this meeting, we also
17 considered further updates concerning overnight
18 incidents, of which there were from recollection quite
19 a few. And also how to configure resources to meet
20 emerging demands because, even at that point, we were
21 concerned that if this was to be a long-term issue, and
22 clearly the investigation looked at that point as though
23 it may be a long-term investigation, we needed to ensure
24 that we had sufficient specialists to perform the roles
25 we required.

- 1 Q. Now, that's a meeting at about 7 o'clock in the morning
2 or so; is that right?
- 3 A. Yes, that's at 7.15 I recorded that I spoke -- or
4 Commander Dick joined us.
- 5 Q. I was just looking at the meeting, thinking about how
6 you are going to fit resources with demands, so the
7 meeting is at about 7 or so?
- 8 A. Yes.
- 9 Q. And at 5 o'clock, you had set the strategy?
- 10 A. Yes.
- 11 Q. Which, as you have indicated, would require surveillance
12 and firearms officers?
- 13 A. Yes.
- 14 Q. We know that at about 6 o'clock in the morning,
15 surveillance officers were in the area of Scotia Road.
16 By the time of this meeting, had anybody told you that
17 there was any difficulty with procuring firearms
18 officers to go to the scene?
- 19 A. No, I don't recall that, sir.
- 20 Q. Two hours or so after you had set the strategy, at
21 7 o'clock in the morning, would you have expected that
22 firearms officers, a team would have been there or in
23 the vicinity at least, after two hours?
- 24 A. I would. As I have said, I think I had asked for
25 a firearms team, specialist firearms officers to be

1 employed as quickly as could be the case. The exact
2 timing of when they would get there I wasn't clear
3 about, but then I was not aware of the decisions that
4 had been made about which teams to use and so on.

5 Q. So that meeting, I am saying at about 7 o'clock, but you
6 understand what I mean by that. I think you had
7 a conversation then, is this right, with Commander Dick
8 after that meeting?

9 A. Yes.

10 Q. And the purpose of that was?

11 A. This was to ensure that she had all the information and
12 assistance that she needed. It was a check to ensure
13 that she understood what the strategy was, what was
14 being asked of her, and also to give her the information
15 that she had not had because she had arrived five or ten
16 minutes after others had done, and I undertook then to
17 confirm the intelligence picture as we had it, as it
18 stood then, in writing to her.

19 We discussed and agreed our understanding of the
20 roles being performed, including our respective
21 positions, and then when the meeting concluded those
22 performing duty in the control room went to their own
23 briefing.

24 SIR MICHAEL WRIGHT: From whom?

25 MR HILLIARD: The question from the Coroner was "From whom"?

1 A. It's almost a subset of briefings, so it's almost like
2 a cascade, I suppose, we had had our briefing and then
3 those who have roles to fulfil, go and brief staff that
4 need to perform roles for them.

5 SIR MICHAEL WRIGHT: You mean their own direct subordinates?

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: I understand, thank you.

8 MR HILLIARD: Now, as Gold, and you told us about Gold,
9 Silver and Bronze yesterday, did you then go to the room
10 from which the whole operation was being conducted, or
11 is that not something that Gold does?

12 A. No, I didn't, and generally it is the case, I believe,
13 that Gold doesn't. It is conceivable that Gold will.
14 On that morning, there was a significant number of other
15 issues, or there were a significant number of other
16 issues pressing in upon us. I went back to my office,
17 having briefed those individuals who I thought were key
18 players for the morning as it unfolded, to go away and
19 then brief their staff and ensure that everything was
20 correct and we were positioned as we ought to be.

21 Q. Did you learn a little after 10 o'clock that shots had
22 been fired at Stockwell tube station?

23 A. Yes, I did, I think at something like ten past 10.

24 Q. All right.

25 MR HILLIARD: Yes, thank you very much, Mr McDowall, that's

1 all I am going to ask you, and it may be that that's
2 a convenient moment for a break.

3 SIR MICHAEL WRIGHT: Before we do that, there is just
4 something I am puzzled about and I would like
5 Mr McDowall's help.

6 Questions from THE CORONER

7 SIR MICHAEL WRIGHT: Do I have this right: you were Gold as
8 far as the investigations both into 7/7 and 21/7 were
9 concerned?

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: Is that right?

12 A. Yes, that's correct, sir.

13 SIR MICHAEL WRIGHT: We have identified that when it comes
14 to 21/7, your Silvers were Mr Rose for Portnall Road and
15 Mr Purser for Scotia Road; yes?

16 A. That's correct, sir.

17 SIR MICHAEL WRIGHT: You had a Silver in the control room,
18 that was Superintendent Boucher.

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

20 SIR MICHAEL WRIGHT: Commander Dick came in, as I understand
21 it, as the DSO in the control room?

22 A. Yes, that's correct.

23 SIR MICHAEL WRIGHT: I know we are going to hear a great
24 deal more about this, but what is the specific function
25 of a DSO?

1 A. A DSO's function is when there is a belief that
2 a suicide bomber or bombers are actually active or there
3 is a threat, an immediate threat that a suicide bombing
4 is to take place as a result of an attack, the
5 Designated Senior Officer's role generally is to take
6 command of that operation to ensure its resolution.

7 SIR MICHAEL WRIGHT: So that once it is perceived that there
8 is a real risk of a suicide bombing explosion --

9 A. Yes.

10 SIR MICHAEL WRIGHT: -- am I to understand that the DSO
11 effectively then takes over from the Silver in the
12 control room?

13 A. That's correct, and it is a matter of usually
14 discussion, and I think this is -- obviously I am
15 talking now from experience since 2005, but it's
16 generally an agreement between those individuals as to
17 when and the appropriate time for them to take command.

18 SIR MICHAEL WRIGHT: I understand. So that Mr Boucher would
19 be effectively looking after the running of the
20 surveillance operation at Scotia Road, until it was
21 perceived that a suicide bomb risk was emerging.

22 A. That's correct.

23 SIR MICHAEL WRIGHT: And then the DSO takes over?

24 A. Yes.

25 SIR MICHAEL WRIGHT: Thank you.

1 A. And -- sorry, sir.

2 SIR MICHAEL WRIGHT: Go on.

3 A. Some DSOs prefer to do that very early on, others prefer
4 almost to just sort of observe things and step forward,
5 as it were, quite late as you might describe it in the
6 operation.

7 SIR MICHAEL WRIGHT: But that's a matter of individual
8 judgment?

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: Thank you very much. That would be
11 a good point to have a break.

12 MR HILLIARD: It certainly would. Sir, before we break, we
13 just have the page I promised and perhaps we can all put
14 it in divider 38. It's that one page that we have
15 looked at. (Handed).

16 SIR MICHAEL WRIGHT: We will let Mr McDowall have a break,
17 and we will all have one. It's 11 o'clock; quarter
18 past, please, ladies and gentlemen.

19 (11.00 am)

20 (A short break)

21 (11.15 am)

22 (In the presence of the jury)

23 SIR MICHAEL WRIGHT: Yes, who is going first, Mr Mansfield?

24 MR MANSFIELD: Yes.

25 Questions from MR MANSFIELD

- 1 MR MANSFIELD: Good morning, Mr McDowall, my name is
2 Michael Mansfield and we are introducing who we
3 represent: I represent the family of Jean Charles
4 de Menezes.
- 5 A. Good morning, sir.
- 6 Q. I want to ask a general question first. So that the
7 jury may understand the context, since this incident
8 obviously there have been a number of enquiries,
9 investigations, and a criminal trial in which you gave
10 evidence?
- 11 A. That's correct, sir.
- 12 Q. And that was this time last year, roughly speaking, in
13 the autumn, and then there has been a further lapse of
14 time.
- 15 So all in all, there has been a considerable amount
16 of water under the bridge which must have given you
17 plenty of time to reflect upon what happened on that
18 fateful day. Would that be fair?
- 19 A. That's correct, sir.
- 20 Q. The general question, therefore, in that context, is
21 this: what went so wrong that a totally innocent man met
22 his death?
- 23 A. It's my belief, sir, that there was a mistaken
24 identification and then there was doubt about whether
25 that identification was correct or not. And I think

1 that was instrumental in bringing about the tragic
2 outcome that we know of.

3 Q. May I just follow that answer through, then. Mistaken
4 identification, plainly. You are aware, I think
5 probably everyone in the room is aware, of the
6 difficulties of identification, are you not?

7 A. Yes, sir.

8 Q. We are all familiar with situations in which you see
9 somebody in the street and you think: "Oh, I know that
10 person" and then you go up and you find it is not the
11 person you thought it was. That's a commonplace
12 situation, isn't it?

13 A. Yes, sir.

14 Q. But particularly in criminal investigations, those who
15 are participating in the criminal justice system,
16 whether they be police officers, lawyers, judges or
17 juries, are made aware of the real difficulties of
18 making what is called a positive identification, are
19 they not?

20 A. Yes, sir.

21 Q. You are aware of something -- I'm sorry to do it through
22 you, just so this jury get the picture, as it were --
23 juries in criminal cases, where something may depend on
24 an identification, whether it's an armed robber or some
25 other kind of offence in the street or whatever, juries

1 are often given something called the Turnbull direction,
2 aren't they?

3 A. Yes, I believe they are, sir.

4 Q. And what is that really saying to a jury in the context
5 of relying upon an identification?

6 A. That as far as I recollect, there are considerations
7 that need to be taken into account when identifications
8 are made.

9 Q. What are those considerations?

10 A. Such as the veracity or likelihood of that
11 identification.

12 Q. Yes, well, what are the factors?

13 A. I can't recall the precise details of that judgment,
14 sir.

15 Q. I am not asking you for the precise details, let alone
16 the page number or anything like that. Just what's the
17 gist of it?

18 A. The gist of it is that due regard needs to be given to
19 whether an identification is a correct one or otherwise
20 in certain circumstances.

21 Q. Yes, well, again just to follow it through, what one has
22 to be careful about is what's commonly known as
23 a fleeting glimpse; you only get a short sighting of
24 somebody. That's one thing, isn't it?

25 A. Yes.

- 1 Q. The second factor, this is in no particular order, is
2 the environment in which the glimpse or the sighting
3 took place, whether it's at night, by day, the weather
4 conditions, and so on, that sort of thing?
- 5 A. Yes, that's correct, sir.
- 6 Q. All can affect the accuracy of an observation?
- 7 A. Yes, that's true.
- 8 Q. Of course there is a distinction made -- well, everyone
9 makes it commonly, but it's made in the law as well --
10 between a situation in which I recognise somebody
11 because I think I know them or hopefully I do know them,
12 a recognition situation as opposed to dealing with
13 an identification of a complete stranger; yes?
- 14 A. Yes, that's correct.
- 15 Q. And therefore, for there to be a positive identification
16 within a surveillance situation, quite a lot of hard
17 work has to go into it; is that not right?
- 18 A. Yes, that's correct.
- 19 Q. So again, we follow this through: if you are going to
20 decide to, as it were, put surveillance on somebody who
21 you want to know who they are, what they are doing, to
22 get intelligence, possibly because they are related to
23 a possible criminal offence, let us say a robbery,
24 that's the common one, then you might have covert
25 surveillance so the person doesn't know they are being

1 followed, and it would take place over many days and
2 possibly weeks, wouldn't it?

3 A. Sometimes that's the case, sometimes the operations are
4 not particularly lengthy.

5 Q. No, well, sometimes it may not need that length of time.
6 But you have to be sure that you have the right person,
7 don't you?

8 A. You want to be sure that you have the right person as
9 far as you can, yes.

10 Q. Yes, as far as you can. Now, of course, when you are
11 talking about the possibility of what the police call
12 the delivery of a critical shot, by which I mean the
13 very real possibility of killing somebody, you don't
14 want to kill someone by mistake, do you?

15 A. That's correct.

16 Q. So in the circumstances of deploying lethal weapons, you
17 would not want to deploy lethal weapons unless you were
18 sure of the identification, would you?

19 A. I think that you would wish to deploy lethal weapons as
20 a contingency against either the public or the officers
21 themselves encountering a threat. They are primarily
22 for that purpose. It's also the case that those that
23 are charged with making that identification, the
24 surveillance operatives themselves, clearly do this for
25 a day job, and have some practice and some experience in

- 1 making identification. That is their role.
- 2 Q. But of course they are only as good as the materials
3 they are given, aren't they?
- 4 A. Yes, they have to be provided with material to make that
5 identification.
- 6 Q. I just want to go back to the question of the deployment
7 of a special firearms unit.
- 8 A. Yes.
- 9 Q. You wouldn't want to deploy them in the circumstances
10 that we are dealing with here unless you were sure of
11 the identity, would you?
- 12 A. I am not clear, sir, at what point you were talking
13 about the deployment --
- 14 Q. This is a question you were asked at the trial last
15 year. Mr Thwaites, who was defending the Commissioner,
16 you may remember?
- 17 A. Yes.
- 18 Q. He asked you this very same question and you indicated
19 that you would not want a firearms team deployed without
20 a positive identification. Have you changed --
- 21 A. No, sir, no, I haven't. But what I am saying is that
22 you would want a firearms team available to you in the
23 plan, as it were. It hinges on the word, I think,
24 "deployment" and that's where I am possibly not
25 understanding you, sir.

- 1 Q. What do police understand by deployment?
- 2 A. To utilise, to put in a position.
- 3 Q. To put in a position. But to go into action from the
4 position they are in, you would not want them to go into
5 action unless you had a positive identification?
- 6 A. No, that is true.
- 7 Q. Now, on that basis, I just want to deal with this
8 question of identification first of all. Can we go back
9 to the beginning a little bit, of matters. You have
10 been in Leeds and you are coming back down to London,
11 all right?
- 12 A. Yes, sir.
- 13 Q. On the Saturday, that's the 21st, and you learn of the
14 attempted bombings?
- 15 A. That's correct.
- 16 Q. You then go into meetings, and just so again the
17 chronology can be seen, you go into meetings and
18 obviously you gather certain information?
- 19 A. Sorry, sir, did you say Saturday?
- 20 Q. I am so sorry, did I say Saturday? My mistake, the
21 21st, the day before, Thursday. My mistake, sorry.
22 Thursday, the 21st, you were coming down on that day?
- 23 A. That's right.
- 24 Q. And then you go into meetings and you have meetings with
25 senior command officers?

- 1 A. That's correct, yes.
- 2 Q. One of the things that I suggest must have crossed your
3 mind, the priority, as you have indicated, is tracking
4 down those responsible; yes?
- 5 A. That's correct.
- 6 Q. Because the prime concern here is, as you said
7 yesterday, they might regroup and do it again more
8 successfully?
- 9 A. That's correct, sir.
- 10 Q. Or with others. One of the ways of doing that is
11 obviously the CCTV, which you did. What was another way
12 of trying to do it?
- 13 A. Through exploitation of any intelligence that was
14 available. Anything that was known by way of
15 information that had come in, there were a number of
16 potential different ways of doing it.
- 17 Q. Yes, what was the most obvious way besides the CCTV on
18 that Thursday afternoon, once you knew there were four,
19 possibly five, incidents?
- 20 A. Well, as I have said, there are a number of
21 possibilities, one might have been an appeal of some
22 sort to ask whether anyone knew who these people were.
- 23 SIR MICHAEL WRIGHT: Only four on that day, actually,
24 Mr Mansfield.
- 25 MR MANSFIELD: Four on that day, the fifth one was found

1 later.

2 SIR MICHAEL WRIGHT: Yes.

3 MR MANSFIELD: I am pressing you a little on this to see
4 whether in fact it crossed your mind. What had happened
5 on the bombings on the 7th with regard to
6 identification?

7 A. With respect of the identification, the first inkling
8 that we had as to who might have been involved was the
9 collection of very small amounts of evidence in the
10 scenes.

11 Q. Yes. Did that include identification documents?

12 A. It did include some identity documents, yes.

13 Q. So did it occur to you, on the afternoon of the
14 Thursday, that there might have been some identification
15 documents in the items -- perhaps you didn't know at
16 that stage that it was a rucksack. You had seen the
17 explosives officers, hadn't you?

18 A. I saw them after I had returned to London, yes.

19 Q. That's what I mean. So you would have known rucksacks
20 were involved on the Thursday afternoon?

21 A. Yes.

22 Q. Did you task anyone then, on the Thursday afternoon, to
23 fast-track -- which I believe is the term that you
24 use -- the recovery or potential recovery of
25 identification documents from the rucksacks?

- 1 A. I don't recall doing that specifically, no sir, but I do
2 recall that we were anxious to examine the scenes as
3 quickly as we could, which would have included that.
- 4 Q. Yes. When did you attempt to task anyone to look for
5 identification documents in relation to any of the
6 rucksacks?
- 7 A. Specifically to look for those identity documents from
8 the rucksacks, I don't recall tasking anyone
9 specifically.
- 10 Q. No. Why not?
- 11 A. Because as I have said, we were trying to examine all of
12 the scenes as quickly as we could. That was a priority,
13 and included within that would be an examination of what
14 we found at the scenes.
- 15 Q. You see, I want to come on to what was found, because it
16 appears that, when you go off duty that night, so we are
17 coming into the 22nd now, the Friday, so at about
18 2 o'clock, did you know that any documents had been
19 found by then?
- 20 A. No, I don't believe I did, sir.
- 21 Q. If documents had been found once you had left to go to
22 a nearby hotel, would you have expected to have been
23 told? In other words, although you only were getting
24 a short respite, would you have expected someone to
25 telephone you?

- 1 A. Not necessarily, but they may have done, yes.
- 2 Q. Well, did they, while you were at the hotel?
- 3 A. No, not in the two hours that I was away.
- 4 Q. Right. When you get back, and you have an update, in
5 fact you are in your office, you can see your notes if
6 you want to follow it, and I think can we just pause for
7 a moment, because it may not be on the particular sheet.
8 I think your notes in the red book, there is one where
9 at the top of the page it's 4.20. No, we don't have
10 that one here. Can I ask very kindly that that is put
11 up? It's 1857 and it's coming -- Mr McDowall, you have
12 it there?
- 13 A. Yes, sir.
- 14 Q. Do the jury have it on the screen? 1857. Now, this is
15 the previous page which I am going to ask that the jury
16 have in due course, typed at 4.20. We see that. Now,
17 these are notes that you made once you came back from
18 the hotel; right?
- 19 A. Yes.
- 20 Q. According to your statement, it was because you were
21 visited in your office once you got back by two persons
22 concerned, certainly one of them, with intelligence?
- 23 A. That's correct.
- 24 Q. By name Mellody, but also another by name Macbrayne; is
25 that right?

- 1 A. That's correct, yes.
- 2 Q. This is in your office; yes?
- 3 A. That's correct.
- 4 Q. I am going carefully over this, because we are relying
5 on your note. First of all, who else was there?
- 6 A. I don't now recall whether there was anyone else aside
7 from those two individuals. There may have been.
- 8 Q. I appreciate it's only a jogging note, as it were, but
9 it is intended plainly if there are people who are
10 participating in any process, you would expect to note
11 who else was, as it were, participating, wouldn't you?
12 Besides Mellody --
- 13 A. Yes.
- 14 Q. All right. Now, we see on this page, 1857, reference
15 made to again Operation Ragstone and right next to it,
16 the black Nissan Primera and above that the word
17 "training camp"?
- 18 A. That's correct.
- 19 Q. First of all, does the words "training camp" relate to
20 what is below or what is alongside? In other words have
21 you written "training camp" in relation to
22 21 Scotia Road, or was that because you were going on to
23 Ragstone?
- 24 A. I believe it was in connection with Ragstone.
- 25 Q. Now, I want to pause for a moment, because -- did you

- 1 know about this exercise, that is Operation Ragstone
2 before 4.20 in the morning?
- 3 A. No, I didn't, sir.
- 4 Q. You didn't. Now, I just want to pause on that.
5 Operation Ragstone was mounted -- and I don't think,
6 sir -- if there is any issue about it, I'll go slowly,
7 I am not seeking to put any compromise on anything, do
8 you appreciate, Mr McDowall?
- 9 A. Yes, sir.
- 10 Q. So if there is a question about dates or anything,
11 please stop me. This was mounted the previous year over
12 a year before, and one of the dates was Monday
13 3 May 2004, wasn't it?
- 14 A. I don't know that, sir, but if you have that
15 information, I don't believe I have.
- 16 Q. All right. So it may not matter at this stage for these
17 purposes how long before. But of course the officer,
18 Mr Mellody, presumably did know about these sorts of
19 details, because all of this was coming from him?
- 20 A. Yes, he was briefing me, sir.
- 21 Q. That was an operation that was mounted by S012, wasn't
22 it?
- 23 A. Yes, that's correct.
- 24 Q. The very organisation in whose operations room this
25 exercise is being conducted on the 21st/22nd, in

- 1 particular the 22nd?
- 2 A. That's correct, sir.
- 3 Q. And the exercise in May 2004 involved surveillance
- 4 a long, long way from London in Cumbria at a farm which
- 5 is noted there in the middle of the page. We see it
- 6 there; is that right?
- 7 A. Yes, that's true, sir.
- 8 Q. It goes without saying that Special Branch officers
- 9 don't, as it were, appear out of the blue in Cumbria
- 10 unless in fact they too have information or some sort of
- 11 intelligence relating to the group they are going to
- 12 survey, otherwise they are wasting a lot of time, aren't
- 13 they?
- 14 A. That's correct, sir.
- 15 Q. These are not holiday, as it were, excursions for the
- 16 Special Branch, are they?
- 17 A. One would hope not, sir.
- 18 Q. No. Now, there were a group of people, and you have in
- 19 fact written down a bit further down, you see there "15
- 20 Asian males dressed in combat clothing".
- 21 In relation to that surveillance, did you know at
- 22 4.20 that photographs had been taken?
- 23 A. Yes, I believe I did.
- 24 Q. You did? Where do you note that?
- 25 A. I do not have a note of it, but an operation like

- 1 Ragstone would, in all probability, involve some
2 photographic --
- 3 Q. Exactly.
- 4 A. -- material as well.
- 5 Q. You see, this aspect of the matter has only been raised
6 recently by us. There is no note in here that you asked
7 for any photographs, is there?
- 8 A. No, that's correct.
- 9 Q. Why not?
- 10 A. Because if there had been photographs I would have
11 assumed they would have been prepared for me as part of
12 this briefing.
- 13 Q. But you are, as it were, an experienced officer and you
14 can't assume that necessarily everything is going to be
15 provided to you on a plate, can you?
- 16 A. No, that's true.
- 17 Q. And it would be fair to expect you to say, "Well, look,
18 just as a matter of common sense, are there any
19 photographs? We need to find the identity of these
20 people".
- 21 A. That, sir, it's a possibility, it obviously didn't occur
22 to me that evening, or that morning I should say.
- 23 Q. I am going to suggest to you as we go through there is
24 quite a lot that didn't occur to you that night, that is
25 on the 22nd, and I am afraid it's what didn't occur to

1 you that night --

2 SIR MICHAEL WRIGHT: The night of the 21st, surely.

3 MR MANSFIELD: 21st/22nd, yes, I am sorry. It's quite a lot

4 that didn't occur to you that eventually led to the

5 death of this innocent man. Do you follow?

6 A. Yes, I do, sir.

7 Q. Has that ever occurred to you, that in fact there are

8 omissions by you that really, had you followed up, and

9 a large number of things, the whole scenario might have

10 been different?

11 A. I don't accept that, I think that with the benefit of

12 hindsight one always looks back at what one has or

13 hasn't done, and clearly I think there probably are

14 things that I could have done but for whatever reason at

15 the time I didn't think of doing it.

16 Q. Rather than me, as it were, go through them for the next

17 period of time, perhaps you would kindly enlighten us.

18 What are the things that you have reflected on that you

19 didn't do that might have made a difference?

20 A. Well, as you have said, sir, there are a large number of

21 things, I don't think that there are a large number of

22 things and again I have to caveat my remarks with the

23 benefit of hindsight which is after all a precise

24 science.

25 There are certain aspects that perhaps might have

1 been done differently. There is nothing that I think
2 substantially that could have been done differently that
3 would have made a huge degree of difference.

4 Q. Just give us a clue about anything that you would have
5 done differently?

6 A. Well, for example, we have discussed the time that it
7 took the firearms teams to get to their briefing. Had
8 I known that it was taking that long, I would have asked
9 why it was taking that long. I have had an explanation
10 for why that is, and I am not sure that we could have
11 shaved a huge amount of time off, but that's one of the
12 things I have considered.

13 Q. Right, we will come to that, and I'm going to suggest
14 there was a very ready method and it doesn't require
15 hindsight. I'll come to that in a moment. Dealing with
16 identification for the moment, it doesn't require
17 hindsight, knowing how the Special Branch work, as you
18 did at the time, to say at 4.20 "get the photographs",
19 does it? They are probably sitting somewhere not far
20 away from the office?

21 A. I have no idea where those photographs would have been,
22 but if photographs had been available as part of the
23 briefing or the intelligence package, I would have
24 expected them to have been sought.

25 Q. Yes. Well, there is no mention of photographs here, as

1 we have said, and if you turn over -- well, for the jury
2 can we have the next page, 1858, that's where it
3 continues. You have been listening vehicles. You will
4 see at the top there, there is mention of a blue Golf
5 and the name Girma and so on and the ripped up
6 correspondence and the bomb -- rucksack.

7 I also want to deal with the car first of all. It
8 follows, does it not, that therefore you were not told
9 that there was a photograph not only of that car but of
10 people connected to the car in the sense of standing
11 next to it. You didn't know that?

12 A. No, I didn't.

13 Q. And you didn't know on the night that in fact one of the
14 people standing next to the blue Golf with a photograph
15 was Osman? You didn't know that?

16 A. No, I wasn't aware that that was the case.

17 Q. Because even if, even if, a year later, no names had
18 been attached to the people in the photographs, of
19 course you could have done what you did with CCTV, and
20 that is gone through the photographs to see whether
21 anyone in the photographs from Cumbria married up with
22 the photographs from the CCTV married up with, we are
23 coming to obviously an identification card, gym club
24 card, found in the rucksack. That's an exercise that
25 could have been done, isn't it?

- 1 A. Its an exercise that could have started, certainly, that
2 trawl to establish if there was a link.
- 3 Q. So you are saying, you were aware of the photographs,
4 you just didn't follow them up, so can I just --
- 5 A. No, could I just clarify my response there, I wasn't
6 aware of specific photographs, I was aware that
7 Operation Ragstone, of which I had only been informed
8 that morning, was an operation that had been conducted
9 by Special Branch and that there may be photographs
10 taken in connection with that operation.
- 11 Q. In fact, do you computerise information of that kind,
12 that is in other words if photographs are taken by SO12,
13 as they undoubtedly were, do they end up computerised so
14 you can access them very quickly?
- 15 A. In 2005 I don't believe they were computerised.
- 16 Q. All right.
- 17 A. In fact, the computer system that I believe that we have
18 now is far from infallible in terms of recognising
19 photographs.
- 20 Q. Right, I understand that. So the position is, you
21 recognised at 4.20 the possibility of photographs
22 because of the nature of the operation but you didn't
23 follow it up; is that the final position?
- 24 A. I recognised that in connection with Ragstone it was
25 possible that photographs may have been taken, yes.

1 I didn't ask the specific question whether we had any
2 photographs that matched our suspects from that
3 operation.

4 Q. No, that would not be the question. I am sorry to
5 prevail on this, because I am coming to a more important
6 area in one second. It's not a question of that, the
7 first step is: are there any photographs from the
8 operation? If there are, we had better get them in and
9 task somebody with the job of seeing whether there is
10 anybody out of the 15 people that marries up with the
11 gym card. That's a pretty straightforward request,
12 isn't it?

13 A. Yes, it is, but it's also something that I would expect
14 to be being taken forward in any event.

15 Q. Who by?

16 A. By Special Branch.

17 Q. And who in Special Branch would be taking that forward,
18 Mr Mellody?

19 A. Either Mr Mellody or one of Mr Mellody's staff.

20 Q. Well, looking back on it now, since you are leaving it
21 to somebody else, did anybody are you aware that night
22 make that simple inquiry?

23 A. I don't know whether that inquiry was made. I do know
24 that photographs were searched at some point over the
25 days that followed.

- 1 Q. Right. Now, we are still on page 1858. At the top
2 right-hand corner, ripped up correspondence in the
3 rucksack. Now, you became aware that there was, and for
4 these purposes can we now switch to the gym card
5 photographs? In fact, I think page numbers are going to
6 be easiest to give. The jury don't have these but
7 I think they can come up on screen. First of all,
8 page 419, please.
- 9 A. I am sorry?
- 10 Q. It should be on your screen. You may have this
11 document, I don't know. There. Now, this comes in fact
12 from a file that was being compiled by one of the
13 Silvers for the teams that were going out. So plainly
14 the details on the right-hand side don't come straight
15 out of the rucksack, but the photograph which you see
16 there is a photograph that appears on the gym card. You
17 saw that, is that right, that night?
- 18 A. Yes, I believe I did.
- 19 Q. So this is the kind of photograph that surveillance
20 officers or some of them were being provided with. Did
21 you know that?
- 22 A. That's a copy of a photograph, I believe.
- 23 Q. Yes. Well, they couldn't all be given the actual
24 photograph, could they?
- 25 A. No.

- 1 Q. No. Were you aware that in fact some of them were out
2 on patrol, as it were, or surveillance, without
3 a photograph at all? Did you know that?
- 4 A. No, I wasn't aware of that.
- 5 Q. I mean, that doesn't help, does it, when you know about
6 the difficulties of identification, positive
7 identification, if you don't even have a copy of the
8 photograph with you, and you have only seen it once back
9 at a briefing? That's not exactly best practice, is it?
- 10 A. No, sir, no.
- 11 Q. I am not saying you are responsible for that, but this
12 is the photograph. Just so, if you will forgive me
13 filling in the gaps here, what had happened was a gym
14 card was found in the rucksack, and we have it here if
15 you need to see it, and officers went to the gym club
16 and recovered another card, the companion card to that
17 one, at the gym club. Are you able to help on that; is
18 that right?
- 19 A. Yes, I believe that's correct, yes.
- 20 Q. That's correct. If we could have, please, page 441, in
21 fact there were two photographs. One of Omar, and one
22 of Osman again.
- 23 SIR MICHAEL WRIGHT: That's the companion, is it,
24 Mr Mansfield?
- 25 MR MANSFIELD: I'll have to check but I think it is, yes.

- 1 SIR MICHAEL WRIGHT: Yes.
- 2 MR MANSFIELD: Now, first of all, leaving aside Omar, of
3 course that doesn't give the viewer very much clue about
4 Omar, does it, that photograph? As a surveillance
5 officer, you are not going to get much of a clue from
6 that, are you?
- 7 A. Well, that's a matter of opinion. It could be a better
8 photograph, I agree.
- 9 Q. In fact, what you really want is as much photographic
10 assistance as you can get if you are going to attempt
11 a positive identification; would you agree?
- 12 A. Yes, I would agree.
- 13 Q. Now, the one below, Osman, is a little clearer but even
14 that, as you can see, just go back to 419 for a moment,
15 which is a slightly larger version of what is on 441,
16 that is not exactly a brilliant photograph either, is
17 it?
- 18 A. It's not the clearest of photos but it is, I suggest,
19 certainly clear enough to make an identification.
- 20 Q. Do you think that, positive?
- 21 A. Yes, I do.
- 22 Q. But of course that will depend on the view you get of
23 the person who you are trying to compare the photograph
24 with, and of course having the photograph with you,
25 doesn't it?

1 A. It certainly depends on the view that you have and you
2 always try and get the best view that you can. It would
3 assist to have that photograph with you, yes.

4 Q. Just going back to, those are the gym card photographs,
5 the page in your notes that we were dealing with,
6 please. In other words --

7 SIR MICHAEL WRIGHT: Mr Mansfield, sorry to interrupt you,
8 I am not going to stop you now, but at some stage
9 I daresay the jury would like to see the original of the
10 photographs, the ones that were actually obtained from
11 the club.

12 MR MANSFIELD: Yes. It's probably convenient to do it now,
13 because they are here. I think they are in a room just
14 outside.

15 SIR MICHAEL WRIGHT: I do not want you to break off your
16 examination.

17 MR MANSFIELD: Since it's on everybody's mind, we might as
18 well see. I think in the case of the one from the
19 rucksack, it's been treated -- by ninhydrin, so it has
20 a purple glaze, so you are not going to a great deal --
21 for fingerprints. But the other one, the club one is
22 obviously not treated.

23 SIR MICHAEL WRIGHT: Can anybody lay their hands on it
24 fairly quickly?

25 MR MANSFIELD: They were here yesterday.

1 (Pause).

2 SIR MICHAEL WRIGHT: You have seen this, obviously?

3 MR MANSFIELD: Yes, sir, thank you, I have.

4 (Handed).

5 SIR MICHAEL WRIGHT: The point really, Mr Mansfield, I had
6 in mind was that's not a bad photograph, it's a good
7 photograph.

8 MR MANSFIELD: The photograph on the card is but of course
9 it was photocopied.

10 SIR MICHAEL WRIGHT: That's what I was going to ask, what
11 process was used, Mr McDowall, to reproduce that card
12 for your officers, photocopying?

13 A. Yes, I believe it was photocopied.

14 SIR MICHAEL WRIGHT: It didn't go through a process of laser
15 printing or anything like that to produce a high quality
16 picture?

17 A. Clearly we would have tried to get the best image
18 possible with whatever equipment was available.

19 SIR MICHAEL WRIGHT: Whatever you happened to have, yes.

20 A. Yes.

21 MR MANSFIELD: Sir, behind divider 37 is another version of
22 the one I have already shown. The jury have another the
23 one I showed was in black and white.

24 SIR MICHAEL WRIGHT: Yes, indeed. That's a better version
25 of the one that's been up on the screen.

1 MR MANSFIELD: That's a better version than the black and
2 white.

3 SIR MICHAEL WRIGHT: Can you see that one, Mr McDowall?

4 A. Yes, I can.

5 SIR MICHAEL WRIGHT: Do you recognise that one?

6 A. Yes, I do. I mean, the problem with these photographs
7 seems to me that the more they are copied and reproduced
8 and spread around, potentially the worse they get.
9 I don't know what process has been gone through to get
10 the copies that you are looking at.

11 SIR MICHAEL WRIGHT: No, I understand. Or for that matter
12 what, how that compared with the quality that your
13 officers had.

14 A. Absolutely, sir, yes.

15 SIR MICHAEL WRIGHT: All right. Thank you, ladies and
16 gentlemen. Yes, Mr Mansfield.

17 MR MANSFIELD: Thank you.

18 If we can just return, I am still on the topic of
19 identification, to 1858, the page of your notes where at
20 the top there is a reference to "ripped up
21 correspondence".

22 Now, Mr Macbrayne was with you. Did he say that
23 amongst the ripped up correspondence were yet more
24 photographs?

25 SIR MICHAEL WRIGHT: Hang on a minute, Mr Mansfield, it's

1 not up yet. It is now.

2 MR MANSFIELD: Top right-hand corner.

3 A. If you will forgive me, I am just looking at -- just
4 referring back to my statement. (Pause). I don't appear
5 to have a note of that, I don't recall whether he did or
6 not.

7 Q. You see, this is, I suggest, right at the crux of the
8 matter of tracking down who may have left the rucksack.
9 Obviously what's in it may be the person who left the
10 rucksack, it may relate to somebody else, of course one
11 appreciates that.

12 You have the gym card?

13 A. Yes.

14 Q. But if there are other photographs in that same
15 rucksack, you would have wanted to know about those,
16 wouldn't you?

17 A. Yes, I would. I would have expected those that were
18 trying to develop this intelligence to acquire the best
19 photographs from whatever means.

20 Q. Quite. Mr Macbrayne in fact, when he was sitting with
21 you, knew perfectly well that there were other
22 photographs. In fact, what had happened was they had
23 been torn up, a bit like the gym card, but before being
24 treated for fingerprints and ninhydrin and so on, they
25 were reconstituted in the middle of the night so that

1 one had, as it were, full photographs, and that process
2 was taking place and had finished by about 4 o'clock in
3 the morning.

4 Did you know that?

5 A. I don't recall now whether I did or didn't. I don't
6 recall whether Mr Macbrayne mentioned that to me.

7 Q. I will suggest from your notes it appears from your
8 general approach to this that you didn't know about
9 this. Have you ever seen them?

10 A. The reconstituted photos?

11 Q. Yes.

12 A. No.

13 Q. You have never seen them?

14 A. I don't believe so.

15 Q. No. Well, I am going to ask that you see them and the
16 jury sees them now. Sir, I have had them scanned in and
17 the reference that I have is 90, it's AM8 was the
18 general exhibit number given, so the jury can
19 understand. AM is the initials of the officer who
20 actually retrieved the items from the rucksack, and when
21 he takes something out of the rucksack he says 1, 2, 3,
22 4, 5, 6, 7, 8. That's a familiar system, isn't it?

23 A. That's correct, yes.

24 Q. Just so it's clear, otherwise the jury may wonder why
25 I am saying AM8. AM8 is a number of different

1 photographs and, having reconstituted what had come out
2 of the rucksack, he photographed and dated the
3 photographs on the 22nd.

4 Can we have first of all photograph 90, please.
5 This is a photograph of torn up items from an envelope,
6 including correspondence, which you have noted on that
7 page of your own notes, in its torn up condition.

8 I don't know that it matters that the date is at the top
9 for the moment. That's the general picture. Then can
10 we move to the next one, I think for some reason it's
11 98. There we get the beginning of -- that is what has
12 been termed a wedding photograph, and reconstituted, and
13 you will see that the right-hand figure is Mr Osman?

14 A. That's correct, yes.

15 Q. You have never seen that before?

16 A. I don't believe I have, no.

17 Q. We will just go through the rest. 99, please. That's
18 again a sort of closer version. Then photograph 100,
19 please. There is another one. 104, please. Then
20 sorry, it's slightly out of order, 101. Can I just
21 check, I think you do have 107 -- no, sorry. I will get
22 that put in. I think it was in the bundle but perhaps
23 not copied. 107 is a photograph, so the jury know,
24 taken by the same officer, of the gym card found in the
25 rucksack. But I'll leave that for a moment.

1 Now, are you surprised that Mr Macbrayne sitting
2 there when you are talking about trying to track down,
3 doesn't say to you: "Well, I know what's going on,
4 actually, we are just reconstituting photographs and we
5 will have them here in no time at all"?

6 A. I don't know where this process of reconstitution was
7 taking place or whether they would have been available
8 to have shown me at that point or not. However,
9 obviously as soon as we had other images, they should
10 have gone into the briefing material that was being
11 compiled.

12 Q. Exactly.

13 A. But when that was, I don't know.

14 Q. You see, up until today, again looking back on it over
15 these years that have passed now, again this is not
16 a matter that's crossed your desk: oh, discovering some
17 days later, look, we had other photographs in the
18 rucksack, I want to know why I wasn't told. That's not
19 something you have ever inquired into?

20 A. The review of what happened that day and past it is not
21 something that has been my task, it has been the task of
22 others.

23 Q. Yes, I appreciate, but no-one has come to you and said:
24 can you explain why these photographs were not used?

25 A. No.

- 1 Q. No. Just concentrating, I am still on identification,
2 the issue of, so that the possibility of Ragstone
3 photographs isn't investigated by you, and Mr Macbrayne
4 doesn't tell you about other photographs in the
5 rucksack; right, that's a summary.
- 6 A. I don't recall him mentioning the presence of other
7 photos, he may have done, but clearly they weren't
8 available to show me at that point.
- 9 Q. Yes, but I'm going to suggest, if he had mentioned any
10 photographs you would have made a note of that, to say:
11 well I think we ought to get them as soon as possible,
12 you would have made a note of all of that, wouldn't you?
- 13 A. I would have wanted the best photographs available for
14 whatever briefing was to follow.
- 15 Q. I just want to move on and, since we are on that page of
16 your notes, it's perhaps convenient to stay with that
17 for the moment. All this is happening in your office at
18 4.20, that is the information that you are noting down
19 on the previous page and on this. Then suddenly we get
20 to a decision. Do you see that?
- 21 A. Yes.
- 22 Q. Were these decisions, and there are a number of them,
23 the second one being one of the important ones,
24 obviously, were these decisions being taken by you in
25 the room with the two intelligence officers, or one

1 intelligence officer, Mr Macbrayne, or were there
2 others?

3 A. I believe certainly the first decision was because it
4 related to an intelligence issue.

5 Q. So who else in the room at that point, 4.50?

6 A. I think DCI Mellody.

7 Q. Mellody?

8 A. Mellody and also Detective Superintendent Mcbrayne.

9 I think there were other individuals that were coming in
10 and out at various points at that time.

11 Q. Yes. I am less concerned with people popping in and
12 out, more concerned with your decision-making process.
13 We are now coming to an important one at 4.55, five
14 minutes later, we have been through it but I want to ask
15 you some matters in relation to this.

16 The first point is this --

17 SIR MICHAEL WRIGHT: Before you embark on that,
18 Mr Mansfield, we have about three-quarters of an hour to
19 go to the break, Mr McDowall, how are you getting on?

20 A. I think I am fine, sir.

21 SIR MICHAEL WRIGHT: Don't please be stoic about it.

22 A. I am fine, thank you, sir.

23 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

24 MR MANSFIELD: Yes, Mr McDowall, do say, because I am trying
25 to judge from the screen, it's a bit difficult, if you

- 1 are uncomfortable or anything I'll stop.
- 2 A. Thank you, sir.
- 3 Q. So let us turn to the 4.55 decision. First question:
- 4 before you took this decision and recorded it, did you
- 5 speak to any firearms tactical adviser?
- 6 A. At that point I don't think I had, no.
- 7 Q. Why not?
- 8 A. Because there wasn't a firearms tactical adviser
- 9 present.
- 10 Q. Nonsense. There was. I am sorry to put it strongly,
- 11 but there were tactical advisers present in New Scotland
- 12 Yard.
- 13 A. Yes, there were.
- 14 Q. Right. They may not have been in your office, but they
- 15 are a stone's throw or less away, aren't they?
- 16 A. Yes, that's correct.
- 17 Q. Right. Why did you not consult with a tactical adviser,
- 18 firearms adviser, before you take a firearms decision,
- 19 because essentially that's a component of this decision?
- 20 A. Because I have recorded the decision that that is to be
- 21 the strategy, that's my intention. I have then spoken
- 22 some 20 minutes later with firearms tactical advisers,
- 23 and discussed the strategy then.
- 24 Q. Bit late in the day, even then?
- 25 A. Sir, I think that's entirely reasonable, it's only 20

- 1 minutes, and I have just recorded my thinking at 4.55.
- 2 Q. Well, it's a little more than your thinking; it's
- 3 a decision. It's not even a draft decision, it's not
- 4 even a putative decision, it is a decision, isn't it?
- 5 A. It is a decision, yes, it is how we are to progress that
- 6 morning.
- 7 Q. Yes. I am going to suggest you took this strategic
- 8 decision in a vacuum, didn't you?
- 9 A. No, I don't think I took the strategic decision in
- 10 a vacuum at all.
- 11 Q. I am going to ask you, therefore, these questions: do
- 12 you agree that when you, as it were, decide strategy,
- 13 you do have to in fact have your feet on the ground, as
- 14 it were, and know what is possible as opposed to
- 15 impossible; that's fair, isn't it?
- 16 A. You have to know, yes, broadly speaking, you have to
- 17 know what might be achievable.
- 18 Q. Exactly.
- 19 I am going to ask you: when you made the decision at
- 20 4.55, did you know what was possible on a firearms
- 21 front?
- 22 A. On a factual basis, no.
- 23 Q. No.
- 24 A. I had an expectation based on my experience as to what
- 25 would be achievable.

- 1 Q. I am going to suggest to you it was irresponsible on the
2 night to take a decision without knowing exactly what
3 the position was on the ground. For all you knew, there
4 were no firearms available.
- 5 A. Yes, but then 20 minutes later I am discussing the very
6 strategy with those that can advise me as to whether
7 this strategy is achievable or not.
- 8 Q. I'll come to what you say you did 20 minutes later. So
9 you don't ask them before you take the decision, that's
10 firearms. What about surveillance? Have you consulted
11 with any senior surveillance officer about the
12 availability of surveillance teams?
- 13 A. No, I don't recollect that I had, but I would have had
14 a broad understanding of what might be available to me,
15 so when I am setting my strategy at 4.55, it is
16 a statement of the direction of travel that I want; it's
17 the strategy that I want to see fulfilled. I am then
18 clearly going to discuss with others as quickly as I can
19 what there is available or whether the strategy I have
20 set simply isn't achievable.
- 21 Q. Yes, you do appreciate the difference between thinking
22 through a strategy and then taking a strategic decision?
23 There is a difference, isn't there?
- 24 A. Yes.
- 25 Q. Right. You see, there is no suggestion here that you

1 have thought it through, discussed it, the direction in
2 which you want to go, suddenly at 4.55, there is
3 a decision?

4 A. There was a -- sorry.

5 Q. Well, I do not want to interrupt.

6 Before the decision, it appears there were
7 absolutely no discussions with surveillance or firearms;
8 correct?

9 A. There were discussions with two extremely experienced
10 officers who know firearms operations inside out and
11 backwards, those being DCI Mellody and
12 Detective Superintendent Macbrayne.

13 Q. Yes, I think you know the meaning. What you need to
14 know before you set strategy is what is possible, and
15 obviously if in fact it turns out that it isn't, you
16 will get feedback from the officers concerned, "Look, we
17 actually can't do it, those officers are otherwise
18 engaged. I am sorry, I thought they were available".
19 Do you follow? That's the way it should work, isn't it?

20 A. Yes, and that is the feedback that I have acquired,
21 I think, very soon after that.

22 Q. We will come to feedback, of which I suggest there was
23 none because I suggest your decision was not clearly
24 communicated. So in the room, Mellody and Macbrayne, no
25 consultation with firearms and surveillance as such

1 about availability. What about tactics? Because what
2 you are suggesting here in the decision is that
3 obviously surveillance do the control, but the challenge
4 and the stop, who did you envisage was going to be doing
5 that in this decision?

6 A. That firearms officers would challenge and stop.

7 Q. What, everybody?

8 A. Those that came from number 21, yes.

9 Q. Oh, everybody that came from number 21 was going to be
10 stopped by S019?

11 A. Yes, if that were possible.

12 Q. Are you sure that's what you meant, stop by firearms,
13 everyone who left 21?

14 A. Yes, because of the threat that they may be confronted
15 by.

16 Q. Right. So you do appreciate, do you, in retrospect,
17 that this very decision has been interpreted in many
18 different ways by the people who thought they knew what
19 you wanted. You do know that, do you?

20 A. I understand that some interpreted it differently, yes.

21 Q. So surveillance do the control, S019 do the challenge
22 and the stop, and there's got to be or suggested
23 a reconnaissance and Silver and so on. So I want to work
24 through this.

25 First of all, before setting a strategy, I suggest,

- 1 not only do you have the discussions that you say you
2 didn't have, you would need to know a bit about the two
3 sets of premises, Scotia Road and Portnall Road. I am
4 going to concentrate on Scotia because it's quicker.
5 Did you know Scotia Road at all?
- 6 A. No.
- 7 Q. Ever been on duty in that part of London?
- 8 A. Yes, I have.
- 9 Q. You have?
- 10 A. Yes.
- 11 Q. Right. Even at your level in relation to this, it's
12 fair to say if you are going to set a strategy for a set
13 of premises, you do need to know a little bit about
14 where the premises are and how that strategy might
15 impact on the location; would that be fair?
- 16 A. Yes, although the tactical considerations to take the
17 strategy to its conclusion are not necessarily for Gold,
18 they are for those that look at the detail.
- 19 Q. Yes, they are not necessarily for Gold, but you do have
20 to be aware of the impact on tactics of the strategy you
21 are setting in relation to a particular location, don't
22 you?
- 23 A. Yes.
- 24 Q. Right.
- 25 A. And if those tactics had then been unachievable, then

- 1 I would have expected to have been told, because the
2 strategy wouldn't have been workable.
- 3 Q. Quite. Did you make any effort, before you took the
4 decision; in other words it might have delayed it
5 a while, but not very long, you have the information at
6 4.20 and we are now at 4.55, did at any stage you say,
7 "Well, look, I think I would like to know as much as
8 possible now about Scotia Road", did you ever ask that
9 of anyone?
- 10 A. No, I didn't.
- 11 Q. Why not?
- 12 A. Because I thought it was important to set a strategy and
13 get things moving --
- 14 Q. Go on?
- 15 A. Sorry.
- 16 Q. And you set a strategy based on a false premise, didn't
17 you, because you didn't know about Scotia Road, you set
18 it on the basis that it was a single premise; correct?
- 19 A. I did set it on the basis it was a single premise, yes.
- 20 Q. You must have learnt in policing by the time -- at this
21 stage, that you can't make that kind of assumption,
22 particularly where you might be dealing with death?
- 23 A. For whatever reason, I was under the belief that it was
24 a single premises at that time. Whether I was told that
25 or not, I don't recall. The strategy, however, whether

1 it is a single premises or not, effectively remains the
2 same --

3 Q. I suggest it certainly doesn't.

4 A. Well, I am --

5 Q. Let me follow this through. The first thing you could
6 do. There is an intelligence, I don't ask the jury to
7 necessarily look it up, but we have a little plan of the
8 offices that you inhabited and right next door to the
9 control room there is an intelligence cell or unit, is
10 there not?

11 A. Yes, there is.

12 Q. So if you wanted to have a very simple thing like a map,
13 you could have got one straightaway?

14 A. We should have been able to acquire a map, yes.

15 MR MANSFIELD: Sir, I am sorry to say I have only been given
16 this today so it has not been scanned and we have only
17 just come across it, and I would like to put up a plan,
18 please, so it's clear where it comes from, so
19 Mr McDowall knows as well, it's part of a Special Branch
20 briefing set of documents, operational information.
21 Mr White's name is on the front.

22 Could I just hand this up? (Handed). Sir, would you
23 like to see it first?

24 SIR MICHAEL WRIGHT: Yes, please.

25 MR MANSFIELD: The marking is not mine.

- 1 SIR MICHAEL WRIGHT: Where has this come from, Mr Mansfield?
- 2 MR MANSFIELD: If you look at the front, it's an S012
- 3 briefing note with operational notes that Mr White, who
- 4 is coming I think later today or possibly tomorrow, will
- 5 be able to speak to.
- 6 SIR MICHAEL WRIGHT: I see.
- 7 MR MANSFIELD: I am so sorry, Andrew more than White,
- 8 I understand.
- 9 SIR MICHAEL WRIGHT: Do you want this put on?
- 10 MR MANSFIELD: Yes, if we could. Thank you very much.
- 11 Now, is this the sort of internal plan available to
- 12 police that can be readily obtained?
- 13 A. Yes, that's correct.
- 14 Q. I'm suggesting to you that if you had got hold of this
- 15 plan at 4.56 or 4.54, you would have discovered
- 16 straightaway because you can see it ringed, that 21 is
- 17 not a separate house; right?
- 18 A. It appears so, yes.
- 19 Q. So I am not expecting, you know, everybody to be super
- 20 people, that they have hindsight, foresight and
- 21 everything, but these are pretty straightforward issues,
- 22 aren't they? You get an address, as an ordinary
- 23 detective, you would say: well, I think we ought to know
- 24 as much as we can about the address; yes?
- 25 A. For whatever reason I was led to understand it was one

- 1 address.
- 2 Q. Who led you to understand that?
- 3 A. As a result of the briefing I was given, I believe.
- 4 Q. Who by?
- 5 A. Either by DCI Mellody or one of his staff.
- 6 Q. Right, one of his staff. Was Osman known to his staff?
- 7 A. That I don't know, sir.
- 8 Q. Any connection with a South London mosque already known
9 to the police?
- 10 A. I don't know, sir.
- 11 Q. Think about it carefully. Did Macbrayne or Mellody make
12 any reference to a South London mosque in the context of
13 the name of Osman?
- 14 A. I don't believe so, no.
- 15 Q. All right. Just on the question of whether it's
16 a single residence, this map would have disclosed it
17 certainly wasn't that. This map also happens to show
18 you fairly clearly that in fact there is only one route
19 out of there, by road and by foot for that matter,
20 namely through Scotia Road down to what we know as
21 Marnfield Crescent. The rest are cul-de-sacs, you
22 couldn't tell Romanfield Road but the others are. Can
23 you see the layout of the roads?
- 24 A. Yes.
- 25 Q. Just on the question of maps, if surveillance

- 1 co-ordinators or monitors or senior command team
2 officers wanted to know where people were positioned and
3 so forth and a bit more about the premises, they too
4 could have got a map like this, couldn't they?
- 5 A. Yes.
- 6 Q. And up on the screens in the operations room, it would
7 have been perfectly possible to have projected a rather
8 large map so everybody knew the progress of the
9 proceedings on the ground; that would have been
10 possible, wouldn't it?
- 11 A. That would have been possible, yes.
- 12 Q. Do you have the kind of thing, I am going back to
13 wartime, it shows my age a little bit but only a little,
14 they had maps on the wall in which they could
15 electronically show the movement of vehicles, vessels
16 and aircraft, sometimes they would stick them in with
17 a pin, but that's all very possible, isn't it?
- 18 A. I don't believe we have that facility.
- 19 Q. But putting up a map so you could see where the roads
20 were was perfectly possible, and then somebody with
21 a marker could mark up where C2 was, where the rest of
22 CO19 were, where all the individual surveillance
23 officers were; that's all possible, isn't it?
- 24 A. It is possible, yes.
- 25 Q. And in fact it's best practice -- if you are going to

1 have control, not on the ground but at the central base,
2 it's actually rather important to have that kind of
3 overview, isn't it?

4 A. It's very helpful, yes.

5 Q. And they didn't have it, did they?

6 A. I don't know, I didn't visit the control room.

7 Q. Just going back to your decision, so you say you have
8 been misinformed about the single occupancy, but of
9 course one of the ways in which you can check on all
10 this you have suggested, an S019 recce, reconnaissance.

11 Once again I suggest to you that if this is going to
12 be done in a sensible way, you send somebody down there
13 in advance to see what you are facing, don't you?

14 A. I believe it's common procedure for the reconnaissance
15 to be done when the team arrives.

16 Q. They are not going to arrive, shall we deal with the
17 firearms first, although they arrive second. Firearms
18 aren't going to drive up to Scotia Road just like that,
19 are they, they have to arrive somewhere else and then
20 they have to send somebody round to see what the lie of
21 the land is?

22 A. Yes, that's normally something that the team leader will
23 arrange.

24 Q. Actually what you need here is co-ordination, because
25 it's the surveillance who get there first. Who has done

- 1 a reconnaissance for the surveillance?
- 2 A. The surveillance have clearly looked around the location
- 3 because I believe it was the surveillance team that
- 4 discovered the vehicle.
- 5 Q. Yes, correct. As the jury have seen, the red team got
- 6 there at four minutes past six. Who's in charge of the
- 7 location at that point?
- 8 A. At that point the team leader from the surveillance side
- 9 is.
- 10 Q. But there is no Silver?
- 11 A. No, it there isn't a Silver.
- 12 Q. But there should have been?
- 13 A. There should be a Silver to deploy with the firearms
- 14 team.
- 15 Q. And to deal with surveillance and location as a whole?
- 16 A. Yes, on arrival.
- 17 Q. There was no Silver there in the vicinity at four
- 18 minutes past six, was there?
- 19 A. No, there wasn't.
- 20 Q. Why not?
- 21 A. The Silver, as I understand, was awaiting the arrival at
- 22 Scotland Yard of the firearms team and in the interim
- 23 arranging his own briefing material.
- 24 Q. We will come to timing. Why was no consideration given
- 25 to ensure that this was an important -- you accept that

- 1 it's an important priority location on the night, wasn't
2 it?
- 3 A. Yes.
- 4 Q. So what was needed down there if surveillance were going
5 to get there quicker than firearms, was to make sure
6 there was a Silver to deal with the location in the
7 vicinity, whether at Nightingale Lane or at the
8 TA Centre, there should be a Silver dealing with the
9 location; you follow that, don't you?
- 10 A. Yes, in this instance it's also the Silver that works
11 with the firearms team.
- 12 Q. Yes, it may be, but it isn't just a firearms operation,
13 is it?
- 14 A. No, it's not.
- 15 Q. No. And just as a matter of interest, this decision
16 that you are taking, it requires implementation by
17 a Silver at New Scotland Yard, doesn't it?
- 18 A. Yes, it does.
- 19 Q. Right. Who was the appointed Silver at New Scotland
20 Yard to implement this policy you have or strategy you
21 have set out at 4.55?
- 22 A. The identified Silver was Detective Superintendent
23 Boucher.
- 24 Q. Yes. You see, at that hour in the morning, and this is
25 not a criticism, it's entirely understandable but you

- 1 have to have contingency plans, Mr Boucher had gone off,
2 had he not, for a rest, no doubt well-earned, but he
3 wasn't at New Scotland Yard, was he?
- 4 A. No, he wasn't there.
- 5 Q. No. His deputy, do you remember who that was?
- 6 A. I think it was a DCI Scott.
- 7 Q. That's right, and again if the jury are following,
8 I think it should be in the divider that they have, this
9 particular individual. So she's not at New Scotland
10 Yard either, is she? She's gone off for a break. Did
11 you know that?
- 12 A. I wasn't aware of that at the time but yes, that's
13 correct.
- 14 Q. That's correct. In fact, the position, therefore, is
15 that the two top people have gone off for a rest, so
16 there is no-one there actually acting as, as it were,
17 senior investigating and deputy senior investigating
18 proactive officers, are there?
- 19 A. No.
- 20 Q. Did you consider, when you took this decision, that,
21 "Really they have to have a rest but I really need
22 somebody who's going to have an oversight of this
23 decision, because I haven't talked to anybody, so
24 nothing may be available, so I really need a red hot
25 Silver in here to deal with it"; did you think of that?

- 1 A. The operations room co-ordinator was present for some of
2 that meeting, and that individual went off to try to
3 arrange the necessary resources. That individual is the
4 person that then spoke to the surveillance, as
5 I understand it, and also as I understand it made
6 a phone call to try to acquire specialist firearms
7 officers.
- 8 Q. I am not going to delve into that detail at the moment.
9 You also know there is controversy about what actually
10 happened, do you not?
- 11 A. Yes.
- 12 Q. It's not agreed -- you do know that. I suggest to you
13 if you had appointed properly, or even thought about
14 appointing a Silver, whatever -- I appreciate there may
15 be a shortage of Silvers, but if you had thought about
16 appointing one, the kind of controversy and confusion
17 that arose after your decision may not have arisen?
- 18 A. Well, I did appoint a Silver, and we then tried to get
19 that individual back to duty as quickly as possible. In
20 the interim, we had an operations room co-ordinator
21 whose task it was to try to ensure that those resources
22 were made available.
- 23 Q. In fact, what had happened earlier in the night about
24 firearms facilities and Silvers, were you aware at the
25 time you took this decision of what the overnight

1 position was?

2 A. No, I wasn't.

3 SIR MICHAEL WRIGHT: Do you mean relating to firearms?

4 MR MANSFIELD: In relation to firearms. So you weren't
5 aware of what the overnight position was.

6 I am just going to put it to you: Andrew, the
7 overnight officer you didn't speak to before you took
8 the decision, had already put on 24-hour standby
9 a firearms team. Did you know that?

10 A. I believe there was some night duty cover available,
11 yes.

12 Q. Some available. The jury will hear that that had
13 a colour accorded to it: orange. An orange team were on
14 standby at Lemn Street, the base that we all saw the
15 other day. Was that the only team available?

16 A. I believe it was, yes.

17 Q. There was another team, but apparently you didn't know
18 that, the grey team. Now, they had been sent to a hotel
19 at 4 o'clock in the morning on the basis that they would
20 come back at 10, but maybe earlier if they were
21 required. You didn't know anything about that?

22 A. No, I wasn't aware they had been sent to a hotel, no.

23 Q. Were you even aware of their existence that night?

24 A. I knew there was night duty cover, I thought it was one
25 team.

- 1 Q. Did you know that a Silver had in fact been appointed
2 for the night duty in relation to matters that might
3 arise linked to firearms; did you know that?
- 4 A. No, I didn't at that time.
- 5 Q. So you presumably don't know who it was, appointed by
6 Andrew; is that right?
- 7 A. That's correct.
- 8 Q. Well, the name of the person is Angela Scott, but she
9 wasn't at New Scotland Yard and you didn't know that?
- 10 A. No, that's correct.
- 11 Q. There is quite a lot you didn't know when you took that
12 4.55 decision, isn't there?
- 13 A. There is a lot of detail that I wasn't aware of, yes,
14 but the decision was about how we were to take things
15 forward, what the strategy was going to be for the
16 morning and how we were going to approach this
17 situation.
- 18 Q. Now, if in fact the firearms team are going to stop
19 everybody that leaves, the specialist team, on what
20 basis are they doing that?
- 21 A. On --
- 22 Q. Are they doing it because they are suicide bombers or
23 they might be suicide bombers or they might be
24 associates or what?
- 25 A. On the basis that they may present a threat either to

- 1 the officers or to the public, since that address is
2 linked by intelligence to what we believed to be suicide
3 bombers.
- 4 Q. So the officers being briefed should be told: "We don't
5 know whether there is a suicide bomber in there and in
6 fact there may be, there may not, but we want
7 intelligence. You have to do the stop. This is
8 certainly not a critical shot situation at the moment",
9 that's the sort of thing they have to be told, isn't it?
- 10 A. That's correct.
- 11 Q. Yes. Do you know what they were told?
- 12 A. I don't know the detail of the briefing, no.
- 13 Q. It didn't go along those lines, did it? It didn't go
14 along those lines, did it?
- 15 A. Well, as I have said, I don't know the detail of it.
- 16 Q. All right. Did you know that specialist ammunition had
17 been authorised?
- 18 A. Yes, I did.
- 19 Q. Hollow tip, 124-grain, 9mm, you knew that?
- 20 A. Yes, yes, I believe I did.
- 21 Q. Right. I am going to take the point shortly. Did you
22 also know that this had not at that stage been
23 authorised by the Home Office, had it?
- 24 A. It hadn't been authorised, no.
- 25 Q. Were you happy yourself about that decision?

- 1 A. It was, although not authorised, it was in common use by
2 the firearms teams, as I understood it.
- 3 Q. What was my question?
- 4 A. Sorry.
- 5 Q. I am sorry, I do not want to have to repeat it. The
6 question was not, "Was it in use", were you happy about
7 it's use on this occasion when you are only dealing with
8 intelligence gathering?
- 9 A. Again, since it would have been the advice of the
10 firearms command themselves to utilise that ammunition,
11 yes, I would be happy with it. It would have been their
12 advice.
- 13 Q. Did you get any advice on that from the firearms team?
- 14 A. I don't know whether we discussed it or not, but I think
15 we may well have done.
- 16 Q. Now, I am still on page 1858 and the decision you take
17 at 4.55. Just going back to the reconnaissance and
18 knowing about the place. In fact as you now know, no
19 reconnaissance for firearms ever took place, did it?
- 20 A. As I understand it, no.
- 21 Q. Did you not know that, that morning?
- 22 A. I didn't know it that morning, no.
- 23 Q. It's another thing you didn't know. You should have
24 known, shouldn't you?
- 25 A. Not necessarily, if there is a valid reason for not

- 1 conducting the reconnaissance.
- 2 Q. One of the reasons were they didn't get there in time?
- 3 A. And another of the reasons may have been the geography
- 4 of the location, I don't know.
- 5 Q. We will come to it. Because if at 4.55 the strategy is
- 6 stop everybody coming out of number 21, it's a single
- 7 occupancy, as far as you knew, and that stop and
- 8 challenge and so on have to be done by S019 with hollow
- 9 tip bullets, loaded, aren't they, the firearms team have
- 10 their guns loaded don't they?
- 11 A. Yes, they do.
- 12 Q. I mean, you have further meetings after 4.55 when
- 13 officers begin to come in, the Silvers you have asked
- 14 for and identified, they don't even arrive at New
- 15 Scotland Yard until 6.30, do they?
- 16 A. I think one of them is present before that time.
- 17 Q. All right, 6 o'clock perhaps.
- 18 A. 5.30, I think.
- 19 Q. All right. But as was pointed out in the Health and
- 20 Safety trial to you in forcible terms, that if in fact
- 21 the Silvers aren't even getting to New Scotland Yard,
- 22 all right, one at 5.30, one at 6.30 or roughly in that
- 23 region, in fact the whole process of briefing, getting
- 24 their gear together, getting to New Scotland Yard for
- 25 some of them, the Silvers, getting to Nightingale Lane

- 1 and then eventually to Scotia Road, we know in fact that
2 whole process took from at least 6 o'clock in the
3 morning through to 9.30 approximately, don't we?
- 4 A. I think 9.30 they were at the TA Centre; is that
5 correct?
- 6 Q. Not all of them, they were en route to the TA Centre.
- 7 A. I think some were present and some were en route.
- 8 Q. Yes, quite. Now, that length of time, that's three and
9 a half hours, that's not unreasonable, is it, because
10 they have to be briefed, they have to get there, that's
11 a reasonable time for them getting there, do you think?
- 12 A. It's not unreasonable, it's possible that they may have
13 shaved some small amount of time off, I don't know.
- 14 Q. I will not quibble about 10 or 20 minutes, I will
15 suggest to you that there is a much bigger strategy that
16 you should have evolved here. You must have known, with
17 your familiarity with operations of this kind, that in
18 order to mount the strategy that you have encompassed
19 here at 4.55, if it's all going to be based on the 7 am
20 duty roster time which it appears to be, the model, when
21 other teams are coming on, you are not going to get
22 a team to back up the surveillance before about -- I'll
23 shave it off a bit -- 9 o'clock, are you? You must have
24 known that on the night?
- 25 A. Yes, if that was the decision that was made, that we

1 would use the early turn teams because they were fresh,
2 then yes, it would take some time to get them to the
3 location.

4 Q. You say "if that was the decision"; that was the
5 decision, wasn't it?

6 A. Well, no, actually my decision was that we would get the
7 firearms officers as quickly as we could to the
8 location.

9 Q. Yes, I appreciate that's what you are saying, but it's
10 again all in a vacuum. Because when you meet the
11 Silvers just before 7 and before the major briefing, you
12 meet them on their own, don't you?

13 A. I think I meet them in company with others.

14 Q. You specifically need to speak to the two Silvers, don't
15 you, one for Portnall, one for Scotia?

16 A. Yes, I speak to them because they have both come to
17 Scotland Yard.

18 Q. Presumably as they are both at Scotland Yard, you carry
19 on with the strategy because you don't know anything
20 about Scotia Road, you don't know anything about
21 firearms officers being there or not, you just say we
22 are stopping everybody who leaves from number 21 with
23 firearms, is that what you told them?

24 A. Well, I wasn't aware that there were any difficulties.

25 Q. Is that what you told them?

- 1 A. Yes, that's correct.
- 2 Q. Right. And you told them that, completely unaware at
3 that time that there was no firearms back-up within
4 reach of 21?
- 5 A. Only the night duty team that were held centrally.
- 6 Q. Well, had somebody said: "Get the night duty team down
7 there"?
- 8 A. We could have made that decision, but equally that may
9 have left us exposed at Portnall Road.
- 10 Q. Of course. On that basis, you have to prioritise, don't
11 you?
- 12 A. Or at any other location in London --
- 13 Q. You have to prioritise?
- 14 A. Yes, you do.
- 15 Q. I appreciate scarce resources, I appreciate the
16 difficulty of taking decisions in strained
17 circumstances, all that, the pressure of the job and so
18 on, but with due deference to police officers, they are
19 trained to deal with high pressure, high profile
20 situations, aren't they?
- 21 A. Yes, they are.
- 22 Q. Especially SO19?
- 23 A. Yes.
- 24 Q. So difficult though it is, at the meeting with the
25 Silvers, the one thing before you speak to them is to

- 1 have a little check, what's going on on the ground,
2 anybody come out, anybody not been stopped, where are
3 the firearms team that you are going to marry up with,
4 because they are going with a different team, you don't
5 ask any of that, do you?
- 6 A. Well, I have a discussion at both ten to six I think and
7 ten to seven, I think yesterday or this morning we went
8 through the various meetings. If there were an update
9 to be given, then it would have been given to me.
- 10 Q. Yes, according to you there is no update at all to you
11 about the scene?
- 12 A. No, that's correct.
- 13 Q. Because if you had known at 20 to 7, so some three hours
14 later odd, that your strategy was still living in the
15 ether, it had not actually been put into practice,
16 because the key element is the firearms element, one is
17 controlled by looking, but -- and I'll come back to that
18 in a moment -- having firearms right there. Because
19 somebody could leave at any time, couldn't they?
- 20 A. Yes. I wasn't aware that we were not in any way getting
21 those firearms resources to the scene as quickly as we
22 could.
- 23 Q. All right. One, I say it's your responsibility as Gold
24 to follow this up, isn't it?
- 25 A. It's my responsibility to make sure that the strategy is

1 being implemented.

2 Q. Yes, thank you. It saves me going to a manual. There
3 are various manuals, aren't there, Metropolitan Police
4 manuals, ACPO -- the Association of Chief Police
5 Officers -- manuals which set out the roles and
6 obligations of Gold, Silver and Bronze; correct?

7 A. Yes.

8 Q. And they repeat it time and time again. One of the
9 functions of the Gold is to ensure that the strategy you
10 have set is being implemented, isn't it?

11 A. Yes.

12 Q. Otherwise it's a nonsense. When did you ensure that the
13 strategy was being implemented?

14 A. I would have ensured that the strategy was being
15 implemented at the meetings that I have had, and
16 certainly there are numerous instances where I have met
17 with one or both the night duty and the early turn
18 firearms Silvers and the others involved in this
19 operation, and I have not been made aware that there is
20 an issue.

21 Q. So who had the responsibility, since you had not
22 appointed a Silver, and Angela Scott wasn't there, she
23 came back around 7, who had the responsibility of
24 telling you if you were not going to ask, "Look, we are
25 in trouble here, we haven't got any firearms to go down

- 1 there or we have, but we have not sent them yet"?
- 2 A. I would have expected that to have been told to me by
- 3 the operations room co-ordinator.
- 4 Q. Alan?
- 5 A. Yes.
- 6 Q. Should have come to you and said: we can't do it or: we
- 7 can do it but there are these difficulties. Whatever it
- 8 is, you would expect him to do it?
- 9 A. Yes, if he had recognised there was a problem or
- 10 an issue, I would have expected him to have come and
- 11 back and told me.
- 12 SIR MICHAEL WRIGHT: Mr Mansfield, could I ask one question.
- 13 The red surveillance team, which is the first one we
- 14 have there, was led by a chap who we know as Derek and
- 15 his code number was Tango 1.
- 16 The grey surveillance team, the outer cordon was led
- 17 by somebody we have called James whose code number was
- 18 Hotel 5. What sort of rank of officer would those two
- 19 gentlemen have been?
- 20 A. They are detective sergeants.
- 21 SIR MICHAEL WRIGHT: That's general team leader status?
- 22 A. That's correct, sir, yes.
- 23 SIR MICHAEL WRIGHT: Would those officers have had direct
- 24 access to you if they had wanted it?
- 25 A. They would have had access to me through the control

1 room, yes, but not -- well, they could have tried to
2 contact me directly if they had wished to but the
3 ordinary scheme of things would be back through the
4 control.

5 SIR MICHAEL WRIGHT: Through whoever was co-ordinating in
6 the control room.

7 Q. Yes, the staff --

8 SIR MICHAEL WRIGHT: Is that something they would have
9 known, that they could have got hold of you if they had
10 needed to?

11 A. Yes, they would have known a control room had been set
12 up and there was a structure being put in place in order
13 to manage the operation, yes.

14 MR MANSFIELD: A footnote to that, presumably you were
15 unaware that Derek, the red team leader, was expressing
16 concerns not unrelated to those I have just been putting
17 to you. Did you know he was relating concerns on more
18 than one occasion back to the operations room 1600 or
19 whatever you called it?

20 A. No, I wasn't aware of that.

21 Q. So you don't ask and they don't tell, so on we go. You
22 have the meeting with the Silvers which carries on in
23 this I suggest vacuum.

24 You have met, you say, at 5.15, so it's an hour or
25 so before Andrew; is that right?

- 1 A. Yes, I believe it was Andrew.
- 2 Q. What it says in your note, it is 1859 at the top, we
3 have already seen it but I don't ask that this one is
4 copied, page 1859 at the top, 5.15 am?
- 5 A. That's correct.
- 6 Q. First of all, there is nothing there about what was
7 discussed, is there?
- 8 A. No.
- 9 SIR MICHAEL WRIGHT: Not up yet, Mr Mansfield.
- 10 MR MANSFIELD: I am so sorry, I thought it was.
- 11 SIR MICHAEL WRIGHT: That's it, thank you.
- 12 MR MANSFIELD: We see at the top the entry "5.15 tac
13 advisers present", but it doesn't say why they were
14 present, what was discussed, whether you discussed
15 strategy, resources, whether people were on their way or
16 anything, does it?
- 17 A. Well, I do recall that we did discuss the strategy
18 because it was obviously very fresh in my mind and I had
19 just set it and clearly it is an obligation upon me to
20 speak to the tac advisers as soon as I can to ensure
21 that they are as happy as they can be with what I am
22 trying to achieve.
- 23 Q. Andrew appears to be completely unaware of your
24 strategy; did you know that, that he was?
- 25 A. No, I didn't know that.

1 Q. He would hardly be unaware if he went to a meeting at
2 5.15?

3 A. Indeed and indeed I think he is present at at least two
4 other later meetings, so --

5 Q. Yes, I am talking about the one you have entered in your
6 red book at 5.15?

7 A. Yes.

8 Q. I want you to look at another document. I appreciate at
9 once it's not your document but it is what's called
10 a S019 policy document, again we only got this
11 yesterday. I just want you to look at a page, I think
12 this has been scanned, and I am not going to hopefully
13 put in anything that's -- I just want page 5 of the S019
14 operational policy log.

15 It has entries by Andrew, do you follow? I don't
16 know if you have ever seen this before.

17 A. Sorry. Is it going to come up?

18 Q. It's going to come up. I think you will not have it.
19 We only had it yesterday or the day before. It's
20 page 5. (Handed). For the moment, I am just
21 concentrating on the time, you will see that he is
22 mentioned here at the top, Andrew, he has written his
23 codename, and then on the 22nd, it's the next one down,
24 at 2.35, this is in the morning, "Angie Scott, Silver",
25 that's where I suggest the information about her being

1 the Silver being identified, and visit to 1600, that's
2 the operations room. You see the next time on the 22nd
3 is not by him, it's 6 o'clock.

4 There is nothing in the operational policy book
5 about the need for S019 to deploy in the sense of send
6 people down to the vicinity of Scotia Road, do you see
7 that? Nothing from Andrew?

8 A. Yes.

9 Q. This is where you might expect there to be an entry in
10 the policy, as it were, operational log if you have had
11 a meeting at 5.15 and if all this is very clear, you
12 would expect it to be there, wouldn't you?

13 A. Yes, and I don't know why it isn't.

14 Q. You see, could it be that what actually happened that
15 night was that you had not appointed a Silver, you
16 relied on Alan, who's really a S012 co-ordinator, to do
17 the job of a Silver, and it all got very confused
18 because he didn't carry out what you wanted in the way
19 that you wanted it. Do you think that's possible?

20 A. It's entirely possible, but of course my belief is that
21 he did carry out what I wanted.

22 Q. Right, well, we will hear from others about what he says
23 he did, and what Andrew says he did.

24 Now, this period of time, 4.55 to 6.40, if you had
25 known that there were no firearms actually down there,

- 1 no unit down there, although orange was on standby,
2 there were other facilities that you could have called
3 upon in a contingency situation in which the model
4 starting at 7 won't get there until 9.15 or 9 o'clock,
5 you have to do something about the intervening period,
6 haven't you?
- 7 A. There are other facilities available to us, yes.
- 8 Q. You must have known at 7 o'clock, if you didn't know
9 before, that the new lot being briefed were not going to
10 get there before 9, so who did you imagine was going to
11 carry out the support for the surveillance between 7 and
12 9?
- 13 A. There were only two other options available to us, and
14 one was to deploy an armed response vehicle, and the
15 second would have been to rely on the surveillance
16 officers themselves to conduct an armed stop.
- 17 Q. In both of those situations, first of all, of course, at
18 7 o'clock you were still under the impression, because
19 nobody had told you that there was an armed unit down
20 there; is that right?
- 21 A. Certainly an armed unit if it hadn't got there was going
22 to be there as soon as possible, yes.
- 23 SIR MICHAEL WRIGHT: You mean an ARV?
- 24 MR MANSFIELD: No, a unit. That was your impression, that
25 they would have been down this by 7 o'clock at the

- 1 latest, a unit?
- 2 A. Sorry, an SFO?
- 3 Q. SFO unit?
- 4 A. I would hope they would have been there soon after, if
5 not then.
- 6 Q. And the orange team being on standby at Lemn Street it
7 would not take them quite as long, so if they had been
8 notified the orange team at, say, 5 o'clock, get down to
9 Scotia Road for at least a rendezvous point, an RVP,
10 where you can be briefed and be alongside surveillance
11 by 6, that was possible, wasn't it?
- 12 A. Yes, it was possible but then it would have taken them
13 away from Central London where potentially they may have
14 been required either to go north or to any other
15 incident or to respond to anything else that came in.
- 16 Q. Of course, but you had a grey team which you knew
17 nothing about?
- 18 A. Yes, I wasn't aware that grey team were in a hotel, no.
- 19 Q. So you wouldn't be taking away resources, although you
20 might be stretching them, and of course you have agreed
21 you have to prioritise. So you can't say: well, I won't
22 go to the top priority in case we get called away; you
23 have to attend to the top priority at that moment, don't
24 you?
- 25 A. Yes.

1 Q. Thank you.

2 A. Of which we had two, Portnall Road as well as
3 Scotia Road.

4 Q. Yes, and that was covered with another arms team.

5 Now, in relation to, therefore, 7 to 9, you have
6 mentioned if you had known there was no-one down there,
7 and I suggest you should have known, what you could have
8 done, first of all you could have put two ARVs on
9 standby. Now, just because it may be fresh to the jury:
10 an armed response vehicle is a marked vehicle, not
11 a covert armed response vehicle but an overt armed
12 response vehicle. So it's marked, officers may be in
13 uniform --

14 A. They generally are in uniform, and they are in a form of
15 uniform that identifies them as being firearms officers.

16 Q. And the officers in the ARVs are CO19, obviously,
17 firearms officers?

18 A. Yes.

19 Q. So the jury have the picture, there are duty rosters,
20 7 am to 2 pm, 4 pm through to 10, I think at night, it
21 may be a bit later. But there are two rosters, and
22 during the night there is a third one, and it's the
23 night time one I want to ask you about, the third roster
24 comprises eight ARVs at any one time patrolling London.
25 Did you know that?

- 1 A. I didn't know it was 8 but I knew there was a night duty
2 coverage, yes.
- 3 Q. One of the particular boroughs that has ARVs, do you
4 know which one it was that would have been relevant for
5 this case?
- 6 A. Yes, it would have been Lambeth.
- 7 Q. They commonly have one or two more ARVs available, do
8 they not?
- 9 A. Yes, they have generally I think it's two even on
10 nights.
- 11 Q. So in fact what could have happened here, had you known,
12 to provide continuity of firearms cover would have been
13 to have two ARVs on standby; you are allowed to do that,
14 aren't you?
- 15 A. Yes.
- 16 Q. So you would have called them up and said would you mind
17 having them within the vicinity because their response
18 time is 12 minutes, isn't it?
- 19 A. Yes, but it's actually in reality a great deal less
20 because they are borough based.
- 21 SIR MICHAEL WRIGHT: They are local.
- 22 A. Yes, they are local.
- 23 MR MANSFIELD: It's an average time somebody has worked out.
- 24 SIR MICHAEL WRIGHT: While we are on this, Mr Mansfield,
25 it's nearly a convenient break point, if it's all right

1 for you.

2 MR MANSFIELD: Yes, it is.

3 SIR MICHAEL WRIGHT: They are, you have told us, likely to

4 be uniformed officers in ARVs?

5 A. Yes, they are.

6 SIR MICHAEL WRIGHT: Are they specialist firearms officers,

7 SFOs.

8 A. No, they are not, they are not trained to the same

9 capacity, the same standard.

10 SIR MICHAEL WRIGHT: You may want to -- I'll leave it to

11 you -- ask about their suitability for suicide bomber

12 intervention.

13 MR MANSFIELD: Yes. As the learned Coroner has pointed out,

14 I don't know if there is any such thing as an ordinary

15 firearms officer, they are not specialist trained to

16 deal with the response to suicide bombers although they

17 must have some knowledge of what is required; is that

18 a fair summary? They are not trained to deal ...

19 A. No, they are not trained, as far as I understand, in any

20 way for that eventuality, but the nature of their

21 deployment is as an immediate response to whatever it

22 is.

23 Q. I am just dealing with the emergency cover that might

24 have to be required. If you have not got your orange

25 team down there because haven't been told, but supposing

1 the orange team weren't available, you could have put
2 two ARVs on standby and of course the least acceptable
3 intervention is of course firearms with surveillance
4 officers, in other words armed surveillance officers.
5 They are in fact trained, if push comes to shove, in
6 fact it is an emergency again and they have to protect
7 the public, they can use their firearms?

8 A. That's correct.

9 MR MANSFIELD: Sir, I don't know whether that's --

10 SIR MICHAEL WRIGHT: That would be a very convenient moment,
11 thank you very much. 2 o'clock, please, ladies and
12 gentlemen.

13 (1.00 pm)

14 (The short adjournment)

15 (2.00 pm)

16 (In the presence of the jury)

17 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

18 MR MANSFIELD: Sir, I have been asked if, before I continue
19 with Mr McDowall, it's a bit of housekeeping really, and
20 if I speak it on to the transcript it might happen,
21 which is for two pages of Mr McDowall's notes should
22 accompany the one the jury already have, that's the page
23 before and the page after, 1857 and 1859 and also the
24 wedding photographs globally described.

25 SIR MICHAEL WRIGHT: You want those into the jury bundle?

1 MR MANSFIELD: Yes, please.

2 SIR MICHAEL WRIGHT: Yes, I am sure that can be arranged.

3 MR MANSFIELD: Mr McDowall, good afternoon, I want to just
4 continue, if I may, from where I left off, namely we
5 were at about 6.40, quarter to 7 in the morning, and you
6 are speaking particularly to the Silvers, albeit in the
7 presence of others, all right, that's the point at which
8 we have reached.

9 To remind the jury, they are the location Silvers,
10 one going to Scotia Road and the other going to
11 Portnall Road. I am concentrating on Scotia for the
12 moment.

13 Now, did you also see at around 7 o'clock, besides
14 the Silvers I think you have mentioned it in passing,
15 the firearms tactical advisers?

16 A. Yes, I saw them at 6.40, that was in my office, and then
17 at 6.50 I think it was, in the conference room.

18 Q. Right.

19 In particular I want to ask about one of them,
20 Esposito, Trojan 80. He may say or he is saying at the
21 moment, anyway, we will see when he comes, this is why
22 I am putting it to you, that at about that time he
23 provided you with what I am going to describe as
24 a tactical options document.

25 Now, did you see it?

1 A. I don't recall seeing it, no.

2 Q. Because it's sensitive, I am going to try to do it
3 without wasting time having redacted documents, it's
4 called -- I have it, and so it can be seen as
5 a reference, it's MS7. It's headed obviously "C019
6 Specialist Firearms Operations", and the individual
7 title is "Firearms Tactical Options".

8 I think it may be presently in the PII file. If it
9 is, to save it going on the screen for obvious reasons,
10 can you confirm you have it there, because I want to
11 make sure what you are saying, that you never saw it or
12 you did see it.

13 I don't know where it will be in your PII file,
14 I know where it is in mine. MS7 is the -- do you have
15 that?

16 A. Yes, I can see a cover with MS7, yeah.

17 Q. That's the cover sheet. So the jury understand, this
18 was a document which was drafted by the previous night,
19 at about 10 o'clock the previous evening, by Esposito,
20 Trojan 80, and Andrew, the overnight firearms tactical
21 adviser.

22 It's 34 pages long, and in general terms, I am not
23 going into the detail for the moment, it is describing
24 the options that are open to firearms operatives in
25 general terrorism as well as suicide terrorism. You see

1 that on the front sheet. All right?

2 A. Yes.

3 Q. Now, Esposito will say he gave this to you that morning,
4 I haven't got a precise time but somewhere between 20 to
5 7 and 7. Did you receive it from him?

6 A. I don't recall so, but that doesn't mean I didn't,
7 I just don't have a recollection of doing so.

8 Q. This, although it's been superseded by events, can
9 I call this a generic document, it's telling command
10 officers what firearms are capable of doing generally,
11 isn't it?

12 A. I believe so, yes.

13 Q. But it obviously does delve into detail in relation to
14 particular operations, and I am not going to go into the
15 detail, but just to mention two headings: one sort of
16 operation would be MASTS. Do you know what MASTS stands
17 for name?

18 A. Yes, it's Mobile Assistance to Surveillance Teams,
19 I believe.

20 Q. That is it, that is exactly what you wanted on this
21 occasion, isn't it?

22 A. That's correct.

23 Q. So there is a section on that. There is another section
24 which deals with interception in relation to
25 individuals, that is bombers, putting it shortly,

1 suicide bombers, either in a vehicle or on foot. It's
2 page 12 of the document if you want to see it. Again,
3 that could be relevant to this case. Do you have that,
4 page 12?

5 A. Yeah. Yes.

6 Q. I am not going to read it out. What it does there is
7 the officers have set out in fact nine options, all
8 based on the fact that somebody has been identified,
9 positively identified as a bomber. Do you see that?

10 A. Yes.

11 Q. It's right at the start of 10?

12 A. Yes, yes.

13 Q. And it's suitable for what is what called spontaneous or
14 pre-planned Kratos, do you see that?

15 A. Yes.

16 Q. Right. What the document also does is not only tells
17 you what the options are, whether it's stop or contain
18 or challenge or whatever it happens to be, it also tells
19 you what resources could be used for each of the
20 options, doesn't it?

21 A. Yes.

22 Q. It also tells you whether there has been training by the
23 officers for a large number of these options, because
24 there is no point, if you can avoid it, having officers
25 plump for something they have never trained in; do you

1 follow?

2 A. Yes.

3 Q. And in fact, I am not going to ask you to do it now, but
4 the majority of the options -- there are nine -- six of
5 them, there has been no training in those particular
6 options. Were you aware of that at the time?

7 A. No, I wasn't aware of that.

8 Q. You weren't aware of that, so generally speaking, would
9 this be fair: you are not aware of this document being
10 given to you on the morning, still less actually reading
11 it for any assistance?

12 A. No, I wasn't aware of it, sir, as I say, I don't recall
13 having been handed it, but he may well have done so.

14 Q. That was in fact compiled, as I have put to you, the
15 previous evening and the first phase was handed to
16 Mr Boucher at 11.40 the previous night, and then I am
17 suggesting you may have got a copy at quarter to 7 in
18 the morning.

19 But I have a further question: did you ever see any
20 document tailor-made for an operation, as it were,
21 focusing on a set of premises? Do I make myself clear?

22 A. Sorry, are these circumstances?

23 Q. Yes, I will be as clear as possible. This is a generic
24 document, the one you appear not to have seen. But once
25 you have an address and a set of premises, so we are now

- 1 gone 4 o'clock in the morning, 4.20 am?
- 2 A. Yeah.
- 3 Q. What should happen is the tactical advisers are told
- 4 that you have a set of premises, and are told to, as it
- 5 were, draft a series of options geared to the prospect
- 6 of having to intercept somebody coming from a set of
- 7 premises. Now, do you follow?
- 8 A. Yes, I do.
- 9 Q. Right. Did you ever see any document tailor-made for
- 10 that?
- 11 A. No, I don't believe I did.
- 12 Q. No, you should have though, shouldn't you?
- 13 A. I was receiving advice verbally from the firearms
- 14 tactical advisers from about 5.15 in the morning.
- 15 Q. All right, well, if they didn't write it down, what
- 16 tactical advice were they giving you about these
- 17 premises?
- 18 A. The tactical advice I received was that the strategy we
- 19 were trying to achieve was fit for purpose, there was no
- 20 demurring from the objectives or the strategy as far as
- 21 I was aware.
- 22 Q. You see, the position as far as the strategy is
- 23 concerned, is that it goes on as it was because there
- 24 aren't any firearms down there and you are unaware that
- 25 its communal and all the rest of it, so you just kept

1 the strategy as it was; is that right?

2 A. That's correct, yes.

3 Q. Of course, in order to work out tactics specific for
4 that operation, they would need to know quite a bit
5 about the locality, wouldn't they, the tactical
6 advisers?

7 A. Yes.

8 Q. I am going to do it, if possible, without documents to
9 speed it up. The jury have been there. Have you ever
10 actually been to Scotia Road since?

11 A. Since the events, no.

12 Q. All right. I am going to make a suggestion to you now,
13 that what should have happened from you at some time
14 after 7 or around 7 o'clock at the very latest was
15 a complete revision of the strategy once you knew the
16 property, once you knew the road layout, and I'm going
17 to, as it were, shorten it by suggesting what the
18 revision should have been. The revision should have
19 been, because it was a communal entrance, to stop or
20 intercept only those who were positively identified as
21 suspect suicide bombers, or who might be, before either
22 the first group -- that is those identified -- or the
23 second group ever reached access to public transport.

24 Now, first of all, that's a perfectly proper
25 strategic objective, isn't it?

- 1 A. Yes, it would be.
- 2 Q. And that is what you should have done, revised your
3 original, in the light of information which of course
4 you are saying you didn't get. That's what should have
5 happened, isn't it?
- 6 A. As I understand it, a revision or an amendment, a change
7 to the strategy, was made, but it wasn't made by me, but
8 it was pretty much along the lines that you have just
9 outlined.
- 10 Q. We will come to it. When was that change made?
- 11 A. I don't know precisely but it was certainly prior to
12 9 o'clock, I suppose.
- 13 Q. Well, this is quite important, as you will appreciate,
14 because it affects strategy as well as tactics. Who
15 made the change?
- 16 A. I believe it was Commander Dick.
- 17 Q. So you don't know who actually did, you just think it
18 was or she has told you she did?
- 19 A. No, I think it was.
- 20 Q. You think it was. Well, this isn't very satisfactory,
21 is it, if you don't mind my saying. I appreciate its
22 sometime since, but really as Gold you would need to
23 know that there had been, and I'm going to put it as
24 neutral as possible, an important change to your
25 strategy. You would need to know that, wouldn't you?

- 1 A. The strategy itself fundamentally remained the same, in
2 other words in respect of the control, the challenge and
3 the stop. But the numbers of people or the type of
4 people who were to be challenged and stopped did change,
5 yes.
- 6 Q. You would need to know that, wouldn't you?
- 7 A. At some point I would need to know that, yes.
- 8 Q. When did you know that?
- 9 A. I didn't know that until later in the morning, I think.
- 10 Q. Until after he had been shot; is that right?
- 11 A. That's correct.
- 12 Q. Yes, that is most unsatisfactory, isn't it?
- 13 A. I don't believe that it is. As I have said, I think the
14 strategy remains fundamentally the same.
- 15 Q. Let us just go back to it, because you are saying it's
16 not that much of a change because the control still
17 stays there. Please describe to the jury how on earth
18 a surveillance officer in the observation point which,
19 if they wish the jury and you can see we know where it
20 was, but it's good to have it in focus, it's divider
21 number 4 in the jury bundle, if you have it there, and
22 the jury have it in front of them.
- 23 Do you have the photograph?
- 24 A. Yes, yes, just getting it now.
- 25 Q. That is a photograph, you see the lamp post on the left?

- 1 A. Yes.
- 2 Q. The observation van was parked in that vicinity, and the
3 first and main surveillance officer -- because one of
4 the things we don't know is where everybody else was --
5 was there. So let us concentrate on Frank, he is in his
6 van there. Just tell the jury how he's going to
7 determine as a matter of discretion who has come from
8 number 21, as opposed to number 17, as opposed to any of
9 the other flats in that block?
- 10 A. That becomes very difficult once it has been established
11 that there is a block.
- 12 Q. Let us be frank about it, using his name, impossible,
13 isn't it?
- 14 A. It is, once it becomes more than one address.
- 15 Q. Right, so it's a fundamental change, you can't stop
16 everybody any more, original strategy, because you don't
17 know where they have come from; you can only stop those
18 who appear to be, or who are, suicide bombers; right?
- 19 A. That would be the change to the --
- 20 Q. That's pretty fundamental, isn't it?
- 21 A. It is a change, yes.
- 22 Q. So the next thing is, of course, now we are at that
23 level of strategy, you can only stop those who might be
24 as well as those who are positively identified to be; if
25 you are going to do it before they reach public

1 transport, did you know where the nearest access point
2 was to any form of public transport to the position in
3 this photograph?

4 A. Only that there were bus stops somewhere nearby and the
5 nearest tube stations obviously.

6 Q. Well, you knew that there were bus stops nearby, did
7 you?

8 A. Yes, from my previous experience of working in that
9 area.

10 Q. Right. In fact very nearby, you only come out of
11 Scotia Road, you can see a plan if you want if it's
12 easier, since you may not have been there recently, if
13 you look at divider 11, please, that shows, I am afraid
14 it's a rather larger map, but you can see the red route.

15 If you see the letters CR on Tulse Hill, which are
16 short for Crescent, Marnfield Crescent; do you see that?
17 CR, they are marked on?

18 A. Yes, yes.

19 Q. This is very roughly where there are the nearest bus
20 stops; do you follow?

21 A. Yes.

22 Q. Then the one he actually used is round the corner in
23 Tulse Hill itself as opposed to Upper Tulse Hill.

24 So the strategy I suggest that should have been
25 formulated that morning was for an intercept by armed

- 1 officers, who plainly weren't there, before the suspect
2 or potential suspect -- because you are only stopping
3 them -- reaches a bus stop; right?
- 4 A. That's -- would have been almost impossible to achieve,
5 I think.
- 6 Q. Not at all. Did you ever think about it?
- 7 A. About, sorry, about?
- 8 Q. About any of this. Did it ever cross your desk?
- 9 A. Yes, we did think about obviously the danger to public
10 transport.
- 11 Q. And stopping somebody before they ever got on a bus.
12 You must have thought about that?
- 13 A. That was our objective, but it's extremely difficult,
14 given the location, to actually achieve that without
15 making a covert operation an overt one.
- 16 Q. Really? Have you been round the roads to see how easy
17 it is to do it?
- 18 A. No, I haven't.
- 19 Q. You have no idea, do you, in fact, about how
20 an intercept by covert armed vehicles could have been
21 mounted between the TA Centre and anybody exiting from
22 Marnfield Crescent, have you?
- 23 A. Not in detail, no.
- 24 Q. In fact, never mind the detail, you have no idea, do
25 you?

- 1 A. Well, in the distance and on the map that I am being
2 shown, it would be extremely difficult to stop covertly
3 in that distance.
- 4 Q. First of all, as you have not been there, I suppose it's
5 difficult for me to -- but I will put the suggestion so
6 it's clear. We have all been there very recently. The
7 flats in Scotia Road cannot be seen from Upper Tulse
8 Hill, so if a stop or an intercept was going to take
9 place in Upper Tulse Hill before the person got onto
10 a bus, it would not have been noticed in Scotia Road
11 itself; do you follow?
- 12 A. Yes.
- 13 Q. But if in fact there was even the slightest risk of
14 that, and I'm going to put to you so that those who come
15 later can work this out, you can have an armed covert
16 vehicle in Roupell Road, and then Roupell Road is right
17 opposite Marnfield Crescent and you could have one
18 parked in the entrance of that road, if you follow
19 Roupell Road there.
- 20 SIR MICHAEL WRIGHT: It runs right across Christchurch Road.
- 21 A. Right, yes.
- 22 MR MANSFIELD: We have been there recently. If an armed
23 covert vehicle was there, not on the main road, from
24 that position you can see people exiting through the
25 grassed area by Marnfield Crescent; do you follow?

- 1 A. Yes.
- 2 Q. If you were to conduct an intercept at that point, it
3 would not be seen in Scotia Road; do you follow?
- 4 A. Yes.
- 5 Q. But it wasn't just somebody leaving on foot, was it,
6 that you had to be worried about?
- 7 A. No, that's correct.
- 8 Q. What else did you have to consider?
- 9 A. The other consideration was the possibility of a vehicle
10 leaving.
- 11 Q. Quite. You had known since 20 past 6, roughly speaking,
12 that a car had been found, in fact a very important car
13 because of its links to the Lake District, it being
14 parked opposite the front door, pretty well, of the
15 block containing number 21. So that if anybody left the
16 block and went to the car, it would be very difficult
17 for an intercept to take place in that space of time
18 without going overt, wouldn't it?
- 19 A. Yes.
- 20 Q. So you have to arrange for an armed intercept,
21 possibly -- and there are many tactics to intercept
22 a car, aren't there?
- 23 A. Yes, there are.
- 24 Q. Were any of these set up that night, just in case the
25 car left?

- 1 A. Not -- well, not to my knowledge, no.
- 2 Q. Why not?
- 3 A. That I don't know. It was a matter, as I have said, for
4 us to get our resources as quickly to the locality as we
5 could, and then to deal with what we had to deal with
6 until such time as we were set as we would like to be
7 set.
- 8 Q. You see, I suggest that's all very vague and too vague.
9 It was your responsibility that night, onerous though it
10 is, to ensure that you had a strategy in place that
11 could deal with a car linked to a very well known
12 suspect and possibly someone else, leaving that road,
13 because the one thing you don't want if it happens to
14 contain bombers is for the car to get very far, you
15 don't want that, do you?
- 16 A. Well, it depends upon where you think the safest place
17 is to make an interception. So the obvious thing to do
18 is to use the surveillance team that's there to take
19 control of that vehicle to a point where it can be
20 stopped.
- 21 Q. You see, there are points in this road, that is Upper
22 Tulse Hill, where a car could have been stopped either
23 from a covert vehicle coming from the TA Centre if it
24 turned left or a car from Roupell Road if it turned
25 right. You don't want the car to get very far, do you?

- 1 A. No, balanced against obviously where it's most safe to
2 make that interception.
- 3 Q. Of course. You would be most interested in that because
4 of course what had been found in the boot of the car at
5 Luton?
- 6 A. Yes, that's correct.
- 7 Q. Just on that point, when you saw the Silvers that
8 morning, was there anything that you said to either of
9 the Silvers -- by which I mean the two going to the
10 locations -- to suggest that there were suicide vests,
11 if you know what I mean, containing bombs, or suicide
12 belts containing bombs, anything like that, did you say?
- 13 A. Not that I recall, no.
- 14 Q. No.
- 15 A. Not specifically those items.
- 16 Q. No, no, I appreciate. In other words, the kind of thing
17 that is worn by suicide bombers who are not carrying
18 a bomb in a rucksack but have the bomb on their person
19 under their clothing?
- 20 A. Yes.
- 21 Q. You are familiar with that?
- 22 A. Yes.
- 23 Q. Because you mentioned yesterday, I think it was, that
24 the first British, if I can put it this way, suicide
25 bombers were in Tel Aviv in 2003?

- 1 A. Yes, that's right.
- 2 Q. That's what they were wearing?
- 3 A. They were wearing vests, as I understand it, yes.
- 4 Q. And the vests in fact containing the explosive, whatever
5 it happens to be, are themselves relatively bulky,
6 aren't they?
- 7 A. The vests I think that were used in Tel Aviv were, yes,
8 but there are a variety of different types of vest, in
9 fact even clothing impregnated with explosive that has
10 no bulk at all but is still a viable explosive device.
- 11 Q. Had you come across one of those?
- 12 A. Yes, not in this country but overseas some.
- 13 Q. Was there any intelligence to suggest they were being
14 used here?
- 15 A. Not specifically, no.
- 16 Q. So no plans in place to deal with a car dealing at any
17 time between 6 and 9.30, and as far as you are aware, no
18 plans concerning stopping a car at all?
- 19 A. I think that what would have happened is that the
20 surveillance would have been tasked to follow that
21 vehicle until such time as it was safer to stop it.
- 22 Q. Stopped by whom?
- 23 A. Either by the surveillance teams themselves if they
24 didn't believe there was a threat, but more likely
25 stopped by armed support vehicles, so they would call

- 1 for an ARV to assist them.
- 2 Q. Yes, because this is a situation, the car, where the
3 likelihood of it being somebody connected with suicide
4 bombing would be quite high, given where the car has
5 been in the past; you agree?
- 6 A. Its a possibility, yes.
- 7 Q. Yes. So in fact, of course, there was no revision of
8 your original strategy by you at any stage, was there?
- 9 A. Not at this time, no.
- 10 Q. And I mean obviously before the shooting, it may have
11 changed after?
- 12 A. Yes.
- 13 Q. Now, Mr Boucher had been given, as I say, the tactical
14 options document. Did he ever indicate to you that he
15 had read such a document?
- 16 A. I am not aware whether he had, but I think he had, yes.
- 17 Q. You think he had?
- 18 A. I think he was aware of the document.
- 19 Q. Yes, I appreciate, but did he discuss it with you?
- 20 A. No.
- 21 Q. I want to move just one stage further on, and that is
22 the appointment of the DSO.
- 23 A. Yes.
- 24 Q. I want to do this as clearly as possible, because there
25 are so many documents involved in this exercise. What's

1 the main difference between Kratos, the term that's been
2 used on some occasions, and Clydesdale?

3 A. The main difference, and this is obviously going back to
4 2005, is the Kratos People document refers to a very
5 spontaneous incident coming to notice of police,
6 I suppose most typically by way of the 999 system.
7 Whereas the Clydesdale document refers to an operation
8 where there is prior knowledge, when there is
9 a pre-planned element involved. As I said yesterday or
10 this morning again I think an example is a State
11 occasion, something like that.

12 Q. I want to hivy off Clydesdale, if I may. First of all,
13 is it right that Kratos tends to be a word that is used
14 to cover Kratos and Clydesdale?

15 A. It has been. It now isn't. It depends on what time you
16 are talking about, I suppose.

17 Q. Well, July 2005.

18 A. Yeah, it's certainly been used as a generic term to my
19 knowledge.

20 Q. Because I'm going to suggest to you that it has resulted
21 in considerable confusion in the minds of all sorts of
22 people because they are not quite sure whether you are
23 talking about Kratos, which I'll come to in a moment, or
24 Clydesdale. Are you aware of that?

25 A. I am not aware of it, no.

- 1 Q. One thing is clear, as far as the appointment of a DSO
2 is concerned, in the minds of other people like firearms
3 officers, the appointment of a DSO, a Designated Senior
4 Officer, only applies to Clydesdale, doesn't it, then?
- 5 A. Then, yes.
- 6 Q. Right. So if firearms officers or Silvers or whoever
7 they are know that a Designated Senior Officer,
8 Cressida Dick, has been appointed, they must be
9 thinking, "Well, this has something to do with the
10 possibility of Clydesdale", mustn't they?
- 11 A. I don't believe so. It depends upon the briefing they
12 receive.
- 13 Q. Ah, yes, I know you didn't do the briefing of the
14 individual teams. Did you make it clear to the Silvers
15 that the appointment of a DSO did not mean that it was
16 a Clydesdale operation?
- 17 A. Yes, I made it clear.
- 18 Q. You did?
- 19 A. Yes.
- 20 Q. Is that in any note that you have made?
- 21 A. It isn't in a note that I have, no, but when we
22 discussed the objectives of this operation, the
23 strategy, I believe it was perfectly clear what the
24 intentions were.
- 25 Q. Well, so it would depend entirely, because if you just

1 said DSO, the automatic connection would be Clydesdale
2 unless somebody disabused you and said: actually, it's
3 not Clydesdale. That's the way it was working in your
4 mind, was it?

5 A. Absolutely, this in my view was not, and it's still my
6 view that it didn't fit either of the policies that were
7 currently --

8 Q. We will come to the other one. I am going to suggest
9 it's not as complicated or as new as you are making out.
10 Clydesdale with a DSO, the reason for a DSO in
11 Clydesdale is you have advance intelligence, and what
12 the senior officer is doing effectively is controlling
13 the operation, and authorising the delivery of
14 a critical shot, fatal shot in most cases, without
15 warning to the individual, so it's covert, without
16 identifying that you are police officers and so on.
17 That's the context, isn't it?

18 A. Yes, it is, if that's the way that the scenario unfolds.

19 SIR MICHAEL WRIGHT: Can I ask a question, please,
20 Mr Mansfield?

21 What puzzles me about that last line of questions
22 and answers is this: the suggestion is that officers
23 might have thought that this might be a Clydesdale
24 situation, I don't see how they could have thought that
25 unless it was known that there was some pre-arranged

1 event about to take place, such as, as you say, the
2 Trooping of the Colour or something of that kind.

3 I offer that to you as well, Mr Mansfield, for what it's
4 worth.

5 MR MANSFIELD: It's because it's a DSO.

6 SIR MICHAEL WRIGHT: I know that, but if and in so far you
7 are suggesting that officers might become confused, they
8 might be confused generally, but I don't see why they
9 should have thought it was a Clydesdale situation unless
10 it was known that there was some event about to take
11 place.

12 MR MANSFIELD: Well, unfortunately the word "pre-planned" as
13 in the tactical document I have just read out, it said
14 Kratos pre-planned or spontaneous.

15 SIR MICHAEL WRIGHT: I understand. I may be being a bit
16 semantic as well in relation to the use of the word
17 Clydesdale.

18 MR MANSFIELD: I leave it for the moment.

19 I think you have agreed that the general
20 circumstances are for Clydesdale, usually it's
21 a pre-planned public event in which there is
22 intelligence that there is going to be a suicide
23 bombing, you have a DSO taking control, the target is
24 not warned in any way like challenged and the officers
25 are not marked up and they are not identified as police

1 officers, and really a critical shot is authorised
2 without warning. That's the general context, isn't it?

3 A. Yes, I think that's an accurate summary.

4 Q. Thank you.

5 SIR MICHAEL WRIGHT: Pause a moment, Mr Mansfield, they have
6 lost you on the screen, I am afraid. That's better.

7 MR MANSFIELD: Sorry.

8 SIR MICHAEL WRIGHT: At least Mr McDowall now knows who he
9 is talking to.

10 MR MANSFIELD: I am sorry, I'll keep an eye on myself as
11 well as you.

12 So that's the Clydesdale situation. I want to turn
13 to Kratos used as it often is to embrace Clydesdale as
14 well.

15 You talk about spontaneity, but if it's a Kratos
16 situation, a DSO is not involved, was not involved in
17 2005; correct?

18 A. That's correct.

19 Q. What happens in a Kratos situation is that a Silver
20 appointed takes control?

21 A. Yes, if there is time for that to happen.

22 Q. Well, yes, I appreciate that, but time is relative,
23 sometimes you may get a lot of advance warning,
24 sometimes you will get little advance warning. In other
25 words, you may get a phone call, can I just do some

1 hypotheticals with you for a moment, from somebody in
2 the building saying: I think there is a suicide bomber
3 at the front door, do something about it now; very
4 quick, you have to act.

5 On the other hand, you may get a telephone call that
6 says: I think the people next door are planning to do
7 something and from the conversations I have heard
8 through the wall, or you may have had some eavesdropping
9 through technical devices, information about suicide
10 bombers so you get a little more notice that something
11 is going on. It's not a pre-planned event. Do you
12 follow?

13 A. Yes.

14 Q. Can I just quickly go through a little bit of history
15 here. Anticipating footborne suicide bombers was in
16 fact something that had been going on for a number of
17 years, the anticipation, hadn't it?

18 A. I believe that the issue was first being considered
19 around 2003, the tail end of 2003, from recollection.

20 Q. It's before that, in fact. It starts the moment 9/11
21 has happened, police in this country, police in many
22 countries, are then beginning to think: "It could be us
23 next, but we don't know whether it will be on foot, in
24 the air, marineborne, vehicleborne or whatever";
25 correct?

- 1 A. Yes.
- 2 Q. Police had had to deal with explosions in London before
3 during the times of the IRA, the PIRA and so on. So
4 dealing with bombers wasn't new, was it?
- 5 A. Dealing with this form of threat was new, yes, very new.
- 6 Q. I appreciate this form. The difference with this form
7 is of course the real risk that somebody intent on
8 causing an explosion will do so immediately, there will
9 be no room for negotiation, and all the rest of it, all
10 right, so it's an immediate detonation that you are
11 worried about; is that right?
- 12 A. Yes, and it's the intention, obviously, no warnings, and
13 the intention to cause as many casualties as possible.
- 14 Q. That's the different context.
15 After 2001, there was a working party set up to
16 research this whole area; correct?
- 17 A. Yes, I don't know when but certainly after 2001.
- 18 Q. Barbara Wilding, Mr Veness and so on?
- 19 A. Yes.
- 20 Q. Not only was there research, there were tabletop
21 exercises, practical exercises and so on, was there not?
- 22 A. Yes, I believe there were.
- 23 Q. What they had to envisage was the very simple obvious
24 possibility, terrible though it is, of an individual
25 walking down a street with a bomb on them; that's what

- 1 you are dealing with, yes?
- 2 A. Yes.
- 3 Q. And there was an actual hypothetical drafted to do this,
4 it had a name, Operation Tavistock, it was to deal with
5 this, wasn't it?
- 6 A. I am not aware of Tavistock.
- 7 Q. All right, but this was being overseen at the highest
8 level, wasn't it, within the police, this whole
9 exercise?
- 10 A. Yes, it was, I don't think it was being as widely shared
11 at that point as you may have assumed.
- 12 Q. Well, I am not assuming it's widely shared but I am
13 assuming that at the very top the commissioner, the
14 ACSO, Assistant Commissioner Special Operations
15 Mr Hayman, they would be involved, wouldn't they?
- 16 A. Certainly Sir David Veness was involved, I don't know if
17 Mr Hayman was, but there was thinking going on at that
18 level about this issue, yes, and Barbara Wilding as
19 I understand it was leading.
- 20 Q. And the commissioner?
- 21 A. Yes, I was aware of that, I thought it was
22 Barbara Wilding.
- 23 Q. I am not suggesting it wasn't her as well. How much of
24 the training were you aware of that was going on to meet
25 the footborne suicide bomber?

- 1 A. At that time, I don't think I was widely aware, I knew
2 that there was some training being made available to the
3 firearms branch, for example to deal with this issue.
- 4 Q. One of the architects of the response to suicide bombing
5 was in fact Mr Swain, wasn't it?
- 6 A. Yes, he was working for Barbara Wilding, I think, on
7 this issue.
- 8 Q. And you met him?
- 9 A. Yes, I did.
- 10 Q. Over this period, you indicated yesterday?
- 11 A. Yes, that's correct.
- 12 Q. You had a meeting with him?
- 13 A. (Witness nods).
- 14 Q. Did you ever get any advice from any, and I am using the
15 term generically, any Kratos experts, and there were two
16 at New Scotland Yard: Mr Swain, and there was another
17 one; do you remember who the other one was?
- 18 A. I don't recall at the time, no.
- 19 Q. Well, he is being called for the moment Inspector Zaj.
20 Does that mean anything as a code word?
- 21 A. Yes, he was I think --
- 22 Q. I am hoping you weren't going to mention his name.
- 23 A. No, I was just going to say that I think he was part of
24 the night duty cover.
- 25 Q. That's right. Did you get any advice from either of

1 those that you were facing an impossible situation,
2 trying to -- if this was going to be the objective --
3 intercept a footborne potential bomber before they
4 entered public transport?

5 A. No, I didn't.

6 Q. In other words, neither of them said: look, this is
7 something we can't do at any stage?

8 A. That's right, yeah, that's correct.

9 Q. In fairness to them, I have to put it the other way
10 around, did you ever approach them and say is this
11 possible, can we intercept, on non-Clydesdale, we
12 haven't advanced intelligence, all we know is there may
13 be a bomber coming out of this block of flats. Did you
14 ever ask for their advice?

15 A. I didn't -- I don't think I asked Mr Swain's advice
16 because my meeting with him was the previous evening so
17 I don't think -- we were obviously not aware of the
18 circumstances we had the following morning yet.

19 Q. He came back the next day?

20 A. Well, if he did, I don't think I saw him the following
21 day. Certainly not before the events that we are
22 concerned with. As far as Zaj is concerned, I am pretty
23 sure that at some stage after that strategy is devised,
24 I have had some contact with Zaj, I don't know now what
25 that contact was, but as one of the night duty firearms

- 1 advisers, I am fairly certain I spoke to him.
- 2 Q. You see, what you were saying yesterday and what some
3 may say is oh, well, this caught us on the hop, it was
4 a intelligence led operation which led to the
5 possibility of a -- and we had not catered for this.
6 What I want to put to you is: this is exactly the sort
7 of situation that had been catered for under Kratos, the
8 possibility you would have to find out whether the
9 person you were following was a suicide bomber, it might
10 require a challenge from cover, and it might require
11 a critical shot if you could see a bomb or at that point
12 you had intelligence; do you follow?
- 13 A. Yes, I do.
- 14 Q. Now, all of that had been trained for in special places
15 in the Thames Estuary and elsewhere, hadn't it?
- 16 A. Yes, as I say, that training was not widespread and nor
17 was the policy development going on at that time
18 widespread. It was known to many in firearms branch at
19 the time.
- 20 Q. Well, it was certainly known to SFO, the specialist
21 firearms officers, wasn't it?
- 22 A. Absolutely, yes.
- 23 Q. Absolutely, so therefore, the possibility of preventing
24 what actually happened here is a mad rush by specialist
25 firearms officers to catch up with somebody on a bus,

- 1 then on the same bus, then actually going down
2 an escalator and being shot on a tube train; that could
3 have all been prevented, couldn't it?
- 4 A. Well, all I can say to that is that all those senior
5 people in the firearms branch that would have received
6 that training and had been involved in those inputs are
7 the very people that I was speaking to that morning, so
8 they have not raised and didn't raise with me the fact
9 that this was an impossibility.
- 10 Q. Because they weren't being told by you what the true
11 situation was, were they, because you didn't know that
12 there were no firearms officers specialists down at
13 Scotia Road; correct?
- 14 A. They would have known what the position was in terms of
15 their own deployment, they are there for the purpose of
16 advice and it's not simply about advising on strategy,
17 it's about advising people on tactics, it's about
18 knowing where their own resources are and so on.
- 19 Q. When you came to brief Cressida Dick, she had missed
20 a bit of the meeting so you stayed behind to give her
21 a briefing at 7.15 roughly?
- 22 A. Yes.
- 23 Q. By that time, you were still giving out the same
24 strategy to her: stop everybody at a safe distance,
25 covert operation, and so forth; is that right?

- 1 A. That's correct.
- 2 Q. So the designated senior officer that is actually taking
3 overtaking over the whole thing at that point is not
4 being told: look, there are no firearms down there, and
5 so on, and in fact it's a communal door, by you, is she?
- 6 A. No, as I understand it, however, she was aware that it
7 was a communal door very soon after that, and the
8 firearms tactical adviser that I had spoken to both at
9 6.40, conceivably even before, and at 6.50 was the same
10 tactical firearms adviser that would have had knowledge
11 of the training you spoke about and the policies that
12 were being developed and then continued to be her
13 firearms tactical adviser through the morning.
- 14 Q. But of course they can't put any tactics they may have
15 trained for into practice if they are not actually down
16 there?
- 17 A. But they can advise what are the most appropriate
18 tactics and which tactics will work, which tactics won't
19 work. Well, it is their role to do so.
- 20 Q. Yes, did they advise you?
- 21 A. They didn't advise me, as I have just said, but I know
22 that they were giving advice to Commander Dick as the
23 morning wore on.
- 24 Q. Is there any written advice anywhere from any of these
25 tactical advisers as to how to deal with the situation

1 as it evolved, namely communal door, can't stop
2 everybody, in fact nobody was stopped leaving; did you
3 know that?

4 A. I am aware that others had left prior to the time that
5 we all deployed to the scene, yes.

6 Q. Nobody who was either filmed or unfilmed, because one or
7 two were not filmed, out of the numbers that left,
8 nobody was stopped, even those carrying bags; did you
9 know that?

10 A. I know that now, yes.

11 Q. You know that now. So even on the morning retaining
12 authority as you did, nobody came to you and said: look
13 we are letting people go, there are people walking by?

14 A. No, that wasn't made known to me.

15 Q. Looking back on it, there was quite a lot you really
16 didn't know about this operation, wasn't there?

17 A. There are aspects of this operation, clearly as time has
18 gone on, that I have become aware of that I was not
19 aware of, and I think it's -- sorry.

20 Q. Yes?

21 A. But this is just one aspect, it's a very important
22 aspect of a number of very important things going on
23 that morning. To keep detailed and up to speed with
24 exactly what was happening with this address I think
25 would have been impossible given everything else that

1 I was being asked to do that morning, and that is why we
2 have a command structure with Silvers and why roles and
3 responsibilities are delegated that way.

4 Q. As you have agreed, the Gold has a responsibility for
5 ensuring that the policy, the strategy is implemented,
6 you can't ensure that unless you ask the questions to
7 find out what's going on, can you?

8 A. Yes, absolutely, and as I have said to you on the
9 occasions that I have held meetings, we have clearly
10 discussed what's going on. I haven't been alerted to
11 what you have just described, but that is unfortunately
12 the case, and with everything else also going on that
13 morning, I would put it to you that I think you used the
14 expression earlier we don't expect people to be
15 superhuman, I think it would have been superhuman to
16 have retained that grasp of detail on everything. Given
17 that we were still investigating 7/7 and the events
18 after that, and so on and so forth, even by the time of
19 9 o'clock I believe we had six significant addresses,
20 I think those grew during the day to something like 23.

21 So I think there is some context that I would like
22 to put into that, this is not the single focus of my
23 activity and my responsibility that morning.

24 Q. That is appreciated which is why I suggested to you
25 earlier what you have to do is prioritise what's the

- 1 most important exercise of the moment and you agreed
2 that, do you remember?
- 3 A. Yes.
- 4 Q. And you agreed that the priority that morning was this
5 address linked to two individuals and a car?
- 6 A. Yes, I think I said that it was among priorities and
7 there were two clear priorities, one was this address
8 and the other was the Portnall Road address, but that
9 picture was changing all the time as the morning
10 progressed.
- 11 Q. So if you, as it were, absolve yourself of
12 responsibility --
- 13 A. I didn't say I absolved myself of responsibility.
- 14 Q. Right, so you retain the responsibility from the moment
15 of your strategy being set all the way through,
16 responsibility and accountability, do you accept that
17 there are significant lapses of information and
18 knowledge by you which resulted in a strategy being set
19 in stone that was entirely inappropriate?
- 20 A. I don't accept that, I accept part of that, I accept
21 that in an ideal world perhaps I would have wanted to
22 have known more quicker than it was, but that strategy
23 was altered, it was flexible and, as it was finally
24 used, I think it was fit for purpose.
- 25 Q. So the fit for purpose which ends up with a difficulty

1 as to whether armed surveillance or firearms -- I don't
2 know whether you have seen, can I ask you if you have
3 seen the compilation video? Has he seen the film? Can
4 I just describe it to you? The situation at Stockwell,
5 and I am right at the end of it now, you have
6 surveillance officers actually there first, right behind
7 Jean Charles de Menezes, into the tube station. You
8 have firearms officers for these purposes, a significant
9 distance behind but trying to catch up, and running down
10 escalators, jumping barriers, all right, you are
11 familiar with all of that?

12 A. Yes.

13 Q. That was an entirely unacceptable situation which could
14 have been avoided?

15 A. It was a situation that could have been avoided.
16 Unfortunately an identification wasn't made, and then it
17 was made, and then it wasn't made. There was, as you
18 will no doubt in the proceeding days and weeks be going
19 over, a mistake of identity, and that caused the
20 confusion, I believe. The firearms team were not asked
21 for as quickly as they might have been.

22 Q. I am not going through where they should have been
23 positioned so they could have got there more quickly.
24 We are really right back at the very first question. To
25 expect surveillance officers to come up with a positive

- 1 identification within the 30 minutes, fleeting glances
2 here and there, the one photograph we have seen, and, as
3 you have already described, first he is and then he
4 isn't, that is not a reliable situation in which armed
5 specialist firearms officers are sent into action, is
6 it?
- 7 A. I would say it's a situation where officers are sent
8 into action daily. It is quite commonplace for
9 timeframes to be short, it is quite commonplace for
10 identifications to be made in that sort of timeframe.
- 11 Q. You are not suggesting therefore that this is likely to
12 happen again, are you?
- 13 A. I very much hope that this will never happen again. But
14 at the same time, with human beings, it is entirely
15 feasible that some such tragedy may occur again, with
16 just the way that circumstances sometimes unravel
17 themselves.
- 18 Q. Looking back on it, you have given the description,
19 first he might be, then he isn't, then he is, is that
20 really a satisfactory basis for a critical shot?
- 21 A. I don't know because I wasn't personally there, and nor
22 did I hear the communications that went on. It may have
23 been. It may have been.
- 24 Q. How could it have been?
- 25 A. At the moment that the officers entered the tube, it

1 entirely depends upon what was in their mind and how
2 firm they were that the identification had been made.

3 MR MANSFIELD: Thank you.

4 SIR MICHAEL WRIGHT: Thank you, Mr Mansfield. Would you
5 like a break, Mr McDowall?

6 A. Sir, I am happy to go on a little while, if you would
7 prefer.

8 SIR MICHAEL WRIGHT: If I give you 10 or 15 minutes now,
9 will it help?

10 A. In 10 or 15 minutes would be very helpful, sir.

11 Sir, may I just -- I have an answer for Mr Hilliard,
12 he had a question of me this morning, in respect of
13 could I find out the identities of --

14 SIR MICHAEL WRIGHT: Yes, please.

15 A. One individual was Mr Esposito, who I believe was here
16 very early that morning, so well before his early turn
17 start, and the other individual around as a tac adviser
18 at that time was a coded officer, was it Zaj?

19 SIR MICHAEL WRIGHT: I thought it was. I can see
20 Mr Hilliard nodding at you, so I expect he has made
21 a note of the answer. Thank you very much. Now,
22 Mr Horwell? Who is next? Mr Gibbs.

23 MR GIBBS: I think the order that you have directed is that
24 I should go next.

25 SIR MICHAEL WRIGHT: I have forgotten my own order, fair

1 enough.

2 MR GIBBS: May I ask some questions of Mr McDowall about
3 surveillance?

4 SIR MICHAEL WRIGHT: Certainly, Mr Gibbs.

5 Questions from MR GIBBS

6 MR GIBBS: Mr McDowall, can I ask you some very simple
7 questions about surveillance. I represent the red and
8 grey teams.

9 A. Sir.

10 Q. Special Branch surveillance officers watch places of
11 interest, don't they?

12 A. That's correct.

13 Q. And --

14 A. And people of interest.

15 Q. And they follow people of interest?

16 A. Sorry, yes.

17 Q. And they report what they see?

18 A. Yes.

19 Q. They are trained to do that in a particular way?

20 A. Yes.

21 Q. The tactics which they employ, I will not ask you about
22 that, we will let them tell us about that, are designed
23 to ensure two vital things I am going to suggest, will
24 you tell me if I am right. The first is that the person
25 who is being followed not realise that he is being

- 1 followed?
- 2 A. That's correct.
- 3 Q. And the second thing is that they not lose the person
4 whom they are following?
- 5 A. That's correct.
- 6 Q. So that for them in very simple terms there is always
7 that tension between not getting too close but not
8 getting too far away?
- 9 A. Yes, that's correct.
- 10 Q. Would it be right, in an operation like this, where
11 there are many parts to the operation, many teams
12 involved, that the surveillance team will be like the
13 eyes of the operation?
- 14 A. That's correct.
- 15 Q. The operation will have a brain, and that brain is to be
16 found in the control room?
- 17 A. That's correct.
- 18 Q. And the operation will have ears and those ears may be
19 found in the forward intelligence cell?
- 20 A. Sorry, do you mean ears as in radio communications
21 or ...
- 22 Q. No, I mean the other sources of intelligence to the
23 brain.
- 24 A. Those other sources of intelligence, yes, from the
25 control room, from the forward intelligence cell,

- 1 sometimes from other officers also deployed in the same
2 operation.
- 3 Q. And the brain will take the information which it
4 receives from the various eyes and ears and other organs
5 and make decisions based upon that information?
- 6 A. Yes, that's correct.
- 7 Q. And give orders based upon those decisions?
- 8 A. Yes.
- 9 Q. Do you have in front of you still the jury bundle?
- 10 A. I can find it, yes.
- 11 Q. Can I ask that you be given it and that we have a look,
12 please, in tab 20.
- 13 A. Yes.
- 14 Q. In the main room, which is on the left-hand side of the
15 diagram, we can see a semicircle of desks and chairs and
16 then four chairs at a desk in the middle of the
17 semicircle. Do you see what I am looking at?
- 18 A. Yes, yes.
- 19 Q. We can see by those four chairs in the middle they are
20 numbered S1, 2, 3 and 4?
- 21 A. Yes. Sorry, I think that's 51, 52, 53, 54, yes.
- 22 Q. On top of the desks is written "Cougar desktop radio"
23 and there are four of those?
- 24 A. Yes.
- 25 Q. Are those the desks that commonly the radio traffic from

- 1 the surveillance team would come into the control room
2 via?
- 3 A. Yes, that's correct, and I apologise, Mr Gibbs, I think
4 you are right, it is an S, it's probably for
5 surveillance.
- 6 Q. We will hear from people in the control room I have no
7 doubt in due course as to where each of them was
8 sitting?
- 9 A. Yes.
- 10 Q. But in general terms, am I right in thinking that
11 a given surveillance team will have a monitor assigned
12 to it, a person within the control room; is that right?
- 13 A. Yes, that's correct, in this control room and in the way
14 that Special Branch work, it is different elsewhere but
15 yes, it is the case here.
- 16 Q. And that monitor has, as his primary job, monitoring
17 what is going on, on the surveillance team's Cougar
18 radio?
- 19 A. That's correct.
- 20 Q. And he logs what is said and passes it on to the brain?
- 21 A. Yes.
- 22 Q. The forward intelligence cell, it is called, which is
23 the room past the dividing wall to the right of that?
- 24 A. Yes.
- 25 Q. We can see that there are a number of desks and seats in

1 there. What sort of people would usually, in
2 an operation like this, be in there?

3 A. They would ordinarily be police officers or police
4 staff, that is to say civilian members of the service
5 who are intelligence experts or who have an intelligence
6 role, properly vetted and together with members of the
7 security service ordinarily.

8 Q. You described yesterday and I am not asking you to give
9 away any secrets, so if I am asking a question that
10 I shouldn't be asking, do please say, but you mentioned
11 yesterday the phrase "partner agencies"?

12 A. Yes.

13 Q. What sort of people do you mean?

14 A. I mean specifically the security service but it may be
15 that there are other intelligence agencies that may be
16 present.

17 Q. Why are they in a separate room?

18 A. That is because of the level, well, a couple of reasons,
19 really, one is a practical reason of just a sort of
20 a quiet place for them to concentrate on that
21 intelligence activity, but more importantly, it is
22 a vetted room, so one must have a certain security
23 clearance to enter it, because of the nature of what's
24 being discussed.

25 Q. What sort of information is coming into the operation

1 through that room, can you say?

2 A. It could be from a wide variety of sources. It could be
3 source related from a crime source --

4 Q. What does that mean?

5 A. Sorry. It could be information from an informant, for
6 example, and that could be a crime related informant or
7 an informant with a terrorism connection. It could be
8 other intelligence that I don't believe I can openly
9 discuss here, but of a technical nature. It could be
10 information or intelligence from either of the two, the
11 domestic and the foreign intelligence services, and so
12 on.

13 Q. May it include real time intelligence about telephones?

14 A. Yes, it may.

15 Q. Can you say any more than that?

16 A. It may be as a result of enquiries that are being made
17 of intelligence companies, or it may be as a result of
18 certain facilities that are in place and that's perhaps
19 the difficulty I'm making too difficult, but without
20 stating the obvious, yes. In connection with
21 telephones.

22 Q. So that the brain, the decision-making part of the
23 operation which may situate itself in either of these
24 rooms from time to time or move between the two?

25 A. Yes.

1 Q. Has access to information from surveillance teams in
2 real time?

3 A. Yes.

4 Q. And that may be from more than one team, and we see we
5 have four desks here?

6 A. That's correct.

7 Q. And from the other sorts of intelligence that you have
8 just spoken about?

9 A. Yes.

10 Q. And based upon putting those sources of intelligence
11 together, it will make the decisions upon which others
12 act; is that right?

13 A. It will suggest ways forward. It won't actually make
14 the decisions itself. It will rely on those who are
15 running the control room to make those decisions, but it
16 will inform them.

17 Q. Thank you. On a different subject, you said, I think
18 this morning, that in an ideal world firearms and
19 surveillance would be briefed together?

20 A. Yes.

21 Q. Why?

22 A. It is to ensure that the same briefing is delivered.
23 It's just to ensure consistency. In reality, unless you
24 have the luxury of considerable time in a pre-planned
25 operation, it's rare for that briefing to take place

1 together because usually one side is holding the other
2 up or it's difficult to get them in the same place
3 because they may have started duty in a different place
4 and so on, so there may be practical reasons why it
5 doesn't happen. But if you have the time I would
6 suggest it is a good idea if you can to brief together.

7 Q. Thank you.

8 You were asked questions by Mr Mansfield about the
9 circumstances under which you would expect S019 to stop
10 someone. Can I give you a situation, and tell me,
11 please, whether you would expect S019 to make an armed
12 stop in these circumstances: a person has been
13 identified as a possible or a good possible for
14 a terrorist subject? Would you expect that person to be
15 made the subject of an armed stop?

16 A. Yes. Providing that obviously the risk assessment and
17 the intelligence around them suggested that there was
18 a risk, either to the public or the officers concerned,
19 that's the important thing. But in the circumstances
20 you describe where there is a terrorist that's highly
21 likely to be the case.

22 Q. Finally one short point: there was a suggestion this
23 morning that James, who was one of the surveillance
24 sergeants, would have had the facility to ring you up as
25 the Gold Commander of the organisation?

- 1 A. Yes, it would have been unusual.
- 2 Q. That would be understating it, wouldn't it?
- 3 A. Yes, I suppose it would, yes, it would be unusual, but
4 if the individual felt that he or she had concerns that
5 weren't being acted upon or dealt with, I have known it
6 happen, not to me but I have known it happen to others.
- 7 Q. That's not to say that there is no possibility of
8 communication in the other direction, of course?
- 9 A. That's correct.
- 10 Q. If you had wanted or needed to speak directly to the
11 leader of a surveillance team you could have, I suppose
12 rung him up?
- 13 A. Yes, I doubt whether I would have done because to use
14 that route and not go through the control room is just
15 potentially creating confusion.
- 16 SIR MICHAEL WRIGHT: I think in fairness you used the
17 expression "ring him up", which sounds a bit banal.
18 I assumed you would go through the channels provided
19 for, through the command centre --
- 20 A. Yes, to avoid confusion, to avoid them not knowing what
21 was going on by way of side conversations.
- 22 SIR MICHAEL WRIGHT: -- to know what you were asking about.
- 23 A. Absolutely, sir, but as I have said in the circumstances
24 confronting me that morning, it just would have been
25 I think an impossibility.

1 MR GIBBS: The reason why you don't normally make such
2 a call is because you have laid down a command and
3 organisation structure which does that for you.

4 A. That's correct.

5 MR GIBBS: Thank you.

6 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs, who is going next,
7 Mr Stern?

8 MR STERN: Yes, sir, I don't know whether you want to break.

9 SIR MICHAEL WRIGHT: Yes, how about ten minutes off?

10 A. Thank you very much, sir.

11 SIR MICHAEL WRIGHT: It's really a request from the jury,
12 and I'll pass it on, I think they would all find it
13 helpful if somebody -- I'll show you the piece of paper
14 I have -- produces a sort of flowchart so that they can
15 have a reference as to who was Gold, who was Silver and
16 they are actually asking for Bronze but I don't know
17 that we know anybody was Bronze but that's getting
18 a long way down the line. But certainly Golds and
19 Silvers in the various aspects of Gold and Silver would
20 be helpful.

21 Thank you very much, ten minutes.

22 (3.10 pm)

23 (A short break)

24

25 (3.20 pm)

1 (In the presence of the jury)

2 SIR MICHAEL WRIGHT: Mr Perry, I think this will primarily
3 concern you, for obvious reasons I'm intensely anxious
4 to conclude Mr McDowall tonight.

5 MR PERRY: Yes.

6 SIR MICHAEL WRIGHT: For obvious reasons. I believe that,
7 with a little fair wind and possibly a short extension
8 we ought to be able to achieve it.

9 MR PERRY: I will do my best, sir, but I do have a number of
10 questions.

11 SIR MICHAEL WRIGHT: I am sure you do, that's why I am
12 addressing you. What I am going to do is put you in the
13 hands of one of your lay clients.

14 Mr McDowall, you have probably heard all that?

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: As I say, with a fair wind and a bit of
17 determination, I think we can finish you tonight and
18 I don't doubt you would far rather that were so.

19 A. I would, sir, but on the other hand, I know not to come
20 between myself and my legal representative.

21 SIR MICHAEL WRIGHT: That's the best answer I have heard
22 today, but nevertheless, if necessary, if we go on
23 a little longer, I want you to tell me if you feel
24 yourself under too much strain to continue. Is that all
25 right?

1 A. Yes, sir, I have already committed to an operational
2 issue at 5 o'clock.

3 SIR MICHAEL WRIGHT: All right, I will bear that in mind.
4 Mr Stern.

5 Questions from MR STERN

6 MR STERN: Mr McDowall, can I, as a matter of courtesy,
7 inform you that my name is Ian Stern. Together with
8 Mr Sandesh Singh, I represent the specialist firearms
9 officers C2 and C12 who inflicted the fatal shots on
10 Mr Menezes.

11 A. Good afternoon, sir.

12 Q. Now, C2 and C12 are the specialist firearms officers, as
13 I say. They play no part in the strategy of any
14 firearms operation that you were involved in in this
15 case?

16 A. That's correct. In formulating it?

17 Q. In formulating the strategy?

18 A. Yes.

19 Q. Nor in determining the distribution of resources?

20 A. No, sir.

21 Q. And there is, as we know, a hierarchy of individuals
22 involved in commanding this operation, as with all
23 firearms operation. There is Gold, which was you,
24 Silver, Bronze, there is a tactical adviser, there is
25 a team leader, and then there are at the bottom the

1 individual specialist firearms officers?

2 A. That's correct, sir.

3 Q. You would not expect any communication from them to you
4 during the course of this operation?

5 A. That's absolutely correct, sir, yes.

6 Q. And they would not expect any communication from you to
7 them during the course of any operation?

8 A. That's correct.

9 Q. I want to, please, look with you at the risks that would
10 have been in the forefront of the minds of you and
11 indeed other police officers who bore the heavy
12 responsibility for the public safety in London in
13 July 2005. Can we look, please, at what it was that was
14 known by the police, and when I say "the police" I don't
15 mean those who were just involved at your level but was
16 generally known in the police.

17 First of all, you knew that it had taken just four
18 bombs carried by four people to extinguish the lives of
19 52 innocent people?

20 A. That's correct.

21 Q. It also killed four terrorists.

22 A. That's correct.

23 Q. And as you told us yesterday, it seriously injured many
24 of the 900 who suffered injuries?

25 A. That's correct.

- 1 Q. I say you learnt this because the substance that was
2 used was hydrogen peroxide, a substance that I think had
3 not been used in the creation of a bomb in this country?
- 4 A. That's correct. I think I am right in saying that at
5 the time none of us had any knowledge of that substance
6 being put to that use.
- 7 Q. But what was known was that this was a highly volatile
8 and dangerous substance?
- 9 A. That's the case, yes, particularly when it's mixed with
10 an organic matter.
- 11 Q. I think actually, and we will hear more about this in
12 due course, hydrogen peroxide is actually a substance
13 that's usually purchased for hairdressing?
- 14 A. Yes, it is, up to a certain legal concentration.
- 15 Q. Yes.
- 16 A. It is then the technique of the terrorist to concentrate
17 that further.
- 18 Q. The second thing that you knew was that the bombers
19 cared nothing for the lives of their victims, and that
20 they were indiscriminate in the targets that they chose?
- 21 A. Yes.
- 22 Q. The targets were from all types of backgrounds,
23 religions, creeds and countries?
- 24 A. Yes, and I would go further and say that it was the
25 intention to cause the maximum devastation possible.

- 1 Q. Those who were killed and injured just happened to have
2 been travelling in those particular carriages and on the
3 particular bus on 7 July?
- 4 A. That is correct.
- 5 Q. You also knew that on 7 July or after 7 July the bombers
6 had in fact created a bomb factory, as you told the
7 jury, yesterday I think?
- 8 A. Yes.
- 9 Q. And the significance of that is that they had sufficient
10 material to create substantially more explosive devices?
- 11 A. That's correct, sir, yes.
- 12 Q. Now, obviously, the original bombers were not available
13 to use that material that was in the bomb factory and
14 that was discovered after 7 July?
- 15 A. That's correct.
- 16 Q. So did you conclude that it was likely that there would
17 be others who would utilise that substantial quantity of
18 material?
- 19 A. That was a distinct possibility, yes, particularly
20 given, perhaps I should amplify, the amount of explosive
21 left behind, if I can use that expression, by the 7 July
22 bombers was of a very great magnitude. Certainly
23 a bathful and more of the main charge, and as I said
24 yesterday, a very substantial quantity of the
25 excessively volatile TATP on 7 July.

1 SIR MICHAEL WRIGHT: This was all in the Yorkshire bomb
2 factory, this is what you found and presumably
3 neutralised?

4 A. Yes, we did, although it was so dangerous I think we
5 were still trying to neutralise it on the 21st.

6 SIR MICHAEL WRIGHT: I wanted to see how far you were going.
7 Did you have any actual intelligence about any other
8 supply, another bomb factory in the same hands or using
9 the same techniques anywhere else?

10 A. We subsequently discovered a second bomb factory and
11 potentially a third in connection with the 7 July, sir,
12 but at that time no, I regret to say it was
13 a complete -- it was a blank radar screen.

14 SIR MICHAEL WRIGHT: That may not matter, it's the point
15 I want to get from you is that although you may not have
16 known it at the time, there were other stocks somewhere.

17 A. Yes.

18 SIR MICHAEL WRIGHT: On the 21st.

19 A. Yes, because we were looking at them, and what we didn't
20 know was whether there were any more anywhere else as
21 well.

22 SIR MICHAEL WRIGHT: That's what I mean, but you now know
23 that there were others.

24 A. Yes.

25 SIR MICHAEL WRIGHT: I see, thank you.

1 MR STERN: Thank you, sir.

2 Just dealing with it chronologically, if I may go
3 back a little, on 12 July 2005, similar bombs were found
4 in a vehicle left at Luton Thameslink station, that the
5 bombers in fact had used, used the station and I think
6 the car?

7 A. That is correct, yes, they were smaller devices I think
8 constructed from the same sorts of materials with, as
9 I recollect, a fairly brief fuse.

10 Q. Mr McDowall, sorry, I can interrupt you, and I only do
11 so I hope not to be impolite, but I know time is against
12 us, we will hear evidence about this in due course from
13 an expert so I need not trouble you about the nature of
14 the explosive beyond what you have said.

15 A. I just wanted to make the point which I feel is
16 important that those things in the vehicle were
17 potentially anti-personnel weapons.

18 SIR MICHAEL WRIGHT: Which could be carried around the body?

19 A. Yes, they could, they were being obviously transported
20 in the car.

21 SIR MICHAEL WRIGHT: But they could be carried on the body
22 by an individual.

23 A. Yes, they were really I suppose an improvised grenade.

24 MR STERN: Yes, they were relatively small, if we are going
25 to go into it, and the jury will I think in due course

1 see pictures of it, of them, and how they were made safe
2 by an explosives expert.

3 Who those bombs were for in the vehicle of course is
4 unknown, whether it was for the passing public, whether
5 it was for an individual who was going to tow the car
6 away in due course or whether it was for the police, as
7 I understand it the police did not know?

8 A. That is correct, our best guess would be that it would
9 be used against anyone who tried to thwart them in their
10 plan that day.

11 Q. The other thing that the police knew was that this
12 devastating attack on 7 July had been carried out in
13 Central London without the police having any prior
14 intelligence or warning?

15 A. That's correct.

16 Q. The 21 July 2005, the bombers' actions, without going
17 into the detail, were very similar to those of the
18 7 July 2005?

19 A. Yes, there were resemblances in the operational
20 activity.

21 Q. The similarities, or the most obvious similarity, was
22 that three tube stations and one bus was selected as the
23 target for the bombers to kill members of the public?

24 A. That's correct, yes.

25 Q. The difference was, apart from the fact that no-one lost

1 their lives, at least four extremely dangerous
2 individuals were at large, having escaped from the
3 attempt to bomb Central London?

4 A. Yes, sir.

5 Q. Now, you knew that these individuals had the
6 determination to carry out bombing, because they had
7 tried to do so the very day of the 21 July?

8 A. That's correct, yes.

9 Q. Bearing in mind the similarity with the 7 July and the
10 bomb factory that was found thereafter, was there any
11 reason to suppose that these bombers on 21 July did not
12 have access to considerably more explosive material than
13 had been left on those tubes and bus?

14 A. That's right, we simply didn't know what they had.

15 Q. And in fact the position as it turned out was, as
16 I think you have mentioned to the learned Coroner
17 a moment or two ago, there was in fact another bomb
18 factory found?

19 A. There was a further bomb factory found for 7 July and to
20 clarify, there was also what could be described as
21 a bomb factory found after 21 July in North London that
22 had been used by these individuals we believe to
23 construct their devices, and again there was a device,
24 a viable device, we believe left for those who were
25 going to search and find that premises.

- 1 Q. Again just so that the jury have some idea --
- 2 SIR MICHAEL WRIGHT: Sorry, do you mean a booby trap?
- 3 A. Yes, sir.
- 4 MR STERN: We are not just talking about a small quantity
- 5 left in the address in North London, are we?
- 6 A. No, I believe there was -- not the same quantity as had
- 7 been left in West Yorkshire, certainly, but still
- 8 a significant amount of material, detritus, the makings,
- 9 if you like, of an explosive device.
- 10 Q. So on 21 July, after these failed bombings had occurred,
- 11 did the police have every reason to believe not only
- 12 that these individuals were determined to carry out
- 13 a further bombing but that they had the capacity to
- 14 carry it out as well?
- 15 A. I believe we did, yes.
- 16 Q. In fact, I think it was your view that the bombers would
- 17 be motivated by their failure to cause explosions and
- 18 that they would try again and soon?
- 19 A. Yes, I felt that that was a likelihood.
- 20 Q. On 22 July 2005, in relation to this operation, it's
- 21 right, isn't it, that anyone leaving the address who was
- 22 considered to be a suspect had to be arrested by CO19?
- 23 A. Certainly the intention was that they should be stopped
- 24 and if an arrest followed, then yes, an arrest would
- 25 follow. In all likelihood, it would be an arrest.

- 1 Q. Yes. Now, you envisaged that S013 would take
2 responsibility for this operation?
- 3 A. Yes.
- 4 Q. Now, S013 is, just remind us?
- 5 A. Sorry, it was the Anti-Terrorist Branch. It now has
6 combined with Special Branch to become the
7 counter-terrorism command.
- 8 Q. So S013 which was anti-terrorist, S012 which was the
9 Special Branch, had merged together I think to become
10 S015?
- 11 A. Yes.
- 12 Q. But at the time, and we are only concerned with 2005,
13 the position was that they were separate, as we have
14 heard?
- 15 A. Yes, they were.
- 16 Q. Now, S013, having taken responsibility or supposed to
17 take responsibility for this operation, it was that
18 reasoning that led you to appoint all the Silvers from
19 S013?
- 20 A. Yes, that's correct.
- 21 Q. You told us Mr Rose for Portnall, Mr Purser for
22 Scotia Road, and Mr Boucher, who was going to be in the
23 operations room?
- 24 A. That's correct. I was just going to say my reasoning
25 for that was that I felt that those individuals, as

1 permanent members of an anti-terrorist unit, would be
2 perhaps better placed to be operationally involved and
3 to make decisions on the day, given that this was a set
4 of circumstances in an operation that had never been
5 attempted or conducted in this country and because of
6 the atmosphere of the time and the fear that there was
7 abroad, I felt it was in everyone's best interest that
8 those who did that kind of work as a day job, if I can
9 put it that way, were given that responsibility.

10 Q. I mean, it's not too strong an expression to say that it
11 felt as if you were at war?

12 A. Others have used that term, certainly it is
13 extraordinarily difficult to describe the prevailing
14 atmosphere, and the threat, and the feeling now. Some
15 will remember it, some will remember how they were
16 frightened to go out, but certainly in my short life it
17 is a unique feeling, a unique experience, and a unique
18 set of circumstances and pressures that were prevailing
19 at the time.

20 Q. I am sure anyone who uses the public transport system
21 will understand that feeling.

22 Now, S013 were to be supported by S012, that is to
23 say the Special Branch officers, but the particular
24 officers dealing with surveillance; is that right?

25 A. Yes.

- 1 Q. And also to be supported by CO19, the firearms officers?
- 2 A. That's correct.
- 3 Q. But they would be ordered by Silvers to act in whichever
- 4 way Silvers determined they should act?
- 5 A. That's correct.
- 6 Q. Silver, as we understand it, takes command of the units
- 7 on the ground?
- 8 A. That's correct.
- 9 Q. Can I just deal with a couple of general matters,
- 10 please, to pick up on them: the first is this, you were
- 11 asked questions about whether or not surveillance and
- 12 firearms officers could go out at the same time, and you
- 13 said, perhaps understandably, that the firearms officers
- 14 would take a little longer because obviously they have
- 15 quite a lot to do?
- 16 A. Yes.
- 17 Q. I do not want to go into the detail of it, because we
- 18 will hear from a specialist firearms officer as to
- 19 exactly how it is that they get themselves ready to go
- 20 out. What I do want to ask you this: in general terms,
- 21 would an hour and a half be a reasonable time for the
- 22 speed of reaction that is required of the
- 23 Metropolitan Police specialist firearms unit in
- 24 an urgent case?
- 25 A. I believe it would, yes, because of, as you have just

1 stated, the procedures that have to be followed, in
2 particular the booking out of equipment, and on this
3 occasion on this morning because there were two firearms
4 teams at the same time one to be deployed of Scotland
5 Yard, one south, there is as I understand it only one
6 armoury, so that slightly delays the process. I believe
7 that DI Rose's firearms team actually got to their
8 location quicker, simply by virtue of the fact they had
9 booked their weapons out in the queue, as it were, more
10 quickly.

11 Q. For obvious reasons, weapons that are carried by
12 specialist firearms officers and the ammunition need to
13 be contained in very high security location?

14 A. Yes, that's correct.

15 Q. So that they don't fall into the wrong hands?

16 A. Yes.

17 Q. They have to be booked out and signed for by the
18 individual officer in relation to each of the weapons
19 and each piece of ammunition?

20 A. Yes, and then safely checked and loaded.

21 Q. That's correct. Now, in addition to that, it is also
22 essential, is it not, that the specialist firearms
23 officers have as thorough a briefing as possible?

24 A. Yes, that's correct.

25 Q. I do not want to go into the nature of it, I know

1 Mr Mansfield touched on it, but we are not going to deal
2 with it through you because you were not present, were
3 you?

4 A. No, I wasn't.

5 Q. It is essential that there is the most thorough briefing
6 because any piece of information, no matter how small it
7 may appear at the time, may be critical in the saving of
8 a life of a member of the public or indeed a fellow
9 officer, or indeed the officer himself?

10 A. Yes, and it's essential that the officers concerned have
11 as full an understanding of the situation that they are
12 confronting as possible. As you have said, or I think
13 at least hinted at, it's a difficult trade-off between
14 acquiring the necessary speed to get them to the
15 location as opposed to the need to keep them behind and
16 make sure they are properly informed.

17 Q. Because firearms officers or the specialist firearms
18 officers are covert, that is to say they are not on the
19 street looking at the particular subject who is to be
20 tracked down and stopped and arrested, are they?

21 A. No.

22 Q. They rely on, in particular, three aspects: a briefing,
23 intelligence that is imparted to them either at the
24 briefing or during the course of the operation?

25 A. Yes.

1 Q. And indeed surveillance information if there are
2 surveillance officers present?

3 A. That's correct.

4 Q. It is upon that that they then have to act?

5 A. That's correct.

6 Q. As and when they are deployed by their senior officers?

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

8 MR STERN: Thank you very much.

9 SIR MICHAEL WRIGHT: Yes, Ms Leek.

10 Questions from MS LEEK

11 MS LEEK: Mr McDowall, I am Samantha Leek and I represent 16
12 CO19 officers, including Andrew, Inspector Zaj and
13 Trojan 84.

14 A. Good afternoon, ma'am.

15 Q. You have explained already and in some detail that as
16 a Gold Commander, you set the strategy for an operation?

17 A. Yes.

18 Q. That is set out in some detail in the ACPO manual on
19 police use of firearms?

20 A. Yes, that's correct.

21 Q. Also set out in that manual is the role of the Silver
22 Commander who is responsible for tactics?

23 A. Yes.

24 Q. And in an aide memoire in that manual, it states that
25 the Silver Commander has the ultimate responsibility for

1 management of an incident and deployment of resources
2 rests with the Silver Commander?

3 A. Yes, ma'am. Sorry, I do not have it in front of me, but
4 I assume you are reading from it.

5 SIR MICHAEL WRIGHT: I think you may assume that.

6 MS LEEK: Thank you.

7 At 5 o'clock in the morning, Silver Commanders had
8 not been identified?

9 A. I don't believe they had, but I am not entirely certain
10 of the timings. I know that DI Rose was at Scotland
11 Yard at my office I believe at 5.30, so he clearly had
12 been identified at some prior time.

13 Q. They certainly hadn't been briefed at that time, and
14 they weren't in a position to brief or deploy firearms
15 officers on the ground?

16 A. At that time --

17 Q. That's right, isn't it?

18 A. Yes.

19 Q. If there was any discussion about what firearms officers
20 were going to do and where they were going to go, round
21 about 5, 5.15, it might only have been to work out where
22 they were and who was available; it wouldn't have been
23 to send them to a particular location?

24 A. No, I think the discussion would have been in broad
25 terms about what was viable and what was acceptable to

1 them and also to give them any opportunity to make
2 representations about what we were attempting to try to
3 do.

4 Q. Because you wouldn't deploy firearms officers on the
5 ground without, as we have heard from Mr Stern,
6 a thorough briefing from Silver Commanders?

7 A. That's correct.

8 Q. There would be quite serious dangers in deploying
9 officers without a briefing from Silver Commanders and
10 without a briefing from their team leaders?

11 A. That's correct.

12 Q. It would be entirely appropriate, however, to bring the
13 orange team from Leman Street to New Scotland Yard to be
14 on standby until the teams coming on duty at 7 o'clock
15 had kitted up and been briefed?

16 A. Yes, that's true.

17 Q. Because at New Scotland Yard, they would be closer both
18 to Scotia Road and Portnall Road in Maida Vale, than if
19 they remained at Leman Street?

20 A. Yes, that's true.

21 Q. In fact it wouldn't just be appropriate, would it, it
22 would be eminently sensible to have them at
23 Scotland Yard?

24 A. Yes, that's correct.

25 Q. We will hear from Inspector Zaj that the orange team was

- 1 in fact at Scotland Yard by 6 o'clock in the morning.
- 2 Were you ever made aware that they were there?
- 3 A. No, I don't recall I was, but if I can just add there is
- 4 a further reason why I believe it would be sensible to
- 5 have them at New Scotland Yard, I think I alluded to it
- 6 earlier, and that is that this, as along with all of
- 7 these sorts of operations, turned out to be an extremely
- 8 fast-moving, fast developing operation. There was at
- 9 all times the possibility of a similarly urgent
- 10 deployment required to another part of London as well.
- 11 Q. Absolutely. When you made your statement in
- 12 November 2005, you referred to your red book when you
- 13 said that at 5.15 tac advisers were present and you
- 14 believed that Andrew was present at that meeting?
- 15 A. Yes, that was my recollection then.
- 16 Q. You had not made a note of precisely who was at that
- 17 meeting, I think?
- 18 A. No, I didn't.
- 19 Q. Or what orders indeed were given?
- 20 A. No, I didn't.
- 21 Q. So am I right in thinking that you are not sure that
- 22 Andrew was in fact at that meeting?
- 23 A. As I say, it was my recollection but I can't say for
- 24 certain. What I do know is that DI Rose joined me at
- 25 5.30 and makes mention of me sitting in my office with

1 a tactical firearms adviser. Again, I don't think he
2 names -- no, I'm sorry.

3 Q. You don't know and can't be certain who that was?

4 A. I don't know whether he would recall, but certainly
5 I don't believe he names the individual.

6 Q. We will hear from Andrew about where he was during that
7 time.

8 A. It may have been Zaj or possibly even conceivably Chief
9 Inspector Esposito, but I think that's maybe less
10 likely.

11 Q. Again we will hear from them as to where they were at
12 that time.

13 Again, so far as carrying out a recce,
14 a reconnoitre, of the area is concerned, that would also
15 be a matter for Silvers to determine having regard to
16 the likelihood of undercover officers blowing their
17 cover, presumably?

18 A. Yes, indeed.

19 Q. They would have to consider what covert resources they
20 had available and how they were going to interact with
21 other teams with the surveillance team for example,
22 because they would not want to compromise their
23 position?

24 A. Yes, and how feasible the lie of the land made
25 a reconnaissance or not.

1 Q. So until the Silver Commanders were identified and
2 briefed, am I right in saying that it would be imprudent
3 to send firearms officers to the scene, it would be
4 imprudent to carry out a recce?

5 A. Without the fullest possible knowledge of what they were
6 confronting, yes, I believe so.

7 MS LEEK: Thank you.

8 SIR MICHAEL WRIGHT: Thank you. Mr Horwell.

9 Questions from MR HORWELL

10 MR HORWELL: Mr McDowall, my name is Richard Horwell and
11 I appear on behalf of the Commissioner.

12 A. Good afternoon, sir.

13 Q. You have touched on this point slightly already, but we
14 can all be experts with hindsight; do you not agree?

15 A. I do indeed, sir.

16 Q. And now, all of us could devise the perfect strategy for
17 the operation that morning. And the perfect strategy,
18 for example, would never have involved Scotia Road or
19 Portnall Road because, as we shall discover next week,
20 the bombers never went there after their failed
21 operation.

22 A. Yes, sir, I suppose if you employ that degree of
23 hindsight, that's true.

24 Q. The operation and you in particular have been criticised
25 for not utilising every piece of theoretically available

1 information that morning. That is one of the criticisms
2 that has been made against you this morning.

3 A. Yes, sir.

4 Q. By the time the strategy was set, just before 5 o'clock
5 on the Friday morning, this particular investigation was
6 about 16 hours old?

7 A. That's correct.

8 Q. From your experience, Mr McDowall, would you, by that
9 early stage, have expected to have had every piece of
10 available information within the Metropolitan Police
11 Service?

12 A. No, I wouldn't, if I am entirely candid, my experience
13 of terrorist incidents, terrorist investigations, is
14 that the early days, not the early hours, can be
15 chaotic.

16 Q. Mr Mansfield has told you this morning, and this
17 afternoon, at some length what he says should have been
18 done on the Friday and what you should have known. Now,
19 by 2005 you were a commander in the Metropolitan Police
20 Service?

21 A. Yes.

22 Q. By then you had been a police officer for how long?

23 A. 25 years, sir.

24 Q. And you had been with SO13 by then for how long?

25 A. I had been with SO13 since the end of January 2005.

1 Q. I am only going to summarise some of the points that
2 were made, you will no doubt bear them all in mind. You
3 weren't aware of the wedding photographs in the
4 rucksack; you weren't shown the Ragstone photographs;
5 you didn't have a firearms tactical adviser present at
6 some of the meetings; you weren't aware that the
7 premises were multiple occupancy; you hadn't seen the
8 plan that you were shown this morning.

9 Having no doubt taken time to reflect upon the
10 questions Mr Mansfield asked you, do you believe that
11 knowledge of any one of those matters would have made
12 any difference at all to the events of that day?

13 A. I don't believe so. I have to say in particular of
14 those issues that you have read out, as I have said
15 earlier, I had the presence of a firearms tactical
16 adviser within 20 minutes of noting what my intentions
17 were, so I can't accept that it's the case that I should
18 have had that person present beforehand.

19 In respect of the other matters that you have just
20 reminded me about, I think I also said that I don't
21 think it would have affected the strategy. There was
22 some alteration given to it, some flexibility applied to
23 it, once it was discovered that it was a communal door
24 to a number of premises rather than just one premise.
25 I think that is entirely appropriate and something that

1 I wouldn't have taken issue with. If I had perhaps seen
2 that map at that time, and I didn't, then conceivably
3 I would have put the very same measures in place.

4 Q. I just ask you this because of the dangers of using
5 hindsight when viewing any aspect of the events of that
6 day: the plan that you were shown this morning, would
7 you have known from that that there would only have been
8 one door in or out of those premises, for example?

9 A. Not as a matter of fact, no.

10 Q. Mr Mansfield's first question of you this morning was:
11 what went wrong with the operation? I want to ask you
12 a few questions on that topic, please. Investigations
13 of this nature are obviously, from what you have said,
14 complex, difficult and rapidly changing, you would
15 agree?

16 A. I would, yes.

17 Q. You have said in the past that in the best managed of
18 police investigations, something will always go wrong?

19 A. Yes. I believe that to be the case.

20 Q. What you have referred to as a hiccup in even the best
21 managed of police investigations?

22 A. It is entirely unusual for things to go entirely to
23 plan, certainly. And I think there is a military
24 doctrine that is still taught at Sandhurst to this day
25 and I can't remember the author but the concept is one

1 of friction, that any command decisions or orders that
2 are given inevitably will suffer from some kind of what
3 is described as friction.

4 Q. On the topic that Mr Mansfield asked you about, do you
5 believe that there were a series of extremely
6 unfortunate events that morning?

7 A. Yes.

8 Q. Do they include, and I am not going to detail them all,
9 for example, as an illustration, that we are all human
10 beings, Frank urinating in his van at the time
11 Mr de Menezes came out of the premises?

12 A. Yes.

13 Q. Because if Frank had taken a video of Mr de Menezes,
14 that may have been -- I stress the word "may" -- of
15 considerable help in excluding him as one of the
16 bombers?

17 A. Yes, that's correct, sir.

18 Q. The point that you have referred to that different views
19 were expressed at different times by the surveillance
20 officers who had Mr de Menezes in sight?

21 A. That's my understanding, yes, sir.

22 Q. As one would expect in an operation of this nature?

23 A. Yes, sir.

24 Q. Do you also include evidence that we will hear in due
25 course, the report that Mr de Menezes was behaving in

- 1 a nervous fashion on the bus?
- 2 A. Yes, sir.
- 3 Q. Not something that a command officer would ignore in
4 these circumstances?
- 5 A. Yes, that's correct.
- 6 Q. The fact that Mr de Menezes got off the bus at Brixton
7 and, within a relatively short time, got back on that
8 same bus, a classic anti-surveillance technique employed
9 by the IRA, al Qaeda, and significant criminals?
- 10 A. Yes, I would include that, sir.
- 11 Q. We know, of course, as best as we can from all of the
12 available information, that it is extremely likely that
13 Mr de Menezes, having seen Brixton station closed,
14 simply got back on the bus to go to the next underground
15 station?
- 16 A. Yes, sir.
- 17 Q. But activity of that nature, classic anti-surveillance
18 techniques, again cannot be ignored by the command
19 officers?
- 20 A. Indeed, sir, no.
- 21 Q. And the fact that Mr de Menezes entered the underground
22 system at Stockwell, which happened to be the
23 underground station that the bombers had used to access
24 the system the previous day?
- 25 A. That's correct, sir, yes.

- 1 Q. The three bombers who took their bombs onto the
2 underground system entered it through Stockwell station?
- 3 A. Yes, sir.
- 4 Q. And that was known that morning?
- 5 A. Yes, it was, sir.
- 6 Q. Amongst the points that have been raised during the
7 course of the day, it was suggested earlier that
8 firearms officers would never be deployed unless
9 a positive identification of the suspect has been made.
10 That isn't right, is it?
- 11 A. No. You would clearly want an indication that there was
12 a likelihood that it was your suspect, but the term
13 "positive" I think is misleading.
- 14 Q. Every day of the week, probably, firearms officers are
15 used in situations where there is no more than
16 a reasonable suspicion that the individual is a suspect;
17 would you agree?
- 18 A. That's correct.
- 19 Q. Can I come next, please, to July of 2005, and we must
20 not assume that everyone hearing your evidence was
21 necessarily in London at that time, Mr McDowall. A time
22 since the Second World War of unprecedented threat and
23 danger to Londoners?
- 24 A. Yes, sir, I agree.
- 25 Q. And Mr Stern has touched on this, this afternoon:

1 Londoners wondered if each and every journey they took
2 on the public transport system might be their last?

3 A. I believe that's the case, yes, sir.

4 Q. It was a time when passengers nervously scrutinised each
5 other in case they detected any sign that a fellow
6 passenger might be carrying a bomb?

7 A. Yes, sir, in fact it went beyond that, I recall numerous
8 instances of passengers assaulting each other and
9 throwing each other off trains, and it's -- I think it's
10 sometimes hard to remember these things now, but it was
11 like that, yes.

12 Q. Some Londoners took to walking to work rather than use
13 the public transport system, and the sale of bikes, it
14 was widely reported at the time, increased considerably?

15 A. Well, that one's new to me, sir, but I certainly
16 remember the rest of the atmosphere at the time.

17 SIR MICHAEL WRIGHT: Sometimes it's recommended, Mr Horwell.

18 MR HORWELL: It is, but in happier circumstances, no doubt.

19 As a consequence of what London was going through at
20 the time, there was unprecedented pressure on the
21 Metropolitan Police Service?

22 A. Yes, that's correct.

23 Q. The topic that you have referred to, the fact that many
24 police officers were working very long hours during this
25 period as one would expect. But I suggest that this has

1 a relevance to what occurred on 22 July because when
2 selecting, for example, firearms officers, a command
3 officer would consider the suitability of such officers,
4 for how long they had been working, before being sent to
5 a scene, for example.

6 A. That's correct, yes.

7 Q. And you would no doubt agree, we will hear evidence of
8 this next week, that any decision made by Dick to use
9 fresh firearms officers rather than tired firearms
10 officers is one with which you would have agreed?

11 A. Yes, I would. It was a concern at the time that some of
12 our officers were experiencing burn-out just from the
13 extraordinary hours they had been working.

14 Q. You had no idea how many bombers would be present in
15 London, and of course one mustn't forget how large their
16 support might be?

17 A. That's quite correct. I remember sitting two Thursdays
18 hence, that is a fortnight beyond the 21 July, in
19 a state of some anxiety almost anticipating the next
20 wave of bombs. We really had very little intelligence
21 to work from at that time.

22 Q. And in setting up this manhunt, you decided to appoint
23 a dedicated DSO, a Designated Senior Officer, to this
24 investigation?

25 A. Yes.

- 1 Q. And you didn't take that from any police manual, you
2 used your judgment in the best interests of this
3 investigation?
- 4 A. That's quite correct. It followed some discussion with
5 others that knew more about DSOing, Commanders Carter
6 and Allison, but it seemed the most expedient and the
7 most sensible thing to do in the circumstances.
- 8 Q. To lead this manhunt were Cressida Dick and Jon Boucher?
- 9 A. That's correct, sir, yes.
- 10 Q. The jury have had a lot of confusing names and a lot of
11 confusing positions, ranks and Golds, and Silvers. But
12 to try to cut through the terminology, you set the
13 strategy and Cressida Dick and Jon Boucher were to
14 implement it by leading this investigation?
- 15 A. That's correct, sir, yes.
- 16 Q. At the jury will of course see those two officers soon.
17 But in July of 2005, when they were appointed to
18 possibly the most important Metropolitan Police
19 investigation of recent times, you were reassured that
20 they would be leading this investigation; is that right?
- 21 A. I was utterly reassured. Perhaps I can put it in the
22 sense that I can think of many people I would not have
23 wanted to have be involved, but these were certainly two
24 people I definitely would have wanted to be involved.
- 25 Q. They were two of the most experienced and able command

- 1 officers at your disposal; would you agree?
- 2 A. Yes, without a doubt.
- 3 Q. Having set the strategy at 4.55 that Friday morning, you
- 4 would no doubt accept that one of the inevitable
- 5 problems with setting an early strategy is that in
- 6 a wide-ranging investigation of this type, once set, it
- 7 is soon out of date?
- 8 A. Yes, that's often the case, yes.
- 9 Q. And that once set, it must of course be superseded by
- 10 subsequent events and developments?
- 11 A. I think it's accepted widely that a certain degree of
- 12 flexibility is always allowed for those who implement
- 13 the strategy, otherwise it becomes completely unworkable
- 14 without constant reference back to the person who set
- 15 it, and that simply isn't feasible in most cases.
- 16 Q. You were more than content to give Cressida Dick and
- 17 Jon Boucher that necessary flexibility in leading this
- 18 manhunt?
- 19 A. Yes, I was, I had to and I have still extraordinary
- 20 confidence in both of their abilities based on the
- 21 experience they have.
- 22 Q. You, for example, wouldn't have expected either Dick or
- 23 Boucher to contact you every five minutes informing you
- 24 of the next intelligence or evidential development?
- 25 A. No, I wouldn't, I would have expected to have been

1 contacted if there was some really significant change or
2 event that had taken place that might alter everything,
3 but that would have needed to have been a significant
4 thing.

5 Q. Much has been said about the discovery that Scotia Road
6 was a building of multiple occupancy rather than the
7 single domestic premises that you had envisaged at the
8 start.

9 A. Yes, sir.

10 Q. That discovery required a change in the implementation
11 of your strategy, would you agree?

12 A. Yes, sir.

13 Q. And whatever changes were necessary, you again were more
14 than content to leave those changes to Dick and Boucher?

15 A. Yes, I would have expected to have been informed at the
16 point that we had a meeting about an update perhaps in
17 the morning, but I would have been content otherwise,
18 yes, for that to have been done without reference to me.

19 SIR MICHAEL WRIGHT: Mr Horwell, you have given me
20 an opportunity to ask you to deal with this question
21 that I have from the jury, which is -- you can see it
22 coming, I suspect: "What alterations were made to the
23 original strategy when it was discovered that 21 was not
24 a single occupation" at the right point.

25 MR HORWELL: I am more than happy to ask this question of

1 Mr McDowall. He may not of course be the best witness
2 because next week we will be hearing from Boucher and
3 Dick.

4 I don't know, did you hear that exchange,
5 Mr McDowall?

6 A. Yes, I did, sir.

7 Q. Can you help as to what changes were made, or not?

8 A. Yes, as I understand it, the changes that resulted from
9 that were that, rather than stopping everyone coming
10 from what was then discovered to be multioccupancy
11 premises, that decisions would need to be made as to who
12 was actually stopped, in other words if it was a suspect
13 or believed to be a suspect, or through some other means
14 later in the morning possibly, intelligence was received
15 that an individual from 21 was actually leaving, then
16 those individuals would be stopped. And ultimately,
17 although this would have been some time, I think,
18 possibly down the track, because of the nature of the
19 changed premises, we may have arrived at the point where
20 an individual or a couple of individuals were identified
21 and stopped for the purpose of trying to acquire further
22 intelligence about those premises.

23 In other words, if we had been sitting there and
24 sitting there and sitting there and nothing had been
25 moving on with the clock ticking away against the

1 viability of a covert operation as opposed to an overt
2 one, then clearly we would need to try to do something
3 and that may involve stopping anyone coming out and just
4 asking questions obviously well away from that address,
5 such as, you know, "Do you know the layout of the block,
6 do you know whether there is movement or are you close
7 to 21" and so on and so forth, if you follow me.

8 SIR MICHAEL WRIGHT: The initial change as I understand it
9 before 9.33 when Mr de Menezes left was that instead of
10 stopping everybody, the surveillance officers were being
11 selective as to who should be stopped, depending upon
12 their appearance and so forth.

13 A. That's correct.

14 SIR MICHAEL WRIGHT: That was the initial change.

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: Thank you.

17 MR HORWELL: In other words, a matter of discretion and
18 judgment, Mr McDowall?

19 A. Yes, sir. Yes.

20 Q. It was obviously critical to get surveillance officers
21 to these two addresses as soon as possible?

22 A. Yes.

23 Q. And that was achieved?

24 A. Yes.

25 Q. As we heard this afternoon, once present, they became

- 1 the eyes of this operation?
- 2 A. Yes, sir.
- 3 Q. In terms of the selection of firearms officers to
4 support the surveillance officers, you were of course
5 content to leave that decision to Dick?
- 6 A. Yes.
- 7 Q. And until firearms officers, SFOs, Specialist Firearms
8 Officers, could get to the vicinity of these premises,
9 because they wouldn't be parked outside, would they,
10 Mr McDowall?
- 11 A. No, they wouldn't.
- 12 Q. Until they could get to the vicinity, cover by the use
13 or the availability of ARVs was something with which you
14 would have approved?
- 15 A. Yes.
- 16 Q. ARVs, armed response vehicles?
- 17 A. That's correct, sir, yes.
- 18 Q. Because when examining these issues, it is not only
19 SFOs, Specialist Firearms Officers, that are at the
20 disposal of the Metropolitan Police, there are many
21 other groups, types, units, that can be used?
- 22 A. Yes, that's correct, and the ARVs are one, the
23 surveillance officers on the day had an armed capability
24 of their own also.
- 25 Q. I think you described it this morning as a momentous

1 decision as to whether or not to release the photographs
2 of the bombers to the press that morning?

3 A. That's correct, the difference between an overt
4 operation and the likelihood of its success, and
5 mounting a covert operation and the likelihood of that
6 success.

7 Q. Once that decision had been made, and you have given the
8 reasons for it, it was paramount to maintain the covert
9 nature of this investigation, would you agree?

10 A. Yes, absolutely.

11 Q. And one of the reasons for that is what happened in
12 Madrid?

13 A. Yes, that's true.

14 Q. Now, if we can put some further details before the
15 court, because we have not yet heard the date, on
16 11 March 2004, terrorists in Madrid detonated bombs on
17 commuter trains, killing 191 people and wounding just
18 under 2,000. It was a dreadful terrorist outrage.

19 A. Yes, it was.

20 Q. And it is clear that the bombers knew that the police
21 were about to raid their premises, and that was on
22 3 April 2004?

23 A. Yes, sir.

24 Q. And as we have heard, the bombers detonated the bombs
25 that they had where they were living, killing not only

1 themselves but the lead police officer who went through
2 the door?

3 A. Yes, that's correct.

4 Q. At any one of the addresses that featured in this
5 investigation, police officers were not only entitled to
6 have in mind the events of Madrid, there was a positive
7 obligation on them to have in mind those events?

8 A. Yes, that's correct.

9 Q. Therefore it plainly was not the police response in this
10 investigation simply to knock on the door of any of the
11 addresses, and we will be hearing many more addresses as
12 this inquest continues, but if anyone were to wonder why
13 on earth didn't police officers simply knock on the door
14 at Scotia Road or Portnall Road, or any of the other
15 addresses that we will hear about, that is one of the
16 main reasons why not, Mr McDowall; would you agree?

17 A. Yes, it is, it was part of the risk assessment
18 concerning that particular tactic, and I would go
19 further than that, and say that as July progressed,
20 there were occasions when, because of what we were
21 confronted by, there were no tactics, there were no new
22 tactics offered to us, there were no options, there were
23 no solutions presented by the firearms tactical
24 advisers, and we found ourselves in a position of
25 stalemate when we weren't able to progress the

1 investigation, particularly around some premises.

2 Q. In terms of the criticisms that have been made of you,
3 can you in as short a time as possible, Mr McDowall,
4 give this jury, please, an impression, a summary of all
5 of the other interests and duties and obligations and
6 responsibilities that you had during this period, but in
7 particular on 22 July?

8 A. I think it's quite difficult to do that in a short time,
9 sir. I had responsibility for the events of 7/7 and the
10 investigation afterwards. I note from my statement that
11 at 7.25 that morning, I had an engagement to meet with
12 the Coroner for 7 July, Dr Reid, and so all of that was
13 continuing. We were still trying to ascertain at that
14 point what had happened, and whether we knew everyone
15 who was responsible. We were still dealing with a bomb
16 factory in West Yorkshire, a vast amount of our
17 resources were committed to that area and to other parts
18 of England, following leads and enquiries. We were
19 evacuating large parts of the population according to
20 the threat as it was being assessed. All of that was
21 going on.

22 There was the weekly influx of intelligence and
23 threat, and of course that, as you might expect,
24 increased incrementally after the 7 July attack, some of
25 it well intended, much of it not. But again a huge and

1 onerous responsibility to track down, to deal with, to
2 investigate as far as possible everything that was
3 coming to our notice.

4 I think I referred to the vast number, it was just
5 one statistic, but 3,900 hotline calls over a period
6 when one might expect, say, 60, just to give some kind
7 of reference point. And then of course events of the
8 21st, again a completely blank intelligence screen, no
9 radar out in front of us to let us know it was going to
10 happen. Deep concerns over what else was going to
11 happen, as well as the responsibility for finding these
12 individuals, the four as we knew it at that time that
13 then became five, and what they would now intend to do,
14 with no experience that I am aware of to go on as to
15 what their intentions may next be, but I think I recall
16 a clear feeling at the time that they would be most
17 intentioned to conduct -- to complete their deadly
18 intention for ideological or maybe religious reasons,
19 and that is really without delving into any of the other
20 detail of what was going on, my responsibility also to
21 try to ensure that we had sufficient staff, it was
22 a period of annual leave in the middle of the summer,
23 and that was to conduct all of the investigations and
24 enquiries necessary, all of the specialisms that we
25 require, the number of bomb threats we were receiving,

1 the number of hoax calls we were getting, the number of
2 public places of entertainment or resort being shut at
3 a moment's notice, and the need to respond with
4 operational teams from this command to ensure that those
5 were dealt with correctly.

6 I could go on and on, sir, but I suspect that you
7 don't want me to at this point.

8 Q. I think you have given a very clear summary in the time
9 that I have allowed you, Mr McDowall, and I am not going
10 to ask you to expand upon it.

11 I only have a few more questions to ask you.

12 The principal objective was obviously to find and
13 arrest the bombers and their supporters?

14 A. Yes, that's correct, and also one thing I have not
15 mentioned of course which was crucially important at the
16 time, was trying to reassure the public, and all that
17 that entails which means meeting with community groups,
18 it means providing the correct intelligence to others,
19 it means ensuring that those in government, those
20 charged with responsibility for the communications
21 systems and so on, are also serviced too, because the
22 more there is no information from the police, the more
23 concerned people tend to become. I just add that both
24 in answer to your question just now but also in terms of
25 the overall responsibilities at the time.

1 Q. Thank you. The jury will hear that, save for this
2 appalling tragedy, this was an extremely successful
3 police investigation?

4 A. That is correct, sir, yes.

5 Q. Many people arrested and many people convicted?

6 A. Yes, sir, as you say, save for this tragedy.

7 Q. Did the strategy change? Obviously new addresses came
8 to the knowledge of the investigators, but did the
9 strategy essentially change at any time, Mr McDowall?

10 A. Not to any substantial degree, and when I am asked what
11 I would have done differently, that is one of the
12 problems I have with that question, because throughout
13 that period and beyond it, no-one has told me what
14 I should have done differently or how that strategy
15 should have been different, because a large number of
16 people supported it and put it into operation during
17 those, what, ten days or so in July.

18 I think that's what I would say about that, sir.

19 No, the strategy didn't, except for some flexibility and
20 some minor changes around some addresses, no, I don't
21 believe it did change substantially.

22 MR HORWELL: Mr McDowall, thank you.

23 MR MANSFIELD: Sir, I will be very quick.

24 In view of that last answer, I do not want to go
25 down that road in detail, but of course he was asked

1 exactly those questions in the Health and Safety trial,
2 where a number of 19 different failures were being
3 examined and he did accept when the learned judge asked
4 him that question that there were things that could have
5 been done differently.

6 SIR MICHAEL WRIGHT: Thank you.

7 Mr King?

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

9 SIR MICHAEL WRIGHT: Mr Perry, you may have achieved your
10 end.

11 MR PERRY: I am not sure if it was my end, sir.

12 SIR MICHAEL WRIGHT: Mr McDowall tells me he has a meeting
13 that he has to go to at 5 o'clock, and frankly you are
14 not going to get much in between now and 5 o'clock.

15 MR PERRY: Sir, there are two points, firstly I do not think
16 I would finish and secondly, I would feel so
17 uncomfortable being the most unpopular person in the
18 room keeping everywhere late on a Thursday afternoon.

19 A. Sir, if it helps, I have to confess to a small degree of
20 discomfort as well.

21 SIR MICHAEL WRIGHT: In that case that clinches it.

22 There is a quid pro quo to this, Mr Perry.

23 MR PERRY: I'll be as swift as I can.

24 SIR MICHAEL WRIGHT: We will say 10 o'clock tomorrow
25 morning.

1 (4.37 pm)
2 (The court adjourned until 10.00 am on
3 Friday, 26 September 2008)
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