

1 Monday, 13 October 2008

2 (10.00 am)

3 (In the presence of the jury)

4 SIR MICHAEL WRIGHT: Good morning, ladies and gentlemen.

5 I hope you had a good weekend. Mr Hilliard.

6 MR HILLIARD: Inspector Rose, please.

7 DETECTIVE INSPECTOR MERRICK ROSE (sworn)

8 SIR MICHAEL WRIGHT: Thank you.

9 A. Merrick Rose, Detective Inspector, attached to SO15
10 Counter-Terrorism Command, sir, formerly SO13
11 Anti-Terrorist Branch.

12 Questions from MR HILLIARD

13 MR HILLIARD: Mr Rose, I will ask you questions first on
14 behalf of the Coroner and then you will be asked
15 questions by others. To help you as you go along,
16 I just want to make sure that you have various documents
17 available to you, and just so you understand, there is
18 absolutely no difficulty about you looking at any of
19 them as we go along. All right.

20 A. Thank you, sir.

21 Q. Do you have a copy of a witness statement? If we just
22 start with those that you made on, I think, 21 December
23 of 2005?

24 A. Yes, sir.

25 Q. Do you then have a copy of a longer witness statement

- 1 which I do not have a date for?
- 2 A. I do have a copy, sir, yes.
- 3 Q. Can you give us the date of that?
- 4 A. It would have been either the 19th or 20th July 2006,
- 5 I think, sir.
- 6 Q. Right. So just about a year later?
- 7 A. That's correct, sir.
- 8 Q. Right. Then so far as notes are concerned, do you have
- 9 either a copy or indeed maybe the original book there,
- 10 some notes that you made in what in your case was a blue
- 11 book?
- 12 A. Yes, sir, I have the blue book here.
- 13 Q. Good. Lastly, some notes or records that you made on
- 14 something that's called a form 3605?
- 15 A. Yes, sir.
- 16 Q. Got those?
- 17 A. Copies I have, sir.
- 18 Q. Good. And 3605, is this right, that's just the number
- 19 of the form?
- 20 A. It is, sir, for an armed operation, that's what the
- 21 armed operation is recorded on.
- 22 Q. So if there is an armed operation there are various
- 23 things that have to go on a form 3605; is that right?
- 24 A. Yes, sir.
- 25 Q. Now, we have heard something about IFCAT, which I think

1 stands for Inspectors Firearms Command Accreditation
2 Training?
3 A. That's correct, sir, yes.
4 Q. In July of 2005, were you an IFCAT inspector?
5 A. I was, sir, yes.
6 Q. When had you done the necessary training for that?
7 A. It was the previous year, I completed on 20 July 2004,
8 sir.
9 Q. Was one of the consequences of that that you would
10 Silver, if I can put it that way, firearms operations?
11 A. Yes, that was the qualification, if I can call it that,
12 that was required before one could Silver a firearms
13 operation.
14 Q. Since 2004, July or so, when you had done the IFCAT
15 training, and July 2005, a year later, which is when we
16 are principally going to be looking at, can you say how
17 many firearms operations you would have Silvered in that
18 period?
19 A. Not with any degree of accuracy, sir, because we don't
20 keep records but my best estimate would be about six.
21 Q. Then if we just go, please, to 21 July 2005, did you
22 begin work at 7.30 in the morning?
23 A. Yes, sir.
24 Q. We know and you know that that was the day of the
25 attempted suicide bombings?

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

2 Q. Did you in fact not finish work until 1 o'clock in the
3 morning?

4 A. That's correct, sir.

5 Q. So into the early hours of the 22nd?

6 A. Yes, sir.

7 Q. Did you then go and stay in a nearby hotel in
8 anticipation of being required no doubt at pretty short
9 notice and for long hours?

10 A. I did, yes, sir.

11 Q. If we can just look at a document in the jury bundle,
12 divider 43, it's also come up -- in fact it's the other
13 one, it's also come up on the screen.

14 Can you see, if we just look at the body of the
15 message, we have looked at this a few times before, but
16 "DI [detective inspector] IF CAT, you have just told us
17 about that, "required to Silver firearms OP asap.

18 "Given options requested DI Rose", and then
19 "warned", then do you see it looks like "0457"?

20 A. I would agree with that, sir, yes.

21 Q. DI Rose informed; do you see that?

22 A. Yes, sir.

23 Q. We can put that away. Now, in your nearby hotel shortly
24 before 5 in the morning, I don't know if that's where
25 you were then, did you get that message?

1 A. I did, sir, yes, I thought it was earlier to be fair.

2 Q. You said in your statement, were you estimating then,

3 I think you said 4.15 or so in the morning?

4 A. I just knew it was early, sir.

5 Q. Absolutely. It looks as if 4.15 or so you got a call

6 and who was it who you spoke to?

7 A. Well I thought at that time it was

8 an Inspector Martin Gurney, but I got that wrong as

9 well, I am afraid. He took over the following night and

10 was the night duty operations officer in the support

11 unit. The officer actually that called me, I don't know

12 his name; I have since learnt it was Inspector Hall.

13 I don't know that officer, I am afraid.

14 Q. Whoever it was who called you, what did they say to you?

15 A. From memory, it was a case of: we need you back at the

16 Yard to do a firearms operation as a Silver, I took

17 a bit of persuading, to be honest --

18 SIR MICHAEL WRIGHT: Because it was 4.30 in the morning?

19 A. Indeed, yes, sir, and the urgency was conveyed to me and

20 I made my way.

21 MR HILLIARD: Right. When you got to New Scotland Yard,

22 I think you went to Commander McDowall's office; is that

23 right?

24 A. Initially, sir, I went to the admin office to try to

25 find a 3605, a firearms record, where they were normally

1 kept. There weren't any there. I spent a few minutes
2 looking for some and eventually grabbed the blue book
3 and presented myself to Mr McDowall at about 5.30.

4 Q. We will come on to finding the 3605 form later, what you
5 are using now is your blue book to make any records you
6 think you need to?

7 A. Indeed, yes, sir, is that right.

8 SIR MICHAEL WRIGHT: Is there anything special about that
9 book or was it just an ordinary notebook?

10 A. Yes, sir.

11 Q. Just an ordinary notebook, sir.

12 MR HILLIARD: If you have got the page that begins with
13 a time 0530, and we might have this on the system at
14 7722, it has not been scanned in, we can manage without
15 it.

16 You have a note, haven't you, that at 5.30 in the
17 morning --

18 A. Yes, sir.

19 Q. -- 22nd, Commander McD, so Commander McDowall's office,
20 office; is that right?

21 A. Yes, sir.

22 Q. Present obviously him, yourself, Mr Mellody, who we
23 heard from on Friday afternoon?

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

25 Q. And an S019 tactical adviser who we are calling Andrew?

- 1 A. Correct, sir, yes.
- 2 Q. Did Commander McDowall tell you that, following the
3 attempted bombings the day before, a bag had been
4 recovered from the scene at Warren Street?
- 5 A. Yes, sir.
- 6 Q. And correspondence, documents, had been found in that;
7 is that right?
- 8 A. Yes, sir.
- 9 Q. In the name of Hussain Osman?
- 10 A. Yes, sir.
- 11 Q. Who was apparently a good likeness for CCTV film of the
12 Shepherd's Bush attempted bomber; is that right?
- 13 A. That's right; sir, yes.
- 14 Q. More particularly, so far as documentation was
15 concerned, that there was a joint membership card that
16 appeared to relate to him and somebody called
17 Abdi Samad Omar, who was a good likeness for CCTV film
18 of the Warren Street attempted bomber?
- 19 A. That's correct, sir, yes.
- 20 Q. Were you told that the address on the card was
21 21 Scotia Road, SW2?
- 22 A. Yes, sir.
- 23 Q. And that it was believed that both men might be at that
24 address?
- 25 A. Yes, sir, essentially, yes, that's right.

1 Q. Did he say, and if it wasn't him, then say so, but as
2 you recall it, did he tell you that so far as Omar was
3 concerned that he featured in something we have heard
4 about, Operation Ragstone?

5 A. Yes, sir.

6 Q. That was outdoor activities/training camp in Cumbria; is
7 that right?

8 A. Yes, sir.

9 Q. Did he also tell you about torn up correspondence in
10 another name we have heard about, Girma?

11 A. Yes, sir.

12 Q. Did he then talk about strategy?

13 A. Yes, he did, sir.

14 Q. What did he say?

15 A. He said that his strategy was for the addresses --
16 sorry, the address to be contained, when the suspects
17 came out they were to be challenged, detained and
18 arrested.

19 Q. I'm very grateful. Although it's not scanned in, we
20 have a copy for the document camera, so we will actually
21 be able to put your note up. (Handed). If we just put
22 on screen, there is a page that has a time at the top
23 0530, that's what you have been telling us about,
24 Mr Rose, we will just re-cap a bit.

25 A. That's it, sir, yes.

1 SIR MICHAEL WRIGHT: Is this the blue notebook?

2 A. Yes, sir.

3 MR HILLIARD: Can you see the word also underlined and below

4 that, is the next heading "strat"; strategy?

5 A. Yes, sir.

6 Q. And you have told us, he said the address is to be

7 contained, when the suspects came out they were to be

8 challenged, detained and arrested?

9 A. Yes, sir.

10 Q. There is then a reference to the tac adviser, Andrew;

11 yes?

12 A. Sir.

13 Q. And a time, 0540?

14 A. Yes, sir.

15 Q. What's the note that follows that?

16 A. The strategy prompted a question what if only one comes

17 out and before that really got answered, Andrew then

18 said, you know, if he comes out and he is gloved and he

19 is carrying a rucksack it's possible that he is

20 preparing for another attack and is prepared to die for

21 the cause. He said that if he was to fail to do as he

22 was told in those circumstances, he was likely to be

23 shot.

24 SIR MICHAEL WRIGHT: Failed to do as he was told presumably

25 by the containing police officers.

1 A. That was the inference; he didn't actually say that, but
2 that was certainly as I understood it.

3 MR HILLIARD: Just so we understand, the significance of the
4 question which we can see there: "what if only one comes
5 out", was the concern that would the one have to be
6 dealt with in a way that might alert somebody else who
7 was still in the premises, or can you not remember now
8 what the thinking behind the question was?

9 A. I can't remember what the thinking behind the question
10 was, sir. There were obviously a number of options that
11 could have happened if only one came out but we didn't
12 get to discuss those options before the next question
13 was asked.

14 SIR MICHAEL WRIGHT: Had you gleaned from the discussion the
15 possibility that two suspects might be in the same
16 address?

17 A. At that stage, that's what we thought, sir, yes.

18 MR HILLIARD: Then if we go to the next page of the notes,
19 it has 0545 at the top, can you just help us about that
20 note?

21 A. If I can try and explain, sir, this was rather what
22 I would describe as a busy meeting. It was quite
23 a prolonged meeting in so far as there were a lot of
24 interruptions, people coming in speaking to various
25 members that were in the room -- not me, I have to

1 say -- but bringing people up to date, phones were
2 ringing, texts were going off and I think really it was
3 quite a protracted meeting because of that. At 0545,
4 quarter to 6 in the morning, somebody came into the
5 room, I can't remember who it was, and said that
6 basically the latest address for Omar was 61A
7 Portnall Road W9 and the research that had obviously
8 been undertaken prior -- during the course of the night,
9 had put him there since 14 March 04, so that was the
10 latest piece of information that was brought to our
11 notice.

12 SIR MICHAEL WRIGHT: That again if I remember rightly is
13 the explanation of the slightly odd date, I think it was
14 in Andrew's note.

15 MR HILLIARD: Might have been but it was in Alan's and that
16 prompted the question at the bottom of the page.

17 SIR MICHAEL WRIGHT: Quite right.

18 MR HILLIARD: All right.

19 Then if we just follow down:

20 "Vince Esposito, Chief Inspector, S019"?

21 A. Yes, sir.

22 Q. Then there is an arrow, "NSY, briefed by" and that's
23 Andrew?

24 A. Yes, sir.

25 Q. Can you explain that note, what's that about?

1 A. Vince Esposito arrived, when I say NSY it was
2 Commander McDowall's office, he came in and there was
3 a briefing between himself and Andrew which took some
4 minutes and Mr McDowall was adding to that briefing as
5 well. So again it's just another example of how that
6 meeting became protracted?

7 Q. Other meetings?

8 A. Yes, that's right.

9 Q. I see. Then there is a reference to S012 surveillance
10 team at 21 Scotia Road and 61 Portnall Road?

11 A. Yes, sir.

12 Q. What was said about that?

13 A. My recollection is that I was under the impression when
14 I wrote that that surveillance had been or was
15 imminently being deployed to both those addresses.

16 Q. If somebody came out, we have seen an example that if
17 they didn't do what they were told, they were likely to
18 be shot, but who did you understand would be doing the
19 challenging or the shooting?

20 A. I would have expected that to have been the S019
21 specialist firearms team, sir.

22 Q. Did you have any understanding at this stage yourself as
23 to what was happening about deployment of them?

24 A. No, sir, I didn't, I didn't know what the deployment
25 situation was. When the Portnall Road address became

1 known to that meeting, it immediately prompted
2 a discussion between the three gentlemen that were there
3 along the lines of, and I can't remember verbatim, it
4 was a case of: do we need to do two firearms operations,
5 yes we do, there is linkage between the two addresses
6 and there was what about assets, and Andrew I think it
7 was said we will have enough firearms teams on at
8 7 o'clock in the morning or from 7 o'clock in the
9 morning.

10 Q. This is at 5.45?

11 A. Correct, yes, sir.

12 Q. Was anything said about what was going to be happening
13 between 5.45 and 7?

14 A. No, sir, not to my recollection at all.

15 Q. What, just nobody adverts to it at all?

16 A. No, sir, not to my recollection.

17 Q. Right. Then 6.10, a reference to SO19 inspector and
18 that's Inspector ZAJ, as we know him?

19 A. Yes, sir.

20 Q. You have that there all right?

21 A. Yes, sir.

22 Q. Does that mean he arrived at 6.10?

23 A. Yes, he did, he came in and he spoke to his colleagues.
24 I don't know if Andrew was still there at this stage or
25 not. And I can't honestly remember whether ZAJ stayed

- 1 or not but he did come in. As I say, people were coming
2 and going and I was trying to make some notes as to what
3 I thought might affect me and help me and that's the
4 note I made, I am afraid
- 5 Q. Can you help us, the note "Op Vivace", if I am
6 pronouncing it?
- 7 A. Yes, you are, sir, I think. Up until this point, the
8 21/7 attacks had been referred to as Theseus 2. For
9 reasons I'm unaware of, it was given a new operational
10 name and it was Operation Vivace from basically that
11 moment on.
- 12 Q. The 6.20 note, please, 0620?
- 13 A. At that time, sir, again somebody has come into the room
14 and made us known -- made us aware of the fact that
15 there is a black Nissan Primera registration P579 UBB,
16 in the locality of Scotia, and it's registered to Omar
17 at 61A Portnall Road.
- 18 Q. Then at 6.35, does the note indicate, is this what it
19 means, that Commander Carter came to New Scotland Yard
20 and he was briefed by Commander McDowall?
- 21 A. Yes, sir, that's right, he came to Mr McDowall's office.
- 22 Q. Where you still were?
- 23 A. I was, yes.
- 24 Q. Then 6.40, please?
- 25 A. At 6.40 Mr Esposito made a comment saying that the

1 premises would not be entered given that the information
2 that he had accumulated regarding the suspects, and
3 I think he was under the impression, and I don't know
4 whether he is right or wrong in this, but the dead
5 bombers from 7/7 were believed to be at the Cumbria camp
6 as well. The overwhelming information was that it would
7 be too dangerous to enter the premises, given his
8 knowledge of the intelligence brief.

9 Q. Right. That's the reference below, is it, "dead
10 bomber"?

11 A. Yes, sir, that is right.

12 Q. "... believed to be at Cumbria camp". Then there is
13 a reference to "armed op" and a number, 1199?

14 A. Yes, sir.

15 Q. Can you just explain that for us?

16 A. Each armed operation is given a number, sir, I was
17 informed that that was the number for this operation.

18 Q. Then top of the next page, which has a 0650 time, if we
19 can get that on the screen, thank you, if we can just go
20 down a bit, we can see it. 0650, MTG, is that meeting?

21 A. Yes, sir.

22 Q. Commander McDowall?

23 A. Yes, sir.

24 Q. Is this another stage in the meeting you were at or is
25 this a new start?

1 A. This is a different meeting in a different room. This
2 was held in the conference room at New Scotland Yard.
3 It was a meeting that was, I think, put back in the
4 light of the second address coming on line and the need
5 to do two operations and those assets being available
6 after 7 o'clock, this was the meeting that was sort of
7 briefing people into the latest situation, and it was
8 held, as I say, there were more people at this meeting,
9 I can't remember how many, sir, probably approaching 20
10 I would think.

11 Q. Yes, yes. You have a start time of 6.50?

12 A. I have, sir.

13 Q. Then can you just help us with your note, please of what
14 was said at that meeting?

15 A. Yes, sir, I have said that this was Mr McDowall
16 addressing the meeting, he basically reiterated what he
17 had said in the previous meeting with a little bit more
18 information, correspondence found in the Shepherd's Bush
19 rucksack, came back to a club premises which had been
20 identified and visited by police.

21 Q. That was in fact a gym, we have heard; is that right?

22 A. Yes, I believe it was.

23 Q. Yes?

24 A. It had been visited by police during the course of the
25 evening. Hussain Osman and Abdi Samad Omar had been

1 identified as members, and again Osman was thought to be
2 a good likeness to the Shepherd's Bush bomber and Omar
3 to the Warren Street bombings from the previous day.

4 Both were shown on those records at 21 Scotia Road SW2.

5 Do you want me to continue, sir?

6 Q. Yes, please, thank you very much.

7 A. There was also some intelligence around Omar relating to
8 Operation Ragstone, again this was the mention about the
9 farm in Cumbria with a number of Asians in combat gear,
10 and a vehicle had been seen at the farm which had come
11 back to Omar, and that was the Nissan Primera P579 UBB.
12 Also involved in that camping trip was a blue Golf L199,
13 and I think it's FPA, and that apparently came back to
14 Yeshie Girma, and the address for Girma was flat
15 40 Blair House, Stockwell Gardens Estate, SW9.

16 Mr McDowall went on to say in the rucksack from the
17 Shepherd's Bush scene there was correspondence in the
18 name of Elias Girma Eyassu, who featured in another
19 operation.

20 Q. Operation Anomalous?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: We have heard that, but could you just
23 remind us what that operation was?

24 A. I believe it was to do with people leaving this country
25 to go and fight jihad abroad, sir.

1 Then Mr McDowall said that there has been an updated
2 address for Omar at 61a Portnall Road since
3 14 March 2004. Surveillance had been deployed again to
4 both addresses and the Primera was in the vicinity of
5 the Scotia Road address.

6 MR HILLIARD: Then there is a reference to Chief Inspector
7 John Terry.

8 A. Yes, sir.

9 Q. What's that about?

10 A. John Terry was, still is, an SO19 tactical adviser, and
11 he had apparently been told that he would be going to
12 the W9 address, Portnall Road, and it was around this
13 time that Mr McDowall said to the people that were in
14 that room words to the effect "so we are going to do two
15 firearms operation, one at Scotia Road, one at
16 Portnall Road and the Silvers are going to be Merrick
17 and", and then Greg Purser stepped forward and said
18 "I'll do that one".

19 Q. That's you, Merrick Rose, and you were going to have the
20 orange team; is that right?

21 A. Yes, sir, if I could just explain?

22 Q. Yes.

23 A. When Mr McDowall said that, he said: "and the Silvers
24 are going to be with Merrick and", and he was looking
25 for another Silver, and Greg stepped forward and said:

1 I'll do the other one. It was then a case of Greg said
2 to me: which one do you want, and I said: I don't really
3 mind, I have not worked either of those areas of London,
4 it doesn't matter to me. Greg said: neither have I, how
5 about I take Scotia and you take Portnall, so I: said
6 yeah that's fine, and I was allocated the orange team.

7 Q. And he's got the black team?

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: Because of the intelligence that was
10 being discussed at this meeting, you had an address of
11 Scotia Road for Osman, you had an address of
12 Portnall Road for Omar.

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: But the car connected with Omar had
15 been identified as being at Scotia?

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: Or near Scotia.

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: Was there any general view as to which
20 of those two addresses was, if you like, the better bet
21 or the priority address?

22 A. I don't think there was, sir, because that car could
23 have been broken down and been there for days, it could
24 have been sold and not re-registered, so there were
25 a number of reasons that it didn't necessarily tilt

1 towards Scotia, I think, I would say that both addresses
2 were being regarded with equal value.

3 SIR MICHAEL WRIGHT: Thank you.

4 MR HILLIARD: Then we can go on to the next sheet, please.

5 Before we deal that, I do not want to go back to the
6 other sheet, but you had information about the
7 surveillance team leader for Portnall Road; is that
8 right?

9 A. That's correct, sir.

10 Q. You have made a note, is this right "issues"?

11 A. Yes, sir, that's right. As soon as we were appointed,
12 Greg Purser and myself were appointed as Silvers and the
13 addresses were identified as to who was going to be at
14 which, Greg and I left that meeting at that point. It
15 must have been about 5 past, 10 past 7 time, with
16 John Terry and DCI Mellody, and we went to Greg's office
17 because Greg at that point hadn't been aware of actually
18 being a Silver or having any knowledge of the operation,
19 and he quite understandably and quite rightly wanted
20 a full intelligence brief.

21 Q. Just help us, is this issues part of that full
22 intelligence brief?

23 A. Those were just notes that I made about discussions that
24 Greg and I had, and probably John Terry as well around
25 what we might be facing, and how we might have to deal

1 with things. So we thought suspected suicide bombers,
2 not knowing what was inside the addresses, either
3 address at that stage, if an identified person comes
4 out, he should be challenged when it's safe to do so
5 and then the question again if non-compliance, and we
6 were saying well that's going to have to be a judgment
7 call given the circumstances.

8 Q. You had been told, is this right, and I am looking at
9 the longer statement that you made, to deploy as soon as
10 possible?

11 A. Yes, sir.

12 Q. As you have indicated, you, Mr Purser and Mr Mellody
13 went to Mr Purser's office?

14 A. That's correct, sir.

15 Q. Because as you have said, he didn't know he was going to
16 be a Silver until that meeting?

17 A. That's right, sir.

18 Q. Your statement says: "Therefore he needed a full
19 intelligence brief from DCI Mellody, together with
20 photographs of the subjects and their associates"?

21 A. Yes, sir, I myself hadn't seen any photographs at that
22 time and Mr Purser was very strong that we should
23 actually have some photographs of suspects and their
24 associates because it could be that they were with
25 associates as well when they came out of the address,

1 and they weren't available to us at that time, so it
2 took a while for -- I think actually Greg Purser had to
3 arrange that himself and get that sorted out himself.

4 SIR MICHAEL WRIGHT: But you got them?

5 A. We did, sir.

6 MR HILLIARD: You say in your statement: "These were
7 eventually provided in two folders, one for each
8 address"?

9 A. Yes, sir.

10 Q. Can you help us: you say in the statement eventually
11 provided, what sort of delay are we talking about there:
12 five minutes, ten minutes?

13 A. No, it was longer than that, sir. Difficult to say, but
14 I would say probably 15, 20 minutes before we could get
15 the photographs.

16 Q. Did that seem to you to be a long time?

17 A. It did, sir, because I was a little bit anxious about
18 getting out and deployed as soon as possible. Time was
19 moving on and I was aware that obviously there may be
20 movement at addresses that needed to be covered. So
21 I was anxious to go. The thought process was: there is
22 no point going unless you know who you are looking at.

23 Q. Yes. You say in your statement:
24 "Further delay in deploying occurred because there
25 were no form 3605s readily available, these were

1 eventually found"?

2 A. Yes, sir, I found them in another room in another part
3 of the building.

4 Q. Right. Just so we understand, you have to find and get
5 those yourself in the end, is that another 20 minutes
6 finding those, just so we know what the stresses are?

7 A. Yes, the whole process, from leaving the meeting with
8 Mr McDowall at about 7.10, I managed to deploy at 8.05,
9 and I was under the impression that Greg was right
10 behind me at that time, so it took about 50 minutes to
11 get the intelligence brief, gather the photographs,
12 organise a sterile arrest team for us each and also get
13 the firearms logs.

14 Q. So we understand the point you are making in your
15 statement, was that a lot longer than you really wanted
16 in the circumstances?

17 A. Yes, sir, it was.

18 SIR MICHAEL WRIGHT: When you say deployed at 8.05 that's
19 the time you left the Yard, is it?

20 A. Yes, sir.

21 MR HILLIARD: The form 3605, we will just stick my copy on
22 there -- Ms Studd I'm very grateful indeed has a spare
23 of it so we can look at the format of the form.

24 (Handed). If we can just put that first page up, and
25 can you see, there is some crossings, there is your

1 initials and an exhibit MR2.

2 A. Yes, sir.

3 Q. Just above the MR2, if we come down a bit, just

4 imprinted there is what we have been talking about, form

5 3605, so that's the blank form that --

6 A. Yes, sir.

7 Q. We can see:

8 "Metropolitan Police armed operation record to be

9 completed by the scene commander. To be used for armed

10 incidents ... the contents of this document may be the

11 subject of evidential disclosure."

12 Meaning that if there is a criminal prosecution it

13 may be provided to other people outside of the police?

14 A. Correct, sir.

15 Q. Then we can see the date, there is an operation title,

16 isn't there?

17 A. Yes, sir.

18 Q. There is the number that you told us about, 1199; do you

19 remember?

20 A. Yes, sir.

21 Q. And so on. Did you then record in that document some of

22 the material that you have been telling us about?

23 A. Yes, sir.

24 Q. If we go, for example, to page 11, looking at the

25 numbers bottom middle, or 48 bottom right, if it's

1 numbered like mine --

2 SIR MICHAEL WRIGHT: How many pages are there on this form?

3 A. They are quite a bulky document, sir, I think getting on

4 for 30 pages.

5 MR HILLIARD: I think it's 32 exactly, but not every page of

6 which is relevant or filled in.

7 A. That's quite right, sir, yes.

8 SIR MICHAEL WRIGHT: When did you fill it in?

9 A. This part of it when I arrived at the RVP, but then the

10 running log part of it, as things developed through the

11 day, I have made the note straight into it.

12 SIR MICHAEL WRIGHT: I follow, yes, all right.

13 MR HILLIARD: So if we just look at this page as an example,

14 so 6.50 you had met, do you see, there is a reference to

15 Commander McDowall on the 15th floor conference room,

16 you told us that because you hadn't got this form when

17 you first went there, you made the notes in your book.

18 A. That's right, sir.

19 Q. You are then able to transfer across your notes --

20 A. Yes, sir.

21 Q. -- when you had eventually found this before you left

22 and when you get to Harrow Road, you can then complete

23 the form --

24 A. Yes, sir.

25 Q. -- with the benefit of your blue book notes?

1 A. Yes, sir.

2 Q. For example, looking at this there is a reference to the
3 6.50 meeting?

4 A. Yes, sir, that's right.

5 Q. Six lines down reference, do you see, "both reside
6 21 Scotia Road SW2"?

7 A. Yes, sir.

8 Q. Was that the belief at the time?

9 A. Yes, sir.

10 Q. Then "intention" so that's the information section, we
11 have heard a lot about that, "when subjects come out of
12 address, challenge, detain, arrest"?

13 A. Yes, sir.

14 Q. "Method, to be agreed with tactical adviser S019"?

15 A. Yes, sir.

16 Q. "Risk assessment elements during first brief", is that?

17 A. No, during brief info that Omar now resides at 61A
18 Portnall Road W9, vehicle P579 et cetera in the vicinity
19 of Scotia Road. I take W9, DC Purser takes SW2.
20 DCI Purser, sorry.

21 Q. Yes, you told us about that, thank you. Then if we go
22 on to the page, please, that's 18 in the middle, 55
23 bottom right, this then, as you say, once you are there,
24 then you are able to complete other bits of this form,
25 but put the running log straight on to the form?

- 1 A. Yes, sir, that's right.
- 2 Q. And 8.05, just the first entry, we don't need to look at
3 all of these, you have deployed with the SO19 team from
4 NSY?
- 5 A. Yes, sir.
- 6 Q. To Harrow Road police station?
- 7 A. Yes, sir.
- 8 Q. Just explain to us, the reason you are at Harrow Road
9 police station, what was that?
- 10 A. That was felt to be an appropriate and suitable
11 rendezvous point for the firearms teams so that
12 a briefing could be undertaken and we could actually
13 hold there as well. It was only a couple of minutes or
14 so from Portnall Road so generally speaking it was in
15 a good location for us to move on to Portnall Road very
16 quickly if we needed to.
- 17 Q. Right. So we can see the timing of this, 8.25, "Briefed
18 SO19 and surveillance team officer" is that singular or
19 plural?
- 20 A. It's singular.
- 21 Q. "Reminded officers of their responsibilities in the use
22 of firearms"?
- 23 A. Yes, sir.
- 24 Q. Was that you briefing them?
- 25 A. Yes, sir.

1 Q. 8.35, please, can you help us with that entry?

2 A. Well, it was during the course of that briefing that

3 I was informed by my tactical adviser that the DSO

4 wanted to intercept the suspects leaving the address

5 away from the immediate vicinity if possible, and

6 an open line would be maintained when movement occurs.

7 The DSO will decide what action and when on the info

8 available.

9 SIR MICHAEL WRIGHT: Did you know who the DSO was at that

10 stage?

11 A. Until that particular moment I didn't know there was

12 going to be a DSO, sir. But I assumed --

13 SIR MICHAEL WRIGHT: So you didn't know who it was?

14 A. I soon became aware that it was Commander Dick, in fact

15 I spoke to her quite shortly after.

16 SIR MICHAEL WRIGHT: This is the first you heard about there

17 being a DSO on the --

18 A. Yes, sir, I think the reason for that is because

19 Greg Purser and I left that meeting at 7.10 before

20 Commander Dick had arrived in the meeting.

21 MR HILLIARD: Then 8.45, this is you, is it, updating the

22 firearms team, "SO19 team re: above DSO policy"?

23 A. Yes, sir.

24 Q. "Further reminded of responsibilities re: use of

25 firearms"?

1 A. Yes, sir.

2 Q. "No questions asked, all understand"?

3 A. Yes, sir.

4 Q. Can you help us, when you are reminding them, it
5 appeared twice about responsibilities in the use of
6 firearms, can you help us what sort of things you said?

7 A. Well, there is -- one of the reasons for wanting the log
8 and not having to do the whole thing in an exercise book
9 is because in the log, there are printed warnings on
10 page 10.

11 Q. Thank you very much. So if we go back to that --

12 A. And the bottom half of the page relates to the use of
13 reasonable force.

14 SIR MICHAEL WRIGHT: Yes.

15 A. So that was read to the team.

16 MR HILLIARD: Right.

17 SIR MICHAEL WRIGHT: By you?

18 A. Yes, sir.

19 MR HILLIARD: We had better just pause a moment, then, and
20 have a look at it. So guidelines on the use of
21 reasonable force. We have heard reference to some of
22 these already from DAC Dick, all right, but in terms of
23 reading in that she did, first one, section 3 of the
24 Criminal Law Act 1967:
25 "A person may use such force as is reasonable in the

1 circumstances in the prevention of crime, or in the
2 effecting or assisting in the lawful arrest of offenders
3 or suspected offenders or of persons unlawfully at
4 large."

5 Yes?

6 A. Yes, sir.

7 Q. Then a reference to section 117 of the Police and
8 Criminal Evidence Act of 1984, where you are acting
9 under the provision of that Act?

10 A. Yes, sir.

11 Q. Power of an officer to use reasonable force if necessary
12 and the exercise of it.

13 A. Yes, sir.

14 Q. Right at common law, so that's not a right given by
15 an Act of Parliament but by general law?

16 A. Yes, sir.

17 Q. A person has the right to protect himself from attack
18 and to act in defence of others and if necessary to
19 inflict violence on another in doing so, if no more
20 force is used than is reasonable to repel the attack,
21 such force is not unlawful?

22 A. Yes, sir.

23 Q. Then explaining that in deciding whether the level of
24 force used was lawful in a particular case, the court
25 will take account of provisions in the European

- 1 Convention on Human Rights, that we have heard about
2 already; yes?
- 3 A. Yes, sir.
- 4 Q. Firearms are to be fired by firearms officers in the
5 course of their duty only when absolutely necessary,
6 after conventional methods have been tried and failed,
7 or where they must, from the nature of the
8 circumstances, be unlikely to succeed if they were
9 tried?
- 10 A. Yes, sir.
- 11 Q. Then explaining that an individual officer who fired, as
12 it were, will have to be responsible himself for
13 explaining why that was; yes?
- 14 A. Correct, sir, yes.
- 15 Q. Then oral warning: AFOs, authorised firearms officers?
- 16 A. Yes, sir.
- 17 Q. Shall identify themselves as such, and shall give
18 a clear warning of their intent to use firearms with
19 sufficient time for the warnings to be observed, unless
20 to do so would unduly place any person at risk of death
21 or serious harm or it would be clearly inappropriate or
22 pointless in the circumstances of the incident?
- 23 A. Yes, sir.
- 24 Q. We will have to look at those with others in due course
25 but it's the first time I think we have seen those in

1 detail.

2 SIR MICHAEL WRIGHT: Just to deal with an obvious point
3 although I think it's right the jury would like to just
4 be reassured about this, because what you were
5 investigating, or what you were exercising surveillance
6 on at this time were suspected suicide bombers.

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: People who it was thought may have been
9 involved on the previous day in an attempt to cause
10 explosions on the underground.

11 A. That's quite right, sir, yes.

12 SIR MICHAEL WRIGHT: Those are of course arrestable
13 offences.

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: So the officers like yourself and your
16 colleagues would have had the power to arrest anybody
17 suspected of such an offence?

18 A. That's quite right, sir, yes.

19 MR HILLIARD: Thank you. We are nearly through. Back to
20 your log of events, page 18 in the middle, 55 bottom
21 right, so we have dealt with that 8.45 entry, and you
22 have now shown us when you are reminding them of their
23 responsibilities about the use of firearms, what you are
24 talking about.

25 A. Yes, sir.

1 Q. 8.45, explosives officers; is that right?

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

3 Q. To be forward deployed Harrow Road. We had a question
4 earlier on from the jury about explosives officers and
5 addresses like this. What was this about? What sort of
6 explosives officers are they?

7 A. The explosives officers have, they work for the
8 Metropolitan Police, they are all ex-military, they are
9 responsible for any calls to suspected packages,
10 devices, that sort of thing, and they will look at those
11 devices and if possible disarm them or deal with them in
12 a controlled explosion, that sort of thing.

13 Q. So would they be what we might call, some of them, a
14 bomb disposal --

15 A. A bomb disposal man, yes.

16 Q. So some of those are coming what, as it were, in advance
17 to Harrow Road?

18 A. Just one, sir, yes.

19 Q. Then the arrest team at 9 was briefed. Was that by you?

20 A. Yes, sir.

21 Q. 9.02, is this you having a conversation with
22 Commander Dick?

23 A. It is, sir, yes.

24 Q. It says bottom of this page:
25 "She reiterates her policy ie", is that right?

1 A. Yes, sir, that's right.

2 Q. Then if we go over to the next page, can you just tell
3 us what she reiterated?

4 A. We had a bit of a discussion around this, and as
5 a result, I made sure I wrote it down as I was given it.

6 "Anybody coming out of the premises will be taken
7 away under control and detained."

8 She said if we think a person is one of the
9 suspects, then I must ring the ops room and it's
10 Commander Dick to authorise deployment of firearms.

11 "If a male comes out of the address with a rucksack
12 but is not a suspect, I must [still] ring the ops room
13 for Commander Dick to authorise an armed intervention."

14 "Commander Dick has no information re: [regarding,
15 that is] how many people are currently in house but
16 anybody coming out will be intercepted, but I must speak
17 with Commander Dick. Anyone who comes out of the
18 premises who is obviously not the suspect, e.g.,
19 a female or young child, then I have her [that's
20 Commander Dick's] standing authority to deploy an armed
21 interception away from the premises to detain for the
22 purposes of their own safety while SO19 then deal with
23 the premises and identify and detain occupants. I do
24 not have to contact Commander Dick in these
25 circumstances but must act on my own judgment."

1 SIR MICHAEL WRIGHT: Could I interrupt to ask one matter: in
2 the course of your training to become an IFCAT, had you
3 undergone Kratos and Clydesdale training?

4 A. No, not specifically, sir, no. The Kratos was a lecture
5 that formed part of the IFCAT training.

6 SIR MICHAEL WRIGHT: So you had received the lecture?

7 A. I had received a lecture, sir, no practical training, no
8 exercising, if that's ...

9 SIR MICHAEL WRIGHT: When you heard that a DSO had been
10 appointed, which you heard around about 8.30 --

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: -- what significance did you attach to
13 that?

14 A. That I would no longer be in a position to make the
15 judgment call of when to deploy firearms and make
16 an interception, that would now have to come from the
17 ops room, from the DSO.

18 SIR MICHAEL WRIGHT: She would be then effectively in
19 charge?

20 A. Indeed, sir, yes.

21 SIR MICHAEL WRIGHT: Thank you.

22 MR HILLIARD: You say there had been a bit of a discussion
23 about this. I don't know, it might be that you don't
24 have -- can you just explain, was it a disagreement at
25 first, obviously what Commander Dick says is going to

1 go.

2 A. Absolutely.

3 Q. But had you challenged it, as it were, first of all?

4 A. I had questioned whether we were going to stop
5 everybody. I felt that if we stopped everybody coming
6 out of Portnall Road, we would have to go from covert to
7 overt as soon as we made the first stop, there was no
8 facility to go back to being covert again, because we
9 had -- I say we, the surveillance -- control of the
10 actual door of the premises, so anybody coming out of
11 that premises was very closely associated with the
12 suspect, if not the actual suspect themselves.

13 Q. We remind ourselves that you are connected with Portnall
14 but obviously there are common themes so that's why we
15 are looking at this.

16 A. Sir.

17 Q. Then 9.10, towards the top of that page, this is:

18 "I brief arrest teams led by Sergeants Phelan and
19 Cooper re: Commander Dick policy."

20 Is that right?

21 A. Yes, sir.

22 Q. Then you brief the tactical adviser and the S019 team
23 about it at 9.15?

24 A. Yes, sir.

25 Q. Once you have done that, at 9.15, are you effectively

1 ready to go? Do you see what I mean? Is there any more
2 briefing to be done?

3 A. No, sir, I don't think at that point, I think we are
4 fairly ready.

5 Q. If we just look at one other entry, 10.05, top of the
6 next page?

7 A. Yes, sir.

8 Q. "Briefed by SO19 who covertly rec'd 61A address"; do
9 you see that?

10 A. Yes, sir.

11 Q. So that was as you understood it going on at this time,
12 was it?

13 A. Yes, sir.

14 Q. Right. We have heard, indeed we have seen the address
15 there 61A Portnall Road, there were a number of --
16 61 Portnall Road was divided into a number of flats,
17 wasn't it?

18 A. Certainly at least two, sir, I don't know if there was
19 more than that.

20 MR HILLIARD: Thank you very much indeed.

21 SIR MICHAEL WRIGHT: Mr Mansfield.

22 Questions from MR MANSFIELD

23 MR MANSFIELD: Good morning, Mr Rose, my name is

24 Michael Mansfield, I represent the family of

25 Jean Charles de Menezes. As I have done with other

1 witnesses, I'll try and stick to a chronology, it's
2 easier for everyone to follow, in this case, pretty well
3 from the moment that you get to New Scotland Yard, so
4 I want to just wind the clock back a bit.

5 A. Yes, sir.

6 Q. If you want to open your blue book or have your
7 statements, please do.

8 A. Thank you, sir.

9 Q. I want to deal with strategy first of all.

10 SIR MICHAEL WRIGHT: Shall we have it back on the screen?

11 MR MANSFIELD: Yes, it might be easier because the jury
12 don't have this particular page. It's 7722. That's the
13 page in your blue book?

14 A. Yes, sir.

15 Q. I'm not going to take you to the armed operation record,
16 but I think you will be aware that the strategy section
17 in your armed operation record, 7735 -- I don't ask for
18 it to be brought up -- actually hasn't been filled in.
19 Is that because you have put it in here in the blue book
20 instead?

21 A. Did I not --

22 Q. We had better do it in order, then. Sorry. The form
23 that wasn't available that you have got later?

24 A. Yes, sir.

25 Q. Can we have 7735, please, on the screen. Internal

1 numbering for you is page 9.

2 A. Yes, sir, I have page 9 here.

3 Q. If you just pause on page 9, the jury now have a copy in

4 front of them on the screen, you will see there -- just

5 as the jury haven't seen this page before -- strategy --

6 SIR MICHAEL WRIGHT: You want to look at the blank bit,

7 don't you?

8 MR MANSFIELD: Yes. There is an introduction to the void,

9 as it were:

10 "Prepared by Gold Commander with appropriate

11 tactical advice. If the strategy for the operation is

12 not recorded here, then state where it is documented".

13 A. Yes, sir.

14 Q. I appreciate, you know, there is a lot of paperwork and

15 life is real and moves on and it's not always possible

16 to write everything up. But that's what should go in

17 there?

18 A. Correct, sir.

19 Q. And it's an oversight, you have not put it in there?

20 A. Absolutely right, sir.

21 SIR MICHAEL WRIGHT: Would it have been any different from

22 what you had put in your blue book?

23 A. Not whatsoever, sir.

24 MR MANSFIELD: Then it's not there but it is in the blue

25 book, but I do want to ask you a little bit about the

1 strategy. You see, you had been telephoned, you were
2 the first Silver really to be telephoned -- in fact the
3 only Silver that we are aware of that was telephoned --
4 according to the memorandum or note of it at about just
5 before 5 o'clock.

6 Are you aware now that in fact the strategy was set
7 by Mr McDowall about two minutes before that call at
8 4.55?

9 A. I am aware now, sir, yes.

10 Q. I want to ask you this: between the time you arrived at
11 5.30, which is mentioned on that first page, 7722, and
12 7.05 when you were actually appointed as the Silver at
13 a particular location, all right, so that's an hour and
14 a half has gone by?

15 A. Yes, sir.

16 Q. Roughly speaking. Now, in that time, did Mr McDowall
17 indicate anything else about the overnight strategy that
18 he had set at 4.55, other than what you have in your
19 blue book?

20 A. I don't recall anything else, sir.

21 Q. No, all right, I am not suggesting he necessarily did
22 tell you. I want to pursue it like this: were you aware
23 that he had in fact prioritised an address, and he had
24 also asked for a reconnaissance? Did you know that?

25 A. No, sir, I don't think I did.

- 1 Q. You see, you do appreciate the significance of this, do
2 you not, as an experienced Silver? Prioritising
3 an address, and wanting action as soon as possible, and
4 wanting a reconnaissance; they are all quite important,
5 aren't they, as part of a strategy?
- 6 A. Well, Mr McDowall would have the overview as to what was
7 important and what wasn't, sir.
- 8 Q. Quite. So there are several corollaries to this. Does
9 it also follow that you were completely unaware -- it's
10 not a criticism of you -- at 5.30 or between 5.30 and
11 7 o'clock when you were appointed at 7.05, that in fact
12 somebody, well, I'll use his name, Alan -- do you know
13 the officer by that codename?
- 14 A. I don't, sir, I am afraid, no.
- 15 Q. All right. He is in the control room overnight.
- 16 A. I see, yes.
- 17 Q. According to him, he has already asked for
18 surveillance -- well, surveillance is going to go to
19 Scotia Road and he's also asked for a firearms team as
20 back-up to go to Scotia Road; did you know that?
- 21 A. No, sir.
- 22 Q. When did you first discover that that had happened?
- 23 A. That Alan had asked for that to happen?
- 24 Q. Yes.
- 25 A. Since this, since these proceedings I believe have

1 started.

2 Q. All right. Now, it would also seem to follow,
3 therefore, that you didn't know that that had been asked
4 for. Does it also follow you did not know that there
5 was in fact a standby firearms team waiting to go?

6 A. That's true, sir, I didn't know that.

7 Q. In fact, it was the team that came with you in the end,
8 did you know that, when they joined up, did any one of
9 them, let's put it in a colloquial way, say, I don't
10 know how they refer to you as Merrick or Rose or
11 whatever, did any one of them say: "Do you know what, we
12 have been sitting in the canteen for nearly two hours,
13 and nobody's told us", did anybody say that?

14 A. I was unaware that they had been in Scotland Yard, sir.
15 I may have been told during the course of the morning
16 that they had been on cover overnight but I was
17 certainly totally unaware of their availability, as you
18 call it, at the Yard.

19 Q. I want to take it a stage further. You are unaware of
20 all of this. Would it be fair to say there has been
21 a substantial and serious breakdown in communications,
22 you are brought on as a Silver to implement strategy and
23 you don't actually know anything about what's been going
24 on between the time you arrive, 5.30, and 7 o'clock, you
25 don't know any of this?

1 A. Well, I don't think I need to know, sir, I am brought in
2 to do a Silver's job and once I am given the assets to
3 do that, I can get on and do it, once I am briefed,
4 obviously and I am prepared properly, that can be done,
5 that can be achieved.

6 Q. Of course. But there has been a serious breakdown in
7 communication, hasn't there?

8 A. Well, I don't think that that's the case, sir, no.

9 SIR MICHAEL WRIGHT: That's because it doesn't make any
10 difference to you?

11 A. Absolutely, sir.

12 MR MANSFIELD: Well, if you are implementing Gold strategy,
13 it should make a difference, shouldn't it?

14 A. Well, I am told what Gold's strategy was in the first 15
15 minutes of the 5.30 meeting, sir --

16 Q. If you are not told all of this, then there is
17 a breakdown in communication, isn't there?

18 A. As far as I was aware, I was told all of it, sir.

19 Q. All right. I want to move on.

20 SIR MICHAEL WRIGHT: Does it really come to this: would your
21 actions and reactions have been any different if you had
22 been told what Mr Mansfield is now telling you?

23 A. I don't think they would, sir, no.

24 MR MANSFIELD: Mr Rose, let us examine that, please think
25 very carefully: if at 5.30 you had been told look, we

1 have been waiting for a Silver to come in because we
2 need an orange team to go down to Scotia Road as soon as
3 possible, please get on with it, that would have made
4 a difference, wouldn't it, Mr Rose?

5 A. Not at all, sir, no.

6 Q. I see. Would you have done nothing?

7 A. I would have waited until I had been told to go to
8 Scotia Road, if indeed I was told to go to Scotia Road.
9 Given that Portnall Road, if I can say hit the radar 15
10 minutes after my arrival at Scotland Yard and that
11 changed the perspective rather, if we had to do two
12 firearms operations and the assets were going to be
13 available after 7 o'clock to enable that to be done.
14 That's what I was told, that's what -- I waited until
15 I was in a position to achieve that at that operation.

16 Q. Were you being told at 5.30: we are going to hang on to
17 the orange team in case another address comes up? Were
18 you told that decision?

19 A. I didn't know the orange team were there, sir.

20 Q. Exactly.

21 SIR MICHAEL WRIGHT: Sorry, Mr Mansfield, I am not following
22 this. Are you suggesting he should have gone off on his
23 own bat, as it were?

24 MR MANSFIELD: No, sir, what I am suggesting is serious
25 breakdown in communication, a strategy was set and the

1 reason we say it's important is that the orange team
2 could have been at Scotia Road much earlier, this
3 officer should have been informed that there was a need
4 to get a team down there, they were all kitted up,
5 sitting at New Scotland Yard, and for it to be said that
6 it would make no difference at all, we would still wait
7 until way gone 7 o'clock before we do anything, I would
8 submit on behalf of the family is an unacceptable
9 situation. There is an orange team waiting there to go,
10 and if they had been there in place, as they could have
11 been, from, as we have heard, 7 o'clock --

12 SIR MICHAEL WRIGHT: I understand the criticism, we have
13 been through it in detail. What I am not following is
14 why you suggest it's a breakdown of communication as far
15 as this officer is concerned.

16 MR MANSFIELD: No, no, to this officer.

17 SIR MICHAEL WRIGHT: Well, he has to wait until he gets
18 instructions to go.

19 MR MANSFIELD: Yes, and what I am suggesting is there are
20 breakdowns in communication from the hierarchy to this
21 officer. Which you don't accept?

22 A. I don't, sir.

23 Q. I didn't think you would. I'll just move on. When we
24 get to the various meetings that take place, and I want
25 to see if you can help us, first of all, looking at the

- 1 first page?
- 2 A. Of what, sir, sorry?
- 3 Q. Your notes.
- 4 A. Yes.
- 5 Q. I just want to be careful about who the tac adviser was
- 6 who was there at 5.30. Now, in your notes at the top of
- 7 the page for 5.30, you don't have a name against that
- 8 tac adviser, do you?
- 9 A. No, sir.
- 10 Q. In your first statement, if you just look at it for
- 11 a moment, you have it there, when you are describing
- 12 this, you said:
- 13 "An SO19 tactical adviser whom I did not know".
- 14 A. Correct, sir.
- 15 Q. And at that stage he's not named, is he?
- 16 A. No, sir.
- 17 Q. That's a statement in December 2005. Then the 2006
- 18 statement you then say:
- 19 "An SO19 tactical adviser who I believe to be
- 20 Chief Inspector" and then the real name is crossed out
- 21 and "Andrew" above it; right?
- 22 A. Yes, sir.
- 23 Q. Who was the tactical adviser who was present at 5.30?
- 24 A. Andrew, sir.
- 25 Q. Are you sure?

- 1 A. Yes, sir.
- 2 Q. Why are you sure about that?
- 3 A. Because his name was mentioned during the course of the
- 4 meeting.
- 5 Q. All right.
- 6 A. I wasn't specifically introduced to him, which is what
- 7 I meant in my first statement that I didn't know him.
- 8 I didn't know him, but I subsequently found out what his
- 9 name was.
- 10 Q. The reason I want to ask you questions is that Andrew
- 11 has given evidence here, and you certainly do name him
- 12 a bit later in relation to a question about 10 minutes
- 13 or so later, all right?
- 14 A. Yes, sir.
- 15 Q. In your notes?
- 16 A. Yes, sir.
- 17 Q. Towards the bottom of that page, the jury can see it.
- 18 Now, when that occurs, Andrew must have known that there
- 19 was an overnight discovery of addresses and the
- 20 operation was going covert, mustn't he?
- 21 A. I don't know what Andrew knows, sir.
- 22 Q. You are discussing, are you, in this meeting at 5.30
- 23 onwards, with people coming and going, the overnight
- 24 intelligence, aren't you?
- 25 A. Insofar as it's been mentioned previously on that page,

- 1 yes, sir, but I don't know what else Andrew knows, it
2 could be that he knows nothing more than that and he is
3 as much in the dark as I am.
- 4 Q. The reason I want to ask you, he is according to him
5 completely in the dark, he doesn't know anything about
6 addresses overnight at all because he says if he had
7 have known he would have had an orange team or somebody
8 down to Scotia Road much sooner. Now, that's his
9 position, do you follow?
- 10 A. I follow what you are saying, sir, yes.
- 11 Q. So it follows that he doesn't say, when he comes in,
12 "Look, you need to know we have an orange team on
13 standby ready to go" he doesn't say anything like that;
14 right?
- 15 A. Not while I was there, sir, no.
- 16 Q. It becomes, if I may put it to you just so we can follow
17 this through, the reality of a situation, at 6.10 ZAJ is
18 there?
- 19 A. Yes, sir.
- 20 Q. He doesn't say: "Look, I am sitting downstairs with
21 an orange team waiting for a Silver so we can get on
22 with the job"?
- 23 A. No, sir, not to my recollection, nothing was said about
24 an orange team being readily available.
- 25 Q. Nothing was said. Of course if an orange team is

1 sitting in New Scotland Yard waiting to go, kitted up as
2 they probably were, they would have to be with their kit
3 even if they didn't have it on --

4 A. Yes.

5 Q. -- nearby, it would be a much quicker operation to give
6 them a specific briefing as opposed to general one and
7 get down to Scotia Road, wouldn't it?

8 A. It would, or indeed Portnall Road or any other address
9 that needed coverage, sir.

10 Q. Of course. Well, we don't know, although it's been put
11 many times that you have to have some team in the middle
12 of London ready to go to two addresses, we are
13 completely unaware of any decision which suggests that
14 we don't go to either address for another two hours
15 because we are waiting for two teams or anything like
16 that, we don't know of any decision like that; do you
17 follow?

18 A. There may not have been a recorded decision, sir.

19 Q. There would have to be a recorded decision of that
20 importance, wouldn't there, in the armed operation
21 record?

22 A. Not necessarily my armed operation --

23 Q. No, not yours.

24 SIR MICHAEL WRIGHT: I think the point Mr Mansfield is
25 making is that if a decision had been taken -- suppose

1 the presence of orange downstairs in the Yard had been
2 discussed and somebody had said, right, let us get them
3 out now at 6 o'clock in the morning, if you like, at
4 that point a form, what's it called?

5 A. 3605.

6 SIR MICHAEL WRIGHT: Would have to be started.

7 A. Indeed, sir.

8 SIR MICHAEL WRIGHT: It would record the time of the
9 decision to deploy them.

10 A. Yes, sir.

11 MR MANSFIELD: And of course beyond that document, there is
12 yet another document which is kept by the senior
13 tactical advisers, a policy log. You are aware of that
14 or not?

15 A. I am not, sir, no.

16 Q. Were you aware between 5.30 when you get there and 7.05
17 that in fact a surveillance team had arrived at
18 Scotia Road?

19 A. I think I could draw that conclusion by virtue of the
20 fact that we had a report that there was a car in the
21 vicinity of Scotia Road.

22 Q. Right. Now, of course the car could have been there for
23 years or it could have broken down, but once you know
24 that there is a surveillance team down there, who was
25 present? Do you have a record of that or a memory of

1 who was present in the room when that information came,
2 in, 6.20?

3 A. I don't, sir, I am afraid. As I said, it was a very
4 busy meeting, people coming and going all the time, some
5 stayed a few minutes, some didn't, they said what they
6 had to say and left so I can't recall who was there.

7 Q. Was it a bit chaotic at all?

8 A. No, it wasn't chaotic, sir, it was just busy.

9 Q. Did anybody say: well, now we have found the car,
10 especially as the car links to Ragstone, there really is
11 a need to get a firearms team to Scotia Road as soon as
12 possible; did anybody say that?

13 A. No, sir, they didn't.

14 Q. Did anybody say that, certainly by the time you are
15 appointed as a Silver, were you aware that a red
16 surveillance team, whatever colour you may have known
17 them by, had in fact been sitting near the address for
18 an hour, over an hour?

19 A. Well, I was aware that they were in the vicinity, sir.

20 Q. Did it occur to you or perhaps you felt it was someone
21 else's responsibility -- perhaps I should clear this
22 with you: Were you the Silver brought in to implement
23 McDowall's policy within New Scotland Yard, or were you
24 the Silver brought in to deal with the location?

25 A. I was a ground commander, if I can call it that, sir.

1 Q. Very well. Just moving on, are you aware during these
2 meetings, this sort of continuum of meetings almost from
3 the moment you arrive through until 7 o'clock, Ragstone
4 came up on a number of occasions, didn't it?

5 A. Yes, sir, it was mentioned.

6 Q. And eventually at the 7 o'clock meeting, there were in
7 fact -- I don't expect you to remember, but we do have
8 a list of who was present. Could we have on screen
9 page 59, please. There is a list, and if you just
10 quickly run your eye down it, you will see and for these
11 purposes I want to highlight those people who would have
12 their finger on some sort of button in the intelligence
13 world. There are two security service officers, whose
14 names are blanked out; do you see that halfway down?

15 A. Yes, sir.

16 Q. Then as you go down, Special Branch, who we now know
17 were responsible for the Ragstone operation?

18 A. Yes, sir.

19 Q. There are four at the bottom of that page, one of them
20 was an overnight DSO Noel Baker, you see that?

21 A. Yes, I do, sir, yes.

22 Q. Over the page we have some more SO12 people or at least
23 one more person there, Mr Johnston, do you know him?

24 A. No I don't think -- I might have known him by sight,
25 sir, I didn't know him.

- 1 Q. So we have in fact a total of seven people in that
2 meeting who have close links one way or another with
3 covert operations; do you follow?
- 4 A. Yes, sir.
- 5 Q. Did any single one of those say at any time, "Well, if
6 we have done an operation Ragstone and we know about
7 registration numbers, we know the farm and all the rest
8 of it, there will be photographs to go with this"?
- 9 A. I can't say that I recall anything about said about
10 photographs, sir, no.
- 11 Q. I'm not expecting you necessarily to think of that, but
12 nobody else said anything about photographs?
- 13 A. I can't recall anybody saying anything about
14 photographs, sir.
- 15 Q. No. The photographs, or you have mentioned already
16 there was a delay, do you remember, in getting them as
17 far as you were concerned?
- 18 A. Yes, sir.
- 19 Q. And a folder was prepared. Do you remember what was in
20 the folder that you had?
- 21 A. My recollection is, sir, they were photographs from the
22 CCTV scenes the previous day, so four photographs there,
23 one of Girma, I believe, and I think the gym card.
- 24 Q. And the gym card?
- 25 A. Yes.

1 SIR MICHAEL WRIGHT: One copy of each?

2 A. Yes, sir, in each folder.

3 MR MANSFIELD: So four CCTV from the four scenes, the gym

4 card, and a photo of Girma?

5 A. I believe so, sir, yes.

6 Q. You did the briefing later on in relation to

7 Portnall Road, and you did it at Harrow Road police

8 station. Were the people who went out on surveillance

9 or the firearms officers given copies of the four CCTV,

10 the gym card and the Girma photograph?

11 A. Can't speak for the surveillance team, sir, because they

12 are deployed before I --

13 Q. All right, we have heard from Mr Whiddett about that.

14 A. As far as the firearms teams were concerned, they

15 weren't given them but I had them with me at the

16 briefing and they had sight of them.

17 SIR MICHAEL WRIGHT: You mean you just passed them round?

18 A. Yes, sir, during the course of the briefing.

19 MR MANSFIELD: Now, when you are giving a briefing, you have

20 indicated the officers are reminded of their

21 responsibilities during a briefing, yes, the firearms

22 officers?

23 A. Yes.

24 Q. Were they, first of all in your case, told that one of

25 the suspects was living at Portnall Road or might be or

1 might not be expected to come out or what?

2 A. Well, I told them that the -- I can't give you the

3 verbatim briefing, but the briefing would have included

4 the fact that this address is the latest address we have

5 got for Omar.

6 Q. Right.

7 A. Obviously we didn't know who was in the address, it

8 could have been nobody or Omar and the other three

9 possible suspects, but we didn't know who was in there

10 at the time.

11 Q. This was a MASTS situation, Mobile Armed Support, wasn't

12 it?

13 A. It was, sir.

14 Q. And of course, as you rightly pointed out yourself,

15 there is no point in going out on the operation unless

16 you know who you are looking for?

17 A. Sir.

18 Q. And the same would apply to a firearms officer, wouldn't

19 it?

20 A. Not to the same extent, sir, because you would expect

21 perhaps the surveillance to actually lead the firearms

22 officer on to a suspect once they have come out of the

23 address, so not perhaps so vital. Yeah, useful to have

24 that knowledge, clearly, but not, I wouldn't have said,

25 absolutely necessary.

- 1 Q. If they are going to have to possibly make a judgment
2 call about an individual who is is suspect, I mean, just
3 because you are a suspect doesn't immediately mean you
4 have crossed the threshold into being shot, does it?
- 5 A. No, of course not, sir.
- 6 Q. I know it is rather obvious, but we will deal with it
7 with other officers, but it doesn't automatically mean
8 that. Of course you may have a photograph as a firearms
9 officer and you may question whether in fact this is the
10 person who should be approached? That is a possible
11 scenario, isn't it?
- 12 A. If the surveillance have identified the person coming
13 out of the address in this case, then if the
14 surveillance have identified that person to the firearms
15 team, then really it's a case of, in this instance, the
16 operations room and the DSO making that decision.
- 17 Q. Well, the DSO of course is miles away, and as you said
18 you weren't aware that there even was to be a DSO until
19 you were at the police station near the address; is that
20 right?
- 21 A. That's right, sir, yes.
- 22 Q. When first of all you heard there was a DSO involved in
23 this, did this have a particular resonance for you?
- 24 A. I don't know what you mean by that, sir, sorry.
- 25 Q. Did it mean much?

1 A. Yes, it meant as I think I explained earlier on, the
2 decision-making capabilities would be taken from me and
3 would be taken by the DSO as to when to deploy the
4 firearms team in an armed interception. That would no
5 longer be my judgment call.

6 Q. So was this in your mind what's generically been called
7 a Kratos situation?

8 A. No, sir.

9 Q. It wasn't, even though the DSO was going to be taking
10 the decision in your case really about everybody who
11 left, save somebody who was obviously not an immediate
12 suspect like a woman?

13 A. Correct, sir, yeah. I think we have got to be a bit
14 flexible around the situation, that we hadn't had
15 a scenario like this in London, so we were learning
16 really how to deal with this situation that morning, we
17 had got structures in place, but they didn't quite fit,
18 this wasn't a Kratos, this was not a Kratos; operation,
19 this was an arrest of a suspect. Yeah, that suspect was
20 believed to have been an attempted suicide bomber from
21 the previous day, but that doesn't fit the Kratos mould.

22 Q. All right. It fits the mould whereby somebody might
23 ring up out of the public and say: I think there's
24 somebody who looks like a suicide bomber, are you going
25 to deal with it? It's not so uncommon, is it? You may

1 not have had that before, but that was something you had
2 anticipated, a member of the public ringing up saying,
3 "I'm worried, I think this person could be a suicide
4 bomber"?

5 A. I am sorry, sir, you are confusing me, I am doing an
6 armed operation on a particular address here for
7 a particular suspect.

8 Q. I appreciate that. You see, it's being said it's so
9 different to everything before. Had you done any Kratos
10 training?

11 A. Only as I have repeated, I had a lecture as part of the
12 IFCAT training. I hadn't done any exercising or
13 anything like that with a Kratos exercise.

14 Q. The police had anticipated the possibility, had they
15 not, that somebody might ring up and just say: we think
16 there is a suicide bomber in the house next door walking
17 down the street or in the tube station?

18 A. I believe there was a DSO on for that response, yes,
19 sir.

20 Q. It's not such an unpredictable situation, is it,
21 especially after 7/7?

22 A. I don't know what you mean by unpredictable in this
23 respect, sir, but I wouldn't say that I would have
24 expected it to have happened that morning.

25 Q. All right. Were the officers in the briefing that you

1 gave, if you are not giving firearms officers -- as
2 I think you have said in your case you weren't giving
3 them copies of the folder of photographs you had; is
4 that right?

5 A. I gave it to them to look at but not to retain.

6 Q. You are aware of the difficulties of identification, are
7 you not?

8 A. Yes, sir.

9 Q. And you are aware that there can be serious mistaken
10 identifications?

11 A. Yes, sir.

12 Q. And that the wrong people sometimes either get arrested
13 or get shot?

14 A. That can happen, sir.

15 Q. Why were there no copies being given to the firearms
16 officers, if they are following and they have never set
17 eyes on this person, they are going to need to know who
18 they have to arrest if it's miles from the address?

19 A. There was a copy of the photographs available for them
20 to look at during the course of the briefing. The
21 surveillance team I believe had copies of the
22 photographs. It's the surveillance team's role to
23 identify and to hand over to the firearms, so I think
24 that was covered, sir.

25 SIR MICHAEL WRIGHT: How long do you think the briefing

1 took?

2 A. Again it was interrupted by a number of phone calls,
3 sir, so probably about 30 minutes odd, I think.

4 MR MANSFIELD: We have heard from Mr Whiddett, the
5 surveillance team up there actually didn't all have
6 copies.

7 SIR MICHAEL WRIGHT: Well, I am not sure about that.

8 MR MANSFIELD: He agreed with me.

9 SIR MICHAEL WRIGHT: "I believe I did make enough copies for
10 the grey team".

11 MR MANSFIELD: Yes, but they didn't all take them.

12 I appreciate you are not dealing with surveillance,
13 you are dealing with the firearms, so the position is in
14 your case, and the reason I'm asking you is obviously in
15 relation to what happened in the other address. So in
16 your case, the firearms officers had sight of this
17 folder but none of them were given copies, are we clear?

18 A. This is at Portnall Road? Yes.

19 Q. Yes. I want to move from photographs to location. Do
20 you agree that if in fact you are going to do a mobile
21 operation supporting surveillance, you have to be
22 familiar, as the location officer, if I can call you
23 that, or familiarise yourself with the area?

24 A. As a Silver, sir?

25 Q. Yes.

1 A. No, sir.

2 Q. I see, who does that, then?

3 A. You don't have to familiarise yourself with the area,
4 you don't have that luxury, frequently. You have to
5 know where you can hold up as a firearms team, and take
6 it from there when the offer is given by the
7 surveillance.

8 Q. Take it in stages, then. Before you actually deployed,
9 by which I mean, let us do it this way round. You get
10 to Harrow Road?

11 A. Yes, sir.

12 Q. Does anybody, as far as you are concerned, I'll get to
13 firearms later, do you get a map up, do you find out --

14 A. We have a Geographia, sir.

15 Q. I want to know how you familiarise yourself. You need
16 to know where the road is, don't you?

17 A. Sorry, sir, I was thinking that you were thinking that
18 we were going to go for a walk round the local area,
19 sir, I understand.

20 Q. Certainly not, you won't want to do that and compromise
21 any --

22 A. Indeed.

23 Q. That's not one thing you will have to do is walk round
24 there, unless you are covert or the surveillance
25 officers do it. So you don't do that. You have a map?

1 A. Yes, sir.

2 Q. You see where the road is. One of the dangers, and

3 I want to know whether this was discussed by you in any

4 of the meetings before you got to Harrow Road, you would

5 want to know where the nearest access point to public

6 transport was, wouldn't you?

7 A. Yes, sir.

8 Q. Thank you. Did you do that? Did you, as it were, find

9 out so that the firearms officers would know what the

10 window of opportunity was, should it be a suspect, where

11 the nearest bus stops and tube station entrances were to

12 Portnall Road?

13 A. Not specifically, sir, no.

14 Q. Well, who did do that?

15 A. I don't recall -- I don't recall being given precise

16 information as to where bus stops were. We knew that

17 they were in the Harrow Road within a few minutes, as it

18 were, from the address.

19 SIR MICHAEL WRIGHT: Have I misremembered this, when we were

20 looking at your notes earlier on, there was reference to

21 somebody doing a recce?

22 A. Yes, sir, that was of the premise -- of the immediate

23 sort of area of the premises.

24 SIR MICHAEL WRIGHT: Who did that?

25 A. One of the firearms team, sir.

1 MR MANSFIELD: Would that be a walk round?

2 A. No, sir, I think it was a drive.

3 Q. All right. So what you knew, even though you had not

4 specifically discovered, was that there were bus stops

5 within, what, a couple of minutes of Portnall Road?

6 A. Yes, sir.

7 Q. Which meant that, and I am sorry they are obvious

8 questions, if you were going to give mobile armed

9 support to somebody who had come out who was thought to

10 be a suspect, you would have to move pretty quickly if

11 you weren't going to compromise the address by doing it

12 outside the front door and you weren't going to let them

13 get on a bus, let us say?

14 A. Yes, sir.

15 Q. That's fair?

16 A. Yes, sir, that's fair and a very difficult situation.

17 Q. Of course, and you had positioned yourself, as the

18 Silver location, or rather you had positioned the

19 firearms team at such a place that they could get there

20 within, I think you said, a couple of minutes?

21 A. I think that would be a fair assessment.

22 Q. When you discovered that there was going to be

23 a decision not taken by you about interception but by

24 the DSO back at New Scotland Yard, were the gradations

25 actually discussed? In other words, what if somebody

1 came out and they weren't sure whether it was a suspect
2 or not. I suggest a far more common situation. Was
3 that discussed between yourself and the DSO Dick?
4 A. What was discussed was what I had written in my log,
5 sir.
6 Q. I appreciate. It doesn't appear to be in the log, and
7 I do not want it to be said: Well, we do discuss things
8 we don't note down. So I am asking it the other way
9 round: was there any discussion between you and DSO Dick
10 about a situation in which surveillance officers
11 couldn't be sure whether the person coming out was
12 a suspect or not?
13 A. I don't recall that conversation occurring, sir.
14 MR MANSFIELD: All right. Thank you very much.
15 SIR MICHAEL WRIGHT: Thank you. Mr Gibbs?
16 MR GIBBS: No questions, thank you.
17 SIR MICHAEL WRIGHT: Mr Stern?
18 MR STERN: Nor I.
19 SIR MICHAEL WRIGHT: Ms Leek.
20 MS LEEK: No, thank you, sir.
21 SIR MICHAEL WRIGHT: Mr Perry.
22 Questions from MR PERRY
23 MR PERRY: Good morning, I represent Commander McDowall and
24 Mr Purser.
25 May I just begin, please, by going back to your blue

1 book first of all, and I would be very grateful if we
2 could have it on the screen at page 7722.

3 SIR MICHAEL WRIGHT: Do I need to give -- she thinks I do --
4 the stenographer a break now or are you going to be very
5 short?

6 MR PERRY: May we have a break?

7 SIR MICHAEL WRIGHT: I do try, Mr Perry.

8 MR PERRY: So do, I sir.

9 SIR MICHAEL WRIGHT: All right, 20 to.

10 (11.30 am)

11 (A short break)

12 (11.40 am)

13 (In the presence of the jury)

14 SIR MICHAEL WRIGHT: Yes, Mr Perry.

15 MR PERRY: Thank you very much, sir.

16 Mr Rose, I was just about to ask you about your blue
17 book entries, if I may, please.

18 A. Yes, sir.

19 Q. If we could have on the screen just so that we can all
20 follow, page 7722, and if we just pull it down slightly
21 just to see -- thank you very much. Just to put it in
22 context, we know from divider 43 -- I'm not going to
23 turn it up in the bundle -- but you get the call a few
24 minutes before 5 o'clock from Inspector Hall, you are
25 staying in the local hotel, you turn up and by 5.30, you

- 1 are in Commander McDowall's office?
- 2 A. Yes, sir.
- 3 Q. This is effectively to receive the information that you
- 4 need, it then being envisaged that you will be the
- 5 Silver for the firearms operation?
- 6 A. Yes, sir.
- 7 Q. There is just one thing on this page I wanted to draw
- 8 attention to with your assistance, if I may, please. Do
- 9 you see just in between the two punched holes there is
- 10 the "also" underlined?
- 11 A. Yes, sir.
- 12 Q. "... torn correspondence [relating to] Elias Girma,
- 13 detained in" is that --
- 14 A. UAE, sir.
- 15 Q. United Arab Emirates?
- 16 A. Yes, sir.
- 17 Q. "... 7 June 2005 on way to fight coalition forces"?
- 18 A. Yes, sir.
- 19 Q. We will see, but does that explain the subsequent
- 20 reference to the fact that he had been known to the
- 21 police?
- 22 A. Yes, sir, I believe it does, yes.
- 23 Q. We will come on and look at that. You were asked
- 24 questions earlier about people going off to fight jihad?
- 25 A. Yes, sir.

1 Q. So we understand that, jihad, some people believe it to
2 be holy war?

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

4 Q. Depending upon how you define war as a spiritual
5 struggle or a military struggle?

6 A. Indeed, yes, sir.

7 Q. So detained going on way to fight coalition forces,
8 coalition forces there that would be forces of the
9 United Kingdom, United Kingdom forces or --

10 A. And possibly American as well, sir.

11 Q. But certainly allied forces?

12 A. Yes, sir.

13 Q. Then if we see this, just how it develops, you have
14 already been asked about this, and I am trying to put
15 certain things in context, but the 0540, you have told
16 us that this meeting is, just so we get a picture of it,
17 it's a sort of rolling meeting?

18 A. Very much so, sir.

19 Q. People coming in, giving information, people leaving?

20 A. Yes, sir.

21 Q. If we go over the page, 7723, the 0545 entry, there is
22 the latest address coming on by 5.45, 61A Portnall?

23 A. Yes, sir.

24 Q. The significant point I want to ask you about this,
25 please, Mr Rose, is this: of course, this is still in

1 Mr McDowall's office?

2 A. Indeed, yes, sir.

3 Q. With Mr McDowall present?

4 A. Yes, sir.

5 Q. And we see that in Mr McDowall's office with Mr McDowall

6 present there are the meetings involving the firearms

7 tactical advisers, not only Mr Esposito who is coming on

8 duty officially later that morning, but he is present at

9 5.45 or shortly thereafter, but also Andrew, and at 6.10

10 Inspector ZAJ?

11 A. Yes, sir.

12 Q. Then just dropping down that page, if I may, please, to

13 6.40, this is Chief Inspector Esposito:

14 "Premises would not be entered given the information

15 regarding the suspects."

16 If we just complete it by dealing with the next

17 entry, is it four dead bombers?

18 A. That's ie, sir, my writing, I am afraid.

19 Q. Ie dead bombers -- is it bomber or bombers?

20 A. It's bombers I have got there, sir.

21 Q. "Ie dead bombers from 7/7 believed to be at Cumbria

22 camp"; is that right?

23 A. Yes, sir, that's right.

24 Q. Just to explain this, were it not for the fact that

25 these had been suicide bombers and there was the risk of

- 1 finding explosives on premises, one of the
2 considerations would have been what we have heard
3 described as a dynamic entry, where police actually
4 force their way into premises; is that correct?
- 5 A. That would have been a tactical option as I understand
6 it, sir, yes.
- 7 Q. But that's effectively being dismissed at this stage, is
8 it, because of the background intelligence?
- 9 A. Very much so, sir, yes.
- 10 SIR MICHAEL WRIGHT: What he was talking about was that it
11 would be a very, very dangerous thing to do.
- 12 A. Absolutely, sir.
- 13 MR PERRY: Thank you very much, Mr Rose. If we just go over
14 to 7724, just to see, because, is it the position that
15 since your time coming in at 5.30, you have effectively
16 been absorbing the intelligence, you are at these
17 meetings and then we go into the 6.50 meeting which is
18 at the conference room. We have heard a lot about that.
- 19 A. Yes, sir.
- 20 Q. Then as you have told us, just in the lower third of
21 this page, the update address in relation to Mr Omar was
22 the 61A Portnall Road address, and then you have got, at
23 the bottom of that page, the 7.05 DI Rose orange and
24 Detective Constable Purser black?
- 25 A. Chief Inspector, sir.

1 Q. Sorry. What did I say?

2 A. You called him a constable, sir.

3 Q. He will never forgive me.

4 So that's how it's developing, and then you have
5 told us that you and Mr Purser go off to his office for
6 the full intelligence briefing because Mr Purser wanted
7 to obtain more information including photographs of the
8 suspects?

9 A. Yes, he did, sir, that's right.

10 Q. May I just ask you this: what Mr Purser was actually
11 doing was ensuring he, as the Silver on the ground, was
12 properly prepared?

13 A. Absolutely, sir, yes, quite right.

14 Q. What he was doing at this stage was ensuring that if
15 there was intelligence that he was in possession of it
16 as well as photographs?

17 A. Yes, sir, and by the same token he was ensuring that
18 I was as well.

19 Q. Yes. Then, please, if we go on to the form 3605, which
20 is the armed operation record, and we know, you have
21 told us about filling this in. I just want to ask you
22 a couple of things about this, please. Page 7736, maybe
23 those pages aren't available, but it's page 10 using the
24 internal documentation.

25 You have been asked about the guidelines on the use

1 of reasonable force. May I just ask you about the entry
2 at the top of the page?

3 A. Yes, sir.

4 Q. Above that, because we have a section which is headed
5 "Briefing", briefing held at New Scotland Yard, 22nd,
6 0730, by Chief Inspector John Terry, rendezvous point
7 details, Harrow Road police station, location. What
8 does all that mean there?

9 A. My recollection is, sir, that John Terry came with
10 Greg Purser, myself and Pat Mellody to Greg's office for
11 Greg primarily to get this intelligence update and of
12 course this was the first that John Terry had heard
13 about the operation as well. After about 20 minutes or
14 so, so around about 7.30, John Terry left the room to
15 literally find the firearms team that was coming with
16 us, the orange team, find out where they were and let
17 them know what was happening. So the word "briefing" at
18 the heading is probably a bit misleading, he was really
19 putting them in the picture I think, sir.

20 SIR MICHAEL WRIGHT: He is CO19, isn't he?

21 A. He is, sir, yes.

22 SIR MICHAEL WRIGHT: And he was your tactical adviser on
23 this?

24 A. On the ground, sir, yes, that day.

25 MR PERRY: So he, in your team, was the equivalent of

- 1 Trojan 84 in the Scotia Road set-up?
- 2 A. That's right, sir, yes.
- 3 Q. If we go to page 18, I'll try to use the numbering in
- 4 the middle of the pages, of this document, so we remind
- 5 ourselves what's happening.
- 6 Page 7744, there it is, thank you.
- 7 We see that you are leaving New Scotland Yard
- 8 actually with the orange team at 8.05 am?
- 9 A. That's correct, sir, yes. It was a very loose convoy,
- 10 so we didn't go up sort of one behind the other but we
- 11 all left at that time.
- 12 Q. About the same time?
- 13 A. Yes.
- 14 Q. You are in what's called I think the control car?
- 15 A. The command vehicle, yes, sir.
- 16 Q. Do you bring up the rear or are you in the vanguard?
- 17 A. We generally travel behind the gun cars, sir.
- 18 Q. You generally travel behind?
- 19 A. Yes, sir.
- 20 Q. So it would be normal for you to be at the rear of any
- 21 convoy?
- 22 A. Yes, sir.
- 23 Q. Of course you don't want to go in any formal type of
- 24 convoy for obvious reasons?
- 25 A. Correct, sir.

- 1 Q. You are deploying to Harrow Road police station because
2 this was a covert operation?
- 3 A. Yes, sir.
- 4 Q. And you want to hold away from the address?
- 5 A. At a suitable location, sir, yes.
- 6 Q. May I just go down to 0902, this is two minutes past 9,
7 and this is where you speak with Commander Dick and she
8 reiterates the policy. If we just go over the page,
9 where it's set out, I am not going to go through all
10 this but I just want to see whether this is what it
11 comes down to. First of all, Commander Dick was saying
12 that everyone that came from the address at 61A was to
13 be considered and those who were suspects were -- it was
14 for Commander Dick to authorise any deployment of
15 firearms?
- 16 A. Yes, sir.
- 17 Q. Then if a male came out with a rucksack but was not
18 a suspect, again Commander Dick was to authorise?
- 19 A. Yes, sir.
- 20 Q. But if they were, for example, females or children --
- 21 A. Yes, sir.
- 22 Q. -- then you had operational discretion as to whether
23 they would be stopped and --
- 24 A. How they would be stopped.
- 25 Q. How they would be stopped?

1 A. Yes, sir.

2 Q. Because everyone was to be stopped in order to obtain
3 intelligence on the basis that everyone that came out of
4 the 61A door was connected with the 61A address?

5 A. Exactly, sir, yes.

6 SIR MICHAEL WRIGHT: What we have not asked you: was 61A
7 Portnall Road a single house?

8 A. No, sir, it was an old house that had been converted
9 into flats, so we had the basement --

10 SIR MICHAEL WRIGHT: So there were a row of buttons on the
11 front door.

12 A. The basement was the door for the 61A and there was
13 a ground floor --

14 SIR MICHAEL WRIGHT: Ah, 61A was the basement, was it?

15 A. Yes.

16 SIR MICHAEL WRIGHT: So that 61A was a single dwelling?

17 A. A single premise. It was on two floors, it was basement
18 and ground floor and then the others were above.

19 SIR MICHAEL WRIGHT: Its all right, what I just wanted to
20 establish, because this is the distinction between this
21 and Scotia Road: Anybody who gave an address of 61A you
22 would have expected to come out of one front door?

23 A. Yes, sir, it had its own front door.

24 MR PERRY: If we go to page 6 of the maps brochure, this
25 document (indicated). I think one will probably be

1 provided to you, Mr Rose.

2 A. Thank you, sir.

3 Q. If we look at page 6 we can actually see the address

4 here.

5 SIR MICHAEL WRIGHT: Oh yes, that doesn't tell you the

6 answer, Mr Perry.

7 MR PERRY: It may do, sir, because it may be that we can

8 actually see --

9 SIR MICHAEL WRIGHT: We have it from Inspector Rose.

10 MR PERRY: Yes.

11 Mr Rose, we see there 61A Portnall. Was it the

12 basement door that we can see in that photograph there?

13 A. I think it is, sir, yes.

14 SIR MICHAEL WRIGHT: So in that sense you didn't have the

15 problem that Scotia Road had?

16 A. Precisely, sir.

17 MR PERRY: Thank you very much.

18 I can go straight on now, because you have dealt

19 with most of the details that followed on. If I may

20 just follow this through. 7747, please, to 10.05. In

21 the log, we see "briefed by S019 who covertly rec'd 61A

22 address", so is this a briefing to you by those officers

23 who had covertly carried out that reconnaissance of the

24 61A address?

25 A. Yes, sir, and indeed to their colleagues on the team,

1 because they didn't all go to do the recce, one or two
2 went in the car, as I recall and they came back and it
3 was a briefing to their team colleagues.

4 Q. May I just ask you this: it appears as though this is
5 directed to the address rather than the surrounding
6 area; would that be fair to say?

7 A. Yes, sir, they wanted to have a look at possible OPs on
8 the address and that sort of thing.

9 Q. We will see a bit of that in a moment, but I want to ask
10 you: did it ever occur to you to telephone the
11 operations room to seek the suspension of any local bus
12 stops or the diversion of any buses?

13 A. No, it didn't, sir.

14 Q. Then if we just follow this through, 10.30, is it 10.35
15 or 10.38?

16 A. That would be 10.35, sir, sorry, again my writing.

17 Q. 10.35, "the tactical adviser", that's Mr Terry, is it?

18 A. Yes, sir.

19 Q. "... requests me to ask operations room to work out
20 a plan for the covert evacuation of adjoining properties
21 and to research" is that any telephone numbers?

22 A. Yes, sir.

23 Q. SO19 will -- is that protect?

24 A. Protect.

25 Q. Do you want to just read on?

1 A. Yes, sir:

2 "They will protect any evacuation process but not

3 carry it out. I passed this request to the ops room who

4 will get back to me."

5 Q. Just so we understand it, because we will see what

6 happens, because I think in fact in due course, as we

7 will see, some people did leave Portnall Road, they were

8 detained, and then there was in fact a dynamic entry

9 using CS gas canisters and what's called a wheelbarrow;

10 is that a sort of battering ram?

11 A. No, sir, that's the explosives officers' mini robot.

12 They call it a wheelbarrow. I don't know why, but they

13 do.

14 Q. Perhaps you can explain that in a moment. What's been

15 considered at this stage is the covert evacuation of

16 adjoining properties. Is that, just so we understand,

17 because there was a fear that there might be

18 an explosion at 61A Portnall Road if the occupants

19 became aware of the police operation?

20 A. That's absolutely right, sir, the dynamics had changed

21 at this point because of what had happened at

22 Scotia Road, we were now preparing to have to go and

23 clear our house, we thought that we wouldn't be able to

24 stand off and wait for someone to come out any more

25 because with the media, et cetera, it may be that people

1 inside got an idea of what was happening and so we may
2 well have to change our tactics and clear the house.

3 Q. If we go on to 7749, please, at 11.35 Mr Mellody, who we
4 saw on Friday, telephoned and you told him of the
5 reasons for the covert evacuation and the need for plain
6 clothes. Then at 11.40 there is a plan to use the
7 premises at the rear of 61A as OP, that's an observation
8 post or point?

9 A. That's right, sir.

10 Q. Then just dropping down to the final three lines on that
11 page, the tactical options are identified:

12 "Wait for opportunity to arrest away from the
13 premises."

14 Then going over the page:

15 "Enter premises to clear/arrest"?

16 A. Yes, "not safest option".

17 Q. "Not safest option for suspects or police.
18 A containment and call-out", that's where you are
19 surrounding the property and using a loudhailer or some
20 form of address system?

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

22 Q. Then at 12.15, Commander Dick rang, you updated her with
23 the general plan, and then we go on, please, to 7761,
24 where at 12.45:

25 "DCI Mellody then Commander Dick told me not to

1 attempt evacuation, it's too risky"?

2 A. Yes.

3 Q. So the concern was that this was going to be too risky
4 both for the surrounding neighbours or the people who
5 lived locally, and also for the police?

6 A. I think the thinking was to move people from addresses
7 into the open where they could be vulnerable was a risk.
8 I had the other view that having spoken to the
9 explosives officer who had said to me "if that flat is
10 full of explosives, it could potentially wipe out
11 100 metres on either side if it was exploded". So
12 I thought there was a number of people in premises
13 adjoining 61a that we had a duty to try to protect and
14 get out of that blast area or potential blast area.
15 That was my thinking and that was the conversation I had
16 with Commander Dick.

17 Q. We will just take this through to the end to see how it
18 unfolds, very crisply, I hope, but 13.05 S019 deployed
19 from Harrow Road. This is 7762 of the book. We see
20 13.05 you are deploying from Harrow Road police station,
21 so you are actually leaving Harrow Road police station
22 to go to the premises, are you?

23 A. Yes, sir, we had been instructed to clear the house.

24 Q. So you were going to make an entry at this stage, and
25 then we can see that what actually happened was that

1 there was then information from the surveillance team
2 that a teenage male and female had left the basement
3 flat, now three females towards Harrow Road at junction
4 with Harrow Road and you asked the tac adviser to detain
5 the subject.

6 Then you were informed at 13.10 that they had been
7 detained and an arrest team was called forward?

8 A. Yes, sir.

9 Q. Would the arrest team here be the equivalent of
10 Mr Dingemans at Scotia Road?

11 A. It would do, yes, sir.

12 SIR MICHAEL WRIGHT: SO13.

13 A. Yes.

14 MR PERRY: Then we have SO19 maintaining cordons, you remain
15 in the command vehicle, and then if we go over the page,
16 7763, if we just get that on the screen, so what's
17 happened is these people have been arrested --

18 A. They have been detained, sir, not arrested.

19 Q. Thank you. They have been detained, and then at 13.25,
20 do you receive information that one of the detained
21 females is the estranged wife of Mr Omar?

22 A. Yes, sir.

23 Q. And she last saw him at the house about two weeks ago,
24 and she stated that the premises at 61A are now empty?

25 A. Yes, sir.

1 Q. So the S019 team returned to their vehicles. Then at
2 13.35, they move up to the premises, and just in case
3 there is anyone present they attempt to make contact
4 with the occupants via a PA system?
5 SIR MICHAEL WRIGHT: Loudhailer, presumably.
6 A. Yes, sir.
7 MR PERRY: And then 13.40 the feasibility of using the
8 wheelbarrow, which you have told us that's the little
9 robot.
10 A. Yes, sir.
11 Q. By effectively the bomb disposal man?
12 A. Yes, sir.
13 Q. And then you update the operations room, and then the
14 wheelbarrow was actually deployed, and CS gas was fired
15 into the premises?
16 A. Yes, sir.
17 Q. Then there was a standoff while the CS gas was allowed
18 to take effect if anyone was there, but we see at 15.05
19 when you in fact entered the premises were empty, and
20 the firearms teams left?
21 A. Correct, sir, yes.
22 Q. You make a note in the log, just going over the page, so
23 we are all clear, that there had been some damage to the
24 premises because of the use of the CS gas and the use of
25 the canisters, they had made some damage to the

1 woodwork?

2 A. Yes, that was a verbal report to me. I didn't go into
3 the premises for forensic reasons, but that was what was
4 reported to me.

5 Q. Thank you very much for that, Mr Rose, that was just to
6 see how it actually resolved itself, and I just want to
7 ask you now just a few final questions. You said that
8 you hadn't seen this situation before in London, and
9 there was a need for flexibility. May I just ask you
10 this: compared with your experience in earlier
11 operations, how difficult was this operation so far as
12 you perceived it to be?

13 A. I found this very difficult, it was a very challenging
14 day, and I consider that I had the easier of the two
15 addresses as I had control of the actual door of my
16 venue, so I found it very challenging, very difficult,
17 things were fast-moving, one would sort out a list of
18 tactical options and then something would happen and you
19 would be told no, they need to be changed, the situation
20 has changed now, it's not a standoff, it's a clearing
21 operation. So it was a challenge, sir.

22 Q. Thank you. Then you were asked about Mr McDowall's
23 strategy, and what you were told he had said. May
24 I just ask you this: we know that Mr McDowall was
25 setting a strategy at 4.55 am, and he was meeting tac

1 advisers later, and then you come in at 5.30. In the
2 time that you were there, was the position that the
3 intelligence was developing?

4 A. Very much so, sir, yes, it was developing as we sat in
5 that room with the added information around
6 Portnall Road and the car and that sort of thing, yes,
7 very much so.

8 Q. Then it was put to you that Alan had asked for back-up,
9 and it was put to you that he had telephoned
10 Inspector ZAJ, as we know Alan said. Of course, the tac
11 advisers, both Andrew and Inspector ZAJ, were meeting
12 with Commander McDowall at the time when you were
13 present?

14 A. Yes, sir, they were in that office when I was there,
15 yes.

16 Q. And Mr McDowall was receiving advice throughout this
17 period from those who were present at the meetings,
18 either intelligence or advice?

19 A. Yes, sir.

20 Q. It would have been obvious to Commander McDowall at the
21 6.50 meeting that the firearms teams had not yet been
22 deployed because they couldn't deploy without the
23 Silvers?

24 A. Indeed, sir, that's right.

25 Q. Of course once you had two addresses, not one, it became

1 much more difficult?

2 A. Yes, sir, very much so.

3 MR PERRY: Thank you very much, Mr Rose, that's all I have.

4 SIR MICHAEL WRIGHT: Mr King?

5 MR KING: No, thank you.

6 SIR MICHAEL WRIGHT: Yes, Mr Horwell.

7 Questions from MR HORWELL

8 MR HORWELL: My name is Richard Horwell, I appear on behalf

9 of the Commissioner, Mr Rose.

10 A. Good morning, sir.

11 Q. I only have a few questions for you. Just to follow
12 those questions you have been asked by Mr Perry, there
13 has been a suggestion that Mr McDowall didn't know what
14 was going on, and was making decisions in a vacuum.

15 That is not how it appeared to you that morning,
16 Mr Rose?

17 A. Certainly not, sir. Things were developing all the
18 time, of course, but the decisions and Mr McDowall's
19 persona suggested to me that he was very calm and fully
20 in control.

21 Q. The question that has been raised this morning as to why
22 you did not leave New Scotland Yard earlier that day:
23 and, as you have said, you left the last of the McDowall
24 meetings at about 7.10 that morning?

25 A. Yes, sir.

1 Q. And you didn't actually leave New Scotland Yard until
2 8.05, nearly an hour later?

3 A. Yes, sir.

4 Q. Plainly a longer delay than you would have wanted in the
5 circumstances?

6 A. That's right, sir.

7 Q. But as to the reason for that delay, this is what you
8 said in your second witness statement and I am simply
9 going to read one paragraph in full, Mr Rose.

10 A. Okay, sir, thank you.

11 Q. It's page 5 of 12 for anyone who wishes to follow:

12 "We were told to deploy as soon as possible, however
13 myself, Purser and Mellody went to Greg's office. He,
14 Greg, was unaware that he was to be the Silver Commander
15 until the latter part of McDowall's briefing, and
16 therefore he needed a full intelligence brief from
17 Mellody, together with photographs of the subjects and
18 their associates. These were eventually provided in two
19 folders, one for each address."

20 In demanding a full briefing, you are not suggesting
21 that Mr Purser was wrong in these circumstances,
22 Mr Rose?

23 A. I am certainly not, sir, I go the opposite way and say
24 that he was absolutely right. He -- I was in danger of
25 going off, I think, unprepared, if it hadn't been for

1 Mr Purser, I would not have been as prepared as I should
2 have been, I would have left earlier but unprepared.

3 Mr Purser I think was absolutely right to make those
4 demands.

5 Q. This is the compromise that police officers must reach
6 every time they are in this position; they want to get
7 to the address as soon as possible for obvious reasons,
8 but to deploy without sufficient knowledge and without
9 a sufficient briefing, for them to give firearms
10 officers a sufficient briefing, is dangerous?

11 A. Very much so, sir, yes.

12 Q. In view of everything that happened that morning and
13 bearing in mind this actual operation, you are not
14 suggesting that this briefing took too long, are you?

15 A. No, sir, I am not.

16 Q. The developing intelligence, we concentrate a lot for
17 obvious reasons on Scotia Road, but two addresses,
18 Scotia Road and Portnall Road, that featured that
19 morning?

20 A. Yes, sir.

21 Q. Each address had equal priority as far as you were
22 concerned?

23 A. As far as I was aware, sir, yes.

24 Q. You have been asked to identify the various differences
25 between your responsibilities and those of Mr Purser,

- 1 one you indicated only a few minutes ago, that you had
2 by far the easier location because you could control it?
- 3 A. Yes, sir.
- 4 Q. Only one door in and out of 61A, as far as you knew?
- 5 A. Yes, sir.
- 6 Q. And another difference which must be borne in mind, when
7 anyone seeks to compare the two operations, you were
8 able at an early stage to identify a location which
9 would suffice for both briefing and waiting?
- 10 A. Yes, sir, that was the case.
- 11 Q. Which was Harrow Road police station?
- 12 A. Yes, sir.
- 13 Q. As we know, and as we will hear, that was not the case
14 for the black team?
- 15 A. So I understand, sir.
- 16 Q. Their briefing location was Nightingale Lane, and their
17 waiting location was eventually identified as the
18 TA Centre?
- 19 A. That's as I understand it, sir, yes.
- 20 Q. So that is for what value it offers to those comparing
21 the two operations, that is another difference?
- 22 A. Indeed, sir, it is.
- 23 MR HORWELL: Mr Rose, thank you.
- 24 SIR MICHAEL WRIGHT: Thank you, Mr Horwell. Mr Hilliard.
- 25 MR HILLIARD: Thank you very much.

1 SIR MICHAEL WRIGHT: Thank you very much, Mr Rose, you are
2 free to go.

3 A. Thank you, sir.

4 (The witness withdrew)

5 SIR MICHAEL WRIGHT: Ladies and gentlemen, we have to break
6 off for a minute to let the screens go back up. I have
7 asked for everybody to be ready and I hope it will not
8 take very long. We will let you know as soon as we are
9 ready to go on.

10 (12.15 pm)

11 (A short break)

12 (12.30 pm)

13 (In the absence of the jury)

14 SIR MICHAEL WRIGHT: Could everybody make the usual checks
15 that there is nobody unauthorised in the room.

16 MR HILLIARD: I think there may be concern that people who
17 have not hitherto been authorised may be in.

18 SIR MICHAEL WRIGHT: We had better deal with that first. Is
19 Mr Wormauld here. Do you have an application to make in
20 respect of the next witness?

21 MR WORMAULD: Yes, I do, sir, to the extent that I represent
22 his interests and advised him over the weekend to be
23 an interested party, just to the extent of his evidence
24 and to ask any questions of him, if it's appropriate to
25 do so.

1 SIR MICHAEL WRIGHT: I think it probably is. Does anybody
2 wish to make any representations on that aspect of the
3 matter? Very well, Mr Wormauld, I will grant the
4 witness Owen interested party status for the purposes of
5 and the duration of his evidence today.

6 MR WORMAULD: Thank you. And do I have the penultimate slot
7 before Mr Hilliard?

8 SIR MICHAEL WRIGHT: Yes. The other thing I need to ask
9 you, before the witness comes in or do you want to do it
10 when the witness is in?

11 MR HILLIARD: Yes, please.

12 SIR MICHAEL WRIGHT: Witness in, just one moment. (Pause).

13 CODENAME "OWEN" (called)

14 SIR MICHAEL WRIGHT: Good morning. There is no need to be
15 sworn just for the moment. First of all, could you
16 identify yourself in your codename?

17 A. My codename is Owen for the purpose of this, sir.

18 SIR MICHAEL WRIGHT: Mr Wormauld, I gather that you have
19 been instructed over the weekend. May I take it that
20 you have had the opportunity of advising Mr Owen on his
21 position?

22 MR WORMAULD: I have fully.

23 SIR MICHAEL WRIGHT: And on the privilege that he is
24 entitled to claim in certain circumstances?

25 MR WORMAULD: That's right.

1 SIR MICHAEL WRIGHT: Very well, thank you very much. You
2 can be sworn. We had better have the jury in. Sit down
3 for a moment, please, Owen.

4 A. Sir.

5 (12.35 pm)

6 (In the presence of the jury)

7 (Witness affirmed)

8 SIR MICHAEL WRIGHT: Yes, sit down, please.

9 A. Sir.

10 Questions from MR HILLIARD

11 MR HILLIARD: I think you are a Metropolitan police officer,
12 is this right, going to be known by the name of Owen?

13 A. Yes, that is correct, sir.

14 Q. I'm going to ask you some questions first of all on
15 behalf of the Coroner and then you will be asked
16 questions by others, all right?

17 A. Okay, sir.

18 Q. I am going to be asking you principally about events
19 that occurred on 22 July of 2005?

20 A. Sir.

21 Q. All right?

22 A. Yes.

23 Q. Do you have with you a copy of a witness statement that
24 you made on 7 November of that year?

25 A. I have, sir.

- 1 Q. Subsequently, is this right, you gave evidence at the
2 Health and Safety trial?
- 3 A. That's correct, sir.
- 4 Q. Did you also make a note on your or the office computer?
- 5 A. What I made, sir, is an aide memoire some time
6 afterwards.
- 7 Q. Right.
- 8 A. On an office computer.
- 9 Q. You say "sometime after"; do you know when that was?
- 10 A. The two dates I can give you, sir, is first the
11 3 August, which came from when document last modified,
12 when I have had to get the document, and the second date
13 I can give you is 31 July, I believe it was 4.48 am,
14 that's actually come from some assistance a colleague
15 gave me to call up the document properties where it was
16 first created, and both of those are 2005, sir.
- 17 Q. The name of the colleague?
- 18 A. DS Chris Rickson, I believe.
- 19 Q. So we understand, he has gone back into the office
20 computer to see what time the document was created; is
21 that right?
- 22 A. Yes, I have called up my document, he has pressed
23 a couple of buttons and got the time for me and I have
24 read that off the screen, sir.
- 25 Q. On this, Owen, the two dates that you have given us were

1 31 July 2005?

2 A. Yes, sir.

3 Q. And 3 August 2005?

4 A. Yes, sir.

5 Q. I think according to the technical phrases, file

6 created, that's log of 22 July?

7 A. Sir.

8 Q. File created 31 July, 0449?

9 A. Yes, sir.

10 Q. And then I think it says "last" -- well, there is then

11 a "last" written, isn't there, 7 October 2008?

12 A. There will be now, sir.

13 Q. We will come on to that. There is also a 3 August 2005

14 date you told us about?

15 A. Yes.

16 Q. In between. So can you help us, what's happened on

17 31 July and 3 August 2005?

18 A. From my recollection, sir, obviously the events of the

19 22nd, where Jean Charles de Menezes was shot, I was

20 present in the ops room. We will obviously go through

21 my evidence of that.

22 Q. Yes.

23 A. In the interim period, there was no request for any

24 notes or any requests for any statements at that stage,

25 and I believe that to be -- obviously we have got four

- 1 and subsequently five outstanding suspects. I have
2 continued working a lot of hours. I had been working
3 a lot of hours even prior to 7 July, at least 12 hours
4 a day I would imagine from my recollection, it was
5 a very busy period, and it's come to the point that
6 I have realised I will need to do something in order to
7 jog my memory if I should be asked from a statement at
8 a later date.
- 9 Q. This is about the events on the 22nd?
- 10 A. That's correct, sir, yes.
- 11 Q. So is it 31 July that you first do something about that;
12 is that what you are saying?
- 13 A. Yes. As I say, that information is off the computer,
14 sir. I can't -- I do not have a recollection of sitting
15 there on that date, that's off the computer.
- 16 Q. What do you think, amending it or finalising it, so we
17 understand, on 3 August?
- 18 A. It was a work in progress, I would describe it.
- 19 Q. Yes.
- 20 A. When I have sat down I am obviously tired, so the format
21 I have used is, as you see, bullet points, work in
22 progress, right, I'll put down what I have at the moment
23 and I'll continue working on it. Again 3 August, that's
24 off the computer, that's the last time I made any
25 changes. What I did exactly when, I am sorry, sir, it's

1 too long ago.

2 Q. All right, that gets us to 3 August, we will come to
3 later after that.

4 A. Sir.

5 Q. So we know, the time 0449 on the 31 July of 2005, for
6 file created?

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: Does that mean 10 to 5 in the morning?

9 A. Yes, sir.

10 MR HILLIARD: Is that because there is something the matter
11 with the clock or do you think, could it have been at
12 about 10 to 5 in the morning that you were starting the
13 exercise?

14 A. I am pretty certain I was on night duty sometime during
15 that period, so obviously once night duty has calmed
16 down I have a few moments, so I think that's towards the
17 end of the night duty on that night.

18 Q. Then as I say, somebody can identify, is this right,
19 a "last written" in respect of this document of
20 7 October this year?

21 A. Yes, sir.

22 Q. We will come on in due course and talk about what's
23 happened there.

24 I am just going to ask that we distribute, please,
25 a version of the note, and it's going to go, I think the

1 next divider is 55. I'm going to give you one too so
2 you know what we are looking at. (Handed).
3 A. I do have it. (indicated).
4 MR HILLIARD: I do remember this now, Mr Mansfield just said
5 that he asked for it to go in on Friday afternoon.
6 SIR MICHAEL WRIGHT: I don't think it did. It is
7 divider 55?
8 MR HILLIARD: It is. Just so we can identify the version we
9 have here, I am just going to say this so that it goes
10 on the note. This has in handwriting at the top, hasn't
11 it "produced on computer on 3 August" and that's
12 underlined.
13 A. Correct.
14 Q. Did you write that?
15 A. That's my handwriting.
16 Q. Then top right, "C1855"?
17 A. That's a central number I was using at the time that
18 identified my original statement, sir.
19 Q. Again that's your writing?
20 A. That's correct, as is the bottom.
21 Q. As is the bottom, which says: "modified to use codenames
22 instead of initials" and then "5 October 08"?
23 A. That's correct.
24 Q. Right. We will come to the handwriting in due course.
25 Now, on 22 July of 2005 were you acting as something

- 1 called deputy surveillance co-ordinator?
- 2 A. That's correct, sir, may I refer to my statement for
- 3 this?
- 4 Q. Of course, you can use all these documents as we go
- 5 along, no difficulty about that.
- 6 A. Yes, I was, assisting Detective Inspector Whiddett.
- 7 Q. When I say deputy surveillance co-ordinator, you were
- 8 his deputy?
- 9 A. That's correct, sir.
- 10 Q. Were you working in the operations room on the
- 11 16th floor at New Scotland Yard?
- 12 A. Correct, sir.
- 13 Q. Did you start duty at about 8 o'clock in the morning?
- 14 A. About 8 o'clock, sir, yes.
- 15 Q. If we look at your note, we can see, can't we, "Log of
- 16 22 July. In at 8 am."
- 17 Do you see that?
- 18 A. I see that on the aide memoire, yes, sir.
- 19 Q. "Got briefed by DI Whiddett."
- 20 Is that right?
- 21 A. Correct, sir.
- 22 Q. In very short order, what was he telling you?
- 23 A. He just gave me an outline of the operation. Obviously
- 24 I was aware of the incidents of the day before, three
- 25 tube trains were attacked and one bus was attacked. He

1 basically gave me the board: right, this is what we have
2 got so far, and that's all I recall. Very brief
3 briefing.

4 Q. Right. Where did he give you that briefing?

5 A. I believe it would have been in the ops room, but I am
6 not sure.

7 Q. Right. Was that a room that you were familiar with?

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: I don't think you have told us, which
10 is your department?

11 A. At the time I was Special Branch SO12 surveillance unit.

12 SIR MICHAEL WRIGHT: Thank you.

13 A. And I still am, sir.

14 MR HILLIARD: Were you familiar with it because of the
15 branch you were attached to or not, for some other
16 reason?

17 A. No, it's because it was the branch I was attached to.
18 I was more familiar from my previous employment in
19 Special Branch, but yes.

20 Q. Did you familiarise yourself with the room?

21 A. The layout and the staffing I have recalled, sir. There
22 was at the time a standard counter-terrorist operations
23 model that was in force. This was different, it wasn't
24 our normal proactive operation where Special Branch and
25 the security service would take the lead. It was

1 a different situation. I familiarised myself with what
2 was actually going on.

3 Q. Can you give us some idea, about how many people were
4 there in the room when you went there?

5 A. I recall 20 to 30 people, sir.

6 Q. Roughly whereabouts in the room were they?

7 A. All round. There is a number of positions and I -- and
8 I saw at the Health and Safety trial pictures of the
9 room. There is a number of positions right around the
10 room and also there was a knot of people, around six to
11 eight people in a group that included Commander Dick,
12 sir.

13 Q. Looking in your statement, in that group, were who, you
14 just help us?

15 A. I have recognised Mr Boutcher, I have recognised
16 Mr Mellody from SO13, in my statement it refers to
17 Trojan 80 of CO19. I know he is not --

18 Q. We know him as Mr Esposito.

19 A. He is Mr Esposito and there is a number of people I have
20 never seen before who were in plain clothes.

21 Q. Who were in the little knot of six to eight or so people
22 around Commander Dick?

23 A. Yes, sir.

24 Q. If we just put up, I think it's divider 21, could we
25 just put up the plan on the screen, 20, I am grateful.

1 If you take a moment to familiarise yourself with the
2 plan. Do you see of the right, it is not any more but
3 it was the forward intelligence cell?

4 A. I do, sir, yes.

5 Q. Can you help us where the little group of people with
6 Commander Dick in it was?

7 A. I am not really sure, sir, but somewhere between S4, A4,
8 C2, I think.

9 SIR MICHAEL WRIGHT: Over towards the right-hand end?

10 A. Over towards the right-hand end. They did move around
11 various times, sir, but that's I think where they were
12 most of the time.

13 MR HILLIARD: Right.

14 There was a board, is this right, that showed
15 current targets?

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

17 Q. Whereabouts was that?

18 A. You will see the blanked out area that is just below the
19 11. If you come left of that, it does show two boards
20 and that's basically the target boards. It's "sliding
21 whiteboards required to run along width of office".

22 Q. We will put a picture up now which will be in 21.

23 A. Right, from where I am standing, you see a white, it's
24 not actually a white board, I think it's a drop-down
25 screen, actually. To the right of that there is three

1 boards, on and around those boards generally.

2 Q. If we look at this, as we are looking at it, it's the

3 far right-hand corner of the room?

4 A. And down the right-hand side, yes.

5 Q. And then down the right-hand side?

6 SIR MICHAEL WRIGHT: Where the light is showing up white?

7 A. Yes, sir, that's it.

8 MR HILLIARD: Right.

9 On the board, is this right, I am looking at your

10 statement, there was a photograph of a subject known as

11 Nettle Tip, Hussain Osman?

12 A. That's correct, sir.

13 Q. And the photograph of a male believed to be Elias Girma;

14 is that right?

15 A. Yes, sir.

16 Q. Did you introduce yourself to the representatives from

17 SO13, the Anti-Terrorist Branch, in the room?

18 A. At a later date, sir, I did. Sorry, at a later time.

19 I did.

20 Q. How much later was that?

21 A. I don't know, not that long, sir.

22 Q. But a little bit later on?

23 A. After I have gone through the board and seen what's

24 what, yes, sir.

25 Q. Did you do anything about the provision of photographs

1 to surveillance teams?

2 A. That's correct, sir. I saw what was available and it
3 was limited. There were largely because there was no
4 provenance, there was no date on the pictures --

5 Q. This would be from what you were seeing on the wall; is
6 that right?

7 A. Yes, that's what we have at the moment. I remember
8 looking at the photo for Hussain Osman, Nettle Tip, and
9 that caught my attention because it had been -- I was
10 aware from the board it was sourced from a gym
11 membership that has been found, I believe it was found
12 in the rucksack and subsequently produced that. That
13 was a picture that I would describe as compressed in
14 that, if you get an official photograph, quite often you
15 are shown as fatter faced than you are, and particularly
16 I could tell that the face was whited out to a degree
17 because of flash, I believed.

18 Q. So what did you do about that?

19 A. Because of the differences that I was dealing with that
20 day is the intelligence was provided both by SO13, I am
21 aware in my statement it's redacted but I know SCD7 have
22 been mentioned in this context.

23 Q. Yes, they have.

24 A. That's the redacted bit, basically. They were providing
25 the intelligence so I have gone to them and said: can we

1 get better identification of photos, or what have we
2 got, basically.

3 Q. Who were those going to be for?

4 A. Surveillance teams, sir.

5 Q. How soon did you want those provided?

6 A. Always as soon as possible because you didn't know
7 whether subject is going to come out two minutes time or
8 two days time. I made a request for them to see what
9 they could get.

10 Q. If we just look at your note, it will come on the
11 screen, about the end of that first paragraph, is this
12 the note that refers to that: "Check photos, spoke to
13 SO13 rep and C3000 reps", is that SCD7?

14 A. I am now aware it's SCD7, sir, yes.

15 Q. To establish better briefing photos and then "nothing
16 know available". What does that mean, the last bit?

17 A. Negative response. If it had been a positive response,
18 obviously I would have actioned it.

19 Q. All right. I'm going back to your statement but we will
20 keep an eye on the note when we need to. Whilst you
21 were there, can you say anything about the level of
22 noise or the volume of it in the room?

23 A. It was a very noisy room, sir, some people did have to
24 shout to be heard.

25 Q. Noisier than you have known it before on other

1 occasions?

2 A. Yes, sir.

3 Q. Had you ever been there when there were 20 to 30 people
4 there or not before?

5 A. Certainly close on 20. I had been there -- I had worked
6 in operations for five years. A lot of our jobs were
7 quite slow time. Some were massive. Operation Crevice,
8 which has gone to court, was a bigger operation than
9 this in terms of number of surveillance teams. It was
10 noisier than I have known on Crevice and any of the
11 Algerian operations with multiple arrests going in,
12 multiple subjects being followed at any one time.

13 Q. Were any of those as fast-moving as this one was?

14 A. No. In terms of circumstances this was unique, sir.

15 Q. All right, that gives us the picture. Then did you
16 undertake a task about checking the channels of the
17 various teams on the ground, the communication channels?

18 A. I did, sir, yes.

19 Q. What did that involve, please?

20 A. If you would like to call back up the picture on the ops
21 room. You have four desks at the front. As I recall
22 there was only two surveillance deployments at the time,
23 so you go S1 to S4. Each of those, I think it shows
24 a phone, it's got a Cougar radio channel, it's got a --
25 I forget what its, the exact term, but it's got a box

1 that tells you which channel it's on.

2 There were --

3 Q. Because just imagine you have a number of teams, could
4 they all be using Cougar radio?

5 A. They all would and should be using Cougar radio.

6 Q. Will they each be switched to a different channel, the
7 same channel per team but a different channel from the
8 next team?

9 A. Yes and no, sir. Each subject would get one channel.

10 So for example in the Scotia Road plot we had two teams,
11 so potentially I believe there were two subjects there.

12 Whilst they were sitting with a static plot they would
13 be on one channel. Should there be movement from the
14 single team you can't run two surveillance follows on
15 one channel, so there has to be a second channel to put
16 the team on that remains. Is that clear?

17 Q. It's as clear probably as it needs to be.

18 A. Sir.

19 Q. All right. So what checking though, did you do?

20 A. I have gone round make sure everybody is on the right
21 channel which is only two. Because there were people
22 unfamiliar with the room, the number shown on the dial
23 doesn't necessarily correlate to the number the
24 surveillance team will be on. Now, the reason for that,
25 and I am happy to talk about this, because this is

1 an obsolete system, is there was a booster in force.

2 Q. We probably don't need the detail but I could imagine it

3 could be very confusing, it might be showing it's a

4 channel but they might be on a different numbered one?

5 A. So the team could be talking "we are on zero" but what

6 should be on, it could be either on zero or three for

7 the ops room, so you have to understand what you're

8 doing. There is potential for confusion and that's what

9 I eliminated.

10 Q. Did you also do some checking of CO19 communications, we

11 probably don't need the detail of what but did you do

12 some checking there too?

13 A. I just made sure they had the sufficient fill guns so

14 that they could sort themselves out.

15 SIR MICHAEL WRIGHT: That's the encryption codes?

16 A. Yes, sir.

17 MR HILLIARD: Right. If we go back to your note, we can see

18 for us we have it third line down:

19 "Derek. Problem with bus stop OS address. Will

20 call BTP. Done from ops room to divert buses. Positive

21 response by BTP".

22 Can you help us with what that's about, please?

23 A. That's a summary from Derek who was the team leader on

24 the reds who were dealing with Scotia Road, I was aware

25 of various requests, that refers to one request which is

1 he is reporting the presence of a bus stop right outside
2 the subject premises, any subject could get straight on
3 to the bus, there is no opportunity for him to be
4 stopped if he did that, and bear in mind the public
5 transport system was the targets of the day before.

6 That's what those two lines refer to.

7 Q. So that's what that's about. Derek had come on about
8 that problem, had he?

9 A. Not directly to me, I believe that was to Pat.

10 Q. He had got on to Pat, who was the surveillance monitor,
11 is that right?

12 A. That's the natural route, yes.

13 Q. Then what happened about that?

14 A. I was aware of Pat contacting the bus company regarding
15 diverting buses from this stop.

16 Q. The note says "will call BTP"?

17 A. Exactly, the aide memoire I produced was in bullet
18 points, throw down what I need to speak about, the
19 statement was made in full reflection and corroboration
20 with others where needed.

21 Q. That's what you wrote on 31 July or whenever the date
22 was, or 3 August, one of those two?

23 A. That's correct.

24 Q. Are you saying to us that that's wrong, you think it's
25 bus company rather than BTP, British Transport Police?

1 A. Yeah, I am saying that's wrong.

2 Q. You think that should be bus company?

3 A. Yes.

4 Q. Right. Then where it says "positive response by BTP"

5 again should that be positive response by bus company?

6 A. Yes.

7 Q. Do you see what I mean?

8 A. Yes, yes.

9 Q. So what did you understand that Pat was doing about it?

10 So we understand Derek has come in with the problem,

11 what was your understanding that Pat was doing?

12 A. Fulfilling the request.

13 Q. Right. What did you think the result of it was?

14 A. I understand that they were positive in their response.

15 Q. Who did you get that information from?

16 A. I must have got it from Pat.

17 Q. Right.

18 SIR MICHAEL WRIGHT: Positive response, so that means you

19 thought they were going to do something about it?

20 A. That's what I believe, sir, yes.

21 MR HILLIARD: Perhaps we can just deal with this before we

22 break off for lunch. You say that you were aware of

23 various requests, I think you said, from Derek and this

24 is one of them.

25 A. Yes, sir.

- 1 Q. Can you remember now what the others were even in
2 general terms or any of them?
- 3 A. Yes, as I have made a statement referring to the
4 statement Derek wished the C019 team to forward locate
5 to the TA Centre near the plot.
- 6 Q. Who did he say that to?
- 7 A. I have got no direct recollection of who he said it to,
8 but his link into the ops room was Pat.
- 9 Q. So for the C019 team to forward locate to the TA Centre
10 near their plot?
- 11 A. Yes, from what I understood from that, he had some
12 concerns about the time it may take to get C019 to deal
13 with any suspects.
- 14 Q. Right. What was he saying or what was being said about
15 the TA Centre?
- 16 A. Referring to my statement. (Pause). At this stage
17 I didn't record anything, so I can't recall.
- 18 Q. Beyond what, he was asking for the team to forward
19 locate to the Territorial Army Centre which was near
20 their plot?
- 21 A. Yes.
- 22 Q. Beyond that you can't help us now?
- 23 A. No, sorry, sir.
- 24 SIR MICHAEL WRIGHT: Convenient moment?
- 25 MR HILLIARD: Please.

1 SIR MICHAEL WRIGHT: 2 o'clock.

2 (1.00 pm)

3 (The short adjournment)

4 (2.00 pm)

5 (In the presence of the jury)

6 SIR MICHAEL WRIGHT: Can I make it plain that I am very

7 anxious to avoid the time lost each time we have to set

8 up and strike the screens at the back, and for that

9 reason, otherwise we will lose half an hour tomorrow,

10 I intend to finish this witness tonight. Yes,

11 Mr Hilliard.

12 MR HILLIARD: If we have your note, we have looked at that

13 first paragraph before we broke off.

14 A. Yes, sir.

15 Q. The next paragraph begins, do you see:

16 "U/I movement".

17 A. Yes, sir.

18 Q. What does that stand for?

19 A. Unidentified movement, that's all it says.

20 Q. What's that, the movement of an unidentified person?

21 A. Yes.

22 Q. What does this relate to, please?

23 A. It will relate to the movement of Jean Charles

24 de Menezes from the block that contains 21 Scotia Road.

25 Q. How did you know that he was moving or the person who

1 was him was moving? Who did you learn that from?

2 A. It would have been from Pat. It's either come across

3 the radio audibly, or I have picked it up off the

4 computer screens.

5 Q. When you say "come off the radio audibly", whose radio?

6 A. It would be the radio channel monitored by Pat, that the

7 red and grey teams are on.

8 Q. How are you able to hear that?

9 A. I don't know that I did hear it, I am saying the two

10 options are either I have seen it come on the screen or

11 I have heard it.

12 Q. When the running log is going up?

13 A. That's correct, sir.

14 Q. Or if it's coming out of a speaker you have heard it?

15 A. Yes, I can't recall but I know I have become aware of

16 it, sir.

17 Q. What did you do once you were aware of that?

18 A. Once I was aware of something, referring to my

19 statement, because the statement is the evidence I am

20 giving, I have gone over to Pat, checked the

21 surveillance entry, which is about three lines, that's

22 included U/I IC2 or 6 male, chubby face, stubble, jeans

23 from the address, which refers to Scotia Road.

24 Q. Pause a moment. That's what you saw, is it?

25 A. Yes.

1 Q. So U/I, unidentified, then we have heard about the rest
2 already, but IC, does that stand for identity code or
3 something like that?

4 A. It does stand for identity code.

5 Q. All right. So you have seen that?

6 A. I have seen or heard it, yes, sir.

7 Q. What did you do then?

8 A. I have gone to -- well, the address is believed
9 associated to Nettle Tip, which I have got from the ops
10 board, so I have attracted the attention of
11 Commander Dick who was in discussion with a number of
12 senior officers, and I have informed her of the
13 situation.

14 Q. How did you attract her attention?

15 A. I don't know, tapped on her, waved at her.

16 Q. Did you go over is what I mean rather than --

17 A. I don't know, it's not very far.

18 Q. In some way or other, you get her attention and what do
19 you say to her, as best you remember it: "Someone's just
20 come out of Scotia Road" or what?

21 A. Movement from the address, just along those lines,
22 basically the limited information that's up there.
23 I can't recall the exact words, but it will be very
24 brief.

25 Q. What was her response to that, can you remember?

- 1 A. She took some notice.
- 2 Q. Did she do anything?
- 3 A. I don't recall the exact sequence of what happened.
- 4 Q. What's the next thing you heard?
- 5 A. The next thing I recall it's been reported that the
6 subject's on a bus and I am aware that the grey team
7 have taken over the follow. At this point it's not
8 confirmed whether the subject is ident Nettle Tip or
9 not.
- 10 Q. Pause a moment. We have a reference to that in your
11 note, is this right: "Onto bus almost immediately"?
- 12 A. Yes, I have, it is, sir.
- 13 Q. At this stage, you say it was not confirmed whether the
14 person was Nettle Tip?
- 15 A. That's right, sir, remains U/I.
- 16 Q. Right. So does that mean, what, not clear one way or
17 the other, just so we understand, could be him, might
18 not be him?
- 19 A. So to briefly explain, U/I means it could be Nettle Tip,
20 but U/I obviously will refer to completely unidents, as
21 well. In this case it's a U/I that still may be
22 Nettle Tip because they have gone to the steps of
23 carrying on to follow.
- 24 Q. As it were, no more certain than a "could be"?
- 25 A. That's right.

1 Q. If we look at your note, we have:

2 "Management Q, how come he got on bus? Pat, made
3 about six calls to BTP. Told being diverted but some
4 buses coming anyway."

5 Can you just explain that little sequence in your
6 notes for us?

7 A. Yes, my aide memoire says that, I have flagged that up,
8 in recollection the guy is on the bus, one of the
9 members of the management group has asked how he's able
10 to get on the bus, I couldn't recall at the time who,
11 and I still can't, and Pat's replied with words to the
12 effect of we made six calls regarding this. The ops
13 room has been told that buses were being diverted, but
14 some buses were coming through anyway. I subsequently
15 know that it was a different bus stand.

16 Q. A different?

17 A. I subsequently learned here that it was a different bus
18 stand he got on.

19 Q. Who did you learn that from?

20 A. I have learned it through the duration of this.

21 Q. Right. So which bus stop was Pat talking about then?

22 A. I don't know. There wasn't a detailed map available.
23 The map I remember is the Geographia which is a street
24 map, we won't go to that detail, sir.

25 Q. I just want to know, how do you know that it's

- 1 a different bus stand?
- 2 A. Just that evidence has been given in this inquiry, that
- 3 there was about half a dozen bus stands all around this
- 4 address.
- 5 Q. Hang on, how do you know that it's a different one,
- 6 though, if you don't know which one it is?
- 7 A. I am sorry, I see what you mean. I understand from
- 8 evidence that was given, it's not the one that was
- 9 immediately flagged up. Is that clear, sir?
- 10 Q. No, it's not really clear to me. Because as you know,
- 11 there is an issue about whether the buses were or
- 12 weren't stopped. Have you read about that as well?
- 13 A. I have, sir, yes.
- 14 Q. Are you saying that the operations room were told that
- 15 buses were being diverted?
- 16 A. That's what I heard Pat talk about at that occasion
- 17 and --
- 18 Q. Right, pause a moment. You are telling the jury that
- 19 you heard the ops room being told that buses were being
- 20 diverted?
- 21 A. That's right, sir, yes.
- 22 Q. Who was telling the ops room that?
- 23 A. On that occasion that would have been Pat because Pat is
- 24 replying to the management question, sir.
- 25 Q. Right. So that they were being diverted but that some

1 were coming through anyway?

2 A. Yes.

3 Q. Right. Did you know at that time what bus stop he was

4 talking about or not?

5 A. No, sir.

6 Q. Then forgive me, the question I was asking you: so how

7 do you know that in the course of the trial anybody has

8 been talking about a different one if you don't know

9 which the original one was. Do you follow my question?

10 A. It's possibly assumption on my part, sir, but my

11 understanding is that there were a number of bus stands

12 and I can't be sure.

13 Q. All right. Then if we go to your note:

14 "CD to greys. Telephone. Don't think it's him."

15 A. Sir.

16 Q. Can you help us about that bit of your note, please?

17 A. All I am referring to in my aide memoire there is that

18 Commander Dick, Cressida Dick as I have noted it, was on

19 the telephone, information comes across that they

20 don't -- that someone doesn't think it's him. Obviously

21 that's telephone. When I have looked at that to make my

22 statement, I can't say who Commander Dick is on the

23 phone to. So that's an element, as I say, unreliable

24 aide memoire, I have used it to jog my memory, but when

25 I have sat down and thought about it, I am able to say

1 that Commander Dick and the management group established
2 it wasn't believed to be Nettle Tip.

3 Q. Right, so that's a positive, as it were, in one
4 direction; it's positively not him?

5 A. That's the information that came to the management
6 group, yes.

7 Q. Then do you see:

8 "Three or four minutes of follow. CD: Q why still
9 following. Call to team leader to establish".

10 A. I do see that, sir.

11 Q. Can you explain that part for us, please?

12 A. The full situation is that because the management group
13 at this stage believe it's not Nettle Tip, there is
14 a conversation between her and the rest of the group
15 about having the subject stopped and spoken to by S013
16 Anti-Terrorist Branch officers, and that's an attempt to
17 establish intelligence regarding the block of flats that
18 contain the Scotia Road address.

19 It's quite apparent there is still radio traffic or
20 entries, whatever, so after three or four minutes of
21 follow, Commander Dick has asked why the U/I male is
22 still being followed, and in accordance with her belief,
23 despite it not being Nettle Tip. I saw someone make
24 attempts by phone to establish the veracity of this
25 information, but he remained an unidentified male at

1 that point.

2 Q. Somebody is making attempts, so we follow, to establish

3 the veracity of what information?

4 A. That it wasn't him.

5 Q. Do you remember who it was who was trying to make those

6 efforts?

7 A. No, I couldn't see, but the natural person to call on

8 that is the team leader saying: what's going on.

9 Q. What, there was no response or no, as it were, clear

10 answer one way or the other, can you remember which it

11 was?

12 A. I have referred to no clear response as to the identity.

13 Q. Then the note:

14 "Off bus. Texts -- me to Inte cell to BSS with

15 info."

16 We will come back to that in a moment. Then "on

17 bus"?

18 A. Yes.

19 Q. Was it reported that the person was now off the bus?

20 A. Yes, sir.

21 Q. And that the person was or appeared to be using a mobile

22 telephone to send a text message?

23 A. That's what my note would say.

24 Q. Right.

25 A. That would be the natural -- but as I said, having

1 looked at what actually happened, the texts or the
2 believed texts were actually after he got on the bus
3 again.

4 Q. There is then a reference you into the intelligence
5 cell; is that right?

6 A. That's right, sir, yes.

7 Q. Is that the forward intelligence cell, the little room
8 that's off the operations room?

9 A. Yes, sir.

10 Q. And what you said at the trial, all right, so I am just
11 looking at what you have said about this already, just
12 to explain what you were doing, you said that if
13 somebody is apparently in contact with someone else in
14 that way, sending a text message, that that gives you
15 an opportunity from a number of means to see whether the
16 person is in fact one of your subjects?

17 A. That is correct, sir, that's completely correct. That
18 wasn't actually my job to do that, but obviously it was
19 busy and I identified an opportunity to get a positive
20 ident at this point.

21 Q. But you had gone in to ask that someone try and see if
22 that was happening; is that right?

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

24 Transcript redacted

25 Q. That was another means of trying to confirm identity,

1 but that confirmation didn't come?

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

3 Q. Then you hear, is this right, that a person is on the

4 bus?

5 A. Yes, sir.

6 Q. And you think, is this right, from what you have said

7 just now, that in fact your note is wrong and that the

8 texting is when the person is on the bus?

9 A. I believe so, sir, I believe that's what the

10 surveillance running log in the ops room will show.

11 Q. Then you have a note "attempting to get alongside".

12 A. Surveillance talk.

13 Q. Can you help us with what that's about?

14 A. Someone is looking to try and drive past the bus and get

15 another look at this man.

16 Q. Again, was that with a view to taking the identification

17 process either further forward or backwards, but one way

18 or the other?

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

20 Q. As you understood it, did that happen or not?

21 A. I couldn't -- the only thing I recollect is someone

22 saying "attempting to get alongside", I don't recollect

23 any information coming for it or even that he could do

24 it.

25 Q. Then:

1 "VE." Mr Esposito, Trojan 80, "why no comms? Me.
2 Should be able to talk to each other (confirmed when
3 Trojan Bravo asked permission) not answered."
4 Can you explain that little section for us?
5 A. Mr Esposito is -- I understood it to be -- asking why
6 CO19 can't hear them.
7 Q. Why CO19 can't hear who?
8 A. The surveillance.
9 Q. How did you know that CO19 couldn't hear?
10 A. As I say, I presumed, because that's why he is asking me
11 and he is from CO19.
12 Q. Right, right.
13 A. My response, obviously, I have got all the fill guns, in
14 plenty of time I have established -- I established
15 earlier in the operation that they have been able to put
16 them on the right encryption. I don't understand why
17 there shouldn't be comms apart from a range issue,
18 that's the only issue as I know how the system works,
19 and during the operation I heard Trojan Bravo come up
20 and ask for permission.
21 SIR MICHAEL WRIGHT: Who is Trojan Bravo, please?
22 A. It's the firearms team leader, sir.
23 MR HILLIARD: You heard him come up and ask for permission,
24 what does that signify to you?
25 A. When you are carrying out the surveillance follow, if

1 you are the subject and I am watching you, I have
2 primacy over the radio because what you do is most
3 important. If the Coroner would want to ask me
4 a question, or ask anyone a question, he would have to
5 ask my permission, which says, is it convenient for me
6 to come in on the radio.

7 Q. And if something is very important that's going on, we
8 tell him to be quiet.

9 A. Wait til he has done his round about, sir.

10 Q. Right. As you understood it, is this right, Mr Esposito
11 was saying that the firearms team couldn't hear the
12 surveillance communications, that's what you thought was
13 prompting the request?

14 A. Yes, he asked me why there was no communications or why
15 they couldn't hear or words to that effect, and the only
16 inference I could have drawn is he is saying C019 can't
17 hear.

18 Q. Then going down:

19 "James called by Pat. CD 'what percentage'."

20 Can you help us about that section, please?

21 A. James is the team leader of the grey team, Pat obviously
22 is the surveillance monitor. CD for Cressida Dick, and
23 referring in there what percentage is a jog of memory
24 about the question that was asked.

25 Q. What was the question asked?

- 1 A. When I refreshed my memory writing the statement, it was
2 actually Mr Boutcher requesting a percentage
3 identification of the U/I being Nettle Tip.
- 4 Q. Right, and is it Pat who is relaying that question to
5 James?
- 6 A. Yes, they are talking -- well, they are talking on the
7 phone, sir.
- 8 Q. There is an answer, is that right?
- 9 A. My recollection is Pat said: "They can't give
10 a percentage but they think it's him".
- 11 Q. Then the note says:
12 "Subject towards Stockwell tube recognised in ops
13 room"?
- 14 A. Yes, it does, sir. I believe it would have been
15 reported over the radio that he's -- I think it's
16 Stockwell Road, towards Stockwell tube, and the
17 operations room has picked up on this.
- 18 Q. What, and thought that he may be going to Stockwell
19 tube?
- 20 A. Yes, it's a possibility that he's going to Stockwell
21 tube.
- 22 Q. Now, I am just going to hand it out on a separate sheet
23 and a copy for you, Owen. On the 2005 note, there is
24 a passage, isn't there, that appears after this
25 reference to ops room?

1 A. Yes, sir.

2 Q. I'll give you a copy too, I hope we have enough
3 (Handed).

4 A. I believe I can do without it, sir.

5 Q. Good, because we haven't. If these can go in, please,
6 also in divider 55, behind the note that we have
7 already. (Pause). You say that's a reference to the
8 fact that he might be going towards Stockwell tube,
9 that's the last bit we have in the note we have just
10 been looking at?

11 A. Yes, sir.

12 Q. But then in the 2005 note -- the --

13 SIR MICHAEL WRIGHT: The first one, isn't it?

14 MR HILLIARD: I don't know why it's the 31 July or August,
15 that's why I say the 2005 note.

16 This then appears, is this right, Owen:

17 "Management discussion, CD: can run onto tube as not
18 carrying anything. Persuaded by U/I male amongst
19 management"; is that right?

20 A. That appears in the aide memoire, yes, sir.

21 Q. What's that about?

22 A. There is a discussion in the management as to what
23 course of action, or management group, what course of
24 action to take in response to him being towards
25 Stockwell tube .

1 Q. Pause a moment. By the management group, do you
2 remember you told us earlier that Commander Dick as she
3 then was, was in a little group and you showed us where
4 on the map with some people round her. Is that what you
5 mean by the management group, the senior officers round
6 her, her and the senior officers?

7 A. They may or may not be all exactly the same people,
8 because people were coming and going but in generic
9 terms, yes, sir.

10 Q. That's the sort of thing you're talking about. So
11 discussion, you say. Now, what about the next bit:
12 "CD: can run onto tube as not carrying anything."
13 What's that about?

14 A. In hindsight, well, sorry, in reflection as to wrote my
15 statement, I looked at that and thought, as I have done
16 in several points amongst this aide memoire, I can't
17 actually say that. All I can say is one of the options
18 was about letting him run because he is not carrying
19 anything, and that there was a disagreement from -- and
20 when it says U/I member of the management, that doesn't
21 mean it's a member of the management I don't know, it
22 means I don't know who.

23 Q. Right, got that. So it's a member of management who you
24 may or may not have known but you can't remember who it
25 was one way or the other?

1 A. Obviously I couldn't see everything, I couldn't hear
2 everything, and that is part -- that is a snapshot of
3 the management discussion as to what to do next.

4 Q. Right. If we look at the note, there is a management
5 discussion; is that right?

6 A. There is, sir, yes.

7 Q. So that's correct. Is this right, you are saying
8 somebody said that the person could run on to the tube
9 as he wasn't carrying anything, are you saying that was
10 part of the discussion?

11 A. That was part of the discussion.

12 Q. Right.

13 A. I believe it was the commander, but when I reflected,
14 I couldn't be sure whether she was saying: this is what
15 we are going to do or: this is one of the options.

16 Q. Right, whether saying: he's definitely to be allowed to
17 run or: an option is that he can run?

18 A. Exactly, I couldn't tell, I wasn't monitoring the
19 conversation.

20 Q. We may get a bit of a clue by the way the note goes on,
21 because it says "persuaded otherwise"; that rather
22 suggests it was her view, doesn't it, and that somebody
23 persuaded her to a different one?

24 A. That's exactly why it isn't in my statement because
25 I couldn't swear that this is the case. As I said to

1 you, all I could say is that ops was talked about
2 I believe by her. Someone expressed a differing view.
3 Q. Obviously when you made the note you thought it was her,
4 end of July or 3 August 2005?
5 A. I still think she was talking about it to the best of my
6 knowledge and belief, but on reflection that was just
7 a snapshot. That didn't accurately reflect what was
8 going on.
9 SIR MICHAEL WRIGHT: Was it a woman's voice?
10 A. Yes, sir. Well, to my best recollection, yes.
11 SIR MICHAEL WRIGHT: As far as you can remember?
12 A. Sir.
13 SIR MICHAEL WRIGHT: Was there any other woman there apart
14 from Detective Chief Inspector Scott?
15 A. I don't actually recall DCI Scott being there at all,
16 sir, so ...
17 MR HILLIARD: All right. Then:
18 "Persuaded otherwise by U/I male amongst
19 management".
20 A. That's what it says, sir, yes.
21 Q. If you have expressed yourself at the end of
22 July/beginning of August of 2005 that whoever it was who
23 said that was persuaded otherwise by someone else, does
24 that not rather suggest that it was a view someone had
25 expressed rather than an option, do you see, if they had

1 to be persuaded otherwise?

2 A. Well, that's exactly it, I wasn't sure what was going
3 on, sir. I have looked at that and that's exactly what
4 it implies, but that's exactly why, when I gave my
5 statement, I can swear that a management discussion took
6 place. The idea that the commander said: this is what
7 we will do and was persuaded otherwise, that doesn't
8 reflect my recollection of events, sir.

9 Q. What you said in your statement, the one you made in
10 November 2005, was this:

11 "It was recognised that the U/I at this stage was
12 towards Stockwell Underground station and there was
13 a management discussion as to the appropriate course of
14 action and then Commander Dick requested SFO
15 intervention."

16 A. That accurately summarises my recollection, sir.

17 Q. If we look at the note, that says:

18 "CD SFO to intervene" doesn't it?

19 A. VE on phone, yes, sir.

20 Q. VE on the phone and was that what he was on the phone
21 about?

22 A. Well, I wouldn't say that I could hear the phone call
23 but the logical implication is yes, sir.

24 Q. All right. In your statement you referred to the person
25 again at this stage as U/I?

- 1 A. Yes, sir.
- 2 Q. In that passage we have just read, although it comes
3 after Pat saying: "They can't give a percentage but they
4 think it's him"?
- 5 A. Yes, sir.
- 6 Q. As far as you were concerned, the passage I read from
7 your statement, if that accurately reflects your
8 understanding, even after Pat had given that report, as
9 far as you were concerned, was the person still
10 unidentified?
- 11 A. Oh yes, sir, they think it could be him, but that is not
12 a positive identification.
- 13 Q. Right. Then:
14 "Nearing tube. Greys offered to do intervention.
15 Initially refused. Greys held on line."
16 All right, can you help us with that passage, that
17 first section?
- 18 A. Obviously the subject is towards the tube.
- 19 Q. Yes.
- 20 A. James, it's just that I referred to him as Tango 5,
21 James is on the phone to Pat. I am aware that Pat is
22 saying that the greys are offering to do the
23 intervention but the commander is refusing this because
24 she's wanted SO19 to do it.
- 25 Q. That refusal, I think, changed; is that right?

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

2 Q. If we look at the next note:

3 "CD yes to greys as subject through barriers.

4 Running for train."

5 A. Yes, sir, it says that.

6 Q. Can you just amplify that note for us, please?

7 A. Throughout this you have obviously got Pat on the phone

8 to James, you have also got Mr Esposito on the phone,

9 and I'm presuming to the firearms team or to Silver,

10 definitely that. My recollection is after a couple of

11 minutes, Mr Esposito has said the SFO are not in

12 a position to intervene before he's entered the

13 underground, and Commander Dick's then requested that

14 the grey team carry out a stop.

15 Q. Just at that point, when she's saying yes to the greys,

16 where, as you understood it, was what we will now call

17 Mr de Menezes because it was him, where was he as you

18 understood it at that point?

19 A. Roughly simultaneously it's been reported over the radio

20 that he's through the barriers and then that he's

21 running for the train. So --

22 SIR MICHAEL WRIGHT: Roughly simultaneously to what?

23 A. To Commander Dick, now DAC Dick, requesting the greys to

24 intervene. So --

25 SIR MICHAEL WRIGHT: Having been told by Mr Esposito that

1 CO19 were not in a position to do it?

2 A. Correct, sir.

3 MR HILLIARD: The way this reads, do you see:

4 "CD yes to greys as subject through barriers".

5 A. Yes.

6 Q. Is that a timing "as", do you see what I mean: CD yes to

7 greys as he is going through the barriers, or is it: CD

8 yes to greys because he is through the barriers, do you

9 see what I mean?

10 A. Yes, I see what you mean.

11 Q. Or can you not now say?

12 A. No, I can say, as far as I was able to understand at the

13 time, it's timing as.

14 Q. So she is saying yes to the greys as the subject is

15 going through the barriers running for a train?

16 A. Yes. Yes, sir.

17 Q. Do you know where information that he was running for

18 a train came from?

19 A. I can only presume it was from the radio, sir.

20 Q. So as he's going through the barriers, the order is

21 given, is this what you are telling the jury, for the

22 greys to do the stop?

23 A. Yes, sir.

24 Q. Then the note goes on:

25 "S019 to red"?

1 A. There is actually something that happened before that,
2 sir.

3 Q. Right, you tell us about that.

4 A. Commander Dick's then requested that S019 carry a hard
5 stop on the subject and she states that he was not to
6 travel. Shortly after this, Trojan Bravo, the firearms
7 team leader went to state red, and that's been relayed
8 by James over the radio to make sure everybody's heard
9 it. As my statement said, both of these transmissions
10 come across the radio. Shortly after it, the radio's
11 become silent and as far as I was aware in the ops room,
12 it's not clear whether the subject is under control or
13 not.

14 Q. Right. If we go back, this information about running
15 for the train, you have told us about that. Then you
16 say that Commander Dick asked S019 to carry out a hard
17 stop?

18 A. Yes, sir.

19 Q. What did you understand by a hard stop?

20 A. A hard stop is an aggressive stop. It's not
21 a recognised -- it's not a recognised term in -- sorry,
22 it is recognised by officers but it is not an official
23 term, if that's clear, but it is an aggressive stop.

24 Q. Can you just help us: so far as S019 are concerned, do
25 they do anything other than a hard stop? I appreciate

1 if they are doing a stop, is it always going to be
2 a hard stop? Obviously a challenge may be different but
3 if it is an aggressive stop or does this add something
4 to an ordinary SO19 stop? Do you see what I am getting
5 at?

6 A. I understand what you are getting at, sir. Obviously
7 I haven't worked with SO19 but their standard practice
8 when they work for us, it will be a hard stop. That is
9 why a firearms team is there.

10 SIR MICHAEL WRIGHT: Mr Hilliard, I think we are going to
11 have to have a short break.

12 MR HILLIARD: Certainly.

13 SIR MICHAEL WRIGHT: Let me know when you are ready.

14 (2.40 pm)

15 (A short break)

16 (2.55 pm)

17 (In the presence of the jury)

18 SIR MICHAEL WRIGHT: I hope all is well. I do not want,
19 please, any inappropriate heroics. If anybody is really
20 feeling they can't go on, please say so; I would far
21 rather we had to have you back tomorrow than laid up,
22 and if you feel you can't concentrate, please say so.
23 That doesn't apply to counsel.

24 MR HILLIARD: Right. Now, if we could just go to the next
25 part of the note:

1 "S019 to red, relayed by James. Not clear if with
2 subject."
3 Do you see that?
4 A. I see it, sir.
5 Q. Can you help us about that?
6 A. As I said in my statement shortly afterwards, S019 has
7 been Trojan Bravo to go to red, James has relayed it,
8 and it's not clear whether the subject is under control.
9 Q. Sorry, not clear?
10 A. If the subject's under control.
11 Q. So this is after Commander Dick has asked S019 to carry
12 out the hard stop and said that he's not to travel on
13 the tube; yes?
14 A. Yes.
15 Q. You then hear that S019 have gone to state red; is that
16 right?
17 A. That's correct, sir.
18 Q. I just want to understand this. Are you saying that
19 S019 say it first of all, that they are going to state
20 red, and then James repeats it?
21 A. That's right, sir.
22 Q. Do you see what I mean?
23 A. Yes.
24 Q. Then: "Not clear if with subject", tell us again, you
25 mean it wasn't clear if S019 had control of him?

1 A. I don't know, sir.

2 Q. I know you don't know, I just want to understand what

3 "not clear if with subject" means?

4 A. No, it's more generic, it's more we don't know if he's

5 under control or not.

6 Q. By anybody?

7 A. There is no comment whether that's SO19 or the

8 surveillance teams.

9 Q. Right, so not clear if under any sort of control at all?

10 A. That's right, sir, yes.

11 Q. All right. Then some time after that, Mr Esposito says

12 that the subject has been shot; is that right?

13 A. That's right, sir.

14 Q. Then the note says:

15 "Nothing until debrief later."

16 What does that mean?

17 A. I don't know, sir.

18 Q. Just can't remember what that's about?

19 A. Can't remember what that's about, sir.

20 Q. Then just to complete it, because we have it so we had

21 better know what its about:

22 "1330" so is that later on, on the 22nd?

23 A. It is, sir.

24 Q. "Saw picture of bus bomber (Royal Song) on news. Not

25 known to AW", is that Mr Whiddett?

1 A. That is, sir.

2 Q. Or yourself.

3 Just the reason that Mr Whiddett or yourself might
4 have recognised a picture, what, because of the work you
5 do?

6 A. No, no, it's not that. Obviously there was a decision
7 to go, I now know there was a decision to go overt.

8 Q. So that's putting pictures out to the media and then to
9 the public?

10 A. That's right, sir.

11 Q. And saying: have you seen this man or whatever?

12 A. Yes.

13 Q. Right. You mean that decision wasn't known to either of
14 you that that was going to happen?

15 A. No.

16 Q. You say.

17 A. All that is, and that is something again when I wrote my
18 statement I decided was totally irrelevant, all that is
19 is it refers to a different picture, we were talking
20 about pictures throughout the day: do I need to ask
21 a question about that? And obviously the answer on
22 reflection in my statement, no. Royal Song didn't
23 concern us.

24 Q. What does "not known" to the two of you mean, that's
25 what I am asking?

1 A. We didn't know him, and looking back on that, I believe
2 it's: we haven't seen the picture before.

3 Q. Then:

4 "Saw picture of Nettle Tip on sheet in possession of
5 JB" -- is that Mr Boutcher?

6 A. It is, sir, yes.

7 Q. At about 1 to 2?

8 A. Yes, sir.

9 Q. Was that a DVLA so a Driver and Vehicle Licensing
10 Agency picture of him?

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

12 Q. Between 1 and 2, and you explain the source, and then
13 you say:

14 "Showed him as light-skinned IC3."
15 Identity code 3, what's --

16 A. Black, sir.

17 Q. Light-skinned?

18 A. A light-skinned black male is my description of it.

19 Q. "Tried to obtain for teams", is that for surveillance
20 teams?

21 A. That's right, sir.

22 Q. Speaking to SO13, that's the Anti-Terrorist Branch?

23 A. Yes, sir.

24 Q. And ops manager, is that the ops room manager?

25 A. Yes, sir.

- 1 Q. To get briefing officer aware?
- 2 A. Yes, sir.
- 3 Q. Is that anybody who might be briefing the surveillance
- 4 teams to tell them there is a better picture available?
- 5 A. Yes, sir. Obviously, sorry, in the statement, the way
- 6 I have worded it is slightly different, I have stayed in
- 7 the ops room and I have tried to get some better quality
- 8 images for the teams and that has included a picture of
- 9 Nettle Tip and I have mentioned I first became aware of
- 10 it in the afternoon.
- 11 Q. Then I just want to ask you about some telephone calls,
- 12 all right?
- 13 A. Sir.
- 14 Q. I have a statement of yours dated 19 September 2005. Do
- 15 you have that there?
- 16 A. I don't. I think it's three calls or something.
- 17 Q. That's it. You explain in that statement that on
- 18 22 July 2005 in the operations room you had used
- 19 a mobile telephone issued to you by S012, so
- 20 Special Branch?
- 21 A. Yes, sir.
- 22 Q. You say to make the following calls?
- 23 A. Sir.
- 24 Q. And you would have got these from records, would you?
- 25 A. They would have been provided to me, sir.

- 1 Q. "0926 I called DI Andrew Whiddett, SO12 surveillance
2 co-ordinator for a call that lasts two minutes 39
3 seconds", and we know you were his deputy?
- 4 A. That's right, sir.
- 5 Q. Can you remember what that was about or not?
- 6 A. No, sir.
- 7 Q. One of you had left the room for some reason and you are
8 then in touch with each other?
- 9 A. Yes, sir.
- 10 Q. "0937, I called Derek for a call that lasted 23
11 seconds"?
- 12 A. Sir.
- 13 Q. Any idea now what that was about?
- 14 A. I can't recall the content of that call, sir.
- 15 Q. Then a call that needn't trouble us, 10.17 a call to
16 Mr Whiddett again for a minute and 43 seconds?
- 17 A. I imagine they are just updates "this is going on", sir.
- 18 Q. I just want to come back finally, please, to the
19 question of your note, all right? The page that we have
20 got with the handwritten at the top and the bottom, can
21 you see?
- 22 A. Yes, it's on screen.
- 23 Q. Was there a time recently when you were asked whether
24 you had got any original notes that related to these
25 events?

- 1 A. I was asked if I had any documents or any material
2 relating to it, sir, more than just original notes.
- 3 Q. You had not referred, is this right, to this note in
4 your witness statement in either of them?
- 5 A. Either witness statement? Sorry, can you repeat the
6 question.
- 7 Q. Unless there is another witness statement, but maybe
8 there is.
- 9 A. Sorry, in those.
- 10 Q. Yes, is there another one in which you dealt with the
11 production of this note?
- 12 A. No.
- 13 Q. So you had not dealt with this note in either of the
14 witness statements, had you?
- 15 A. No, I see what you mean. No.
- 16 Q. You didn't mention it, I think, when you gave evidence
17 at the Health and Safety trial?
- 18 A. There were no requests regarding documents or anything.
- 19 Q. That may obviously depend upon whether you were asked?
- 20 A. I wasn't asked.
- 21 Q. All right. Then you say you were asked more recently
22 whether you had any original documents relating to this?
- 23 A. Sir.
- 24 Q. Did you remember then that you had this note on the
25 computer?

1 A. Yes.

2 Q. What did you do about it?

3 A. I have remembered there is something on the computer.

4 It's on a system, it's on an up to secret system that

5 I don't use, this is because I am now surveillance team

6 leader, so I don't really use that.

7 Q. When you say up to secret, do you mean it's a computer

8 that will handle things up to certain levels including

9 secret documents?

10 A. That's right, sir, yes.

11 Q. Right.

12 A. For a long time we didn't actually have that at

13 Tintagel House, now we do, but I don't use it because

14 I don't find a need for it. Obviously I have to recover

15 that document, it's late on, on Tuesday, I can't

16 remember the date.

17 Q. Tuesday of the week just gone by?

18 A. Is that the 6th?

19 Q. I am helpfully told it was the 7th.

20 A. Thank you. I think it was Tuesday, I have whacked

21 out -- I have had to phone up and get a password re-set

22 to print out that document.

23 Q. So if we just look at the bottom of this page, it says

24 "modified to use codenames instead of initials", that

25 says 5 October?

- 1 A. Right, sir. I can only explain that was a mistake.
- 2 Q. So you think actually it's the 7th that you do anything
- 3 about the document; is that right?
- 4 A. Yes, I believe it's the Tuesday.
- 5 Q. Sorry, the 5th would have been Sunday?
- 6 A. Yes.
- 7 Q. If it's Tuesday, it's the 7th we are told?
- 8 A. Right.
- 9 Q. Anyway, you think it's the Tuesday?
- 10 A. Yeah, it's definitely Tuesday.
- 11 Q. The 7th. All right. So what is it you do, you get
- 12 a password, get access to the computer?
- 13 A. I looked at that, yeah, I have looked at the form, it's
- 14 not suitable for court, I have flicked through it, there
- 15 is obviously quite a few mistakes, but one of the things
- 16 I have done is change initials where relevant to the
- 17 pseudonyms.
- 18 Q. Right, so if we just look at this for obvious reasons
- 19 I'm not going to say what they were, but third line down
- 20 Derek?
- 21 A. Derek will have been changed.
- 22 Q. Imagine Derek is called John Smith, all right, it would
- 23 have said, would it, JS?
- 24 A. Yeah.
- 25 Q. So what you have done is gone through and, as you say

1 here, modified to use codenames instead of initials.
2 Where you had put people's real initials, quite
3 properly, what you have done is change them to use the
4 pseudonyms we are using in the trial?

5 A. That's right, sir. The other thing I did at the time is
6 delete the line I had identified as wrong and misleading
7 when I did my statement, which is the one regarding the
8 management discussion about allowed to run on the tube.

9 Q. Just pausing a moment, that wasn't the only thing, was
10 it, that you have told us is wrong with this note?

11 A. No, it is not the only thing that is wrong.

12 Q. "BTP" you say should be bus company?

13 A. Yes.

14 Q. Did you change anything like that in the note?

15 A. No.

16 Q. Help the jury, why did you take out the particular
17 section "management discussion CD can run onto tube as
18 not carrying anything persuaded" and on it goes? Why
19 did you choose only that section to take out?

20 A. Because of the detailed changes don't materially affect
21 the statement, affect the sense of the note. That
22 particular line, if you like, I identified as totally
23 wrong.

24 Q. Hold on, the first bit is right, isn't it: "CD can run
25 onto tube as not carrying anything", I thought it's just

1 the "persuaded otherwise" that you were telling the jury
2 gives the wrong impression?

3 A. Yes, it is the "persuaded otherwise".

4 Q. Forgive me, can you explain why has the whole section
5 come out?

6 A. I don't know, I just rapidly deleted it. I took it as
7 one line, if you see what I mean. I have also as you
8 can see taken out "management discussion" by mistake,
9 totally by mistake.

10 Q. Where you have said at the bottom, do you see, "modified
11 to use codenames instead of initials" what you haven't
12 put there is modified to use codenames instead of
13 initials and taken out one inaccurate or whatever it is,
14 two inaccurate, three inaccurate sentences?

15 A. I'm in a rush to go out the door, so what's -- because
16 I have got an appointment, basically, so without thought
17 I have produced it, I have given it to Chris Rickson,
18 I have said -- I don't think I have photocopied at that
19 stage, but write "produced on a computer 3 August,
20 Central 1855", copied it, gave him a copy and then
21 thought: oh, better modify it, and you can see I had
22 better refer to that it's modified and you can see that
23 I have the date wrong and scrawled something, so I have
24 a handwritten copy, he has a photocopy of one that says
25 "produced on computer", and then I have had to hand

1 write "modified" on both. Basically it's an error
2 because I'm in a rush, I am afraid, Sir.

3 Q. Did you say to him that you had also taken out
4 a passage?

5 A. I can't remember, sir.

6 Q. I think you have told us that you realised that this was
7 a document that was required for court?

8 A. Sir.

9 Q. Correct?

10 A. Yes, sir.

11 Q. But did you not realise that where court documents are
12 concerned, that to take passages out at all or, if you
13 have done it, not explain on the face of the document
14 that that's what you have done that potentially that's
15 a very serious matter?

16 A. I realised it the next day, sir, without it being
17 brought to my attention, you can say I have done that in
18 a rush and I have done that in error but I have removed
19 a line that I thought was completely wrong and gave
20 a false impression and as I say, I have an appointment
21 at home which I need to get to, causing some concern.
22 The next day I was due at a debrief for our final
23 exercise on our surveillance course, which is running
24 with CO19, it's running with a DSO, et cetera,
25 et cetera, I have obviously got some very valid learning

1 points as team leader, so my mind is focused on that.

2 When questions -- when I have got an request for
3 a statement the next day, at that point I have thought:
4 right, I need to make everybody aware of that, I need to
5 give the court the full information.

6 Q. So did you put that into the statement?

7 A. I never actually completed that statement.

8 Q. Did you start it?

9 A. I did.

10 Q. Do you have, please, what you started?

11 A. No.

12 Q. Where is that now?

13 A. It will be on the computer. I never completed it
14 because at the time I did it, I never -- at the time
15 I stopped writing it, if you see what I mean, I hadn't
16 spoken to Directorate of Legal Services.

17 Q. Can we access, please, what you have started of the
18 statement? That presumably is available?

19 A. I am sure I could on the where, but it's nowhere near
20 finished.

21 Q. No, but what you have written, at least the start, the
22 first bits you have put in explaining what you have done
23 will be on the computer still?

24 A. It will be, sir.

25 Q. And you have no objection to us getting hold of that?

1 A. No.

2 Q. You told us, do you remember, about what you heard about
3 in the trial, and no criticism of that at all, indeed
4 it's been made plain that if officers want to know or
5 follow the transcript of what's happening in the trial,
6 they are at liberty to do so, so there is no difficulty?

7 A. Sir.

8 Q. Had you been following transcripts of the trial?

9 A. For the first couple of weeks I read some, I read quite
10 a lot, because I was at home, work being done, so I had
11 plenty of time. The following week I followed some.
12 I wouldn't say I am totally up to date, but quite a bit.

13 Q. Did you know whether or not there was an issue about
14 whether or not the man, whoever he was, should be
15 allowed to run or not?

16 A. No.

17 Q. Did you know that questions had been asked about that,
18 the very topic that you had taken the sentence out
19 about? Just think.

20 A. I don't know at the time, I think I have seen parts of
21 that cross-examination, but whether it's -- when I knew
22 it, I don't know.

23 Q. Was it after you took that sentence out or was it before
24 you took it out that you knew it related to a subject of
25 dispute in the inquest?

- 1 A. I didn't realise it was a subject of dispute. It's
2 a line that I identified two and a half years ago as
3 wrong.
- 4 Q. Just lastly, I just want to ask you about this, please:
5 do you remember speaking to Mr Emery about this, who was
6 asking you about the notes and the handwritten
7 amendments too, he is somebody who works for the
8 Metropolitan Police solicitors; is that right?
- 9 A. Yes.
- 10 Q. Do you remember having a number of calls with him,
11 I think on 8 October, and reception on the calls was
12 poor; do you remember that?
- 13 A. I know, I think I lost the phone at one point and had to
14 phone each other back, so yeah. Yeah.
- 15 Q. Did you ever say anything to him in any of those calls
16 on the 8th to the effect that management had asked you
17 to make that amendment?
- 18 A. No.
- 19 Q. Are you sure about that?
- 20 A. Yeah, very sure, sir.
- 21 Q. This is certainly right, isn't it, that in subsequent
22 calls when he asked you about that, is this right, you
23 made it plain to him that you had made those or this
24 particular deletion that we are looking at --
- 25 A. Yes, that's correct, sir, yes.

1 Q. -- without any encouragement or interference from
2 anybody else?

3 A. Yes, he's obviously got hold of the wrong end of the
4 stick with the phone call with the man in the car, sir.

5 MR HILLIARD: Thank you very much.

6 SIR MICHAEL WRIGHT: Mr Mansfield.

7 Questions from MR MANSFIELD

8 MR MANSFIELD: Good afternoon, my name is Michael Mansfield,
9 I represent the family of Jean Charles de Menezes.

10 A. Sir.

11 Q. I am going to take things in chronological order, it's
12 easier for everybody to follow if we do that, in
13 particular obviously the function you had on that day
14 and could we have on screen, please, the note as you
15 produced it. That's it, with your code at the top
16 right-hand corner.

17 My first question is this: on the day itself, that
18 is on 22nd when you were in the ops room, did you keep
19 any record at all of what was going on?

20 A. No, sir.

21 Q. Nothing?

22 A. No, sir.

23 Q. We have heard about instant report books, red books,
24 blue books, all the rest of it that people used, was
25 that a particularly specific decision that you took, you

1 weren't going to keep a note?

2 A. No it's simply the case that the role I was in as
3 a surveillance co-ordinator and a deputy surveillance
4 co-ordinator, I wasn't a decision-maker, so I wasn't
5 working on a red book, I wasn't a surveillance monitor
6 who would be running a contemporaneous note on the
7 computer. I wasn't an office manager who keeps a branch
8 note updated, it's just not appropriate to that
9 particular role, sir.

10 Q. So just on that, then, what was your role as a deputy
11 co-ordinator?

12 A. Literally that in regard to the surveillance, to keep
13 an eye and to make sure that the surveillance unit can
14 resource the operational objectives, sir.

15 Q. Yes, but could you put that in slightly plainer English,
16 please; what does that mean.

17 A. Right, make sure that surveillance is tied to the ops
18 room, get the resources to deal with as many subjects as
19 are required for the investigation, if we can't get the
20 resources make it clear why we can't and the limitations
21 of what we can provide.

22 Q. All right. I have asked a number of witnesses this,
23 I want to ask you about maps and so on. As
24 a surveillance co-ordinator, one of the resources that
25 might be rather useful in the ops room is having a map?

- 1 A. Yes.
- 2 Q. Was there one?
- 3 A. There was a Geographia on the front desk, sir.
- 4 Q. Yes. Okay. Did that show you where bus stops were?
- 5 A. No, sir, not nearly detailed enough.
- 6 Q. As a co-ordinator, did you set about trying to get a map
- 7 that would show the bus stops and so forth?
- 8 A. No, sir, because the situation down there is under
- 9 control of the team leader. When I am running
- 10 a surveillance team, the plot is my responsibility. The
- 11 surveillance co-ordinator is all there, just to provide
- 12 the resources and keep the operation running, so in
- 13 upshot, no, I have never done it, never needed to, sir.
- 14 Q. I am talking about this particular day, plainly one of
- 15 the big concerns was to prevent anybody who might be
- 16 a bomber getting on to a bus, you knew that?
- 17 A. Yes, sir.
- 18 Q. I mean, that was a general objective that was known to
- 19 everybody, was it?
- 20 A. As far as I -- I recall some of the strategy being
- 21 written up on the white board, but it's implicit that
- 22 that is the case, sir.
- 23 Q. One of the first things that you have got on your log of
- 24 that day concerns discussion about buses?
- 25 A. Yes, sir.

- 1 Q. Were you at any time after 8 o'clock ever made aware
2 that Cressida Dick had made a decision that buses should
3 not be suspended, interrupted or anything because that
4 might compromise the whole operation; is that ever
5 communicated to you?
- 6 A. No, sir.
- 7 Q. Before I put it to you a minute ago, did you ever know
8 that that was a decision that she had taken?
- 9 A. The first time I was aware of that was at the results of
10 an MPA inquiry being published fairly recently.
- 11 Q. That's the first time?
- 12 A. Yes, sir.
- 13 Q. That's this year?
- 14 A. Yes, sir.
- 15 SIR MICHAEL WRIGHT: MPA meaning Metropolitan Police
16 Authority?
- 17 A. Yes, sir.
- 18 MR MANSFIELD: When you saw that, that must have surprised
19 you somewhat?
- 20 A. It did somewhat.
- 21 Q. Just if I may, moving again on, on the note, in relation
22 to that: were you reading a transcript last week, so
23 that you may be clear, of Cressida Dick giving evidence?
24 Did you read what she was saying?
- 25 A. I don't think I have read her transcript, no, sir.

1 Q. Did you read a synopsis of what she was saying?

2 A. No, I have seen some of your cross-examination, sir.

3 Q. Of Cressida Dick?

4 A. Yes.

5 Q. Right. We know so the timeframe is clear, that she gave

6 evidence to my learned friends here for the Coroner on

7 Monday of last week, that was the 6th, and then

8 I cross-examined on the 7th. Now, did you follow the

9 cross-examination because somebody told you to or

10 because you thought it might be a good idea for

11 yourself?

12 A. No, it's just interesting. I was in the office doing

13 administration, and I have access and I have walked in.

14 Q. What, it was coming up on a laptop or something?

15 A. No, there is -- witnesses are allowed the link.

16 Q. Yes, it's not a complaint, I just want to check how

17 this -- I am coming to obviously the deletion and so on?

18 A. Yes, sir.

19 Q. How that's really come about. So on Monday of last

20 week, as I say, she gave her evidence to Mr Hilliard and

21 then on the Tuesday, I began cross-examining. Now,

22 which bits of the cross-examination were you looking at?

23 A. I have seen your reconstruction of Stockwell,

24 surveillance officers arriving at the tube, C019 when

25 the cars come out.

- 1 Q. Yes, go on, sorry?
- 2 A. What else, and I have seen clips of a number of things
3 about decision logs.
- 4 Q. Because the issue concerning whether somebody should be
5 allowed to run had certainly been canvassed in her
6 evidence for the first time on the Monday; do you
7 follow? That's when it had first been raised.
- 8 A. I understand that.
- 9 Q. Just in case you may have read it, she told this jury
10 that she had a discussion relatively early on with
11 an officer called Prunty, do you know his name?
- 12 A. John Prunty, I do, sir.
- 13 Q. She had a discussion with him, and there was a wry smile
14 on his face when it was put to her would it be possible
15 to let them run, and she had dismissed this possibility,
16 that it wasn't going to be within her plan at all. Did
17 you read that?
- 18 A. No, I didn't, sir.
- 19 Q. All right. Well, then, certainly you have this question
20 of the buses raised, and it was an error about who it
21 is, and so on. I want to move on further down in
22 relation to what then happened. You were S012
23 Special Branch then, and you were a deputy co-ordinator,
24 you had had how many years experience of Special Branch
25 by then?

- 1 A. Something around six. Basically some time at the port,
2 five years on operations, which would be a lot of time
3 in the ops room, and then half a year on the
4 surveillance team.
- 5 Q. Now, the question is this: were you aware that the
6 addresses, the two addresses concerned here, had arisen
7 because in part there was a gym card which led to
8 a name, which led to a Special Branch operation called
9 Ragstone?
- 10 A. Yes, sir.
- 11 Q. Did you know all that?
- 12 A. I didn't know at the time, no, sir.
- 13 Q. You didn't know that; how much did you know?
- 14 A. I can't recall exactly what I knew, but from an ops room
15 point of view, it was an address, I knew the photo was
16 sourced from the gym card, I knew the photo of a guy
17 who's actually Jeffrey Obonwa, I believe, with
18 Elias Girma, I know the Portnall Road one. It was very
19 limited information, sir.
- 20 Q. I want to ask you about getting better photographs,
21 that's something you wanted to do, you have told the
22 jury about today, do you remember?
- 23 A. Yes, sir.
- 24 Q. It's the next bit on the note there "establish better
25 briefing photographs"?

1 A. Sir.

2 Q. I want to carefully ask you who you went to in order to
3 establish better briefing photographs than the ones you
4 had seen?

5 A. Those two officers, the representative from the SO13 who
6 was BIU rep in the ops room, and someone from SCD7.

7 Q. I do not want to give any names away unless again it's
8 sensitive, but do you know the names of these
9 individuals?

10 A. No, I don't, they are not officers I actually knew, sir.

11 Q. Those officers, if you go to them in particular, they
12 would know, would they, that one way of trying to get
13 better photographs is to go through to Special Branch to
14 see if there were any surveillance photographs?

15 A. I couldn't comment on what they know.

16 Q. That's an obvious line or channel of investigation?

17 A. That's fair, sir, yes.

18 Q. You have either negative response or nothing known
19 available. Who's telling you that, those two
20 individuals are saying "nothing known"?

21 A. Yes, sir.

22 Q. So it doesn't go further than that?

23 A. I have to correct you there, sir, I don't know whether
24 or not they have gone back to their units to see what
25 the current state of play is. I can't comment on that.

1 All I can say is I didn't get a result at that time,
2 sir.

3 Q. It goes beyond Ragstone, you see. Are you another
4 person who was completely in the dark about the fact
5 that there were other photographs in the rucksack
6 recovered from the scene of one of these incidents, the
7 one at Shepherd's Bush; did you know about that?

8 A. At the time I was completely unaware of it, sir.

9 Q. Would it be right to say that you didn't know about
10 those photographs until these hearings at this tribunal?

11 A. Yeah, pretty much, sir.

12 Q. Pretty much so.

13 I want to ask you about the next stage, if we may.

14 We have it as the: "U/I movement onto bus almost
15 immediately". You have given evidence about this
16 before.

17 A. Sir.

18 Q. I really want to summarise it. Is it correct that it's
19 your recollection that immediately there was movement,
20 you followed it up? In other words you were there at
21 the moment in time that it was relayed that somebody had
22 come out?

23 A. Yes. As I said earlier, I have either got it off the
24 radio or I have seen it basically being typed.

25 Q. I appreciate you may not know now how you got it?

1 A. Near as possible, yes.

2 Q. Then this was put to you at the trial, and in case

3 anybody wants to see it's 12 October last year, and you

4 were being asked questions by Mr Thwaites, and you were

5 giving evidence for the prosecution. You have it there?

6 A. I do --

7 Q. I don't think you do.

8 A. I think I do, sir, if you can just tell me the page

9 number.

10 Q. Yes, the page number is 72, line 8.

11 A. Yes, sir.

12 Q. There are a number of questions leading up to it but

13 then this question at line 8:

14 "Question: And you immediately told Commander Dick

15 about that fact, did you?" That is somebody who is

16 a possible?

17 "Answer: Pretty much immediately, yes, my Lord."

18 A. Yes.

19 Q. And the questioner says "yes":

20 "Question: ... and within a very short time he had

21 got on a bus; yes?

22 "Answer: Yes, my Lord."

23 So the recollection then and before then was that

24 you had made contact with Commander Dick in the

25 operations room about a person coming out of the

1 premises before he had got on a bus?

2 A. That's my recollection, yes, sir.

3 Q. On that basis, would it be fair to say you certainly
4 didn't wait ten minutes before you told her?

5 A. Of course not, sir.

6 Q. I am sorry, they are very obvious questions but it's
7 because of other answers we have had.

8 A. Right, sir.

9 Q. Following down, using your note because it's easier for
10 you to follow and the jury for that matter?

11 A. Sir, if it's an option I prefer my statement because
12 that is to the best of --

13 Q. I don't mind which --

14 A. I would rather have my statement, sir, I know that is
15 accurate.

16 Q. I don't mind which you use because the next thing on the
17 note anyway, and you can fill in any gaps in your
18 statement, is this question of the awareness that the
19 person who's come off the bus now is using a mobile
20 phone; do you see?

21 A. Yes.

22 Q. Got that?

23 A. Yeah.

24 Transcript redacted

25 MR MANSFIELD: I will move on from the question of the

1 mobile phone to another element of communications.

2 You filled out the "VE: why no comms", in your note?

3 A. Yes, sir.

4 Q. I think in fairness to you, you have said it's

5 an assumption you made because that's the question that

6 was being raised. Now, I just want to develop this

7 a bit further. Your understanding was at that

8 particular point that the firearms teams or some of them

9 appeared not to be able to hear what the surveillance

10 teams were saying; is that right?

11 A. My understanding, sir, is the firearms teams should well

12 have been able to hear what the surveillance were

13 saying, but the fact that I was being asked that

14 question implied that.

15 Q. All right. Was it resolved, that's the question?

16 A. Yes, as soon as Trojan Bravo came up on the net --

17 sorry, on the Cougar channel.

18 Q. Because he did, you realised he could be heard, is that

19 what you are saying?

20 A. Exactly, sir.

21 SIR MICHAEL WRIGHT: He was coming through the loudspeakers

22 into the control room?

23 A. Yes.

24 SIR MICHAEL WRIGHT: I understand. I am not sure that

25 necessarily answers the question. The fact you could

1 hear Trojan Bravo in the control room doesn't
2 necessarily follow that he could hear what the
3 surveillance officers were saying. Is that what was
4 being suggested?

5 A. Technically you are right, sir; because they could
6 theoretically be either side of the Yard, but the fact
7 that he is asking permission means he knows there is
8 a surveillance follow going on.

9 SIR MICHAEL WRIGHT: So he can hear.

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: He is asking permission to break in.

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: I understand, thank you.

14 MR MANSFIELD: He knows there is a follow going on, does the
15 inference arise here that he also knows what is being
16 said on the follow by the surveillance team?

17 A. You would have to ask him that, sir.

18 Q. Do you see the nature of the question?

19 A. I understand, but I can't answer that.

20 Q. You can't help any further, all right, we will leave it
21 for Trojan Bravo.

22 SIR MICHAEL WRIGHT: I think that's Ralph, isn't it?

23 MR MANSFIELD: Yes, it's Ralph.

24 Can I move on, then, I am taking it again in order
25 so it's easier to follow. We come to obviously the next

1 passage. The jury have the passage as it was in there
2 originally. When you came to make your statement, was
3 there any difficulty -- and you have the statement so
4 the jury know, the statement that you made back in 2005,
5 you made two, I am not interested in the first one at
6 the moment, just the second one?

7 A. Yes.

8 Q. Was there any difficulty about indicating in the
9 statement that there were options discussed, I can't say
10 now who actually discussed them although it's a woman's
11 voice and a man's voice, I mean, was there any problem,
12 do you follow what I am putting to you, about putting
13 that in the statement?

14 A. Yes, there is no problem, that is exactly what I put,
15 there was a management discussion as to the course of
16 options.

17 Q. What you didn't put, you see, and what I am really
18 getting at is what the sensitivity was about this
19 particular paragraph in the note originally.

20 Mr Hilliard has already read this section out but can we
21 have page 96 on the screen, please, so the jury can see
22 what you have in front of you, about this part of it.

23 We see a paragraph towards the bottom of page:

24 "Pat then spoke", you have that.

25 Mr Hilliard read out to you:

1 "it was recognised that the U/I at this stage was
2 towards Stockwell Underground station, and there was
3 a management discussion as to the appropriate course of
4 action"?

5 A. Yes.

6 Q. There would have been no problem about you indicating
7 what the courses of action were that were being
8 discussed, one of them being to let him run; there would
9 be no problem about putting that in?

10 A. No, there wouldn't, but I didn't hear the entire
11 conversation, that's the whole point.

12 Q. Of course not. Of course not. One understands that.
13 These are only notes you made up -- well, you originally
14 did them within two weeks of the actual event, the
15 original notes?

16 A. Sorry, I compiled them, I didn't make them up.

17 Q. Sorry, I didn't mean it in that sense at all, you are
18 being a little bit too sensitive, I meant that you
19 compiled them, yes. You compiled them within two weeks.
20 So when you come to make your statement, did you have
21 the notes that you had compiled in front of you?

22 A. I believe I would have done. I believe I would have had
23 the aide memoire, precisely what I cannot recall, it is
24 three years ago.

25 Q. I would like to ask because of course you are aware that

1 we can audit trail when access is done?

2 A. Yes.

3 Q. You know that. Now, the statement is dated 7 November.

4 So do you say at some stage prior to 7 November you

5 accessed the compiled note on the system available?

6 A. I say I probably did, sir.

7 Q. You probably did. So you must have decided to leave out

8 any reference, when you had got to that part of your

9 reference, to exactly what options were discussed, even

10 though you knew that one option discussed was letting

11 him run?

12 A. I decided to leave out the fact that I have made

13 an error in that aide memoire. If you read that

14 particular line, it conveys a completely false

15 impression.

16 Q. No, no, it may not, you see. It may be one thing to say

17 "I can't now attribute what was said to a particular

18 individual", but it's quite another to say "I certainly

19 did hear them discussing the possibility of letting him

20 run". Now, are you saying -- I'll take it in stages --

21 that you never heard any words to the effect "let him

22 run"?

23 A. I never heard that decision, sir.

24 Q. No, no, sorry, I am not saying it's a decision.

25 A. In that case I am not saying that.

- 1 Q. So you did hear words to the effect --
- 2 A. Discussing an option, I believe I did, yes.
- 3 Q. You did hear those words. Well, what was the problem in
- 4 November 2005 about putting those words, unattributed to
- 5 anyone if you are worried about attributing them, just
- 6 putting them in the statement?
- 7 A. I just didn't see it as relevant.
- 8 Q. Well, that of course isn't a matter for you, is it?
- 9 (Pause). What's relevant is not a matter for you, is
- 10 it?
- 11 A. When I have written my statement I have put all the
- 12 relevant evidence in, and I saw as relevant the fact
- 13 that there was a management discussion as to the
- 14 appropriate course of action. How will they discuss it,
- 15 well, I am not fully cited on it, I haven't heard
- 16 everything.
- 17 Q. You were sitting, and I am not getting the plan up again
- 18 but we have heard from others, I got someone else to
- 19 place where you were?
- 20 A. Yes.
- 21 Q. You are over on the right-hand side sitting down at
- 22 a desk or monitor over there?
- 23 A. That is the position of the surveillance co-ordinator,
- 24 however I was in more places than just that in the room.
- 25 Q. I appreciate, and you will move around, and the group of

1 management and the prime managers, if we can call it
2 that, on the night was Commander Dick and Mr Boutcher
3 and obviously some others?

4 A. Mm.

5 Q. So you decided that, because they had discussed
6 a particular option that you didn't think was relevant,
7 you were going to leave it out?

8 A. No, as I have said before, when I came to write my
9 statement, I wrote what I could swear to happening. And
10 I could swear that there is a management discussion.

11 Q. Yes, you could swear to a management discussion that
12 included the option of whether to let him run or not,
13 you could swear to that, couldn't you?

14 A. No, I believe I have already said I couldn't swear as to
15 exactly the context of that snapshot.

16 Q. That's not the point either. You could swear to the
17 fact that you heard words to the effect of whether to
18 let him run; that was an option being discussed. Unless
19 you want to go back on it, I have given you plenty of
20 chance, do you want to go back on that and say you
21 didn't hear any such words and it's all a load of
22 rubbish?

23 A. No, of course I do not want to.

24 Q. Right. And that's leaving aside attributing who said
25 what, but as you have already agreed there is really

1 only one woman in that group who could have said
2 something, isn't there, only one female voice? (Pause).
3 Isn't there?
4 A. Sorry, yes.
5 Q. Now, the unidentified male, I am going to put a name to
6 you and it may be you don't know this name, but I'm
7 going to put the context: Commander Dick told us that
8 she specifically asked someone to come and help her, in
9 order to challenge her decisions if he thought they were
10 the wrong ones. You may not have known that. His name
11 is Cummings, and he certainly was there as part of the
12 management group. Do you know the name Cummings?
13 A. I know it from these proceedings, that's all, sir.
14 Q. So you don't know what he looks like or anything like
15 that?
16 A. No. I will come back, I have heard the name before but
17 only in relation to this operation, if that's clear,
18 sir.
19 Q. In what context have you heard the name in relation to
20 this operation before?
21 A. That he was there.
22 Q. You see, I want to suggest to you that the person who
23 you had down originally, an unidentified male, was the
24 one -- was Mr Cummings who persuaded her against this.
25 You see. Is there any possibility of that?

- 1 A. What I have said is to say that she was persuaded
2 against that is unrepresentative of the fact.
3 Throughout it, she made the decisions.
- 4 Q. I daresay, but we are just dealing with the lead-up to
5 decisions. Persuaded otherwise, that's a fairly clear
6 recollection that you made at the latest on
7 5 August 2005?
- 8 A. No, I don't think it's a fairly clear recollection,
9 I have put down a series of jottings at the back end of
10 a night duty. If I could have made original notes, then
11 that would be a different matter.
- 12 Q. As far as you are concerned, at least in terms of
13 attribution, when did you first decide that you were
14 going to, as it were, scrub it?
- 15 A. Way back, when I wrote the statement.
- 16 Q. Way back; when did you?
- 17 A. Somewhere around November, when I --
- 18 Q. About the time you were making the statement?
- 19 A. That's when I have found it's incorrect and as I say,
20 this is what I can say happened.
- 21 Q. Did you tell anyone in November 2005, so the jury
22 understand, in 2005 the Independent Police Complaints
23 Commission were asking for statements, weren't they?
- 24 A. I'll have to accept your word. I think mine was to
25 Operation Erini, which was institutional learning.

1 Q. The one you are looking at in front of you now was to
2 them, was it?

3 A. As far as I recall, it was Erini running it. If the
4 IPCC made the request, then fair enough.

5 Q. It may have had that route. Did you say to anyone who
6 were asking for statements that you had in fact, first
7 of all, got some notes, did you tell anyone?

8 A. No.

9 Q. Of course it follows then you certainly didn't tell
10 anybody that you had in fact decided to omit certain
11 parts of your notes in the statement?

12 A. We didn't discuss it. We were asked for a statement for
13 the relevant information, I gave the relevant
14 information.

15 Q. I need not go through the trial. You go through the
16 trial and you don't reveal to anybody then that you have
17 made any notes, do you?

18 A. I wasn't asked, sir.

19 Q. But you don't reveal it, do you?

20 A. No, sir, I wasn't asked.

21 Q. You were asked questions that led to management
22 discussion but once again, you weren't asked the details
23 of the discussion, were you, in the trial?

24 A. What I recall in the trial, sir, is I was discussed --
25 I was asked a couple of people as to comment on the

1 identification being discussed.

2 Q. Is that how you remember it?

3 A. Yes.

4 Q. I would like you to have, please, again it's the same
5 date as before, 12 October, page 59. Starting at the
6 top of the page:

7 "Mr Boutcher requested a percentage identification",
8 you see that, "this was refused" and so on.

9 Then there is a question:

10 "Question: "And was there any discussion about that
11 amongst the management group?

12 "Answer: There was a discussion as to the
13 appropriate course of action ..." then you see:

14 "... because at this stage he was towards Stockwell
15 tube. Regarding the identification, I don't recall any
16 discussion", then it was "what course of action".

17 So once again, there is one other passage but it's
18 much the same as that, you don't reveal to the jury at
19 the Old Bailey that in fact there was a discussion about
20 options, you couldn't remember the exact words, or
21 exactly who said it, but there was a discussion about
22 the options and one of them was about letting him run or
23 not.

24 Why did you not say that?

25 A. I said there is a discussion, a management discussion,

1 and that's exactly what I have put. Regarding the
2 identification, which is what I think I am being asked,
3 there wasn't any just -- I don't recall any discussion
4 occurring regarding the identification.

5 Q. I see. So that's your explanation as to why no-one at
6 the Old Bailey got to hear about this particular
7 passage. Now, I want to deal with the passage as we
8 come on to the present day; in other words last week.

9 A. Mm.

10 Q. Were you asked in the first place whether you had any
11 notes?

12 A. No.

13 Q. Well, what were you asked last week?

14 A. First time that I recall being asked for anything, there
15 was a pack sent out dated 27th or 28 August, and I have
16 looked at that, and I have got a surveillance course so
17 I have put that aside, because that includes my evidence
18 to trial, transcript, et cetera, et cetera.

19 I have put that aside for the three week course and
20 coming back I have then become aware that there are
21 issues with red books, et cetera, and on Tuesday I have
22 been asked for any documents. Tuesday the 7th.

23 Q. Yes, that's right. When on the Tuesday? It's only last
24 week, sorry to be particular. When last week on Tuesday
25 were you asked about notes?

1 A. Best of my recollection, in the afternoon.

2 Q. In the afternoon, were you? By whom?

3 A. It would have been passed through the cell, which is

4 Chris Rickson.

5 Q. So the jury may understand, what is his role, is he your

6 line manager?

7 A. No, no, he is not, he is the same rank as me, he is

8 dealing with the administration of all this.

9 Q. So some time in the afternoon of Tuesday the 7th, you

10 were asked, were you, to produce a note or any notes

11 that you may have?

12 A. Any document, I think, is the -- any document, any

13 notes, whatever.

14 MR MANSFIELD: Would it be convenient for me to pause?

15 SIR MICHAEL WRIGHT: I think we may have to, yes.

16 (3.55 pm)

17 (A short break)

18 (4.15 pm)

19 (In the absence of the jury)

20 Housekeeping

21 SIR MICHAEL WRIGHT: It seems to me the unfortunate juror is

22 incapacitated. Rather than behave rather like

23 Gengis Khan, I thought I would be merciful.

24 Mr Wormauld has problems tomorrow, problems of

25 a nature I would not willingly interfere with and if

1 anyone wants an explanation for that, they can ask him.

2 The way we propose to go ahead is to effectively

3 release Owen for the moment and start first thing,

4 10 o'clock tomorrow morning, with Inspector Esposito.

5 Mr Hough tells me that he reckons he will need two hours

6 to deal with Mr Esposito in-chief. On a day sitting

7 until 5, in other words, that gives us a total of three

8 and a half hours. Now, I want to hear from all of you

9 as to how you can properly, I won't say fill the three

10 and a half hours because I know you will have no

11 difficulty in doing that if left to yourselves but how

12 you can effectively accommodate that which you wish to

13 deal with, with the inspector, in the remaining three

14 and a half hours. Mr Mansfield?

15 MR MANSFIELD: Yes, I had made it clear, I still do, but he

16 is one of the most critical witnesses alongside

17 Commander Dick and I would expect to be two hours with

18 him.

19 SIR MICHAEL WRIGHT: Right. Mr Gibbs?

20 MR GIBBS: I should have thought about ten minutes.

21 SIR MICHAEL WRIGHT: Mr Stern?

22 MR STERN: Possibly half an hour.

23 SIR MICHAEL WRIGHT: Right, who is keeping score? Mr Hough.

24 Ms Leek?

25 MS LEEK: Possibly also half an hour, sir.

1 SIR MICHAEL WRIGHT: Mr Perry?

2 MR PERRY: Sir, possibly 45 minutes.

3 SIR MICHAEL WRIGHT: Your 45 minutes tend to expand to

4 an hour and a half. Can you try and keep it down?

5 MR PERRY: Sir, I will, it is someone I represent.

6 SIR MICHAEL WRIGHT: I know that. I have to say, and I will

7 be quite blunt with you, I thought the time spent on

8 Portnall Road this morning was very largely time wasted.

9 I am not going to withdraw that observation. That was

10 my view.

11 MR PERRY: Well, sir, I will be making submissions in due

12 course.

13 SIR MICHAEL WRIGHT: Very well. I know what you were

14 seeking to achieve, I thought you achieved it very

15 quickly and then went on.

16 Mr King I leave peacefully on one side.

17 Mr Horwell?

18 MR HORWELL: There was a fair bit to cover but having heard

19 of the time estimates by others, I imagine that by the

20 time it comes to me, there will be rather little, which

21 is what we do every single time cross-examination

22 arises. If I say quarter of an hour, I am sure that

23 I will be within that.

24 SIR MICHAEL WRIGHT: Okay. What's that come to? Absolutely

25 running up to the end.

1 MR HOUGH: Four hours and ten minutes.

2 MR HILLIARD: No, it's near six. It's about six hours. So

3 we are all going to have to shave a bit off the time

4 tomorrow.

5 SIR MICHAEL WRIGHT: The second thing I want to know, I know

6 what Mr Mansfield's estimate is for this witness and

7 I think there is only another ten or 15 minutes. I am

8 very sorry you couldn't finish it off, I am sure you

9 would have wished to. In order to fit this witness back

10 in, at an appropriate time next week, can I ask you

11 please to again do the same process as to how much the

12 rest of you are going to want with Owen once

13 Mr Mansfield has finished with him.

14 Mr Gibbs?

15 MR GIBBS: Between five and ten minutes.

16 SIR MICHAEL WRIGHT: Mr Stern?

17 MR STERN: About ten minutes.

18 SIR MICHAEL WRIGHT: So far so good.

19 MS LEEK: No questions.

20 MR PERRY: I am very hesitant, sir, but I think about 30

21 minutes.

22 SIR MICHAEL WRIGHT: Very well, I hear what you say, as they

23 say. Mr King?

24 MR KING: Sir, I should say it's not impossible there may be

25 one or two questions but it will not be more than that.

1 SIR MICHAEL WRIGHT: Okay. Mr Horwell?

2 MR HORWELL: Very little, again due to those estimates, but

3 if I were to say ten minutes I am sure I won't exceed

4 that.

5 MR HILLIARD: About an hour.

6 SIR MICHAEL WRIGHT: All right. At some point we will fit

7 Owen back in again for his evidence to be completed.

8 I am sure somebody is looking after him. Could it be

9 left on the basis that he is stood down for today and

10 will be asked to come back hopefully before the end of

11 the week.

12 MR HILLIARD: Yes, we will liaise with Mr Wormauld to make

13 sure we fix a time for that.

14 Sir, I am sure it's implicit and I know it's

15 difficult, if we can all see if we can get our bids down

16 a bit, we really just need to gain an hour and if it's

17 possible between us all and I include us as well, it

18 would be helpful to finish the witness tomorrow but

19 I know it's difficult.

20 SIR MICHAEL WRIGHT: Since we have these estimates, at the

21 risk of hearing howls of pain -- the jury have gone,

22 it's too late. All right, 10 o'clock. We will have to

23 go on past 5.

24 MR HILLIARD: I think there is a chance of doing it, if we

25 each just cut down by a little bit if we can.

1 SIR MICHAEL WRIGHT: And if necessary we will sit a bit
2 later. In that case, ladies and gentlemen, 10 o'clock
3 tomorrow.

4 (4.25 pm)

5 (The court adjourned until 10.00 am on
6 Tuesday, 14 October 2008)

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1	INDEX	
2		PAGE
2		
3	DETECTIVE INSPECTOR MERRICK ROSE	1
4	(sworn)	
5		
6	Questions from MR HILLIARD	1
7		
8	Questions from MR MANSFIELD	37
9		
10	Questions from MR PERRY	64
11		
12	Questions from MR HORWELL	84
13		
14	CODENAME "OWEN" (called)	89
15		
16	Questions from MR HILLIARD	90
17		
18	Transcript redacted	118
19		
20	Questions from MR MANSFIELD	148
21		
22	Transcript redacted	158
23		
24	Housekeeping	171
25		

