

1 Thursday, 9 October 2008

2 (10.00 am)

3 (Proceedings delayed)

4 (10.10 am)

5 (In the absence of the jury)

6 SIR MICHAEL WRIGHT: Yes, Mr Hough.

7 MR HOUGH: Sir, yes, we thought very quickly before the jury

8 come in, that we would announce in front of everybody

9 what the plan is for the next two days.

10 SIR MICHAEL WRIGHT: Yes.

11 MR HOUGH: Today we propose to call in this order: Nick,

12 then Bernard, then Brian. If we get that far, also to

13 make a start on Pat, although we don't imagine that Pat

14 will be finished today and then tomorrow, after Pat, to

15 have Mr Mellody and if we can finish him, then to start

16 and we also hope finish, if there is a following wind,

17 Mr Rose as well.

18 Sir, Owen is having to be put over because further

19 enquiries are being made in relation to him. I should

20 also point out that document has been received today,

21 an SO12 branch note in relation to Brian, which

22 everybody should now have received.

23 SIR MICHAEL WRIGHT: Any dissension? No.

24 MR HOUGH: So we can have the jury in now.

25 SIR MICHAEL WRIGHT: Are you in a position yet to start

1           forecasting Monday or Tuesday?

2   MR HOUGH:   Yes, the aim for Monday is to have Mr Esposito,  
3           then on Tuesday to call Trojan 84, and then on Wednesday  
4           to call Mr Purser. We appreciate that Esposito may just  
5           run into Tuesday.

6   SIR MICHAEL WRIGHT: Now, if we can adhere to that, that  
7           timetable, where do we stand in relation to, as it were,  
8           the overall timetable? We are still a bit behind,  
9           I think.

10   MR HOUGH: I think at that stage, if we had Esposito on  
11           Monday, T84 on Tuesday and Purser on Wednesday, and then  
12           on Thursday and Friday got through the seven  
13           surveillance officers who were scheduled I think  
14           originally for Wednesday and Thursday, then we would  
15           only be, I think, three witnesses behind.

16   SIR MICHAEL WRIGHT: We are a day behind; one day in  
17           timetabling terms.

18   MR HOUGH: Effectively one day in the timetable, so by  
19           taking the following Friday we would have caught up, we  
20           shall have to see how things go.

21   SIR MICHAEL WRIGHT: Thank you very much. Does anybody  
22           foresee any difficulties in adhering to the timetable  
23           that Mr Hough has outlined, following wind or no  
24           following wind?

25   MR MANSFIELD: Sir, I think the only witness which may take

1           a little longer that's already been flagged is the one  
2           on Monday, he is a very central character.

3   SIR MICHAEL WRIGHT:   Esposito.

4   MR MANSFIELD:   I think he will go into the following day,  
5           that's all.

6   SIR MICHAEL WRIGHT:   Thank you for the warning.   Very well.  
7           Jury, please.

8   MR HOUGH:   I think it's been pre-empted.  
9           (10.15 am)

10                           (In the presence of the jury)

11   SIR MICHAEL WRIGHT:   Good morning, ladies and gentlemen.   No  
12           mysteries, we have simply been discussing the timetable.  
13           Matters are improving, I'll say that for you, but you  
14           are still not going to get your Fridays back.  
15           Yes.

16   MR HOUGH:   Sir, the first witness is an anonymous witness,  
17           he has been given the name "Nick".

18   SIR MICHAEL WRIGHT:   Thank you. (Pause).

19   MR HOUGH:   Sir, I understand Nick has not yet arrived, so we  
20           are starting with "Bernard".

21                           CODENAME "BERNARD" (sworn)

22   SIR MICHAEL WRIGHT:   Yes, please sit down.

23   A.   Thank you.

24                           Questions from MR HOUGH

25   MR HOUGH:   You, I think, have been given the name "Bernard"

1           for these proceedings?

2    A.   Yes, sir.

3    Q.   My name is Jonathan Hough and I will ask you questions  
4           first on behalf of the Coroner and then others will ask  
5           you questions.

6           I think in July 2005, you were an officer in S012  
7           Special Branch; is that right?

8    A.   That's correct, sir.

9    Q.   What rank did you hold at that time?

10   A.   Detective Constable.

11   Q.   I think you have made two statements in relation to the  
12           matters we are concerned with, one in January of 2006  
13           and one just a few days ago; is that right?

14   A.   That's correct.

15   Q.   I think you were on duty in New Scotland Yard over the  
16           night from the 21 July to 22 July 2005?

17   A.   That's correct, sir.

18   Q.   Are you able now to recollect the precise times of your  
19           duty?

20   A.   I believe the standard time was 8 o'clock at night until  
21           8 o'clock in the morning.

22   Q.   If you have your statement to hand, and there is no  
23           difficulty in you referring to it --

24   A.   Thank you.

25   Q.   -- in your first statement you say that in fact

1           although you started duty at 8 pm, you finished duty at  
2           9 am the following day?

3    A.   That's correct.

4    Q.   Is that right?

5    A.   Yes, it is.

6    Q.   Over the course of that night, were you given various  
7           tasks to do by senior officers?

8    A.   I was, yes.

9    Q.   I think you made some notes of those tasks on 17 August,  
10           so about four weeks later?

11   A.   That's correct.

12   Q.   First of all, were you given a task by DS Marston, who  
13           was the operations room manager on duty overnight?

14   A.   Yes, I was.

15   Q.   Just to be clear about what room she was the manager  
16           for, that was the 16th floor S012 operations room that  
17           we have been hearing a lot about?

18   A.   That's correct.

19   Q.   What task did she give you?

20   A.   She asked me to complete a firearms risk assessment  
21           form.

22   Q.   Did you do that?

23   A.   I did.

24   Q.   To what officers did that risk assessment form relate,  
25           S019 officers or S012 officers?

1 A. I believe it would have been S012 officers.

2 Q. What time did you complete the risk assessment form and  
3 return it to her? It may help you to look at the second  
4 page of your statement.

5 A. Yes. Half past 5 in the morning.

6 Q. Were you then given some further instructions by  
7 an officer we have heard from who has been given the  
8 name "Alan"?

9 A. I was given instructions by Alan, but I would say that  
10 was early on in the night, I wouldn't say that was  
11 directly after I handed in that form.

12 Q. I see. What instructions were you given by Alan?

13 A. He wished me to put together a briefing for S019.

14 Q. You say put together a briefing, what physically would  
15 that involve?

16 A. Be going around various departments asking for the  
17 updated information to brief S019 with the most  
18 up-to-date information that S012 had.

19 Q. So collating intelligence from various parts of the  
20 Yard?

21 A. That's right.

22 Q. Was it your duty to put together physically a pack of  
23 paperwork?

24 A. In the end, yes, it would have been my task to do that,  
25 yes.

- 1 Q. You said it was earlier on that you were given those  
2 instructions, can you roughly say what time during your  
3 duty that was?
- 4 A. I can't say, I haven't made a note of that.
- 5 SIR MICHAEL WRIGHT: Before midnight?
- 6 A. I would say so, yes.
- 7 MR HOUGH: The officers for whom this briefing was intended,  
8 which department were they to come from?
- 9 A. They were SO19.
- 10 Q. Did you know who was going to brief them?
- 11 A. No. I believed it would have been myself at that stage.
- 12 Q. Did you know where they were going to be briefed?
- 13 A. Yes, Leman Street, one of their bases.
- 14 Q. Did you know what time they were going to be briefed?
- 15 A. I believe it was 9 o'clock the following morning.
- 16 Q. Did you know at that time what colour of team you were  
17 supposed to be briefing ultimately?
- 18 A. No, I wouldn't, I wouldn't have known that at that time.
- 19 SIR MICHAEL WRIGHT: Would these be fairly standard  
20 briefings?
- 21 A. They would have been, sir, yes.
- 22 SIR MICHAEL WRIGHT: In the sense that they weren't tailored  
23 to the particular factual situation you had to deal  
24 with?
- 25 A. They would have been a standard form, but they would

1           have had obviously information relating to the --

2   SIR MICHAEL WRIGHT: Actual events?

3   A. Yes, I see, thank you.

4   SIR MICHAEL WRIGHT: Thank you.

5   MR HOUGH: Leading on from that, were you given any specific

6           instructions by Alan about what information and

7           instructions were to be given to the SO19 officers?

8   A. No I wasn't, sir, no.

9   Q. What did you go about doing to collect this material for

10          the briefing?

11   A. I went to various or tried to go to various departments

12          within SO12 to see what the most up-to-date information

13          they had was.

14   Q. Did you go first to room 1820?

15   A. I did.

16   Q. Were you there shown some briefing material?

17   A. I was, yes. One of the officers had compiled a briefing

18          for the SO12 command.

19   Q. For the SO12 command?

20   A. Yes.

21   Q. Which person is that?

22   A. Sorry, her name escapes me at the moment, a lady

23          officer.

24   Q. Okay. It was a lady, did you say?

25   A. Yes, she was.



1 Q. DCI Scott?

2 A. No, no, she was commander rank.

3 Q. I see. From that room where did you go to?

4 A. I went to another room, called the SAU.

5 Q. From there?

6 A. I went to another room at the Anti-Terrorist Branch.

7 SIR MICHAEL WRIGHT: SO13?

8 A. Correct, sir, yes.

9 MR HOUGH: Was that the branch intelligence unit?

10 A. It was.

11 Q. How long did you spend gathering all this information?

12 A. I would say perhaps an hour or two.

13 Q. Did you later receive some further instructions from

14 Alan about what you might be doing later on?

15 A. Yes, he told me that I would be no longer required to

16 complete or deliver the briefing.

17 SIR MICHAEL WRIGHT: The material that you got from these

18 two rooms, was it the story so far, as it were?

19 A. Yes, it was, sir, yes.

20 SIR MICHAEL WRIGHT: The details of the attempted bombings

21 on that day, on the 21st?

22 A. It would have been the latest information we had on

23 that, yes.

24 SIR MICHAEL WRIGHT: Very well.

25 MR HOUGH: Now, what time did you get this sort of counter

1 instruction from Alan?

2 A. Again due to the nature of the night, I haven't made  
3 a note of that.

4 Q. Maybe we can try to fix it in relation to something  
5 else. What did you do as a result of getting that  
6 instruction that you would not be briefing?

7 A. I would try to inform some relevant people that I would  
8 no longer be completing or delivering it.

9 Q. Who did you inform?

10 A. Well, I tried to inform the -- there was an S019  
11 representative in the control room during the night, but  
12 I couldn't find him, so --

13 Q. Would that have been the officer we have referred to as  
14 "Andrew"?

15 A. I am not sure.

16 Q. A tactical adviser on duty overnight?

17 A. Yes. I didn't know his codename. I also tried to  
18 inform somebody from -- a Detective Inspector from S013,  
19 and I couldn't initially find him but I did later on in  
20 the morning.

21 Q. What time did you locate him?

22 A. 7 o'clock in the morning.

23 Q. So you had certainly received the instruction not to  
24 brief, and gone off and told all these people by 7 am?

25 A. As many as I could find, yes.

1 Q. Were you later on instructed to perform a different role  
2 in the 16th floor room?

3 A. I was asked to be surveillance monitor, yes.

4 SIR MICHAEL WRIGHT: Before we get to that, what did you do  
5 with the materials you had so far collated?

6 A. I had very little collated, sir, at that point.

7 SIR MICHAEL WRIGHT: Did you hand it over to anybody?

8 A. I don't know what I did with that, it was just some  
9 rough notes at that stage, I hadn't actually compiled  
10 anything on a form at that stage.

11 SIR MICHAEL WRIGHT: Thank you.

12 MR HOUGH: You say that you later got the job of  
13 surveillance monitor?

14 A. Yes, sir.

15 Q. How experienced in that role were you in July 2005?

16 A. I had performed that role on a number of occasions for  
17 other operations.

18 Q. We have heard something about that role. It involves,  
19 I think, monitoring radio traffic coming in from  
20 surveillance officers, typing entries into a running log  
21 and telling other officers in the room orally what's  
22 going on and what you are getting from the surveillance  
23 officers?

24 A. Yes, that's correct.

25 Q. When did you begin performing that role in that room

1           that day?

2     A.   0438 hours.

3     Q.   Perhaps we can have on screen the page of the statements  
4           bundles, page 1464. (Pause). Perhaps we can just put it  
5           on the document camera there. (Handed).

6           Do you recognise this as the surveillance running  
7           log to which you contributed?

8     A.   Yes, it is, sir.

9     Q.   Does that record the surveillance commencing, your duty  
10          commencing at 4.38?

11    A.   It's when I first made a note, yes, sir.

12    Q.   That refers to surveillance commencing and the  
13          surveillance red team deployed in the vicinity of  
14          21 Scotia Road?

15    A.   It does, sir, yes.

16    Q.   Does that indicate you received information that the red  
17          team was actually at Scotia Road?

18    A.   Well, it says the vicinity, so I couldn't say if they  
19          were actually in that actual road.

20    SIR MICHAEL WRIGHT: But in that area?

21    A.   Yes, sir.

22    MR HOUGH: We may hear from the red team log that they  
23          certainly started making entries that they were deployed  
24          from about just after 6 o'clock.

25          Can you be sure that you were actually receiving

1 information from them on the ground at Scotia Road at  
2 4.38?

3 A. Well, it says the source of the information was the ops  
4 room, so I cannot be sure where that information came  
5 from.

6 Q. Also just looking down, at 7.55, there is a reference to  
7 the blue team being in Portnall Road, and that actually  
8 coming from the blue team. So is this right, you were  
9 covering both Scotia and Portnall Road for at least some  
10 of the time?

11 A. That seems to be the case, sir, yes.

12 Q. While you were there in the early hours, were there any  
13 other surveillance monitors on duty, taking  
14 communications from the surveillance teams?

15 A. There was certainly one other surveillance monitor next  
16 to me, yes.

17 Q. We also see the entry just above, 6.22, information from  
18 the red team that the vehicle -- and we know this was  
19 a Nissan Primera -- had been found parked unattended in  
20 the vicinity of Scotia Road. Is that an entry you  
21 typed?

22 A. I believe it would have been, yes, sir.

23 Q. Now, over this period, we see that you have typed  
24 entries at 4.38, 6.22 and 7.55, were you in the  
25 operations room maintaining this log continuously over

1           that period?

2    A.  No, sir, I don't believe I was.

3    Q.  So where did you go when you weren't performing that

4           duty?

5    A.  I would have been tasked to do other actions or other

6           tasks by other officers.

7    Q.  Can you recall what those tasks would have been?

8    A.  I have a list of tasks I performed but not necessarily

9           between that time slot.

10   Q.  Can you just run through quickly what those tasks were?

11   A.  Well, for instance, I would have continued to try to

12           complete the firearms assessment form, to get that

13           finished, to hand that in at half five, I am pretty sure

14           I would have been working on that as well.

15   Q.  And also the briefing materials or had they been

16           completed by 4.30?

17   A.  No I hadn't completed anything for the briefing.

18   Q.  Or rather completed collecting them?

19   A.  Indeed, yes, sir.

20   Q.  Now, we know that there was one other surveillance

21           monitor on duty at this time, and perhaps we can have

22           documents page 446 up on screen.

23   SIR MICHAEL WRIGHT:  Forgive me just one moment.  The entry

24           at 8.14, DC Harrison, did he take over from you?

25   A.  He did, sir, yes.

1 SIR MICHAEL WRIGHT: Was there just one surveillance monitor  
2 or two?

3 A. I believe there was two.

4 SIR MICHAEL WRIGHT: How was it split?

5 A. I cannot recall that, it possibly might have been split  
6 by teams, I don't know.

7 SIR MICHAEL WRIGHT: That's what I wondered. I wondered  
8 whether one monitor was monitoring red and one was  
9 monitoring blue.

10 A. That certainly could have been the way it was split up,  
11 I can't recall how it was split up.

12 MR HOUGH: Perhaps we can clarify this using the document at  
13 the top that's on the screen.

14 SIR MICHAEL WRIGHT: The one that's coming up?

15 MR HOUGH: D446, please.

16 This is another surveillance running log, do you see  
17 that refers to a monitor DC Barker, and then Pat?

18 A. Yes, sir.

19 Q. We see there DC Barker typing in at 0438 basically the  
20 same entry as you about the deployment in Scotia Road;  
21 you see that?

22 A. I do, sir.

23 Q. Then 6.22, him typing in the same entry about the  
24 vehicle in Scotia Road?

25 A. (Witness nods).

1 Q. So is this right, there was some overlap between what  
2 the two of you were doing, at least it seems to me?

3 A. That certainly seems to be the case, yes, sir.

4 Q. When you were out of the room, was there always  
5 a surveillance monitor on taking information?

6 A. Yes.

7 Q. Now, the information that you typed that was coming up  
8 on that log, was that, can you recall, also coming up on  
9 the large screens that we have seen at the front of the  
10 room?

11 A. I believe it would have been, yes, sir.

12 Q. Can we now turn to the initial period in the operations  
13 room, and this would be before Commander Dick arrived;  
14 can you recall that period?

15 A. Yes, I think so.

16 Q. Barely, I know.

17 A. Yeah.

18 Q. Can you recall roughly how many people were in the room  
19 over that period?

20 A. I can certainly give you a number at its height,  
21 I couldn't say -- it built up during the night so  
22 I could tell you when Commander Dick was in, how many  
23 people were in there, so what time she was in there and  
24 how many people there were in my estimate, but it's  
25 a lot of people.



1 Q. By the time she was in there, and we have heard from her  
2 when she arrived, how many people were there?

3 A. I would say between 25, 30.

4 Q. In the period when you were first there, so before she  
5 arrived, before she took charge, who was in charge?

6 A. I can't recall, I can't recall.

7 Q. Can you recall from what division the person was, what  
8 branch?

9 A. There would have been representatives from various  
10 branches in there.

11 Q. We have seen on screen, and I don't ask for it to be put  
12 up again, the Nissan Primera being found. We know that  
13 at 7.49, and 7.57, some people came out of the block at  
14 Scotia Road which was by then certainly under  
15 surveillance. We know that was recorded in the red team  
16 log, and that the first of those people was also filmed.  
17 Now, neither of those is recorded in your log, but they  
18 were recorded by the other monitor. Can you recall  
19 being present in the operations room when people came  
20 out of Scotia Road before 8.14?

21 A. No, I don't believe I was in the room at that stage,  
22 sir.

23 Q. So are you able to help us at all with what was done in  
24 response to those people coming out, from something you  
25 may have heard afterwards?

- 1 A. No, sir.
- 2 Q. A time came while you were in the room, I think, when  
3 Commander Dick arrived?
- 4 A. I remember her being in the room, yes, sir.
- 5 Q. At that time, what were the conditions in the room like,  
6 the noise level, the number of people, that kind of  
7 thing?
- 8 A. I would say it was very noisy, quite chaotic.
- 9 Q. Were people able to communicate with each other?
- 10 A. I think the noise level hindered that, yes.
- 11 Q. Were people able to speak to each other across the room?
- 12 A. Well, any information I had, I was able to turn round  
13 and communicate to the ops room manager, but that was  
14 only a yard or two away, but whether the senior officers  
15 at the end of the room heard me say that to my line  
16 manager or not, I don't know.
- 17 Q. You have talked about the room being noisy and chaotic,  
18 I think you would normally have done what we have heard  
19 termed as lifestyle surveillance operations, long  
20 running operations rather than this kind of fast time  
21 crime in action operation?
- 22 A. That's correct.
- 23 Q. So were you judging the conditions in the room by  
24 reference to your normal experience, these longer  
25 slightly slower operations?

1 A. Yes, there would be less people in there and hence that  
2 much more quieter.

3 Q. We have seen that you were relieved at 8.15 by another  
4 operations room monitor?

5 A. That's correct.

6 Q. Where did you go and to do what?

7 A. I was told to go to the floor above and carry on with  
8 other work.

9 MR HOUGH: Thank you very much.

10 SIR MICHAEL WRIGHT: Mr Mansfield.

11 Questions from MR MANSFIELD

12 MR MANSFIELD: Good morning, my name is Michael Mansfield.

13 I represent Jean Charles de Menezes' family. I have  
14 very few questions.

15 First of all, Commander Dick; did you know her  
16 before that day?

17 A. I knew who she was, yes, sir.

18 Q. What were you told about why she was there?

19 A. I wasn't told anything specifically why she was there.

20 Q. I am only interested in your role as monitor: what was  
21 this that you thought you had to record? I know it's  
22 a rather obvious question, but I want to know: what did  
23 you think you had to record that morning?

24 A. Any relevant information coming from the surveillance  
25 team.

1 Q. Yes, that may be in the eye of the beholder. What did  
2 you consider to be relevant information or led to  
3 believe would be relevant information?

4 A. Where they were and what they were observing.

5 Q. Where they were, that is the team itself?

6 A. Sir.

7 Q. Can I take this in stages, was it intended that you  
8 should make a record of where they were?

9 A. Well, if -- like I made a note of, if they said they  
10 were in the vicinity of an area, I would certainly make  
11 a note of that.

12 Q. That sort of thing?

13 A. Yes, sir.

14 Q. All right. Then anything that you heard them reporting?

15 A. Perhaps not everything, but what I considered to be  
16 relevant as far as this --

17 Q. I am sorry to persist a bit. In your case, was it both  
18 addresses, Scotia and Portnall, or was it only one?

19 A. Well, I have made a note of both so I presume both, sir,  
20 yes.

21 Q. Can I just concentrate on Scotia. What did you  
22 understand was going to be relevant information  
23 vis-a-vis that address?

24 A. I really can't recall, but I would say any movement from  
25 the address.

1 Q. Any movement from the address. Having got any movement  
2 from the address, it may end up, therefore, that the two  
3 sets of monitors, that's you and the one next door,  
4 might end up recording the same information; is that how  
5 it might have worked, because they are listening as  
6 well?

7 A. That seems to have happened, yes, sir, but --

8 Q. All right, I am sorry to take it through. So the two  
9 monitors are listening to the surveillance channel, as  
10 it were, noting down what's being reported. When you  
11 get something, let us take one that's on your log, 6.22,  
12 that's the car, what do you do with it having -- you  
13 have heard it, and you type it up. Do you notify  
14 anyone?

15 A. Yes, sir.

16 Q. Who do you notify?

17 A. I notify the ops room manager behind me.

18 Q. The ops room manager behind you. Then how did it work  
19 from there? So he would decide whether it was worth  
20 passing on to someone else?

21 A. The other people in the room would either hear me say  
22 that, if it was a quiet moment, or they would see it on  
23 the screen or the ops room manager would pass it on,  
24 escalate it up.

25 Q. Did Commander Dick seem to be taking any interest in the

1 screen at all?

2 A. I couldn't say that, sir.

3 Q. All right. Unless somebody heard you say it to the

4 operation line manager, how do you know that the people

5 who need to know actually did know? Do you follow?

6 SIR MICHAEL WRIGHT: On the assumption they weren't watching

7 the screen.

8 MR MANSFIELD: Yes, on the assumption they are not watching

9 the screen, precisely.

10 A. They would either ask the ops room manager or come and

11 ask the monitor.

12 Q. Did Commander Dick ever come and ask you anything?

13 A. No, sir.

14 MR MANSFIELD: Thank you.

15 SIR MICHAEL WRIGHT: You say you couldn't tell if the

16 officers, senior officers weren't watching the screens,

17 whether it got through or not. Do you think having

18 regard to the noise levels that you recollect that there

19 was a chance or a likelihood that some of the things you

20 said weren't heard?

21 A. I don't know, sir, it's a possibility because of the

22 noise levels, yes.

23 SIR MICHAEL WRIGHT: Or if heard, misunderstood or misheard?

24 A. I don't think they were misheard in my -- particularly

25 the notes I made, the entries I made, I don't think they

1           were misheard.

2   SIR MICHAEL WRIGHT: Of course by the time you went off at

3           8.41, and of course the main developments hadn't started

4           at that stage.

5   A. That's correct, sir.

6   SIR MICHAEL WRIGHT: In order to ensure that you were heard,

7           did you sometimes have to shout?

8   A. I can't remember shouting, no, sir.

9   SIR MICHAEL WRIGHT: Very well. Thank you. Mr Gibbs?

10   MR GIBBS: No questions, thank you.

11   SIR MICHAEL WRIGHT: Mr Singh?

12   MR SINGH: Nothing, thank you.

13   SIR MICHAEL WRIGHT: Thank you. Mr Perry?

14                               Questions from MR PERRY

15   MR PERRY: Thank you, sir.

16           Mr Bernard, I am David Perry, I represent amongst

17           others Commander Dick, as she was then. I have just

18           a few questions for you, if I may, please.

19           First of all, the records that you have to assist

20           your recollection today, just so we have that precisely:

21           you made some notes on 17 August 2005 that's just about

22           four weeks after, just short of four weeks; is that

23           right?

24   A. I did, sir, yes.

25   Q. Just so we are clear, I am not going to waste time going

1           through them, those notes deal with the task that you  
2           were given to prepare for the briefing of the firearms  
3           officers at Leman Street?

4   A.   Not solely, it was to do with my -- what I did the whole  
5           night.

6   Q.   What you did, the point, perhaps you can just assist me  
7           and take it shortly. They don't deal with events when  
8           you are a surveillance monitor?

9   A.   No.

10   Q.   No, so when you come on to perform your role as  
11           surveillance monitor, there is nothing in the notes  
12           about that?

13   A.   Well, I can refer to them, please?

14   Q.   Yes, of course, they are your notes.

15   A.   (Pause). Yes, that's correct, sir, I don't make any  
16           reference to ...

17   Q.   May I make something clear, I don't ask these questions  
18           in a critical way at all, I am just trying to explore  
19           and understand what the position is, I'm not going to  
20           criticise you for anything, just so you understand.

21           Then the other record, and there is nothing in there  
22           about the conditions in the room, in the notes?

23   A.   I don't believe there is.

24   Q.   I think you can just confirm?

25   A.   No, sir, there aren't.



- 1 Q. Then you came to make a statement in January of 2006,  
2 and was that in the course of the investigation  
3 conducted by the Independent Police Complaints  
4 Commission, what we call the IPCC?
- 5 A. Yes, sir.
- 6 Q. Is that right?
- 7 A. Yes, sir.
- 8 Q. Then you have provided another statement, I think just  
9 a few days ago, I have it here, 1 October 2008, for the  
10 purposes of these proceedings?
- 11 A. I did, sir, yes.
- 12 Q. Thank you. I just want to, bearing in mind those are  
13 the documents that you are using to assist us, ask you:  
14 do you have any independent recollection now of these  
15 events, three years ago, or would it be fair to say that  
16 you really rely on the documents that you prepared  
17 nearer the time?
- 18 A. I have some recollection, sir, I believe, but the notes  
19 are obviously a great help.
- 20 Q. Yes, memory being what it is, obviously. I just want to  
21 ask you this, which doesn't depend upon your memory,  
22 it's just filling in a little bit of detail. You have  
23 told us that you spoke to detective sergeant, is it  
24 Marston or Marsdon?
- 25 A. Marston.

- 1 Q. And is she called Gabby Marston?
- 2 A. Yes, sir.
- 3 Q. So Detective Sergeant Gabby Marston, and she was the  
4 operations room manager, was she?
- 5 A. I believe she was, yes, sir.
- 6 Q. What's the difference between the operations room  
7 manager and the operations co-ordinator? Because we  
8 have heard about a manager and a co-ordinator, and Alan  
9 was the co-ordinator. How do their roles fit together?
- 10 A. The co-ordinator is usually a detective inspector  
11 whereas the other role, the manager, would be performed  
12 by a detective sergeant.
- 13 Q. From that, we get their ranks. I would just like to  
14 know how they fit together doing their job?
- 15 A. I would say you don't always have a detective inspector  
16 in there but the ops room manager is always there  
17 co-ordinating the various operations, they are in charge  
18 of that room.
- 19 Q. The manager is in charge?
- 20 A. Yes.
- 21 Q. What about when the co-ordinator is there?
- 22 A. Well, obviously he outranks her, but they are not always  
23 there, I would say, they are off doing other things.
- 24 Q. When he is there or she is there, the co-ordinator,  
25 being senior in rank, do they then assume responsibility

1           for the operations room, or is it the manager who always  
2           manages and the detective inspector who oversees the  
3           management?

4   A.   My experience it would still be the detective sergeant  
5           because they are in the chair, as they were, and they  
6           are experienced in that position.

7   Q.   May I just ask you about your experience, because it may  
8           be relevant. You were asked about the type of  
9           operations with which you are familiar, and these are  
10          lifestyle surveillance operations; is that right?

11  A.   That's correct, sir, yes.

12  Q.   May I just ask you a few questions about that, so we get  
13          it a little more vivid. A lifestyle surveillance  
14          operation is when you, as a member of Special Branch,  
15          are investigating a particular subject or subjects to  
16          build up a profile if it's suspected that they are  
17          involved in criminal activities; is that a broad  
18          generalisation?

19  A.   Yes, that's fair to say.

20  Q.   It's fair to say; so very often carried on over a long  
21          period of time, gathering together intelligence to build  
22          up a picture of their lifestyle so that action can be  
23          taken when sufficient material is available to the  
24          police so that they can intervene?

25  A.   I would say that.

- 1 Q. Is that right?
- 2 A. That's correct, yes.
- 3 Q. Sometimes these operations go on for weeks and sometimes
- 4 for months?
- 5 A. They have done in the past, yes, sir.
- 6 Q. Have you been involved in ones which have gone on for
- 7 months?
- 8 A. Certainly weeks.
- 9 Q. In these operations, there are usually very few people
- 10 in the Special Branch operations room, room 1600, with
- 11 which we are concerned?
- 12 A. Certainly less than there was on the night we are
- 13 talking about, yes, sir.
- 14 Q. So fewer than there were on the night, but let me just
- 15 ask you this, just so we can picture it for ourselves,
- 16 you assisting us by giving evidence, just so we can
- 17 picture it for ourselves, how many people are we talking
- 18 about on an ordinary Special Branch lifestyle
- 19 surveillance operation?
- 20 A. Maybe half a dozen to 10.
- 21 Q. 10 at the outside?
- 22 A. Yes, depending on obviously what's going on, but yes.
- 23 Q. During the night, even fewer?
- 24 A. Perhaps, yes, sir.
- 25 Q. I suppose sometimes even criminals have to sleep?

1 A. Yes, sir.

2 Q. So you might have fewer people during the night, but of  
3 course this operation was unparalleled, wasn't it?

4 A. Yes, sir.

5 Q. The one that we are investigating in these proceedings,  
6 it was unparalleled, wasn't it?

7 A. It was, sir, yes.

8 Q. You had certainly never experienced anything like it  
9 before?

10 A. No, sir.

11 Q. When we are talking about whether a room is crowded or  
12 whether it's noisy, that's very much a matter of  
13 individual impression and perception based upon their  
14 previous experience?

15 A. That's fair.

16 Q. It's all going to depend, isn't, on the individual,  
17 I suppose it may also be a matter of individual  
18 sensitivity as well?

19 A. That's correct.

20 Q. Certainly so far as you were concerned, Mr Bernard, as  
21 you have told us, a very different type of operation,  
22 and then you take over as the surveillance monitor at  
23 0438. May I just ask you one or two questions about the  
24 log, please, again just to assist us by building up  
25 a picture of what's going on.

1           My first question in relation to the surveillance  
2           running log is this: would you like to have it in front  
3           of you? It's up on the screen.

4   A.   Thank you.

5   Q.   The first question is this: when we see times on the  
6           surveillance running log, is that a time that is typed  
7           in by the monitor or is it a time that is entered  
8           automatically by the computer?

9   A.   No, it's typed in by the monitor.

10   Q.   It's typed in by the monitor, so the time that we see,  
11           that has to be the monitor typing in the time?

12   A.   Yes, sir.

13   Q.   Now, the next question is this: you have told us that  
14           what goes into the log is the material that the monitor  
15           decides is relevant to be included in the log; is that  
16           right?

17   A.   Yes, sir, yes, mostly.

18   Q.   So you are getting the information and you make  
19           a decision as to what to put in, and would it also be  
20           fair to say this: sometimes when you are doing these  
21           logs, there is a time delay between you receiving the  
22           information and making the entry?

23   A.   Certainly, yes.

24   Q.   Inevitably there is going to be a bit of delay, because  
25           you have to receive it, then there is the mental process

1 of deciding what is relevant and what to include?

2 A. (Witness nods).

3 Q. And -- I'm very sorry, if you nod it doesn't go on the  
4 record.

5 A. Sir, I agree.

6 Q. I don't blame you for nodding at all, it's very easy to  
7 get into that.

8 Let me ask you something else in relation to this,  
9 and the time delay, please. Of course, there may well  
10 also be a time delay from the information on the ground  
11 reaching the surveillance monitor?

12 A. Yes, I would say that's fair.

13 Q. Because sometimes people who are conducting  
14 surveillance, if they are seen speaking into their cuffs  
15 or on a mobile telephone when they are on surveillance,  
16 people are going to perhaps draw conclusions that they  
17 are surveillance officers, so they have to be discreet,  
18 don't they?

19 A. They do have to be discreet, yes, sir.

20 Q. And they also have to have a line of communication to  
21 get the information from the individual officer through  
22 to the control room?

23 A. That's correct.

24 Q. Then on the log that we have here, we have the 0438  
25 team -- this is your entry -- commencing with the red

- 1           team deployed and in the vicinity of 21 Scotia Road?
- 2    A.   That's correct.
- 3    Q.   Thank you very much. I am not going to ask you anything
- 4           else about that now.
- 5           I just want to ask you these few questions about the
- 6           room. You very fairly said, Mr Bernard, that the
- 7           estimate of 25 people in the room by the time
- 8           Cressida Dick arrived, that that was an estimate?
- 9    A.   No, I remember 25 people plus being in the room when she
- 10          was there, I couldn't say she arrived to be greeted by
- 11          25 people, but ...
- 12   Q.   Yes. May it be that the 25 to 30 is an estimate?
- 13   A.   That's my guess, yes.
- 14   Q.   That's your guess?
- 15   A.   Yes.
- 16   Q.   Certainly the impression was there were many more people
- 17          than you were used to?
- 18   A.   Absolutely, yes.
- 19   Q.   For that time of day?
- 20   A.   Yes.
- 21   Q.   Then you have described the noise levels of course again
- 22          the point we have already made, very different from what
- 23          you were used to?
- 24   A.   Yes.
- 25   Q.   Thank you. You were asked questions about whether there



1           was any difficulty of information coming through,  
2           reaching the people who should be receiving that  
3           information, so that they might properly act upon it.  
4           May I just ask you this: you said that you passed your  
5           information to the ops room manager, who was only a yard  
6           or two away?  
7    A.   That's correct.  
8    Q.   Is that right?  
9    A.   That's correct.  
10   Q.   So far as you are concerned, you were able to perform  
11        your role and do your job?  
12   A.   I was, yes.  
13   Q.   And the ops room manager is taking on the information,  
14        and it's then for the ops room manager to do his job?  
15   A.   I would say so, yes, sir.  
16   Q.   There was no difficulty about him doing his job?  
17   A.   You would have to ask him that, sir, but ...  
18   Q.   That's a very fair way of putting it, but I am asking  
19        you so far as you can tell?  
20   A.   He might have had difficulties because of the noise  
21        passing any information on, yes, sir.  
22   Q.   You think he might?  
23   A.   It's possible.  
24   Q.   It's possible?  
25   A.   Yes.

1 Q. Then so far as you are concerned, of course, you you  
2 were no longer the surveillance monitor after 8.14?

3 A. No, I wasn't, sir.

4 Q. So the period with which you are telling us about and we  
5 are now concerned is an hour and a quarter or so before  
6 we know that Mr de Menezes left 21 Scotia Road?

7 A. Correct, sir.

8 MR PERRY: Mr Bernard, thank you very much, those are the  
9 only questions I have.

10 SIR MICHAEL WRIGHT: Mr King?

11 MR KING: Nothing, thank you, sir.

12 SIR MICHAEL WRIGHT: Mr Horwell?

13 MR HORWELL: No, thank you.

14 Further questions from MR HOUGH

15 MR HOUGH: First of all, you were asked some questions by  
16 Mr Perry about the operations co-ordinator. I think  
17 it's right, isn't it, that Alan was the deputy  
18 operations co-ordinator overnight and DCI Noel Baker was  
19 his boss, the operations co-ordinator.

20 A. I don't know about that, no. I certainly remember Alan,  
21 not the DCI.

22 Q. While you were there, can you remember, was Alan there  
23 continuously?

24 A. Well, I wasn't there continuously, so I remember him  
25 being there, I couldn't say continuously.

1 SIR MICHAEL WRIGHT: When you speak, you use the expression  
2 "ops room manager", is that the same as the ops room  
3 co-ordinator?

4 A. No, sir.

5 SIR MICHAEL WRIGHT: I didn't think it was.

6 MR HOUGH: I think the distinction that's been made is  
7 DCI Baker and Alan, ops room co-ordinator and deputy.  
8 The manager first of all DS Marston, and then somebody  
9 we are going to hear from called Brian.

10 Next topic, and this is really for the benefit of  
11 some people who are not represented here today, when you  
12 were asked to compile briefing materials and were going  
13 around trying to obtain those briefing materials, can  
14 you remember whether you were being provided with  
15 specific addresses at that stage?

16 A. I don't think anybody provided me with any addresses.

17 Q. It's just that during the course of the Health and  
18 Safety trial, you said that you were sure if you thought  
19 about it the potential addresses of interest were in  
20 when you were trying to get information from other  
21 units?

22 A. They might have been in, in the latter stages of me --  
23 I just really can't tell.

24 Q. Finally this: the monitor, the timing on the log that we  
25 have seen of 4.38 when you and also your colleague

1 recorded in identical terms that a team had been  
2 deployed, that time was 4.38?

3 A. I believe so, yes, sir.

4 Q. I should put it to you out of fairness to you that we  
5 have heard evidence that the decision to deploy  
6 surveillance teams to any addresses at all rather than  
7 pursuing an entirely different strategy was only taken  
8 at 4.55, so it might be suggested to others that you  
9 can't have been right in writing down 4.38. Is that  
10 something you can comment on at all?

11 A. I wrote down 0438, so I can't comment about the 5 to 5  
12 time.

13 SIR MICHAEL WRIGHT: From your statement it would seem to be  
14 that that was the time that was in your mind at any rate  
15 at the time you wrote the statement, the time you  
16 actually started in the operations room?

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

18 MR HOUGH: When you wrote your statement, were you drawing  
19 on the log for that time?

20 A. Yes.

21 Q. So the statement doesn't corroborate you arriving at  
22 4.38 as per the log because you were relying on the log.

23 A. All I can say, sir, that's when I started the log.

24 SIR MICHAEL WRIGHT: It's an argument that goes round in  
25 circles.

1 A. Yes.

2 MR HOUGH: It does indeed. Thank you very much, that's all

3 I ask.

4 SIR MICHAEL WRIGHT: Thank you very much, Mr Bernard, you

5 are free to go.

6 (The witness withdrew)

7 MR HOUGH: The next witness is called "Brian", by way of

8 codename.

9 CODENAME "BRIAN" (sworn)

10 SIR MICHAEL WRIGHT: Thank you, sit down, please.

11 Questions from MR HOUGH

12 MR HOUGH: I think you have been given the name Brian for

13 the purpose of these proceedings?

14 A. I have, sir.

15 Q. My name is Jonathan Hough, I will ask you questions

16 first on behalf of the Coroner, then you will be asked

17 questions by others.

18 Going back to July 2005, at that time I think you

19 were a detective sergeant in S012 Special Branch?

20 A. Yes, sir.

21 Q. I think you made two statements about the events we are

22 concerned with, one rather short statement on

23 3 August 2005, and then a rather longer statement on

24 2 November 2005?

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

- 1 Q. I think you were on duty on the morning of 22 July 2005?
- 2 A. That's correct, sir, yes.
- 3 Q. Your duty over that period I think was as operations
- 4 room manager?
- 5 A. That's correct, sir, for Special Branch, yes.
- 6 Q. In the 16th floor operations room which is
- 7 a Special Branch room?
- 8 A. It was, sir, yes.
- 9 Q. Just to help us clear something up that we were just
- 10 asked about, the operations room manager is different
- 11 from the operations room co-ordinator; is that right?
- 12 A. It is, sir, yes.
- 13 Q. Can you just briefly explain the distinction between the
- 14 two?
- 15 A. I shall try and do the best. We don't always have
- 16 a co-ordinator, it all depends on the size of the
- 17 operation. The co-ordinator is normally a higher rank,
- 18 normally of detective inspector rank or possibly higher
- 19 than that. They are at some stage treated like the
- 20 senior investigating officer, whereas the operations
- 21 manager is normally a role performed by a detective
- 22 sergeant.
- 23 Q. What does the operations room manager do during a major
- 24 operation?
- 25 A. During a lifestyle Special Branch operation, he tends to

1           work on the directions of the senior investigating  
2           officer or the co-ordinator. He is responsible for the  
3           flow of information in and out of the room, the  
4           sanitisation of it, administration duties, and to make  
5           sure the room is run in a proper fashion, staffed up  
6           properly.

7   Q.   If the senior investigating officer is not in the room  
8           but the co-ordinator is, is the co-ordinator in charge?

9   A.   Yes, certainly when I have been there, yes, the  
10          co-ordinator is in charge, sir.

11   Q.   Do you as operations room manager, if you are in that  
12          role, perform administrative tasks, I don't mean to  
13          demean them at all, but important administrative tasks  
14          under his direction?

15   A.   Yes, you would be in support of her or him but yes, you  
16          would be doing other functions.

17   Q.   On 22 July, what time did you arrive in the 16th floor  
18          operations room?

19   A.   About half past 7 in the morning.

20   Q.   At that time, how many people were in the room?

21   A.   There was a lot of people in there. I have written down  
22          here 20 upwards, approximately 20 upwards.

23   Q.   How many of those were relatively senior officers?

24   A.   From what I could see and recognise, quite a lot.

25   Q.   You have referred to lifestyle surveillance operations

1           and we have heard an explanation of what those were  
2           today and I think earlier on in this inquest. Was that  
3           the kind of operation you were used to seeing run out of  
4           this particular room?

5   A. It was, sir, yes.

6   Q. Roughly how many people would you have expected in that  
7           kind of operation?

8   A. It would depend on the degree of the operation. But  
9           normally --

10   Q. Can you give us a bracket?

11   A. Your average lifestyle operation perhaps sort of ten  
12           people in there, on ones that carried on for longer and  
13           had more subjects to look at, that might go up to about  
14           15.

15   Q. When you entered the room, what was the general  
16           atmosphere, the noise level, that kind of thing?

17   A. It was noisy, that was my perception of it.

18   Q. Were you judging that, saying it's noisy, because it was  
19           noisier than what you were used to in these lifestyle  
20           surveillance operations?

21   A. Yes, there was a large amount of officers in quite  
22           a small room.

23   SIR MICHAEL WRIGHT: I think I probably have to ask you this  
24           because nobody has asked you yet: did they all have  
25           something to do, or were they just onlookers because



1           something interesting was going on.

2   A.   Yes, probably, I can't answer that, I was engaged in my  
3       duties.

4   SIR MICHAEL WRIGHT: All right, did they appear to have  
5       something to do?

6   A.   They all appeared to be talking to each other with  
7       interest.

8   SIR MICHAEL WRIGHT: I dare say, but were you able to say  
9       whether they were all engaged on something important in  
10      relation to what was going on or not?

11  A.   No. No, sir.

12  MR HOUGH: Just to be clear on that "no", it's a slightly  
13      ambiguous answer, were you not able to say whether they  
14      were engaged on something, or were they not engaged?

15  A.   I wasn't able to tell whether they were engaged or not;  
16      they all appeared very busy.

17  Q.   Now, we have heard that Detective Sergeant Gabby Marston  
18      had been doing the operations room manager job  
19      overnight, so before you; is that right?

20  A.   She had been, yes, sir.

21  Q.   When you arrived was there a formal handover?

22  A.   There was a formal handover but not in the operations  
23      room.

24  Q.   Where did that take place, then?

25  A.   Because of the general level of activity and noise and

1           privacy we left the operations room temporarily and went  
2           to a spare office just down the corridor from the  
3           operations room.

4   Q.   During that handover, what kind of information did  
5           DS Marston provide you with?

6   A.   By my notes here she gave me a verbal briefing.  There  
7           were no written briefings or photographs shown.  I took  
8           notes which I believe now are exhibited in this A4 duty  
9           book.

10  Q.   I think we can have those on screen, it's document  
11           page 384.  Is this on screen in front of you a copy of  
12           the note you made during that briefing?

13  A.   It is, that's the actual note when we were doing the  
14           handover, the briefing.

15  Q.   We don't need to go through it in detail, but do we see  
16           there a list of a number of suspects with their names  
17           and codenames?

18  A.   You do, sir, yes.

19  Q.   Do we see there Omar, Osman, somebody called Girma, all  
20           suspects with codenames?

21  A.   They are, sir, yes.

22  Q.   Then are the various police officers mentioned as  
23           holding particular ranks or roles in the operations  
24           room?

25  A.   Yes, and outside the operations rooms, yes, sir.

1 Q. Can we move on to the next page of the documents. Is  
2 this also a note that you made?

3 A. That was a note that was made later on in the operation  
4 but not at that time that the handover was going on.

5 Q. Can we come back to that, then, we will take it off  
6 screen for the moment and hear your evidence and then  
7 come back to that.

8 So the first page of notes, the one we saw, was what  
9 you took down from DS Marston, and at that point, having  
10 taken down your notes, did you go back to the operations  
11 room?

12 A. I did, sir, yes.

13 Q. Can we just have on screen the plan of the operations  
14 room, it's tab 20 of the jury bundle, you will see  
15 a plan of the room come on screen, and if we can focus  
16 in on the operations room, where did you take up  
17 position?

18 A. I think I was in position A2.

19 Q. We can see that towards the bottom of the screen where  
20 the cursor is being shown now. At that time,  
21 Commander Dick was in the room?

22 A. She was, sir, yes.

23 Q. Where was she?

24 A. She and a number of cluster of officers were, I would  
25 say, to the right of S4, in that gap with C1 the other

1 side.

2 Q. Yes, we can see that. When you first arrived in the  
3 room, what tasks did you set about doing?

4 A. I sat down next to another officer from Special Branch,  
5 a DC at the rear consoles, and after that I made my way  
6 to the front to introduce myself to the surveillance  
7 monitors, and to have a look at what was written on the  
8 white boards in front of those surveillance monitors.

9 Q. What was on the white boards?

10 A. From what I recall here, there was information written  
11 on the board, there were four photos and brief details  
12 of the subjects.

13 Q. Thank you. Did a time come when you received  
14 an instruction from Detective Superintendent Johnston of  
15 SO12?

16 A. There did, sir, yes.

17 Q. What instruction did he give you? It's the third page  
18 of your main statement.

19 A. He came round to the back where I was sitting and he  
20 asked me to record the strategy for the operation.

21 Q. Where did you record that?

22 A. Firstly I informed him that I would let the monitors  
23 know and put it in a branch note for future reference.

24 Q. We will come to the branch note later. What was the  
25 strategy that he gave you?

- 1 A. The strategy was to public safety, then to control the  
2 addresses, where possible take away subjects from those  
3 addresses, and detain on authority of Commander Dick,  
4 arrest the main perpetrators that we were after, and  
5 lastly to search those respective addresses of those  
6 people.
- 7 Q. Did he tell you at that time who was to first of all  
8 detain the people coming away and secondly arrest the  
9 main perpetrators?
- 10 A. What his instructions were, as far as I can recall, that  
11 everyone to be put up and for Commander Dick to make  
12 a decision.
- 13 Q. Was this strategy recorded anywhere in the room?
- 14 A. It was written on the white board directly behind it,  
15 sir.
- 16 Q. Did a time then come when a concern was raised with you  
17 by Pat, who was the surveillance monitor, I think we  
18 have heard he was sitting over on the left of the panel?
- 19 A. Yes, I spoke to both monitors to make them aware of the  
20 strategy and Pat raised a concern about the time, the  
21 hour in the morning and in fact I think he was aware  
22 that it was a communal block and the amount of people  
23 that could potentially be coming out of that block.
- 24 Q. Why did he raise that concern with you?
- 25 A. Probably because I spoke to him.

- 1 Q. Did you pass it on to anybody?
- 2 A. I did, I passed it back to Mr Johnston.
- 3 Q. What did he say in response?
- 4 A. I don't recall a response from him, but I am aware that
- 5 Pat was spoken to, and the strategy remained the same.
- 6 Q. In the period before Mr de Menezes comes out of the
- 7 block at Scotia Road, what was the noise level in the
- 8 room over that period?
- 9 A. Well, it certainly didn't lessen; I couldn't hear
- 10 clearly sometimes.
- 11 SIR MICHAEL WRIGHT: You couldn't hear clearly?
- 12 A. Clearly sometimes around me because of constant
- 13 interruptions, telephone calls, people phoning in,
- 14 people coming to speak to me and people walking past,
- 15 people in front and behind me, at times it was difficult
- 16 to hear people not too far away.
- 17 MR HOUGH: Were, as far as you know, the other officers in
- 18 the room able to communicate with each other?
- 19 A. I think at times they were struggling.
- 20 Q. Did anybody at any time do anything to improve the
- 21 situation?
- 22 A. They did. Apart from myself, Mr Johnston and
- 23 Mr Boutcher, from what I am aware, asked, got up during
- 24 the period in the morning and asked people to leave the
- 25 operations room unless their role was absolutely

1           essential to being in there.

2   Q.   Did they ask specific people or did they just make

3           an announcement?

4   A.   No, they put it out to the whole room.

5   SIR MICHAEL WRIGHT: Did it achieve anything?

6   A.   From what I can recall, it went quiet very briefly and

7           then the noise level gradually gathered momentum again.

8           The mean level of officers in the room appeared to be

9           the same.

10  SIR MICHAEL WRIGHT: You didn't notice anybody leaving?

11  A.   I didn't, sir, no.

12  MR HOUGH: Now, 9.34 we know is around the time that

13           Mr de Menezes comes out of the block at Scotia Road.

14           Did you become aware of a man coming out of that block

15           around that time?

16  A.   I did. Although there were people standing in front of

17           me, almost like a human wall at times, I could see Pat,

18           the surveillance monitor, in front and he sort of swung

19           his swing chair towards the cluster of senior officers

20           and waved his hand at the fact that a U/I male had come

21           out of Scotia Road and he was requesting directions.

22  Q.   U/I male came out of --

23  A.   Unidentified.

24  Q.   Yes. Were those the words he used?

25  A.   That's what I have recorded in my statement here, yes.

1 Q. When he waved to them, did he pass on his message to  
2 them, were they able to hear him?

3 A. Yes. Mr Boutcher, who was with Ma'am Dick, through  
4 their eye direction and speech towards Pat made me feel  
5 that yes, his message was getting through to them, yes.

6 Q. Were they still in position --

7 A. They were still over to Pat's right.

8 Q. Over that time, you have got Pat calling out or speaking  
9 out that a UI male has left the block, or something to  
10 that effect. What passes between him and the senior  
11 officers from that point?

12 A. There was obviously contact and dialogue between both  
13 parties, it was difficult for me to hear anything  
14 because of the other interruptions around me at the  
15 back.

16 Q. Could you hear anything at all?

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

18 Q. At any stage, did you move so that you were able to hear  
19 better?

20 A. I did. I temporarily moved towards the front consoles  
21 and knelt down besides Pat in an attempt to listen and  
22 see what was going on.

23 Q. What was happening at that stage?

24 A. Well, I heard through Pat, who had his headphones on,  
25 was so-called plugged into the surveillance team on the



1 ground, that the surveillance team were near or entering  
2 Stockwell tube station, and he said this to the group of  
3 senior officers and Commander Dick relayed  
4 an instruction to detain.

5 Q. You said that you heard him say that the surveillance  
6 team were near or entering Stockwell tube station; do  
7 you recall -- do you recall him saying anything else or  
8 anybody else in the room saying anything else at this  
9 point?

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

11 Q. You say that Commander Dick relayed an instruction to  
12 detain. Do you know to whom she was directing that  
13 instruction on the ground?

14 A. It would have been back to Pat.

15 Q. So she is speaking to Pat. Is the instruction then to  
16 go to the surveillance officers or somebody else?

17 A. She goes to surveillance officers, they were asking for  
18 a decision.

19 Q. Did you hear any further orders or communications  
20 passing between Pat, Commander Dick and others in the  
21 room?

22 A. I didn't, I came back to the back console and I heard no  
23 other instructions.

24 Q. Did you hear anything else between that point and when  
25 you heard that unfortunately somebody had in fact been

- 1 shot?
- 2 A. No, sir.
- 3 Q. When you heard that somebody had been shot, what did you
- 4 do about it?
- 5 A. I got somebody to inform GT, our police control unit,
- 6 the ambulance and to inform the respective borough
- 7 commander covering the Stockwell area.
- 8 Q. Other than those instructions, did you have any further
- 9 involvement with events at the scene?
- 10 A. I didn't, sir, no.
- 11 Q. Did you stay in the operations room doing your job in
- 12 relation to the operation as a whole?
- 13 A. I did, sir, yes.
- 14 Q. I think you stayed there until 8.30 that evening?
- 15 A. I did, sir.
- 16 Q. You have made reference to a branch note. Perhaps I can
- 17 hand you a copy of that. (Handed). First of all, at
- 18 what time of the day did you prepare that note?
- 19 A. This note it suggests at the front was started off by
- 20 I believe DS Marston at 4.38 at the start of the
- 21 operation in the morning, and then this document would
- 22 have been then handed over to me when I had relieved her
- 23 of the position as operations manager.
- 24 Q. If we go through it very briefly, you say that she
- 25 handed it over to you; what time did you write your

1 entries?

2 A. Those entries would have been written throughout the  
3 day, depending on who came to contribute to the branch  
4 note, but the majority of it, from what I can recall,  
5 was only written up at the end of the evening prior to  
6 my departure from the room.

7 Q. We will go through it very quickly. There is  
8 an introduction. Then on the following page, there is  
9 an executive summary:

10 "1008, identified male believed to be Nettle Tip"  
11 who had been shot and then a reference to some of the  
12 other premises and what's going on there.

13 Further down the page, do we see some entries which  
14 are essentially taken from the surveillance log?  
15 Certainly the times and the entries seem to be exactly  
16 the same.

17 A. They are taken from the surveillance monitors' log.

18 Q. The running log that's coming up on the screen?

19 A. Yes, yes.

20 Q. Then over the page, does that continue down to 10.05?

21 A. It does, sir.

22 Q. I don't need to go through all of those because we will  
23 have the surveillance monitor to go through the entries  
24 he was making.

25 But then this:

1           "Commander Dick informed of the situation and for  
2           directions to the grey surveillance team leader [and his  
3           name given] who have the subject under surveillance.  
4           SO19 currently on scene at Stockwell tube.

5           "SO12 surveillance [team leader's name again]  
6           informed to detain if possible. SO19 now at tube; both  
7           teams deployed underground to the station. No  
8           communications heard."

9           Then:

10          "UI male believed shot by SO19."

11          Were those entries that you made?

12   A.   They were entries that obviously I put on the branch  
13       note, they were taken from what I could -- or what  
14       I heard subsequently from in the operations room, but it  
15       wasn't written up exactly at that time.

16   SIR MICHAEL WRIGHT: Forgive me, go back, just leaving it  
17       where it is for the moment, if we go up to the first  
18       four lines of that where you have timings, 9.54, 9.56  
19       and so on, did those come from the screens?

20   A.   Yes. What normally happens is that the surveillance  
21       monitor would periodically give you a print of the  
22       surveillance log, and then you could go back and update  
23       your branch note.

24   SIR MICHAEL WRIGHT: I follow, so you would have a hard  
25       copy.

1 A. So it would in effect have come from the screen on to  
2 a hard copy and to the branch note.

3 SIR MICHAEL WRIGHT: Which you then used to produce your  
4 note?

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: After 10.56, there is no timings, we  
7 have the paragraph commencing "Commander Dick" and then  
8 SO12 surveillance and so forth. Did I understand you to  
9 say that you compiled that really from what you were  
10 told afterwards?

11 A. Yes, sir, later in that day.

12 SIR MICHAEL WRIGHT: Thank you.

13 MR HOUGH: Thank you, that's helpful.

14 There is a reference there to "unidentified male  
15 believed shot by SO19". Was that what you were told in  
16 terms, that an unidentified male had been shot?

17 A. Yes, what I had been told, I was aware that a male had  
18 been shot, and at that stage I wasn't aware who that  
19 male was.

20 Q. Who told you that?

21 A. That was my own recollection.

22 Q. No, but who told you that --

23 A. That the male had been shot?

24 Q. -- that the male had been shot and he had not been  
25 identified?

1 A. I can't recall exactly, but I was certainly aware that  
2 a male had been shot, the fact that he was unidentified.  
3 From what I could gather from the room, that was how it  
4 was felt at that moment.

5 Q. Did anybody in the room tell you that he had been  
6 identified as a specific suspect?

7 A. I can't recall that, no, sir.

8 Q. Thank you. Moving on, we don't need the fourth page  
9 because that's about other addresses and other suspects,  
10 but the final page, please. Do we see at the top the  
11 strategy recorded as per your instructions that you have  
12 told us about from Mr Johnston?

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

14 Q. Do we see there:

15 "Ensure public safety, control addresses, where  
16 possible take subjects away from the addresses and on  
17 authority of Commander Dick detain, arrest subjects,  
18 Nettle Tip Regal Wave and Rapid Tip [I think it's  
19 actually rapid speed is the last one] Search and secure  
20 premises associated to suspects".

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

22 Q. Is that what was written on the white boards at the back  
23 of the room?

24 A. As far as I can recall, yes, sir.

25 Q. Then finally can we have document page 385 on screen,

1           this is the note you looked at briefly earlier. When  
2           did you write this up?

3   A. That was written, from what I can recall, probably  
4           within two or three days of the 22nd.

5   Q. Can you help us, your handwriting is better than mine  
6           but not that much --

7   A. It's scruffy.

8   Q. Perhaps you can help us by reading through this for us,  
9           if you can.

10   A. Bear with me. (Pause). Right, it starts off:

11           "SO12 [that's Special Branch] role ancillary to  
12           SO13's", that's the Anti-Terrorist Branch.

13   SIR MICHAEL WRIGHT: That's describing your role, is it?

14   A. Yes, sir:

15           "Best part of ops room SCD7, SO13, SCD11  
16           (technical)."

17   MR HOUGH: What do you mean by "best"?

18   A. Well, I understood it that the best parts, because it  
19           was such an unparalleled and unique operation, that they  
20           picked the best bits from the rest of the  
21           Metropolitan Police, without sounding patronising to  
22           everybody who is doing a good job, but to be  
23           specifically in this room were the people who were the  
24           best of the best.

25   Q. Go on, please?

1 A. "No clear line of command. Assumed Commander Dick was  
2 in charge as she was the most senior rank. No-one  
3 identified to me as SIO [that's a senior investigating  
4 officer] no written or typed briefing. No time to write  
5 anything down. At selective times, people would choose  
6 to speak to us and redirect us to do things. Constantly  
7 requested help in from PCs and PSs.

8 Q. I think it might say "in the form"?  
9 A. "In the form", you are quite correct, sir:  
10 "Ops room asked to clear several times by senior  
11 officers, no notice apparently taken. No change."

12 Q. Can you just pause there. You talk about the command  
13 structure, and that you assumed Commander Dick was in  
14 charge because she had the most senior rank, but nobody  
15 was identified to you as the senior investigating  
16 officer. Is that what you were thinking as you came  
17 first into the room?

18 A. Yes, it was, sir, yes.

19 Q. Now, you say in one sentence:  
20 "Ops room asked to clear several times by senior  
21 officers."  
22 Is that what you were telling us earlier about  
23 certain officers making announcements for the room to be  
24 cleared?

25 A. It was sir, and myself included, yes, sir.



1 Q. Go on, please?

2 A. "Intelligence generated via", it was another operations  
3 room downstairs you may be aware of, "not aware of any  
4 photo provenance or history. Not all intelligence  
5 recorded on normal systems (ie messages) as a normal SB  
6 operation."

7 Q. Special Branch operation?

8 A. Special Branch operation, yes, sir:  
9 "Ops manager bypassed on many details".

10 Q. Can we pause there, you said intelligence gathered from  
11 this other room, not aware of any photo provenance.  
12 Which photos are you referring to there?

13 A. The photos of the subjects that we were trying to find  
14 quickly.

15 SIR MICHAEL WRIGHT: They were up on the screen?

16 A. They are up on the white boards, yes, sir.

17 SIR MICHAEL WRIGHT: I am sorry, yes.

18 MR HOUGH: Were these CCTV photos or were they photos of  
19 directly of faces?

20 A. I can't recall, to be honest.

21 SIR MICHAEL WRIGHT: When you say "no provenance", what do  
22 you mean, what would you have expected?

23 A. Normally in lifestyle operations, Special Branch  
24 operations, you would have an awareness of where that  
25 picture actually came from, whether it came from another

- 1           agency but you know, DVLA or criminal record perhaps,  
2           a picture was taken.
- 3   MR HOUGH: We have heard that certainly some of the senior  
4           officers knew exactly where particular photographs came  
5           from. Are you simply here recording that it's something  
6           that you didn't know and you weren't told about?
- 7   A. Yes, I was, these are my personal notes, yes, sir.
- 8   Q. You say "ops manager bypassed on many details", is that  
9           referring to your position?
- 10   A. Yes, it is, sir.
- 11   Q. You being the ops manager?
- 12   A. And from what I had gathered from DS Marston as well  
13           during the handover.
- 14   Q. What sort of details are you referring to there?
- 15   A. The flow of information coming in and out of the room,  
16           decisions being made by senior officers, that sort of  
17           thing.
- 18   Q. Going on, can you just follow the text?
- 19   A. "Branch note completed fully that evening".
- 20   Q. That's the document we have just seen occasionally  
21           coming up on screen?
- 22   A. It is, sir, yes:
- 23           "At that stage subject shot not identified, room  
24           still under impression it may have been Nettle Tip."
- 25   Q. Pause there. From where did you get the idea that the

1 room was still under the impression that the subject may  
2 have been Nettle Tip?

3 A. As far as I was aware throughout that day, no-one had  
4 said anything else about who else it could have been.

5 Q. Was there any degree of uncertainty about that?

6 A. There may have been, yes, sir.

7 Q. Go on:

8 "Ops manager"?

9 A. "Ops manager not consulted or involved at all in the  
10 decision-making process. Not privy to the whole  
11 picture. It was not an SO12 operation, Special Branch  
12 operation. Role to facilitate functions of the ops room  
13 to assist re: intelligence to Special Branch from  
14 telephone numbers white boards, admin, duties,  
15 refreshments."

16 Q. Is that last sentence a summary of what you were doing  
17 over the course of the day?

18 A. Yes, yes, it was, sir.

19 Q. You talk in this note about yourself being bypassed  
20 during the course of key decisions being made. Are you  
21 there comparing what was happening on this day with your  
22 experience of lifestyle surveillance operations?

23 A. Yes, it was a different style of operation.

24 Q. Did you feel or I will put it in a more open way. How  
25 did you feel the operation was being managed in terms of

1           its coherence and organisation?

2    A.   It was difficult at times because of the amount of  
3           people that were in there and what I can observe. I was  
4           very busy myself so I did not have a lot of time to look  
5           around and see what other people were doing, but  
6           certainly the amount of work there was actually  
7           overwhelming, certainly a traditional operations manager  
8           could not have covered all of those positions anyway.

9    Q.   So a heavy, complex operation with some very senior  
10          officers present?

11   A.   That's correct, sir, yes.

12   Q.   But as far as you were aware, was there any difficulty  
13          in the senior officers giving their orders and passing  
14          on their instructions?

15   A.   No, I don't believe there was, sir, no.

16   MR HOUGH:   Thank you very much.

17   SIR MICHAEL WRIGHT:   Yes, Mr Mansfield.

18                               Questions from MR MANSFIELD

19   MR MANSFIELD:   Good morning, my name is Michael Mansfield,  
20           I represent the family of Jean Charles de Menezes. Just  
21           a couple of things, and sir, may I ask if the note that  
22           has just been gone through could in fact go behind  
23           a divider in the jury bundle, that is his handwritten  
24           notes.

25   MR HOUGH:   It will be 51.

1 SIR MICHAEL WRIGHT: What about the branch note?

2 MR MANSFIELD: Yes, I am happy for both, although one is

3 more comprehensive than the other, certainly the branch

4 note in the same divider. 51.

5 SIR MICHAEL WRIGHT: Thank you. I don't suppose we have the

6 copies ready yet.

7 MR MANSFIELD: We have only just got them this morning.

8 SIR MICHAEL WRIGHT: That's right, I know. When we have had

9 a chance to get the copies put up, Mr Mansfield.

10 MR MANSFIELD: If I just carry on for the moment.

11 SIR MICHAEL WRIGHT: Yes, certainly.

12 MR MANSFIELD: I just note that for the record.

13 The two areas I want to ask you about are the 9.30

14 period when Pat, with his headphones on, you can check

15 with any statement or note if you wish, attracts the

16 attention of the group of senior officers, okay, that's

17 what I want to ask you a little more about.

18 I know it's very difficult, but the jury might like

19 to get an idea looking at this courtroom, what was the

20 distance between Pat with his headphones on and the

21 officers whose attention he was trying to attract, is it

22 between you and the jury box or ...

23 A. I would say probably slightly closer, probably where

24 that lady is sitting there.

25 Q. Sandra.

1 A. If that's the lady, yes. About that distance.

2 Q. We all know her, I am sorry, I don't mean to embarrass  
3 you, it's just so we know for the record. So that kind  
4 of distance. He is shouting or speaking loudly? I know  
5 that's difficult to distinguish, but?

6 A. I have here that he has raised his voice to attract the  
7 attention.

8 Q. And he is waving?

9 A. Yes, sir, yes.

10 Q. As far as you could tell, the group of officers included  
11 Commander Dick and Boutcher, did it?

12 A. It did, sir, yes.

13 Q. So far as you could see, Commander Dick and Boutcher  
14 reacted to his attention-seeking behaviour?

15 A. Yes, they were -- they appeared to be asking directions  
16 through their eye contact and speech towards Pat.

17 Q. Eye contact and speech. Now, could you hear from where  
18 you were sitting or standing what in fact was being  
19 said, the words?

20 A. I couldn't clearly hear any of the directions due to  
21 other noise traffic where I was located.

22 Q. Right. As far as you could tell, what was the form of  
23 contact between the two, that is the group of senior  
24 officers and Pat related to the person who had just left  
25 the premises?

1 SIR MICHAEL WRIGHT: Forgive me, Mr Mansfield. I know it's  
2 difficult, mainly because you are speaking towards  
3 Mr Mansfield, can you keep your voice up because the  
4 jury are having difficulty hearing you. I think you  
5 might find it easier if you pull that microphone towards  
6 you. Get it as close as you can. Thanks.

7 MR MANSFIELD: Sir, I see the time, I will probably just end  
8 on this question for the moment.

9 SIR MICHAEL WRIGHT: All right.

10 MR MANSFIELD: Just to go back, and the contact between Pat  
11 with his headphones on and the group of officers over  
12 there, as far as you could tell was about the man who  
13 had just come out of the premises.

14 A. As far as I could tell, yes, sir.

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

16 SIR MICHAEL WRIGHT: Yes. Ten to, ladies and gentlemen.  
17 (11.40 am)

18 (A short break)

19 (11.55 am)

20 (In the presence of the jury)

21 SIR MICHAEL WRIGHT: Before you resume, Mr Mansfield, could  
22 I ask all the teams please to be careful -- I ask this  
23 for obvious reasons -- when the court is in its present  
24 state with anonymised witnesses that there isn't anybody  
25 in here who is not supposed to be. Thank you.

1           Yes, Mr Mansfield.

2   MR MANSFIELD: We were just dealing with the 9.30 contact  
3       between Pat with his headphones on and the group of  
4       officers at the Health and Safety trial I think you  
5       estimated the distance you have just demonstrated to the  
6       jury as between eight and ten feet, so that's about the  
7       same, so it's about eight and ten feet between Pat and  
8       the group of officers including Commander Dick.

9           You have talked about waving and raising voice and  
10       so on. How far were you behind Pat?

11   A. Probably about 6 feet.

12   Q. Yes, that's what you estimated at trial, so 6 feet, so  
13       the jury have an idea of the distance between you all.

14           You indicated in a statement that you made which you  
15       are welcome to see, I think you have it there anyway,  
16       dated later in the year 2 November, it's page 90 I have  
17       it as, in fact it would be your third page, middle of  
18       that. You described it in this way:

19           "Pat stated to them that an unidentified male had  
20       left the block under surveillance in Scotia Road and was  
21       seeking directions to pass to the surveillance team  
22       leader on the ground."

23           That's how you put it in the statement?

24   A. Yes, sir.

25   Q. Would it be fair to say you obviously did manage to hear



1 something of what Pat was relaying to the group of  
2 officers?

3 A. Yes, the way he turned round and waved towards the group  
4 of senior officers.

5 Q. It's a little more specific than that. I am not  
6 questioning the waving or anything else, it does put it  
7 "Pat stated to them that the unidentified male had left  
8 the block"?

9 A. Yes, I could hear no more than that, sir.

10 SIR MICHAEL WRIGHT: Can you remember whether that was at  
11 a time when you had gone down to be near him or in  
12 your --

13 A. No, I was still at the rear console, sir.

14 MR MANSFIELD: Now, the strategy -- we have called it  
15 that -- but in other words, what you understood the  
16 position was that if anyone left the block in  
17 Scotia Road, the person and the description of the  
18 person leaving the block should be referred to  
19 Commander Dick for a decision by her; that was your  
20 understanding.

21 A. That was my understanding of the strategy, sir, yes.

22 Q. So that is what you understood was going on now, at this  
23 time around 9.30 in the morning?

24 A. Yes, sir, Pat was carrying out those instructions as he  
25 knew it.

1 Q. When that contact was going on, did any of the officers  
2 move closer as if they couldn't hear?

3 A. I can't recall, sir.

4 Q. All right, I know it's a long time ago and I am not  
5 expecting you would, but certainly so far as you could  
6 tell, they were responding to Pat's attention seeking  
7 behaviour as I have called it?

8 A. Yes, sir.

9 Q. Right. I just want to move it on from there, because  
10 obviously there is only a short time before you are  
11 aware that things are happening at Stockwell, and I have  
12 just one question for you in relation to it. You can  
13 look at the branch note or any other note you have.

14 Would it be fair to say, looking at your records of  
15 the time, that you never in fact heard an order from  
16 Commander Dick to SO19 or CO19 to stop?

17 A. No, to SO19, no, sir.

18 MR MANSFIELD: Thank you.

19 SIR MICHAEL WRIGHT: Yes, Mr Gibbs?

20 MR GIBBS: Sir, could I just ask a few questions about the  
21 room?

22 SIR MICHAEL WRIGHT: Yes, of course.

23 Questions from MR GIBBS

24 MR GIBBS: Brian, I represent the red and grey surveillance  
25 teams, and we had up on screen just now the diagram of

1           the operations room and I wonder if we could have that  
2           again.

3           Now, you have told us that you were in A2?

4   A.   Yes, sir.

5   Q.   And Pat was in S1?

6   A.   Yes, sir.

7   Q.   Where was Mr Esposito?

8   A.   I believe he was to my right in the A4 position.

9   Q.   Were there other surveillance monitors next to Pat?

10   A.   I believe there were, sir, yes.

11   Q.   Was one of them called Harrison?

12   A.   Yes, sir.

13   Q.   Is that a he or a she?

14   A.   It's a he.

15   Q.   Do you remember where he was?

16   A.   Well, it sounds obvious, he would have been to the right  
17       of Pat.  Whether he was in S2 or S3, I can't recall.

18   Q.   Was there a third surveillance monitor?

19   A.   There may have been but I can't recall who that is, sir.

20   Q.   It sounds as though from your evidence Pat was receiving  
21       the Cougar feed in relation to the red and the greys?

22   A.   Yes, sir, yes.

23   Q.   Do you know what feed officer Harrison was receiving?  
24       Was he monitoring the Portnall Road feed?

25   A.   I would suggest it would be Portnall Road, possibly the

1           blue team, sir.

2   SIR MICHAEL WRIGHT: That's the most likely division of

3           work, as far as we are concerned?

4   A. Yes. Responsibility, yes, sir.

5   SIR MICHAEL WRIGHT: Thank you.

6   MR GIBBS: We can see three chairs and desks on the

7           right-hand side at C3, C1 and C2. Do you remember who

8           was there?

9   A. From what I can recall, the surveillance co-ordinators

10          were over there, including Mr Whiddett.

11   Q. Mr Whiddett?

12   A. Yes, Mr Whiddett, I believe Owen.

13   Q. Owen? Do you remember which seats those two were in?

14   A. I don't, and I think there was also a representative

15          there from Special Crime Directive 11, which was

16          a surveillance unit as well.

17   Q. SCD11?

18   A. SCD11.

19   Q. Okay, thank you. When you went forward from A2 to near

20          Pat, S1, what were you doing? Were you sitting down?

21   A. I knelt down beside Pat, but I suppose presumably

22          between S1 and S2, so to Pat's immediate right.

23   Q. While you were kneeling there beside him, were you able

24          to tell from what you heard whether the man who had left

25          Scotia Road had been identified?

1 A. No, I wasn't, sir, no.

2 MR GIBBS: Thank you very much.

3 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs. Mr Singh?

4 MR SINGH: Nothing, thank you.

5 SIR MICHAEL WRIGHT: Thank you. Mr Perry.

6 Questions from MR PERRY

7 MR PERRY: Thank you.

8 Mr Brian, I represent Commander Dick as well as  
9 others, but for these purposes Commander Dick. My name  
10 is David Perry.

11 May I just ask you: you have already made it clear  
12 we are talking about an unparalleled and unprecedented  
13 operation?

14 A. Yes, sir.

15 Q. And from the note that you prepared, you have given the  
16 impression of the cream of the Metropolitan Police being  
17 picked to be involved in the conduct of this operation?

18 A. Yes, sir.

19 Q. May I just ask you, please, to look at the manuscript  
20 notes, which we are going to put in our little bundle of  
21 documents, but we are not in a position to do that at  
22 the moment. If you just look at the note that you made  
23 three or four days later, I think you have it with you?

24 A. Yes, sir.

25 Q. It's not that one, it's the other note, page 385 of the

1 documents.

2 A. Yes, sir.

3 MR HOUGH: If it helps, I think there are copies now

4 available for the jury bundle.

5 MR PERRY: If there are hard copies, let us have them. If

6 I may just pause, sir, so people have them?

7 SIR MICHAEL WRIGHT: Yes, of course.

8 MR PERRY: I don't think we have a divider 51, though, so we

9 may have to get some. I think we go up to 50.

10 SIR MICHAEL WRIGHT: Yes.

11 MR HOUGH: I think additional dividers can be purchased and

12 provided.

13 SIR MICHAEL WRIGHT: I hope I am not lagging behind, at the

14 moment I have nothing behind 49 or 50.

15 MR HOUGH: I think 49, sir, is the document which was handed

16 to Commander Dick, the intelligence update.

17 SIR MICHAEL WRIGHT: Yes.

18 MR HOUGH: And 50 is the schedule of telephone numbers

19 with --

20 SIR MICHAEL WRIGHT: Mr Perry's schedule?

21 MR HOUGH: I think actually it was Mr Singh's schedule.

22 MR PERRY: Mr Singh's if it was inaccurate, Mr Stern's if it

23 was accurate.

24 SIR MICHAEL WRIGHT: I can catch up. Thank you. (Pause).

25 You will discover, I am sure, that one of the

1 charming attributes of lever-arch files is that they  
2 occasionally open at the most inconvenient times, but  
3 you will have to do your best with that, I am afraid,  
4 and I suspect we may have to start a second volume.

5 MR PERRY: Thank you very much, sir. If we may look at this  
6 note, may I explain, Mr Brian, the exercise that I am  
7 about to embark on, because I just want to see what you  
8 were relying on for your recollection of certain events  
9 and see whether we can just see how things developed, so  
10 that's what I am trying to explore.

11 If anyone wants to make a note on this document,  
12 this you say was made three or four days later, so that  
13 would be say around 25 July; is that right? 25 or  
14 26 July?

15 A. Yes, onwards.

16 Q. Is that somewhere around there and please don't think  
17 I'm pinning anything --

18 A. They weren't made on that date.

19 Q. Again just so we are clear about this document, there is  
20 nothing in this document about the sequence of events  
21 involving the subject who leaves the address, is there?

22 A. No, there is not, sir, no.

23 Q. If we just drop down to about six lines up from the  
24 bottom, I hope I have counted correctly, there is a line  
25 that begins:

1           "Branch note completed that evening".

2   A.   That's right, sir.

3   Q.   So when you were making this, on about 24 or 26th or  
4        whichever day it was, it doesn't really matter, you were  
5        saying the branch note had been completed that evening,  
6        which evening were you referring to?

7   A.   I would have had to complete it that evening, because  
8        that, or the branch note document would then be handed  
9        over to the night duty operations manager, so it was  
10       something that had to be done on that day before I went  
11       home.

12   Q.   So the branch note would have been completed, according  
13        to this record, on 22nd?

14   A.   Yes, sir.

15   Q.   You see, I am not criticising you at all, but it's just  
16        the way that memories can sometimes play tricks with us.  
17        If we look at the branch note, it wasn't completed  
18        until, at the very earliest, the Saturday, was it, if  
19        you look at page 2.

20   A.   Yes, when I referred in my notes to completed, I meant  
21        completed for my part while I was on duty there.

22   Q.   So then it's updated?

23   A.   Then it's updated. As you can see on the top line here  
24        of the branch note it was started off at 4.38 on Friday  
25        the 22nd, which I was not on duty until half past 7, and



1 I took it, then it was handed over to me. I took it  
2 through the day, handed it over at about 8.30 when  
3 I left the operations room and as you can see then  
4 a night duty operations manager took it through until  
5 8 o'clock on Saturday morning, the 23rd.

6 Q. Where is this note as it was completed on the 22nd, or  
7 is it the same note which is updated?

8 A. It's the same note that's updated, sir.

9 Q. Why does it only have your name on it?

10 A. I can't answer that, sir, I don't know, there should be  
11 other names on that as well.

12 Q. But you have put your name at the end of it with the  
13 events on the 23rd?

14 A. I have, yes, sir.

15 Q. Because if we look at page 2, some of those events were  
16 events that only took place on 23 July or which did take  
17 place, I should say; that is right?

18 A. On the 23rd or the 22nd?

19 Q. The 23rd. Look at bullet point 4 on page 2:

20 "During the course of the night" there is a little  
21 bit redacted and there is a reference to someone  
22 attending a police station and identifying someone and  
23 there is a reference to "Said's last recorded address is  
24 32b Farleigh Road N16, subject to on-going research at  
25 this stage."

1           That was something that happened through the night  
2           of the 22nd and 23rd, wasn't it: a public spirited  
3           citizen came into a police station and said that they  
4           identified one of suspects; is that right?

5   A.   Yes, sir.

6   Q.   When you made your note a few days later and you said  
7           the branch note was completed on the 22nd, would it have  
8           been more accurate to say part of it was completed on  
9           the 22nd and it was updated on the 23rd?

10  A.   It would be, sir, yes.

11  SIR MICHAEL WRIGHT:  It actually ran through to 8 o'clock on  
12           the Saturday, on the 23rd?

13  A.   Yes, sir.

14  MR PERRY:  So, and again I am not criticising, I am just  
15           saying that what you have done, you have put into  
16           completed that evening, you have compressed something  
17           that actually took place over a period of time?

18  A.   Yes, sir.

19  Q.   With that in mind, may we just look at your statement  
20           that you made on 2 November of 2005, which is now some  
21           considerable -- well, it's the 2 November some months  
22           after the incident.  If we just go to page 90.  I don't  
23           mind if this is on the screen for everyone to follow, it  
24           might be more helpful.  Thank you.

25           Just so everyone is clear, this is a page from your

1 statement that you made on 2 November 2005, and the  
2 point I am going to concentrate upon, please, Mr Brian,  
3 is the middle of the page, just next to the upper  
4 holepunch:

5 "At some point" going down to the end of that  
6 paragraph. Just before we look at this in detail, you  
7 were making this without the benefit of any note  
8 contemporaneous to the events that you were describing;  
9 is that fair to say?

10 A. Yes, sir, yes.

11 Q. Shall we just go through it:

12 "At some point I remember 'Pat' [that's the  
13 surveillance] monitor for the subject codenamed  
14 Nettle Tip, of Scotia Road (who was sitting about 6 feet  
15 away in front of me) wave by hand and raise his voice to  
16 attract the attention of  
17 Detective Superintendent Boutcher SO13, Commander Dick  
18 and others. They were standing to the right of him,  
19 about 8 to 10 feet away, in a group of officers towards  
20 the right of the operations room. Pat stated to them  
21 that an unidentified male had left the block under  
22 surveillance in Scotia Road and was seeking directions  
23 to pass to the surveillance team leader on the ground.  
24 At that time Pat had his headset on, was typing his  
25 surveillance log and via a mouthpiece relaying what was

1           being said to him through the headphones by the  
2           surveillance team leader to Messrs Dick, Boutcher et al.  
3           It was apparent that Superintendent Boutcher (and the  
4           group surrounding) were constantly asking for directions  
5           through their eye contact and speech directed towards  
6           Pat. I could not hear clearly any of the directions due  
7           to other noise traffic and constant interruptions around  
8           me. At some stage, I temporarily moved from the rear to  
9           the front consoles in an attempt to listen as to what  
10          was happening. The last radio traffic I managed to hear  
11          was that the surveillance team were near/entering  
12          Stockwell tube station and that Commander Dick relayed  
13          an instruction to detain. I heard no other  
14          instructions."

15                 Now, that is the complete account of these events as  
16          you have given them in your statement?

17         A. Yes, sir.

18         Q. We know that the period from the time the subject came  
19          out of the address to the incident at Stockwell tube  
20          station was, give or take a couple of minutes,  
21          30 minutes; you understand that?

22         A. Yes, sir.

23         Q. Do you actually know that?

24         A. I knew it must be about that time, sir, yes.

25         Q. So here, when we read this paragraph, is this your

1           recollection of what was going on over the whole of that  
2           30-minute period?

3    A.   That's all I can recall.

4    Q.   That's all you can recall.  There are no times here in  
5           the statement?

6    A.   No, sir.

7    Q.   What you are trying to do in November, and I appreciate  
8           it's very difficult, is give an account as you then  
9           recalled it?

10   A.   Yes, sir.

11   Q.   You can't actually say at what point Pat was indicating  
12           with his arms or discussing with the senior officers or  
13           receiving directions from them, you can't actually say  
14           at what point of this incident that actually took place?

15   A.   No, not without looking at Pat's surveillance log, no  
16           I wouldn't be able to, sir, no.

17   Q.   Would that help?

18   A.   Well, that would show presumably when the male left the  
19           building, yes, and that's where I would get my time  
20           from.

21   Q.   9.34 was when he left the building.  Are you saying that  
22           that's the point at which this occurred, or could it be  
23           at some point during the 30-minute period?

24   A.   It could be at some point during the 30-minute period,  
25           I have not put a time down there because at the time

1           when I made my statement I couldn't recall.

2   Q.   May I just ask you to look at the branch note, because  
3       we can just -- I have finished with the statement now.  
4       In the branch note at page 3, we have a sequence of  
5       events. Perhaps if we just look at the previous page,  
6       just to put it in context, I am very sorry to jump  
7       around but just to see what this follows on from.

8           We have a heading under part 3 "Surveillance (see  
9       surveillance logs for exact details)."

10          And you have Nettle Tip and Regal Wave, the  
11       codenames for two suspects. Then you say:

12          "Surveillance commenced at 0438 hours in and around  
13       the vicinity of 21 Scotia Road."

14          I just ask you this, Brian, you got that from the  
15       surveillance log as you looked at it to derive your  
16       information?

17   A.   That's right, sir, sometime later on, yes.

18   Q.   Then if we just go over the page, just having put it in  
19       context, we see the period between 0934 hours and  
20       1005 hours, the sequence of events, and you have  
21       effectively taken this from the log?

22   A.   Yes, sir.

23   Q.   It's not identical with the log?

24   A.   No, it's not, that's why the caveat as I am sure you are  
25       aware at the top is in the brackets "see the

1           surveillance log for exact details".

2   Q.   But one of the things you have is, for example, 0948  
3           unidentified male off the bus and on foot towards  
4           further bus stop, and then 0950, unidentified male waits  
5           at bus stop, which gives the impression that it's the  
6           further bus stop?

7   A.   Yes, it could do, yes, sir.

8   Q.   If we just go on to page 4, please, we have got the --  
9           you weren't shown this when you were asked questions  
10          earlier, and it's only to seek your assistance on  
11          a matter, we have events at Portnall Road which was one  
12          of the other addresses that was under surveillance, the  
13          subject of surveillance control. We also have here  
14          surveillance commenced at 0438 hours in and around the  
15          area of Portnall Road, an address associated with  
16          Regal Wave, one of the suspects we know.

17                Again you are getting that information from the  
18          surveillance log, are you?

19   A.   I am, sir, yes.

20   Q.   You were asked questions about the belief as to the  
21          identity of the person who had been shot during the  
22          course of the incident in Stockwell; you remember you  
23          were asked earlier those questions. May I just go back  
24          to page 2 of the branch note and look at the executive  
25          summary bullet point number 1:

1           "1008 hours unidentified male believed to be

2       Nettle Tip"?

3   A.   Yes, sir.

4   Q.   That's what it says, thank you. Was this part of the  
5       log that you were compiling on the 22nd or was it what  
6       you compiled on the 23rd?

7   A.   On the 22nd, sir.

8   Q.   So this would have been much nearer the time?

9   A.   Probably later in the evening, yes.

10   Q.   But much nearer the time of the events, and you were  
11       saying that at 10.08 the unidentified male believed to  
12       be Nettle Tip had been shot by SO19 officers in  
13       Stockwell Park tube station, that's again some  
14       information that we have seen elsewhere, the fact that  
15       it's described as "Stockwell Park" but the purpose of my  
16       question is really this: where did the belief come from,  
17       that it was Nettle Tip?

18   A.   I think the male at that time that was followed hadn't  
19       yet fully been identified. The feeling certainly that  
20       I got from the room that at that stage he was still  
21       unidentified, and that he may have been Nettle Tip.

22   Q.   That's explaining the impression you got at the time,  
23       but I want to just press it just a little, if I may.  
24       You are putting in the log that the unidentified male  
25       believed to be Nettle Tip had been shot?



- 1 A. Yes, in the executive summary, yes.
- 2 Q. So you were conveying the fact that at least someone had  
3 a belief that this was Nettle Tip?
- 4 A. Yes, my personal belief is it could have still been  
5 Nettle Tip.
- 6 Q. Your personal belief was?
- 7 A. Yes, sir.
- 8 Q. When did you first have the belief that the person who  
9 had gone into the tube station at Stockwell tube station  
10 was Nettle Tip? Was it at 10.08 or was it before 10.08?
- 11 A. It wasn't until after 10.08, from what I could feel from  
12 the room and hear from the room.
- 13 Q. I'm very sorry? Could you just explain that?
- 14 A. Well, as you are aware in my statement, I didn't  
15 actually hear the radio commentary from the surveillance  
16 team, what was being discussed about the subject's  
17 description of whether it was him or whether it wasn't  
18 him. So when I wrote up this branch note in the  
19 evening, from what was being mooted in the room, I can't  
20 recall who it is, that I was still under the belief that  
21 it may have been Nettle Tip, the subject hadn't been  
22 identified, no-one had said to me, oh, that's definitely  
23 not. So that's the way I described it in my branch  
24 note.
- 25 Q. Definitely not? Sorry, you said that's definitely not?

1 A. No-one said to me, they came to me or I didn't hear  
2 anything in the room that suggested to me that it was  
3 not Nettle Tip, so I described it in my branch note as  
4 still being an unidentified male.

5 Q. Would it be fair to say this: if you on the evening of  
6 the 22nd believed it to be Nettle Tip, you must have got  
7 your belief, because you were not hearing what was going  
8 on, from someone else or from an impression of what had  
9 gone on in the room?

10 A. That's right, sir.

11 Q. Does it follow that at sometime before 10.08, there must  
12 have been a belief that this was Nettle Tip?

13 SIR MICHAEL WRIGHT: Well, not his.

14 A. Not my belief, no, because I wasn't listening to the  
15 surveillance commentary.

16 MR PERRY: You got your belief --

17 A. After 10.08.

18 Q. But if you got it after 10.08 you must have got it from  
19 someone who was in the room?

20 A. Yes.

21 SIR MICHAEL WRIGHT: But what time that person conceived the  
22 idea is speculation, isn't it?

23 A. It is, I'm afraid, sir, yes.

24 MR PERRY: I'll not take it any further.

25 Everything you have said about the operation, just

1           so we are clear about it, the operations room and the  
2           number of people in it and the noise level, that's  
3           comparing it to the type of operations with which you  
4           were previously familiar?

5   A.   Yes, sir.

6   MR PERRY:   Thank you very much.

7   SIR MICHAEL WRIGHT:   Thank you very much.   Mr King.

8   MR KING:   No, thank you.

9   SIR MICHAEL WRIGHT:   Mr Horwell?

10   MR HORWELL:   No, thank you.

11                           Further questions from MR HOUGH

12   MR HOUGH:   Just one thing, you were asked questions a few  
13           moments ago by Mr Perry, and you said, it's page 81  
14           line 6 and 23 of the transcript. Don't worry, it's not  
15           something coming up in front of you.

16           You said your personal belief was it could have been  
17           Nettle Tip, and then you said later you were under the  
18           belief in the evening that it may have been Nettle Tip.

19           It was then put to you: when did you form your  
20           belief that it was Nettle Tip?   When you were saying  
21           your belief was that it could have been or may have  
22           been, were you choosing your words carefully there?

23   A.   Yes, I mean, I was only picking up what I could from the  
24           room later in that evening.   I had no recollection,  
25           I wasn't listening to the surveillance, so I couldn't

1 tell whether this person was or wasn't.

2 Q. But the belief that you gathered from others was that  
3 that the subject was Nettle Tip, the person who had been  
4 shot was Nettle Tip, or that it could have been or may  
5 have been?

6 A. Could have been or may have been, sir.

7 Q. Was there any more specific degree of certainty or  
8 uncertainty expressed about that belief by the others  
9 who passed it on to you?

10 A. I don't recall, sir, no.

11 MR HOUGH: Thank you.

12 Questions from THE CORONER

13 SIR MICHAEL WRIGHT: I do not want you to read too much into  
14 the question but it will give you the opportunity to  
15 deal with it. You are a Special Branch officer at SO12?

16 A. I was sir, as you are probably aware we were all --

17 SIR MICHAEL WRIGHT: How long had you been in SO12?

18 A. Originally since 1999.

19 SIR MICHAEL WRIGHT: So you were a fairly senior or  
20 experienced detective sergeant in SO12?

21 A. Well, yes, sir.

22 SIR MICHAEL WRIGHT: All right, don't take it from me. As  
23 you were the ops room manager of what we now know is the  
24 Special Branch operations room on the 16th floor --

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: Was that your primary job at that time?

2 A. On that particular squad I was, as things gathered pace  
3 the respect of Islamic extremism and round it the  
4 operations that we had to run, certainly from about the  
5 middle of 2003 up to and including that date, yes,  
6 I spent more and more time in the operations room, yes,  
7 sir.

8 SIR MICHAEL WRIGHT: And you would effectively be running  
9 it?

10 A. Yes, lifestyle operations, I would be acting on  
11 directions from the senior investigating officer but  
12 ordinarily I would be in that room all the time or  
13 an operations manager would, and they would be running  
14 it, yes, sir.

15 SIR MICHAEL WRIGHT: Very well.

16 Now, you have told us about your experience, which  
17 has obviously gone on for quite a long time, of running  
18 what I might call typical Special Branch operations from  
19 that room, lifestyle surveillance operations which  
20 might, as you say, be much slower than what was  
21 happening on the 21st and 22 July.

22 On this occasion, when you got into the room,  
23 I nearly said "your room" which is a Freudian slip.  
24 When you got into the room, of course, it was plain that  
25 there was a fairly substantial involvement from other

1 departments?

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: SO13 anti-terrorist, CO19 the firearms  
4 liaison, and tactical advisers, and we have also heard  
5 that there were some people there that Commander Dick  
6 had brought in from I think it's SCD11.

7 A. That's right, sir.

8 SIR MICHAEL WRIGHT: Serious Crime Department.

9 I have the impression from what you have told the  
10 jury that your view was that this operation was being  
11 run in a very different way from the way you were used  
12 to as a Special Branch officer?

13 A. That's correct, sir.

14 SIR MICHAEL WRIGHT: I do not want you to read too much into  
15 this. Do you think your critical view of what was going  
16 on was to any extent interdepartmental rivalry?

17 A. I am not sure, sir, I mean, lifestyle Special Branch  
18 operations, they are not all necessarily slow moving,  
19 half a dozen people in the operations room, sometimes  
20 the big operations, albeit they are lifestyle, come to  
21 a head and at times they can get very busy, so I am used  
22 to working with a lot of people, albeit in a different  
23 sort of operation, but at quite a busy pace. So no,  
24 I wouldn't accept it was departmental rivalry.

25 SIR MICHAEL WRIGHT: Very well. That's all I wanted to ask

1           you.

2           Thank you very much indeed, Mr Brian, you are free  
3           to go, thank you.

4                               (The witness withdrew)

5   SIR MICHAEL WRIGHT: Now, I had a message.

6   MR HOUGH: He is here, the next witness is "Nick".

7   SIR MICHAEL WRIGHT: Thank you.

8                               CODENAME "NICK" (sworn)

9   SIR MICHAEL WRIGHT: Thank you, please sit down.

10   A. Thank you.

11                              Questions from MR HOUGH

12   MR HOUGH: I think you have been given the name "Nick" for  
13           these proceedings?

14   A. I have, sir, yes.

15   Q. My name is Jonathan Hough. I will ask you questions  
16           first on behalf of the coroner, then you will be asked  
17           questions by other advocates for interested persons.

18           In July 2005 I think you were a detective constable  
19           in SO12 Special Branch?

20   A. Yes, that's correct.

21   Q. Just as a bit of background, you were yourself I think  
22           trained as a surveillance officer?

23   A. Yes.

24   Q. So you knew at that time about the techniques adopted by  
25           surveillance officers on the ground?

- 1 A. Yes, sir, I did.
- 2 Q. What was your general role, broadly at that time rather  
3 than specifically on the days we are interested in?
- 4 A. At that time, as you said, I was working within  
5 Special Branch, the surveillance wing of Special Branch,  
6 in a small department called the planning department,  
7 which was, as it says, it plans surveillance operations,  
8 these are ones that you know about in advance, just  
9 making sure that everything is in place for the teams to  
10 go and fulfil their role. That was generally my role.
- 11 Q. Now, you were on duty, I think, on the 22 July 2005?
- 12 A. I was, sir, yes.
- 13 Q. And you have made I think two statements about the  
14 events that took place on that day, one in August of  
15 2005, on 18 August, and one rather later on 3 July 2007?
- 16 A. Yes, the second one was at the request of the IPCC.
- 17 Q. Do you have those two statements to hand?
- 18 A. I do.
- 19 Q. There is no difficulty with you referring to them to  
20 help you.
- 21 A. Thank you very much, sir.
- 22 Q. I think you also gave evidence at the Health and Safety  
23 trial?
- 24 A. I did, yes.
- 25 Q. What time did you arrive for duty that morning, 22 July?



- 1 A. I arrived at about 10 to 7 in the morning.
- 2 Q. When you arrived, did you know what duty you would be  
3 performing that day?
- 4 A. No, not at all. Based on the events of the day before,  
5 I obviously knew that we were going to be very busy that  
6 day, so I came in early of my own accord, just to see  
7 what could be done, what I could do, and that was to my  
8 own offices I went to, sir.
- 9 Q. On your arrival, did you meet somebody by chance,  
10 I think, in the lift?
- 11 A. I did, sir, yes, I met one of the team leaders of the  
12 surveillance teams.
- 13 Q. I think that was somebody called "Harry"?
- 14 A. Yes.
- 15 Q. We are calling him Harry.
- 16 A. Okay, thank you for that.
- 17 Q. He, I think, was in the grey team; is that right?
- 18 A. That's correct, yes.
- 19 Q. What did he say to you when you met him?
- 20 A. He told me that the grey team had been called out,  
21 deployed to, and were going to be briefed in the office  
22 that morning.
- 23 Q. Did you go with him anywhere as a result of that?
- 24 A. Yes, well, initially I met him in the lift or office,  
25 and the briefing was going to be there, but then he

1           received a phone call, someone received a phone call to  
2           say it was going to be at New Scotland Yard, so we  
3           travelled to New Scotland Yard for that briefing.

4   Q.   So you started off in another building, was that  
5           Tintagel House?

6   A.   Yes, it was, sir.

7   Q.   There is no secrecy about that.

8   A.   Okay, thank you for that as well.

9   Q.   That's been revealed in the past. That's quite near New  
10          Scotland Yard, just across the river?

11  A.   That's correct.

12  Q.   You met him in the lift at Tintagel House and went with  
13          him to New Scotland Yard?

14  A.   I went with somebody else. I got to New Scotland Yard.

15  Q.   Who was present giving the briefing once you arrived  
16          there?

17  A.   You will have to help me, sir, with codenames I'm  
18          afraid.

19  Q.   Was it somebody called Colin?

20  A.   Can I just explain something at this point.

21  Q.   Of course.

22  A.   My statement is completely separate and on its own.  
23          I have always done it that way and kept it that way. So  
24          when I wrote my statement, I have just put letter codes  
25          for who --

1 SIR MICHAEL WRIGHT: You used your own code system?

2 A. That's right, sir.

3 SIR MICHAEL WRIGHT: So we have to translate it twice.

4 MR HOUGH: I can translate between the three. Was it person

5 B according to your code?

6 A. Yes, it was.

7 Q. That's somebody we know of as Colin.

8 A. Right, okay, thank you.

9 Q. Was another officer a Mr Whiddett present for that

10 briefing?

11 A. Inspector Whiddett, yes.

12 Q. We have heard that that briefing took place at about

13 quarter to 8 in the morning, does that accord with your

14 recollection?

15 A. I thought it was a bit earlier, but if that's how it's

16 recorded, then that may well be right.

17 Q. What information was given at that briefing?

18 A. We were given a general update as to what had happened

19 the day before about the failed bombing.

20 Q. You and the whole grey surveillance team?

21 A. Yes.

22 Q. Go on?

23 A. We were provided with details of three suspects thought

24 to be responsible for those attempted bombings, and do

25 you want me to go on?

1 Q. Yes, please.

2 A. The first suspect was named as Hussain Osman. The  
3 second was Abdi Samad Omar. Both of these suspects had  
4 links to an address of 21 Scotia Road, SW2. We were  
5 told that the red surveillance team was currently  
6 covering that address. We were further told that  
7 another address identified to the suspect Omar was  
8 provided as 61 Portnall Road W9, and another  
9 surveillance team was currently covering that address.  
10 Sorry, are you aware of what that surveillance team is  
11 called?

12 Q. That's the blue team.

13 A. Yes, the blue team was covering that address. Then we  
14 were given a name of a third suspect as being  
15 Elias Girma; I don't believe I was told anything more  
16 about that person than that, just a name. The grey team  
17 were told that they were going to deploy to assist the  
18 red team at 21 Scotia Road.

19 Q. Were they given any information about a strategy or aims  
20 of the operation?

21 A. As I understood it, the objective of the operation was  
22 to observe the address, each address, any person leaving  
23 would be followed by the surveillance team, and  
24 a subject would then be stopped by an S019 firearms  
25 team.

1 Q. Could we have on screen, please, documents page 377. Is  
2 this a copy of notes you made during the briefing?

3 A. Yes.

4 Q. Do we see there on the first page reference to Osman and  
5 Omar, reference to the gym membership card, the gym  
6 membership records which provided their names?

7 A. Yes, that's correct, and underneath is the address of  
8 the gym.

9 Q. Yes, on Wandsworth Road?

10 A. That's correct, yes.

11 Q. Then further down Jeffrey Obwona, also known as  
12 Elias Girma and his codename?

13 A. That's correct, yes.

14 Q. And then a registration number, black Primera registered  
15 to 61 Portnall Road, reference to Omar and then  
16 vehicle 1 outside Scotia Road?

17 A. That's correct.

18 Q. Was that all information provided in the briefing?

19 A. It was, yes.

20 Q. Can we move on to the next page, please. On the  
21 left-hand side we see another address with Girma in  
22 brackets, Mitcham Lane, then Corfe House, reference to  
23 Derek. Was he somebody from the other surveillance  
24 team?

25 A. He was from the red surveillance team. If I can just

1 point out, my briefing notes, as it were, from that  
2 briefing I believe it ended at the Corfe House entry.  
3 All the other entries were later on in the day. So the  
4 first page and that second half page is from the  
5 briefing notes I made then.

6 Q. So the next page so what we see on the right of the  
7 screen at the moment, when did you write that?

8 A. When I was in the operations room and on the bottom half  
9 of the first page you see.

10 Q. So we will continue on to that, if we may, Scotia Road  
11 and then reference to Mr Purser, who was the  
12 Silver Commander, who has been blacked out because he  
13 was at one time anonymised?

14 A. Right, okay.

15 Q. If you are looking for your code, Silver is person H.

16 A. Okay, thank you.

17 Q. Then a reference to holding at Nightingale Lane and  
18 Portnall Road Merrick Rose, he was the Silver Commander  
19 for Portnall Road?

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

21 Q. Can you recall when you wrote the words "holding at  
22 Nightingale Lane" what they refer to?

23 A. Yes, I can. When I completed the briefing with the grey  
24 team, I approached Mr Whiddett, asked him what role  
25 there was for me, what did he want me to do, because as

1           a planning officer, my role was defunct because this was  
2           an immediate response kind of surveillance operation.

3           He asked me to relieve what Colin had been doing that  
4           night, which was being the general runner for our  
5           surveillance superintendent, which was what I was going  
6           to do. But I was then re-assigned by somebody else to  
7           be the Silver firearms liaison within the ops room.

8   Q.   Perhaps we can take that in stages. We can take it off  
9           the screen and we can come back to it.

10                So you go to Mr Whiddett, you get your new  
11           instruction, I think that was to act as a runner  
12           specifically for a superintendent called Connell; is  
13           that right?

14   A.   That's correct, yes, sir.

15   Q.   You went I think to the operations room?

16   A.   I did, yes.

17   Q.   What time did you arrive there?

18   A.   It was within five minutes after the briefing  
19           concluding.

20   Q.   In your second witness statement -- this isn't a memory  
21           test -- you said it was at sometime between 7.30 and  
22           8 o'clock?

23   A.   Yes.

24   Q.   That's about the right time, is it?

25   A.   That's how I remembered it, yes.

- 1 Q. Turning to the room when you arrived, we have seen  
2 photographs and plans of the room, and I can show them  
3 to you again if you need to and I am sure you are very  
4 familiar with it?
- 5 A. I am, yes.
- 6 Q. What number of people were there in the room when you  
7 arrived?
- 8 A. There were a lot of people in the room. It would be  
9 difficult for me to guess. A lot more than I was used  
10 to seeing in the room. I can guess a number, if you  
11 want me to, at that time.
- 12 Q. You gave a number in your statement, so I don't know if  
13 you would hazard a number now?
- 14 A. I think if I remember in my statement I was hazarding  
15 a number as to the amount of, how it differed during the  
16 day and a general number. I can't remember what that  
17 number was.
- 18 Q. I think you gave the number of 40?
- 19 A. That would be a fair estimate. It fluctuated, sometimes  
20 more, sometimes a little less, but around 40 would be,  
21 I would say, accurate, yes.
- 22 Q. What was the noise level in the room when you arrived?
- 23 A. It was busy, there was a lot of activity, it was almost  
24 overwhelming, if I can put it that way, when you walk  
25 into a room where there is so much activity going on,



1           and at that point I didn't know the first thing as to  
2           what was going on or what I was going to do. It was  
3           almost overwhelming at the time. I think that was more  
4           what I remembered more than any noise, to be honest,  
5           I think obviously people were all doing their jobs and  
6           that created some noise, but nothing overwhelming by  
7           noise standard. What I mean is just the scene I was  
8           greeted with, if I can put it that way.

9       Q. Over the course of that morning, did the level of noise  
10       or simply activity in any way impair your ability to do  
11       your job?

12      A. No, not my job, no, sir.

13      Q. Did the level of noise force people to shout to be  
14       heard?

15      A. No, I didn't feel so, sir. I heard one officer shouting  
16       at times in the operations room, mainly for quiet and  
17       for people to leave that weren't there ... there was the  
18       general noise level was all people doing their job or  
19       having their pockets of conversation, I didn't feel --  
20       I didn't feel that the noise was in excess, no.

21      Q. So your initial job when you arrive is to be a general  
22       runner. Were you given a new task after you had  
23       entered?

24      A. Yes. I initially met with Mr Connell, said "I have just  
25       been assigned as your runner" and he was happy with

1 things at that time, didn't require me, and told me he  
2 would contact me if he needed anything. As I was  
3 leaving the operations room, I was then stopped by  
4 a Chief Inspector who then told me that he had another  
5 role for me.

6 Q. Was that Chief Inspector Noel Baker?

7 A. It was, yes.

8 Q. And what role did he tell you?

9 A. He told me that he needed me to be the Silver firearms  
10 liaison within the operations room and he introduced me  
11 to the main Silver tactical adviser in the operations  
12 room.

13 Q. Pausing there, Silver firearms liaison may mean a great  
14 deal to you but we are still getting used to all these  
15 different roles. What did you expect that to involve  
16 when the title was given to you?

17 A. To be honest with you, sir, I didn't know because it was  
18 completely new to me as well that day, I had never done  
19 it before, it wasn't given -- it was not something I was  
20 familiar with. So when it was given to me, I needed to  
21 be briefed, I needed to know what that was about, and  
22 that was provided to me by the tactical adviser in the  
23 operations room.

24 Q. Was that Mr Esposito, Trojan 80?

25 A. It was, sir, yes.

- 1 Q. What did he tell you to do?
- 2 A. He told me that my role was to liaise between himself in  
3 the operations room and the Silver, Silvers on the  
4 ground as it were, and the team leaders, and it would be  
5 a two way flow of information. When he needed points to  
6 put across, he would tell them to me, I would ring down  
7 to them and if they had problems, they would ring up to  
8 me and I would bring them to his attention.
- 9 Q. Were you aware that he had another channel of  
10 communication to those officers who were on the ground?
- 11 A. I was aware that he was going to liaise with the  
12 tactical advisers that were with the firearms teams.
- 13 Q. We have heard one of them referred to as Trojan 84.
- 14 A. Right, okay, yes.
- 15 Q. Were you then introduced to any other senior officers?
- 16 A. Yes, I was introduced by Mr Esposito to Commander Dick.  
17 She explained to me that it was also part of my role  
18 that if an incident occurred, I needed to get an open  
19 line for her so that she could speak to Silver  
20 immediately.
- 21 Q. So you have been given those instructions, that  
22 information --
- 23 SIR MICHAEL WRIGHT: Could I ask, Mr Hough: are you  
24 a firearms trained officer?
- 25 A. I am sir, yes.

1 SIR MICHAEL WRIGHT: Specialist firearms?

2 A. No, sir, just for the role that I --

3 SIR MICHAEL WRIGHT: For the Special Branch branch job?

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

5 MR HOUGH: Just to be clear about this, there are quite

6 a number of officers in the force who are authorised

7 firearms officers or AFOs.

8 A. That's correct, and there are different levels. I am

9 the basic level, as it were. I carry it primarily to

10 protect myself when I am carrying out surveillance work,

11 that's the training I have received.

12 Q. Then quite separate is the special division CO19 of

13 those who do various types of specific firearms work?

14 A. If there was a scale, I would be at one end and they

15 would be right at the other end, so they are very highly

16 trained.

17 Q. And even within that department we have heard there are

18 different gradations?

19 A. Okay, I wasn't aware of that.

20 Q. Can we have tab 20 of the jury bundle, the plan, on the

21 screen. You will be shown a plan of the room. Focusing

22 on the operations room, can you indicate where you took

23 up position?

24 A. Yes. I sat at seat C1 which is on the right-hand side

25 of the screen.

- 1 Q. Yes, we can see that. Did you remain in that seat?
- 2 A. I mostly did, yes.
- 3 Q. When you had got to that seat, what was your first task?
- 4 A. My first task was to make contact with the people
- 5 I needed to liaise with. I was informed by Mr Esposito
- 6 and shown a white board behind where he was sitting of
- 7 the information that you have seen noted in my notebook,
- 8 who was who at each scene.
- 9 Q. Perhaps we can go back to that now, 378.
- 10 A. Yes.
- 11 Q. On the right-hand side of the reproduced notebook,
- 12 Silver under the word "Scotia Road", that's Mr Purser?
- 13 A. Yes.
- 14 Q. Is that what you wrote at this point?
- 15 A. If I could say the right-hand page would be an exact
- 16 copy of what was on that white board at that time, so it
- 17 was -- what's blacked out other than the names is the
- 18 mobile phone numbers of the people so that I could make
- 19 contact with them as well.
- 20 Q. The next reference, "holding at Nightingale Lane" and
- 21 then TA which is short for tactical adviser and then
- 22 Trojan 84's name?
- 23 A. That's correct, yes.
- 24 Q. "Holding at Nightingale Lane", what did you understand
- 25 by that?

- 1 A. At that time I understood that to mean that's where the  
2 firearms teams were, and they were, as it says, holding  
3 at Nightingale Lane.
- 4 Q. Was that something that was up on the white boards or  
5 was that something somebody told you?
- 6 A. No, that's what was on the white board. I remember  
7 clearly copying completely what was on that white board  
8 at the time on that page.
- 9 Q. Thank you very much. Can we move to the next page, 379.  
10 Just help us, because we will come back to it if  
11 necessary, but on the left-hand side of the page, are  
12 those things that you wrote later?
- 13 A. Yes.
- 14 Q. We will take that off screen, and if you can give us  
15 an indication of when you wrote those and we will come  
16 back to it.
- 17 A. Okay.
- 18 Q. So at this point, you have noted that the firearms team  
19 holding at Nightingale Lane, did you know where the  
20 surveillance teams were?
- 21 A. Yes, I knew which teams were at each address, yes.
- 22 Q. So both grey and red at --
- 23 A. At Scotia Road.
- 24 Q. -- at Scotia?
- 25 A. Blue at Portnall Road, yes.

- 1 Q. All of this, when you are writing this down, is this  
2 still in the very early stages of the period you are in  
3 the room?
- 4 A. Yes, it was, it took me a little while to get to grips  
5 with my role, to be honest with you, to understand what  
6 was happening in the room at that time, who I needed to  
7 contact and how as well. I also needed to organise  
8 a direct line, that took me a little bit of time to  
9 establish as well.
- 10 Q. Did you make contact with the two Silver Commanders in  
11 due course?
- 12 A. I did, sir, yes.
- 13 Q. What information did you pass to them and did they pass  
14 to you?
- 15 A. The Silver Commanders?
- 16 Q. Yes.
- 17 A. I just explained to them what my role was, namely that  
18 I am here, if you need anything to pass on to the tac  
19 adviser or into the ops room, I am here to provide that,  
20 and any information that he gives me to pass on to you,  
21 I will pass on. Then I was able to provide them with  
22 a direct line to call that will come straight through to  
23 my desk if they needed anything in the operations room.
- 24 Q. Did they tell you anything about what their plans were,  
25 when they planned to arrive, anything like that.

1 A. No, sir, as far as I was concerned, they were happy they  
2 had no problems. It was more a conversation: have you  
3 got any problems, no, this is my role, if you need  
4 anything this is the number to call me on and explain my  
5 role further.

6 Q. Thank you. Did you then make any contact with the  
7 surveillance teams?

8 A. Yes, I did. I spoke to the team leader of the red team.

9 Q. That's somebody we are calling Derek?

10 A. Yes, sir.

11 Q. Roughly what time did you make that call?

12 A. I believe it was -- I believe it was about 8.30ish.  
13 I can't be precise as to when it was.

14 Q. At the trial you said between 8.15 and 8.30?

15 A. I think that's as accurate as I can be, sir, yes.

16 Q. What did Derek say to you during that call?

17 A. He was initially very upset, I know Derek as a team  
18 leader, I work in the surveillance department, I knew  
19 him well then, and he was very upset, if I can put it  
20 that way. He had told me that he had had a number of  
21 concerns that he had brought up a number of times, and  
22 they weren't listened to.

23 Q. Can I just pause there. Did he say who he brought them  
24 up with?

25 A. He didn't, no. I think he gave a number to me three



1 times, he had spoken to someone or I was the third,  
2 I can't recall how that was. But he was very annoyed  
3 and it took me a little while to just calm him down,  
4 basically, and say, "Tell me the problems and I will set  
5 to resolve them". So once he had calmed down and told  
6 me the problems we went on from there.

7 Q. What were the problems?

8 A. He gave me three main reasons, I remember him saying: in  
9 order of importance, these are the problems. He said  
10 the first problem was that he felt the SO19 firearms  
11 team were too far away. He suggested that they should  
12 be moved from Nightingale Lane and went to a TA Centre  
13 which was not far from the address they were plotted up  
14 at.

15 He said that he was concerned that there was easy  
16 access to buses outside the address, his specific worry  
17 was that a subject would come out and go straight on to  
18 a bus and the bus itself would be subject to a bomb  
19 attack, because we were obviously looking for failed  
20 bombers from the day before.

21 Thirdly, he --

22 Q. Before you go on to the third point, did he say anything  
23 about how that might be resolved or did he just present  
24 it as a problem?

25 A. He did, he was saying: "We need the bus stop suspended",

1       the bus stop is directly outside, he can be out and  
2       straight on to a bus, and there would be not much that  
3       the surveillance team could do about it.

4   Q. Did he say anything about the bus route or which stop he  
5       was talking about?

6   A. He didn't and he described it to me at that time as  
7       being outside the block, I envisaged it as coming out of  
8       the block and you are almost immediately near a bus  
9       stop. That's how he described it to me, I didn't go  
10      into it further with him.

11   Q. You are going to give us the third concern that he rose?

12   A. The concern was that the team only had a view of the  
13      communal door and what would happen if -- what would be  
14      the procedure regarding stopping people coming out of  
15      that address that were not subject, for instance, and he  
16      gave me the example of a woman and child.

17   Q. Just pause there. He is saying people coming out of  
18      that address, does he mean coming out of the block or  
19      does he mean coming out of the flat that they are  
20      concerned with?

21   A. The communal door. The surveillance team only had  
22      control of the communal door, and he was concerned  
23      that -- what happens to people that are not the subject  
24      coming out of that communal door, what do we do with  
25      them?

1 Q. At the stage that you had that conversation, were you  
2 aware either through him or through anybody else that  
3 people had in fact come out of the communal door?

4 A. No, sir, I wasn't.

5 Q. Because in fact if this was, this conversation -- well,  
6 let us not put a time on it, but there was certainly two  
7 people we knew of came out before 8 o'clock. Did he  
8 mention either of those?

9 A. I later found that out, sir, but at the time he didn't  
10 mention it and I wasn't aware of it.

11 MR HOUGH: Thanks very much. Perhaps that would be  
12 a convenient moment, after we have had the concerns and  
13 before we move on to the next stage.

14 SIR MICHAEL WRIGHT: Very well. 2 o'clock, please, ladies  
15 and gentlemen.

16 (1.00 pm)

17 (The short adjournment)

18 (2.00 pm)

19 (In the presence of the jury)

20 MR HOUGH: Continuing from where we left off, Derek, the red  
21 team leader, has expressed his three concerns.

22 A. Yes.

23 Q. Firearms team too far away, easy access to bus stops,  
24 communal door, what do we do about people coming out who  
25 aren't the suspect?

1 A. Yes.

2 Q. When you have had those concerns passed to you, what do  
3 you do about passing them on?

4 A. It would help me if I could demonstrate where people  
5 were in the operations room.

6 Q. Would you like to have the plan back on?

7 A. Yes, please.

8 Q. If we could have the plan at tab 20. Then focus again  
9 on the operations room, just to increase the size.

10 A. Okay, so I was sat at seat C1, that's where I made my  
11 phone call to Derek. Once that call had ended and he  
12 passed on the message that we have discussed,  
13 Mr Esposito was sat I would say between -- is it A3 and  
14 A4? There was a seat between that on that day, and his  
15 loggist would have been sat at A3. So I made the point  
16 of coming behind and crouching between the two of them,  
17 in order to tell him the contents of that conversation.

18 At that time, Commander Dick was stood on the other  
19 side of the desk facing Mr Esposito whilst I passed this  
20 message.

21 Q. So just where we see the words "operations room"?

22 That's where Commander Dick was, was it?

23 A. I would say more where it says "Brent phone", so just to  
24 the left of "operations room". So Mr Esposito's chair,  
25 as it were, was where it says "paging", does it say

1           "despatch box"?

2   Q.   I think so, yes.

3   A.   In between A3 and A4 there is a word and his chair was

4           about there.

5   Q.   So you are passing on the concerns to Mr Esposito?

6   A.   Yes.

7   Q.   In how much detail?

8   A.   In the same detail it was given to me. I went through

9           each point individually to him and he answered them.

10   Q.   So point by point, what were his answers?

11   A.   Can I just describe that when I was speaking to him,

12           much like when you speak to me, he was not looking at

13           me, he was looking at the commander, and when he was

14           answering, she was nodding her approval that those

15           answers were correct.

16           So with the first point, I told him that Derek felt

17           strongly that the S019 teams were too far away, and he

18           wanted them to move to the TA centre which was nearby

19           and more suitable, and he told me that that was being

20           researched, the TA Centre is being researched.

21   Q.   Mr Esposito tells you the TA Centre is being researched?

22   A.   Yes.

23   Q.   Did he say by whom?

24   A.   No he said "researched", I remember saying -- answering

25           him with the same word "researched?" as a question, and

1           then he said "researched" and we left it like that.

2   Q.   Point 2?

3   A.   I mentioned that I said Derek's concerned about buses  
4       directly outside the premises, he's concerned that  
5       a subject could come out of the communal door, be  
6       directly onto a bus and that bus could be the subject of  
7       an attack. So there was concern about that, and wanted  
8       to know what the situation was with the bus stop.  
9       Mr Esposito told me "that bus stop has been suspended".

10  Q.   Did you point out or describe in detail which bus stop  
11       you were talking about before he said it had been  
12       suspended?

13  A.   I didn't, I described it as the bus stop outside the  
14       communal block, which is the way it was described on me  
15       in the phone call.

16  Q.   Did he need to speak to anybody before giving you that  
17       answer?

18  A.   No. Every time I asked him a question, he gave me the  
19       answer but he was looking at the commander and she was  
20       nodding, approving his answer as being correct. It was  
21       almost like he was just double-checking himself.

22  Q.   And the third point?

23  A.   I said the team want -- Derek wants to know what to do  
24       should someone come out of the communal door that's not  
25       the suspect. And I used the phrase that was given to

1 me, what if a woman and child come out of the communal  
2 door, what is the procedure then? He told me again  
3 looking at the commander that any person coming out of  
4 the communal door will be stopped by S019 officers and  
5 it will be the decision for the tactical adviser on the  
6 ground as to how that stop will happen. So, for  
7 instance, if it is a woman and child, it would be just  
8 a police presence stop, but S019 officers. If it is  
9 anything more than that, obviously the escalation will  
10 rise.

11 Q. Did you know at this stage where S019 teams were?

12 A. As far as I was aware, the team for Scotia Road was at  
13 Nightingale Lane.

14 Q. Did Mr Esposito say anything about what would happen  
15 while they were at Nightingale Lane, what would happen  
16 about intercepting people before S019 got there?

17 A. No. My understanding from the conversation I had with  
18 him was that 19 will do any interception, so they will  
19 travel from Nightingale Lane and do an interception,  
20 which highlighted the point about the TA Centre, the  
21 concerns that Derek had about the TA Centre.

22 Q. You say that Commander Dick was present for this?

23 A. Yes, she was.

24 Q. Was hearing what Mr Esposito was saying and was nodding  
25 her agreement?

- 1 A. She was, sir, yes.
- 2 Q. I have to put to you as a matter of fairness, her  
3 evidence is she was not aware of all these concerns, and  
4 in particular has given evidence that the bus stand was  
5 not suspended, certainly that it was her order that the  
6 bus stand should not be suspended, and that before S019  
7 got there, the surveillance teams were using their own  
8 judgment, subject to her direction, about people coming  
9 out. Are you able to comment on that at all?
- 10 A. I can tell you that absolutely I can -- I gave my  
11 concerns to Mr Esposito, he answered to the commander,  
12 she nodded her approval to those answers, she was party  
13 to the conversation I have outlined. I am 100 per cent  
14 positive of that, sir.
- 15 Q. You have had the responses from Mr Esposito. Did you  
16 pass them on to Derek at this stage?
- 17 A. Yes, I went back and I phoned Derek and gave him the  
18 replies to those concerns he had.
- 19 Q. Was he satisfied with them?
- 20 A. No, he wasn't, sir, he was further concerned, he went  
21 into more detail about the bus stops, saying there was  
22 a number of them, it's not just a case of just one bus  
23 stop, we need to suspend the bus stops around the  
24 address. When I say suspend, I'm not talking about  
25 going and doing anything to the bus stop, it's literally



1           the bus driving past the stop, the bus stop not being in  
2           use. So I then took that concern back to Mr Esposito,  
3           and left that concern with him to deal with.

4   SIR MICHAEL WRIGHT: Did you know the area?

5   A. No, sir, I wasn't familiar with that, no.

6   MR HOUGH: Did Derek contact you again at any stage?

7   A. Not prior to the incident we are talking about, no, sir.

8   Q. So between that conversation where you give him  
9           Mr Esposito's answers and the time that Mr de Menezes  
10          comes out and is followed, and ultimately is shot?

11   A. Yes, I had no further contact with Derek.

12   Q. Thank you. The time comes, as we all know, that  
13          Mr de Menezes, obviously not known to be Mr de Menezes,  
14          comes out of the block at Scotia Road. How soon after  
15          did you become aware that he had come out?

16   A. I became aware that a male had left the premises.  
17          I think it was -- from my recollection I think it was  
18          pretty soon after he had come out. I recall being stood  
19          in the middle of the operations room, I don't recall  
20          what I was doing, I recall being there, and I recall  
21          Mr Esposito stood next to me, and somebody has said  
22          "a male is out" and there was a little bit of confusion  
23          as to is a male out, is he not out, who is it, do we  
24          know --

25   Q. Can we have the plan back on screen, just to position

1           you at this point. You said you were in the middle of  
2           the operations room?

3    A. Yes.

4    Q. Can you help us with specifically where?

5    A. It was more to the left. I was stood in front of -- if  
6           you can see to the left you have chair L2, I was stood  
7           in front of that desk, in that general area between  
8           there and further back where it says "Aquarius PC".

9    Q. Now, the short table at the front with the S numbered  
10          chairs at it, we know is the table where the  
11          surveillance monitors were seated?

12   A. That's correct, yes, sir.

13   Q. So you were to the left of the leftmost surveillance  
14          monitor?

15   A. As I recall, to the left and behind in that general  
16          area. I don't recall exactly what I was doing there,  
17          but you know, I then became aware that a male had come  
18          out of the premises.

19   Q. At that point what was said about the identity of this  
20          person?

21   A. At that point it was unclear who the male was, if he was  
22          one of the suspects or not, it was unclear.

23   Q. Can we perhaps have page 379 of the documents on screen,  
24          this is back to your notes. The right-hand page we see:  
25          "5 foot 10, fattish face, blue jeans, stubble". To whom

1           does that refer?

2    A.   I believe that's a description of the person coming out  
3           of the block.  I can't remember when I wrote that,  
4           I can't remember why I wrote that.  After the notes in  
5           this book that are from that briefing I attended, this  
6           just became a bit of a jotting pad for me, either when  
7           I am talking to someone or on the phone to someone, just  
8           jotting things down, so I can't remember when I wrote  
9           that.

10   Q.   Thank you very much, that can come off screen now.

11                So you have got your impression that it was unclear  
12           who the male was?

13   A.   Yes.

14   Q.   If it was one of the suspects or not?

15   A.   Yes, sir.

16   Q.   Did that impression change as a result of what was going  
17           on in the room over the next 10, 20 minutes?

18   A.   Yes, sir.  I have to admit to being a little bit unclear  
19           as to the next couple of minutes because the next thing  
20           I became aware of was that the grey team were now behind  
21           this man rather than the red team.  So the initial  
22           "a male's come out" came from the red team.  Then I am  
23           a bit hazy as to how that changed over to the grey team,  
24           but the grey team were now behind this person and they  
25           were talking about him as being a possible for the

1           suspect Osman.

2   Q.   Who are you hearing this from?

3   A.   This is coming via the surveillance monitor area,

4           I can't say it was definitely from the surveillance

5           monitor, but it's definitely from that area of the ops

6           room, it was coming out that the grey team are now

7           behind this male and they believe it's a possible for

8           this suspect.

9   Q.   What did you do at this stage?

10  A.   I then went back to where I was sitting, to phone

11           through to Silver to have an open line for the commander

12           as I had been instructed.

13  Q.   That's Mr Purser?

14  A.   Sorry, yes, Mr Purser.

15  Q.   So you go back to get an open line to him; are you able

16           to do that?

17  A.   No, I am not. I made the call and it went directly

18           through to answerphone, which tells me obviously that

19           the person is on the phone, and I made four more

20           attempts and got the same result going through to

21           answerphone.

22  SIR MICHAEL WRIGHT: What were you using, a mobile phone?

23  A.   I was using the landline in the operations room.

24           I think it's shown on the diagram. If I can just make

25           it clear that if he was trying to ring me, it wouldn't

1           come -- it wouldn't be engaged getting through to the  
2           phone I was on because it had a number of lines and it  
3           would flash on my phone, so I knew that he was not  
4           ringing me but it was engaged.

5   MR HOUGH:   We have heard some evidence about calls he was  
6           making and we will hear more about those.

7   A.   Okay.

8   Q.   So you have tried, I think five times at this stage to  
9           get through to him and failed on each occasion?

10   A.   Yes, that's correct.

11   Q.   After that, do you become aware what's happening on the  
12          ground now?

13   A.   I was aware that the male was now on a bus, and he was  
14          still being followed by the grey team.

15   Q.   How are you hearing that at this stage, because now you  
16          are back a row?

17   A.   After I had finished my fifth phone call, as it would  
18          be, and got the answerphone, someone to my left,  
19          I believe a technical person was in the room, turned up  
20          a radio to my left so I could hear the surveillance  
21          commentary going on, and I heard that the male was on  
22          a bus.

23   Q.   By the surveillance commentary, do you mean what's being  
24          relayed by the grey team themselves?

25   A.   That's correct.

1 Q. Back to the operations room?

2 A. Their radio chatter, as it were, their commentary on

3 what was --

4 SIR MICHAEL WRIGHT: You say "they", would it have been just

5 the leader or all the officers you could hear?

6 A. It would have been all the officers of the team. They

7 obviously used their own radios in whatever capacity,

8 and that comes across on that radio in the operations

9 room.

10 SIR MICHAEL WRIGHT: You can hear it all?

11 A. Can hear most of it. There is certain radios that

12 require what we call a relay, and it's just procedure on

13 the team that someone will always relay things that are

14 being said. So I heard everything that was being said

15 on the team radio, be it through the relay or the

16 original announcements.

17 SIR MICHAEL WRIGHT: Or direct, as it were. I see.

18 MR HOUGH: This may be an obvious point but we have already

19 heard that sometimes a surveillance officer doesn't

20 immediately call in something he has seen because it may

21 compromise him, so there may be a delay in either him

22 giving that message himself or giving it through

23 a relay.

24 A. Right, okay.

25 Q. Is that right?

1 A. That can happen, yes.

2 Q. So you are at this point, you are hearing that the man  
3 is still on the bus under surveillance. At what point  
4 do you hear something else?

5 A. After that, the commander approached me and said: have  
6 you got an open line to Silver, and I had to say: no,  
7 and felt embarrassed by it because that's my job to get  
8 Silver on the phone. I had to explain: I have tried,  
9 I couldn't get through, I am trying again, and had to  
10 keep trying. So I then involved myself with that,  
11 another three times.

12 Q. Let us try to pinpoint this in time, if we can. At the  
13 time that the commander, Commander Dick, is asking you  
14 to get the open line to Silver --

15 A. Yes, sir.

16 Q. -- what's happening with the man on the bus?

17 A. As far as I can recall, is he's sat on the bus, and  
18 I can't recall where the bus was or anything more than  
19 he was on the bus at that time, sir. I believe it was  
20 the early stages of being on the bus, is all I can say.  
21 I don't know.

22 Q. Okay. So she's asked you this slightly embarrassing  
23 question --

24 A. It was embarrassing to me, because I see myself as being  
25 a professional person, I knew what my role was, my role

1        was: something is happening, get Silver on the phone and  
2        then when the commander comes up to a DC and says have  
3        you done what you are told and you haven't, for whatever  
4        reason, not saying it was my fault or whatever, but it's  
5        not the way I like to do things, obviously.

6    Q.   We all understand.   So you tried to get him on the phone  
7        again?

8    A.   Yes, I tried, I tried another three times, I am not sure  
9        if it was the third time -- I'm sure it was the third  
10       time that I then got him on the phone, and I think I got  
11       this wrong in the Health and Safety trial, I said to the  
12       judge -- I am sure I said the ninth, but I am positive  
13       it was the eighth.   We had the five, then the commander  
14       came up to me: have you got him on the phone, and  
15       I tried another three times and it was the third time  
16       I got him on the phone.

17   Q.   After you had got him on the phone did you speak to him  
18        yourself or did you just pass the phone over?

19   A.   I think he answered the phone, I just said: "here's the  
20        commander", or "hold for the commander" or something to  
21        that effect and gave the phone to Commander Dick.

22   Q.   How long did she then remain on your mobile phone?

23   A.   It wasn't a mobile phone, it was a landline.   It was  
24        throughout the incident, if I can put it that way.

25   Q.   Any idea of how many minutes?



- 1 A. I find it very difficult to gauge because things  
2 happened quite quickly. 15 to 20 minutes, but I am  
3 guessing.
- 4 Q. Could you hear what she was saying to Mr Purser?
- 5 A. I didn't hear her, I couldn't hear her say anything to  
6 Mr Purser. I don't recall her saying anything to  
7 Mr Purser. I don't know. Well, I didn't hear anything  
8 said to Mr Purser, no.
- 9 Q. While she was on the phone to him, did she stay in the  
10 same position, just facing you across the desk or --
- 11 A. She wasn't facing me, she was in front of my desk with  
12 her back to me right up against the desk because  
13 obviously she was using the landline and I was stood  
14 right up against the desk from the other side, as it  
15 were.
- 16 Q. At this point, what is Mr Esposito doing?
- 17 A. He then came and stood to the right of the commander, so  
18 this is in front of my desk to the right of her, and he  
19 had a cordless phone or a mobile phone he was using.
- 20 Q. Did you know to whom he was speaking?
- 21 A. I assumed he was speaking to the tactical adviser at  
22 Scotia Road, he was certainly speaking to someone, it  
23 would make sense that he was speaking to the tactical  
24 adviser.
- 25 Q. Did you overhear any of their conversation?

- 1 A. Yes, I heard a conversation, the commander was saying to  
2 Mr Esposito: "where are they" and he was saying on the  
3 phone to the tactical adviser: "where are you? You need  
4 to get there". It was generally along those lines all  
5 the time: where are they, and he was relaying that,  
6 where are you, you need to get there, and it was: "They  
7 are getting there" and comments along that line.
- 8 Q. Just on the last part, can you remember, you might have  
9 to think hard, whether anything was said about where  
10 they were by Mr Esposito to the commander?
- 11 A. No. It was only phrases like "they are making their  
12 way, they are getting there" something like that, it was  
13 never "they are in this road" or "they are this far  
14 away" or what have you, no.
- 15 Q. What's the next thing you hear from the surveillance  
16 commentary?
- 17 A. Through the radio commentary I was aware that the bus  
18 was approaching the Stockwell area. I was asked to put  
19 up a map on one of the screens by the commander, of the  
20 Stockwell station area.
- 21 Q. Pausing there a second. Which screen are you talking  
22 about now?
- 23 A. In the operations room in front of where the  
24 surveillance monitor sits, so basically at the front of  
25 the room, are a series of monitors up on the wall,

1           plasma screen and monitors.

2   Q.   Could we have tab 21, I think it's a third page under

3           the tab. Can you see on this photograph the screens you

4           are referring to?

5   A.   I can't see them on this. I think it's because of the

6           darkness of the area where the curtains are to the

7           right.

8   Q.   Can we go back one page, perhaps.

9   A.   Yes, I can see them in this picture. It's the top left

10          of the picture, really.

11   SIR MICHAEL WRIGHT: They are glass screens, are they?

12   A.   They are plasma TV screens .

13   SIR MICHAEL WRIGHT: Plasma television screens, and we can

14          see the papers reflected in them, they are switched off

15          obviously.

16   A.   Yes.

17   MR HOUGH: Above what look like to be curtains?

18   A.   That's correct, yes.

19          So I put a map up on this screen, which took me

20          a little while to figure out, but the computer that was

21          next to me had already had a map up there so it was just

22          a matter of figuring it out.

23   Q.   Are you able at any time just to locate, obviously given

24          a few minutes, a map of anywhere and put it up on one of

25          those screens?

1 A. If I can explain what map it was, it was a simple  
2 internet site map, map search thing that -- I think even  
3 before Google Maps, it was a simple thing that was on  
4 there already before I came in. I can't remember what  
5 map was there prior to me tampering with it, but it took  
6 me a few moments to figure out how to put the situation  
7 in there and it came up.

8 In answer to your question, you probably would be  
9 able to put an address up there, yes.

10 Q. You have put that map up, what happens next?

11 A. I could hear that the bus was near Stockwell, I put the  
12 map up, and then the male had got off the bus.

13 I remember hearing on the commentary that he's crossing  
14 towards the tube station, and I remember that causing  
15 alarm, if I can put it that way.

16 Q. Among who?

17 A. Within the operations room. I remember personally and  
18 I think the same sense happened in the rest of the ops  
19 room, Stockwell tube station, it was just, we knew that  
20 was -- I'm sure I knew that that was the start point  
21 from the day before.

22 Q. Where the suspects had entered the tube system from the  
23 day before?

24 A. Yes, sir. And on that day, any suspect, possible  
25 suspect, going towards a tube station, if I was doing

1       a commentary on somebody today and said: we are going  
2       towards a tube station, it doesn't mean too much but on  
3       that day it meant a hell of a hot, and I just remember  
4       it was almost like an intake of air within the ops room  
5       when that was said towards the tube station.

6   Q.   Air has been taken in, when it's exhaled, what do people  
7       start saying?

8   A.   I remember that the commander stated that the male could  
9       not be allowed to enter the tube station. When she  
10      spoke, she spoke very clearly and with authority. It  
11      was a clear command.

12   Q.   When she gives that command, who acts on it?

13   A.   It progressed from there that I could see from where  
14      I was, the surveillance monitor talking towards the  
15      commander, and vice versa and the surveillance monitor  
16      was on the phone to the team leader of the grey team,  
17      and he said -- I'm not sure if he said the S012 team or  
18      the grey team, I don't know if I have written it, but he  
19      said: "They are an armed team and they are willing to  
20      make the stop if you need them to". There was a short  
21      pause and the commander said: "S012 to make the stop".  
22      I just want to make sure I have got this right. (Pause).  
23      I then heard on the radio that S012 had gone to state  
24      red, which to me means --

25   Q.   S012 had gone to state red?

1 A. 12 -- I am sure I heard "S012 to state red". Then --  
2 sorry, can I just backtrack a little bit.  
3 Q. Of course.  
4 A. When the surveillance monitor had said: "S012 are  
5 basically offering, they are an armed team, they can  
6 make the stop", I remember the commander referred to  
7 Mr Esposito and said: "are they going to get there" and  
8 he referred to the tac adviser on his phone, and turned  
9 to her and said no.  
10 Q. She is then asking about the firearms team?  
11 A. Yes.  
12 Q. He says they are not going to get there and then what  
13 does she do?  
14 A. She then gives the authority for S012 to make the  
15 interception. Mr Esposito then moves away to the window  
16 area, and then I heard "S012 state red" and then  
17 Mr Esposito came back: "they are there, they are there"  
18 and she's then said "S019 to make the interception".  
19 Q. How long was there, as best as you can tell, between her  
20 giving the order for S012 to do the stop and her  
21 changing that order because of the new information and  
22 saying S019 should do it?  
23 A. It was relatively quick. I would say about a minute at  
24 the most. At a guess, about a minute at the most.  
25 Q. After you have heard that C019 have been given the order

1           to do the stop, what's the next thing you hear in the  
2           control room?

3    A.   The next thing I hear in the control room is that  
4           Mr Esposito to my left -- was now to my left and the  
5           commander was, I don't think she was on the phone any  
6           more, she was over to my left, and he told her that the  
7           subject -- suspect had been shot -- he had been shot,  
8           something like that, he had been shot, and that was the  
9           next thing I heard.

10   Q.   In your statement, and it's the bottom of the fourth  
11          page, you say that you heard that the male was  
12          descending the escalator, and that a train was pulling  
13          into the platform?

14   A.   Sorry.

15   Q.   You heard that, you say, before you heard of the  
16          shooting; is that right?

17   A.   That was before -- let me just get my ... (Pause). Yes,  
18          it was before the S019 authority was given, he was on  
19          the escalator at the time, I remember being concerned  
20          about that, because I remember hearing that the  
21          commentary on the radio that the male was on the  
22          escalator I remember hearing the words "train in, train  
23          in" which means obviously that a train is coming in, it  
24          means something in surveillance terms, that the team  
25          would close up, and then the S019 authority was given,

1           and I remembered being concerned about that.

2   Q.   This sequence of events is obviously important.

3   A.   Yes.

4   Q.   Are you clear and sure that you heard that the man was  
5           on the escalator before you heard the order for C019 to  
6           perform the stop?

7   A.   Yes, sir, I am.

8   Q.   Certainly a number of other witnesses including some  
9           senior officers have said that that information only  
10          came through after C019 had been given the order?

11  A.   I recall it, sir, because I became concerned, I became  
12          concerned because S012 had been given authority to make  
13          an interception, in my mind they are plain clothes  
14          officers drawing out officers, let us say. As  
15          a surveillance officer I know when you go into a tube  
16          station, you start going down the escalator, you start  
17          to lose your comms very quickly, if not before you get  
18          to that stage, and then the authority for 19 to go and  
19          make the interception, to me I thought that surveillance  
20          officers wouldn't have heard that, you have got other 19  
21          officers going in armed, plain clothes, and my personal  
22          fear -- and just my personal fear -- was that there  
23          would be what you call a blue on blue shooting, which  
24          would be police officers pointing guns at police  
25          officers.



1 Q. You have said about losing your communications very  
2 quickly?

3 A. Yes.

4 Q. Communications I think were lost very quickly after  
5 that?

6 A. Yes, sir.

7 Q. And then afterwards you hear of the shooting?

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

9 MR HOUGH: Thank you very much.

10 SIR MICHAEL WRIGHT: Mr Mansfield.

11 Questions from MR MANSFIELD

12 MR MANSFIELD: Yes, good afternoon, I am Michael Mansfield,  
13 I represent the family of Jean Charles de Menezes,  
14 I have only two questions.

15 Just taking up the last one, if we could have the  
16 decision log on screen, please, of Commander Dick, as  
17 she was then, decision 18 which is on page 80, the jury  
18 have it in their dividers.

19 For convenience it's now on the screen. Have you  
20 ever seen this before?

21 A. Sir, I was advised, I was given legal advice to watch  
22 Commander Dick's testimony, as it were, to this board.  
23 But before then, no.

24 Q. All right, it's just this is a decision to send in C019  
25 right at the end, and you will see it says: "C019 to

1       arrest subject if possible in Underground station before  
2       enters tube train" and then you will see the reason is  
3       that they are now up with S012, "subject has gone down  
4       the escalator".

5               That's your recollection?

6   A.   Yes, sir.

7   Q.   One other question: did you at any time in the  
8       proceedings, once the man had left the premises, by  
9       which I mean the block in Scotia Road, ever hear any  
10      words to the effect that you could be sure it was  
11      Nettle Tip "I am certain" or "I believe" or any words to  
12      that effect?

13  A.   No, sir.   The strongest I heard or was aware of was  
14      a good possible, they are calling him a good possible  
15      for Nettle Tip.

16  MR MANSFIELD:   Thank you.

17  SIR MICHAEL WRIGHT:   Yes, Mr Gibbs.

18                       Questions from MR GIBBS

19  MR GIBBS:   Just one area, please, if I may, Nick.

20      I represent the red and grey surveillance teams and the  
21      only thing I want to ask you about is your memory that  
22      you have just told us about of hearing something about  
23      S012 going to state red.

24               I don't know whether that would really make any  
25      sense?

1 A. That's what I recall hearing, sir.

2 Q. I wonder whether the confusion may arise in this way:

3 when the firearms leader or the firearms tactical

4 adviser or the firearms Silver calls state red, which

5 means that S019 are going to move up and make the stop;

6 yes?

7 A. Yes.

8 Q. He or she will put that state red out onto the Cougar

9 surveillance radio channel, won't he?

10 A. That's correct, yes.

11 Q. To make sure that the surveillance have heard it?

12 A. Yes.

13 Q. If, of course, they are at that stage in a place where

14 they can still pick up the Cougar radio?

15 A. Yes, that's correct, sir, and state red would be when

16 they are actually going to do it rather than moving up,

17 that would be what I would describe as amber.

18 Q. I wonder whether the confusion about S012 and state red

19 may actually have been state red being called for S019

20 but being called through the surveillance radio?

21 A. I recall hearing "S012 state red". I then recall

22 hearing "19 state red" after that.

23 SIR MICHAEL WRIGHT: Do you mean by that that when whoever

24 it was said "state red", he preceded it with "C012", he

25 actually said "C012"?

1 A. Yes, sir, yes.

2 SIR MICHAEL WRIGHT: Yes.

3 MR GIBBS: Who do you think said that?

4 A. I don't know who said it, it came over the radio,

5 I don't know who said it.

6 MR GIBBS: Thank you very much.

7 SIR MICHAEL WRIGHT: Yes, Mr Singh.

8 Questions from MR SINGH

9 MR SINGH: Nick, I represent C2 and C12, the specialist

10 firearms officers. Just a very few questions, if I may.

11 I wanted to concentrate on the words you recall

12 Commander Dick using when ordering an intervention.

13 A. Yes, sir.

14 Q. You said in the evidence you just gave that the

15 commander said that the male cannot be allowed to enter

16 the tube. If you have a look at your statement, does

17 that assist you -- it's on page 124 -- as to the actual

18 words that she used that you recall?

19 A. I have written here, sir, "He cannot be allowed on the

20 tube.

21 Q. Those are in quotation marks?

22 A. Yes, sir.

23 Q. That order needs to be passed down the chain

24 effectively, doesn't it, to those on the ground?

25 A. Yes, sir.

1 Q. Then you were asked who acted on it; it's right, isn't  
2 it, that Chief Inspector Esposito then said certain  
3 words on the telephone?

4 A. Yes, he -- I remember him saying, I have muddled my  
5 papers up to be honest with you, but I remember him  
6 saying -- I remember saying more or less the same thing,  
7 "he cannot be allowed on the tube, we've got to get  
8 there, he cannot be allowed on the tube"; words to that  
9 effect.

10 Q. It was words to a similar effect to those said by  
11 Commander Dick?

12 A. Yes, sir, yes.

13 Q. I think in your statement you have said: "we cannot  
14 allow him to go to the tube", words very similar?

15 A. That would be correct, sir, yes.

16 MR SINGH: Nick, thank you very much.

17 SIR MICHAEL WRIGHT: Thank you. Mr Perry.

18 Questions from MR PERRY

19 MR PERRY: Thank you.

20 Mr Nick, I represent Cressida Dick and I am  
21 David Perry.

22 Mr Nick, may I just ask you first of all about the  
23 operations room, just focusing on that at the moment.

24 A. Can I ask you to call me "officer" or something,  
25 "Mr Nick" is very weird to me?

- 1 Q. I know it's really artificial.
- 2 A. I do appreciate the measures you have given me, but it  
3 does feel very weird.
- 4 Q. All right, officer. You can call me anything.
- 5 A. I'll wait until you have finished.
- 6 Q. May I then, officer, please, ask you about the  
7 operations room and you actually deal with this in your  
8 statement dated 3 July 2007, and it may be of assistance  
9 for you to have it just so we get it clear.
- 10 A. Yes.
- 11 Q. May we just put this in context so we see where we are?  
12 You had made your original statement, your first  
13 statement, on 18 August 2005?
- 14 A. Yes, sir.
- 15 Q. Then you made the other one on 3 July 2007, and it's in  
16 the July 2007 statement in which you deal with the  
17 atmosphere and working environment in the operations  
18 room.
- 19 A. Yes, sir, I was contacted in July 2007 by the IPCC to go  
20 to their offices and conduct a further interview to  
21 clarify certain points, yes, sir.
- 22 Q. I wasn't going to go into this but as you have mentioned  
23 it, the first statement you made back in August 2005,  
24 you had actually prepared that yourself --
- 25 A. Yes, sir.

1 Q. -- without anyone prompting you?

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

3 Q. Almost a month afterwards, trying to get something down

4 on paper?

5 A. Yes.

6 Q. And then the one in July 2007, that was in response to

7 a specific request --

8 A. Yes.

9 Q. -- from the Independent Police Complaints Commission?

10 A. That's correct, yes.

11 Q. So that's the sequence. In the earlier statement there

12 is nothing about the working environment in room 1600,

13 you deal with all of that aspect of your evidence in the

14 later statement?

15 A. Yes, sir, I recall that.

16 Q. Just to be fair so we get, I hope, a clear picture: in

17 your statement of July 2007, you say:

18 "This was a unique operation".

19 A. Yes, sir, it was.

20 Q. I am looking at page 2. I'm going to go through this

21 and just ask you to expand on things in a particular

22 way, if that's all right, officer. So if you could have

23 the statement. First of all you say:

24 "This was a unique operation."

25 Just so we understand it, you had certainly never

1           come across anything quite like this before?

2    A.   No, sir, not at all.

3    Q.   Were there a number of aspects to the unique nature of  
4           this operation, first of all the search for people who  
5           had failed to detonate explosive devices on the  
6           transport system; and secondly, the number of  
7           departments at Scotland Yard who were being brought  
8           together to search for those who had been responsible?

9    A.   That's correct, sir. I have never been part of that  
10          operation, kind of operation. Taking just the attempted  
11          bombings aside, I have never been part of an operation  
12          where you had those units together and adding the fact  
13          that we had failed suicide bombers made it even more  
14          unique to me, yes.

15   Q.   You mentioned the anxiety that you personally felt when  
16          you realised that this person who had got off the  
17          number 2 was heading towards the tube station?

18   A.   Yes, sir.

19   Q.   That was your own personal anxiety; did you know about  
20          the day before that some of the bombers, we know at  
21          least three, but then it might have been known only one  
22          of them, had gone in through Stockwell tube station?

23   A.   I am not sure if it's that that I recall that caused me  
24          my anxiety or just the fact that it was a tube station.  
25          I can't help you with that. But I was anxious when we



1           heard that he was towards the tube station, yes.

2   Q.   Just concentrating upon the operations room for  
3           a moment, having said that it was a unique operation,  
4           but you say this:

5           "This was a unique operation but due to the amount  
6           of people in the operations room, I wasn't always aware  
7           of everyone's roles. That is not to say they didn't  
8           know what was expected of them."

9           So the point being made is you weren't aware of  
10          everywhere's roles, but from that we shouldn't take it  
11          that they didn't know what they were doing or there  
12          wasn't a command structure in place.

13   A.   Absolutely correct, sir. When I walked in, the  
14          operations room was up and running and other people knew  
15          their roles, knew what they were doing, yes, you are  
16          right.

17   Q.   Thank you. Then you go on just dropping down on this  
18          page in your statement and I am not going to read very  
19          much but there is a section in the next paragraph:

20          "When I initially walked into room 1600 between  
21          0730 hours and 0800 hours, it was overwhelming ..."

22          That's what you have told us in evidence today?

23   A.   Yes, sir.

24   Q.   Can we just read on:

25          "... but once I understood my role and my area, it

1           was fine."

2   A.   Yes, sir.

3   Q.   When you are talking about it being overwhelming --

4   A.   It's to me personally, sir, yes.

5   Q.   It may be it's this unique operation that you have never

6           seen the room in this sort of situation before, and it

7           was really that that was overwhelming?

8   A.   Yes, sir.  If I can make an example, when I walked into

9           this room today, it was overwhelming, but now being here

10          for a little while, I am a little bit relaxed.

11  Q.   Can I tell you every morning I walk into this room and

12          I find it overwhelming, and I am glad that you get used

13          to things, but that's, if I may say so, extremely

14          helpful because it gives us the idea.

15  A.   Okay, sir.

16  Q.   Then you say:

17                "It didn't affect the way I worked, having more

18                people in the room.  The noise was at a level which

19                meant people did not have to shout to be heard and

20                people could perform their roles."

21                Is that how you perceive --

22  A.   Yes, that's my recollection, sir.

23  Q.   You go on to say to be fair:

24                "The only shouting I heard was when an officer told

25                people to leave if they didn't have a role in the room.

1           This did not affect me as I was focused on room 1600 and  
2           Commander Dick".

3   A.   Yes, sir.

4   Q.   Just on that, the shouting, was that after the incident  
5           with which we are concerned? Was it later in the  
6           morning?

7   A.   I recall I think it was before. It happened on a number  
8           of occasions. I certainly recall at least once before  
9           the incident, yes.

10   Q.   But so far as the actual incident is concerned, I think  
11           when you gave evidence in the trial proceedings you said  
12           that during the incident itself the atmosphere in the  
13           room was very calm?

14   A.   Yes, it almost become what I would call like sterile,  
15           just focused on what was happening, and yes, calm.

16   Q.   Are we to take from that, because there are certain,  
17           I suppose there are different types of calmness, one  
18           type of calm may be where it goes quiet because people  
19           are actually concentrating on the work that they were  
20           engaged in at that particular time; would that be a fair  
21           way of putting it?

22   A.   Yes, sir, it would.

23   Q.   As far as Commander Dick was concerned, she appeared to  
24           be calm?

25   A.   Yes.

1 Q. And the instructions that she gave were clear and  
2 precise?

3 A. Yes, sir. She almost to me felt she took a little  
4 moment to think about what she was going to say and then  
5 she would say it clearly and concisely as you describe,  
6 yes.

7 Q. I do not want there to be any misunderstanding. Taking  
8 a pause to think about something and say it, are you  
9 conveying an impression of hesitancy or thoughtfulness?

10 A. Not at all, thoughtfulness, yes.

11 Q. So I just want to ask you one thing, because it's  
12 sometimes very difficult to get the sequence of events  
13 or times precise because I think in your first  
14 statement, if I may just ask you to draw your attention  
15 to that for a moment. In your first statement, just to  
16 remind everyone, 18 August 2005, the one that I made  
17 without any prompting --

18 A. Yes.

19 Q. -- you said in that statement and I am looking in the  
20 typed copy on the penultimate page.

21 A. Sir, I am working off my original print that I made on  
22 that day.

23 Q. The passage I am going to, you may recall it anyway, but  
24 I do not want you to not have it in front of you so  
25 everyone can just follow, it's:

1           "Due to the nature of the incident and the  
2           fast-moving pace of the inquiry et cetera, before and  
3           since the Stockwell incident it's difficult to be  
4           precise re: timings."

5           That's with regard to timings?

6   A.   Yes, sir.

7   Q.   "However, I would estimate that from the moment it was  
8           communicated that the male was seen leaving the communal  
9           door to the moment Trojan 80 [that's Mr Esposito] stated  
10          he was shot was about 20 minutes".

11   A.   Yes, sir, that's my estimation.

12   Q.   Don't worry, I am not going to criticise the estimate at  
13          all. You thought it was about 20, we know it's about  
14          30, so it's pretty good for a month later. But the  
15          significant point for this is you are acknowledging  
16          there it's difficult to be precise about timings?

17   A.   Yes, sir, it is.

18   Q.   Is it also fair to say that it would be difficult to be  
19          precise as regards the numbers of people in the room?

20   A.   Yes, sir.

21   Q.   Because you have given an estimate of 40, and I am just  
22          going to suggest that it was fewer than 40, possibly in  
23          the region of about 20, something like that?

24   A.   It would depend at which stage you are talking about,  
25          sir. I know it fluctuated constantly. I would say it's

1           more than 20 all of the time.

2   Q.   You would say it's more than 20?

3   A.   Yes, sir.

4   Q.   Would you accept that, as with timings, it can be

5           difficult trying to do your best?

6   A.   I wouldn't be able to tell you exactly how many people

7           were in there, as I wouldn't be able to tell you exactly

8           how long the incident took, but I would say it was over

9           20 all of the time, sir, yes.

10  Q.   Would it also be fair to say this: in the same way it's

11           difficult to be precise about timings, it's also

12           sometimes difficult to be precise about the precise

13           sequence of events?

14  A.   No, sir, I am happy I have got the sequence of events

15           correct, if that's what you are referring to.

16  Q.   Yes, you are happy about that?

17  A.   Yes, sir.

18  Q.   And I am not going to dispute that, but what I want to

19           explore is, as you have acknowledged in your statement

20           about it's difficult to be precise, it's also difficult

21           to be precise about the sequence of events?

22  A.   No, I don't accept that, sir. The reason I have --

23           I can't be sure about the times is I didn't really look

24           at times, I didn't note times down, it was just

25           happening, and we were dealing with that. I am certain

1 I have got the sequence correct, yes.

2 Q. On that basis, may I just ask you: you very candidly,  
3 and there is nothing wrong with this, said you have read  
4 some of the evidence that has been given, in particular  
5 Deputy Assistant Commissioner Dick. Can you actually  
6 now recall the involvement of Mr Dingemans, for example?

7 A. No, sir, I can't.

8 Q. Because there is telephone evidence of calls being put  
9 through to Detective Sergeant Dingemans, and Detective  
10 Sergeant Dingemans moving up to the number 2 bus to  
11 effect a discreet stop. You can't remember anything to  
12 do with that?

13 A. I don't recall anything to do with that, it was never  
14 brought to my attention or mentioned in my presence,  
15 sir, no.

16 Q. Do you recall the sequence of events when Commander Dick  
17 was asking for a percentage in relation to the  
18 identification? She was trying to get more information  
19 about the identification.

20 SIR MICHAEL WRIGHT: I think in fact it was Mr Boutcher who  
21 asked for a percentage.

22 MR PERRY: I think, sir, it was Commander Dick percentage  
23 and Mr Boutcher 1 to 10.

24 SIR MICHAEL WRIGHT: Quite right.

25 MR PERRY: Yes.

1 A. I recall somebody asking for 1 to 10, I don't recall the  
2 percentage question.

3 Q. The question about 1 to 10, that doesn't appear anywhere  
4 in your statements?

5 A. No, sir.

6 Q. But that's something that's jogged --

7 A. I can recall, yes.

8 SIR MICHAEL WRIGHT: It wasn't a question that was addressed  
9 to you anyway.

10 A. No, sir, it wasn't.

11 MR PERRY: No, but what was clear was that the two senior  
12 officers, Commander Dick and Mr Boutcher, were trying to  
13 obtain confirmation of the identification?

14 A. I think that was an ongoing thing throughout, sir, yes.  
15 I can't recall much about Mr Boutcher on that day, but  
16 I can obviously recall Commander Dick, yes, sir.

17 Q. You have explained that you can't recall anything about  
18 the involvement of Mr Dingemans. Can you recall any of  
19 the conversation about: "they think it's him, he's very,  
20 very jumpy"?

21 A. No, sir, I don't. I never heard a comment: "they think  
22 it's him". As I said, the strongest comment I got was:  
23 "it's a good possible", which I would understand as  
24 still not been identified, but it looks very much like  
25 the subject.



1 Q. But in the same way that you have told us that you don't  
2 recall the involvement of Mr Dingemans, there were  
3 clearly other things being said of which you were not  
4 aware?

5 A. Sir, I was focused at that time on the fact that the  
6 radio commentary on the left of me, the commander was  
7 directly in front of me, to her right most of the time  
8 was Mr Esposito, although he moved to and from the  
9 window, and the surveillance monitor directly in front  
10 of me. I can't tell you precisely what other people in  
11 the room were doing or indeed where they were.

12 Q. Just going a little bit earlier to the conversation with  
13 Mr Esposito, and just so you know what I am focusing on,  
14 you have told us about Derek's three concerns?

15 A. Yes, sir.

16 Q. And you presenting that to Mr Esposito and you have  
17 given the evidence in relation to Commander Dick being  
18 present as you express your concerns; and just so we are  
19 clear about this, this is something which does appear --  
20 so there is no doubt about it -- in your statement of  
21 August 2005. So the one that you made about a month  
22 after.

23 You say that Mr Esposito said that the TA Centre was  
24 being researched?

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

1 Q. And the bus stop had been suspended?

2 A. Yes, sir.

3 Q. And the procedure for stopping people from the premises

4 was that S019 would do the interception?

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

6 Q. What I am going to put to you, officer, and you have

7 already dealt with this in terms with Mr Hough, but it's

8 right and fair that I should put it to you, so far as

9 Mr Esposito is concerned, it wasn't said that the bus

10 stop was suspended, that was something that was actually

11 being considered and had been considered by

12 Commander Dick and it wasn't to be suspended?

13 A. No, sir. I was told it was suspended.

14 Q. And the procedure for stopping was that what was said

15 was that S019 would do interceptions but depending upon

16 what Commander Dick decided because it was going to be

17 referred to her in each case?

18 A. No, sir, it was specifically told to me that it would be

19 the tac adviser on the ground that would make the

20 decision as to how that stop would happen.

21 Q. I want to ask you a couple of things moving on almost to

22 the end of the incident, please. You have said that

23 what Commander Dick was saying, was this after the

24 subject had alighted from the number 2, "he needs to be

25 stopped before he goes into the tube" or words to that

1 effect?

2 A. Yes, sir. Because we had mentioned -- we had heard he  
3 was towards the tube and that's why she said that, yes.

4 Q. I just want to ask you: you have said, and it's based --  
5 it may be you have an independent recollection, I don't  
6 know, but in your statement you say that the grey team,  
7 the surveillance team, called state red. You have just  
8 been asked some questions about that.

9 A. I don't know who called it. I recall hearing that, yes.

10 Q. I just want to see if you can assist on a sequence, to  
11 see where we are. The state red being called was before  
12 you were aware that the person was going down the  
13 escalator?

14 A. No, sir, it was while they were on the escalator.

15 Q. You say that's while they were on the escalator?

16 A. Yes, sir, that's why I became concerned about it. In my  
17 experience, doing surveillance, going into tube stations  
18 I am aware of when you use radio communication. The  
19 fact that I heard they were on the escalator and I heard  
20 that on the radio, and the 19 authority was then given,  
21 gave me concerns.

22 Q. Yes, the way that you put it in your statement was that:

23 "I could hear from the radio that the grey team had  
24 gone to state red. I also heard that the male was  
25 descending the escalator and a train was pulling into

1           the platform".

2    A.   Yes, sir.

3    Q.   So on the basis of your evidence, we are to consider

4           that almost simultaneous?

5    A.   Yes, sir.

6    Q.   And the S012 order to do the stop and then the C019 to

7           do the stop, you said doing the best you can about

8           a minute?

9    A.   Yes.

10   Q.   I am going to suggest that it was almost simultaneous?

11   A.   It wasn't, it was not almost simultaneous, there was

12           a clear gap, I clearly remember Mr Esposito saying, "No"

13           to the commander, "they are not there". He then moved

14           away, she gave S012 the order, he then moved away to the

15           window, I remember him leaning on the railing, almost

16           facing the window, talking on the phone, and then coming

17           back and saying, "They are there, they are there", it

18           wasn't instantaneous, no.

19   MR PERRY:   Thank you very much, officer.

20   A.   Thank you.

21   SIR MICHAEL WRIGHT:   Mr King?

22   MR KING:   No, thank you.

23   MR HORWELL:   No, thank you, sir.

24                           Further questions from MR HOUGH

25   MR HOUGH:   Just one very small point.

1           You have been asked about your statement?

2   A.   Yes, sir.

3   Q.   Just to be clear, other people who have been asked about  
4       their statements gave statements to the IPCC after being  
5       called in, that's certainly the case of most of them.

6       How was your statement produced?

7   A.   Sir, when this incident happened, it was, we quickly  
8       moved on to try and find suspects that were outstanding  
9       and the operations continued and I couldn't, didn't  
10      focus on this at all until the conclusion of that.  
11      I was then fully expecting to be contacted to provide  
12      a statement. Up to a month after that, I hadn't.  
13      Things were coming out in the press, if I can put it  
14      that way, and I wanted to make sure I kept my mind clear  
15      and I made a statement of my own accord, and had it as  
16      a document until I was later asked to produce it, which  
17      I did.

18   MR HOUGH: Thank you very much.

19                   Questions from THE CORONER

20   SIR MICHAEL WRIGHT: A couple of matters, please.

21           Go back right to the beginning of your story, 7.45  
22      that morning when you moved from Tintagel House to New  
23      Scotland Yard and you sat in on the grey team's  
24      briefing.

25   A.   I did, sir, yes.

1 SIR MICHAEL WRIGHT: The whole team, was it?

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: Could you help us as to what

4 photographs or other visual aids were produced to the

5 grey team at that briefing?

6 A. Sir, I remember a two-page document with two photographs

7 on one page, and one photograph on another, and that's

8 all I can remember being --

9 SIR MICHAEL WRIGHT: Can you remember what they were?

10 A. They were photographs of the subjects.

11 SIR MICHAEL WRIGHT: One subject or two?

12 A. I cannot --

13 SIR MICHAEL WRIGHT: I am really testing your memory, so

14 don't worry too much.

15 A. It was two -- what I am trying to recall is there were

16 three photographs, I am trying to recall, I don't

17 believe there were three people, I believe there was one

18 photograph of Nettle Tip, Mr Osman, and two photographs

19 of Omar, but I might be wrong in that last bit.

20 Definitely one of Omar, sir.

21 SIR MICHAEL WRIGHT: It might be the other way round.

22 Definitely one of Omar and definitely one of Osman.

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: Were they copied for the individual

25 members of the squad or the team, or was it just one

1           set?

2    A.   I don't think it was one set but they weren't given out

3           to everyone, no, there was enough to look at it while

4           you are in the briefing, but they weren't given out --

5    SIR MICHAEL WRIGHT:  There were several copies but not

6           enough for one each?

7    A.   That's correct, sir.

8    SIR MICHAEL WRIGHT:  Thank you.

9           I am still a bit puzzled about your impression of

10          the ops room.  When Mr Hough originally asked you about

11          that, he asked you about the noise levels, and your

12          answer was: well, there was a lot of activity.

13   A.   Yes, sir.

14   SIR MICHAEL WRIGHT:  Then you said "so much activity was

15          almost overwhelming"?

16   A.   Yes, sir.

17   SIR MICHAEL WRIGHT:  I would just like to understand exactly

18          what you mean.

19   A.   Can I give an example to you?

20   SIR MICHAEL WRIGHT:  Yes, please.

21   A.   I'll try and use it in this context.  When you stand and

22          adjourn and walk out, everybody gets up to do their

23          individual things, it's like that, it's like walking

24          into the room and it's like that, everybody is doing

25          their own job within this room.

1 SIR MICHAEL WRIGHT: So many things going on at the same  
2 time, you mean?

3 A. Yes, sir.

4 SIR MICHAEL WRIGHT: Different things too.

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: I understand. And that you found  
7 really rather overwhelming?

8 A. Initially, sir, yes.

9 SIR MICHAEL WRIGHT: Very well. Then of course very shortly  
10 after you had got in, you were given your specific task  
11 as the Silver firearms liaison.

12 A. That's correct.

13 SIR MICHAEL WRIGHT: So would I be right in supposing that  
14 after that, you would be focusing on that aspect of the  
15 work?

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

17 SIR MICHAEL WRIGHT: And acting as the interconnection  
18 between Pat, who was the surveillance monitor, and  
19 Mr Esposito?

20 A. No, sir, not with Pat. Mr Esposito and the people on  
21 the ground.

22 SIR MICHAEL WRIGHT: The people on the ground through Pat.

23 A. No, sir.

24 SIR MICHAEL WRIGHT: Through whom?

25 A. I would contact them directly through --



1 SIR MICHAEL WRIGHT: Through your own communications?

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: Thank you. Very well.

4 The only other matter is this: when Commander Dick

5 took over your landline telephone when you handed it to

6 her, when you finally got through to Mr Purser on about

7 the sixth or seventh or eighth attempt?

8 A. Eighth time.

9 SIR MICHAEL WRIGHT: She was standing fairly close in front

10 of you.

11 A. Yes, sir, yes.

12 SIR MICHAEL WRIGHT: With the handpiece in her hand,

13 obviously.

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: And she was there for some little time.

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: In fact, as I understand it, until

18 after the shooting? Or certainly up to the shooting?

19 A. I remember her not being on the phone when she was

20 informed that the man had been shot. So -- but I would

21 say up to, yes, sir.

22 SIR MICHAEL WRIGHT: And the radio that was on, you say,

23 your right-hand side.

24 A. Left-hand side.

25 SIR MICHAEL WRIGHT: Sorry. Which had been turned up so

1           that you could hear what was coming over the radio.

2    A.   Yes, sir.

3    SIR MICHAEL WRIGHT:   From where Commander Dick was standing,

4           would you think that she could have heard that?

5    A.   Absolutely, sir, yes.

6    SIR MICHAEL WRIGHT:   Thank you very much.   That's all

7           I want, thank you very much indeed, I won't call you

8           Nick, but thank you very much.

9    A.   Thank you, sir.

10                               (The witness withdrew)

11   MR HOUGH:   The next witness is "Pat".

12                               CODENAME "PAT" (sworn)

13   SIR MICHAEL WRIGHT:   Thank you, please sit down.

14                               Questions from MR HOUGH

15   MR HOUGH:   I think you have been given the name "Pat" for

16           these proceedings?

17   A.   That's correct.

18   Q.   In July 2005, were you a detective constable in

19           Special Branch or SO12?

20   A.   Yes, I was, sir.

21   Q.   I think you have made two statements on the matters that

22           we are concerned with, one in November 2005 and one in

23           July 2007.   There is in fact a third very short

24           statement but those are the two main ones?

25   A.   That's correct, yes.

- 1 Q. There is no difficulty with you having those to hand if  
2 you would like to refer to them.
- 3 A. Thank you, sir.
- 4 Q. We have heard that you participated in completing  
5 a surveillance running log and copies of that will be  
6 produced for the jury by tomorrow morning, but I'll show  
7 it on screen this afternoon when it's needed.
- 8 Can we begin on 22 July 2005. Were you on duty that  
9 day at New Scotland Yard?
- 10 A. I was, sir, yes.
- 11 Q. What time did you arrive at New Scotland Yard?
- 12 A. It was sometime after 7, before 8 o'clock.
- 13 Q. Where did you go on arrival?
- 14 A. I initially went to my normal office and then I was  
15 directed down to the operations room, sir.
- 16 Q. Is that the operations room on the 16th floor that we  
17 have been hearing about?
- 18 A. Yes, that's correct.
- 19 Q. Either before you went or as you got there, were you  
20 told anything about the duty you would be performing  
21 that day?
- 22 A. No, I wasn't at that stage, no.
- 23 Q. So you are arriving at the operations room about what  
24 time?
- 25 A. Sometime before 8 o'clock, I can't be exactly sure of

1           the time, sir.

2   Q.   When you arrived in the room, how many people were in

3           it?

4   A.   I couldn't give an exact figure. I believe I have

5           previously said somewhere around 15 or possibly more.

6   Q.   What was the general atmosphere in the room?

7   A.   It seemed very busy, there were a lot of people or

8           certainly more people than I was used to seeing in that

9           room.

10  Q.   When you entered the room, who did you go up to?

11  A.   I went to speak to a colleague of mine who was one of

12           the surveillance monitors at the front of the room.

13  Q.   Can we have up, please, tab 20 again. Do we see there

14           the operations room on a plan?

15  A.   I can, yes, sir.

16  Q.   You are going up to your colleague on that, would that

17           be to the short desk at the front of the room where we

18           see the various Cougar desktops?

19  A.   That's correct, sir, yes.

20  Q.   What did your colleague tell you?

21  A.   He briefly explained that the operation was obviously

22           looking for the suspects from the attacks of the

23           previous day.

24  Q.   Did he tell you anything else about the operation, when

25           it had started, what its purpose was?

1 A. Obviously explained that it was to look for the suspects  
2 or to find the suspects and it had started some hours  
3 previously.

4 Q. Did he point out any other officers in the room?

5 A. He pointed out some senior officers who were to the side  
6 of the room, corner of the room.

7 Q. If we can have the plan up on screen again and leave it  
8 up for the next couple of minutes, the senior officers  
9 you said over on the side of the room; which side?

10 A. The area where I believe where it's C1, C2 and C3, the  
11 area in front of these desks, around that area.

12 Q. That's helpful. Did you become aware of the aims or  
13 strategy of the operation?

14 A. It was indicated at the rear of the room, so this would  
15 be behind A2/A3 area, there were some white boards at  
16 the back of the room and there was a strategy written on  
17 there in relation to the operation, sir.

18 Q. What did that say, if you can remember, either  
19 specifically or the gist?

20 A. It was in relation to people leaving the addresses, how  
21 they would be stopped, spoken to or stopped with armed  
22 support and arrested.

23 Q. Any more detail than that?

24 A. I can't remember the exact wording but it was -- the  
25 gist of it was that, sir.

- 1 Q. All persons to be stopped or only some?
- 2 A. In my memory initially it was all persons at least to be  
3 spoken to, depending on the level of threat they may  
4 pose by somebody, I believe to obtain intelligence with  
5 regard to possibly the suspects.
- 6 Q. Did your colleague tell you anything about how things  
7 had been in the room while he had been there? The  
8 second page of your first statement if it helps.
- 9 A. He said it hadn't stopped and the atmosphere he  
10 described as hectic.
- 11 Q. After he had briefed you briefly, what role did you take  
12 on?
- 13 A. I continued that role of surveillance monitor at that  
14 position, sir.
- 15 Q. And specifically what position in the room?
- 16 A. That was at S1.
- 17 Q. Thank you very much. Can we take the plan off screen  
18 now, that's helpful.
- 19 The role of surveillance monitor, was that one you  
20 performed in the past?
- 21 A. Yes, it was, sir.
- 22 Q. We have heard that that in general terms involves  
23 listening to radio traffic from the surveillance teams  
24 over the Cougar radio set?
- 25 A. Yes, it does.

- 1 Q. Recording those communications in brief in the running  
2 log?
- 3 A. That's correct, sir, yes.
- 4 Q. And occasionally speaking to other officers in the room  
5 to give a more detailed explanation?
- 6 A. It's primarily, sorry, just to expand slightly,  
7 primarily more a facilitation role from the surveillance  
8 team to the operations manager in the room and it would  
9 involve speaking to the team leader on a number of  
10 occasions. As I think may have been pointed out, the  
11 Cougar radio system is invariably -- I would rather say  
12 you invariably can't hear what's being said depending on  
13 distance and other factors.
- 14 Q. If there were difficulties with using the Cougar system,  
15 how do you communicate?
- 16 A. By phone, sir.
- 17 Q. A landline or do you have a mobile there as well?
- 18 A. No, it would be from the landline, there is a designated  
19 button on the phone to ring the team leader.
- 20 Q. When you took on that role, how many other surveillance  
21 monitors were there?
- 22 A. I believe there were two in the chairs next to me from  
23 memory.
- 24 Q. Two others?
- 25 A. Two others I believe, yes.

- 1 Q. How was the duty divided between the three of you?
- 2 A. I believe it was per address or per team, I believe
- 3 there were some, two teams at the address I was dealing
- 4 with, but that was how generally it had been run
- 5 previously as well.
- 6 Q. You were doing one address, the Scotia Road address?
- 7 A. That's correct, yes, sir.
- 8 Q. And both teams there, and that's the red and the grey
- 9 teams?
- 10 A. That's correct, yes.
- 11 Q. Can we now have on screen, please, page 446. Is this
- 12 a copy of the surveillance running log initially started
- 13 by your colleague we have heard about, Mr Barker, and
- 14 then continued by you?
- 15 A. Yes, that's correct.
- 16 Q. Can we see over on page 447 a record that you continued
- 17 that log at 8 o'clock?
- 18 A. That's correct, sir, yes.
- 19 Q. The entries that are being made on this log we have
- 20 heard that the time is typed in by the monitor?
- 21 A. That's correct, yes.
- 22 Q. And when you are typing in that time, are you trying to
- 23 give the time that you have heard it or the time that
- 24 you are typing it?
- 25 A. Generally it would be one and the same thing. I would



1           like to give it at the time I hear it which would be  
2           when I type, there is a clock on the wall in front of  
3           where I sat and if I couldn't see that, I would refer to  
4           my watch but it would generally be from the clock in  
5           front of me.

6   Q.   This log that you are typing, is it coming up on screen  
7           exactly as you are typing it?

8   A.   There would be a screen on the desk where I sat, and  
9           then that would generally be mirrored on the plasma  
10          screen which would be in front of me on the wall --  
11          sorry, on the other window side of the room in front of  
12          me.

13   Q.   We have already seen those, I don't take the jury back  
14          to them.

15   SIR MICHAEL WRIGHT:   What Mr Hough did ask you is whether  
16          there was any time lag between your typing into your --

17   A.   No, it's a real time screen.

18   SIR MICHAEL WRIGHT:   Comes straight up.

19   A.   It's sort of, if you like, a normal Word document which  
20          you type on and it would be exactly the same type as  
21          I was typing.

22   MR HOUGH:   Later on obviously it can be printed off?

23   A.   Certainly, yes.

24   Q.   Are any revisions made between when you type it and when  
25          it's printed off?

- 1   A. I would try and do the revisions, for instance  
2       a spelling mistake that may be adjusted, I would try and  
3       do it at the time. As it was only a short record,  
4       I would try and make sure it was accurate then and there  
5       at the time.
- 6   Q. So there is no process of revision a week or two weeks  
7       afterwards?
- 8   A. There is -- as practice at the end of a tour of duty we  
9       would routinely speak with the surveillance team leader  
10      to make sure there were no major differences but this  
11      wasn't the case in this log, that was never achieved  
12      afterwards.
- 13  Q. So you never spoke to the surveillance team leader to  
14      check the accuracy of --
- 15  A. I didn't, no. I did try and speak to him but the log  
16      had been taken away and it wasn't possible to be done.
- 17  Q. Turning to the early part of your period of duty, so  
18      from 8 o'clock through until before 9.30, what did you  
19      do over that period to inform yourself about the  
20      position of the teams and what they were doing?
- 21  A. As was normal in that role I spoke and telephoned rather  
22      the team leader of the surveillance team just to inform  
23      them that I had taken over from my colleague.
- 24  Q. What did you discover from them about where they were?
- 25  A. Obviously they had told me that they were down at

1           Scotia Road in London, which I was obviously aware of  
2           before from what my colleague had told me and obviously  
3           then I clarified there were two teams there as well.

4   Q.   Did you hear from them what the relative roles of the  
5           two teams were, what they were doing as distinct from  
6           each other?

7   A.   I am not sure, I was obviously aware one team were  
8           taking any subjects away, I am not sure that was  
9           referred to me by my colleague earlier or if the  
10          surveillance team leader told me it on the phone, sir.

11   Q.   We have heard that the red team formed a kind of inner  
12          cordon because they were the first there, and the grey  
13          team spread themselves out a little further away, is  
14          that something that was mentioned to you?

15   A.   It was more that the grey team would take subjects or  
16          persons away from the address, that's kind of how it was  
17          explained to me.

18   Q.   By "take away" you mean follow covertly?

19   A.   I apologise, yes, sorry, they would surveill the people  
20          away from the address.

21   Q.   Over the period from 8 o'clock we can see a number of  
22          entries being made. How were you getting the  
23          information to make these entries?

24   A.   It would be partially from the radio transmissions and  
25          then if there was any doubt, I would telephone or

- 1 I would be telephoned by the team leader.
- 2 Q. The information you are getting over the radio, is that  
3 from all members of the team or just from the team  
4 leaders?
- 5 A. No, no, it would be the same commentary that would be  
6 generated throughout the network on that channel.
- 7 Q. So all members of the team?
- 8 A. Yes, but it would obviously would depend on who and  
9 where they were, whether I actually received it back at  
10 Scotland Yard as I said earlier because of transmission  
11 problems and distance.
- 12 Q. On this occasion, can you remember whether there were  
13 any transmission problems either of a usual kind or of  
14 an unusual kind?
- 15 A. There were, in my experience always transmission  
16 problems and this was no exception on this day.
- 17 Q. Was there anything other than radio transmission  
18 problems that gave you any difficulty in hearing or  
19 understanding the communications?
- 20 A. The noise, the ambient noise in the room was quite loud  
21 or certainly it was louder than I was used to in that  
22 room, in that environment and obviously normally I would  
23 possibly listen to the transmissions on the loudspeaker  
24 in front of me, but I was using the headphones on this  
25 occasion trying to hear clearer and that I think

1 combined with being on the phone to the surveillance  
2 team leader meant there were problems to me getting all  
3 the transmissions possible that were available.

4 Q. Did you mention the noise level in the room to anybody?

5 A. Yes, I spoke to the operations manager, I believe he was  
6 behind me at his desk with regard to this.

7 Q. Moving away from that running log just for a second, we  
8 will come back to it, back to the plan, please, tab 20.  
9 Can you just help us with where others were in the room  
10 while you were in communication with the two teams?  
11 First of all, Commander Dick and the senior officers?

12 A. As I said earlier in my memory it was the area around  
13 the C1, 2, 3 desks in front of them but they did and  
14 Mr Boutcher certainly migrated across to where I was in  
15 the gap, if you like, between the long desk and the  
16 short desk where I was.

17 Q. Thank you very much. We have heard from  
18 Detective Superintendent Johnston, a senior officer in  
19 your branch, Special Branch. Can you remember where he  
20 was situated?

21 A. Again I remember him at times behind me in that gap area  
22 but also again migrating towards the desks on -- the C1,  
23 C2, C3 desks, sir.

24 Q. Mr Esposito, the tactical adviser?

25 A. He was sat -- I believe it's position A4, A3 possibly

1           that area there at the end of the desks at the back of  
2           the room.

3   Q.   In the other seats behind you, L2 to A1, what kind of  
4           people were sitting there?

5   A.   I believe they were colleagues from the Serious Crime  
6           Directorate were sat I believe in the A1/L2 and  
7           I believe there were other persons sat L1 as well  
8           towards the edge of the room.

9   Q.   Your seat, we have seen photos of it, was a seat on  
10          which you can swivel round; is that right?

11  A.   That's correct, yes.

12  Q.   When you wanted to catch somebody's attention or speak  
13          to them, how do you do it?

14  A.   I would turn, possibly raise my voice, I would possibly  
15          raise my hand, whichever, to try to get their attention,  
16          depending on how far away they were in the room from me.

17  SIR MICHAEL WRIGHT:  While we are on that, just go back  
18          a moment.  You said that you were using your headphones  
19          rather than the loudspeaker.

20  A.   At times, yes, I have got headphones on to try and hear  
21          the transmissions more clearly.

22  SIR MICHAEL WRIGHT:  Was that because of the noise level in  
23          the room?

24  A.   I believe it was, it was standard practice to use the  
25          headphones just to try to clearly listen but

1 specifically I did put them on for that reason, yes,  
2 sir.

3 SIR MICHAEL WRIGHT: Thank you.

4 MR HOUGH: We can have the plan off I hope permanently.

5 In this period, the early part of your duty period,  
6 did you receive any information passed back from the red  
7 team leader, Derek.

8 A. Derek, I did, sir, yes, he mentioned about the bus stops  
9 nearby and the problems he envisaged with buses or  
10 subjects getting on buses.

11 Q. Did he mention any other concerns?

12 A. I believe that was his primary concern from my  
13 statement, sir, yes.

14 Q. It's the one you mention in your statement, I just ask  
15 if you have any recollection?

16 A. No, I only specifically remember the mention of buses,  
17 subjects getting on buses, sir.

18 Q. What response did you give to him raising that topic?

19 A. I obviously confirmed that I would raise this with the  
20 operations manager and see what could be done.

21 Q. We are calling the operations manager "Brian", we have  
22 seen him here today. Did you relay it to him?

23 A. I did, sir.

24 Q. And to anybody else?

25 A. I believe there was another colleague, DC Stacey, who

1           was also in the room, I think sat next to the operations  
2           manager.

3   Q.   What did they say in response?

4   A.   I don't remember their exact words, I do remember being  
5           provided with a telephone number of a contact I believe  
6           at the bus company to ring and then try and sort this  
7           out with them.

8   Q.   So they have given you a telephone number. Do you  
9           understand what you are supposed to do with it?

10  A.   Yes, given the impression that I was to ring them and  
11           suspend the service that I had been asked to by the team  
12           leader, I do apologise -- ask to see if the bus service  
13           could be suspended.

14  Q.   Which service?

15  A.   I am sorry, I have not noted down the route number and  
16           I don't think I can remember.

17  SIR MICHAEL WRIGHT: Could we pause there, Mr Hough. I have  
18           been derelict of my duty, the stenographer ought to have  
19           a break.

20  MR HOUGH: Yes, I think it's only fair.

21  SIR MICHAEL WRIGHT: I think if you could just slow down  
22           a bit.

23  A.   I do apologise.

24  SIR MICHAEL WRIGHT: That's all right. Twenty to.

25  (3.30 pm)



1 (A short break)

2 (4.00 pm)

3

4 (In the presence of the jury)

5 SIR MICHAEL WRIGHT: Yes, Mr Hough.

6 MR HOUGH: So continuing on, you have been provided with  
7 a telephone number for the bus company, you have been  
8 given instructions to suspend a route, but you can't  
9 recall because you haven't got it noted, which route,  
10 which number route?

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

12 Q. Did you in fact contact the bus company?

13 A. I telephoned the bus company with the number I had been  
14 given and spoke to a gentleman at that company.

15 Q. You gave that request there and then?

16 A. To the bus company, yes, I did, sir, yes.

17 Q. What did they say?

18 A. Obviously I didn't give them the complete details of the  
19 circumstances, but they -- the gentleman confirmed --

20 SIR MICHAEL WRIGHT: That might have had the effect that you  
21 desired, but you didn't, obviously.

22 A. The gentleman agreed that he would get that route at  
23 that particular point in that area, rather, suspended.

24 MR HOUGH: So that was a whole route being suspended rather  
25 than particular stops?

1 A. I don't know the exact logistics of what the bus company  
2 did. It was obviously in relation to that area, I think  
3 to stop the bus coming through the area. That was  
4 certainly the impression he gave me from my memory, sir.

5 Q. Were you ever told after that what had happened?

6 A. I have noted I said the team leader certainly contacted  
7 me again and explaining there were still buses in the  
8 particular area. Obviously I explained I had spoken to  
9 the bus company and that was as much as I could do at  
10 that time to try to facilitate that, sir.

11 Q. In the period between 8 o'clock when you started as  
12 surveillance monitor and 9.34, when Mr de Menezes came  
13 out of the block at Scotia Road, we know that four  
14 people in fact walk out of the communal entrance. Can  
15 we have D447, which is the second page of the log up?

16 We see there entries for 8.18 and 8.26, so two of  
17 those four people recorded as coming out and the source  
18 for that information being the reds. Had you been told  
19 of anybody other than those two coming out of the block?

20 A. I don't believe so, otherwise I believe they would be  
21 also in this log, so certainly they are two I can  
22 remember. There may have been other people I wasn't  
23 aware of.

24 SIR MICHAEL WRIGHT: Could you help us about the ethnic  
25 classifications? IC1.

1     A.   White.

2     SIR MICHAEL WRIGHT:  Thank you.  We will come on to the

3           others in a minute.

4     A.   Certainly, sir.

5     MR HOUGH:  Those two people, as they came out, did you

6           simply note them down or did you mention them to others

7           in the room?

8     A.   No, I would have been under instruction to flag up

9           anybody coming out.  As I said from the strategy I was

10          aware of earlier, it was to speak to people possibly for

11          intelligence in relation to the subjects.

12    Q.   Did you flag those two up?

13    A.   Yes, I would have flagged those up, sir.

14    Q.   To whom?

15    A.   It would have been -- generally in the room, it would

16          have been probably to the senior officers I could see

17          near me or the operations manager behind me.

18    Q.   What was the response when you flagged up those two?

19    A.   I can't remember exactly what was said to me.  It was

20          again to the gist of because they, I took it obviously

21          weren't the subject, there wasn't obviously a more

22          immediate necessity to stop them and speak with them,

23          and that was kind of how it was left as far as I was

24          concerned.

25    Q.   Could you look in your statement on the third page, you

1 say, right at the top of page:

2 "Due to the communal entrance being observed and the  
3 time of day, a number of people would be seen who are  
4 not connected to the operation."

5 You raised this issue to Brian, who was the  
6 operations manager, several times and was aware that  
7 this issue was then raised with  
8 Detective Superintendent Johnston. Do you recall that  
9 now?

10 A. The red team leader had mentioned about this being  
11 a communal door and the fact that the door to the  
12 numbered flat couldn't be seen. So this obviously  
13 raised an issue with me as well, therefore there would  
14 be numbers of people coming away and I did mention this  
15 to the operations manager, I think as did other people,  
16 I believe.

17 Q. Okay, 9.33, 9.34, we know Mr de Menezes comes out and  
18 it's recorded there U/I, unidentified?

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

20 Q. IC6/IC2, can you help us with that ethnic descriptor?

21 A. IC2 would be like a darker skinned European; IC6 or  
22 I put it down as would be a North African, so a darker  
23 skinned, possibly Mediterranean male.

24 SIR MICHAEL WRIGHT: North African or Mediterranean, not  
25 European.

1 A. No, sorry, the IC2 part would be European, or darker  
2 skinned white European person.

3 SIR MICHAEL WRIGHT: So it's North African or dark skinned  
4 European, thank you.

5 MR HOUGH: You give: "fattish face, stubbled, 5 foot 10  
6 inches", PIW.

7 A. Possibly identifiable with.

8 Q. We have heard identical for the I?

9 A. No. Sorry, in my -- possibly identifiable with.

10 SIR MICHAEL WRIGHT: Is this your own invention or is this,  
11 as it were, an authoritative way of describing that  
12 situation?

13 A. It's certainly a term I'm aware of, it is certainly not  
14 my invention, I have certainly used it previously and  
15 it's accepted that -- well, to me it's accepted, yes.

16 SIR MICHAEL WRIGHT: In your view, would it be understood as  
17 "possibly identifiable with" by any other police  
18 officer?

19 A. Yes, I believe so, sir.

20 SIR MICHAEL WRIGHT: Thank you.

21 MR HOUGH: NT?

22 A. That would be the abbreviation of the subject name.

23 Q. Nettle Tip?

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

25 Q. "In jeans out of communal door."

- 1           You have recorded that at 9.34. The information  
2           possibly identifiable with Nettle Tip, is that something  
3           that could have been provided to you later than 9.34?
- 4   A. It certainly could have been reiterated to me later, but  
5           at that time that would be the position as I typed it  
6           into the log, sir, yes.
- 7   Q. Now, "Possibly identifiable with" to you, as you type  
8           that in, what degree of confidence in the identification  
9           does that signify?
- 10   A. It's very, I suppose it is very general and as I said  
11           obviously, this is just something I am referring from  
12           what I am hearing, be it from the team leader or from  
13           the surveillance team, so there wouldn't be necessarily  
14           any percentage or any figure given with that, it would  
15           just be "possibly", there would be no definite either  
16           way. I am sorry, that's a bit vague.
- 17   Q. You flagged up the other people as they have come out,  
18           did you flag up this person?
- 19   A. Yes, I did, sir.
- 20   Q. To whom did you make him known? I think it's the third  
21           page of your statement.
- 22   A. From looking to my statement, I have referred to it as  
23           senior officers, I don't remember exactly which senior  
24           officer it was but it would have been to one of the  
25           group that was nearby.

- 1 Q. What happened after you flagged him up?
- 2 A. Just afterwards I was telephoned by the team leader.
- 3 Q. That's Derek?
- 4 A. I believe this was James, the grey team leader.
- 5 Q. I see.
- 6 A. Sorry, no, I do apologise, no, referring to my
- 7 statement, it was Derek who phoned first.
- 8 Q. Derek is the red team leader, the leader of the team
- 9 forming the inner cordon?
- 10 A. That's correct, yes.
- 11 Q. What did Derek have to say?
- 12 A. He asked for a clearer direction of what was to happen
- 13 then.
- 14 Q. What was to happen then, what response to give, what to
- 15 do about this person?
- 16 A. Yes, that's correct, sir.
- 17 Q. Were you able to give him an answer there and then?
- 18 A. Obviously again I relayed this to the senior officers
- 19 and I was asked for a clearer picture of this male being
- 20 clearly identified.
- 21 Q. Did you pass that back to Derek?
- 22 A. Yes, I would have done, sir, yes.
- 23 Q. Can you remember what he said in reply?
- 24 A. I can't remember exactly at that time what was said to
- 25 me, no.

1 Q. Was surveillance then taken up by the grey team which  
2 formed the outer cordon?

3 A. Yes, that's correct.

4 Q. Did you hear from their leader?

5 A. Yes, James.

6 Q. What was he telling you?

7 A. He explained that the male was walking towards the main  
8 road.

9 Q. The main road being Upper Tulse Hill or Tulse Hill?

10 A. Sorry, I don't -- I can't remember, sir, no.

11 Q. We then see an entry 9.39, recording "unidentified male  
12 onto bus" and the registration number of the bus and  
13 "bus away", and that's recorded as coming from the grey  
14 team; correct?

15 A. That's correct, yes.

16 Q. Again that's being typed in as you have heard that from  
17 the team?

18 A. Yes. I can't say if this was from the radio traffic or  
19 from being on the phone with the team leader, possibly  
20 hearing his radio in the background or him directly  
21 telling me.

22 Q. You have put --

23 SIR MICHAEL WRIGHT: Can I stop you a moment, Mr Hough?

24 Just go back one. James's first recorded communication  
25 to you is 9.39; is that right?



1 A. The team, the grey team, sir.

2 SIR MICHAEL WRIGHT: Certainly. James's team. It refers to

3 the unidentified male getting on the bus. Your

4 statement indicates that the first communication you had

5 from James, the first telephone call, was that he

6 described the same man walking towards the main road.

7 A. That's correct, sir.

8 SIR MICHAEL WRIGHT: That's not been recorded in the log.

9 A. No.

10 SIR MICHAEL WRIGHT: So presumably you didn't type it down.

11 A. No, that's correct, sir.

12 SIR MICHAEL WRIGHT: Did you communicate it to anybody?

13 A. I can't remember, sir. As I said, I didn't catch all

14 the radio traffic, it may have been the fact he was

15 walking towards the road, it wasn't -- I didn't deem it

16 necessary to type into the log at that point.

17 SIR MICHAEL WRIGHT: I can understand that. It's a natural

18 progress so it doesn't necessarily get into the log.

19 What I am trying to get from you, and by all means refer

20 to your statement to see what your earlier recollection

21 was, would you have told somebody, "He is walking

22 towards the main road"?

23 A. I believe I would have done, sir, I was there obviously

24 for that intelligence flow to be given to the officers

25 in the room.

1 SIR MICHAEL WRIGHT: To whom would you have spoken in the  
2 first instance?

3 A. Again it would have been to one of the senior officers  
4 nearby.

5 SIR MICHAEL WRIGHT: One of the senior officers. Thank you.

6 MR HOUGH: In general terms you are doing a lot, we have  
7 heard, you are typing, occasionally attracting people's  
8 attention, you are speaking to people and all the time  
9 you have got your headset on.

10 A. I can't say all the time.

11 Q. A lot of the time you have your headset on.

12 Is it right to say that not everything, not every  
13 word you hear from your headset goes on to the log?

14 A. That's correct, yes.

15 Q. Back to that entry at 9.39 that we are talking about,  
16 you have in brackets after the male "9.34", what does  
17 that signify?

18 A. It refers to the male is the male as described as 9.34.

19 Q. So --

20 A. Sorry, it's just almost a way of saving me having to  
21 typing it again, using the time to refer back.

22 Q. Just to be clear, when we see that in brackets, that's  
23 not saying he is on to bus at 9.34; he is on to the bus  
24 at 9.39?

25 A. It is the male as at 9.34.

1 SIR MICHAEL WRIGHT: It's as at 9.34, yes.

2 MR HOUGH: Man has got on to the bus. Is that something you

3 pass on to the senior officers?

4 A. Certainly, yes.

5 Q. What's their reaction to that?

6 A. (Pause). I haven't noted any specific reaction from

7 any senior officers to that, I don't believe.

8 Q. Next entry, 9.45, bus continues through the Tulse Hill

9 one way system, we have all travelled on that at the

10 start of this inquest, if not before. Were you aware at

11 that stage that there was in fact a surveillance officer

12 on the bus?

13 A. Yes, I believe again from speaking to the team leader.

14 Q. Over this period, when he is on the bus going down

15 Tulse Hill, what information was passed to you about

16 identification?

17 A. Just prior to this, I had been asked specifically by

18 a senior officer, Mr Boutcher, to provide a percentage

19 figure or comparison figure in which obviously again

20 I telephoned through to the team leader to ask this. At

21 the time he said it couldn't be done but he would speak

22 to one of the team.

23 Q. While he is going down Tulse Hill, around 9.45, that's

24 when Mr Boutcher asks you for a figure?

25 A. I can't be exact on the time Mr Boutcher asked me,

1 I believe it was just slightly before the male was on to  
2 the bus. As I said, unfortunately, whilst I am more  
3 than happy with the times on the log, on accurate  
4 reflection of what took place in my statement because  
5 obviously, I was typing the log at the time, I can't be  
6 precise on the times in relation to the directions I was  
7 given.

8 Q. Then 9.48, U/I again "unidentified male of bus", should  
9 that be off bus?

10 A. Yes. I do apologise.

11 Q. And on foot towards further bus stop?

12 A. That's correct, yes.

13 Q. Then over the page, please.

14 SIR MICHAEL WRIGHT: The officer who we know was on the bus  
15 was Ivor, whether that means anything to you --

16 A. I wasn't aware which surveillance operative was on the  
17 bus.

18 SIR MICHAEL WRIGHT: Could you speak to him direct?

19 A. I could have spoken to him, I believe we did have lists  
20 of telephone numbers.

21 SIR MICHAEL WRIGHT: On a mobile phone?

22 A. That would be the only way, it was normal practice that  
23 we would contact the team leaders and they would make  
24 any further contact with their teams.

25 SIR MICHAEL WRIGHT: They would do that themselves?

- 1 A. Just because it could be awkward, potentially compromise  
2 a surveillance operative telephoning.
- 3 SIR MICHAEL WRIGHT: I understand that.
- 4 MR HOUGH: So we are on to the next page, 9.50, U/I awaits  
5 at bus stop. Now, can you recall whether you were told  
6 anything about whether that was the further bus stop or  
7 the stop he had got off at?
- 8 A. Referring back to my statement, I note just prior to  
9 that I was aware the man had got off a bus and walked to  
10 a further bus stop, or that was certainly the impression  
11 I was given, sir.
- 12 Q. Then 9.52, you are recording unidentified male back on  
13 to the same bus, registration number given and the bus  
14 away, and you are recording that's near to Brixton LT  
15 station?
- 16 A. London Transport station, that's correct, yes, sir.
- 17 Q. Then 9.54 "believed U/I male [unidentified male] using  
18 mobile phone, possibly texting on the bus", this is  
19 going down the Stockwell Road?
- 20 A. Just if I may to clarify, it is possible the "believed  
21 mobile phone" it may be that the male was believed using  
22 a mobile phone, rather than "believed male". It may be  
23 I have put it in the wrong place, I do not want to sort  
24 of mislead in relation to that point.
- 25 Q. Over this period these are entries I have just been

1 reading out, where are you getting your information  
2 from, is that from a particular officer over the phone  
3 or is it from the surveillance chatter?

4 A. It would be both. As I said it would only be through  
5 the team leader of the greys, and -- or it would be some  
6 of the transmissions I could hear, if I could hear them  
7 and I was clearly happy with them, I would type those  
8 down if I thought they were relevant, yes.

9 Q. Again over this period, we see you refer to U/I,  
10 unidentified, male on each entry. Does that have any  
11 particular significance that you are referring to him as  
12 U/I?

13 A. To me the male was never clearly positively identified  
14 as the subject, and the reflection of the U/I it should  
15 probably read "U/I PIW" every time throughout the thing.  
16 To me, as I said, he was never positively identified to  
17 me and that's why I refer to him as U/I. Had I been  
18 otherwise informed it would have then changed I would be  
19 use either the full subject name or just the  
20 abbreviation "NT".

21 Q. From the information you were getting through from the  
22 grey team over this period, did the quality or certainty  
23 of the identification change at any point?

24 A. No. I was certainly not of that impression he gave me.  
25 He was always -- from initially he remained as possibly

1           and that to me remained the same throughout. As I said,  
2           I was asked by Mr Boutcher to ask for a percentage  
3           figure which to me seemed reasonable, however I was  
4           informed by the team leader this couldn't be done or  
5           wasn't possible and that was how it was left and he  
6           certainly never got back to me and provided any figure  
7           I was aware of in relation to the identification.

8    Q.   You can't recall, can you, basing this on what you said  
9           a few moments ago, precisely at what point Mr Boutcher  
10          made that request?

11   A.   I can't, no, I believe again just referring to my  
12          statement, possibly prior to the bus journey but I can't  
13          be sure, it may have been when he was on the bus.

14   Q.   It's only fair that I put this to you. Commander Dick  
15          has given evidence that the impression she received,  
16          obviously she was getting messages both directly and  
17          indirectly from you, was that first of all the subject  
18          was identified, Nettle Tip, with at least some  
19          confidence, then he was thought not to be Nettle Tip,  
20          then he was thought to be Nettle Tip again with at least  
21          some confidence.

22                So were you aware of those three different stages?

23   A.   No. I had obviously been made aware since. I wasn't  
24          aware that at some point the man was discounted as being  
25          possibly identified with the subject. In my impression,

1           he remained as possibly identifiable with throughout.  
2           Obviously I wasn't aware of everything that  
3           Commander Dick may have heard or spoken to, even, and  
4           possibly other people may have spoken to the  
5           surveillance team as well. The number was obviously on  
6           the board and there may have been other people who may  
7           have telephoned him, I don't know.

8   Q.   That was going to be my next question. She had other  
9           means of communication, certainly with the  
10          Silver Commander and with the firearms team?

11  A.   Certainly, yes.

12  Q.   Than you did?

13  A.   I don't, in my recollection I don't remember speaking at  
14          any point to the Silver firearms officer.

15  SIR MICHAEL WRIGHT: Would you be in contact with the  
16          firearms team at all?

17  A.   No, unless I was specifically asked by somebody to make  
18          contact, I would assume that would be through their  
19          tactical advisers in the office.

20  SIR MICHAEL WRIGHT: I think it's clear that at some point  
21          the man was discounted as a suspect because that we know  
22          is why Sergeant Dingemans, the SO13 officer, was put on  
23          to try to stop him, but it didn't come through you?

24  A.   No, certainly not, sir.

25  SIR MICHAEL WRIGHT: Very well.



1 MR HOUGH: 9.57, bus continues towards Clapham Road, again  
2 information received from the grey team, and then  
3 10 o'clock, U/I male, unidentified male on top deck but  
4 appears heading down.  
5 A. That's correct.  
6 Q. Is that something that you relayed to the room?  
7 A. Yes, as I said at this point obviously the room very  
8 quiet and then sort of concentrating around this area.  
9 Q. At this stage when you said that he was heading down,  
10 can you remember any reaction from the room,  
11 particularly from the senior officers?  
12 A. (Pause). I haven't made any note of specific reaction.  
13 Obviously as I said the atmosphere in the room was much  
14 quieter and calmer and it was certainly more focused at  
15 this stage was certainly my impression.  
16 Q. 10.03 hours: unidentified male off the bus. Can you  
17 recall whether you were told where he was off the bus or  
18 simply that he had got off the bus?  
19 A. No, I believe I was just told he got off the bus and was  
20 then heading towards the tube station.  
21 Q. At this stage, can you recall any request from the grey  
22 team for further orders?  
23 A. I believe by this stage, possibly just before, I was  
24 virtually in constant contact with the grey team leader  
25 who was by this time shouting and asking for directions

1           down the phone to me.

2   Q.   Did he give any suggestion of what he could or might do

3           or what his other officers could or might do?

4   A.   Yes, he asked if it was wanted for the surveillance team

5           to detain the male.

6   Q.   Was he actually suggesting that they should or just

7           asking it as an open question?

8   A.   I don't remember his exact words, I am not sure it was

9           just a suggestion as a tactical option or it was, you

10          know, he was wanting to do it, I don't know, sir.

11   Q.   Before we get to what Commander Dick does, at around

12          this point, is I don't think she could be precise about

13          the time, Commander Dick has said that you said the

14          words: "they think it's him" and I quote "with some

15          urgency". That was her evidence. Did you say those

16          words and in that way?

17   A.   I don't recall saying those words, no.

18   Q.   Looking back, having regard to the log, do you think you

19          said those words with some urgency?

20   A.   As I said earlier I was under the impression throughout

21          the surveillance of this male that there was never

22          a positive identification, and again the word "think" to

23          me would suggest that there was some doubt possibly or

24          it certainly has never given me the impression that he

25          was positively identified.

1 Q. We had picked it up where the grey team leader has asked  
2 for directions. Do you pass that request on?  
3 A. I did, sir, yes.  
4 Q. What do the senior officers reply?  
5 A. There was a short delay, a matter of seconds, and then  
6 I was told from Commander Dick directly that was to take  
7 place.  
8 Q. What, specifically?  
9 A. For the S012 surveillance officers to detain the  
10 subject.  
11 Q. To detain the subject?  
12 A. Yes, that's the word as I remember, I had it as  
13 "detain".  
14 Q. Was any order given to countermand the S012 officers?  
15 A. I did hear a countermanding order given, and by this  
16 stage the phone contact with the team leader had gone as  
17 he was relaying this. I then tried to call him back to  
18 give this order. I don't believe I actually got through  
19 to him to countermand the order to him to do that.  
20 Q. We see 10.05, "Unidentified male running on to  
21 escalators towards platform 1/2", is that information  
22 you received at the time from the grey team?  
23 A. I believe that was from transmissions from the radio,  
24 but again, as I said earlier, it could have been from  
25 the team leader who I was on the phone to.

1 Q. Was that before you lost communications?

2 A. Yes, that was, sir, yes.

3 Q. So was that before you received the order to countermand

4 the grey team performing the stop?

5 A. I don't remember, sir. As I said, I was only vaguely

6 aware of the countermanding order which I then tried to

7 telephone through.

8 SIR MICHAEL WRIGHT: The countermanding order presumably

9 would not have gone through you, it would have gone

10 through the firearms liaison to the firearms team?

11 A. Possibly, sir, it would have been just to make sure it

12 was clear they heard this.

13 MR HOUGH: Two stages, there. Obviously an order to the

14 firearms team to perform a stop would have to be given

15 to them; correct.

16 A. Yes, in my understanding, yes, sir.

17 Q. But an order to the S012 team not to do it would have to

18 be given directly to the surveillance team?

19 A. In my understanding, sir, yes, although it could have

20 been given out over the radio as a transmission.

21 Q. I see. Was it given out over the radio as

22 a transmission?

23 A. It certainly wasn't given out as an order by me over the

24 radio. As I said, I tried to phone him but was unable

25 to get through.

1 Q. Were you aware whether it was given at all?

2 A. I am not aware, no, sir.

3 SIR MICHAEL WRIGHT: You couldn't for that reason, you

4 couldn't get through?

5 A. I personally couldn't get through on the phone, I guess

6 because he was obviously engaged in telling his officers

7 and possibly going to the tube station himself.

8 MR HOUGH: Were you then aware of any order being given to

9 the firearms team?

10 A. I wasn't directly aware, as I said I was trying to ring

11 through to countermand the order and that was my sole

12 intent at the moment, so I was unaware of what was going

13 on in the room, if you like, at the time.

14 Q. Do we have the sequence right that you pass on the

15 request from the grey team leader: do we perform a stop;

16 Commander Dick says: yes, SO12 to perform the stop; you

17 then pass that on; you then hear after that the male

18 running on to the escalators because transmission hasn't

19 been lost and you then after that try to countermand the

20 order?

21 A. I couldn't be that precise in that order of events with

22 the entry at 10.05 as per the log. As I said

23 unfortunately, because obviously I was engaged in

24 speaking on the phone, I couldn't say exactly what time

25 the order was in relation to that on the log.

1 Q. If we can turn over the page just to complete, you don't  
2 make any further entries about this particular subject  
3 but did you in fact hear shortly afterwards, like the  
4 others in the control room, that he had been shot?

5 A. I was informed later on, yes, that's correct.

6 Q. Then the words at the top of the page:

7 "Unable to agree log with James."

8 Is that an entry indicating as you said earlier that  
9 you had not been able to go through the process of  
10 reviewing the log with the team leader because the log  
11 had been taken for evidence?

12 A. That's correct, yes.

13 MR HOUGH: Thank you very much. Those are my questions,  
14 bang on 4.30.

15 SIR MICHAEL WRIGHT: That would be a convenient moment,  
16 which makes a change, ladies and gentlemen.

17 MR HORWELL: Can I mention one very short matter in the  
18 absence of the jury, please?

19 SIR MICHAEL WRIGHT: Yes. Thank you very much, ladies and  
20 gentlemen, 10 o'clock tomorrow morning, please.

21 In the absence of the jury - see separate transcript  
22 (4.50 pm)

23 (The court adjourned until 10.00 am on

24 Friday, 10th October 2008)

25

1	INDEX	
2		PAGE
2		
3	CODENAME "BERNARD" (sworn) .....	3
4		
5	Questions from MR HOUGH .....	3
6		
7	Questions from MR MANSFIELD .....	19
8		
9	Questions from MR PERRY .....	23
10		
11	Further questions from MR HOUGH .....	34
12		
13	CODENAME "BRIAN" (sworn) .....	37
14		
15	Questions from MR HOUGH .....	37
16		
17	Questions from MR MANSFIELD .....	60
18		
19	Questions from MR GIBBS .....	66
20		
21	Questions from MR PERRY .....	69
22		
23	Further questions from MR HOUGH .....	83
24		
25	Questions from THE CORONER .....	84

1		
2	CODENAME "NICK" (sworn) .....	87
3		
4	Questions from MR HOUGH .....	87
5		
6	Questions from MR MANSFIELD .....	129
7		
8	Questions from MR GIBBS .....	130
9		
10	Questions from MR SINGH .....	132
11		
12	Questions from MR PERRY .....	133
13		
14	Further questions from MR HOUGH .....	148
15		
16	Questions from THE CORONER .....	149
17		
18	CODENAME "PAT" (sworn) .....	154
19		
20	Questions from MR HOUGH .....	154
21		
22	In the absence of the jury - see .....	190
23	separate transcript	
24		
25		



