

1 Friday, 10 October 2008

2 (10.00 am)

3 (Proceedings delayed)

4 (10.20 am)

5 In the absence of the jury - see separate transcript

6 (10.42 am)

7 In open court

8 SIR MICHAEL WRIGHT: How much longer is Pat thought to be?

9 MR MANSFIELD: 15 to 20 minutes.

10 SIR MICHAEL WRIGHT: I am only asking, I am not pressing

11 anybody, I expect you know, Mr Mansfield, the family are

12 receiving some additional support today and I am anxious

13 that the gentleman in question should be able to come

14 and listen to at least part of the proceedings when the

15 court is not closed.

16 MR MANSFIELD: Yes.

17 (10.45 am)

18 (In the presence of the jury)

19 SIR MICHAEL WRIGHT: Could we ask for the usual check that

20 nobody is here who shouldn't be. Thank you.

21 Good morning, ladies and gentlemen. That's the only

22 serious delay you have had so far so we are not doing

23 too badly. I hope you have not been too bored.

24 Witness, please.

25

1 CODENAME "PAT" (continued)

2 SIR MICHAEL WRIGHT: Yes, good morning. Yes, Mr Mansfield.

3 Questions from MR MANSFIELD

4 MR MANSFIELD: Yes, good morning, Pat, I just want to deal
5 with two areas, please, with you.

6 So it's easier for everyone including the jury to
7 follow this, particularly the jury since they don't have
8 the documents, I will want two documents so it can be
9 followed on screen. The first is your statement where
10 you originally set out the narrative, two particular
11 pages, 134 first of all and then 135.

12 It's the bottom of 134 in particular I want to start
13 with, if I may. I am really dealing with the core
14 incident itself as well as the strategy. Right at the
15 very bottom, so I am not going through everything that's
16 happened before that with you, the jury have heard about
17 it, you have this paragraph:

18 "I was aware that a strategy ..."

19 Do you have that?

20 A. I have sir, yes.

21 Q. Right:

22 "... had been written on a white board at the rear
23 of the room in relation to any persons leaving addresses
24 under surveillance."

25 I think it means any of the addresses under

1 surveillance; is that right?

2 A. Yes, I believe that's my understanding, sir, yes.

3 Q. That's what you meant by that:

4 "This had been written in green and was attributed
5 to Commander Dick. In effect, all persons seen to
6 leave" over the page, 135, "the various addresses would
7 be assessed, stopped with suitable precautions and then
8 arrested or spoken to. Unfortunately due to the
9 communal entrance being observed at Scotia Road ... and
10 the time of day a number of people would be seen who
11 were not connected to the operation. I raised this
12 issue to Brian several times", he is the manager sitting
13 behind you, isn't he?

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

15 Q. And we have heard from him yesterday:

16 "... and was aware that this issue then was raised
17 with Detective Superintendent Johnston. I was told to
18 inform the SIO when any persons left the address so
19 a strategic decision could be made."

20 I am pausing there for two things. You were
21 describing this much later, but who did you understand
22 you would have to report it to, that is so that it could
23 be referred back to somebody for an assessment of
24 whether to stop them from Scotia Road, do you follow?

25 A. As I indicated, the SIO, being the senior investigating

1 officer.

2 Q. So Mr Boutcher?

3 A. It's Mr Boutcher who was more at the time nearer where
4 I was sat.

5 Q. Again dealing with strategy, are you aware of any
6 strategic decision at the early stage here that the
7 overarching policy was that if somebody had been
8 identified either as a suspect or a possible suspect but
9 in the context of suspect, they should not be allowed to
10 run; do you remember anything along those lines?

11 A. No, I have no recollection of that, sir.

12 Q. You do understand what I am asking you?

13 A. Yes, I do, sir.

14 Q. You understand the concept. So you don't recollect
15 anything about that at that stage.

16 I want to come on to the next section, and as it is
17 detailed I will do it through the statement so the jury
18 can follow. It's not the next paragraph: throughout the
19 day you kept a real time running log. Then this next
20 section:

21 "At about 9.34", do you have that?

22 A. I do, sir, yes.

23 Q. "... an unidentified male, possibly the subject
24 Nettle Tip", and that accounts for the way you have put
25 it in the log, PIW, possibly identical with?

1 A. Possibly identifiable with, yes, sir.

2 Q. So it's the same form of description:

3 "... possibly the subject Nettle Tip was seen
4 leaving the address. I immediately informed the senior
5 officers who were located in a group a short distance
6 away."

7 I will go through this particularly because of the
8 occasions when you appear to inform them.

9 We know from Brian, sitting behind you, that the
10 group included the senior investigating officer
11 Mr Boutcher and Commander Dick. I suppose now you don't
12 remember who it did include?

13 A. I am sorry, there was obviously a number of senior
14 officers there, Mr Boutcher and obviously Commander Dick
15 at various times together or apart and it would have
16 been one of them or possibly the deputy to Mr Boutcher
17 as well who was also there.

18 Q. Angela Scott?

19 A. Yes, I believe Angela Scott.

20 Q. You have put it: "I immediately informed", would this be
21 fair: it's within a minute of seeing it at 9.34, you
22 would have been immediately telling one of that group or
23 that group that somebody has come out possibly identical
24 with?

25 A. It would have been seconds, it would have been a lot

1 less than a minute, sir.

2 Q. Seconds, seconds. Is there any doubt in your mind you

3 did that?

4 A. No, not at all, sir.

5 Q. The reason I have to ask you is because of what

6 Commander Dick has told this jury about the time she

7 first became aware; do you follow? I want to go on with

8 this.

9 "The team leader 'Derek' almost immediately

10 telephoned" and he had a request for clearer directions

11 about this person, and for a second time within seconds,

12 is this fair --

13 A. It would have been, yes, sir.

14 Q. -- you are then going to the senior officers again

15 saying effectively -- well, I don't know how you

16 referred to Derek but anyway: "Derek wants a clearer

17 picture of what he has to do"?

18 A. Yes, sir, a clearer direction, as I said, sir, yes.

19 Q. It's quite clear whoever it is within the group you are

20 actually speaking to, that they have heard because the

21 request is for a clearer picture from the surveillance

22 team?

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

24 Q. That's the second occasion on which they are alerted,

25 and then you make a reference to this:

1 "Although the noise level in the room did drop, it
2 was still such that communicating with senior officers
3 was by shouting across the room."

4 That's how it was, isn't it?

5 A. Yes, sir, I said I raised my voice to make sure I was
6 heard or at least think I was heard, certainly.

7 Q. All right, I am not going to quibble about raising voice
8 or shouting, because Brian behind you also describes
9 that's exactly what you did do, raise your voice and in
10 fact waved, so there was no doubt that you had something
11 to say. Do you remember waving to them?

12 A. I remember at times in the morning raising my hand. I
13 can't say this was specifically one of those times but
14 I do remember doing that, certainly, yes.

15 Q. Going on a little further:

16 "Surveillance was continued by the grey team and
17 their team leader James" who the jury will hear about
18 "also telephoned as the male was walking towards the
19 main road."

20 We will pause there, the jury are very familiar with
21 the area so I can do it without a map up. Was it your
22 understanding that he was -- he, James -- in Upper Tulse
23 Hill walking towards or he, the suspect, was walking
24 towards Tulse Hill, or don't you know?

25 A. I don't know, sir. I am not that familiar with the

1 area. It may even have been something I heard across
2 the transmissions.

3 Q. We will hear so that it's clear, I don't think there is
4 any issue about this, that James will say he is in
5 a vehicle in Upper Tulse Hill going towards the junction
6 with Tulse Hill --

7 SIR MICHAEL WRIGHT: James is in the vehicle?

8 MR MANSFIELD: Yes, sorry.

9 SIR MICHAEL WRIGHT: It's a highly ambiguous way of putting
10 it, Mr Mansfield.

11 MR MANSFIELD: I am sorry.

12 James will say that he, not the suspect, was in
13 a vehicle heading towards the junction with Tulse Hill
14 and the suspect was walking towards the junction with
15 Tulse Hill; you understand, so that's the context?

16 A. I do.

17 Q. When James telephoned about the male walking towards the
18 main road, was it just: "He's walking towards the main
19 road", was James agitated about this or was James just
20 wanting the operations room to know it, or what?

21 A. I don't specifically remember on this occasion.

22 Obviously throughout the next 10, 15 minutes et cetera
23 he became more agitated when he was speaking to me.

24 I can't quantify how agitated he was at this particular
25 stage.

1 Q. "All this information", that is the information that
2 I have just gone over as well as all the rest, "was
3 relayed as soon as I was informed to the senior
4 officers."

5 So everything you hear, you immediately pass it on
6 to the senior officers?

7 A. Yes, there may be a short delay, particularly as I said
8 later if I was speaking to them on the telephone it
9 would be delayed if he was speaking to me but obviously
10 that was -- my primary role was to relay this
11 information as quickly as I could.

12 Q. Did any of the senior officers say to you or indicate to
13 you, you know: we can't hear what you are saying, and
14 they would come over to you and say: what was that you
15 said or: can you go over it again? Did anything like
16 that happen?

17 A. No, as I said previously at some stages, Mr Boutcher was
18 particularly quite close to me where I was sat.

19 Q. Right. I want to move on to the next stage where you in
20 fact refer to at some stage that same officer, Boutcher,
21 asking for the percentage figure. We have heard about
22 this over a number of days from other people, but it's
23 in the context of being asked about a percentage figure
24 which the surveillance team weren't able to answer,
25 I think you know that, they never gave an answer to

1 that.

2 I want to show you another document, and as we have
3 only just got it, I am afraid the jury don't have it and
4 I would like it put on screen, it is available in
5 an unmarked copy.

6 This is a note -- I don't know whether or not it is
7 easy to read. So it's clear to you, this is a log being
8 kept by someone else, or at least a note, he calls it
9 a log, it's a note that he --

10 MR HILLIARD: Sir, I'm so sorry to interrupt. I think we
11 may just have a better version than this in the sense of
12 I think this may have some initials that perhaps --

13 SIR MICHAEL WRIGHT: That have not been redacted?

14 MR HILLIARD: I think so, there is a better version, it's
15 one that's got -- in a moment I can identify it, and
16 I know Mr Horwell will help me.

17 SIR MICHAEL WRIGHT: I think I know what Mr Hilliard is
18 talking about. I think if you bear yourself in patience
19 a moment, Mr Mansfield, you will see what Mr Hilliard is
20 talking about.

21 MR MANSFIELD: I do, it's certain initials halfway down the
22 page.

23 SIR MICHAEL WRIGHT: That's right.

24 MR MANSFIELD: I think we may have a clean copy of that as
25 well. Can I just pause a moment?

1 SIR MICHAEL WRIGHT: Yes. (Pause).

2 MR MANSFIELD: The problem is -- yes.

3 MR HILLIARD: We are going to manage.

4 SIR MICHAEL WRIGHT: I am sure you are.

5 MR MANSFIELD: Actually I think the easiest way is, if I may

6 say, if the initials about which there is concern are

7 obliterated.

8 SIR MICHAEL WRIGHT: If Tom gives you that one back, it's

9 the work of a moment to redact it.

10 MR HILLIARD: It is, and Ms Studd, I am very grateful, is

11 actually doing it, so we will just pause and thank you

12 very much, we will be there. (Pause).

13 SIR MICHAEL WRIGHT: No mystery about this, ladies and

14 gentlemen, the initials are of one or other of the

15 witnesses who are anonymised, that's why. (Pause).

16 MR MANSFIELD: I'm going to save a little bit of time while

17 that's being done, this is a note by somebody who was

18 an assistant to DI Whiddett. I think that's how he

19 pronounces his name. We have heard from him. Do you

20 know Detective Inspector Whiddett?

21 A. Not well, but I do know him.

22 Q. He had an assistant who we know as Owen, because that's

23 a codename. Do you remember any assistant?

24 A. I do know the officer you mean, yes, sir.

25 Q. Then I do not need to have his name put before you.

1 Do you remember seeing him in the room that day?

2 A. Yes, I do, sir.

3 Q. Can you recall where he was in the room on that day, or

4 would have been?

5 A. I don't know if you want to put --

6 Q. Yes, I am sorry to interrupt the other process, trying

7 to save time, if we could just have the --

8 A. I can describe it if you like.

9 Q. No, the plan is divider 20, please, we know where you

10 were. Can you just indicate so the cursor will pop on

11 to the screen somewhere and show you where he was?

12 A. My recollection he was around C1, possibly the C3 area,

13 that bank of desks to the right as you look at the

14 screen.

15 Q. Right, he is somewhere in that vicinity?

16 A. Yes, I believe so.

17 Q. Of course the group of officers that you have described

18 and Brian have described, are in that direction as well,

19 to your right?

20 A. Yes, there was some, as I said, some migration by them

21 towards my desk at certain times but initially and

22 certainly during certain periods there were in that

23 area.

24 Q. Right.

25 A. Possibly the other side of the desk, as it were.

1 Q. Sorry, could we make that clear, which side?

2 A. Towards my side, if you like, towards the left side as

3 you look at the screen, and I believe Owen was the other

4 side of the chair.

5 Q. So he is sitting on the chair side, they are standing

6 on, as it were, the front of the desk side?

7 A. I certainly recollect seeing the group of senior

8 officers in the area in front of the desks, and I do

9 remember at certain stages, I am not sure if he was

10 sitting or standing, I certainly remember seeing him in

11 that area at times.

12 Q. Thank you. If we go back to the note that he took --

13 SIR MICHAEL WRIGHT: Was he sitting?

14 A. I don't remember, sir, I remember seeing him in that

15 area, I couldn't say if he was sitting or standing.

16 MR MANSFIELD: The note has been suitably redacted.

17 There is just a passage in his note. I am wondering

18 if that could be very kindly put up on screen. (Handed).

19 So this is Owen, as we will know him, log of the

20 22nd, he is in at 8, got briefed by DI Whiddett. So the

21 context is seen, you see at the beginning he is in at 8,

22 he is briefed by DI Whiddett, and then there is the

23 problem with the bus stops which you have already

24 described so I don't go through it all, other than he

25 seems to have the same as you that there was a positive

1 response by -- is BTP the British Transport Police?

2 A. Yeah, that's not who I spoke to, I spoke to -- or in my
3 recollection it was certainly someone at the bus company
4 itself.

5 Q. Then he is talking about getting better briefing,
6 photographs, it may be that you can't help about that?

7 A. No, sir, I can't.

8 Q. Then it has:

9 "Unidentified movement. On to bus almost
10 immediately."

11 Then he has: "management question", so he will have
12 to assume what that means but we can assume for the
13 moment he must be referring to some senior officers.

14 "How come he got on bus?"

15 Presumably you can't help about that, did you hear
16 anything about that?

17 A. No, obviously I mentioned the buses that was referred to
18 me yesterday, I certainly wasn't aware of that being put
19 to me.

20 Q. All right. Then it has you:

21 "... six calls to BTP."

22 In fact again that's not your recollection it was
23 BTP, it was the bus company?

24 A. No, in my recollection I spoke to the bus company.

25 Q. So we need to bear that in mind:

1 "Told being diverted but some buses coming anyway."
2 Then we have CD, which is Cressida Dick, to greys,
3 that's the grey surveillance team:
4 "Telephone. Don't think it's him. 3 to 4 minutes
5 of follow.
6 "Cressida Dick: why still following.
7 "Call to team leader to establish.
8 "Off bus. Texts -- me to intel cell to BSS with
9 info. Research.
10 "On bus.
11 "Attempting to get alongside."
12 Then VE is Vince Esposito: why no communications,
13 and then:
14 "Should be able to talk to each other", and so on.
15 SIR MICHAEL WRIGHT: What does that refer to? Is that the
16 surveillance and firearms teams?
17 MR MANSFIELD: Yes, I think so, I'll be corrected if I have
18 misunderstood that. Yes, that's what it means. Trojan
19 Bravo is one of the firearms tac advisers, is it, or
20 a team leader?
21 A. I am sorry, I am not a firearms officer, I could not
22 answer that.
23 Q. I will leave that. Then James called by you about the
24 question of percentage; do you see?
25 A. Yeah, I see that, sir, yes.

1 Q. So that's the stage we got to in your statement because
2 you were asked by Boutcher to do this.

3 A. I certainly recall Mr Boutcher asking me to try to --

4 Q. So you are following:

5 "Subject towards Stockwell tube, recognised" but
6 just before we get to that, through you, "can't give
7 percentage but think it's him" so that's what he thinks
8 you said to Boutcher or the management group or
9 somebody, so "can't give percentage" reporting on the
10 greys, "but think it's him"; could that be right?

11 A. As I said yesterday when I was asked I do remember
12 ringing up for a percentage and I do remember being told
13 they couldn't provide me with a percentage. But I have
14 no recollection of saying "but I think it's him" or
15 "I think it is him".

16 Q. "Subject towards Stockwell tube" and then it's the next
17 part I want to ask you about. There is a management
18 discussion, Cressida Dick "can run onto tube as not
19 carrying anything". Now, do you recollect Cressida Dick
20 saying anything like that?

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

22 Q. That's why I was asking you earlier about whether there
23 was any strategic decision about whether letting
24 somebody run in order to be followed or not, and you
25 don't recollect any discussion?

- 1 A. Not to me, certainly as I said I was just there for
2 people leaving the addresses and then to flag up for the
3 surveillance, I wasn't aware of any of that strategy in
4 relation to running, no.
- 5 Q. "Persuaded otherwise by unidentified male amongst
6 management"
- 7 I'm going to put a name to you, if you can help: is
8 this right, I had better ask you, you know who Esposito
9 is?
- 10 A. He was the firearms officer in the room, yes.
- 11 Q. You know him, you know Mr Boutcher, you know
12 Cressida Dick and you know Angela Scott. Were you
13 familiar with somebody called Cummings, a senior
14 officer, superintendent?
- 15 A. I wasn't aware -- as I said yesterday, there were
16 a number of people in the room leaving and coming at
17 different times, but I wasn't personally aware of
18 Mr Cummings.
- 19 Q. Then there is a reference to Cressida Dick again, the
20 firearms to intervene, Esposito's on the phone, and then
21 nearing the tube: "greys offer to do intervention --
22 initially refused. Greys held on line." Do you
23 remember any of this?
- 24 A. Yes. As I said yesterday, at this stage I think it was
25 an open line to James and obviously, as I said

1 yesterday, he asked if Cressida Dick wanted the
2 intervention done by S012.

3 Q. Then the next bit which I also suggest is important,
4 that Cressida Dick said yes to the -- said isn't there,
5 Cressida Dick, "yes to greys as subject through
6 barriers. Running for train". Can you help on that?

7 A. I think as I said yesterday, when the agreement for the
8 intervention was, appeared that the subject was near to
9 the tube station, and I was then informed by James that
10 he was at the tube station, and that was when
11 an instruction was given to him in relation to the
12 intervention.

13 SIR MICHAEL WRIGHT: When you say agreement for the
14 intervention, you mean for the greys to --

15 A. Sorry, yes, for the surveillance team to undertake the
16 intervention.

17 MR MANSFIELD: "... as subject through barriers", the ticket
18 barriers. In other words, towards or at the escalators
19 when the order for the greys to do it, and then S019 to
20 red, relay to James, not clear if with subject and so
21 on.

22 So it's the question of through the barriers, do you
23 see?

24 A. Yes, I do see, as I said, just referring back to my
25 statement, I believe the intervention or, sorry, the

1 instruction for the intervention was as the subject
2 reached the tube station.

3 Q. Intervention by whom?

4 A. By the surveillance team.

5 Q. But what about intervention by the firearms?

6 A. As I said, at that time, when I heard the countering
7 order I was trying on the phone to actually ring the
8 surveillance team to tell them this and I said
9 yesterday, I can't assist with that, unfortunately, no.

10 MR MANSFIELD: Yes, thank you very much.

11 Questions from MR GIBBS

12 MR GIBBS: Sir, Pat, I represent the grey and red
13 surveillance teams.

14 Can I just try and get a few very simple things
15 straight: in the first half of the follow, which I am
16 going to call up to Brixton tube, Commander Dick seems
17 to have got the impression that the man who was being
18 followed had been ruled out. Now, wherever she got that
19 from, was it certainly not from you?

20 A. No, as I said yesterday, I was not aware, then
21 I subsequently became aware of this, as I said I was
22 always under the impression that the male remained
23 possibly identifiable and certainly wasn't discounted.

24 Q. You of course were monitoring continuously the Cougar
25 surveillance channel?

1 A. I think continuously, I was trying to listen as best
2 I could. As I said yesterday, because of the phone
3 calls I was receiving and making to the team leaders,
4 there were obviously chunks of it I may well have
5 missed.

6 Q. Just to spell it out, whatever the imperfections of the
7 radio system, the idea that the man had been ruled out
8 is something that you would have expected to be repeated
9 and repeated until acknowledged?

10 A. And again it certainly would be something that I would
11 have reflected in the log to discount at that time.

12 Q. Thank you. Then to go forward to the second half of the
13 follow, so between Brixton and Stockwell, we have heard
14 that Commander Dick in that second half got the
15 impression that the team was certain that the man they
16 were following was Nettle Tip. Now, whoever she got
17 that from, it certainly wasn't from you?

18 A. No. Again as I said, he always remained possibly.

19 Q. And you were still monitoring the Cougar surveillance
20 channel?

21 A. I still had the surveillance, yes, transmissions on,
22 yes.

23 Q. And again am I right that whatever the imperfections of
24 the radio system, that is something that you would have
25 expected to have been repeated and repeated until

1 acknowledged?

2 A. The certainty, are you asking?

3 Q. Yes.

4 A. Yes, and I would have expected the team leader to have

5 made that very clear to me.

6 Q. And you would if it had been made clear to you, have

7 reflected it in your log?

8 A. Certainly, yes.

9 Q. Because he would no longer have been PIW?

10 A. He would have become subject at that stage, yes.

11 Q. The other form of communication that you had with James,

12 the grey team leader, was by mobile telephone?

13 A. I don't know if I explained yesterday -- on my desk

14 there is a designated -- on a landline phone there is

15 a designated button for ringing his mobile phone.

16 Q. So you are on a landline but he is obviously on his

17 mobile telephone?

18 A. That's correct, yes.

19 Q. Would you have had a quick dial facility on your

20 landline to each of the surveillance team members or

21 just to the leader?

22 A. On the designated phones we had, it was, if you like,

23 one button per team.

24 Q. We have not yet seen a great deal of telephone evidence

25 and it may be that we will have some simplified

1 telephone evidence later. I would just like to ask you
2 about some of the calls which we can tell from the
3 billing you had to and from James, the grey team leader.
4 The easiest way to do it, I think, is if we could bring
5 up on the screen the provisional timeline, which is in
6 the jury bundle behind tab 1 at page 3. What we will
7 find is that, at 9.41, you spoke for 14 seconds to
8 James, because he rang you.

9 A. Just to clarify slightly, whilst I had a designated
10 button for the team leader, all the phones in the ops
11 room -- I think all the phones -- have the same facility
12 and in theory anybody could pick up that telephone call
13 and vice versa, anybody could press the button to dial
14 him. So I couldn't be precise if it was me. It most
15 likely is me on the phone to him as the designated point
16 of contact.

17 SIR MICHAEL WRIGHT: But there is no way of identifying --

18 A. I don't know, I am not an expert on telephony
19 communications but I don't know if it was me at that
20 time. I do not want to mislead anybody.

21 SIR MICHAEL WRIGHT: You are saying that anybody could have
22 called him directly on a similar button?

23 A. As far as I understood it, anybody could have picked the
24 phone up, pressed the button on the same system in the
25 room, but it may well have been me as the designated

1 contact, yes.

2 MR GIBBS: Without getting too technical, I just want to
3 keep it as simple as possible. I'm going to suggest
4 that at 9.41 for about 14 seconds there is a call and
5 that James spoke to you to say something like, "We are
6 going with this one" or, "We are following him"; do you
7 remember that?

8 A. I don't remember those specifically.

9 Q. Quite. I am not suggesting those are even the right
10 words.

11 A. There were several calls between us, just to confirm
12 what was going on and asking for direction, yes.

13 Q. Then at about 9.50 and 9.51 we will find there is
14 a total of three calls backwards and forwards, it comes
15 to about a minute, a bit more. It may be that that's
16 around the time that Mr de Menezes was near Brixton
17 station. Do you remember James at around that time
18 ringing you or you ringing him and him asking for
19 directions?

20 A. As I said, I couldn't be specific, he on several
21 occasions, as had Derek before him, had asked for
22 directions from me in relation to what was to take
23 place, so it's more than likely again he would have
24 asked for directions at that stage.

25 Q. Do you remember you were speaking to him on the

1 telephone as well as hearing what's going on on the
2 Cougar, about the man's movements at Brixton?

3 A. As I said again, I couldn't be 100 per cent whether
4 I heard it from the radio or directly from him on the
5 phone as I had both options that were up on to me at the
6 time.

7 Q. Then we will find that, at 9.53 for about half a minute,
8 and at 9.55 for about half a minute, it may be that
9 there was telephone contact again between you and James.
10 We can see where that fits in. So I suppose in bus
11 terms it would probably be somewhere in the
12 Stockwell Road. Do you remember a telephone
13 conversation at that time about you asking him whether
14 he could give a percentage?

15 A. At that particular time?

16 Q. Yes.

17 A. I don't remember. As I said, in memory I only remember
18 particularly Mr Boutcher asking. But it is entirely
19 possible that the request was made again.

20 Q. Would that be consistent with your memory of the order
21 in which things happened?

22 A. In my memory, I remember putting that specific question
23 earlier on.

24 Q. Oh, you think it was earlier?

25 A. I remember -- as I referred to in my statement,

1 I remember making the request specifically earlier on
2 from Mr Boutcher.

3 Q. Okay?

4 A. But it's entirely possible that it was asked again,
5 certainly.

6 Q. Did James say that he would put that request out over
7 the radio, he would put it out over to around his team?

8 A. I recall him saying he would make contact with a person
9 from the team, he didn't say to me how he would make
10 that contact.

11 Q. He wasn't able or wouldn't give you a percentage figure,
12 am I right?

13 A. Yes, no, I wasn't informed of that.

14 Q. Did he say that he thought it was him?

15 A. Again as I said earlier I don't recall him saying that
16 to me.

17 Q. Then we have, and we can see where this falls on the
18 timeline, a longer telephone conversation on the
19 telephone records between you and James, and that's at
20 10.03, and it lasts for a minute and a half, more or
21 less. Do you remember him asking you over the telephone
22 at that point whether you or the control room wanted
23 them, the grey team, to detain the man?

24 A. I can't be sure that's the same call but I certainly did
25 get that request from James, as the gentleman was

1 generally towards the tube station, yes.

2 Q. Was he quite insistent?

3 A. That's certainly -- yes --

4 Q. I don't want to put words into your mouth, but just tell

5 us --

6 A. Certainly, he was very insistent, I would say.

7 Q. Asking what?

8 A. Well, as I said, what was to happen and more importantly

9 did they want the SO12 officers to stop the man.

10 Q. Did you tell him to hold on?

11 A. I obviously relayed the request to the senior officers.

12 Q. Absolutely, and it wasn't a decision no doubt that could

13 be made instantly and was there a delay?

14 A. It was a very small delay.

15 Q. Did you tell him to hold on and --

16 A. As I said, the line was open, I think he could probably

17 hear me making the request on his behalf.

18 Q. Did he ultimately ring off?

19 A. I believe yes, I gave him the instruction, he said

20 something to me, and then I think the phone went dead

21 from memory, yes.

22 Q. He will give evidence about his memory of that call, but

23 in fact it may turn out that the instruction, when it

24 finally came: SO12 are to do it, greys are to do it, for

25 however long that instruction existed before it was

1 countermanded, never actually got through to James on
2 that telephone line. Does that fit with your memory?

3 A. No. I was happy that he had heard what I had said to
4 him, and as I said in my recollection, he mentioned
5 that -- he told me that the male was by now in the
6 station, but he would try and inform the team, and
7 that -- so I was sure he had heard what I had said.

8 Q. Of course, very soon after that, did you hear state red
9 called?

10 A. No, I didn't hear that called.

11 Q. You didn't hear state red called at all?

12 A. No, I didn't hear, as I said obviously at the time it
13 may have been because I was trying to call him back
14 possibly, I don't know, but I wasn't aware of that over
15 the transmissions.

16 MR GIBBS: Thank you very much, Pat.

17 SIR MICHAEL WRIGHT: Yes, Mr Perry.

18 Questions from MR PERRY

19 MR PERRY: Thank you, sir, so it's understood, Mr Stern and
20 Ms Leek have consented to me going first in an effort to
21 save time. Thank you.

22 Pat, I represent Commander Dick as well as others,
23 but for these purposes it's perhaps sufficient if I say
24 Commander Dick. My name is David Perry.

25 The first topic about which I want to ask you

1 questions, please, is the strategy, just one very small
2 point in relation to the strategy. You gave evidence in
3 the course of the criminal proceedings last year; is
4 that correct?

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

6 Q. And on 12 October last year, just for everyone else's
7 reference, not for yours, but at page 91, we may be able
8 to get that on the screen so everyone can see it and
9 follow, if that's all right. You were asked a question:
10 "What was the effect of the strategy?"

11 Don't worry, I am not expecting you to recall the
12 precise question, because I think we are going to get it
13 up on the screen, 12 October 2007, page 91. I think if
14 we drop down to line 15 and this was one of the lawyers
15 in the case questioning you:

16 "Question: And what was the effect of the strategy?"

17 "Answer: It was that any persons leaving the
18 address at Scotia Road would be assessed, and then if
19 they were likely to be witnesses, they would be spoken
20 to by officers. However, if there was a possibility
21 they were possible suspects, then obviously they would
22 be stopped by armed officers and then spoken to
23 afterwards or dealt with by them."

24 Now, that was what you were saying on oath on
25 12 October last year, and is that your present

1 understanding of what the strategy was?

2 A. Yes, I think as I said there was some amendment, if you
3 like, maybe some addition, because of the number of
4 people leaving, and then it was assessed that the person
5 leaving would be singularly assessed and then decided
6 how then to continue forward, yes.

7 Q. Thank you very much, that's all I ask about that topic.

8 I now want to move on, please, to deal with
9 communications. Just so we are clear about the
10 communications, because it may be quite important when
11 we come to look at the sequence of events.

12 The purpose I am asking you these questions is to
13 see whether we can actually be more precise about the
14 timings and the sequence of events, just so we
15 understand the context. First of all, the first point
16 I want to deal with is this: you are sitting in the
17 operations room with your dedicated telephone line to
18 the surveillance teams; that's right?

19 A. Yes, there is a phone in front of me, yes.

20 Q. You are also monitoring some of the, we have heard it
21 described as surveillance chatter; in other words when
22 they are communicating with each other, you can
23 eavesdrop into what is being communicated across their
24 radio network?

25 A. The commentary, yes, I can, sir.

- 1 Q. But the significant point I want to ask you about is
2 this: you could not eavesdrop and therefore could not
3 monitor what was being said over the Airwave
4 transmissions?
- 5 A. No, I had no facilities in relation to Airwave there,
6 no.
- 7 Q. May I just explain what the significance of that is, so
8 you understand and then you can tell us and see whether
9 I have it right. We are going to hear evidence that
10 when Frank was in his van in Scotia Road, he was using
11 Airwave. Now, if he is right about that, you could not
12 have been in direct communication with him at 9.33 or
13 9.34, or eavesdropping with him on to what he was saying
14 at that time?
- 15 A. No, I do not have any recollection of Airwave being
16 certainly available then at that time in the office.
- 17 Q. Sorry, my question was slightly different, I didn't ask
18 whether you had it available in the office, but --
- 19 A. The operations room, sorry.
- 20 Q. -- in the operations room. My question is this: from
21 your telephones and from your headsets, you were using
22 the Cougar system or a landline to mobiles, you were not
23 eavesdropping into the Airwave system?
- 24 A. No, I only had -- the headset was solely for the Cougar
25 system, yes.

1 Q. That's the only point I wish to establish, thank you.

2 So where we are, then, just to see where this leads
3 us as a matter of the primary facts, the two sources of
4 your information are (a) snippets of radio traffic
5 between members of the surveillance teams, and (b)
6 direct conversations with the team leaders?

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

8 Q. You would only receive information directly from the
9 team leader when he's speaking to you if he called you
10 or you called him on the mobile -- calling him on his
11 mobile, he calling you on the phone line in the
12 operations room?

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

14 Q. I think just again so we are clear about this, before we
15 come on to the sequence of events, because this may be
16 quite important, there is a designated number which the
17 surveillance team leader has to make sure that he can
18 get through to you as the surveillance monitor?

19 A. It's a designated line which, as I said, on the phone it
20 flashes up on a certain point. However, it's not
21 specifically for that one phone, as in my memory that
22 light would then flash on the other phones in the
23 office, but I would be expected in that position to
24 answer that phone.

25 Q. You are expected because that is actually your job?

1 A. Correct, sir, yes.

2 Q. I think the line is illuminated with the team colour as
3 well?

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

5 Q. So you see it flashing and you immediately know it's the
6 greys or the reds?

7 A. Yeah, that's correct, sir.

8 SIR MICHAEL WRIGHT: How do you have a grey colour? Don't
9 worry.

10 MR PERRY: I am sorry, I didn't hear that. How do you tell
11 whether it's red or grey?

12 A. Sorry, to make it clear, sorry, there is I think it was
13 actually small stickers with the colour, sorry, it's not
14 an illuminated bulb that flashes, the colour is actually
15 I believe on a little sticker on the phone next to where
16 the light is.

17 SIR MICHAEL WRIGHT: Forgive me, Mr Perry, I was just
18 intrigued.

19 MR PERRY: Well, it's actually helpful, because why this is
20 done is to make sure that when a telephone is going, you
21 know which team it is, and also the teams know, because
22 they are given the number to call, the number they
23 should call in to make sure that the right telephone is
24 going off; that's why it's done in that way.

25 A. That's correct, as I said though it's not a singular

1 telephone that's ringing, it's on a sort of net, sorry,
2 I am not an expert on telephony, it's a network system
3 but that particular single line would flash up as the
4 teams.

5 Q. I am sorry, the only point I was making was you have
6 your stickers, if that telephone is going in front of
7 you, you know whether it's red or grey calling you?

8 A. Certainly, sir, yes.

9 Q. May I now turn, then, please, to the sequence of events,
10 and I want to be more precise about the sequence than
11 merely by looking at your statement, the exercise that
12 was done earlier this morning, because it may be we need
13 to be a little more careful.

14 Could we please look at the log, page 447 to begin
15 this exercise. I am not sure if the ladies and
16 gentlemen of the jury have yet been given hard copies of
17 the log. I'm told no. Shortly, I am told, but I hope
18 they can bear with me and we can follow it on the
19 screen.

20 Let us just examine this, if I may Pat, with
21 a little more care. 0800 hours, Pat continues. So this
22 is you taking over, settling yourself in, putting on the
23 headphones and then starting to act as the surveillance
24 monitor; is that right?

25 A. Possibly putting on the headphones, yes.

- 1 Q. Possibly putting on the headphones?
- 2 A. Certainly starting that role.
- 3 Q. Just before we come on to look at this, may I clarify
- 4 another general point so we understand it. you explained
- 5 yesterday this is an ordinary Word type document, that's
- 6 the computer programme Word?
- 7 A. It's a set saved template, but I believe it's on the
- 8 Word system so to all intents and purposes, yes.
- 9 Q. What that means is, if you want to go back into this,
- 10 suppose you have made a later entry, and you wanted to
- 11 go back into this document to add something in, you
- 12 could do that, couldn't you?
- 13 A. Yes, I could, sir.
- 14 Q. When you put 0800 hours, Pat continues, if you wanted to
- 15 amend that later, or add something you would be in
- 16 a position to do that?
- 17 A. Yes, certainly. As I explained yesterday, sir, it was
- 18 common practice that at the end of a tour, the logs
- 19 would be agreed with the surveillance team leaders to
- 20 make sure there weren't any inaccuracies, obviously this
- 21 wasn't possible on this day.
- 22 Q. Yes, you explained that because James, the team leader,
- 23 had already handed in his log, so you weren't able to
- 24 compare notes?
- 25 A. That was the impression I was given, sir, yes.

1 Q. Just so we understand that, you are compiling this log
2 in the operations room, but the surveillance team leader
3 and other members of the team have documents that they
4 complete at various times, don't they?

5 A. There is obviously a specific surveillance log which
6 obviously can be used evidentially at a later time. In
7 my understanding, this log is more for a real time
8 response from the operations room.

9 Q. We will hear this in due course but just so we
10 understand, because it may have a significance in
11 relation to some of the questions you were asked this
12 morning about where James was at 9.39.

13 They are keeping a log for evidential purposes
14 because they may be called to give evidence in court and
15 they will have to explain things about what they have
16 seen, where they were when they saw it, but your log
17 obviously serves a different purpose because you are in
18 a the operations room, it's for the crime in action
19 situation where you are keeping abreast of the
20 information that the surveillance team are sending back?

21 A. It's not -- you said crime in action, obviously in my
22 experience in that room wasn't in relation to crime in
23 actions, it was more intelligence led operations, that
24 kind, it was used for that purpose.

25 Q. But on this occasion?

1 A. Certainly.

2 Q. Thank you. So if we just drop down this, we have the
3 8.18 hours, "Unidentified IC1 young female out of
4 communal door and away from address. Believed in school
5 uniform". So that's unidentified IC1, is that white?

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

7 Q. Then that's from the reds, we can see. Then 8.26
8 "Unidentified white female out of communal address."

9 And then no entry until 9.34, and the entry at 9.34
10 is the unidentified IC6/IC2 male, fattish face,
11 stubbled, 5 foot 10, possibly identifiable with
12 [according to your evidence] Nettle Tip in jeans out of
13 communal door."

14 I just want to ask you about this, and just so we
15 bear in mind, IC6, that's -- IC2 is dark skinned
16 European.

17 SIR MICHAEL WRIGHT: No, other way around, North African.

18 A. You are correct, Mr Perry, IC2 is the darker skinned
19 European.

20 MR PERRY: You have done it now, so I do not have to ask
21 you.

22 First of all, let us just examine this, we know the
23 first person, this is the evidence that we are going to
24 hear, to see the subject who left the premises was Frank
25 in his van in Scotia Road. You can confirm, can't you,

1 that -- because you have already -- you were not able to
2 eavesdrop into the Airwave communications?

3 A. That's right, I believe so, yes.

4 Q. So it follows that if Frank is using Airwave, you can't
5 have received any information from him, that must
6 follow?

7 A. I believe so, sir, I mean, that's not to say there
8 wasn't an Airwave set in the room it was on. I don't
9 remember one in there.

10 SIR MICHAEL WRIGHT: You weren't using it?

11 A. I certainly wasn't using it, no.

12 MR PERRY: We can ignore any other set in the room because
13 you are the person compiling the log, aren't you?

14 A. This particular log, that's correct, sir.

15 Q. We have already established that you have two sources of
16 information: chatter over the Cougar system or direct
17 communication with the team leader?

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

19 Q. Just so this is clear, if Frank didn't give you that
20 information, someone else must have given you the
21 information having received it from Frank, that must
22 follow as a matter of logic?

23 A. Yes, that would make sense, sir.

24 Q. Because, you see, in due course we are going to see the
25 log that Frank actually made, and the log entry from

1 Frank will show that at the time he's using his Airwave
2 set, he is describing the person who leaves as a white
3 male, 5-foot 8 inches tall, dark hair with a beard.

4 Now, that's not your entry, that's not on there, is it?

5 A. No, certainly.

6 Q. Now, the significance of this is that the first person
7 to say that the person was described as 5 foot 10 inches
8 tall with stubble and a wide face, not a fattish face,
9 and jeans, with all those together, the first person to
10 give that description was James.

11 Now, you have told us that you were in communication
12 with James as the team leader; that's right, isn't it?

13 A. I was in contact with both team leaders, yes, that's
14 correct.

15 Q. Shall we put a bit more flesh on this, because you have
16 told us about a telephone call from James, in which he
17 was speaking to you about the male who had left
18 Scotia Road?

19 SIR MICHAEL WRIGHT: Can I interrupt you a moment, Mr Perry?
20 Going back to 0934, that came from the red team;
21 correct?

22 A. Sorry, sir, yes, that's been attributed to the red team,
23 yes.

24 SIR MICHAEL WRIGHT: If I have understood the system,
25 although it's possible you might have been spoken to by

1 another team member, because it's attributed to the
2 reds, the voice that spoke to you at 9.34 most likely
3 would have been Derek, who is the red team leader?

4 A. The time should reflect the time of the entry, should be
5 retrospective of when it actually took place rather than
6 when it was relayed to me, and the column on the right
7 should be attributed, if you like, to the person or the
8 person from the team who actually saw it.

9 SIR MICHAEL WRIGHT: Don't worry about the time. Because it
10 comes from the red team, the voice is most likely to
11 have been that of the team leader?

12 A. It could be either team leader who relayed it to me.
13 I couldn't say which team leader -- it would be
14 attributed to a red surveillance officer, sorry, it's
15 not necessarily who spoke to me.

16 MR PERRY: That's extremely helpful, Pat, we have to be very
17 careful, don't we, about this. You said a moment ago in
18 answer to the learned Coroner's question that the time
19 should reflect the time of the entry when it happened
20 rather than when it was relayed?

21 A. Ideally, yes, sir, that's correct.

22 Q. So if you are getting information at 9.41 that something
23 occurred at 9.34, you would make an entry 9.34, wouldn't
24 you?

25 A. If that was the case, I would do, yes.

1 Q. Well, that's the point I am trying to establish, and
2 I am very grateful to you. Because you see, we have
3 telephone records in this case, and you have mentioned
4 telephone calls from Derek and also telephone calls from
5 James, and this morning it was put to you in your
6 statement and you were asked to agree, you had this call
7 from Derek and you had this call from James, and when
8 James called you, he must have been in Upper Tulse Hill
9 before the subject got on to the bus. Do you remember
10 that this morning from your statement?

11 A. I remember the conversation, yes, sir.

12 Q. In fact we know from James's log that he -- well, first
13 of all, we will deal with the telephone records. We
14 know from James's telephone records he didn't call you
15 until 9.41?

16 A. (Witness nods).

17 Q. Now, the significance of that is that the subject he was
18 calling in to discuss with you was already on the number
19 2?

20 A. (Witness nods).

21 Q. So if the telephone record is correct, then it must
22 follow, mustn't it, that the information James was
23 relaying at that stage was after the person who had left
24 the address was on the number 2?

25 A. If that was the entry that was relayed by him, yes.

1 I don't know if that was the case.

2 Q. That's why I am using you because we will have to hear
3 from him as well?

4 A. There is a possibility, obviously, you have mentioned it
5 was transmitted on the Airwave system, it may well have
6 been then mirrored on to the Cougar system quite
7 possibly, I don't know.

8 SIR MICHAEL WRIGHT: Mr Perry, you have been doing this
9 very, very carefully, but does it really come to this:
10 on that analysis, Commander Dick may very well have been
11 right when she said that the first she heard about the
12 suspect, if you like, was when he was on the bus?

13 MR PERRY: Well, sir, the short answer to that is yes.

14 SIR MICHAEL WRIGHT: I thought it was.

15 MR PERRY: The longer answer is it has a wider significance
16 as to the prime window of opportunity, as it was put in
17 cross-examination of DAC Dick.

18 SIR MICHAEL WRIGHT: The two things go hand in hand.

19 MR PERRY: And it also goes to the sequence of events as
20 recollected by this witness and others. Sir, what I am
21 trying to do, and I hope I am doing it with some care,
22 sir, because it is quite important, because what we have
23 had this morning is this witness being asked simply to
24 adopt a witness statement he made in November 2005.

25 The proper and careful way to do it is to look at

1 how that evidence fits in with the other available
2 unassailable records, namely the telephone records, and
3 the logs compiled by the surveillance officers on the
4 screen.

5 SIR MICHAEL WRIGHT: I understand the point, I just wanted
6 to see where you are going.

7 Could I ask one question of the witness as I have
8 interrupted you? The first column, the timings, are you
9 ordinarily and should you be given the timings by the
10 surveillance officer who is speaking to you?

11 A. Again this would be something that would be agreed
12 following.

13 SIR MICHAEL WRIGHT: I appreciate that. But at the time do
14 you get, for example, the fourth entry, 0934 hours,
15 whoever it was who spoke to you, would you expect to be
16 told 9.34 so and so and so and so.

17 A. Ideally I would hear it live on the transmission on the
18 radio, I would simply look at the clock in front of me
19 and that would be the time I would then attribute.

20 SIR MICHAEL WRIGHT: That's the whole point. What you see
21 on the clock in the operations room is the time that you
22 actually hear the message.

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

24 SIR MICHAEL WRIGHT: What I want to know, and I think we
25 have gone round this in circles, and I do not want to

1 take too long over it, does the surveillance officer who
2 speaks to you tell you the time of his observation?

3 A. Sorry, I am not trying to be vague. When the
4 surveillance officer says it on the radio, I would
5 expect the surveillance officer saying it live as he
6 sees it, and therefore that will be the time I would
7 hear it, I would then time it such.

8 SIR MICHAEL WRIGHT: So that when whoever it was reports to
9 you "IC6/IC2 male", if he says "9.34", that is his
10 assessment of the time that he actually saw it.

11 A. If I was told that time, certainly I would then use that
12 time, certainly, yes.

13 SIR MICHAEL WRIGHT: If he doesn't tell you, you then look
14 at the clock or do you ask?

15 A. If it was a later time when I was being told something,
16 I would either ask or be aware because I had heard some
17 other way that something had happened at around that
18 time.

19 SIR MICHAEL WRIGHT: As best you can what you are trying to
20 do is to get the actual time, the real time, as to when
21 each event happened.

22 A. That's correct, sir.

23 SIR MICHAEL WRIGHT: By asking the surveillance officer if
24 necessary.

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: I am very sorry, Mr Perry, it's all my
2 fault, I am quite sure, but I hope we have got that.

3 MR PERRY: Sir, I am very anxious that we should have
4 a break.

5 SIR MICHAEL WRIGHT: In that case, yes, I was hoping we
6 could finish this witness but all right, five to.

7 It's merely been pointed out that the jury have not
8 yet seen the telephone record.

9 MR PERRY: I'm going to produce a little schedule in
10 a moment.

11 SIR MICHAEL WRIGHT: I thought you were. Very well.

12 Midday.

13 (11.50 am)

14 (A short break)

15 (12 noon)

16 (In the presence of the jury)

17 MR MANSFIELD: Sir, just before the witness comes, could
18 I raise, I think it's totally uncontroversial, and that
19 is the Brazilian authorities are here, as you know,
20 today, to support the family. I think there is no
21 objection, it was circulated some days ago, for this
22 person to be with the family in court, and so far they
23 have been sitting the other side of the screen.

24 SIR MICHAEL WRIGHT: I was troubled about the gentleman in
25 question being in court when an anonymised witness was

1 giving evidence.

2 MR MANSFIELD: Yes. I don't think there is any objection

3 from anyone.

4 MR HORWELL: No, sir.

5 SIR MICHAEL WRIGHT: All right.

6 MR MANSFIELD: I have quickly canvassed those who were in

7 court and there was no objection from those I have

8 spoken to.

9 SIR MICHAEL WRIGHT: If there is no objection from any of

10 the parties, then of course.

11 MR GIBBS: Can I say, and I am sorry that I was just outside

12 the door when the matter was raised, I am just reading

13 what it is that's been said, I have not had

14 an opportunity I'm afraid to take instructions from one

15 of the parties to whom I should speak about this.

16 SIR MICHAEL WRIGHT: How much longer is this witness going

17 to be? Mr Perry?

18 MR PERRY: Sir, with me I hope I can deal with it in about

19 20, 25 minutes.

20 SIR MICHAEL WRIGHT: Anybody else adding anything?

21 MR STERN: It really depends on the extent of Mr Perry's

22 questions, but I will be no more than 10 minutes,

23 maximum.

24 MR HOUGH: Sir, perhaps I can shortcircuit this, I'll only

25 be a few more minutes with this witness at the very end,

1 but the only person who need be concerned right at the
2 moment is Pat. Obviously if Mr Gibbs received a comment
3 from one of his witnesses raising a concern, then that
4 could be dealt with afterwards, but for the moment if
5 Pat's representative, and I think that's Mr Horwell, is
6 content on behalf of Pat, then --

7 SIR MICHAEL WRIGHT: I think we should actually ask Pat.

8 Mr Gibbs, it doesn't concern any of your clients who
9 aren't actually here at the time.

10 MR GIBBS: No, it doesn't.

11 SIR MICHAEL WRIGHT: Mr Horwell, are you content to leave it
12 on the basis of what the individual witness says?

13 MR HORWELL: As you know, I don't raise any objection --

14 SIR MICHAEL WRIGHT: In principle.

15 MR HORWELL: -- to this morning. We would possibly like to
16 raise this issue in the absence of the jury later but in
17 relation to this witness, I have no objection to this
18 course of events.

19 SIR MICHAEL WRIGHT: Very well.

20 MR HILLIARD: Mr Horwell, I think it puts him in a very
21 difficult position, so either he is not asked or
22 Mr Horwell can just deal with it outside.

23 MR HORWELL: If you don't mind, sir, I will just take
24 a moment.

25 SIR MICHAEL WRIGHT: Go and take instructions. He is just

1 outside the door.

2 MR MANSFIELD: Sir, to make it clear, it is the Consul

3 General, he is only here today.

4 SIR MICHAEL WRIGHT: Yes, I know. (Pause).

5 MR HORWELL: Thank you, there is no objection.

6 SIR MICHAEL WRIGHT: Very well, in that case the gentleman

7 can come into court. (Pause). Yes, Mr Perry.

8 MR PERRY: Thank you very much, sir. So everyone knows, we

9 have hard copies of the surveillance log, so may I ask

10 for that to be distributed.

11 SIR MICHAEL WRIGHT: You want them distributed now?

12 MR PERRY: If possible, please, so that if people want to

13 follow it on the hard copy ...

14 SIR MICHAEL WRIGHT: Is this to go behind tab 52?

15 MR PERRY: Tab 52. I am not sure if we actually have

16 a tab 52 -- oh, there is. I haven't been given one, but

17 I am sure that will be rectified. (Handed). Sir, one

18 for Pat, please, in case it's easier to have a hard

19 copy.

20 A. Thank you.

21 Q. Also, please, a little telephone schedule, seven copies

22 here. Thank you. (Handed).

23 SIR MICHAEL WRIGHT: Tab 53?

24 MR PERRY: Yes, sir. (Pause). It may actually -- perhaps

25 everyone has done it now -- be helpful to have them so

1 we can look at them side by side.

2 Can I see where we are first of all, Pat, the 0934
3 entry on the log, I just want to see and make sure this
4 is clear, if James had called you at 9.41 and said to
5 you: "At 0934 an unidentified IC6/IC2 male with
6 a fattish face, stubbled, 5-foot 10 inches tall,
7 possibly identical with Nettle Tip in jeans out of
8 communal door" you would have made the entry at 0934?

9 A. As I said, the time on the left-hand column refers
10 ideally to the time of the entry happening live, yes.

11 Q. The entry happening live meaning the incident as it
12 happened and then you enter it to reflect the incident?

13 A. Yeah. When the gentleman as described there comes out
14 of the door, that would be at 9.34.

15 Q. Yes, but the point, you see -- it's very important that
16 we take care over this and get it right -- that
17 description that we see at 0934 is a description that we
18 find in James's log, but he didn't see the person until
19 9.39. He didn't call you until 9.41, and you couldn't
20 hear what Frank was saying on the Airwave, so if at 9.41
21 he said to you "at 0934, a person of this description
22 came out" you would put: 0934 a person of this
23 description out of the address?

24 A. Or sorry, just as an alternative it may be I would add
25 to the entry at 9.34.

- 1 Q. Or add to the entry at 0934?
- 2 A. Which is probably more likely in this respect, I would
3 have thought.
- 4 Q. That would depend on which information you are getting,
5 if any, at 9.34?
- 6 A. But I remember specifically being aware of a male
7 leaving at that time, so it must have been some
8 possession of the information from one means or other,
9 yes.
- 10 Q. In your statement this morning, you mentioned
11 a telephone call from Derek, and also from James; you
12 remember that?
- 13 A. I had calls from both of them, that's correct, yes.
- 14 Q. Just so everyone is clear about this, in your statement
15 you said:
- 16 "The team leader Derek almost immediately telephoned
17 and asked for clearer direction. This was around the
18 9.34 mark."
- 19 That's what you have put in your statement?
- 20 A. In my recollection, yes, that's correct.
- 21 Q. That was your recollection. If we just look at the
22 telephone schedule that we have here, the only calls
23 from Derek are at 9.26 and 9.28. So it may be when you
24 were doing your best with your recollection in
25 November 2005 that you have actually telescoped the

1 sequence of events; is that fair?

2 A. Sorry, telescoped?

3 Q. You might have pushed things together and given

4 a sequence of events that wasn't entirely accurate, I am

5 not criticising you, it's easily done?

6 A. As I said, I remember being called I believe by Derek in

7 relation to this, yes.

8 Q. We see that the call from James is at 9.41?

9 A. That's correct, yes, in the schedule.

10 Q. If we look at the surveillance running log, the person

11 who had left the address is on the bus by 9.39?

12 A. That's correct, yes.

13 Q. That's the information you were given. It appears quite

14 likely, given the coincidence of the time 9.39 and the

15 call from James, who was the team leader, that that's

16 information you would have received from James, given

17 that he was the person who saw the subject get on the

18 number 2?

19 A. I would probably say no to that, sir, I would suggest

20 that some of this has most definitely come from

21 transmissions on the Cougar radios.

22 Q. That would depend upon what James is transmitting,

23 wouldn't it?

24 A. Well, no, it would depend on what the other surveillance

25 officers were transmitting.

1 Q. But if James is the one who sees him get on and also
2 gives the description, it must come from James, mustn't
3 it?

4 A. This is the description of the bus, you are saying, sir?

5 Q. The description of the person and the person getting on
6 to the bus?

7 A. Sorry, I don't quite understand it. Are you asking me
8 does the entry at 9.39 relate to me being told by James
9 verbally? As I say, I can't say whether I heard it from
10 live transmissions from the radio or whether it was
11 relayed by telephone.

12 Q. All right. In the log, we have the next entry, 9.45,
13 bus continues through Tulse Hill one way system. Just
14 to put this in context, if people want to make a note,
15 at 9.43 Ivor, who was with the subject from Scotia Road,
16 confirmed that he could not possibly make a positive
17 identification. So that's just a piece of information
18 for you at 9.43. That's what Ivor is saying.

19 Can you recall hearing anything to that effect?

20 A. No, as he said I didn't speak to any of the surveillance
21 team and I don't remember hearing that from the radio
22 transmissions, no.

23 Q. Then we see "9.45 bus continues through Tulse Hill one
24 way system", and then "9.48 unidentified male off bus
25 and on foot towards further bus stop". So there is

1 another piece of information that we ought to be clear
2 of here. You are saying here that he is on foot towards
3 a further bus stop at 9.48 and then if we go over the
4 page, 9.50, unidentified awaits at bus stop. That
5 appears to give the impression it's at the further bus
6 stop, doesn't it?

7 A. It just says as it says, "await at bus stop".

8 Q. But if we read it with the earlier one: on foot towards
9 further --

10 A. Certainly, as I said it may be I didn't know at that
11 point when I typed it in whether it was a further bus
12 stop or the same bus stop, but that does certainly read
13 that way, yes.

14 Q. If we just have a look at the telephone schedule while
15 we are going through this, bearing in mind where we have
16 got to on the surveillance log, at 9.45, that's when the
17 bus is continuing through Tulse Hill one way system, we
18 see a telephone call from the operations room to James,
19 which is just four seconds in duration; that's right?

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

21 Q. Of course James would have been in a position to hear
22 communications chatter between the rest of his team and
23 in particular we are going to hear from a person who was
24 a member of the team called Harry.

25 SIR MICHAEL WRIGHT: Forgive me, if this is taken from

1 a mobile phone cellphone schedule, a four second call is
2 as likely as not to be no call at all.

3 MR PERRY: Well, we will hear about that, sir, I am just
4 trying to put it all carefully into sequence so we are
5 all clear.

6 James would have been in a position, wouldn't he, to
7 hear the chatter between the rest of his team and the
8 individual members?

9 A. Yes, he would have been.

10 Q. Yes. Just so everyone is clear about this, I have
11 mentioned Ivor but the position at 9.45 from the
12 surveillance team members was that neither Harry nor
13 Ivor were able positively to identify the male as
14 Nettle Tip. So that was the position, just putting it
15 in context before we follow the sequence through.

16 Now, so far as the sequence of the log is concerned,
17 the next entry is at 9.52 with the male back onto the
18 same bus and the bus away near to Brixton
19 London Transport station. That's the next entry.

20 Of course, we see from the telephone log that over
21 the course of these few minutes, 9.50 through to 9.55,
22 there are four calls from the operations room to James,
23 8 seconds, 28 seconds, 23 seconds, and 28 seconds. So
24 that would be in the period from around about Brixton
25 and moving away from Brixton towards Stockwell?

- 1 A. The only small caveat I would add to that, Mr Perry, is
2 again as I said the entries on the left-hand side, the
3 times there, these may be times I have read from a clock
4 in the operations room. Whilst I appreciate the mobile
5 phone is probably accurate to GMT, I cannot talk about
6 the clock in the operations room, how accurate to the
7 second it was.
- 8 Q. I appreciate that, but the point I am coming on to is
9 assume for these purposes that these times here of the
10 male getting off the bus and then getting back on to it,
11 assume those are accurate for the moment and then we
12 look at what we have on the telephone schedule, and at
13 about this time, there is quite a lot of communication
14 between the operations room and James, and just so we
15 are clear about it, this would ordinarily -- if things
16 are working as they were set up to work -- be you on to
17 James from the operations room?
- 18 A. Generally, yes. I mean, there are other people who may
19 wish to speak to them from a surveillance point of view,
20 there are co-ordinators in relation to that who may
21 possibly ring them as well as me.
- 22 Q. We will hear from James about this, but you were the
23 principal point of contact and you were speaking to him
24 in this period?
- 25 A. Certainly, sir, yes.

- 1 Q. Because you are compiling your log, and we can see,
2 can't we, that the next entry at 9.54: "is using mobile
3 phone possibly texts, on bus, Stockwell Road". That was
4 significant, wasn't it?
- 5 A. Yes, it was.
- 6 Q. Explain to us what the significance was? What was the
7 significance about using a mobile telephone and possibly
8 texting that you considered to be so important that you
9 had to put in your log?
- 10 A. Obviously if somebody uses a mobile phone there are
11 implications about the usage of that phone, that may --
12 sorry, I am just trying to think of wording to
13 suitably -- that may be able to be traced.
- 14 Q. It was more than that on this occasion, wasn't it? On
15 7 July, the bombers who detonated the bombs on the
16 transport system in London had been seen before the
17 detonations to use their mobile telephones, hadn't they?
- 18 A. I wasn't aware of that, sir. I am not trying to --
19 obviously there are implications about using phones to
20 also detonate devices as well.
- 21 SIR MICHAEL WRIGHT: Your view of the significance of that
22 is that if he is using a phone, the phone can be
23 identified.
- 24 A. That was more -- yes, certainly, sir.
- 25 MR PERRY: Let us see what you say in your statement about

1 these events, and I am looking at what is my page 135
2 but the third page of your statement. I am just going
3 to go through this. We need not have it up on the
4 screen; you were asked about it this morning. This is
5 what you said in your statement:

6 "The male had been followed on to a bus at 9.30 am,
7 despite attempts to re-route them, which travelled
8 through the Tulse Hill one-way system", it has actually
9 come up on the screen so we can follow it. Then you say
10 this, and it's just three lines down from the --

11 A. I believe the 9.30 might be -- the actual 30 might be
12 a mistake, it's referring to the man from 9.34.

13 Q. Well, I was going to ask you about, that, we have to be
14 very careful about what you have put in a statement when
15 we don't have -- don't think I am criticising you, you
16 didn't have the telephone records and you are trying to
17 give a summary of events which took place over about
18 a 25, 30-minute period, aren't you?

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

20 Q. Let us have a look at it, you say this:

21 "By now I was constantly telephoning James."

22 That would correspond, wouldn't it, with the 9.50,
23 9.51, 9.53, and 9.55 calls shown from the operations
24 room to James; that would correspond with that?

25 A. Yes, there were several calls I made to James over the

1 period of the time, yes.

2 Q. At the time the bus had left Brixton?

3 A. I see, sorry. As I said, through the period of time

4 I spoke to him on a number of occasions.

5 Q. No, no, no, no.

6 A. And it is more referring to that.

7 Q. No, no, no, no. In your statement, you say:

8 "By now I was constantly telephoning James."

9 Well, let us look at the telephone schedule, 9.50,

10 9.51, 9.53, 9.55. You are constantly telephoning James

11 at that period?

12 A. Yes, sir.

13 Q. There is no difficulty about this, is there?

14 A. No, as I said earlier though, I can't necessarily say

15 all those calls are me phoning him unfortunately.

16 Q. Where is the bus at 9.51, 9.53 and 9.55?

17 A. Sir, I would have to look at the surveillance log

18 probably to ...

19 Q. Look at your own log. I am not making it up, am I?

20 Where is it?

21 A. I show at 9.52 the bus away near to Brixton station.

22 Q. Yes, so it's left Brixton?

23 A. And then 54, Stockwell Road.

24 Q. Let us go back to your statement.

25 "... constantly telephoning James with requests from

1 the senior officers trying to listen to radio
2 communications and updating the running log."

3 Now, it's a difficult job you have, you are making
4 these calls, listening to radio communications, updating
5 the running log. Then you say at 9.48 the male alighted
6 from the bus, it seems as though that sequence of events
7 might be out of order. Then:

8 "The team leader James was become more agitated,
9 asking for a direction and clarifying that the male was
10 by now in a busier environment with members of the
11 public."

12 If there was no identification, why was James
13 agitated about this person being amongst people around
14 Brixton?

15 SIR MICHAEL WRIGHT: Can he answer that, Mr Perry?

16 MR PERRY: Well, what did you understand, why was James
17 agitated? Why were you putting that in your statement?

18 SIR MICHAEL WRIGHT: What was he saying?

19 A. As in what was James saying to me?

20 SIR MICHAEL WRIGHT: Yes.

21 A. I can't remember his exact words but throughout this
22 period again it was in relation to what was going to
23 happen next, was he going to be stopped, did they want
24 the surveillance team to stop him, and that was the
25 general request, if you like, from him in relation to

1 this.

2 MR PERRY: Let us carry on. At about 9.52, it seemed the
3 male got back on to the same bus and this was flagged up
4 by the team leader James as potentially suspicious. So
5 James was saying: look, he has got back on to the same
6 bus, this looks like it might be a counter surveillance
7 measure.

8 A. Yes, he mentioned obviously the suspicion around that,
9 going on to the same bus, potentially, yes.

10 Q. Then you deal with:

11 "The bus continued along the road under surveillance
12 and I was informed the male had been seen to apparently
13 text using a mobile telephone. Again these details were
14 relayed. At 10 am I relayed that the male was
15 apparently heading downstairs on the bus."

16 May I just ask you about that, the 10 am, because at
17 10 am the fact that the male was apparently heading
18 downstairs, that doesn't appear to be linked to any
19 particular telephone call, does it? If we just look --

20 A. No, sir, certainly no, looking at the schedule you have
21 just given me.

22 Q. You are in contact at 9.58 and 10.01 with Derek?

23 A. Well --

24 Q. Someone is?

25 A. Yes, I was going to say, certainly not.

1 Q. So it might be a safe inference to proceed upon the
2 basis that that must have come from surveillance
3 chatter?

4 A. From commentary, yes, sir.

5 Q. Then you go on to say in the statement:

6 "I was by now in constant telephone contact with the
7 team leader James, who was insistently asking for
8 direction."

9 We see that at 10.03 from the telephone schedule,
10 there is the James call into the operations room which
11 is of one minute 26 seconds duration. This is James
12 calling in, 1.26, and this corresponds with what you had
13 said in your statement about constantly in contact with
14 James?

15 A. Yes, I mean, perhaps I used the word "constantly" a bit
16 glibly, but it certainly seemed that way to me, sir.

17 Q. No doubt this was your genuine and honest impression
18 when you made your statement.

19 A. Certainly.

20 Q. The point is this: James was insistently asking for
21 directions. What was his concern?

22 A. As I said, directions about what was to take place.

23 Q. About whether they should intervene?

24 A. Or somebody should intervene, yes, sir.

25 Q. He was very anxious about intervening, something had to

1 be done?

2 A. Yes, certainly.

3 Q. We can finish with your statement.

4 SIR MICHAEL WRIGHT: Are you leaving that point? I just

5 want to get something out of the way, if I can.

6 MR PERRY: Yes.

7 SIR MICHAEL WRIGHT: Where was Derek at this time? Back at

8 Scotia Road, wasn't he?

9 MR PERRY: Derek is back at Scotia Road.

10 SIR MICHAEL WRIGHT: The only point I am making, so the jury

11 shall not be confused. Those two entries relating to

12 Derek and the last one in fact in your schedule, they

13 can't have anything to do with anything, can they?

14 MR PERRY: Certainly not in relation to the events at

15 Stockwell.

16 SIR MICHAEL WRIGHT: Yes, that's the point.

17 MR PERRY: So there is no doubt about it, Derek, the red

18 team leader, is back at Scotia Road because the greys

19 have come away on the surveillance follow, Derek is

20 still at Scotia Road because you have premises out of

21 which someone might come at any moment, so they are

22 still doing their job there but your focus when you are

23 on the telephone with James is what's taking place

24 outside the tube station at Stockwell.

25 A. Certainly, yes.

- 1 Q. Now, if information had come from the surveillance team
2 either from James or from the chatter, that the subject
3 was believed to be Nettle Tip, if it was being said: we
4 believe it's Nettle Tip, we can be sure about one thing,
5 you would have passed it on?
- 6 A. Yes, I was there as that conduit role, certainly, sir,
7 yes.
- 8 Q. If it had been said you would have passed it on, we can
9 be sure about that?
- 10 A. Certainly, sir.
- 11 Q. The next question is whether or not it was said. Just
12 to put this in context, everyone understands, Pat, and
13 anyone who's listened to the evidence in this case of
14 ordinary sensitivity would understand for anyone
15 involved in it that this was a fast-moving and dynamic
16 incident, wasn't it?
- 17 A. Certainly, yes.
- 18 Q. You couldn't possibly note everything?
- 19 A. No, certainly not.
- 20 Q. You could not possibly be expected to recall everything
21 now today some three years or so later?
- 22 A. No, I think that would seem reasonable, certainly.
- 23 Q. The log we have seen was something you were unable to
24 agree with James at the time so you didn't have
25 an opportunity to have your recollection refreshed from

- 1 what he himself had put in his log?
- 2 A. Yes, it's not so much recollection, it's more -- finer
3 details sound wrong but it's clarifying the times more
4 than anything and the details I would have heard from
5 the summary -- the commentary rather.
- 6 Q. If you sit down with James and he says: there was this
7 very important thing that we passed on, you could put
8 that in the log?
- 9 A. Certainly, yes.
- 10 Q. You are not just there saying: well, we had better check
11 it, but we had better put our blinkers on and only make
12 sure the times are right?
- 13 A. No, no, certainly not.
- 14 Q. You were asked yesterday whether you recalled saying
15 words to the effect: "they think it's him" and: "he's
16 very, very jumpy"; do you recall that you were asked
17 about that?
- 18 A. I do recall, yes, sir.
- 19 Q. I just want to see where we are on this, because first
20 of all before we examine those words, you can recall,
21 can't you, Mr Boutcher's request for an indication of
22 how positive the identification was?
- 23 A. Certainly, sir.
- 24 Q. On a scale of 1 to 10?
- 25 A. I remember it as a percentage.

1 Q. Or percentages?

2 A. I do remember that, sir, yes.

3 Q. Don't worry because whether it was a percentage or

4 a scale of 1 to 10. If you are asking on a scale of 1

5 to 10 or percentages, you are asking for the percentage

6 chance or for an indication of how positive the

7 identification is, that's the position?

8 A. In essence, yes.

9 Q. It follows perhaps reasonably and logically, that if

10 people are asking for a percentage or a scale of 1 to

11 10, they must think that they are dealing with

12 an identification?

13 A. Well, yes, as I said earlier, possibly identifiable,

14 yes.

15 Q. Yesterday Commander Dick's evidence was put to you about

16 her evidence on this point, and you said you couldn't

17 recall saying those words: "they think it's him and he's

18 very, very jumpy"?

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

20 Q. But, you see, what was not put to you was Mr Cremin's

21 log. May we have page 148 up on the screen, please, and

22 for the ladies and gentlemen of the jury it's divider 47

23 of -- sorry, I may have the -- it's Mr Cremin's log,

24 perhaps I can just look at it in the bundle. It's

25 page 148. Do you have that, Pat? If you would prefer

1 the hard copy --

2 A. I have it.

3 Q. -- or have it on the screen. If we just look at this,

4 this is Mr Cremin's log. Did you see Mr Cremin?

5 A. I don't know the person, I don't recall, sir, but I am

6 sure he was there.

7 Q. We see the 9.52 entry:

8 "Guy outside tube station, Osman, grey have [taken]

9 control on or of him. What doing at tube station?"

10 Can you remember questions being asked, what's he

11 doing at the tube station. This is at Brixton. Can you

12 remember?

13 A. No, because obviously I was told he was going towards

14 the tube station, so it would make sense at some stage

15 he may get to the tube station, I suppose.

16 Q. Questions were being asked, weren't they, if you are

17 saying he is at the tube station, he is at Brixton, he

18 has got off this bus, that's obviously going to provoke

19 a question: what's he doing there, isn't it?

20 A. Sorry, I don't quite follow.

21 Q. You are passing on information, he's got off the bus at

22 Brixton; yes?

23 A. Correct.

24 Q. You are in contact with the surveillance team and the

25 people in the operations room want to know what's he

1 doing at Brixton because he is under surveillance, isn't
2 he?

3 A. Yes, sir.

4 Q. So it would be sensible for someone to say: well, what's
5 he doing at Brixton?

6 A. Right. I understand. I am not sure what context you
7 are posing the question, sir, sorry.

8 Q. If the question from the senior officers is: what is he
9 doing at Brixton, how would that question be relayed to
10 the surveillance teams?

11 A. Well, I would obviously relay it, but they obviously
12 wouldn't know what the subject was thinking about why he
13 had gone to Brixton.

14 Q. What's he doing, not what he's thinking?

15 A. Physically doing?

16 Q. It's a very fair question to ask of someone under
17 observation. "What doing at tube station, very jumpy.
18 Establish identification and hold."

19 Can you recall Cressida Dick saying that?

20 A. No, sir, I can't.

21 Q. "Hold" meaning hold off from any intervention. Then
22 this:

23 "It's him, the man off bus.

24 "They think it is him and he is very, very jumpy."

25 So this is just the sort of thing that could well

- 1 have been said, isn't it?
- 2 A. As I said, sir, I don't recall saying it, certainly.
- 3 Q. But it could have been said?
- 4 A. Well, it could have been said I suppose, yes.
- 5 Q. But it's not just Mr Cremin, because you will remember
- 6 Angie Scott, she was present in the room, wasn't she?
- 7 A. I believe DCI Scott, yes, was there.
- 8 Q. Sorry, I should call her DCI Scott too. DCI Scott, she
- 9 was there and she was very close to you, wasn't she?
- 10 A. On occasions she was, sir, yes, but like the other
- 11 senior officers, they moved around the area generally.
- 12 Q. At this time events in the control room are rather
- 13 concentrated and intense, aren't they, on what's going
- 14 on because all of a sudden something's happening, isn't
- 15 it?
- 16 A. Certainly more focused, sir, definitely.
- 17 Q. Can you remember DCI Scott moving or being close to you
- 18 at this stage?
- 19 A. I can't specifically, sir, no, sorry.
- 20 Q. She says:
- 21 "I can recall Pat saying something like 'they are
- 22 saying that it's him'."
- 23 That's Detective Chief Inspector Scott. You can't
- 24 recall it?
- 25 A. Certainly not, because that to me then goes towards

1 a positive identification being made of the subject
2 which would be therefore reflected in the log
3 straightaway because that would be an indication it was
4 him.

5 Q. But Mr Boutcher said that you informed the room in
6 effect that they do now believe the subject to be Osman,
7 and Pat said: it was believed to be him, it was him.

8 You see, it's not just Commander Dick, as was put to
9 you yesterday, it's DCI Scott, Mr Boutcher, what about
10 Mr Johnston? He was your superintendent, wasn't he?

11 A. He was there as well, sir, yes, I believe.

12 Q. He says that Pat -- he has given evidence here -- said:

13 "The surveillance officers are still saying it could
14 be him and then he repeated that because he was not sure
15 that Commander Dick and Mr Boutcher had heard".

16 So he was passing on what you had said. Can you
17 recall Mr Lewindon who was there, did you know him?

18 A. I didn't -- I don't believe I did know him, sir, and
19 again I think he was another senior officer there who
20 I didn't recognise.

21 Q. He was saying that you as the surveillance monitor said:
22 "they think it's him".

23 So we have heard a good deal of evidence about it,
24 and as I have said, we all accept how difficult your job
25 was, but I think where we are is this, isn't it, first

1 of all you accept that you can't put everything in your
2 log that was said?

3 A. Certainly not, sir, no.

4 Q. And you have now no recollection of what you actually
5 said?

6 A. In relation to "they think it's him".

7 Q. Yes.

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

9 Q. Thank you. I just want to ask you about --

10 SIR MICHAEL WRIGHT: Are you leaving Mr Cremin's log?

11 I have a question, that's all.

12 MR PERRY: If you are going to ask a question, I will not
13 leave it, sir, let's deal with it.

14 SIR MICHAEL WRIGHT: This may not be something you can deal
15 with because it's not your log. The expression
16 "establish ID and hold", if you don't know, please say
17 so, but what do you understand "hold" to mean?

18 A. To me it could mean several things, I suppose. Could be
19 hold off doing something, I suppose potentially it could
20 be hold the subject, move up. I don't know, you would
21 probably have to ask Mr Cremin.

22 SIR MICHAEL WRIGHT: That's what I thought you would say.
23 You can't help us with that?

24 A. I am sorry, I can't, sir.

25 SIR MICHAEL WRIGHT: Very well.

1 MR PERRY: Thank you, there is just one other matter I want
2 to ask you on this aspect and then I have just a few
3 other things to ask you.

4 You made another statement, didn't you, on
5 4 July 2007. Do you have that with you, Pat? The
6 4 July 2007, another statement. Shall I ask for it to
7 be put up on the screen?

8 A. Could you, please.

9 Q. It's your statement of 4 July 2007 and I wanted to look
10 at page 140. It's the third page of the statement, if
11 that assists. That's it. It's just the second
12 paragraph of the statement where you say:

13 "Mr de Menezes was thought to be Nettle Tip and
14 I was aware from the outset that he was being followed
15 from Scotia Road."

16 So when you made this statement, you had a clear
17 recollection that he was thought to be Nettle Tip?

18 A. As I said, "possibly identifiable" covers the fact that
19 possibly he is the subject, yes.

20 Q. We are going to hear what PIW means, I think the
21 surveillance people will say "possibly identical with"
22 rather than "possibly identifiable with", but the way
23 you expressed --

24 A. That's not my understanding, sir.

25 Q. That's all right, we will hear from them. There is

1 a difference between the two, it may be quite nuanced

2 but --

3 A. To me it is kind a contradiction almost to be possibly
4 identical, I would take "identical" to be identical. To
5 me personally, I don't see how you can be possibly
6 identical. Again, as you say, that's my opinion,
7 I can't speak for my colleagues, certainly.

8 Q. Here you are saying in the statement Mr de Menezes was
9 thought to be Nettle Tip?

10 A. That's correct.

11 Q. I just want to put that to one side. You were asked,
12 I just want to ask you now a few questions please about
13 Owen very, very briefly. If we could have the note that
14 was put up on the screen this morning, Mr Owen's notes.
15 Owen is a pseudonym.

16 If we just look at this. You were asked questions
17 about it earlier, and you have told us that Owen was in
18 the area around C1 and C3, the seats between them.

19 A. Certainly when I saw him earlier on.

20 Q. That would be next to Nick, who was sitting in C1?

21 A. I don't remember seeing Nick there but certainly that
22 may be the case.

23 Q. If we just look at this, if we just pick it up from the
24 main section in the middle of the page, U/I unidentified
25 movement on to bus almost immediately, management

1 question, how come he got on the bus?

2 "Pat [that's you] made about six calls to BTP", you
3 have told us that may not be accurate; it was to the bus
4 company.

5 "Told being diverted but some buses coming anyway.
6 CD [Cressida Dick] to greys, telephone, don't think it's
7 him."

8 Then three or four minutes of follow:

9 "Cressida Dick question: why still following, if
10 they don't think it's him?"

11 That's the clear meaning of this, isn't it.

12 Then off bus, texts -- me to intel cell, we need not
13 deal with that then on bus. If we bear in mind that's
14 about 9.52.

15 Then just dropping down:

16 "James called Pat. Cressida Dick: what percentage.
17 Through Pat, can't give percentage but think it's him.

18 You can recall this questioning about the
19 percentage, can't you?

20 A. As I said I remember Mr Boutcher specifically asking but
21 it's quite possible Commander Dick asked as well,
22 certainly.

23 Q. Can you recall Mr Dingemans being called off -- being
24 asked to make an interception?

25 A. No, I don't have any recollection of Mr Dingemans.

- 1 Q. Out of fairness, I ought to make one thing clear: of
2 course so far as you are concerned, I have already dealt
3 with the sources of information, the telephone calls
4 with the team leaders, the telephone calls are always
5 with the team leaders rather than individual members of
6 the surveillance team?
- 7 A. Yes.
- 8 Q. So far as you are concerned?
- 9 A. Certainly, yes.
- 10 Q. So your principal source of information is from the team
11 leader, would that be fair to say?
- 12 A. And the radio.
- 13 Q. But I was --
- 14 A. Ideally I wouldn't want to bother the team leader, if
15 you like, because obviously I understand the role I am
16 undertaking, so ideally I would hear the commentary
17 through the radio. It would only be if, for instance,
18 there were technical faults where I couldn't hear it and
19 also to clarify if there was any doubt and then that
20 would provoke a phone call from me irrespective of him
21 phoning me.
- 22 Q. Or if he called you and gave you specific and precise
23 information for you to enter into the log?
- 24 A. Certainly, yes.
- 25 Q. You could hear some of the chatter with Derek and some

1 of the team at Scotia Road?

2 A. It is prior to 9.34?

3 Q. Yes.

4 A. Yes, certainly, if they were using the transmission,
5 certainly.

6 MR PERRY: Thank you very much indeed.

7 SIR MICHAEL WRIGHT: Thank you, Mr Perry. Mr Stern?

8 Questions from MR STERN

9 MR STERN: Pat, I wonder if you could just take out the
10 helpful telephone schedule provided by Mr Perry. Could
11 I just ask you about the entry at 10.03, please? Could
12 you just help us, please, with what it was James was
13 conveying to you at that time for almost one and a half
14 minutes?

15 A. I am assuming this refers to the last call I believe
16 from James to me.

17 Q. That's correct.

18 A. So this would be I would think the request about what
19 was to take place, what was to happen.

20 Q. Yes?

21 A. And then the offer that the S012 would be in a position
22 or could be in a position to stop --

23 SIR MICHAEL WRIGHT: The offer for S012 to do the stop was
24 within that call?

25 A. I am looking at the schedule, I would have to say yes

1 because there doesn't appear to be another call.

2 MR STERN: Does it appear then that there was no order to

3 intervene before that time at 10.03?

4 A. That would certainly seem to make sense from this

5 schedule, certainly.

6 Q. The second question is this, going back to your typed

7 log, this was done as a Word document, I think?

8 A. I believe that's correct, sir.

9 Q. Was it saved as a Word document? Can you help us? Did

10 you print it out or what happened with it?

11 A. I believe both probably. I think because I seem to

12 remember it has a Word format and therefore I believe it

13 would be saved as a Word document but I am not an expert

14 on Microsoft products, unfortunately.

15 SIR MICHAEL WRIGHT: That makes a lot of us, I suspect.

16 What does "save" mean, Mr Stern?

17 The jury may all know, but --

18 MR STERN: I am assuming that people know, but maybe that is

19 a rash assumption.

20 You move the cursor to the bit that says "save",

21 click on that, and then give it a title.

22 SIR MICHAEL WRIGHT: All right, I asked for that.

23 MR STERN: No, no, I am afraid I couldn't explain it any

24 other way.

25 SIR MICHAEL WRIGHT: What's the effect?

1 MR STERN: What's the effect of saving it, then?

2 A. To clarify, I obviously finished duty later that

3 evening, it may well be the operations continued. It

4 may be the log, if you like, would roll on then to the

5 next person taking over. I am just seeing here that I

6 have only got up to 1300 here so, I couldn't clarify

7 that.

8 Q. We have a copy that carries on beyond that.

9 A. Sorry, I only got one, I think.

10 Q. When did you finish, then?

11 A. I believed I finished sometime approximately 8 o'clock

12 in the evening. I can give you an exact time if you

13 like.

14 Q. It's all right, I can help you. 8.25 the log was handed

15 over to -- and then there is a blank. we don't know who.

16 SIR MICHAEL WRIGHT: Forgive me Mr Stern, let me ask the

17 question I really wanted the answer to. If you save

18 a document, does that prevent it being amended?

19 A. No, somebody could go back into it the next -- I assume

20 the next --

21 SIR MICHAEL WRIGHT: It has not been deleted?

22 A. Again I don't believe so, I know we have certain

23 security rights on documents but I don't think this was

24 one of them, I think it was left generally in a library

25 where it could be accessed.

1 MR STERN: Before we get out of my technical depth, I will
2 just ask you the next question about the log, which is
3 this: are we to understand that there was an entry that
4 you have timed at 9.34 which relates to PIW? We have
5 seen that.

6 A. Yes, we have, sir.

7 Q. Are we to understand that there is no other entry in
8 relation to identification up to and including 10.05?

9 A. It remains throughout as unidentified.

10 Q. No, is there any other reference to any additional
11 discussion about identification?

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

13 Q. Which is correct, that there isn't?

14 A. Yes, sorry, I thought that was the question you posed,
15 yes, it remains that throughout.

16 Q. On your log there is no other reference to any
17 additional material save for that which we have looked
18 at at 9.34?

19 A. In relation to my log, no.

20 Q. Yes, in relation to your log, I am only asking you about
21 your log, not other people's.

22 The last thing I want to ask you about is this:
23 yesterday in your evidence you said this -- for the
24 record, it's page 182 of the transcript:
25 "Answer: To me the male was never clearly

1 positively identified as the subject, and the reflection
2 of the U/I -- it should probably read 'U/I PIW' every
3 time throughout the thing."

4 I think you meant that each time we see U/I, it
5 should have "U/I PIW" to be more accurate in your mind?

6 A. Yes, because again to me it would have been unless he
7 had been eliminated as it were from the identification
8 process, he would then become an identified male and
9 left at that status, if you like.

10 Q. If he had been identified in your mind, then you would
11 have written either the name, the full name of the
12 subject; yes?

13 A. Or the initials.

14 Q. Or the initials NT for Nettle Tip?

15 A. Correct.

16 Q. Is that a standard procedure for loggists or people
17 keeping a log in S012?

18 A. I can't really speak for other persons, to me that was
19 certainly my experience of it, yes.

20 Q. You would not want to put "NT" down if somebody had not
21 been identified, would you?

22 A. No, I wouldn't put that subject name in on its own, no.

23 MR STERN: Thank you very much.

24 SIR MICHAEL WRIGHT: Thank you, Mr Stern. Ms Leek?

25 MS LEEK: No thank you.

1 SIR MICHAEL WRIGHT: Mr King?

2 MR KING: No, thank you, sir.

3 MR HORWELL: I have only one small matter, I am not going to
4 repeat the cross-examinations that have passed before.

5 Questions from MR HORWELL

6 MR HORWELL: My name is Richard Horwell. I appear on behalf
7 of the Commissioner.

8 It's a matter of detail but it relates to the
9 letters PIW that we have seen on your log at 9.34,
10 page 447. Thank you.

11 Could we have put up, please, the evidence that you
12 gave on 12 October 2007 at page 103.

13 A. Is this where I have used the words "identical" in the
14 transcript?

15 Q. It's in relation to the letters PIW. Line 4, you were
16 asked:

17 "Question: And the subject had started as a PIW,
18 possibly identical with the suspect; is that right?

19 "Answer: Possibly identical with, yes, that's
20 correct, my Lord.

21 "Question: Were you aware that someone had said it
22 wasn't him at one stage?

23 "Answer: No, I wasn't ..."

24 A. I looked myself this morning at the transcript just to
25 refresh my memory and I also identified that is wrong

1 further down in the transport, towards the end. I think
2 I clarify it by saying "possibly identifiable with"
3 later on.

4 Q. The point I rise is this: could you have thought that on
5 22 July?

6 A. No, no, that is, I am saying a mistake, it is not my
7 intention, it is, or has always been, "possibly
8 identifiable with".

9 Q. We will hear from surveillance that their use of PIW is
10 "possibly identical with" and that's what was intended
11 on this day. But you can't help?

12 A. It's certainly not my understanding, no, sir.

13 MR HORWELL: Thank you.

14 SIR MICHAEL WRIGHT: You say you corrected it later in the
15 evidence?

16 A. Further down on the transcript on that day.

17 SIR MICHAEL WRIGHT: Any idea what page?

18 A. I think it's possibly the last page of my testimony,
19 I believe.

20 SIR MICHAEL WRIGHT: You have it.

21 MR HOUGH: Yes.

22 SIR MICHAEL WRIGHT: Very well. Yes, Mr Hough.

23 Further questions from MR HOUGH

24 MR HOUGH: Just on that last point, could we have up
25 page 109. This just to set it in context. Do you see

1 at the bottom of the page, the questions you are being
2 asked? Line 22, this in cross-examination by counsel
3 for the Commissioner:

4 "Question: I am asking you if you recognise that
5 they [those words] are capable of conveying that meaning
6 to anyone?

7 "Answer: As previously answered to me because of
8 the word 'think' it doesn't to me indicate a positive
9 identification and certainly this is something that
10 would have been relayed in the log as I was typing, if
11 any positive identification had been made. This is
12 something I would have typed to changing from being 'the
13 possibly identifiable' with to being the subject."

14 A. That's correct, that's the passage I was referring to,
15 sir.

16 MR HOUGH: That's what you were referring to.

17 A. Yes.

18 Q. Thank you.

19 Going back, and I'll take these chronologically,
20 first of all, you were asked some questions by Mr Perry
21 about the early period after the subject of surveillance
22 walks out of the block at Scotia Road. These questions
23 are at pages 62 to 64 of today's transcript. I think,
24 and I'll being be corrected if I am wrong, but the
25 suggestion in broad terms made to you was that the first

1 information you received about the man who had come out
2 came from James, the grey team leader, by phone at 9.41,
3 just so you understand.

4 Can we have the log up, please, on page 447.

5 MR PERRY: Sir, can I make it clear so we don't have
6 a misunderstanding, I am not necessarily saying that
7 there wasn't something at 9.34 but what I am saying is
8 the entry contains information that could only have come
9 from James. So that's the point.

10 SIR MICHAEL WRIGHT: Well?

11 MR HOUGH: It's helpful to have that clarification.

12 Nevertheless, can I just ask you this: you have
13 written next to 9.34 as the source "reds". What does
14 that signify?

15 A. Normally signify the source, if you like, of the
16 information, so that that would indicate that somebody
17 or I was under the impression that somebody from the red
18 team had provided that entry. I wouldn't know which
19 surveillance officer because I wouldn't necessarily
20 recognise the voices if I heard it from a radio at all.

21 Q. If the detail of the person, his characteristics, had
22 come from James, the grey team leader, at 9.41, would
23 you have written anything different?

24 A. No, I wouldn't have done. As I said earlier, sorry, it
25 may have been I have added to that entry with further

1 detail, just trying to fill out the entry a bit more so
2 it makes more understanding, that's all, to somebody who
3 was reading it.

4 Q. That's helpful. Are you saying that "reds" indicates
5 that at least some of the information came direct from
6 the red team but other parts of it may have come later
7 from the grey team?

8 A. Certainly particularly in relation to maybe for instance
9 the jeans I don't know or the height, it may be it was
10 a clearer picture which I would then add to the
11 description there relating to the same male.

12 Q. Can we have on screen, please, page 474 of the
13 documents. This is the red team log, and shows -- just
14 so you know -- what the red team were writing at 9 -- in
15 the period between 9.33, 9.34 and 9.41.

16 At 9.33 there is a reference to somebody coming out,
17 5 foot 8, dark hair, beard, out of communal doorway of
18 premises wears denim jacket and jeans trousers.

19 9.36, reference to the same person.

20 "Male IC1 as 9.33 believed of North African origin,
21 has stubble on face, on foot towards Tulse Hill."

22 That is the information which the red team had
23 recorded in their log at around that time. We can have
24 that off screen now.

25 SIR MICHAEL WRIGHT: You haven't seen that one now, you will

1 get it in due course.

2 MR HOUGH: Obviously that will be gone into detail when we
3 get the members of that team.

4 Is this right, some of the information you are
5 recording at 9.34 is the same as that, and some of it
6 doesn't appear in that log?

7 A. Certainly it looks that way looking at that log,
8 certainly yes.

9 Q. Could it be, I don't know, that some of the information
10 comes from the greys and some from the reds?

11 A. Yes, possibly, sir, yes.

12 Q. Now, second point arising out of this, the suggestion
13 was made that you can't hear directly from Frank because
14 he's communicating by Airwave, that's the evidence we
15 are likely to hear from him.

16 You couldn't have got information over this period
17 of time over the phone from the red team leader Derek,
18 because we have looked at the phone schedule and he
19 wasn't on the phone to you over this time.

20 Then there is the other source that's been pointed
21 out to you, which is James calling at 9.41.

22 Do you understand?

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

24 Q. Other than these sources, is there any other way you
25 could be picking up information from the red team about

1 the man that various of them are watching over this
2 period?

3 A. As I said, if it was relayed over the Cougar network
4 that could have been picked up directly by me from the
5 radio transmissions on that side of the technology, if
6 you like.

7 Q. Is this right, the other members of the red team could
8 have been relaying what they were hearing from Frank or
9 anybody else over Airwave?

10 A. They could be relaying on to Cougar what they had heard
11 from Airwave possibly, yes.

12 Q. You were taken to your witness statement, I don't think
13 we need it up -- it might help to have it up on screen,
14 it's page 135, please, of the statements. If we zero in
15 on the middle part of the page.

16 Now, we see you referring to 9.34, an unidentified
17 male leaving the address; yes?

18 A. That's correct, yes.

19 Q. That accords with your log, 9.34, but is it right that
20 you are relying on your log when you make this
21 statement?

22 A. I certainly referred to it, yes.

23 Q. You were asked about this:

24 "The male has been followed on to a bus at 9.30"?

25 A. That's correct, yes.

1 Q. In your log you put that time as 9.39; correct?

2 A. I believe that is a mistake, I did refer to my log when
3 making this statement as my original note, if you like,
4 so I believe that bit should read 9.39.

5 Q. Would in fact it be illogical to have a reference to him
6 being followed on to a bus at 9.30, only 10 or 15 lines
7 down from him coming out at 9.34?

8 A. It would make no sense, certainly.

9 Q. Could it? I'm only positing it as --

10 A. I suspect it is an error and it should read 9.39 as the
11 running log reads.

12 Q. Could it just be a typo?

13 A. Yes, I believe so, sir.

14 Q. We can have that off screen. You were asked about James
15 getting agitated when the man was getting off the bus.
16 Can you remember now what was the cause of James's
17 agitation?

18 A. As I said his agitation, if you like, kind of increased
19 throughout the surveillance as it went on, and obviously
20 he was expecting something to take place, be it stopped
21 by whoever, because this has not happened, that seemed
22 to me why his agitation was building and then obviously
23 the fact that the male had got on to a bus and then got
24 off and then possibly got back on to another bus
25 certainly gave me the impression that just increased his

1 anxiety.

2 Q. Take that in stages, please. You say that his agitation
3 increased initially because he was expecting something
4 to take place; what do you mean by something to take
5 place?

6 A. In my understanding as well of the strategy was these
7 people would be spoken to by somebody and certainly if
8 it was a possibility that it was the subject then there
9 would be some sort of intervention, possibly by an armed
10 team if deemed necessary. Because it hadn't happened
11 and the man was still continuing, that to me obviously
12 increased both his anxiety and mine obviously to why it
13 hadn't happened possibly.

14 Q. Initial cause of his increased agitation, the person is
15 not being intercepted?

16 A. I don't obviously want to speak to the officer, I would
17 speak for and on his behalf but that was certainly the
18 impression being relayed to me.

19 Q. But the second cause of his agitation increasing is that
20 the man has got on the bus and then off the bus and then
21 on the bus again?

22 A. Certainly again.

23 Q. Final point, moving on to near Stockwell tube, you have
24 been asked about a call when James, the grey team leader
25 calls you at 10.03 and speaks to you for a minute and

1 a half. You have indicated, I think, that that was the
2 period when, in that call, James asked "should we do the
3 stop"?

4 A. As I said, it seems to be from the schedule the last
5 call there, so that would follow then that would be the
6 time that he had made that request, yes.

7 Q. Go back to your evidence about his request, he asks:
8 should we, the surveillance officers, do the stop?

9 A. I think it was more an offer, sorry.

10 Q. He offered, fine?

11 A. Yes, I do not want to mislead but that was how it seemed
12 to be put to me; he was providing it as an option, if
13 you like, certainly.

14 Q. You passed that on to the senior officers, you get their
15 answer, you attempt to pass it on but the phone goes
16 dead?

17 A. No, I did pass it on in my recollection. Then he
18 mentioned something about I believe the subject was at
19 the tube, words to that effect, and then that was the
20 last I heard from him on that occasion.

21 Q. Does the length of that call, a minute and a half, help
22 you in any way to recall how long it took for the senior
23 officers between when you passed on James's offer to
24 when they said yes, SO12 to do the stop?

25 A. In my recollection, irrespective of the call time, it

1 was literally a matter of seconds, a couple of seconds.

2 MR HOUGH: Thank you very much.

3 SIR MICHAEL WRIGHT: Thank you, Mr Hough. Thank you very
4 much indeed, Pat, that's all we have for you, you are
5 free to go.

6 (The witness withdrew)

7 SIR MICHAEL WRIGHT: Mr Horwell, I gather there is a matter
8 you want me to deal with?

9 MR HORWELL: Sir, yes.

10 SIR MICHAEL WRIGHT: A matter which ought to be heard in
11 chambers?

12 MR HORWELL: I have discussed this with Mr Hilliard, if you
13 were to say to the jury quarter past, that ought to
14 cover it easily.

15 SIR MICHAEL WRIGHT: I accept the invitation from
16 Mr Horwell, quarter past. Thank you.

17 In the absence of the jury - see separate transcript
18 (2.20 pm)

19 In open court

20 (In the presence of the jury)

21 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

22 MR HILLIARD: Sir, the next witness is Mr Mellody, please.

23 DETECTIVE CHIEF INSPECTOR PATRICK MELLODY (sworn)

24 A. In July 2005, sir, I was a Detective Chief Inspector on
25 the anti-terrorist squad.

1 SIR MICHAEL WRIGHT: Thank you, Mr Mellody, please sit down.

2 A. Thank you, sir.

3 Questions from MR HILLIARD

4 MR HILLIARD: Mr Mellody, I am going to ask you some
5 questions first of all on behalf of the Coroner, and
6 then you will be asked questions by others.

7 A. Of course.

8 Q. Do you have a statement you made dated 21 November 2005?

9 A. I have the document in front of me, sir.

10 Q. In addition some notes that you made, do you have those,
11 PM1, 2 and 3 exhibits?

12 A. I do, indeed, sir, yes.

13 Q. There is absolutely no difficulty about you referring to
14 those if you need to?

15 A. Thank you very much.

16 Q. In July of 2005, what was your particular job?

17 A. I was a Detective Chief Inspector, as I said, sir, in
18 charge or managing the intelligence function. I was
19 deputy to Superintendent or Detective Superintendent
20 Taylor, and my function, sir, was to run what we call
21 the bomb data centre, the financial investigation unit,
22 the computer data centre or the computer crime unit, the
23 hostile reconnaissance unit, I was involved with the
24 telephone unit, and of course the branch intelligence
25 unit who were conducting intelligence functions on our

- 1 behalf.
- 2 Q. So all sorts of bits of information and intelligence?
- 3 A. Correct.
- 4 Q. Managing the way that's dealt with, the way it comes in,
5 goes out, that kind of thing?
- 6 A. Indeed, yes, I am not an expert on those functions,
7 I employ experts or experts are employed in those roles
8 and I manage those individuals, those men and women, and
9 obviously was aware of the intelligence that was being
10 developed, and then through me and into the management
11 team, the senior management team, particularly in
12 respect of the July 7th attacks on London.
- 13 Q. I think you were at work on 21 July of 2005; is that
14 right?
- 15 A. I was, sir, yes.
- 16 Q. Were you engaged in the course of that day with events
17 as they developed relating to the attacks by suicide
18 bombers or the attempted attacks on the transport
19 system?
- 20 A. I was indeed, sir, yes.
- 21 Q. You come on duty, I think, on the 21st, is this right,
22 at about 8 o'clock in the morning?
- 23 A. About 8 o'clock, sir, yes.
- 24 Q. Because of what happened, did you actually carry on
25 working throughout the night?

- 1 A. I did, sir.
- 2 Q. The whole night?
- 3 A. Yes.
- 4 Q. In the early hours of the 22nd, did you receive
- 5 information about the membership card that we have heard
- 6 that was found in a rucksack at the scene in
- 7 Shepherd's Bush Underground station?
- 8 A. I did indeed, sir, yes.
- 9 Q. You realised that it related to a fitness club in
- 10 Wandsworth; is that right?
- 11 A. That's correct, sir.
- 12 Q. What did you do about that?
- 13 A. Well, having received that information, I believe it was
- 14 from my staff in the intelligence unit, clearly in my
- 15 view it was pertinent, it had been found in the -- in
- 16 what I would term the bomb bag, I directed or caused my
- 17 staff through me, I directed the local CID at Wandsworth
- 18 to attend the premises, meet with the keyholder and
- 19 obviously seek what information they could --
- 20 Q. This is the keyholder of the actual premises?
- 21 A. Indeed, yes, sir.
- 22 Q. The card related to the fitness centre, the gym club or
- 23 whatever.
- 24 A. Yes.
- 25 Q. Go on, yes, to meet with him?

- 1 A. To meet with him and in short, sir, to gather any
2 intelligence they could find within those premises in
3 relation to that particular gym card. They achieved
4 that, and that intelligence was then brought back
5 obviously to Scotland Yard.
- 6 Q. The address 21 Scotia Road was identified?
- 7 A. It was indeed.
- 8 Q. Perhaps we can deal with this in case it arises. If you
9 have the first notes that you made, you deal at the
10 beginning -- put these up on the screen, perhaps, but
11 page 1487, we may be able to -- let us see. No, we
12 won't bother, wrong page, we will just leave it.
- 13 In your notes, you have a reference to
14 21 Scotia Road?
- 15 A. Yes.
- 16 Q. SW2, and then above that, a mention of flat 40. Do you
17 see that?
- 18 A. I do, sir, yes.
- 19 Q. We know that there was another address of interest, 40
20 Blair House. I just want to be clear, in your note
21 where it has first of all flat 40 -- the jury can't see
22 this -- and then below that 21 Scotia Road, I want to
23 know, as you understood it, is the reference flat 40
24 a reference to 21 Scotia Road or to a different address?
- 25 A. It's to a different premises, sir.

1 Q. So did you appreciate or not at that time that
2 21 Scotia Road when you first learned about it was in
3 a block of flats or not?

4 A. No, not when I first received the information, sir, that
5 would be developed by the team in the branch
6 intelligence unit.

7 Q. All right.

8 A. And obviously by other assets as well.

9 Q. Yes. Then we have heard, and we don't need to go
10 through it all with you, about the Portnall Road address
11 being identified?

12 A. Yes, sir.

13 Q. Did you become aware, in due course, of CCTV film that
14 had been recovered from the scenes of some of the
15 attacks?

16 A. I did, sir, yes.

17 Q. And any particular connection --

18 A. Well --

19 Q. -- with what you were dealing with?

20 A. Indeed there was, sir, and that's the relevance to the
21 card and subsequently the intelligence found at the
22 South Bank fitness centre. Clearly photographs are
23 difficult and I accept that. But we felt that Osman and
24 Omar, the two individuals that had been identified,
25 appeared similar from the imagery that we had recovered,

1 appeared similar to the individuals involved in the
2 attacks on 21 July.

3 Q. Did you tell Commander McDowall about that?

4 A. I did, sir, yes.

5 Q. I think you went to a meeting that he chaired at
6 7 o'clock in the morning; is that right?

7 A. Yes, I did, yes.

8 Q. Had you told him about what you have just told us about
9 before that meeting at 7?

10 A. Oh, yes, I met with Mr McDowall, whilst we were
11 developing the intelligence between about -- and I am
12 not being specific on times, but roughly between about
13 3 o'clock onwards, Mr McDowall was due in at 4 o'clock,
14 obviously when we got the opportunity to meet with him,
15 which I think was shortly after 4 o'clock, myself and
16 I think Detective Superintendent Macbrayne briefed him
17 as to the intelligence that was developing as we were
18 with him and the intelligence that we had discovered.

19 Q. Right. Then as you have indicated, you are there at the
20 7 o'clock meeting; yes?

21 A. Sir.

22 Q. Did Commander McDowall brief those present about the
23 overnight developments --

24 A. Yes, sir.

25 Q. -- in particular the examination of the rucksacks found

1 at the scenes and the discovery of the fitness centre
2 membership card?

3 A. Correct.

4 Q. Did you then learn about appointments as Silver
5 Commanders?

6 A. I did, sir, yes.

7 Q. What did you learn, who and where?

8 A. DI Merrick Rose was to be Silver Commander for the
9 Portnall Road address, and DCI Greg Purser was to be
10 Silver Command at the Scotia address, sir.

11 Q. When you did you learn of those appointments?

12 A. Certainly DI Merrick Rose was in shortly after
13 5 o'clock. I can't recall if he was actually nominated
14 from a specific address at that time. But certainly --
15 in fact I think I may have caused the operations room,
16 the SO13 operations room, to actually call the Silver,
17 and I think that's how that officer was brought in.
18 I can't recall how Greg Purser was notified.

19 Q. So far as, as it were, assigning them to particular
20 addresses, does that happen later on? I just want to
21 get the sequence of events from you.

22 A. I can't answer that, sir, because I didn't take that
23 role.

24 Q. All right. Did you go to the meeting at 8.15 in the
25 morning in the forward intelligence cell?

- 1 A. I was certainly present there, yes, sir.
- 2 Q. What was discussed, as you remember it, at that meeting?
- 3 A. Well, Commander Cressida Dick was there and she
- 4 basically gave out the objectives of what she intended,
- 5 her control, the fact that she was in charge of the
- 6 operation, the fact that the SIO for proactivity was
- 7 going to be Detective Superintendent Jon Boutcher, and
- 8 she gave the aims of the operation, in essence ensuring
- 9 public safety, controlling the premises at Scotia Road
- 10 and Portnall, and where possible, to control persons
- 11 away from those address, detain them, and arrest
- 12 suspects and secure and search the identified premises.
- 13 Q. Thereafter, what was your role?
- 14 A. Well, I carried on in my role as DCI intelligence,
- 15 basically, sir, as you can appreciate 7/7 was only
- 16 a matter of two weeks ago.
- 17 Q. Yes.
- 18 A. There was still an incredible amount of intelligence
- 19 coming in, and of course then 21/7, the attacks on that
- 20 day and of course the intelligence coming in from
- 21 members of the public, and other forms of intelligence,
- 22 that we were trying to intelligence.
- 23 Q. Now, in the course of the day, this is on the 22nd, did
- 24 you go into the operations room?
- 25 A. I did, sir, yes.

1 Q. On the 16th floor?

2 A. I did.

3 Q. Were you there the whole time or, as it were,
4 intermittently from time to time?

5 A. Intermittently.

6 Q. Were you present at all during the surveillance follow
7 that, as it were, led after Mr de Menezes up to
8 Stockwell, were you there for that part?

9 A. I wasn't, sir, no.

10 Q. Had you been in before that or only after that or can
11 you not remember?

12 A. I had certainly been in there, I am sure it was before
13 it.

14 Q. Right. When you did go in, you were aware that
15 Commander Dick was in overall charge with the assistance
16 of Mr Boutcher?

17 A. Correct.

18 Q. When you were in there, were you able to see her and
19 others at work?

20 A. I was, sir, yes.

21 Q. What was the general impression, can you help us, that
22 you formed?

23 A. It was dynamic, it was busy, it was a working
24 environment. It was as I have seen many control rooms
25 over the years, sir.

1 Q. You say in your statement you formed the opinion that
2 she, just dealing with her, was calm, professional and
3 instructions when given by her were clear, controlled
4 and relevant?

5 A. That's certainly my view, sir, yes.

6 Q. That was your view?

7 A. Yes.

8 Q. All right. Then I just want to ask you, please, about
9 two documents.

10 A. Sir.

11 Q. You have a jury bundle there in front of you, behind
12 section 43, there are two documents, and it's the second
13 one. I think it will be the second one. The other one.
14 Do you have it?

15 A. I have the jury bundle.

16 Q. You have divider 43?

17 A. Okay.

18 Q. That's the one.

19 A. I have found it, sir.

20 Q. I know you are familiar with this, you can see it is
21 a message form?

22 A. Yeah.

23 Q. And there is a tick as appropriate section at the top,
24 do you see phone in, phone out?

25 A. I do.

- 1 Q. It looks as if someone -- I am not complaining --
2 perhaps those haven't been ticked, but there we are.
3 Then verbal report, do you see, officers
4 information?
5 A. Yeah.
6 Q. Does that mean it's information that's come from
7 an officer or it's information that is to go to
8 officers?
9 A. It's information that's come from a police officer, sir.
10 Q. So it means an officer, this is information from
11 an officer?
12 A. Indeed, yes.
13 Q. From/to: you, all right?
14 A. Yes.
15 Q. Date we can see and then the time, and it's 0455?
16 A. Yeah.
17 Q. "Officer receiving/sending: Inspector Hall"?
18 A. Yeah.
19 Q. Then Detective Inspector IFCAT, we heard that was a sort
20 of firearms qualification?
21 A. It is, it's so a DI or above can perform that role as
22 Silver Commander on a firearms operation.
23 Q. DI/IFCAT required to Silver, a firearms operation as
24 soon as possible?
25 A. Yeah.

1 Q. Given options requested, DI Rose warned. Then do you
2 see "0457 DI Rose informed?"

3 A. I see that, sir, that's correct.

4 Q. Then signature. Is that yours or not?

5 A. No, this would be a form completed by an officer within
6 the room that would actually deal with these messages so
7 it could easily be me ringing down and saying: can you
8 warn an officer who is trained.

9 Q. Do you remember you were telling us you thought you had
10 been aware of this at about that kind of time shortly
11 before 5 o'clock?

12 A. Absolutely, sir, yeah.

13 Q. Right. Just going to a passage in your notes, please,
14 there are a set of notes that I have marked, if this
15 helps you, as PM2 and there is a typed version PM2A.

16 A. I have that, sir.

17 Q. Just to help you, the jury don't have this, there is
18 a page on the top bit that has "UCH", the hospital at
19 the top.

20 A. Yes, sir.

21 Q. This is a passage in your notes; is that right?

22 A. Correct.

23 Q. Can you see "four scenes" then 7 to 10, what does that
24 mean?

25 A. Do you know, sir, it obviously meant something to me

1 three and a half years ago and forgive me, but I can't
2 help.

3 Q. Then "CCTV grab in hand". I want to know, is that
4 relating to CCTV film from various scenes?

5 A. Yes, sir.

6 Q. Turn over to the next page, it's on the screen, thank
7 you, it was just against that background to ask you
8 about this. Again so the jury understand, so it's
9 easier to look at, the notes you made in a book have
10 been typed up, haven't they?

11 A. They have indeed, sir, yes.

12 Q. And that's what we have here. This note you made:

13 "Start putting together montage of all photos of
14 Crevice, camping trip, thumb drive. So can be looked at
15 when CCTV covered".

16 A. Correct.

17 Q. Then as I say, talking about the CCTV film in the notes
18 on the page before; yes?

19 A. Sir.

20 Q. Can you help us about this entry, so the sort of time
21 that it was made, if you can help, and what this was all
22 about?

23 A. I haven't timed it and forgive me for that, sir, but
24 this would be evening time, I imagine, and it's a prompt
25 for me, because obviously imagery --

1 Q. Evening time on the 21st?

2 A. Indeed. I imagine it's obvious to everyone, but it was
3 obvious to me at the time that imagery would play
4 a vital role in this investigation, and it was really to
5 try to gather as much imagery that we had or that we
6 could get hold of at the beginning of this lengthy or
7 potentially lengthy inquiry. That was really just
8 a prompt for me to make sure that that starts to be
9 moved forward.

10 Q. So we understand, the montage of all photos of crevice,
11 can you explain what that is and why that came into this
12 exercise?

13 A. Crevice was an historical operation, I think it was
14 conducted and forgive me for the dates but probably
15 about 12, 18 months before the attacks on London in
16 July, and a number of individuals were arrested and
17 subsequently convicted of terrorism, and from memory
18 sir, I believe there were a number of photographs seized
19 as a result of that investigation. I was heavily
20 involved in the 7/7 attacks, moving on if I may, and
21 I was aware again that as a result of that
22 investigation, there had been quite a lot of imagery
23 recovered in relation to individuals engaged in camping
24 trips.

25 Q. We have heard about one of those.

1 A. Indeed.

2 Q. Yes.

3 SIR MICHAEL WRIGHT: Would that the one we have heard of
4 called Operation Ragstone?

5 A. It didn't at that time, sir, no.

6 MR HILLIARD: This is a different camping expedition?

7 A. This was all in relation to the July 7 attacks. You may
8 recall from press coverage et cetera there was quite
9 a lot of pictures and imagery at that time of not only
10 the attackers but other individuals engaged in activity.
11 Certainly there was a lot of photographs in the press
12 during that period, and it was really to try to gather
13 that imagery.

14 In relation to the thumb drive, sir, there was
15 an individual arrested several days after the attacks,
16 and again he had a thumb drive or a memory device, and
17 that contained imagery as well. So I wanted that viewed
18 to see -- and you have to bear in mind at this stage,
19 sir, I had not actually -- not I, we, the police
20 service, hadn't actually recovered the CCTV from any of
21 these scenes.

22 Q. Right, and you did not have a name or anything of that
23 sort?

24 A. Absolutely not.

25 Q. So we understand, what you are saying is, as it were,

1 from these particular sources where you may have police
2 pictures --

3 A. Absolutely.

4 Q. -- as it were, start putting together those, so that
5 when you get the CCTV film you can look at those as
6 against what you have and just see if it helps you make
7 a connection or an identification; is that the thought
8 process?

9 A. That was the thought process, so it was a reminder for
10 me that that's something that I need to start putting
11 together as and when we get the CCTV stuff throughout
12 the investigation, or throughout obviously the
13 anticipated investigation.

14 Q. I don't know whether you can help us, did that happen,
15 this process, the montage, the sort of selection of
16 photos?

17 A. I think it would be fair to say, sir, that when the
18 investigation went overt, tactics changed, and clearly
19 information was received in relation to the identity of
20 a number of those individuals. So they were looked at,
21 but they weren't looked at in a more time critical
22 fashion, if that's the way to put it.

23 Q. So we understand, not so rapidly, is that what that ...

24 A. Absolutely, sir, because once we went overt --

25 Q. By overt, is this when the pictures are published?

1 A. Absolutely, absolutely. When they were published in the
2 press and on television, clearly that's a far more --
3 although there is downsides, it's a very effective way
4 of identifying who these individuals are and in fact
5 that's what actually happened.

6 SIR MICHAEL WRIGHT: As I understand it, the downside is you
7 may get swamped.

8 A. Absolutely, sir, and again, during this period we had
9 vast calls from the members of the public, the vast
10 majority very well intentioned.

11 MR HILLIARD: Thank you very much indeed.

12 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

13 Questions from MR MANSFIELD

14 MR MANSFIELD: Good afternoon, my name is Michael Mansfield,
15 I represent the family of Jean Charles de Menezes.

16 A. Of course, sir, yes.

17 Q. I just want to start with that as it is up on the
18 screen. The jury don't have it. From what you are
19 saying, it's perfectly clear what was running through
20 your mind. Firstly, imagery is going to play
21 an important role, as you have just said?

22 A. I agree with that, sir, yes.

23 Q. As much as you can get hold of, for obvious purposes of
24 identifying if possible the perpetrators of the
25 attempted bombings of the day before?

- 1 A. Correct.
- 2 Q. Or the same day, as this was late on the evening of the
3 21st. Of course, it could have a later purpose, and
4 that is, if you are able to identify from CCTV, then
5 those who have to go out and do the job of finding them
6 would need to have had access and copies of the images
7 which you may have thought identify the perpetrators?
- 8 A. I accept in principle what you are saying, sir, but this
9 again was a very early stage, this was a prompt for me
10 that I need to get this moving.
- 11 Q. I appreciate, I am just putting the context so that it's
12 understood?
- 13 A. I appreciate that.
- 14 Q. I want to deal with this on a non-overt, in other words
15 covert basis --
- 16 A. Okay.
- 17 Q. -- at this stage. The question you were asked was: did
18 anyone do this exercise specified on this page?
- 19 A. That evening, sir, and that morning, no, sir.
- 20 Q. Why not?
- 21 A. Because this was a quite a substantial exercise and as
22 you can imagine, there is a degree of imagery and it's
23 about tasking staff to do that job. I think events
24 rather overtook us, as you know.
- 25 Q. We will come to that.

1 A. Okay.

2 Q. About events that developed. I just want to be clear,
3 are you saying you didn't have enough people to do the
4 job or you just didn't ask anyone to do it?

5 A. No, what I am saying to you, sir, is it was a prompt for
6 me to make sure that I took control, or tasked officers
7 to ensure that we could start to begin to gather the
8 imagery so when we get the CCTV photographs, we could
9 ensure that we could start looking at that. What I am
10 saying to you, sir, is that events overtook us, as you
11 know we had received the imagery, we had then further
12 imagery recovered from the gym club. So that wasn't
13 progressed quick time.

14 Q. So it's clear to you why I am asking these questions
15 rather carefully, it's because I'm going to suggest to
16 you that the police that night failed to find accessible
17 imagery that might have prevented the wrong person being
18 shot; do you follow?

19 A. I follow what you are saying, sir.

20 Q. Right. So do we understand, therefore, in clear terms
21 that prior to the shooting of Jean Charles de Menezes,
22 no-one had assembled the montage that is mentioned on
23 this page?

24 A. The montage is my word, sir, and what I am saying to you
25 is there is a vast number of photographs, probably the

1 majority of them in very poor condition. It would take
2 a considerable amount of time to actually go through
3 this imagery --

4 Q. It's a very simple question.

5 A. Well, I am answering your question.

6 Q. Did anyone do it before he was shot, yes or no?

7 A. I'm going to finish my answer, if I may, sir. There was
8 a considerable amount of imagery and this isn't
9 something that you just go into and expect to recover
10 pictures within the hour. So the answer to your
11 question, and I agree with you, this wasn't taken up
12 that night because events overtook us and we recovered
13 further imagery which we suspected may be the 21/7
14 attackers.

15 Q. The answer is no; correct?

16 A. Well, I am not going to give it as a bland no like you
17 have done, sir, I have given my answer and I stick by
18 that answer.

19 Q. You may wish to explain why it was no, the answer is no.

20 In relation to what you had as a reminder for
21 yourself, all photos of Crevice. Now, camping trip?

22 A. Sir.

23 Q. What camping trip was that?

24 A. Well, in relation to 7/7, as I say, there were a number
25 of images captured as a result of the 7/7 subjects

1 involved in camping trips, whitewater rafting.

2 Q. Right. And where was the whitewater rafting?

3 A. Where, sir?

4 Q. Yes, where?

5 A. I am afraid I can't help you with that now.

6 Q. Was it in the United Kingdom?

7 A. Indeed it was sir, yes.

8 Q. Was it in the north of England?

9 A. Again I can't help you with that, sir, it may have even

10 been Wales, sir, but I do not want to -- Wales seems to

11 recall.

12 Q. Right. I'm going to move from that source, which wasn't

13 accessed before the shooting.

14 A. Okay, sir.

15 SIR MICHAEL WRIGHT: That list that we have just been

16 looking at, Crevice, camping trips and so forth, thumb

17 drive. Do I have that right, related to the 7/7

18 bombers?

19 A. Indeed, sir, yes.

20 SIR MICHAEL WRIGHT: Which might or might not have had any

21 relevance to the CCTV pictures when you finally got

22 them?

23 A. That's correct, sir, yes, and I am able to say now, sir,

24 that it had no relevance at all to the 21/7 bombings.

25 MR MANSFIELD: But you didn't know that then.

- 1 A. Sir, as I said to you, and I take your point, this was
2 why I had made a note to ensure that it was done when we
3 recovered the CCTV television pictures. I think, again
4 if I may, sir, I don't think the television pictures
5 were recovered until the early hours of the morning.
- 6 Q. Don't worry, it will all come into focus in a moment.
- 7 A. Thank you very much, sir.
- 8 Q. The thinking of the officers that night, quite
9 naturally, was that there might very well be a link
10 forensically between 21/7 and 7/7 because of the nature
11 of the attacks and so on?
- 12 A. That would be correct, yes, sir.
- 13 Q. And the rucksacks in particular?
- 14 A. I accept that.
- 15 Q. I am coming to rucksacks, obviously. Moving on, that
16 was pre CCTV being recovered?
- 17 A. It was, sir, yes.
- 18 Q. I want to ask you this question, it doesn't appear in
19 your notes but it may be that I have missed it: when was
20 it that you first discovered the name Hussain Osman as
21 being linked to one of these incidents on the 21st?
- 22 A. I would imagine, sir, roughly about three in the
23 morning, I may be out, but roughly between half 2,
24 3 o'clock in the morning, sir.
- 25 Q. Because am I right, there doesn't appear to be any

1 record in any of the notes we have of when you got the
2 name?

3 A. Well hopefully sir, I have been able to help you, it was
4 roughly that time, sir.

5 Q. I know when they got to the gym, I also know when
6 certain officers say they already had it at New Scotland
7 Yard. I am wanting from you, you see, because one of
8 the questions here is: who is on the job and who is not?
9 Just let me finish, I am going to put to you a piece of
10 information that this jury know about. Don't be
11 overanxious. 2.15, Mr Forteath was the loggist?

12 A. Okay.

13 Q. Do you know him?

14 A. I do know Mr Forteath, yes, sir.

15 Q. He was informed about the name Osman. Did you know
16 that?

17 A. I didn't know if Mick Forteath was informed, no, sir.

18 Q. Did you know as early as that?

19 A. Can you repeat the time, sir?

20 Q. 2.15 am.

21 A. Again, it could easily have been 2.15, sir, I don't
22 dispute the time. I remember it was sometime, as I say,
23 around that time, as I think I said, between 2.30 and 3,
24 it may have been 15 minutes before.

25 Q. Right. We know that officers went to the squash club in

1 the early hours of the morning?

2 A. Yes, sir.

3 Q. And made certain enquiries, and the upshot of that, and

4 you can certainly look at your notes, PM1, for this?

5 A. Thank you, sir.

6 Q. I'm also going to need or require looking at other

7 documents at the same time. So if you look at PM1 for

8 your own purposes, I don't ask for it to be on screen --

9 A. Thank you.

10 Q. -- but the notes relating to Mr McDowall which the jury

11 do have, hopefully at tab 38. Can I just check the

12 McDowall notes are in tab 38 of the exhibits bundle.

13 SIR MICHAEL WRIGHT: That is right.

14 MR MANSFIELD: Tab 38. What I want to come to is what

15 happened in his office at about 4.20.

16 A. Sir.

17 Q. I don't need your notes on screen, you just have those

18 in front of you, if you wish. What I would like, both

19 on screen and if the jury care to turn it up, it is the

20 4.20 meeting in Mr McDowall's note, tab 38, which I have

21 paged at 1857.

22 A. I have that with me, sir, yes.

23 Q. You have that?

24 A. I do.

25 Q. Do you remember being, therefore, the name has already

1 come in at 2.15, you may or may not have got it by then,
2 officers have been to the squash club by 4.20 because
3 you are present with Mr McDowall, all right?

4 A. I am, sir, yes.

5 Q. And Mr Macbrayne?

6 A. Yes.

7 Q. Right. Anyone else?

8 A. Well, this was -- if I can term it a rolling meeting,
9 sir. I was certainly joined or we were certainly joined
10 by a number of people during the hour or so that those
11 meetings went on.

12 Q. Right. By this time, so in other words relatively
13 quickly, someone -- and I don't know whether it's you,
14 it perhaps doesn't matter who particularly -- but you
15 have acquired information to pass to Mr McDowall about,
16 as we will see, 21 Scotia Road and then Mr McDowall has
17 written "training camp" next to it?

18 A. Sir.

19 Q. I'm not suggesting he was meaning that Scotia Road was?

20 A. No, no.

21 Q. But plainly the information about the possibility of
22 a training camp, did that come from you?

23 A. It was briefed into me, whether it was briefed into the
24 meeting or me as an individual, sir, I can't recall, but
25 it was briefed in, there was an operation called

1 Ragstone, sir --

2 Q. It's there on that page.

3 A. Indeed. It was an operation called Ragstone which was
4 a Special Branch operation, and that was briefed, as
5 I say, I can't recall if it was briefed into Mr McDowall
6 and the persons present or into me, and then I briefed
7 Mr McDowall.

8 Q. I would like to be as clear as possible about this for
9 the points that I am coming on to. Were you relaying
10 this information or was someone else?

11 A. Well, somebody had relayed it to me, sir, because I had
12 made notes to that effect.

13 Q. How would this come about, we really want to follow, you
14 have not by this stage, that's why I asked you about the
15 earlier training camp and so on, tasked anyone before
16 the shooting to follow up any of that so how does
17 Ragstone come into this?

18 A. Ragstone, this was the first that I had heard of
19 Ragstone, sir, and I was briefed clearly by my staff
20 into Ragstone and I don't know what you are aware of,
21 sir, so forgive me, but the information that I had, it
22 was a camping expedition, and there were a number of
23 individuals involved in that, and in particular there
24 was a car.

25 Q. Yes, there was. More than one.

- 1 A. There was, sir; yes.
- 2 Q. The reason I'm asking you carefully is because were you
3 aware, either because you had been briefed into it by
4 Special Branch -- well, this must have been the route,
5 either you have been briefed into it by Special Branch
6 or somebody from Special Branch or the security services
7 were briefing Mr McDowall at 4.20, it's one of those
8 routes, isn't it?
- 9 A. Right, well, there is actually an additional route, if
10 I may, sir and that would be through my own branch
11 intelligence unit who would do and obtain the basic
12 information, the basic information that I had at that
13 time. And then briefed into obviously Mr McDowall.
14 I can't recall, and forgive me for this, if
15 Special Branch officers then came down and briefed us,
16 but I don't think they did at that stage, sir.
- 17 Q. All right. Were you aware that this Operation -- I will
18 come to individuals in a moment -- Ragstone had taken
19 place the year before in 2004?
- 20 A. I have certainly become aware of that, sir.
- 21 Q. All right, I will not take time over when you became
22 aware of that. Were you aware on the night, at this
23 time, 4.20 in the morning, that that exercise in fact in
24 the Lake District called Ragstone had taken a large
25 quantity of imagery?

1 A. At 4.20 in the morning, sir, no.

2 Q. When did you discover --

3 A. I certainly became aware, sir, that imagery was

4 obtained. To be specific, I can't be but I had become

5 subsequently aware that images were --

6 Q. I am not interested in subsequently.

7 A. I can only tell you subsequently, sir, I don't believe

8 I was aware of imagery obtained on that night from

9 Ragstone.

10 Q. Mr McDowall was?

11 A. Well, I can't answer for Mr McDowall, sir, you are

12 asking me a question. I can't recall that we had

13 imagery that night. I know there is imagery and I know

14 imagery was obtained but I don't recall seeing it that

15 night from memory.

16 SIR MICHAEL WRIGHT: That's a slightly different thing.

17 Whether you saw it or not, I think what Mr Mansfield

18 wants to know is whether you knew it existed.

19 A. Again from memory, sir, I don't believe so. I certainly

20 became aware but I don't believe so at that time.

21 MR MANSFIELD: It's an obvious -- even if -- I appreciate

22 you are not in Special Branch, but you had already

23 thought about the camping trip in relation to 7/7 which

24 you knew as far as 7/7 was concerned might give rise to

25 imagery. Are you really saying that this extensive

1 surveillance a year before would not have included
2 imagery?

3 A. I am not denying that at all, sir, and I am certainly
4 not denying that the questions may well have been asked.
5 You are asking my memory. I am saying I don't recall.
6 I don't recall seeing imagery that night. I do
7 remember, as I say to you, becoming aware that there was
8 Ragstone imagery. I just can't recall at that time if
9 I was aware.

10 Q. You can look at your own notes but in fact they may not
11 help on these next questions.

12 Imagery is question number 1.

13 Question 2 is of course it's perfectly clear from
14 the notes that Mr McDowall took that a number of
15 vehicles were concerned. On the page we have on screen,
16 you can see the Primera, we have heard a lot about that.

17 A. Yes, sir.

18 Q. If you run down the page, you will see there is
19 reference to a Ford transit white minibus and then
20 a grey Leyland DAF with a registration I would like you
21 to just bear in mind and highlight, FSP. Do you see
22 that?

23 A. I do see that, sir, yes.

24 Q. Some of this is in your notes; some of it isn't.

25 Then if we turn over Mr McDowall's notes, please, to

1 the next page, 1858, you see at the top L199 FPA blue
2 Golf. Do you see that?

3 A. I do, sir, yes.

4 Q. I'm not sure whether that's in your notes?

5 A. It's not, sir, no.

6 Q. Is there any reason why it isn't?

7 A. I have got no explanation, sir, other than it may well
8 be that we were being briefed in at the time by
9 Special Branch but I can't recall that, sir.

10 Q. This is why I want to ask: who was doing the briefing
11 who had prime knowledge that night of photographs? If
12 it wasn't you, who was it at this meeting who may have
13 been redacted from this meeting?

14 A. I don't think -- there is no redactions from the
15 meeting, sir. You are talking about imagery again and
16 was I aware of it. I have given my answer to that.

17 I believe I was briefed in relation to Ragstone by
18 my branch intelligence unit who gave me the barest
19 details. Clearly I can see here that Mr McDowall has
20 an additional vehicle number, so it may well be --

21 Q. How about the name underneath?

22 A. I can see that, sir, yes.

23 Q. Do you have that in your notes?

24 A. I haven't, sir, no.

25 Q. And an address underneath, Blair House. Do you have

1 that in your notes?

2 A. I haven't, sir, but if you would allow me to finish.

3 Q. Yes.

4 A. As I was saying to you, sir, in a briefing you would

5 want the best people to give you the briefing and it may

6 well be, and forgive me, as I said I can't remember, but

7 I would imagine that a Special Branch officer would be

8 in a position to brief on Ragstone.

9 Q. Could that be identified now or is it too long gone?

10 A. I am afraid I can't help, sir.

11 Q. I assume the Special Branch officer concerned could now

12 be identified as being responsible for doing briefing

13 that night?

14 A. I would presume so, sir. I would imagine so.

15 Q. I would ask if you or someone would be kind enough,

16 please, to identify the person who gave the briefing.

17 Then can we pass on?

18 A. Sir.

19 Q. If you bear in mind that so far there are two

20 registration numbers, one of a DAF van and one of a blue

21 Golf and the name Girma. I'm going to pause. That can

22 be taken off the screen. Now can we have on screen and

23 may you have, it is in fact now called the Stockwell

24 inquest maps brochure, the jury have it in this form.

25 Is there a spare for the witness, please? Would you

1 turn to page 4?

2 A. Sir.

3 Q. Right, if you just fold that back, page 4. Have you

4 seen this before?

5 A. This document, sir? (indicated)

6 Q. Yes?

7 A. Yes.

8 Q. You have?

9 A. I think so, sir.

10 Q. When did you see it?

11 A. Recently, sir. In truth I have seen so many of these

12 documents I may be mistaken.

13 Q. I'll not take time on that, it is just if you have seen

14 it, I needn't trouble you too long. You will see the

15 heading is "Principal intelligence known prior to the

16 22nd". So it's clear, this is not a document produced

17 by me, but produced by the Metropolitan Police as you

18 can see at the bottom?

19 A. Of course, sir, yes.

20 Q. It's before 9.34; in other words the moment that

21 Jean Charles leaves the premises, this is what is known

22 to the police.

23 A. Yes, sir.

24 Q. You will see on the left-hand side at the top the

25 address we have just referred to, 40 Blair House?

- 1 A. Yes.
- 2 Q. And underneath the name we have just referred to?
- 3 A. Yes, sir.
- 4 Q. And underneath that the car we have just referred to?
- 5 A. Yeah.
- 6 Q. Then we go across to Ragstone and then down to the black
- 7 Nissan Primera. So you see it's a kind of flowchart in
- 8 that sense, isn't it?
- 9 A. It is, sir, yes.
- 10 Q. Were you aware -- plainly you weren't at this time or
- 11 before 9.34 -- that had somebody produced the
- 12 photographs taken in the Lake District a year before, it
- 13 would have in fact shown photographs of the blue Golf
- 14 that's mentioned there? Did you know that then?
- 15 A. No, I don't think I did, sir.
- 16 Q. Before I mentioned it now, did you know that before this
- 17 minute on this day?
- 18 A. I don't believe so, sir, no.
- 19 Q. Had somebody done what you had noted for yourself in
- 20 relation to 7/7, a montage of photographs that relate in
- 21 particular to that vehicle already linked to someone
- 22 else, that there are people standing by that vehicle
- 23 including Hussain Osman; did you know that?
- 24 A. You are telling me things I don't know, sir.
- 25 Q. Right. I'm going to, so that it's perfectly clear --

1 could we have copies, please -- ask for these to be,
2 well, one for the witness and one, sir, for you. I hope
3 others have had them, if they have not, I'll hand them
4 out, and for the jury to have them in divider 54.
5 (Handed). I don't need to keep one. (Pause).
6 SIR MICHAEL WRIGHT: This is all Ragstone, is it?
7 MR MANSFIELD: Yes.
8 SIR MICHAEL WRIGHT: Can you remind me of the date?
9 MR MANSFIELD: It's April 2004. In fact it's done over
10 a number of days. I am so sorry, it's May 2004 is the
11 training camp but I think it's three days in May.
12 What I am going to do, and I am sorry about this, we
13 have been trying to correlate it and get it together in
14 time but we have not managed it. There are more
15 photographs in the bundle you have there. If you would
16 turn to S22 on the bottom --
17 A. I have that, sir.
18 Q. If it could come up on the screen, PKM1, it shows
19 Hussain Osman carrying a bag and a stick?
20 A. You are telling me that, sir, I certainly couldn't
21 recognise that in that photograph.
22 Q. No, no, the whole point about imagery is the more you
23 have the better it may get, you appreciate?
24 A. I am aware of imagery, sir, yes.
25 Q. Of course.

1 A. Hence the reason for my note earlier in the day.

2 Q. Exactly. So just be patient if you wouldn't mind.

3 That's S22 at the top.

4 If that can be taken off screen but everybody keeps
5 that image for the moment, we have been provided with
6 other photographs which I want to go through on screen,
7 copies will be provided. I can only do it on screen for
8 the moment.

9 We start in fact with the one we are just looking at
10 at the top of S22, Osman with a pole. Could we have
11 scanned on to the screen 1510, please. I'll take them
12 in order.

13 A. Is that in this bundle, sir?

14 Q. It's the same one but it comes from a different source,
15 but in the sense that someone has reproduced it there.
16 Then I want to turn on, on the screen, to photographs
17 that are not in your bundle, 1511, please, and copies of
18 this will come. There is Osman again. 1512, Osman
19 again. There you will see he is behind the DAF van FSP;
20 do you see that?

21 A. I can see FSP, sir, I wouldn't know who the individual
22 was.

23 Q. It's all right, don't worry.

24 Then 1513. As we will see in a minute, that's
25 Osman -- I know you don't know his name, that's not the

1 point of what I am asking you -- he is standing next to
2 in fact a part of the blue Volkswagen car which we will
3 come to in other photographs that tie into the bundle we
4 now have. Can we go back to the bundle that you have
5 and the jury now have and start, I don't mind if they
6 are put on screen so everybody else can see, S21,
7 please. There is a copy so it can be scanned (Handed).

8 Could we have the top photograph first. Osman is in
9 fact the right-hand figure there with his hand on the
10 door, and you will see that is the blue Volkswagen with
11 the registration number; do you see that?

12 A. I see the vehicle, sir.

13 Q. There is a photograph below and again there he is with
14 the dark top with the white stripes leaning slightly
15 forward near the boy in red.

16 Now can we turn over to S22, part of which we have
17 already seen, the top one we have already seen. The
18 bottom one is another shot of him again with the pole,
19 the dark top with the white stripes, walking towards
20 that DAF van which you can now see in more detail. Do
21 you see that?

22 A. I can see that, sir, yes.

23 Q. Then we have the final photograph here, we should have
24 S23, again with the Volkswagen on the right and there he
25 is with the white top on.

1 A. I see that, yes.

2 Q. Thank you very much. I take it that before today, had
3 you seen any of those photographs?

4 A. I certainly can't be specific about photographs, sir.
5 I obviously became aware there was imagery. The
6 individual shots themselves I'm afraid I couldn't help
7 you, sir. And I am aware that it was examined during
8 the course of the investigation.

9 Q. Yes. Does it come to this again: no-one on the night
10 was tasked with the job of a montage -- because of
11 course there are hundreds of photographs -- of
12 photographs of people linked at least to the vehicles in
13 their parked positions in order to see whether any of
14 the images from the Lake District could be tied up with
15 either the gym card that was found and then a further
16 one from the squash club itself, or the CCTV? No-one
17 did that on the night?

18 A. As I said, sir, I don't recall imagery that evening,
19 Operation Ragstone, as I know you are aware, is
20 a Special Branch investigation. I am aware of the black
21 Primera and the links clearly to these individuals. The
22 actual viewing of these particular photographs I'm aware
23 then carried on. Your question was: were they examined
24 that night? No, they weren't, sir, but if I can just
25 finish, they weren't examined that night, sir, because

1 as you know we had photographs of two suspects and we
2 had photographs of two scenes and the investigation was
3 running to try to contain the situation that we believed
4 was developing.

5 Q. Yes, I do understand that, we all understand that was
6 the object. But of course as Mr McDowall told this
7 jury, if anything's gone wrong with this exercise, this
8 whole operation, because I asked him that question, I am
9 not going to ask you that question, he said it was
10 identification. Do you follow?

11 A. I follow, sir.

12 Q. Mistaken identification, which means that if you are
13 going to send people out into the street to detain
14 possible suicide bombers, you do have to have the best
15 available range of imagery for the people who are going
16 to do that work, don't you?

17 A. And if I can answer it this way, sir: yes, you do, and
18 yes, we did. Because in my view we had photographs, as
19 you know, from the gym membership which showed the two
20 suspects and we had photographs of the bomb scenes.

21 Q. But you know that one photograph photocopied -- perhaps
22 I can take it in stages. Do you know whether all
23 members of the surveillance and firearms teams had
24 photocopies of the gym membership?

25 A. I can't answer that, sir.

- 1 Q. No. Well, if I tell you that they didn't all have it
2 with them, would that surprise you?
- 3 A. As I say, sir, I can't answer who had what.
- 4 Q. I didn't ask you that. Would that surprise you?
- 5 A. Well, the -- I'm not going to say it surprised me, sir,
6 because clearly the firearms teams and the surveillance
7 teams manage their briefings and they manage their own
8 material. So I am not going to say I'm surprised.
9 Clearly they managed it, they viewed the material and
10 then they were deployed from there, sir.
- 11 Q. And then they made a mistake?
- 12 A. Of course I can't deny that, sir, it was a tragic
13 mistake and we all accept that.
- 14 Q. It's really for the future, as well, isn't it, to make
15 sure in future the best available resources of imagery
16 are made available to the people on the front line.
17 That's a basic provision, isn't it?
- 18 A. Sir, I would never deny that lessons can always be
19 learnt.
- 20 Q. Thank you. Now, in relation to these photographs that
21 you didn't see, the only point I want to make is besides
22 comparing with CCTV and gym cards, of course the one
23 advantage these photographs have over a gym card is you
24 get to see a little bit about the build and demeanour of
25 the person which you don't get from head and shoulders.

- 1 You do follow that, do you?
- 2 A. I follow it, sir.
- 3 Q. Yes, because you don't get that from a gym card, do you?
- 4 A. I accept that, sir.
- 5 Q. Right. I want to move on from that. The Ragstone
- 6 information is happening in terms of Mr McDowall at
- 7 4.20. Now, Mr Macbrayne was there, you remember that?
- 8 A. I do sir, yes.
- 9 Q. You know him obviously well.
- 10 Were you aware that on the 7 July, the people who
- 11 perpetrated that atrocity left rucksacks with their
- 12 identity in?
- 13 A. I was, sir, yes.
- 14 Q. So you knew on the 21st that this could be a rich source
- 15 of identification; could be?
- 16 A. I certainly was aware that on 7 July, sir, that
- 17 documentation was left, yes.
- 18 Q. And therefore you realised potentially the leaving of
- 19 rucksacks on the 21st was, could be, a source of
- 20 identification?
- 21 A. I don't dispute, sir, I don't think they intended to
- 22 leave them in the manner that you describe, but
- 23 certainly I agree that there would be good forensic
- 24 opportunities.
- 25 Q. Right, and you knew by this stage, 4.20 in the morning,

1 that there was torn up correspondence in relation to the
2 rucksack which gave rise to the name Osman; you knew
3 that, did you?

4 A. Sorry, are you talking about the Girma correspondence?

5 Q. Did you know there was torn up correspondence in the
6 rucksack?

7 A. I did not, sir, no. Hold on, let me be absolutely
8 clear. If you are talking about the ripped up
9 correspondence relating to Elias Girma Eyassu, yes,
10 I was, aware, sir.

11 Q. The further question is this: were you also aware at
12 4.20 in the morning that in the same envelope in the
13 same part of the rucksack there were more photographs of
14 Mr Osman?

15 A. I wasn't aware of that, sir, no.

16 Q. Does it come to this: Mr Macbrayne in this period of
17 time never told you that in fact he was aware, and so
18 you can be clear what I am talking about, the jury have
19 it now, it's in a much earlier tab, and that's tab 39,
20 you have it in there?

21 A. Thank you, sir.

22 Q. Tab 39.

23 A. I have it on the screen, sir.

24 SIR MICHAEL WRIGHT: Could you pause a minute, Mr Mansfield.
25 Mr Hilliard, I leave it entirely to you, but I would not

1 complain at this stage if Mr Rose was allowed to go
2 back.

3 MR HILLIARD: Certainly.

4 SIR MICHAEL WRIGHT: Yes. What's 39?

5 MR MANSFIELD: 39 is the wedding photograph.

6 SIR MICHAEL WRIGHT: Yes.

7 MR MANSFIELD: The jury have them all there and I am not
8 going through them because you were unaware of this, but
9 does it follow that you were unaware that the woman in
10 the photograph is the woman on the chart we have just
11 looked at, Girma, related to the blue Golf?

12 A. Again, sir, the first time that I saw these photographs
13 was actually in the press at the beginning of this
14 procedure. So I can't really tell you other than what
15 I have learnt from the press.

16 SIR MICHAEL WRIGHT: Do you mean within the last month?

17 A. I do, sir.

18 MR MANSFIELD: So what it means is, do you work closely with
19 Mr Macbrayne?

20 A. I don't work closely with Mr Macbrayne, no, sir.

21 Q. Perhaps it follows. Did Mr Macbrayne never, the next
22 day, say: look, we did have some other photographs but
23 I didn't bother you with them?

24 A. I certainly didn't know about them, sir, but if I can
25 just explain, within two or three days of this inquiry

1 beginning, I actually left the inquiry and went
2 elsewhere, so I don't know when these photographs became
3 pertinent or when they were -- I simply --

4 Q. They became pertinent when I produced them to the first
5 witness in the inquest and then it was broadcast.

6 A. I think in fairness what I am saying is it would be
7 difficult for me to answer questions about them because
8 I don't know about them.

9 Q. Then I will not ask you any more questions about that.
10 If you wouldn't mind, you can have your notes still
11 there if they will help. Were you present at 4.55 when
12 Mr McDowall set his strategy?

13 A. I was certainly present throughout that period, and
14 I was aware of what Mr McDowall wished, yes.

15 Q. Right. I'm going to suggest you were because he
16 suggests you were --

17 A. I have absolutely no doubt I was there, sir, I was there
18 throughout that period.

19 Q. Because within two minutes of him setting it, and I am
20 not asking for it on the screen, you are telephoning
21 Mr Rose; do you follow?

22 A. I am not telephoning Mr Rose, sir, I am asking somebody
23 else. I fully accept, sir, that I was there. I was
24 there throughout much of the morning with Mr McDowall,
25 yes.

1 Q. What was your understanding of the strategy he set at
2 4.55, two minutes before this tasking on the memo sheet?

3 A. My understanding, sir, is that he wanted premises
4 controlled and if people were coming out of premises
5 they were to be challenged and stopped.

6 Q. Yes, by who?

7 A. Well, one would presume, sir, by SO19 armed surveillance
8 or armed police officers.

9 SIR MICHAEL WRIGHT: Specialist firearms officers.

10 A. Indeed, sir, yes.

11 MR MANSFIELD: He wanted a recce done, a reconnaissance,
12 didn't he?

13 A. Forgive me, I am reading notes here, sir.

14 Q. Your notes?

15 A. No, I have Mr McDowall's and my notes. But I am aware,
16 sir, clearly as a result of this that surveillance teams
17 did go down to the premises.

18 Q. I'm really going to concentrate -- I know they did, they
19 were there by 6 o'clock. I am asking you questions
20 because you turn up at the 7 o'clock meeting.

21 A. I do sir, yes.

22 Q. So you are still there?

23 A. Yeah.

24 Q. The understanding at 4.55 was that in fact a team should
25 go to Scotia Road as soon as practicable, as soon as

1 possible, first surveillance and then firearms to back
2 them up?

3 A. I think you have hit the nail on the head, sir, as soon
4 as practicable.

5 Q. Oh yes. Now, you are able to act as a Silver, are you?

6 A. I have been trained to be a Silver, yes, sir.

7 Q. Who was the Silver on duty that night, can you help us,
8 to implement this policy?

9 A. Well, the -- well, as you know, sir, we are calling out
10 Silvers to come to --

11 Q. You don't set a strategy without having a Silver to
12 implement it. Who was the Silver in New Scotland Yard
13 in a position to implement this? Was it you?

14 A. I was not Silver, sir, no.

15 Q. Did Angela Scott ever come and tell you: look, I am
16 going home now, it is 2 o'clock, I need some rest, or
17 going back to the hotel -- well, she went home first to
18 collect clothes and back to the hotel.

19 Did she ever come to you and say: look, I am tipping
20 you off, we might need you to go out with a firearms
21 team a bit later, we don't know at this moment, you
22 know, are you happy about that?

23 A. I think the truth of the matter is, sir, that I think
24 Angie Scott, as you rightly say, went home at 2 o'clock
25 in the morning. All these individuals, Jon Butcher,

1 Angie Scott, and other officers involved in this
2 investigation, were all residing very locally at hotels
3 very near Scotland Yard, so it's not as though people
4 were not contactable.

5 Q. I quite agree. All I am trying to isolate is who is the
6 Silver at New Scotland Yard who could have sorted out
7 what I am going to put to you became a bit of a mess
8 between 4.55 and 7 o'clock, who was the Silver there not
9 having to be called to make sure Mr McDowall's strategy
10 actually happened, red get to Scotia Road and firearms
11 get there to back them up?

12 A. Well, I can answer your question in two ways, sir, one
13 I wasn't Silver, two the officers had been warned as you
14 know, because I have obviously made a phone call to get
15 a Silver in, and three, as I have just said, the
16 officers that you have referred to were all very near
17 anyway.

18 So as in any inquiry, you don't have somebody on
19 24/7 and I think we are talking about a two/three hour
20 break, sir, at most.

21 Q. Yes, but of course I think you know the problem is
22 probably, or at least I'll put it to you if you don't
23 realise, the problem that arose that morning was that
24 the red team got to Scotia Road at 6 and no firearms
25 team got anywhere near it for another minimum three

- 1 hours; you know that, don't you?
- 2 A. I understand that now, sir, yes.
- 3 Q. Now, if in fact Mr Purser's coming in, what do you ask
- 4 someone to tell him, that he is a Silver for a location
- 5 or Silver in New Scotland Yard?
- 6 A. Well, you have seen the note, sir, I have only managed
- 7 or caused to be contacted DI Merrick Rose. I don't
- 8 recall contacting Greg Purser and I think the only time
- 9 I saw Greg Purser was after the 7 o'clock meeting.
- 10 Q. I am going to just move it on, so that's the strategy
- 11 set with firearms as soon as practicable to back up red.
- 12 A. If I can just carry on, if I may, sir, at this time and
- 13 in these meetings you had present officers from the
- 14 operations room, surveillance officers, and you had
- 15 firearms officers.
- 16 Q. Yes.
- 17 A. If that helps, sir.
- 18 Q. I am afraid it doesn't. Were you there when, at 5.15,
- 19 it is said that Mr McDowall met tac advisers in the
- 20 plural?
- 21 A. I am certainly aware that tac advisers were present,
- 22 yes.
- 23 Q. Who were they?
- 24 A. I believe you refer to one of them as Andrew.
- 25 Q. Yes.

1 A. I don't know the identity of the other one.

2 Q. Right. So you remember Andrew?

3 A. I do, sir, yes.

4 Q. Do you remember what was said by them about getting
5 a firearms team down to Scotia Road?

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

7 Q. About the fact there was an orange team on standby ready
8 to go?

9 A. I don't recall that, sir, no.

10 Q. That they could be brought to New Scotland Yard or sent
11 anywhere in London?

12 A. No, I wasn't engaged with the firearms strategy, sir,
13 no.

14 Q. So we come to the 7 o'clock meeting.

15 A. Sir.

16 SIR MICHAEL WRIGHT: Twenty to.

17 (3.30 pm)

18 (A short break)

19 (3.40 pm)

20 (In the presence of the jury)

21 SIR MICHAEL WRIGHT: I will say now that we will not go
22 beyond this witness tonight, so it's the last lap for
23 this week anyway. I do intend to finish this witness
24 tonight, so anybody who wants to maintain his popularity
25 should bear it in mind.

1 Yes, Mr Mansfield.

2 MR MANSFIELD: I have only two more matters, so perhaps mine
3 will rise in the stakes!

4 I was just coming to the 7 o'clock meeting, look at
5 your notes by all means, one question only: during that
6 7 o'clock meeting when everybody gathered together or
7 most gathered together, do you recall or have you any
8 note of any discussion about the fact that actually the
9 red team were already down there, that is at
10 Scotia Road, and there weren't any firearms on hand at
11 Scotia Road? Was there any discussion?

12 A. I have made no note of that, sir, and I can't recall if
13 there was any discussion.

14 Q. Then the last topic is this: in your statement and
15 today, you have indicated your role as an intelligence
16 DCI was to ensure intelligence flows?

17 A. Sir.

18 Q. Now, the flows can come from many sources and you have
19 given some of them. Did you know Scotia Road and that
20 area in particular?

21 A. I didn't, sir, no.

22 Q. So if somebody wanted to know intelligence about
23 Scotia Road, that address in particular, where would
24 they go to find it out?

25 A. Well, hopefully -- not hopefully, sir, we would actually

1 use the intelligence systems that we have within
2 Special Branch, within the branch intelligence unit,
3 SO13 as it then was.

4 Q. Does that link in, and the question I am coming to is
5 one of the sources for intelligence about a locality is
6 in fact from the locality itself?

7 A. Of course, yes, sir.

8 Q. You agree that?

9 A. I do agree.

10 Q. Did anybody set up an intelligence flow with the borough
11 commander or his deputy in Lambeth or Brixton?

12 A. I am afraid I can't answer that, sir, I don't know.

13 Q. The reason for the question I am going to put in a short
14 sentence: were you aware that in fact the police in the
15 form of a borough commander, had been told about
16 Hussain Osman two years before 2005?

17 A. I wasn't aware of that, sir, no.

18 MR MANSFIELD: Thank you.

19 SIR MICHAEL WRIGHT: Thank you. Mr Gibbs?

20 MR GIBBS: Nothing from me, thank you.

21 SIR MICHAEL WRIGHT: Mr Singh?

22 MR SINGH: No questions, sir.

23 SIR MICHAEL WRIGHT: Ms Leek?

24 MS LEEK: No, thank you, sir.

25 SIR MICHAEL WRIGHT: Mr Perry.

1 Questions from MR PERRY

2 MR PERRY: Mr Mellody, I can tell you we will be finished by
3 8 o'clock tonight, but I hope a lot before.

4 Just three very brief topics, please. The first is
5 your notes. May we have on the screen, please, the
6 extract from your notes about starting putting together
7 the montage of all the photos of Crevice, camping trip,
8 thumb drive, to assist in locating it, it's in the typed
9 copy of your notes --

10 A. I have it, sir.

11 Q. You have it, I am trying to ensure it's on the screen.
12 It's the page after the UCH page, it's about PM2A and
13 it's a few pages in. (Pause). Thank you very much.

14 I just want to clarify this, so just we know. Crevice
15 was the name given to an investigation into terrorism.
16 The terrorism in question was a conspiracy to explode
17 fertiliser bombs; was that right?

18 A. Correct.

19 Q. Was that at the Bluewater shopping centre or was it
20 around there or connected with that?

21 A. I can answer your first question, sir, I am afraid
22 I can't answer the second.

23 Q. What was my first question? Was it to do with
24 Bluewater?

25 A. In answer to that question, sir, I can't recall.

- 1 Q. The fertiliser bombs, okay. Then that actually led to
2 a prosecution and people were convicted?
- 3 A. Correct.
- 4 Q. As far as you are aware, no connection whatsoever with
5 Mr Osman?
- 6 A. Correct.
- 7 Q. Then the camping trip to which you make reference on
8 this page, you have already explained I am going to see
9 if I can jog your memory, that was connected you think
10 with the 7 July attacks?
- 11 A. Yes, sir.
- 12 Q. Can you remember, that was actually a camping trip
13 organised by Mohammed Sidique Khan, one of the people
14 who was responsible for one of the attacks on 7 July.
15 It was in North Wales and it was attended by young men
16 from Leeds because of course there was part of the
17 investigation led back up to West Yorkshire?
- 18 A. That's correct, sir.
- 19 Q. Does that assist you?
- 20 A. It does, yes.
- 21 Q. Thank you very much. That's the first topic over and
22 done with and the second one is quite short too. The
23 second topic is the strategy set at 4.55 am on the
24 morning of the 22nd, please.
- 25 A. Yes.

- 1 Q. I will not ask to look at any documents, we have seen
2 Mr McDowall's note, his loggist was not available at
3 this time, that's why he is taking a note.
- 4 There were at least two premises of interest at this
5 stage; is that right?
- 6 A. That's correct, sir, yes.
- 7 Q. It looks as though the Portnall Road address came on
8 stream as a definite sometime a little later; is that
9 right?
- 10 A. That's right.
- 11 Q. That's how you recall it?
- 12 A. It is.
- 13 Q. When you said, in answer to questions a moment ago, "As
14 soon as practicable, you have hit the nail on the head",
15 I just want to understand what you mean by that. Does
16 it really come to this: there was Mr McDowall setting
17 a strategy which involved the deployment of resources?
- 18 A. That's correct, yes.
- 19 Q. That's the first thing. Of course, the deployment of
20 resources and in particular specialist firearms officers
21 would depend upon the resources available?
- 22 A. Yes.
- 23 Q. That's the first stage, and also the number of addresses
24 to be covered?
- 25 A. Yes.

- 1 Q. If you have two addresses and one team, you have
2 a problem, haven't you?
- 3 A. You have indeed, sir, yes.
- 4 Q. That brings me on to the third and final topic, the 7 am
5 meeting chaired by Commander McDowall?
- 6 A. Yes, it was.
- 7 Q. Commander McDowall is in the chair, people are around
8 him and it's at this meeting that Mr Rose, the person
9 that you had arranged to be called in early in the
10 morning --
- 11 A. Yes, sir.
- 12 Q. -- was assigned as Silver with the orange team; is that
13 right?
- 14 A. It sounds right, sir, yes.
- 15 Q. I am going to see whether we can take it a little
16 further because this may assist you. Mr Purser was
17 assigned as the Silver for the green and blacks?
- 18 A. You are giving me colours, sir, forgive me, I don't know
19 the colours but I know they were assigned.
- 20 Q. If the Silvers were at this meeting, the firearms teams
21 of course can't deploy without the Silvers, can they?
- 22 A. That's absolutely right, sir.
- 23 Q. So Mr McDowall would have known that the firearms teams
24 had not yet been deployed?
- 25 A. Yes.

1 Q. The thing I want to ask you about following on from this
2 meeting is: can you recall that you, Mr Rose and
3 Mr Purser actually went to Mr Purser's office on the
4 15th floor at New Scotland Yard leaving the conference
5 room where this meeting had taken place, because
6 Mr Purser was asking for a full intelligence briefing?

7 A. That's absolutely right, sir, and I went to Greg's
8 office, Greg Purser's office, and briefed him as to the
9 facts as I was aware of them.

10 Q. I should have mentioned I represent Mr Purser.

11 A. I am aware of that, sir.

12 Q. Right. Mr Purser asked for a full intelligence pack.

13 A. Yes.

14 Q. What Mr Purser was saying, I want as much information as
15 possible because if I'm going to be Silver on the ground
16 I want as many information and this briefing with you
17 there and him gaining the intelligence together, that
18 went on for about 30 minutes, and Mr Rose was also
19 present?

20 A. He was, sir, yes.

21 Q. And it was only after that that they went off to their
22 respective deployments?

23 A. Absolutely right, sir, they wanted a full briefing,
24 absolutely right.

25 MR PERRY: It's not even 8 o'clock. Thank you very much.

1 SIR MICHAEL WRIGHT: Thank you Mr Perry. Mr King?

2 MR KING: No, thank you, sir.

3 SIR MICHAEL WRIGHT: Mr Horwell.

4 MR HORWELL: Sir, like Mr Perry, I can take a hint.

5 SIR MICHAEL WRIGHT: Some hint!

6 MR HORWELL: I'm going to be short.

7 Questions from MR HORWELL

8 MR HORWELL: Can we just look at page 4 of the --

9 A. I am afraid I do not have that, sir.

10 Q. Could it be returned to you, it's the maps brochure set

11 of graphics, please, page 4. (Handed). It's the

12 flowchart that you have already looked at, Mr Mellody.

13 I am not suggesting you knew this at the time,

14 Mr Mellody, but this is what you have discovered

15 subsequently, and it's important that we are not misled

16 by this chart.

17 We can see towards the bottom of the page

18 Abdi Samad Omar?

19 A. Yes, sir.

20 Q. We can see that he is marked as being linked to

21 Operation Ragstone?

22 A. I can see that, sir, yes.

23 Q. By 22 July, he hadn't been identified as one of the

24 persons present at Ragstone; he is linked to it by

25 virtue of the fact, if we go to the right of the page,

1 the black Nissan Primera --

2 A. That's absolutely right, sir.

3 Q. -- is registered to him?

4 A. Yes, sir.

5 Q. During the time of Ragstone?

6 A. Yes.

7 Q. So that's the link?

8 A. It is.

9 Q. We have seen on the screen a number of photographs with

10 names, I think in particular Osman, and again so that we

11 are not misled, Osman had not been identified as being

12 one of those present during Operation Ragstone by the

13 22 July.

14 A. That's absolutely correct, sir.

15 Q. That photograph with his name on it has obviously been

16 put together subsequently?

17 A. That's absolutely correct, sir.

18 SIR MICHAEL WRIGHT: While you are on that, of course you

19 mustn't forget that Abdi Samad Omar was not in fact

20 a bomber at all.

21 MR HORWELL: Absolutely not.

22 SIR MICHAEL WRIGHT: It was another Omar.

23 MR HORWELL: That's right.

24 You have been asked about the inquiries that you

25 would have made on the morning of 22 July. Would you

1 have gone to the borough commander?

2 A. I wouldn't have done, sir, no.

3 Q. Bearing in mind this particular investigation into
4 terrorism?

5 A. No.

6 Q. You have been asked about the photographs, some of which
7 we have seen. Now, whether or not you would have been
8 able to have identified the person we now know as Osman
9 as the 21 July bomber, matter of speculation,
10 Mr Mellody, I am not going to ask you that, we have seen
11 the quality of the photographs and the task that that
12 would have required.

13 A. Yes.

14 Q. But you have been accused in particular of being at
15 fault in not asking for the Ragstone photographs at
16 4 o'clock or so that morning. Now, we can all look back
17 in time and decide what would have been the perfect
18 course to have taken. But from your experience and your
19 knowledge of this investigation that morning, do you
20 accept that criticism or not?

21 A. I don't, sir. And I go back to the answer that I gave
22 Mr Mansfield. I believe at that time at that morning
23 when the teams were deployed, they had a good imagery,
24 the imagery being the gym cards and the scenes where the
25 individuals who tried to conduct the attacks on London

1 were actually filmed.

2 Q. And you had many other things to do?

3 A. There was a lot of things happening, as you can imagine,
4 at that time, sir, yes.

5 MR HORWELL: Mr Mellody, thank you, that's all I ask.

6 SIR MICHAEL WRIGHT: Thank you very much. No?

7 MR HILLIARD: No, thank you very much.

8 Questions from THE CORONER

9 SIR MICHAEL WRIGHT: One thing that you are asked to deal
10 with, this is tab 38, page 863, I am trying to remember
11 at the moment the context of the meeting at 9.40.
12 Sorry, 9.20. It's not even a meeting.

13 This is Mr Forteath's log that he was at that time
14 keeping on behalf of Mr McDowall?

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: You are aware of that.

17 A. I am.

18 SIR MICHAEL WRIGHT: You see the entry 9.20 am, which
19 actually relates to you?

20 A. It does, sir, yes.

21 Q. "Issues raised about intelligence officer, spoke to
22 DCI Mellody who is dealing with this issue."

23 Do you know what it means?

24 A. I believe it means, sir, from memory, about having one
25 of my members of staff in the control room I think known

1 as 1600 for these purposes.

2 I want and had a SO13 officer deployed within there
3 to ensure the intelligence flows are working.

4 SIR MICHAEL WRIGHT: Which is something that would have to
5 be asked for because this wasn't an SO13 control room.

6 A. It was not an SO13 control room, sir.

7 SIR MICHAEL WRIGHT: No, it was an SO12 control room?

8 A. It was sir, yes.

9 SIR MICHAEL WRIGHT: So that was something that had to be
10 arranged.

11 A. It's something that had to be arranged.

12 SIR MICHAEL WRIGHT: Thank you very much.

13 Thank you very much, Mr Mellody, that's it as far as
14 you are concerned, you are free to go.

15 A. Thank you very much, sir.

16 (The witness withdrew)

17 MR HOUGH: Sir, the jury can go but if we can keep the
18 lawyers behind for a couple of matters of timekeeping.

19 SIR MICHAEL WRIGHT: There we are, members of the jury.

20 10 o'clock Monday morning, please, I hope you have
21 a very good weekend.

22 (In the absence of the jury)

23 Discussion re: timetabling

24 MR HOUGH: Sir, just timetabling for the start of next week.

25 The proposal is on Monday that we have first of all

1 DI Rose and then Owen.

2 SIR MICHAEL WRIGHT: Yes, Rose on Monday now?

3 MR HOUGH: DI Merrick Rose, then the witness Owen, and then

4 Mr Esposito but he won't be required before 2 o'clock in

5 any event.

6 SIR MICHAEL WRIGHT: Is he thought to be likely to run over?

7 MR HOUGH: I should say this, that is assuming that Owen

8 comes and gives evidence. If Owen were for any reason

9 not to come, then Mr Esposito might have to be called

10 forward, but I suspect that he can be filled in and

11 obviously we don't want to waste any of his time, but if

12 Owen comes then Mr Esposito will not be needed before 2.

13 SIR MICHAEL WRIGHT: If he starts at 2 o'clock will he

14 finish?

15 MR HOUGH: Mr Esposito, no.

16 SIR MICHAEL WRIGHT: Then Tuesday?

17 MR HOUGH: The next witness after Mr Esposito will be

18 Trojan 84 and then Mr Purser.

19 SIR MICHAEL WRIGHT: Those three will probably take up all

20 of Tuesday, Wednesday and probably a bit more.

21 MR HOUGH: Yes. Then we will be into surveillance officers

22 on the ground.

23 SIR MICHAEL WRIGHT: Which hopefully may progress rather

24 more quickly, hopefully.

25 MR HOUGH: We will take stock in a week's time.

1 SIR MICHAEL WRIGHT: Yes all right. But it looks as though
2 it's another Friday gone up the spout.

3 MR HOUGH: Undoubtedly.

4 SIR MICHAEL WRIGHT: Very well. Thank you all very much
5 indeed. I hope you all have a very enjoyable weekend.

6 (4.00 pm)

7 (The court adjourned until 10.00 am on

8 Monday, 13 October 2008)

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