

1 Friday, 17 October 2008

2 (10.00 am)

3 (Proceedings delayed)

4 (10.05 am)

5 (In the presence of the jury)

6 DETECTIVE CHIEF INSPECTOR GREGORY PURSER (continued)

7 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

8 Questions from MR MANSFIELD

9 MR MANSFIELD: Good morning, Mr Purser. My name is
10 Michael Mansfield. I represent the family of
11 Jean Charles de Menezes, and I am really going to ask
12 for your assistance about various basic concepts
13 concerned with an operation of this kind, the operation
14 being in general terms a MASTS operation, namely mobile
15 armed support to surveillance. All right?

16 A. Yes, sir.

17 Q. These concepts are going to be very familiar to you,
18 because you are an experienced officer, are you not?

19 A. Yes, sir.

20 Q. Just to make it easier to follow, as I did with TJ84
21 yesterday, could we have the maps brochure and map
22 number 7, please. It will come up on the screen or you
23 can have a hard copy, whichever you wish. It doesn't
24 matter.

25 I think you are familiar with this layout, aren't

1 you, Scotia Road?

2 A. Yes, sir.

3 Q. What I want to do, if I may, with you, so you know how
4 the questions are divided up, I want to deal with first
5 of all, on an operation like this, what should happen,
6 all right, the principles of what should occur; and then
7 I want to deal with how it could have occurred; and then
8 I want to deal with what actually happened on the day,
9 do you follow, in three sections?

10 A. Yes.

11 Q. They overlap, and if you wish to bring in material from
12 other sections of course it's a matter for you, but just
13 so you know the structure. The object of the exercise,
14 the MASTS exercise that day, was two-fold, was it not?
15 Firstly to arrest and detain any suspect or subject
16 coming from number 21; that's the first object?

17 A. Yes.

18 Q. Secondly, there was another object, which was
19 intelligence gathering if it were possible?

20 A. Yes.

21 Q. So those are the two objects. As far as those objects
22 were concerned, there was a further parameter here:
23 because of what had happened the day before on public
24 transport, and what had happened two weeks before on
25 public transport, was to prevent the first category,

1 that is the subject or suspect, getting on to a form of
2 public transport?

3 A. That was the desired objective, yes.

4 Q. That was the desired objective, for perfectly obvious
5 reasons. So that it had to be done if it could be away
6 from the Scotia Road address so it didn't compromise it
7 and nobody was alerted to it, but before the person, as
8 it were, got on a bus or a tube train; that was the
9 desired object?

10 A. Yes.

11 Q. Is that fair?

12 A. Yes.

13 Q. If you want to qualify it, please say. I am taking it
14 slowly here.

15 A. No, that's a fair ...

16 Q. As far as the other category was concerned, that's the
17 category for intelligence gathering, once again for
18 resource reasons, you wouldn't want to have to trail
19 somebody all over London to get the intelligence; you
20 really want to do it again not to compromise the address
21 but not too far away; so you keep your intelligence
22 gatherers, that is the team who would do the stopping
23 and "can you tell us who you are", relatively nearby in
24 the vicinity; is that fair?

25 A. Well, yes, yes and no. You would want it to get far

1 enough away so that you wouldn't risk compromising the
2 address.

3 Q. You don't want to risk compromising the address but you
4 don't want to trail them all over London to find out
5 what they have to say, because then you leave fewer
6 people back at the address if somebody else comes out
7 you want to ask questions of. Do you follow what I am
8 saying?

9 A. I do, but what I would say is that it would have been
10 aspirational of us to look to stop everybody that came
11 out who was unidentified. What I envisaged was that we
12 would be able to stop -- we might only have to stop one
13 person, and if you actually look at it, unfortunately
14 Mr de Menezes would have been an ideal person to have
15 stopped because his flat, I understood, was underneath
16 the flat we were interested in.

17 Q. Yes. When did you discover that?

18 A. Not until recently.

19 Q. You didn't know it on the day. He would have been
20 ideal, I understand that. I think we have arrived
21 partially at a consensus here: away from Scotia Road,
22 either category, the first category, desirable not to
23 get on to public transport; second category, you really
24 don't want to let them go too far because you are going
25 to reduce your resources back at the address if somebody

1 else comes out who you might want to question. That's
2 really the parameters I am setting on this. This is
3 based on what you have said in the past. That would be
4 fair?

5 A. It wouldn't be too far away, no.

6 Q. That would be fair?

7 A. Yes.

8 Q. That's setting out the objectives of the exercise?

9 A. Yes.

10 Q. I am dealing with what should happen here. When
11 objectives are set in the form of strategy, and then
12 turn into tactics, there is a sort of structure that the
13 Metropolitan Police have in place, in other words the
14 Gold Commander sets the strategy, we have heard that,
15 there is no issue about that, all right?

16 A. Yes.

17 Q. But then once he has set the strategy, we know when he
18 did it in this case, theoretically and practically you
19 have to have a Silver below him, somebody who's
20 designated as the Silver, if you know what I mean --
21 I don't mean a designated senior officer, I mean
22 a Silver -- in New Scotland Yard who can ensure that
23 that strategy is translated into some form of action.
24 Is that fair?

25 A. That's fair, yes.

- 1 Q. Right, because the form of action that is going to be
2 required for a strategy of that kind is three
3 components: you have to have your surveillance people
4 nearby; you have to have your firearms back-up nearby;
5 and you have to have -- I am going to call them the
6 detention team, the team who come along and do an arrest
7 if it's necessary, category one, or a detention in terms
8 of "can you help us", category two?
- 9 A. Yes.
- 10 Q. Right, so those are the three components. The Silver at
11 New Scotland Yard has, as it were, to ensure that all
12 these elements are being assembled ready to carry out
13 the strategy. Now, is that fair?
- 14 A. Yes.
- 15 Q. Right. But on top of that, and it may be because of
16 that, the Silver at New Scotland Yard, if you are going
17 to deploy to a location like Scotia Road, you are going
18 to need to have another Silver, which is of course where
19 you come in eventually, another Silver and I'm going to
20 call them a location Silver, who's going to take charge
21 of the location; correct?
- 22 A. Yes, I think they have now re-badged it
23 Bronze Commander.
- 24 Q. I am trying to avoid some of the terms, but yes,
25 Bronze Commander, the one on the ground, but anyway, if

1 you don't mind me just calling it so it's easier at
2 least for me to follow. This is a location Silver, now
3 called Bronze, somebody who's going to take control of
4 the location, by which I mean -- and if you just
5 follow -- somebody who will in a sense be in charge of
6 the surveillance element of the location and the
7 firearms element of the location and the detention team
8 of the location. Do you follow?

9 A. Yes, I do.

10 Q. Of course that in fact was going to be your role that
11 day?

12 A. Yes.

13 Q. Right. So again this is the model, as it were. Now,
14 once you have identified the components and the levels
15 of officer, as it were, doing it, I'm not saying it's
16 necessarily the next thing, but one of the consequential
17 elements in this, events that has to happen, is
18 somebody -- and I'm just going to concentrate on
19 Scotia Road because that's where you were -- has got, as
20 it were, to do a reconnaissance of the area for you, the
21 Silver, so that you have a feel for the area and in
22 particular, for example, you know where the nearest
23 access points to public transport are. Somebody has to
24 do a reconnaissance, do you follow, haven't they?

25 A. I don't necessarily agree with that, sir. I would want

1 to actually see the topography away from the address in
2 relation to the public transport. As far as the
3 surveillance, they were already there --

4 Q. We will come to what actually happened on the day, do
5 you follow?

6 A. Yes.

7 Q. I know it's difficult to say, and we know red team were
8 there.

9 A. Can I just finish to say --

10 Q. Certainly.

11 A. -- if it was CO19 in relation to a recce, what I would
12 be asking for them to do would be actually to recce the
13 actual address and the reason I would be asking them to
14 do that would be in case we had to do a dynamic entry to
15 the address.

16 Q. I follow that, yes, and obviously --

17 SIR MICHAEL WRIGHT: That would be limited to the building?

18 A. Yes.

19 SIR MICHAEL WRIGHT: And its immediate surroundings?

20 A. Yes, I wouldn't be too concerned around the immediate
21 surroundings, I would be concerned about the actual
22 address.

23 SIR MICHAEL WRIGHT: The building itself.

24 A. For them -- yes.

25 MR MANSFIELD: You see, the object of the exercise at this

1 point, as I have already mapped out with you, wasn't
2 necessarily a dynamic entry because the strategy had
3 been laid down already which was
4 an intelligence-gathering exercise, not a dynamic entry.
5 In other words, stop the suspects away from the address
6 but not too far, not on to public transport, and stop
7 others if you can to get intelligence. That was the
8 object, wasn't it?

9 A. Initially, sir, but things can change rapidly, and
10 therefore I would -- I wouldn't ask them, 19, to go into
11 that cul-de-sac when I have got the surveillance there.
12 I would be content that the surveillance could bring him
13 out and then 19 could be drawn on by the surveillance.

14 Q. You are concentrating on 19 -- sorry, I am trying to
15 deal with this as a model. You weren't just
16 concentrating on 19 on the day, were you?

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

18 Q. No, right. So if you are going to, as it were,
19 implement and amplify the strategy which you have agreed
20 was the strategy for the day, whereas you may need to
21 know more for a dynamic entry, if you are going to carry
22 out the strategy we have been through, somebody's got to
23 do a reconnaissance of the area in order to find out
24 what the parameters are within which you are working.
25 In other words, where are the nearest access points on

1 public transport. You need to know that, don't you?

2 A. I need to know that, and I was in a position to know
3 that once I had got down there.

4 Q. Yes, please understand, I'll get to what actually
5 happened. This is not leading into some massive
6 critique of yourself, do you understand, I'm really not
7 doing that; I just want to build up a picture through
8 you, because you actually ended up having to go there as
9 it happened rather late in the day.

10 So, now, it's been suggested every time I do this by
11 others who come after me that this is all hindsight.
12 It's not hindsight, do you follow me? This is all very
13 commonsensical foresight. Somebody has to work out what
14 is the window of opportunity, not because we know he is
15 going to number 2 bus stop on Tulse Hill, because you
16 don't know that. What you don't know is which of the
17 bus stops he may go to, so you need to know, if he is
18 going to go to a bus and is on foot, and not in a car,
19 not on a bicycle, all right, on foot; because of what
20 happened the day before, let's find out where the
21 nearest bus stops are. That's a pretty commonsensical
22 and reasonable exercise, isn't it?

23 A. I wanted to know where the bus stops were, yes.

24 Q. You did, thank you very much. That's foresight, not
25 hindsight. In order to do that, I think now you have

1 been down there, you probably know and the jury have
2 been as well, and looking at that map, we can see that
3 there are two at the end of Marnfield Crescent, the 201.
4 I will come back to those. There are two there. Then
5 there is another 201 a few minutes away
6 up Upper Tulse Hill, and if -- in fact there are a pair
7 of 201 bus stops. There is one in Upper Tulse Hill and
8 then the other one is in Tulse Hill going in opposite
9 directions. Do you see that?

10 A. Yes, I do.

11 Q. Then there is number 2. But in fact the bus stops that
12 aren't on this map, there is another set of 201 bus
13 stops, because the 201 goes left off Upper Tulse Hill
14 into Roupell Road, which is, I am afraid, blotted out
15 here?

16 A. Yes, I know the road, sir.

17 Q. The point about all of this, with foresight, is that
18 once you know where the bus stops are, you can then work
19 backwards and work out how much time you have got; and
20 can I just describe it rather more lengthily so you
21 understand the point; so you can work out how much time
22 you have got, one to try to made an identification in
23 order to, if he's a suspect or might be a suspect,
24 prevent him getting on one of the bus stops; or
25 secondly, obviously, if he's not a suspect, and he's

1 somebody who could be rather useful, the timeframe
2 within which it might be possible to get your detention
3 team to go and have a word with somebody.

4 You need to know the window, don't you?

5 A. Yes, you do.

6 Q. Right. Can I follow this through, because you would
7 have been, if you had been there a bit earlier, having
8 to deal with the surveillance team dealing with
9 Scotia Road.

10 The surveillance team need to know that if the
11 strategy is for suspects or would-be suspects not to get
12 on public transport, they have to know that it's no use
13 members of the red team being in Athlone Road or other
14 roads miles away if they have only got a minute or so to
15 make an identification. They need to be tightly
16 controlling that address, don't they?

17 A. Yes, they do.

18 Q. You have already said, it's in your interview at great
19 length, I don't go through it, that identification, and
20 the jury have heard it from many people know, is
21 an extremely difficult exercise, isn't it?

22 A. Yes, sir.

23 Q. Unless you know the person, and even then you can get it
24 wrong?

25 A. Yes.

1 Q. So if you have only got a few minutes before the nearest
2 point of access to a bus stop, unless they are
3 suspended, then you have really got to have people in
4 a very good position to make a decision one way or
5 another: either I haven't got a clue, I can't tell; or
6 yes, it is; or I don't know; or maybe; or whatever it's
7 going to be, one of these graded observations that
8 surveillance officers make. They have to be in
9 a position to do that?

10 SIR MICHAEL WRIGHT: Can I interrupt one moment,
11 Mr Mansfield. It's just that you are on a point where
12 I have had a question that I have been saving up. It
13 may get us nowhere.

14 You are and have been for many years an SO13
15 officer?

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: Special Branch are, of course,
18 surveillance experts.

19 A. Yes, sir.

20 SIR MICHAEL WRIGHT: Anti-terrorist squad as well,
21 surveillance is part of your function?

22 A. No, sir.

23 SIR MICHAEL WRIGHT: Not?

24 A. No.

25 SIR MICHAEL WRIGHT: In that case, I won't ask you.

1 MR MANSFIELD: Right.

2 SIR MICHAEL WRIGHT: I won't forget it.

3 MR MANSFIELD: So I think we have an agreed position, and
4 please understand, this is not intended to lead you into
5 some cul-de-sac like Scotia Road. It's just intended to
6 see if we can build on this.

7 So that's the overall model, which has one or two
8 other elements, like you need to know -- it's fairly
9 obvious, we all know now -- you need to have identified
10 if you can somewhere where your firearms team can hold
11 up while they are in the vicinity, and we have heard
12 about the TA Centre, so you need to have found that sort
13 of place. You need to find somewhere for the detention
14 team also to hold up. It may be the same place. These
15 are all very commonsensical things, aren't they?

16 A. Yes.

17 Q. Right. What I want to move to, those are some of the
18 principal concepts, I suggest, but just before I do, the
19 intervening bit: if you have worked out a timeframe with
20 foresight on this map that the number 2, you don't know
21 he's going there but if he were to go to the number 2 in
22 Tulse Hill, that's going to take, you know, roughly five
23 minutes; if he is going to go to the 201s, if he goes to
24 those two, again four to five minutes. If he is going
25 to go to the two non-suspended at the end of

1 Marnfield Crescent, you have got two to three minutes
2 perhaps and no more. If he is going to go to -- which
3 he is unlikely to do -- the 201s that are further away
4 up Roupell Road, if those are not suspended, again, the
5 timeframe gets bigger the further you get away from the
6 address?

7 A. Yes.

8 Q. So you just need to know -- not a difficult exercise.
9 You don't sit in New Scotland Yard and say: well, there
10 are lots of bus stops and we will just wait and see
11 where he goes; you need to know what the timeframe is
12 because in New Scotland Yard they have to be ready to
13 respond to make a decision very quickly, don't they?

14 A. Yes, sir, but what I would say is you could be in the
15 unenviable position where you could have suspended those
16 bus stops and he then walks to the next one and you
17 still haven't got an identification, then walks to the
18 next one and you still haven't got an identification.

19 Q. I follow that. Just dealing with that, of course,
20 a very real situation that assuming for a moment that
21 you have a red team on the plot, eyeballing -- without
22 disclosing what they are doing obviously -- the person
23 leaving Scotia Road, they may not be in a position to
24 identify. That's what you are talking about; right?

25 A. Yes, sir.

- 1 Q. Right. They may walk a little further past a bus stop
2 and you still may not be able to identify; right?
- 3 A. That's a possibility, yes.
- 4 Q. That's what we are dealing with. Now, in that
5 situation, where you can't identify, in other words you
6 aren't able to say it's not him, all right, because that
7 would allow your detention team to go up and have a word
8 with the person?
- 9 A. Yes.
- 10 Q. But you just can't identify, in other words it might be
11 the suspect but you can't say one way or the other?
- 12 A. Yes.
- 13 Q. Now, because of the -- and we have heard so many times
14 the nature of the threat here and everybody recognises,
15 they don't come much higher than this kind of threat,
16 then if the person has not been eliminated, in other
17 words might be the suspect, you might have to use S019
18 to do a proper stop, before the person gets on to a bus;
19 do you follow?
- 20 A. I do follow, sir, but I wouldn't authorise firearms on
21 that type of identification. I don't think it's
22 proportional, sir. I would -- by all means I would
23 refer it up to the commander, who's in charge on that
24 day, but I know what the risks are about him getting on
25 the bus, but in all honesty, there are extreme risks as

1 we know, pointing guns at people --

2 Q. I appreciate.

3 A. And I just don't ... I don't think that's proportional,

4 sir, and I think if something went wrong there, we would

5 all have serious questions to be answered.

6 Q. Yes, one appreciates that. Which is why the observation

7 surveillance arena around Scotia Road is so important,

8 isn't it?

9 A. It is, sir, yes.

10 Q. I'm not going to deal with what the surveillance

11 officers were actually saying at the time, but we have

12 heard already that the threshold for intervention that

13 Commander Dick was talking about was that if in fact the

14 person might be a bomber, it might be proportionate to

15 send the firearms to an intervention to prevent the kind

16 of threat that had happened the day before; in other

17 words, intervention by C019 isn't limited to positive

18 identification, is it?

19 A. No, sir, again one of the issues is: what is positive

20 identification?

21 Q. Yes.

22 A. Is it 51 per cent, is it -- to me it's 95 per cent.

23 That's a positive identification. I would put it in

24 almost slightly more cruder terms: is it safe for

25 unarmed officers to approach that person?

1 Q. That's a very fair way of putting it. On the assumption
2 that armed officers are controlled and restrained,
3 right, and are trained, if the object of this exercise
4 is to safely prevent a would-be, a possible would-be
5 bomber getting on to a bus, so that we don't end up with
6 a mad rush in Stockwell, all right?

7 A. Mm.

8 Q. Then it may well be proportionate through trained
9 officers to do a controlled stop of somebody who is
10 thought might be a bomber. Do you follow?

11 A. I do, sir. My view on that, sir, is we are once again
12 asking too much of our armed officers. That's probably
13 why I am a DCI and not a commander. I wouldn't make
14 that decision.

15 SIR MICHAEL WRIGHT: You don't fancy making the decision,
16 Mr Purser?

17 A. No.

18 MR MANSFIELD: I make no comment about that, but you are
19 being very helpful, if I may say so. I am just trying
20 to work it through so we can see what the parameters
21 are, not with hindsight but foresight, of what should
22 happen here. You have agreed the objects of the
23 exercise.

24 Of course, different people on high may have
25 different views about what is proportionate given the

1 nature of the threat, and the nature of the
2 identification. Those are the components, aren't they?

3 A. They are, sir, and what also plays into this is the
4 knowledge that those that did attack buses on the 7th
5 and on the 21st, they didn't attack the bus closest to
6 their home address.

7 Q. No, no, but you don't let them get on to the bus on the
8 assumption they're not going to do it near their home
9 address, do you?

10 A. No, no, but you have to -- what we are discussing here
11 is what is the level of identification that is
12 acceptable, that is proportionate, that is necessary,
13 that is legal to use armed officers. My view -- I have
14 my view around it, but I don't think you can ask CO19,
15 to say, "Look, he might be a bomber, he might not" --

16 Q. All right, but what I am getting at if I may, is just
17 move it down a league, given the threshold you are
18 using, which may not be the same threshold as
19 Commander Dick. If I can come down to your threshold
20 before we get on to what could have been done that day.

21 If you think it would not be proportionate to send
22 armed officers in, that's what you are saying, if it's
23 not somebody that's been totally excluded, but it's not
24 somebody who has met a threshold for armed officers,
25 then you send unarmed officers in?

1 A. No, sir, no.

2 Q. So they don't get on the bus?

3 A. I would let it run, sir. That's what I would do.

4 Q. You would let it run?

5 A. I would, sir.

6 Q. That's one of the things you were saying later on, much

7 later on, weren't you? You were saying --

8 A. Are we going to the actual incident?

9 Q. Yes, sorry.

10 SIR MICHAEL WRIGHT: It serves you right, Mr Mansfield. You

11 said you weren't going to do it.

12 MR MANSFIELD: I said there was a lapse and it might happen.

13 Is this right, that this was a concept that you had in

14 your mind, let it run?

15 A. Two different things, sir. Later on -- on the actual

16 incident, I believed it to be the person we were

17 interested in, and we had discussed the -- we are

18 investigators, we look to gather evidence to put before

19 the court, that's our job.

20 Q. Yes, I appreciate that.

21 A. I raised the issue with Commander Dick on the real

22 incident that if we let him run, if we took that risk,

23 and in fairness she would be taking the risk, not

24 myself, that we might be able to get who we were looking

25 for, because we saw some very -- we had a dark day that

1 day, sir, and we saw some dark days ahead, and we
2 thought if we could find the other bombers, or I did,
3 I thought wouldn't we be good, but she just -- she
4 didn't say no straightaway, there was some silence and
5 then she came back and said --

6 Q. Was there a discussion you could hear in the control
7 room?

8 A. I couldn't, sir. I have heard all the noise, the
9 discussion about there is lots of noise in the control
10 room. I never heard it when I was speaking to
11 Commander Dick, so I don't know whether there was noise
12 in there or whether the microphones on the phones that
13 the Met use isn't as good as our mobiles.

14 Q. Right.

15 A. But she may well --

16 SIR MICHAEL WRIGHT: You are coming on to the incidents of
17 the day now?

18 MR MANSFIELD: I wasn't, in fact. It was just a concept of
19 letting somebody run.

20 You are saying on the day the let him run was at a
21 later stage? I am really trying to concentrate on --

22 A. This incident I would say we don't -- we are in the
23 worst position possible here, because -- which was
24 a reality.

25 Q. Yes.

- 1 A. And my view would be, my instruction would be: stay with
2 him, we need to try to get some identification one way
3 or another so we can either go unarmed or armed.
- 4 Q. I do follow that and that's what I have been pursuing
5 with you. On the model you need to have clearly in mind
6 as the location Silver the levels at which different
7 forms of intervention may or may not take place, either
8 the CO19 because you have reached the threshold you
9 think is desirable for some form of intervention, or the
10 threshold which would allow you to send in unarmed
11 officers in the form of the detention team. So you need
12 to have worked all that out?
- 13 A. Yes.
- 14 Q. Right? Now, again on the model, what would then,
15 having -- I'm sorry to have taken some time and it may
16 be that normally you have all this readily to mind --
17 you would need to, having worked all this out on the
18 model as it were, you would then need to brief the
19 component parts about all this, wouldn't you? That is
20 CO19, the surveillance officers, and the detention
21 officers. The discussion we have just had would
22 necessarily have to take place with them as well,
23 wouldn't it?
- 24 A. On the model.
- 25 Q. Yes?

1 A. If we are talking on the model, it is desirable, always
2 desirable, to have -- the way I would do it and the way
3 I do do it is I tend to get the team leaders, the key
4 people, into the room and then we would go through it,
5 brief them all, and then whether it's the next morning
6 that we are actually going to go out, then we would do
7 a full briefing and by that time the team leaders have
8 briefed their staff.

9 SIR MICHAEL WRIGHT: Can I just see where we have got to.
10 We are talking about general principles at the moment.
11 We have not got on to the incidents of the day. Have
12 I understood you correctly: your view is that unless you
13 have a 95 per cent certainty of identification, you
14 don't send in an armed intervention team?

15 A. No, sir, no, I'm not saying that, sir. No. What I am
16 saying, I am saying that a positive identification, in
17 my mind, is 95 to 100 per cent.

18 SIR MICHAEL WRIGHT: Forgive me.

19 A. What I'm talking about that I am talking about when they
20 talk about Kratos, when they talk about this spontaneous
21 incident about what identification would need, as far as
22 armed intervention goes, in this incident, or any
23 incident, it needs to be above a level that I would not
24 be willing to send unarmed officers. So if it starts to
25 get to "believe to be, it's him", I would start to look

1 to do an armed intervention in relation to that.

2 SIR MICHAEL WRIGHT: You would?

3 A. I think that would be proportionate.

4 SIR MICHAEL WRIGHT: You are getting to the threshold --

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: -- of the point of we must have

7 an armed intervention.

8 A. Yes, it's a great big discussion within the police force

9 three years later, and we still haven't ratified exactly

10 what it is.

11 SIR MICHAEL WRIGHT: Forgive me. Your philosophy, as

12 I understand it, is that you have to be up to that level

13 because -- you wouldn't accept Mr Mansfield's, I think

14 suggestion more than anything else, that if you are not

15 at that level it is simply not acceptable to have armed

16 police officers pointing their guns at people?

17 A. I don't, sir, and I think if we did that, and something

18 went wrong, then Mr Mansfield would be speaking to me

19 again, sir.

20 SIR MICHAEL WRIGHT: I don't doubt you are right. But

21 I want to just look at it the other way around, because

22 the other suggestion I think Mr Mansfield is making is:

23 all right, if you are not at the level of certainty that

24 you think is proportionate to using an armed team, you

25 might use an unarmed team. It crosses my mind that your

1 anxiety there might be the other way, in fact, that it
2 may be that he is a bomber?

3 A. No, sir, there is -- in my cunning plan, sir, there is
4 a hole, a greyness, and it's not a place we like to be.
5 We put undue pressure potentially on surveillance
6 officers, and then potentially undue pressures on
7 firearms teams.

8 SIR MICHAEL WRIGHT: Whichever way you go?

9 A. Whichever way we go, sir, and I think that the reality
10 is if we are in that grey area, then that sits with me
11 and that sits with Commander Dick.

12 SIR MICHAEL WRIGHT: Is this the classic example of you are
13 damned if you do and you are damned if you don't?

14 A. That seems to have been my life, sir, yes.

15 SIR MICHAEL WRIGHT: It does illustrate when we are now in
16 this, for you at this time, unprecedented area of
17 suicide bombers, it does illustrate the appalling
18 dilemma that you have to face.

19 A. It does, sir, and it still bothers me.

20 MR MANSFIELD: Obviously, as you very fairly said, you are
21 still in the Met thrashing out what the thresholds are,
22 because commanders and people at your level may have
23 very different views about the threshold that's going to
24 be met.

25 We have already seen some are saying it has to be

1 positive identification, what does that mean; others say
2 it's identification; and others say I would send the
3 armed officers in for some lesser threshold. Do you
4 follow?

5 A. I do. The latest plan that's taken three years in
6 making is there is negative, possible and positive.

7 Q. Well --

8 A. And the rest of the country haven't ratified it yet,
9 sir.

10 SIR MICHAEL WRIGHT: Presumably some officers take one view
11 and some officers take another?

12 A. That's the other thing, sir. When you are dealing with
13 this, and we have worked really hard to try to get more
14 robust about communications, the control room and so on,
15 but when you really get down to it, you could be having
16 an operation where one surveillance officer says, "It's
17 him, I am happy", and another officer said, "No, I'm
18 not, I'm not sure", and then it's to me to say: well,
19 which one do we go to. In this situation you would have
20 to sit with the one that was positive and support him.

21 MR MANSFIELD: That's very interesting, what you have just
22 said. I am trying to compartmentalise it, but it's a
23 little difficult, because on this very day, just
24 switching for a moment from the model, that is precisely
25 what did happen. Some said according to -- sorry, I am

1 working on your perception of what was being said, not
2 what the surveillance officers are going to say they
3 said.

4 A. No, I appreciate that, yes.

5 Q. What your perception was of what they were saying was
6 that it's not him, so we will send in Dingemans, and
7 then he comes back into the frame, within a matter of
8 minutes, he's back in the frame. If you had waited
9 another ten minutes another officer may have said it
10 wasn't him?

11 A. That -- it's difficult, sir, you know, it's -- it is
12 extremely difficult, and if we are talking about the
13 real incident, it came up to me that he was -- it was
14 not him, and even then that's a risk, because he has
15 come from Scotia Road, he could be this fifth bomber.
16 We even had a concept or a belief that we might be
17 getting hit every fortnight in the future, so we just
18 didn't know, and I was putting my officers at risk.

19 Q. But there were quite a lot of people came from
20 Scotia Road that day and were not considered, even. The
21 fact of coming from Scotia Road isn't enough, is it?

22 A. Well, I do not agree. The ones that were before,
23 I wasn't there, sir.

24 Q. I appreciate, you had not got there.

25 A. I don't think they would have ever become possibles,

1 "I believe they are, it's him", et cetera. I think they
2 would have potentially always been in the Dingemans
3 field, which would be unidents that we could potentially
4 speak to. I saw those that were before possibly missed
5 intelligence opportunities.

6 Q. That may be, but I mean, when you sent Dingemans in,
7 that was de Menezes' position as well?

8 A. It was up until 9.55, sir, and --

9 Q. Yes, five minutes or so -- well, minutes before he's
10 shot dead, you are sending in somebody as a non-ident to
11 follow him up for intelligence?

12 A. Yes, that's right.

13 Q. So this must have indicated to you, and I'm sorry to
14 switch to the later period, using exactly what you have
15 been telling the jury this morning about the necessity
16 for a threshold, that really this threshold is highly
17 questionable in this particular instance given the
18 complete variation from not identical to "I believe it's
19 him". That is pretty incredible within a space of
20 minutes, isn't it?

21 A. I don't think it is, sir.

22 Q. I see.

23 A. I don't think it is.

24 Q. Well, you see the risks now, if you do operate on that
25 basis, don't you?

1 A. No, I don't. You can always have some -- as you say,
2 it's a very difficult thing and you can always have
3 somebody saying, "Not him, not him", and then somebody
4 looks at him and he might be better at identification,
5 he might be worse, but he might be better at
6 identification.

7 Q. You don't know any of that, do you?

8 A. No, I don't, but then you have to go with what you are
9 told, and I was told, I heard over the radio, "It's him,
10 believed Nettle Tip", and that changed it, changed
11 everything for me, sir.

12 SIR MICHAEL WRIGHT: I was actually asking you the question
13 on a slightly different level. Even where you don't
14 have internal differences between the surveillance
15 officers, one saying "I think it's him", one saying
16 "I don't", even if you have a reasonable unanimity among
17 the officers, but maybe not at a very high level,
18 saying, "Well, we think it's him", two different senior
19 officers may have different views as to how that
20 situation should be dealt with?

21 A. They could, sir, yes. That's the business we are in,
22 I am afraid, sir.

23 SIR MICHAEL WRIGHT: Making judgments?

24 A. Yes.

25 SIR MICHAEL WRIGHT: On given situations?

1 A. That may prove to be wrong.

2 MR MANSFIELD: If I could just roll back a minute to the
3 model, what this also emphasises, and I think you have
4 agreed, the ideal which you normally do is you have your
5 joint briefing, and these matters are thrashed out so
6 that the people on the ground at least know what your
7 thinking is, in other words: I am disinclined to send in
8 armed officers unless it reaches a certain threshold;
9 you then tell them what it is; we only have two minutes
10 to the nearest bus stops, four minutes to those bus
11 stops, so I am not asking you to make an identification
12 within those limits, but we really need to be very
13 focused on the job we are doing. That's a perfectly
14 sensible discussion, isn't it?

15 A. It is a discussion that you could have, sir, but it
16 doesn't always -- we plan and plan and we always seem to
17 have an extra circumstance or something happens that
18 doesn't quite ... the classic one is we don't invite the
19 bad guys to the meeting, you know.

20 Q. I'm certainly not going to make any comment on that.

21 What I want to now do is to put to you, because you
22 are participating to some extent in what actually
23 happened on the day, that what we have just been through
24 as a model could have occurred on the day, do you
25 follow, getting people in place, having a joint

1 briefing, discussing thresholds, discussing parameters,
2 so that people were focused on what they had to do.

3 That's the preamble to the question. First of all,
4 some of what I am going to put to you, you may not have
5 known on the night. First of all, when you came on,
6 would it be fair, you didn't know that McDowall had set
7 a strategy at 4.55, or did you?

8 A. I didn't know that, no, sir.

9 Q. Still less did you actually know what it was?

10 A. Not when I came on duty, I didn't know anything, sir.

11 Q. And that one of the components he had asked for was
12 a reconnaissance; you didn't know that?

13 A. I didn't know that, sir.

14 Q. All right. What that means is that when you did meet
15 him later, he didn't tell you: look, at 4.55 I set this
16 strategy, it's X, Y and Z and I wanted a reconnaissance
17 and so on; he didn't say that?

18 A. No.

19 Q. Which explains, you can look it up if you wish, but your
20 armed record has a strategy bit in it, doesn't it?

21 A. Yes.

22 Q. It's not filled in?

23 A. No, it's not, no.

24 Q. Is that because of the point I have just made to you,
25 namely --

1 A. No, it's not, sir. As I have tried to explain, when we
2 do small armed operations, this booklet is fine, but
3 when we do the big operations, there is so much recorded
4 elsewhere by senior managers I really just wanted this
5 booklet for the warning.

6 Q. All right, I understand. So you didn't know that.
7 Now --

8 SIR MICHAEL WRIGHT: When you say the warning, you mean the
9 statutory guidelines that you read out?

10 A. Yes, sir.

11 MR MANSFIELD: Now, in addition to that setting of the
12 strategy at 4.55, were you aware that Scotia Road had
13 been prioritised and orange team had been requested to
14 go there? Did you know that?

15 A. I didn't know that, no.

16 Q. Did you know also that a red team -- well, you did later
17 obviously -- but did you know when you came on that
18 a red team was already down there?

19 A. No, when I came on I didn't know why I had been -- I had
20 come in at 6.30. I had just been told to come in.

21 Q. What I am dealing with is the components so far is -- do
22 you want some water?

23 A. Yes, sir.

24 Q. Certainly. (Pause)

25 So you are beginning to see, I think, what the

1 possibilities are here of a planned focused operation.
2 You have got a strategy, you have got a red team, you
3 have got an orange team. Did you know in addition the
4 orange team obviously had an available leader, called
5 ZAJ; did you know that?
6 A. No, I hadn't heard of him until --
7 Q. You had not heard of him?
8 A. No.
9 Q. They had in fact -- Mr Andrew had identified
10 an overnight DSO to take charge of a specific operation,
11 should there be one; you didn't know that?
12 A. No.
13 Q. I can give you the name if necessary. Also,
14 Angela Scott, who you know, because she is S013, had in
15 fact identified, even if she hadn't deputed them,
16 Silvers within Scotland Yard who could be the location
17 Silver; do you follow?
18 A. Yes, I do, yes, sir.
19 Q. So all of that had been set up. In addition to that,
20 another Silver, not you, and you know who it is, that's
21 Mr Rose, had been telephoned two minutes after the
22 strategy was set, and he came into New Scotland Yard by
23 5.30; you didn't know?
24 A. I didn't, I subsequently knew.
25 Q. So what we have by 5.30 is all the components necessary

1 for Scotia Road, Gold strategy, Silver location, because
2 it could be Mr Rose since he has come in or one of the
3 other Silvers identified, a red team about to be
4 briefed, and an orange team by then actually sitting in
5 New Scotland Yard; you didn't know that?

6 A. No, I didn't, no.

7 Q. Right. That, as I'm suggesting, what could have
8 happened even at 5.30. But even by 7 o'clock, which is
9 roughly when you come into the picture, all right, you
10 are coming into it then?

11 A. Yes.

12 Q. It wasn't too late even then because the orange team are
13 still at New Scotland Yard. You may not have realised
14 it. Did you know they were still at New Scotland Yard?

15 A. No, I didn't, sir.

16 Q. All right, they are still at New Scotland Yard but of
17 course you would appreciate they are kitted up and ready
18 to go. What they are short of is a briefing?

19 A. Well --

20 Q. All right?

21 A. Okay, yeah.

22 Q. So what could have -- I'll just dealing with what could
23 have happened -- even at 7 o'clock somebody could have
24 said, right, to you or to Mr Rose, but you, let us take
25 you, could have said to you: look, Mr Purser, or Greg or

1 whatever, do you mind going with the orange team, they
2 are right ready here, the red team have been down in
3 Scotia Road unprotected without a firearms team and they
4 have been talking about the fact they want one.

5 You could have briefed, do you follow, that team,
6 even though the red team were already down there, you
7 could have even then briefed the orange team and got
8 down there, Scotia Road, with the orange team by
9 8 o'clock?

10 A. Or I could have gone to Portnall Road.

11 Q. I appreciate; I'm just dealing with Scotia.

12 A. I don't know what the difference is in the priorities.

13 SIR MICHAEL WRIGHT: I dare say you wish you had.

14 A. Yes, I have made better decisions.

15 MR MANSFIELD: I appreciate that, and I have said this is
16 not a critique of your position. Rather like TJ84, you
17 are sprinting to catch up, as it turned out.

18 Perhaps we will just deal with your position, as you
19 say. Could you have come in earlier if somebody had
20 asked you to?

21 A. Yes, sir.

22 Q. You could have actually come in earlier, so you come in,
23 and I think to be fair to you, what you have described
24 in your interviews and so forth is that you came in not
25 really knowing what it was you were coming in for at

1 that point?

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

3 Q. You have a graphic description in your interview of how
4 you are sitting in a meeting and everybody is discussing
5 things and then there is a gap, no-one to go to
6 Scotia Road, and Mr Prunty who's sitting there looks at
7 you and you look at him, and between the two of you, you
8 say, "All right, I'll do it"?

9 A. It's more -- I don't remember Mr McDowall saying
10 Scotia Road, I remember him saying, "We need another
11 Silver", and then I have looked at Mr Prunty to seek his
12 authority to volunteer. And he volunteered me.

13 Q. So at that stage, when you are having in fact not to go
14 with the orange team, with the black team -- and, just
15 so I may cover this, it's being suggested: well, it's
16 an excellent idea to have the orange team in the centre
17 of London to go to either address. Do you know of any
18 decision that was taken by anybody to keep the orange
19 team at New Scotland Yard in case they are needed at
20 either address?

21 A. I don't know anything about the orange team at all, sir,
22 sorry.

23 Q. Right. So I want to make clear the suggestion I make to
24 you is that no-one had taken a decision to keep it
25 there, in fact that's the problem, no-one had taken

1 a decision?

2 SIR MICHAEL WRIGHT: I don't think he can answer that.

3 MR MANSFIELD: You may not be able to answer that.

4 We have done the model, as it were, and we have done
5 what could have happened on that day, in terms of
6 getting people down there much earlier, to attempt to
7 fit the model.

8 Now, what actually happened of course in your case
9 as we know is that you want to do a proper briefing,
10 perfectly understandable. By the time you have got down
11 to Nightingale Lane and then across to Scotia Road and
12 the TA Centre, Mr de Menezes has already left the
13 premises and is already on a bus?

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

15 Q. So you haven't had time to do a reconnaissance yourself
16 of any kind, have you, of the kind we talked about
17 before?

18 A. No. When we have driven in, I have been able to sort of
19 look down at the Upper Tulse Hill Road, and if you want
20 my honest feeling at that time was that I needed to get
21 the rest of my assets there, and I needed to be able to
22 start looking at what we have got ahead of us here.
23 I believed, having seen where the bus stops were,
24 I believed that if we had got an identification and we
25 had gone out to an intercept, then we were looking at

1 moving on to a dynamic entry, I believed that we would
2 compromise the area.

3 Q. Yes, I follow what you mean. There was a risk, wherever
4 you did it, you might compromise the area?

5 A. Yes, yeah. We couldn't go back to the TA Centre. It
6 was great for one because it's very, very close, but
7 after that, everybody would know that we were there.

8 Q. Yes, I follow all of that, but of course you didn't
9 have -- as it turned out, because I suggest there had
10 been a serious lack of planning here, not by you but by
11 others above you, because there had not been a Silver at
12 New Scotland Yard to ensure it was all implemented in
13 good time, and because there weren't people down on the
14 plot in good time, none of this could be done by you.
15 It was too late. He had already left. Do you follow?

16 A. I do, sir. I don't think it's a lack of -- a serious
17 lack of planning. We had an enormous task on that
18 morning. To try to put this operation to the level that
19 we would like to have done would have possibly taken
20 a day, and we were trying to do it short time, and it's
21 extremely, extremely difficult, sir.

22 Q. But it was all set up to do it. The strategy was 4.55,
23 the teams were there, it just got stuck in the works.
24 Do you follow?

25 A. I don't accept that, sir. I --

- 1 Q. Why wasn't the orange team down at Scotia Road before,
2 if you are not accepting it?
- 3 A. Why didn't they go to Portnall Road, sir? I don't know
4 the answer to that --
- 5 Q. Because they were asked to go to Scotia Road by Alan --
6 if you are going to make an assessment like that that
7 it's not a planning failure right at the top, they were
8 asked to go to Scotia Road. They didn't go to
9 Scotia Road. We are yet to find out why they didn't go,
10 but they didn't go. They sit at New Scotland Yard.
11 Some people know they are there. Some people don't know
12 they are there. Do you follow?
- 13 A. Yes. I can't answer for what happened when I wasn't
14 there, sir.
- 15 Q. You also briefed -- I have to come to the briefing that
16 you did at Nightingale Lane. When you did that briefing
17 you also spoke to Mr Dingemans. Now, he is the other
18 element in this, the other component?
- 19 A. Yes.
- 20 Q. Now, did you realise that actually he had this dual
21 role, obviously we have been -- that is subjects and/or
22 intelligence?
- 23 A. Yes, I did, yes.
- 24 Q. Did you know that he had actually been tasked to do that
25 job much earlier in the day?

1 A. I know that when I spoke to him, he knew what I was
2 talking about, yes.

3 Q. Why didn't you ask him why he had not gone down?

4 A. I wanted him to come to the briefing.

5 Q. Yes, sorry, he was asked by Angela Scott --

6 A. Right.

7 Q. -- she wasn't able to give a precise time but the time
8 she bracketed when I asked her about this here was
9 somewhere between 7.15 and 8.15. In other words, if he
10 was going to be back-up for non-suspects he should have
11 got down there to do that job much earlier than
12 9 o'clock and attending a firearms briefing; do you
13 follow?

14 A. I do. I don't accept that, sir. We didn't -- I didn't
15 know at that time that the TA Centre was going to be
16 suitable for us down there. I wouldn't have wanted
17 Mr Dingemans and three other people sitting in a car
18 nearby floating around not knowing what's going on.

19 Q. They didn't have to be. Did you know that Derek, who is
20 coming today, the leader of the red team, had already
21 identified the TA Centre as a holding centre, just gone
22 6 o'clock in the morning?

23 A. I understood that he had identified it as a suitable
24 premises. I wasn't aware that it had actually been
25 confirmed that we would be able to go in there, that it

1 was suitable, that the cleaners didn't work in
2 Scotia Road, that the caretaker would accept us in there
3 --

4 Q. Mr Dingemans could have made those enquiries, having
5 been tasked at 7.15, could have said: where is a holding
6 area for us if we are going to back up the red team,
7 make a telephone call and so on; it's not rocket
8 science, is it?

9 A. I am not trying to be difficult, sir, but really and
10 truthfully he wouldn't know whether it was suitable for
11 the firearms team.

12 Q. I'm not saying the firearms team have to go to the same
13 place.

14 A. I thought we were talking about the TA Centre.

15 Q. You see, if I may say so, are you locked into the
16 firearms aspect of this? You could have Mr Dingemans
17 and his non-armed team, who are back-up for non-idents,
18 at another venue than the firearms, couldn't you?

19 A. I was happy that he was coming to me for a briefing, and
20 we at that time had not identified or confirmed that we
21 could use the TA Centre, and as soon as it was, we
22 started to dribble down there, sir.

23 Q. I understand that for firearms. Anyway, Mr Dingemans
24 hasn't gone down, he has waited or he is with you and so
25 forth, and you hold your briefing?

1 SIR MICHAEL WRIGHT: Is that right, when you went forward to
2 the TA Centre, Dingemans and his colleagues were coming
3 with you, were they?

4 A. They were, but they would be the tail-end Charlies.

5 SIR MICHAEL WRIGHT: That I follow, but the intention was
6 that they would deploy to the TA Centre with you, not
7 just be left wandering around in the roads.

8 A. No, sir.

9 MR MANSFIELD: One or two things arising out of the
10 briefing, I want to put it specifically to you because
11 it is specifically stated in the statements. You were
12 asked yesterday about particular phrases that you used,
13 "determined and deadly" and "up for it" and all that
14 sort of thing. You said that's not the phraseology you
15 would use.

16 I want you to think: could you have used that
17 phraseology?

18 A. I honestly don't think I do, sir, no.

19 Q. I am going to ask you because the key officers here, who
20 actually ended up doing the shooting, have indicated
21 what they say you said. Could we have page 348, please.

22 This is, as you will see at the top, C2. It's not
23 paragraphed, but if you go just after halfway down after
24 the name of Omar, do you have that?

25 A. Yes.

1 Q. "... was stated by Silver", that's you?

2 A. Yes.

3 Q. "... that these males were prepared, deadly and
4 determined suicide bombers and described as 'up for
5 it'."

6 A. Yes, I see that.

7 Q. So either they have totally misheard you, if you did say
8 that, or something else?

9 A. Well, I'm not suggesting they totally misheard me, sir,
10 I am suggesting they probably paraphrased what I said.

11 Q. So you did use words along those lines?

12 A. What I was trying to get over to the team, that what
13 happened the day before would have replicated what
14 happened on 7 July.

15 Q. Yes.

16 A. And in doing so, I would agree that I presumably
17 conveyed the message that these people were up for it,
18 were deadly and determined, and ultimately, sir, those
19 people were up for it, deadly and determined because
20 they got 40 years in prison.

21 Q. Yes, but one is not disputing that this is a serious
22 threat that has to be conveyed, the damage that is
23 caused is havoc, terrible disaster that is caused by
24 such people. The question is, you have to, as it were,
25 not only allow the firearms officers to appreciate

1 exactly what they are facing, but it has to be carefully
2 measured, doesn't it, it can't -- do you agree?

3 A. I do, sir, and I honestly believe that that is what
4 I did. It was a very -- we were very sombre, it was
5 a strange briefing because usually when I meet up with
6 the firearms team it's all a bit bloke-ish, you know,
7 and patting on the back and "I haven't seen you for
8 a long time" and that type of thing, camaraderie. This
9 was very subdued. Everybody was serious. I did have
10 emotive things I could have said. I was aware at that
11 time -- I hadn't seen the video but I was aware of one
12 of the bombers attempting to detonate in front of a baby
13 in a pushchair on the Underground. I saw that video
14 later in the day.

15 If I was going to go along those lines, sir, I could
16 have used that and said: look, these are baby killers;
17 and later on I found out that a police officer was
18 involved fighting with them, and I could have used that.
19 I don't use emotive language, sir.

20 SIR MICHAEL WRIGHT: Were you concerned to see that your
21 officers understood the possible danger?

22 A. Sir, we ask so much of our surveillance team and we ask
23 so much of our firearms team. You know, we were asking
24 them to go into something where everybody else is
25 running away, and there is no soft way of saying, "We

1 are dealing with suicide bombers today". The one thing
2 I might say, sir, is that throughout that period of time
3 I was in a bit of a bubble around what had happened,
4 I hadn't seen any media, I hadn't seen any television,
5 I hadn't read a newspaper or anything. We were just
6 doing what we had to do. Perhaps I didn't pick up on
7 their concerns, but I honestly believe that I gave
8 a balanced and proper briefing to those officers, and
9 further to that, sir, they wouldn't accept rhetoric or
10 trying to, think of the phrase, "large it up"; they just
11 wouldn't -- they are not those sort of people. They are
12 dealing with the less desirable people of this city on
13 a weekly basis, and that's all I can say on it, sir.

14 SIR MICHAEL WRIGHT: Thank you.

15 MR MANSFIELD: Yes, and of course, in one sense you would
16 not have to say any of it, because their training -- I'm
17 certainly not going to ask for it to be shown -- those
18 officers on their training for Kratos and Clydesdale are
19 given and shown graphic pictures about what happens in
20 a suicide bombing, aren't they? One of the
21 presentations actually shows the aftermath of a suicide
22 bombing in bloody detail.

23 A. Yes, sir. We all get to see those pictures.

24 Q. They know full well that if it's a suicide bomber, then
25 they are deadly and determined and up for it, and you

1 don't need to say that, do you?

2 A. I didn't say it, sir.

3 Q. Well, 355, please. This is the statement of the other

4 officer, C12. It's roughly in the same part of the

5 page, you will see two-thirds of the way down:

6 "Silver used the following words..."

7 Do you see, it's just above the punch hole:

8 "... words and phrases to describe the group --

9 'well prepared', 'up for it' -- 'deadly and

10 determined'."

11 All in quotes. Doesn't look like a summary, does

12 it?

13 A. It doesn't, sir, but I can only refer back to the answer

14 I have already given.

15 Q. All right, if you say it was a balanced briefing, did

16 you first of all tell them that it wasn't Kratos or

17 Clydesdale?

18 A. No, sir, I didn't discuss Kratos or Clydesdale.

19 Q. Why not? If you are wanting to say this is a suicide,

20 up for it, deadly and determined -- I appreciate not

21 your words, you say -- why not say: but on the other

22 hand this isn't Kratos and Clydesdale, this is

23 an intelligence-gathering operation, mobile support?

24 Why didn't you say that?

25 A. I believe, sir, that when I gave that briefing

1 I repeatedly talked about a conventional armed
2 operation, conventional arrest and we talked about it
3 and the options around it. I didn't talk about Kratos.
4 It's one of those things, if you start talking about it,
5 you might start to put it more in their minds --

6 Q. If I may say so, that is precisely what you were doing.
7 You were saying -- all right, not those words. "They
8 were killers", some other word, I don't know what other
9 words you used if you didn't use "deadly and determined"
10 and "up for it". You were precisely putting those
11 officers right on the spot and saying, "We today are
12 dealing with suicide killers, I want you to understand
13 that". That's what you were doing?

14 A. I was saying to them that we were dealing with people
15 that attempted to blow up the tube train and kill
16 citizens of London. I was telling them that, sir, and
17 that it was not a hoax and that we had got a challenging
18 day ahead of us --

19 SIR MICHAEL WRIGHT: Mr Mansfield suggested to you that what
20 you could have, and I think the inference is should have
21 said, is that this is an intelligence-gathering
22 operation, mobile support. It wasn't just that, was it?

23 A. No, sir. We were looking to go to arrests. That's what
24 we were talking about, sir.

25 SIR MICHAEL WRIGHT: That's the point I am after.

1 A. Yes.

2 MR MANSFIELD: In other words, what I want to suggest is the
3 focus of your briefing was -- and I am not being
4 critical of that -- you know, graphic detail about what
5 had been found on the 7th and the 21st, the sort of
6 information they may not have had before, or they felt
7 they had been kept in the dark from all of that; graphic
8 descriptions, I suggest, of the kind of people involved,
9 and pretty well nothing concerning what was really the
10 object that day, which was intelligence gathering and if
11 we get the suspect, they are to be arrested?

12 A. We talked, sir, we talked about arrests. We talked at
13 length about a challenge with a rifle. I was concerned
14 around that because I saw that as a -- possibly the main
15 option we had at one stage, and that that would be
16 a difficult thing to do. But that's what we talked
17 about.

18 Q. Did you have a discussion along the lines that we
19 started this morning, about the parameters, and
20 difficulty of identification? Did you have all that
21 with them, and the threshold at which you would expect
22 them to be called in or not called in?

23 A. No, sir.

24 Q. No.

25 A. I didn't.

1 Q. I want to suggest to you that that is the balance that
2 has to be struck to ensure that officers don't, in the
3 heat of the moment, lose their perspective and their
4 control; do you follow what I am putting to you?

5 A. I do follow, sir. I just -- my position, and it might
6 be the wrong position, but my position is that once we
7 go over, we are now saying he is identified, whichever
8 phrase you wish to use around it, and that it now
9 requires an armed intervention. Whether that
10 identification is 60 per cent, 70, per cent,
11 80 per cent, I don't think I can ask the firearms team
12 to do anything but a proper intervention.

13 Q. But on this occasion, the decision wasn't going to be
14 yours anyway, was it?

15 A. No, it wasn't, sir, no.

16 Q. It was going to be the DSO?

17 A. Yes.

18 Q. So did you explain to them why there was a DSO even
19 though it wasn't Kratos and Clydesdale?

20 A. No, I didn't, no.

21 Q. Were you aware of what the firearms officers would think
22 about the presence of a DSO?

23 A. The firearms team didn't have any direct contact with
24 the DSO.

25 Q. Well, they don't themselves, but they know that through

1 their tac adviser and you, there is going to be direct
2 contact with a DSO and they are being told, if not by
3 you they have already by TJ84, that whatever they are
4 asked to do comes from the DSO. That's what they were
5 being told, wasn't it?

6 A. Yes, sir.

7 Q. So what they need to know is, right, we have got a DSO
8 today and they might, there is a risk they might just
9 think because there is a DSO appointed that it was
10 a Kratos, generic Kratos operation?

11 A. Well, I didn't see that, sir.

12 Q. You didn't?

13 A. No. I saw it as a challenging day, but we were looking
14 to do it in a conventional intervention. That's what
15 I saw.

16 Q. Did you know that they had already been issued with
17 unusual ammunition in the sense that it wasn't
18 customarily carried?

19 A. No, I didn't, sir.

20 Q. You didn't know that?

21 A. No.

22 Q. That also, do you now recognise, has an impact on
23 them -- it's called the mindset, I don't mind what you
24 call it -- the approach that an officer may have if they
25 are being issued with that kind of ammunition?

1 A. I don't know, sir. When we talk about mindset, it might
2 well be that the biggest mindset was the events of the
3 7th and the 21st, sir.

4 Q. Yes?

5 A. And that we looked to try to deal with that.

6 Q. If I may say so, I entirely accept that. The risk as
7 the briefing officer is to ensure that at times of
8 greatest pressure and stress, where there has been huge
9 and disastrous events in London with terrible
10 casualties, isn't it in the aftermath of those that you
11 have to ensure the greatest care and control in relation
12 to the use of arms?

13 A. Sir, I believe I gave a balanced and honest briefing.
14 If they are saying I have failed in that, then I have
15 failed in that but --

16 Q. I am not saying they are, do you understand?

17 A. If you are saying I have failed in that, then so be it.
18 I try to be as honest and straightforward with these
19 officers -- I see them as very, very professional
20 people. I see them as kind of cool, calm people. We
21 work with Special Forces. They are of a similar nature
22 or seem to be to me. And I did not see any anxiety on
23 them. Whatever questions they asked me, I answered them
24 honestly --

25 Q. Were you aware -- sorry, if you have not finished, I do

1 not want to interrupt. Were you aware that in fact the
2 issue of a critical shot had been raised?

3 A. I was not aware that it had been raised but I was aware
4 clearly that if somebody was challenged and they failed
5 to comply, particularly if they used a rifle, that that
6 would, in my ignorance around rifles, would be
7 a critical shot. I don't imagine that people would
8 survive a rifle shot.

9 Q. If you had known about the ammunition in a handgun up
10 close to a head, you would not imagine that they would
11 survive that either, would you?

12 A. No, sir, but sadly, having worked on Trident,
13 Operation Trident, the 9-mil ordinary bullet does
14 a similar job, sir.

15 Q. Yes, all right. So what I am leading to here is that
16 you are describing in a lot of detail the 7th and the
17 21st, you are describing the kind of people they are,
18 you are talking about a rifle challenge?

19 A. Yes.

20 Q. Which again is in the context of or likely to be
21 a suicide bomber?

22 A. Yes.

23 Q. There has been no discussion about thresholds,
24 identification; has there been any discussion about the
25 fact that in the middle of all this, there might be

1 people who they wouldn't have to deal with but others
2 would take away for intelligence purposes?

3 A. I believe they are aware of that because --

4 Q. Did you --

5 A. -- because they could see our teams there, S013, and
6 clearly some people had already left which they had been
7 told had been eliminated, so my belief was that they
8 were aware of that.

9 SIR MICHAEL WRIGHT: Could you pick a convenient moment,
10 Mr Mansfield?

11 MR MANSFIELD: Yes, certainly.

12 Can I just ask you this about the critical shot, you
13 perhaps weren't aware but certainly questions have been
14 asked of TJ84 about this: in terms of the delivery of
15 a critical shot, what was your understanding in 2005 at
16 this time would be the circumstances under which
17 a critical or fatal shot might be delivered? (Pause)

18 In other words if an officer had asked you, in fact
19 so far it's only TJ84 who has been asked about this, but
20 if you had been asked by one of them about this in that
21 frame, how would you have answered it in 2005?

22 A. I would ask for TJ84 to answer that question.

23 Q. Because you weren't fully aware of the circumstances?

24 A. Well, he has better knowledge than I do in relation
25 to --

1 (11.40 am)

2 (In the presence of the jury)

3 SIR MICHAEL WRIGHT: Yes.

4 MR MANSFIELD: One matter before your briefing before we
5 move into the field, as it were. Your information about
6 what was found on the 7th and the 21st came from whom?
7 In other words when you were briefing the officers about
8 what had been found, particularly I am going to come to
9 the car at Luton.

10 A. Yes.

11 Q. Where had you got all that from, do you remember now?
12 Was it an explosives officer? I will cut to the chase,
13 as it were.

14 A. No. We had all the photographs and we would sit down
15 with the explosives officers and talk about it. I was
16 part of the investigations.

17 Q. I wanted to have that as a preface. So would it be
18 right to say that, prior to the briefing, first of all
19 no explosives officer had told you that they had any
20 information or material to suggest that what had been
21 found was body-borne -- by which I mean suicide vests,
22 belts or explosives to be borne by the person, do you
23 follow me?

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

25 Q. Would it be fair to say that none of the explosives

1 officers before the briefing on the 22nd had told you
2 anything along those lines?

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

4 Q. Did you tell the officers in the briefing that although
5 that might be a possibility, there was absolutely no
6 information to suggest that from up to that point?

7 A. No, sir, what I told them was --

8 Q. I know what you told them. I'm trying to save time.
9 I know what you told them. You have told the jury --

10 A. No, sir, I didn't.

11 Q. -- what was possible, but you didn't tell them that
12 there was wasn't any information from the explosives
13 officers, so whilst you may have seen all sorts of
14 photographs of things in the boot of the car, no-one had
15 said these are materials preparatory to the making of
16 a suicide vest or a belt or any other kind of
17 contraption?

18 A. No, sir.

19 Q. Secondly, over and above that, you didn't have, by the
20 time of the briefing, any other intelligence coming from
21 other sources than explosives officers that this was
22 a group engaged in wearing body-borne bombs?

23 A. No, my position around that, sir, I was asked
24 a question, what I did know was that the bulk material
25 that they had on the 21st hadn't worked but the

1 detonator, the initiator material, had worked. From 7/7
2 we knew that they had had a lot of material left over,
3 and I thought it was reasonable to tell them that there
4 is the potential that they could make small devices.
5 I never said that they were going to -- that the
6 possibility existed that they could make small covert
7 devices.

8 Q. Of course, I appreciate that these things are happening
9 quite quickly, but had an explosives officer explained
10 to you at any stage in general terms that, of course, if
11 the group -- if it's one group, obviously -- were
12 capable of a slightly more sophisticated device that
13 couldn't be seen in the sense that it wasn't in
14 a rucksack or some other container, you would have to,
15 as it were, explain why they had not used those in the
16 first place rather than rummage around in rucksacks.
17 Was that a discussion you had had with anyone?

18 A. No, I didn't have a discussion with the explosives
19 officers in relation to that. What my mindset was, if
20 you like, that it would not take very much of this
21 volatile home-made explosives to pack together in a flat
22 pack with a light bulb, a battery and some wires, and
23 that was possible, that's what I based -- that was my
24 view.

25 Q. That was your view?

1 A. Yes.

2 Q. All right, I understand you may have had that view.

3 SIR MICHAEL WRIGHT: The question you were asked was: could
4 these people be using body-borne bombs or words to that
5 effect.

6 A. I thought that was possible, sir.

7 SIR MICHAEL WRIGHT: Forgive me, that was the question.
8 Would you ever have thought it responsible to say no,
9 they couldn't be?

10 A. No, sir.

11 MR MANSFIELD: I am not suggesting that your answer should
12 have been no. What I am suggesting here on a balanced
13 briefing is it is possible to have body-borne, we know
14 that because two British citizens went to Tel Aviv, one
15 succeeded and one failed, about a year or so before
16 this. You knew about this?

17 A. Yes, I did.

18 Q. But we don't have at this moment any intelligence to
19 suggest, or information to suggest that the group from
20 yesterday in fact were in the process of manufacturing
21 that kind of device; you didn't put that into the frame,
22 did you?

23 A. At that time, sir, we didn't know what we were facing
24 and I thought I was being proportional, and that's why
25 I said it, sir.

- 1 Q. Yes, I understand. Final point on this is: did you know
2 yourself that if in fact it was a -- I am calling it
3 body-borne rather than carried -- body-borne device, did
4 you know how these devices were primed and triggered in
5 the sense of detonated?
- 6 A. My understanding was, I can go into the detail, was
7 a 9-volt battery, a light bulb, which you do something
8 to, that when it heats up it takes the -- it will ignite
9 the explosives.
- 10 Q. Yes, you see, if -- the reason I'm asking you is if
11 these officers were going to be asked to confront
12 somebody who might be having a body-borne one, then they
13 have to bear in mind that if it's going to be detonated
14 on your understanding, there would have to be a battery
15 somewhere, there would have to be a bulb somewhere and
16 there would have to be a wire joined up somewhere about
17 the person?
- 18 A. Yes, sir, and it wouldn't be hard to conceal that, sir.
- 19 Q. No, I'm not suggesting that it might not be in a pocket,
20 but this is a man, we now know, carrying nothing?
- 21 A. Yes, sir.
- 22 Q. With no bulky clothing, just a jacket, trousers, so if
23 it's going to be in a pocket and that's where it has to
24 happen, the man has to have his hand in his pocket to do
25 it?

1 A. I don't accept that, sir. He could have the battery in
2 the pocket. He could have the wire up his -- and then
3 the two wires going ... and he could do that.

4 Q. So if it's not going to be done in the pocket, it has to
5 be done somewhere?

6 A. Yes, sir. He could put the two wires together in his
7 hand.

8 Q. I know it's fast-moving, but officers who are going to
9 be asked to do this task really need to know what it is
10 they have to look for, don't they?

11 A. Yes, sir.

12 Q. Can I move on. After the briefing, and I want to ask
13 you just -- I do not want to take a lot of time. We
14 have heard a lot of evidence about buses.

15 The bus -- you say now, you had a conversation with
16 Commander Dick after the briefing?

17 A. Yes.

18 Q. In which she said, "I am not suspending the bus stops
19 nearest because it will compromise", and so on, "and
20 I am not doing it", that sort of conversation?

21 A. Yes.

22 Q. Are you sure you had that?

23 A. Yes, and I can remember that, whilst I was having that
24 conversation, somebody from CO19 walked past and we were
25 discussing where the ... and they said that they are

1 quite close.

2 Q. I appreciate that, but would you accept, and I will be
3 corrected, that in none of the documents ever written
4 up, whether it's your notes which you have there or your
5 armed record or your statement or your IPCC interview,
6 have you ever mentioned that. Do you accept that?

7 A. Yes, sir, but can I say, I have come here to tell the
8 truth, sir.

9 Q. I'm not suggesting --

10 A. And I am not lying about it, sir.

11 Q. I haven't gone that far.

12 A. Okay, I apologise, sir.

13 Q. It's all right. You see, one can have lapses of memory.
14 What I am asking is how it comes about that you have
15 never mentioned it before yesterday, and the follow-up
16 question was going to be: do you think that your memory
17 has been liable to some form of -- which some of the
18 armed officers have put in their statements about
19 distortion, whether it be because of what you have read
20 since and so on? Is that a possibility?

21 A. It's not, sir, because I can remember standing out at
22 the back of Nightingale Lane and while I am having the
23 conversation, the CO19 officer walks past, I don't know
24 whether it was Trojan 84, he walks past and he has
25 obviously heard the conversation, or I have asked him

1 how close are the buses, the bus stops, and he has said
2 that they are quite close. So it is not a distortion
3 or --

4 Q. All right. So you know the context, and then I'll move
5 to something else, the surveillance monitor at New
6 Scotland Yard had in fact set about getting these bus
7 stops suspended at the very least, and there are
8 entries -- there is at least one entry in a log at New
9 Scotland Yard that they were suspended. So do you
10 follow?

11 A. Yes.

12 Q. There is a certain amount of disagreement about this.
13 Are you aware of that now?

14 A. Yes, I am, sir, yes.

15 Q. I am going to move from the question of the buses to one
16 or two extra stages. You become aware that, and you are
17 aware by the time you get to Scotia Road, he has left
18 and he is on a bus?

19 A. Yes, sir.

20 Q. We have been over these times; it's somewhere around
21 9.45 to 9.48; yes?

22 A. Yes, sir.

23 Q. You understand that. Now, that accounts for the
24 Dingemans phone call and all the rest of it. What
25 I want to ask you carefully about is the next stage

1 which triggers interest. Around 9.55 you hear something
2 to the effect -- and you worded it in several different
3 ways -- "it's him, "I believe it's him", or something
4 along those lines; yes?

5 A. "It's him, believed Nettle Tip", yes.

6 Q. I want to ask you very carefully about this, because as
7 you are aware, there is a real divergence between what
8 the surveillance officers are going to say was said and
9 what a number of others say was said?

10 A. Yes, I understand --

11 Q. You understand that difference. What I'm trying to get
12 at, because I don't know who is being accurate, who is
13 telling the truth, I'm merely asking: if you heard those
14 words at that stage, can you give us any clue as to
15 who -- because you said it was from a surveillance
16 officer that you heard it?

17 A. Yes.

18 Q. Well, can you help us which surveillance officer it may
19 have been?

20 A. I can only assume it was one of the surveillance
21 officers that had the eye at the time.

22 Q. So we can narrow it down, even if you don't know the
23 name. What you are saying is it has to be
24 a surveillance officer who has the eye, at about five to
25 10, 9.55?

- 1 A. I am not saying it has to be, sir. It could have been
2 relayed.
- 3 Q. All right, around that time, either the officer who
4 actually had the eyeball or another officer relaying
5 what the eyeball officer said; that's the situation?
- 6 A. Yes.
- 7 Q. So we know, therefore, it has to be on your account
8 somebody who's in the grey team?
- 9 A. Yes, sir.
- 10 Q. Somebody in the grey team?
- 11 A. Yes, sir.
- 12 Q. All right. Now, I want to move from that, because we
13 are moving quite quickly to the next stage, which is --
14 that I want to ask you about -- the people you are with,
15 you are in the control car?
- 16 A. Yes.
- 17 Q. You are about, according to TJ84, as you are approaching
18 Stockwell tube station down that road --
- 19 A. Yes.
- 20 Q. -- there is a queue of traffic -- I am not going to ask
21 you to look at it, the jury has seen it several times --
22 you are stuck in traffic, you are one of the cars behind
23 the lead car, right?
- 24 A. Yes.
- 25 Q. Now, so it's that situation. First of all, were you

1 aware that when Jean Charles de Menezes entered the tube
2 station, all the firearms officers were still in their
3 cars; were you aware of that?

4 A. I understood that we were still trying to get there,
5 that's my understanding, yes, sir.

6 Q. Yes, still trying to get there. It must have surprised
7 you, mustn't it, when somebody said that they could do
8 it, to use the words you used yesterday?

9 A. Sorry, which one was that, the surveillance team or?

10 Q. No, no, who said they could do it?

11 A. My recollection, sir, is that S012, the surveillance
12 team, were asked to do it by Commander Dick.

13 Q. Yes?

14 A. Almost at the same time I heard one, two, maybe three
15 firearms officers saying that they could do it.
16 I believe that was -- I believe, I might not be correct,
17 that was on the back-to-back firearms radio.

18 Q. Right?

19 A. To 84, and 84 was then telling 80, I was listening to
20 it, and we were starting to cross the road --

21 Q. Now, before you move, I just want to know who it is who
22 is telling, in other words passing the message up.
23 I know it's TJ84 in the middle of all this, but who is
24 the firearms officer who is saying, after de Menezes has
25 gone into the tube station, "We can do it"?

1 A. I don't know, sir. They didn't identify themselves on
2 the radio.

3 Q. Do you know Ralph?

4 A. I know Ralph. I know him very well.

5 Q. You would recognise his voice?

6 SIR MICHAEL WRIGHT: I think we need to distinguish,
7 Mr Mansfield, don't we?

8 You heard the firearms officers between themselves
9 on the back-to-back radio saying, "We can do it"?

10 A. Yes.

11 SIR MICHAEL WRIGHT: What we are told is that somebody
12 passed that information or that suggestion up to the
13 control room. Do you know who that was?

14 A. Sir, my recollection is that once it came over that the
15 surveillance team could do it, 12 could do it, I then
16 heard two, maybe three voices, and I assume it's on the
17 back-to-back, saying, "We can do it, we are here, 19 can
18 do it".

19 SIR MICHAEL WRIGHT: All right, I'll narrow it down. Was it
20 you that then spoke to Commander Dick or to Mr Esposito
21 to say, "They can do it"?

22 A. Right --

23 SIR MICHAEL WRIGHT: Was it you?

24 A. Well, that came in to Trojan 84. He has then passed
25 that up to 80, Trojan 80. I have heard the

1 conversation, the comments, and I am saying to
2 Commander Dick, "19 are saying they can do it, 19 are
3 saying they can do it".

4 SIR MICHAEL WRIGHT: Right, so it's a combination of you and
5 Trojan 84?

6 A. Yes.

7 SIR MICHAEL WRIGHT: Thank you.

8 MR MANSFIELD: In fact, from where you were, it may be you
9 couldn't tell whether they could do it?

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

11 Q. I appreciate that. So although you are the location
12 commander, you are not in a position to know whether
13 they were or they weren't?

14 A. No, I wasn't.

15 SIR MICHAEL WRIGHT: He is simply reporting what they are
16 saying.

17 A. Yes.

18 MR MANSFIELD: You are reporting what they are saying and
19 I am trying to find out who it is who is suggesting they
20 are in a position to do it; you don't know who that was,
21 who actually said they were in a position.

22 The reason I want to ask you the question is this:
23 that you said yesterday that even though he may have
24 gone down the escalators; because you remember you
25 talked about hearing "the escalators"?

1 A. Yes.

2 Q. When they did go in, you had agreed with the decision
3 that they should carry on and do it, C019?

4 A. Yes.

5 Q. I want to ask you this: Commander Dick told this jury
6 that she would have stayed with S012 if she had known
7 that he had gone down the escalators. Do you agree with
8 that?

9 SIR MICHAEL WRIGHT: Is that a question he can answer?

10 MR MANSFIELD: He was asked about whether he agreed with the
11 decision that had been made to send in S019.

12 So that's why I am asking you whether in fact it
13 would, once he has gone down the escalators, have been
14 far better, in fact the only course open was not to send
15 in S019 but to send in S012 who had already offered to
16 do it. Do you agree with that?

17 A. Sir, I don't agree with that.

18 Q. You don't?

19 A. I don't. I think -- I just think that the surveillance
20 team, their day job is surveillance, they do it very,
21 very well, and I just -- rightly or wrongly, sir,
22 I favour C019 to do it.

23 Q. I appreciate that. But at least this: in your
24 recollection it was perfectly clear to you that the
25 target had in fact already gone down the escalators

1 before the final order for S019?

2 A. Yes.

3 Q. All right, I'm going to move to the last topic.

4 You go down and you speak to Terry, and it is really
5 what has been told to you by Terry who was present at
6 the time of the shooting, all right?

7 A. Yes.

8 Q. What I want you to do, just for these purposes, and you
9 have looked at it yesterday, I can't remember whether it
10 was on the screen but could we have it on the screen
11 now, page 328, please, of your statement.

12 This was a statement you made on the very same day?

13 A. Yes.

14 Q. Was it in the evening of that day that you made it?

15 A. The afternoon, sir.

16 Q. So it's actually within a very short space of time of
17 this conversation, some time after 10.25, that
18 paragraph, could that be highlighted, please, "I was
19 then joined by", do you have that?

20 A. Yes.

21 Q. I just want you to see how you have expressed it here,
22 because I want to suggest to you that how you have
23 expressed it here is an accurate reflection of what you
24 were told. He took you to the scene, and then "he",
25 that is Terry:

1 "... stated that the man had been identified by
2 surveillance ..."

3 You are welcome to look at your notes. They are not
4 dissimilar except one word is missing.

5 "He stated that the man had been identified by
6 surveillance [comma]..."

7 Right?

8 A. Yes.

9 Q. Not "identified by surveillance leaning on a yellow
10 upright pole [comma]"?

11 A. Yes.

12 Q. All right?

13 A. Yes.

14 Q. I know these may seem minor, but I'm going to suggest to
15 you it's because the meaning was not that surveillance
16 was leaning on a pole.

17 So we understand, the yellow upright pole is the
18 yellow support in the tube carriage that people grasp
19 near the doors?

20 A. Yes, yes.

21 Q. I can show you on the photographs but that's presumably
22 what he is talking about. So I suggest that just the
23 plain reading of this sentence suggests clearly that
24 it's not surveillance leaning on a yellow upright pole;
25 you follow?

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

2 Q. "... near the double doors of the carriage. He [that is
3 Jean Charles] was challenged but didn't comply and the
4 officers thought he was going to escape."

5 A. Yes.

6 Q. There is no suggestion that it was any other officers
7 than the officers who had done the shooting?

8 SIR MICHAEL WRIGHT: Plus Ivor.

9 MR MANSFIELD: Well, yes, plus Ivor. I am not sure.

10 So when you have put -- I ought to ask you this --
11 "the officers thought he was going to escape", are you
12 really suggesting it didn't include the officers about
13 whom you were being told?

14 A. Most certainly I am, sir. I know it doesn't make sense.
15 In my interview I tried to explain it, and I didn't
16 explain it very well.

17 Q. Do you want to -- the interview, you explained it on
18 a number of different pages. Can we have 578, actually,
19 that's one of the pages.

20 A. It's 578 and up on to 579.

21 Q. In fairness to you, we had better have it. There is
22 another reference as well, but that doesn't add a great
23 deal to this one.

24 578, Mr Reynolds:

25 "Can I just ask a question [and it's the question

1 before that sets the scene] ... I think the person
2 you're referring to who briefed you is somebody we whose
3 been known or identified to us as Delta 1..."

4 That's Terry, yes?

5 A. Mm.

6 Q. "... and we have got his statement here if required but
7 I understand in that he said to you that they shot
8 somebody trying to escape ... do you recall that?

9 "Answer: Right he's ... you are talking about down
10 underground.

11 "Question: Yeah.

12 "Answer: It's likely that he did say, it's likely
13 that he did say, it's likely that he said that they
14 challenged him, he didn't comply, they thought he was
15 going to escape because [over the page, 579] there was
16 another officer further down the tube I think ... and
17 they shot him.

18 "Question: Yeah."

19 Then the officer's question, whether would that
20 justify, in the next question, shooting somebody because
21 they were going to escape.

22 You see, what I suggest to you you were saying in
23 the interview and the statement was that Terry, who had
24 been present, was telling you that the officers and
25 possibly even Terry himself, but I'll leave him, did you

1 understand Terry was including himself in all this?

2 A. No, I didn't, no.

3 Q. So he is not talking about himself. He is talking about

4 the officers who did the shooting?

5 A. Yes.

6 Q. Right.

7 A. No, what I am saying is that I did my statement straight

8 after and there is pros and cons around having done it

9 that way. The more and more you think about, you tend

10 to think about it most days, but -- and I do not want to

11 mislead you or anybody in the jury, I can physically

12 remember seeing Terry refer to further down the

13 corridor, and I am left with the belief that it was the

14 officers further down the corridor that got in that door

15 and that he was referring to them and I have misquoted

16 him and so on. That's what I have done.

17 Q. You have misquoted him, all right.

18 A. Or I haven't put -- properly put into context what he

19 said.

20 Q. Yet to come, and if you look at your log very briefly,

21 this is the only other document that relates to this,

22 it's the armed record rather than log, do you have it

23 there?

24 A. Yes, sir.

25 Q. 10.25, page 146, please. This is the handwritten bit.

1 You see where the redaction is, 10.25?

2 A. Yes, sir.

3 Q. "Walk through with Terry. Stated man identified by

4 surveillance leaning on yellow pole."

5 A. Mm.

6 Q. Once again unless I am mistaken, is there any

7 punctuation there?

8 A. I don't think so, sir.

9 Q. No, all right, so it's "identified by surveillance

10 leaning on yellow pole", is there a full stop there or

11 not?

12 A. I don't think so.

13 Q. No:

14 "Did not comply [and] thought he was trying to

15 escape."

16 A. Mm.

17 Q. I'm so sorry, "going to escape. Fired nine or ten

18 shots."

19 That's how it's expressed there?

20 A. Mm.

21 MR MANSFIELD: Thank you very much.

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

23 Questions from MR GIBBS

24 MR GIBBS: Thank you, sir.

25 Mr Purser, I represent the red and grey surveillance

1 teams.

2 A. Yes, sir.

3 Q. I just have some questions about two of your impressions
4 about identification.

5 A. Yes, sir.

6 Q. The first is that you have told us that you had the
7 impression that there had been a negative identification
8 at one stage?

9 A. Yes, sir, around 9.45.

10 Q. Yes, and we know that you wrote that into your notebook.
11 Perhaps if we could have that on screen, it's I think
12 document page 145. Yes, at 9.45 we have:
13 "Not ident with suspects. DS Dingemans arrest team
14 deployed."

15 A. Yes.

16 Q. Can you tell us where you got that impression from?

17 A. It wasn't an impression, sir. My recollection is that
18 I got that from Trojan 84. I had been on the phone, and
19 then he was on the phone, and when he came off the
20 phone, he told me that.

21 Q. So don't answer it if it's an unfair question, but from
22 what you were hearing and observing, could you tell
23 where he had got that from?

24 A. No. I had been on the phone, sir, so I don't know where
25 he got that from, and I didn't ask him, I took it as

1 granted that when he said that, that was true.

2 Q. Then the same thing exactly the other way around, you

3 have told us that later and, we have it at 9.55?

4 A. Yes, sir.

5 Q. In your document there you had, I'm going to call it

6 an impression, that there had been a positive

7 identification of Osman as Osman?

8 A. I wouldn't call it a positive, sir. I had a strong

9 identification, a good identification.

10 Q. May I make it plain, I don't suggest that you are making

11 that up or that that wasn't genuinely what you believed

12 at the time, but I'm just interested in where you may

13 have got it from. You have told us that you think you

14 can remember the precise words that you heard over the

15 surveillance radio?

16 A. Sir, from my recollection, I was sitting in the back of

17 the car at the TA Centre. The driver was still there,

18 and I think it's Tango 10, is it? Might be Tango 10.

19 84 had got out.

20 Q. Delta 10.

21 A. Sorry, Delta 10. 84 had got out and I was listening to

22 the radio because I was expecting my sergeant to be

23 getting into a position and we would be getting

24 something back from him, and then I heard over the

25 radio, "It's him, believed Nettle Tip", or, "Believed

- 1 Nettle Tip, it's him". That's what I heard, sir.
- 2 Q. And that's, as it were, a clear memory that you now
- 3 have?
- 4 A. Yes, sir, because it put me in a bad position as far
- 5 as -- it was a memorable moment, although the day had
- 6 several memorable moments, that was one of them, sir.
- 7 Q. May we just examine it in a little more detail?
- 8 A. Yes.
- 9 Q. We can see from your note that you didn't write down any
- 10 precise words at the time?
- 11 A. No, I didn't, sir, no.
- 12 Q. We know that you made a statement later the same day?
- 13 A. Yes.
- 14 Q. I don't think you recorded any precise words in that?
- 15 A. No, I didn't, sir.
- 16 Q. We know then that in November of 2005 you were
- 17 interviewed by the
- 18 Independent Police Complaints Commission?
- 19 A. Yes, I was, sir.
- 20 Q. I don't think you recorded any precise words in that
- 21 interview, did you?
- 22 A. I think I used the same words on several occasions on
- 23 that interview.
- 24 Q. Yes. As to the precise words you heard?
- 25 A. "It's him, Nettle Tip, believed Nettle Tip" or "Believed

1 Nettle Tip, it's him".

2 Q. Had you by the time that you were interviewed, and

3 I don't say it's necessarily the wrong thing to do, had

4 you read anybody else's statements?

5 A. Yes, I have, sir, yes.

6 Q. We know that for instance the officer who we are calling

7 Callum was keeping a note in the control room. Had you

8 seen his evidence?

9 A. I don't believe I have, sir, no.

10 Q. We know that an Officer Cremin was keeping a note in the

11 control room as well. Had you seen his or her evidence?

12 A. No, I hadn't.

13 Q. We know that an officer who we are calling Pat, who was

14 the surveillance monitor in the control room, was

15 actually keeping a running log from the surveillance

16 traffic. Had you seen that?

17 A. At the time of the interview I am not sure.

18 Q. That that monitor, is this how you understand it, has as

19 his job to listen to the surveillance radio?

20 A. Yes, I understand that to be the case, sir.

21 Q. I just wonder, Mr Purser, whether you may have done the

22 same thing that we know that Mr Esposito did, which is

23 to listen to the surveillance radio or what it was that

24 Pat was saying was on the surveillance radio, and put

25 that together with the description of what the man under

1 observation was doing, and reach a conclusion about the
2 level of identification. Do you think that that may
3 have happened?

4 A. Sir, I don't wish to go into conflict with you in any
5 shape or form or the surveillance team. All I can say
6 is I heard what I heard, and I believe that to be the
7 case, sir.

8 Q. You have just said, I think, to my learned friend
9 Mr Mansfield that that must have come -- if you are
10 right -- you think from a member of the grey team whom
11 you understood to have an eyeball of the subject?

12 A. Or it was relayed, sir, yes.

13 Q. Yes. We haven't heard it yet, but I suspect we are
14 about to hear, and from a number of officers, that the
15 timing of this is that the bus pulled away from
16 Brixton Underground station at about 9.52, perhaps
17 slightly before that; yes?

18 A. Yes.

19 Q. And that there was no surveillance officer on the bus at
20 that stage; did you know that?

21 A. No, I didn't, sir, no.

22 Q. And that a surveillance officer did manage to get on to
23 the bus at a later bus stop; he is known as Lawrence,
24 that's the name we are using for him?

25 A. Right, sir.

- 1 Q. That I think we will find was at 9.57?
- 2 A. Right.
- 3 Q. So that in the period between 9.52 roughly and 9.57
- 4 roughly, there was no-one with an eyeball on the
- 5 suspect?
- 6 A. Well, I can't explain it. I know what I heard, sir.
- 7 Q. You are sitting in the car park at the TA Centre?
- 8 A. Yes, sir.
- 9 Q. The surveillance officers, as you understand it, were
- 10 all at the time either at or around or even further on
- 11 from Brixton Underground station?
- 12 A. Yes, sir.
- 13 Q. We have been to the scenes and so we know how far apart
- 14 those two places are.
- 15 A. Yes, sir.
- 16 Q. Did you have any difficulty with communications over the
- 17 Cougar radio that day?
- 18 A. I don't recall that, sir, no.
- 19 Q. Is range an issue?
- 20 A. It is with Cougar, yes, sir.
- 21 Q. Broadening it out slightly: during the time that you
- 22 were in your control car that day and you are listening
- 23 to what's being said to you on your mobile telephone;
- 24 what is being transmitted over the Cougar radio; what is
- 25 being said to you by Trojan 84 in the front passenger

1 seat; by your driver Delta 10 in the driving seat; and
2 over the firearms radio, the 75 channel; did you have
3 any difficulty distinguishing where your information was
4 coming from?

5 A. Are you talking about 9.55, sir?

6 Q. I am talking about more generally.

7 A. Well, can I -- at 9.55 there was just myself and the
8 driver in the car.

9 Q. Yes?

10 A. Later on, yes, it did get difficult with everything that
11 was happening.

12 Q. It may be that none of this ultimately matters,
13 Mr Purser, because what we can probably both easily
14 agree about is this, isn't it: that at 9.55 on your note
15 you have certainly arrived at the genuinely held belief
16 that a level of identification has been broadcast
17 sufficient to make Dingemans and the unarmed officers
18 the wrong option, and SO19, the armed officers, the
19 right option?

20 A. I would agree with that, sir.

21 Q. By the right option, I mean the right option to make
22 an intervention upon the suspect?

23 A. Yes, sir.

24 MR GIBBS: Thank you very much.

25 SIR MICHAEL WRIGHT: Just on one of the questions Mr Gibbs

1 asked you: he asked you whether you had done the same
2 mental exercise as Mr Esposito, who told us that having
3 heard "They think it's him", or something like that, he
4 added to that what he also knew about the fact that the
5 man who was being followed had apparently carried out
6 what he regarded as an old anti-surveillance trick of
7 getting off the bus and then turning straight round or
8 almost straight round and going back on it again.

9 A. I was aware he had done that, sir.

10 SIR MICHAEL WRIGHT: What I wanted to know was at the time
11 when you were sitting in your car and you heard this and
12 formed the view you did, did you know about the fact
13 that Mr de Menezes had got off the bus and then got back
14 on the same bus again?

15 A. I knew he had got off the bus and got back on. I wasn't
16 sure or aware at that time that he had got back on the
17 same bus.

18 SIR MICHAEL WRIGHT: Did you know anything about -- had you
19 then at that stage heard or overheard anything about him
20 being -- the suggestion was that he was jumpy or
21 nervous?

22 A. I had heard that he was -- the word I remember is
23 "twitchy", "nervous, twitchy".

24 SIR MICHAEL WRIGHT: Thank you. Mr Stern.

25 Questions from MR STERN

1 MR STERN: Mr Purser, I represent C2 and C12, and you will
2 hear no criticism from me in relation to the briefing
3 that you gave.

4 A. Thank you, sir.

5 Q. Indeed, you will recall, as I think you have already
6 told everyone here, that the position was that you were
7 thanked by the specialist firearms officers for the
8 fullness of your briefing?

9 A. Yes.

10 Q. The reason was particularly they had in the two weeks
11 before that been placed in a position where they had had
12 to go on operations where they felt, rightly or wrongly,
13 that the information they had been given was not as
14 complete as it ought to have been?

15 A. Yes.

16 Q. They knew, taking up a point made by the learned Coroner
17 yesterday, that on any day after 7 July they could be
18 placed in a position on an operation where they would be
19 potentially in a position where they could lose their
20 lives?

21 A. Most definitely, sir. Could I just say as well, sir,
22 that on the Anti-Terrorist Branch or -- we run other
23 serious crime departments, et cetera, I would argue that
24 we do a good hard day's work in trying to keep London
25 safe. Without the surveillance team ... (Pause)

1 Q. Would you like a glass of water, Mr Purser? I am sure
2 Mr Mansfield will pour you another one.

3 A. I am fine. Sorry about that.

4 SIR MICHAEL WRIGHT: It's all right. You don't need to
5 apologise, Mr Purser.

6 A. Without the surveillance team, and without the firearms
7 team, and their bravery and their professional ability,
8 we would be impotent. We would just not be able to
9 function, and that's a fact of life.

10 SIR MICHAEL WRIGHT: Thank you.

11 MR STERN: The position is that the atmosphere, as you have
12 told us today, on 22 July was a subdued one at that
13 briefing.

14 A. Yes.

15 SIR MICHAEL WRIGHT: Sombre was the word you used.

16 MR STERN: Subdued is the one I noted, but it may have been
17 sombre as well.

18 The position, if one looks at the reality, is this,
19 and I'm going to look at some of the details of the
20 briefing, though not in too much detail. The position
21 is that there was not a person in this country, let
22 alone in this city, who did not understand that those
23 people who had committed the atrocities in that period
24 were deadly and determined?

25 A. No, it seems a very good description of them, sir.

- 1 Q. Can I ask you, please, just so that we understand the
2 position, because I am not sure that we have dealt with
3 it in any detail, the role of the Silver, and if I may,
4 you put it rather shortly in your interview at page 507.
5 You said:
6 "I see the role of Silver Commander is as somebody
7 who has to make a full assessment of the information
8 you've got, to liaise with your tactical firearms
9 adviser, to develop and co-ordinate a tactical plan that
10 senior officers have set around their strategy and to
11 work within those parameters ... to fully brief the
12 staff in relation to what information, intelligence you
13 have and what is expected of them."
14 A. Yes, sir.
15 Q. Do you stand by that role of the Silver Commander in
16 general terms?
17 A. Yes, sir.
18 Q. Now, we know that the DSO, on 22 July, had in fact
19 an expanded role?
20 A. Yes, she did.
21 Q. She had a control of the whole operation?
22 A. Yes, she did.
23 Q. Now, that was not, and I am not criticising you, but it
24 was not imparted to the firearms officers, as you have
25 told Mr Mansfield just a while ago?

1 A. No, it was not.

2 Q. But the purpose of the operation was clear, was it not,
3 that this was an operation that was to identify suspects
4 and detain them?

5 A. Yes, it was.

6 Q. Did anybody, to you, indicate that they had not
7 understood that that was the purpose of the operation?

8 A. No, they did not, sir.

9 Q. I want to just ask you about a few points, please, that
10 are raised in the statements of various officers in
11 relation to points about the briefing, and I hope I can
12 do this relatively quickly. One of the questions that
13 you were asked, and you were asked questions, were you
14 not?

15 A. I was, sir, yes.

16 Q. You were asked in fact by C12 whether explosives could
17 be easily concealed around the body, and whether they
18 could be detonated or triggered easily, and you replied
19 "yes", which again as I think you have said today was
20 common sense?

21 A. Yes.

22 Q. You were asked questions about the physical size of
23 devices, and I think your reply was that possible
24 devices could be fairly small, and concealable, but that
25 they nevertheless could be initiated in an effective

1 way. Again I think you have already answered that, but
2 the answer is, I think, yes to that?

3 A. Yes.

4 Q. You were asked by another officer whether suspects still
5 had access to explosives that could be easily concealed
6 and easily detonated and I think your reply was, "Yes,
7 it's safe to assume that". Obviously you couldn't know?

8 A. No.

9 Q. But it was safe to assume that, bearing in mind what had
10 happened in relation to the 7 July?

11 A. Yes, sir, and I think in relation to 21/7, there was
12 a suggestion that they had gone back to the bomb
13 factory, up in Curtis House and had removed material.

14 Q. Exactly so. It was your understanding, which you
15 properly conveyed to the firearms officers, that the
16 suspects in your view still had ready access to
17 explosives?

18 A. I believed that was a distinct possibility, sir.

19 Q. Of course. I think you were also asked about the level
20 of destruction, that is to say if the bombs on the
21 21 July had detonated, then the level of destruction
22 would be similar to that seen on 7 July?

23 A. Yes, sir, I went into perhaps a little bit more detail
24 than that.

25 Q. I appreciate that.

1 A. On 7/7 we had a lot of the people that died very close
2 to the bomber. We lost -- we had a lot of people who
3 lost their legs because the bombs were on the floor, and
4 the body absorbs a lot of bomb pressure and parts of
5 explosives, so you can be standing there, if somebody
6 behind you, the person behind you might get away with
7 it. On this occasion we discovered that they had put
8 shrapnel into the devices and if that had gone off, you
9 have got small bits of white hot metal flying through
10 the air, and that can travel further and could
11 potentially do more harm, sir.

12 Q. It injures more people?

13 A. Yes, sir.

14 Q. I think following on from that, one of the points that
15 you were making was that the attacks were at a time when
16 it would cause the maximum injury and damage?

17 A. We would have lost a lot of people, sir.

18 Q. I think the thinking had started to move that in
19 relation to 21 July, that there had been an intention to
20 detonate the bombs outside the rush hour, and I'm sorry
21 to be indelicate about this, but the position is this:
22 that in the rush hour as I think you hinted because
23 bodies are compact together, for anyone who travels on
24 the tube they will know, that therefore there were
25 fewer, would be fewer victims because the bomb would be,

1 or the full force of the bomb would be lost to those
2 outside those just around the bomber?

3 A. I am not a bomb expert, obviously not, but I liken it to
4 when you have seen those war films where the grenade has
5 been let off and one guy dives on the grenade and he
6 dies and the others survive. If he hadn't done that
7 then two or three people could die from the shrapnel.

8 Q. I think a soldier very recently got an honour I think --
9 SIR MICHAEL WRIGHT: The George Cross.

10 MR STERN: Yes.

11 So was it the thinking, then, that in order to
12 maximise the killing capacity, these bombs would be
13 detonated outside rush hour?

14 A. That's an assumption on our behalf, sir.

15 Q. Of course. I do want to just touch on the deadly and
16 determined and up for it. It may not matter very much
17 because, as I have already said, everybody in London
18 must have realised that by 22 July. But I think when
19 you were interviewed about this, you said that you
20 couldn't remember saying it, rather than the fact that
21 you had not said it, but it may not matter a great deal;
22 time of course makes things difficult to recall?

23 A. Sir, I completely agree with the sentiment about that
24 proposed phrases, but I do not believe I said it, sir.

25 Q. One other matter in relation to the briefing: you did

1 inform the officers that people had left the address, as
2 you told us, and that they had been eliminated?

3 A. I think that was 84 that said that, sir.

4 Q. Yes, I think you are right, but that was said at the
5 briefing and you remember that?

6 A. Yes, it was, yes.

7 Q. Just in relation to you summing up the point about the
8 briefing at page 520 in your interview, if I may, it's
9 in the last part of that long answer:

10 "However, I was ... I was of the belief that the
11 SO19 teams ... they're asked to do an extremely
12 difficult job ... if they get it right, fine, if they
13 get it wrong then obviously they've got problems and I
14 thought it was only right that I gave them as clear
15 a steer, as clear information as I was able to do.

16 "I would argue that I did not use emotive language."

17 A. That's correct, sir.

18 Q. That's the way that you put it there. Was that the way
19 that you did in fact give that briefing?

20 A. Sir, they -- Trojan 84 said they weren't happy. My view
21 around that was that I needed to give them as full
22 a briefing so that they could concentrate on what was
23 being asked of them and not spend time worrying about
24 what I haven't told them, and that's what I did, sir.

25 Q. In fact, as you have agreed, and I put it to you, there

1 were officers that asked questions arising from the
2 points that you were making?

3 A. Sir, it was -- you are dealing with professional people.
4 I gave them what I believed to be a good briefing and
5 they asked questions and I answered them as honestly as
6 I could.

7 Q. Also in the briefing, I think there were photographs of
8 the suspects?

9 A. Yes, there was.

10 Q. But the reality is that firearms officers do not have as
11 their role the notion of identifying the suspect; that's
12 not part of their role, is it?

13 A. No, it's not.

14 Q. They have the surveillance officers who do that, and
15 then the surveillance officers point out and direct the
16 firearms officers to the individual?

17 A. That's correct, sir. The only thing that might change
18 that is if we had to go into an address, they might want
19 to look at the photographs to see which the threat is,
20 and also I didn't want to be in a position that you go
21 in front of firearms officers and they want to see
22 a photograph, and you say, "Couldn't be bothered to get
23 it", you know.

24 Q. I understand that. But so far as this operation is
25 concerned, firearms officers would not be expected to

1 carry out the identification, they don't have time and
2 they don't have the skills?

3 A. No. No, they would not.

4 Q. They rely on the surveillance officers and as happened
5 in this case, the jury will hear, surveillance officers
6 pointed out the suspect?

7 A. That's correct.

8 Q. At the end of the briefing, you did what you always do
9 at these briefings, which is to remind them of the law?

10 A. Yes, I did, sir.

11 Q. You told us that when you first started being a Silver
12 in operations, that you found it a bit strange repeating
13 the law to officers who clearly are perhaps more
14 experienced than yourself?

15 A. Much more experienced, sir.

16 Q. And that they must know it very well?

17 A. I would be disappointed if they didn't know it
18 backwards, sir.

19 Q. But you told the jury that if you didn't read it out,
20 officers would make a note that it had not been done,
21 and you said this:

22 "... that they see it as a sign of respect that it
23 should be read out."

24 A. That's as I understand it, sir.

25 Q. A sign of respect for the law?

1 A. Sign of respect for the law and a sign of respect to
2 them.

3 Q. Because they pride themselves on using the law as their
4 guidance?

5 A. Yes, sir.

6 Q. Can I ask you, please, to look at page 582 in your
7 interview. It's the last part, and I'm afraid it's
8 rather long but bearing in mind the suggestions that
9 have been made, I am going to just look at this with
10 you:

11 "I honestly believed that I had briefed them openly
12 and honestly and I hadn't used any rhetoric or...
13 language that would incite them in any shape or form...
14 and I don't believe that they are the type of officers
15 that were the most experienced... they don't just become
16 SFOs they have to go through every other sort of step on
17 the way up... and in... I honestly believe that if I had
18 banged the table and said this is God's business we're
19 about this and so on and so forth they would have
20 laughed at me."

21 I think what you are saying is that had you been
22 seeking to rally the troops and bang the table and
23 suggest that we must get out there and shoot people, or
24 whatever it was that is being suggested, that that would
25 not have gone down very well with the SFOs?

1 A. It wouldn't. They are just not that sort of people,
2 sir, and they deal with dangerous people week in, week
3 out, and for me to go in and say, "Those people you were
4 dealing with last week, well, this is really dangerous,
5 this is what" -- it just wouldn't work, sir. It
6 wouldn't work.

7 Q. If I may say so, it is clear, if I may be personal for
8 a moment, that you are a dedicated officer?

9 A. I am, sir, yes.

10 Q. But if I may say so again, with no disrespect, you do
11 not seem the sort of person likely to create a great
12 deal of excitement; is that fair?

13 A. Sir, I am from the Midlands.

14 Q. I think that's an answer. Shall we move swiftly on?

15 SIR MICHAEL WRIGHT: I think very swiftly, Mr Stern, if you
16 don't mind.

17 A. I won't be going back there now.

18 MR STERN: I don't think they'll let you back now!

19 583, I want to carry on with the rest of that
20 answer. The part that begins with "I think" because
21 your name is crossed out there as we can see, and there
22 is an "S" above it for Silver, but obviously we know
23 your name.

24 "I think we were all aware that this was a situation
25 that we'd hoped and prayed would never ever, ever happen

1 and... in the Police Service you have to have a plan for
2 events, you have... and very often you have to go with
3 limited information we'd all like more intelligence and
4 the subsequent arrests of the actual bombers we've
5 proved that we've got more and more intelligence it made
6 it easier for us to deal with those issues erm... but
7 I... I think we all realised the serious nature and we
8 were in line for some very, very difficult days over the
9 next two or three weeks to try and detain these and
10 possible other attacks erm... and it weighed heavy on
11 all of us but I don't believe that erm... I honestly
12 think that if they'd felt that way then they should have
13 stood up and said I'm not... I don't want to be involved
14 in this."

15 You mean the firearms officers?

16 A. Yes, I do.

17 Q. They are certainly big enough and experienced enough to
18 stand up to anything that they felt was not being
19 appropriately spoken about by you?

20 A. Most certainly, sir.

21 Q. Then:

22 "And with that in mind do you think that they could
23 have been preconditioned into believing that this was a
24 Kratos people declared operation?

25 "No I don't think that at all, no, it's... nobody's

1 under any illusion around what we were doing and trying
2 to tackle suicide bombers is absolutely fraught in every
3 shape and it goes against what police officers do,
4 Kratos does, that's not what we're... you know soldiers
5 might be happy to shoot people [I am sure they would not
6 be happy with that] but it goes against our psyche to do
7 that and we just knew it was a difficult situ... we wish
8 it hadn't ever happened, we didn't bring these bombers
9 to London and erm... we all knew it was going to be a
10 very difficult period of time... but there was no, there
11 was no discu... there was nothing to say that this was
12 a Kratos although it perhaps moved around it you know
13 the instructions are quite clear around Kratos ..."

14 I am sorry to read all of that, but it is quite
15 important.

16 So just asking you again, if I may, were the
17 officers in a frame of mind when they left that briefing
18 that they were keen to get out and shoot someone,
19 I think is the suggestion that may have been made
20 yesterday?

21 A. They are not like that. Presumably this court will see
22 them, and meet them. They are not like that.

23 Q. I want to ask you, please, about identification, and
24 again I am sorry that it's a repeat of some of the
25 things you have already been asked. Looking back over

1 three years, everyone appreciates it's difficult to
2 recall the exact words that people use at a particular
3 time. Now, you have read the statements as you told my
4 learned friend Mr Gibbs, and no doubt perfectly
5 properly, you have spent many an hour discussing this
6 incident with many people?

7 A. More recently, yes, sir.

8 Q. It's obvious, is it not, that no-one can ever be
9 100 per cent certain about identification almost in any
10 circumstances?

11 A. No, and certainly not in this.

12 Q. Either negatively or positively?

13 A. Possibly, yes.

14 Q. When this negative identification came through, was that
15 reported to the firearms officers, as far as you know?

16 A. I don't know. I don't know, sir.

17 Q. You didn't do it, is the most you can say?

18 A. No, I didn't -- only contact through 84.

19 Q. Your only contact with the firearms officers was through
20 84?

21 A. Yes, sir.

22 Q. I see. Did you have a 75 radio back-to-back?

23 A. No, sir, 84 had it.

24 Q. But you were as sure as you could be that it was
25 a negative identification?

1 A. Yes, sir, I wouldn't send my officers into a situation
2 where it wasn't a negative.

3 Q. Exactly. That was the point I was going to make to you,
4 you would not have sent S013 unarmed -- I think they are
5 unarmed?

6 A. They are always. We don't carry guns.

7 Q. You don't carry guns at all, fine -- the S013 officers
8 in unless you were absolutely sure there was a negative
9 identification?

10 A. Yes. There was still a potential risk because it might
11 be an unknown we didn't know about but --

12 Q. You can't remove all risks?

13 A. No, we can't.

14 Q. That's the nature of policing?

15 A. Yes, sir.

16 Q. But so far as the identification of the suicide bomber,
17 Nettle Tip, you were sure it was not at that point?

18 A. That's right, sir.

19 Q. When the positive identification came in, at about
20 9.55 -- I appreciate you don't look at the times
21 exactly, you are obviously concentrating on the most
22 important thing, which is the safety of the public and
23 the safety of the police officers and everyone else
24 around?

25 A. Yes, sir.

- 1 Q. The way that you put it in your statement, and I don't
2 ask for it to be turned up, it's short, the reference is
3 page 327, line 30:
4 "I heard on the surveillance radio that the IC2 had
5 now been identified as Osman."
6 A. Yes.
- 7 Q. If we look at the log which is at document page 145, you
8 have got that very time, 9.55, "IC2 identified as
9 Osman"?
10 A. Yes.
- 11 Q. Now, again, whatever the words that were spoken, was it
12 clear in your mind -- don't worry about percentages, but
13 as far as you were concerned, it was clear in your mind
14 that this person, the suspect who was being followed by
15 surveillance, had been identified as Osman?
16 A. As far as I was concerned, sir, yes.
- 17 Q. Did you convey any doubt that you say that you now had
18 about that to the firearms officers?
19 A. No, I don't believe I did, sir.
- 20 Q. Well, it follows, I think, if you didn't have any
21 discussion with the firearms officers, that would be not
22 possible. Were you aware that Trojan 84 was of
23 a similar view to you, or did you not --
24 A. Yes, I believe he was, sir.
- 25 Q. Did you discuss it or was it just obvious in the way

1 that you dealt with each other?

2 A. I think just our body -- we just knew.

3 Q. I understand. As a matter of fairness, I want to put
4 this to you, because you have not been asked about it,
5 but it may be, I do not want you going away and then
6 finding that you have to come back and answer some more
7 questions. I am going to just ask you about this
8 because, as I say, it's not been put to you before.

9 You see, we heard from
10 Deputy Assistant Commissioner Dick, I don't know if you
11 have read her evidence?

12 A. In here? The evidence she gave here?

13 Q. Yes.

14 A. I was instructed to watch it, sir.

15 Q. Not only -- you didn't need to read it, you heard it.
16 Let me just ask you about this, and it's 6 October 2008,
17 page 136. If I can come up, fine, if it can't, I'm
18 going to read it anyway. Maybe I have different
19 page numbers but I have page 136, line 8. Thank you.
20 That's correct.

21 Just a little further up:

22 "Question: As you understand it, then, at that
23 stage, you are being told, are you, that they believe it
24 is Osman or Nettle Tip?

25 "Answer: Essentially, yes. And I then did speak to

1 Silver.

2 "Question: Right.

3 "Answer: And he confirmed his understanding was
4 that they were sure it was him. Again, that's,
5 I understand that's removed but that's what his
6 understanding was."

7 This is at the point when we are outside Brixton
8 tube station. Let me ask you about that first of all:
9 did you say at that point to DAC Dick that you were sure
10 about the identification.

11 A. I believed I --

12 SIR MICHAEL WRIGHT: Forgive me, that's not what the note
13 says, "he confirmed his understanding ... that they".

14 MR STERN: "they were sure". Yes, thank you very much.

15 SIR MICHAEL WRIGHT: It's not him.

16 MR STERN: No, no, thank you, that you confirmed your
17 understanding that they, that is, I assume, the
18 surveillance, were sure it was him.

19 A. My recollection is, sir, that I said to the commander
20 that they seemed certain.

21 Q. Seemed certain?

22 A. Yes.

23 Q. All right. We will come on to the "certain" point
24 because that's at page 151 at the top, line 8. Maybe
25 it's a different page.

1 MR HORWELL: 152 is on the screen at the moment.

2 MR STERN: 151 is the one we want, thank you very much.

3 This is at the point that DAC Dick is talking to
4 you, and Trojan 80 and 84 are speaking simultaneously?

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

6 Q. You are both on the phone.

7 "... this is what I am saying, we have now been
8 told, he is sending text messages, he is heading off the
9 bus, and I am saying if he is heading off the bus
10 towards Stockwell tube station, I want the interception
11 before then, as long as it is still a good
12 identification.

13 Mr Purser said to me, 'They are certain it's him'.

14 "Question: They are certain it's him?

15 "Answer: Yes. I think I should also add, I never
16 got an answer to the specific question of what is the
17 percentage..."

18 That was not you, that was on a different phone
19 call.

20 Then at page 153 it's taken up by the learned
21 Coroner, line 6:

22 "You tell me it was Mr Purser who said 'they are
23 certain it's him'?

24 "Answer: Yes, sir.

25 "Sir Michael Wright: Were you surprised to hear

1 Mr Purser say that?

2 "Answer: No, sir, I wasn't, he was listening to the

3 surveillance radios in his car, so he heard --"

4 SIR MICHAEL WRIGHT: Then it talks about chatter.

5 MR STERN: Now, is that right, that you mentioned that to

6 DAC Dick?

7 A. I said to her that they seemed certain when she asked

8 me.

9 Q. That was your understanding, that they seemed certain?

10 A. Yes.

11 Q. Did you relay that to Trojan 84, do you think?

12 SIR MICHAEL WRIGHT: Well, he was sitting in the car with

13 him.

14 MR STERN: Yes, I think he was on the phone at various

15 times, that's why I am asking whether or not he did,

16 because it may be that they were communicating in

17 different --

18 A. In all honesty, sir, I may have done. It was a busy

19 time, he was on the phone, I was on the phone, we were

20 trying to listen to the radio, I can't recall.

21 Q. Do you think there is any way in which it may have come

22 over the radio as words to the effect it was definitely

23 our man, or definitely the man, or is definitely the

24 man, something like that?

25 A. I can't recall hearing that, sir, and it would be wrong

1 to say I was in a position to hear everything that was
2 going on on the radio.

3 Q. Do you think you may have said something like that?

4 A. I don't believe I said anything like that, sir.

5 Q. I mean in passing it to others?

6 A. No. I have said to Commander Dick that they seemed
7 certain.

8 Q. Just moving on to the end of the incident, we know that
9 you went down into the tube at about 10.25 in the
10 morning?

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

12 Q. At that time, were you aware that an explosives expert
13 had already been to the scene?

14 A. He was still there, sir.

15 Q. He was still there?

16 A. He was just finishing off doing the x-rays.

17 Q. So an explosives expert had been called and he was
18 carrying out some x-rays of Mr de Menezes --

19 A. Shoes.

20 Q. As obviously he came to be known, his shoes?

21 A. That's right.

22 Q. And various other things as well, I presume, and I think
23 he removed the wallet and the phone?

24 A. Say again, sir?

25 Q. The wallet and the phone, I think it was him --

- 1 A. It might well have been. They were sitting on the
2 chairs, on the seats.
- 3 Q. He had been lifted on to the floor, Mr de Menezes, he
4 had been on the seat, he was lifted on to the floor?
- 5 A. When I was there he was on the floor and I had been told
6 I think he had been moved.
- 7 Q. He had been moved from the seat, yes.
- 8 Now, coming on to the timing of the events between
9 9.20 and 10 o'clock, I want to just ask you about that.
10 You were in the same car as Trojan 84?
- 11 A. Yes, I was.
- 12 Q. He went with you and another to the TA Centre?
- 13 A. That's right, sir.
- 14 Q. We understand that he was there at about 9.40?
- 15 A. Sorry, I misunderstand that, sir.
- 16 Q. That he was at the TA Centre at about 9.40, that was his
17 understanding?
- 18 A. Right, 84?
- 19 Q. Yes. Do you think you may have got your times just
20 a little bit confused? I know it's always difficult and
21 you were concentrating on other things.
- 22 A. I think I am right.
- 23 Q. That's your recollection?
- 24 A. Yes.
- 25 Q. All right. When you arrived there, there were two cars

1 there?

2 A. There may well have been, sir. I can only recall the
3 one parked in front of me.

4 Q. And somebody had already been in and spoken to somebody
5 in the TA Centre; were you aware of that? Had that been
6 relayed to you or not?

7 A. I understood that Ralph was doing some work for us down
8 there to try to resolve that, whether we could get in
9 there. Certainly when I got there, there were several
10 officers outside a door that 84 went and joined and then
11 I saw somebody I didn't know who I assumed was the
12 caretaker or whatever.

13 Q. There were a number of officers there, were there, at
14 that time?

15 A. Yes, there was at least three, maybe four there.

16 Q. Some in the cars and some standing, were they?

17 A. I can't remember if there was any in the car, sir, but
18 certainly three or four standing.

19 Q. I want to just play you a short clip, if I may, please,
20 and it's MB2, camera 12. If we take it to 10.02.32,
21 please. As we have seen this, I can do this, I hope,
22 relatively speedily. Don't worry about the time at the
23 top because it may be accurate or it may not be.
24 Nevertheless it says 10.02.32 and you can see
25 Mr de Menezes is not at the station yet. Can you see

1 that?

2 A. Yes, I can, sir.

3 Q. Can we move it on literally one second. You are ahead

4 of me. One second, we can see there that there are

5 a line of cars at the junction; yes?

6 A. Yes, sir.

7 Q. If we move it on again, just two seconds, you will see

8 that's a much clearer picture, and if you see what it

9 looks like is the third car that's actually behind the

10 lights rather than in front of them, you will see it's

11 sticking out just a little. We have heard that's the

12 Alpha car.

13 A. Yes, sir.

14 Q. Were you in that line of traffic? Does that bring it

15 back to you?

16 SIR MICHAEL WRIGHT: We have done all this, Mr Stern, he

17 says that he thinks he probably was, further back.

18 MR STERN: I think it was Trojan 84.

19 SIR MICHAEL WRIGHT: They are both in the same car.

20 MR STERN: Yes, I just want to deal with it with this

21 officer, if I may. I am sorry, it won't take very long.

22 A. I believe I was, sir.

23 Q. Do you think it's right you were in that line of traffic

24 at the point at which Mr de Menezes was walking towards

25 the tube station?

1 A. That would appear to be the case, yes, sir.

2 Q. Exactly. At that point, was there some discussion over
3 the radio, I know it's all a matter of seconds when
4 there is this discussion over the radio about whether or
5 not SO12 can do it or whether or not the firearms
6 officers can do it?

7 A. That's right, sir.

8 Q. Is it at that point when you are waiting at the junction
9 that this all happens?

10 A. That's my recollection. We had turned our lights off,
11 we got baulked at the junction, we were the other side
12 of the road and the driver was trying to force it
13 through, and I can recall that conversation.

14 Q. So it was at that point?

15 A. Yes, sir.

16 MR STERN: Thank you very much.

17 SIR MICHAEL WRIGHT: Mr Hough, where are we as far as Derek
18 is concerned?

19 MR HOUGH: Derek is coming this afternoon.

20 SIR MICHAEL WRIGHT: I know that. The question really is
21 how long everybody is going to need for Derek, as to
22 whether we interpose him between Mr Purser's next
23 cross-examination.

24 MR HOUGH: My understanding is that Derek can be here on
25 Monday if he runs over but I'll be corrected if I'm

1 wrong on that.

2 MR GIBBS: He can be here on Monday, sir.

3 SIR MICHAEL WRIGHT: So you are content that we can deal

4 with it in the normal way and continue.

5 MR GIBBS: I don't think that I can ask that the normal flow

6 of evidence be interrupted merely for his convenience.

7 SIR MICHAEL WRIGHT: You don't? You can always ask, Mr

8 Gibbs. You may not get the right answer.

9 MR GIBBS: I am not sure it would be fair on this witness,

10 would it?

11 SIR MICHAEL WRIGHT: That's what I have in mind. I do not

12 want to do it unless I can possibly help it.

13 MR HOUGH: Sir, that's exactly the point I was going to

14 make. It is only fair to Mr Purser --

15 SIR MICHAEL WRIGHT: We finish his evidence today.

16 MR HOUGH: Sir, after the jury has gone, may I keep counsel

17 for a couple of minutes.

18 SIR MICHAEL WRIGHT: 2 o'clock, please, ladies and

19 gentlemen.

20 (1.00 pm)

21 (The short adjournment)

15 (2.00 pm)

16 (In the presence of the jury)

17 SIR MICHAEL WRIGHT: Ms Leek.

18 Questions from MS LEEK

19 MS LEEK: Thank you, sir.

20 Mr Purser, I ask questions on behalf of Trojan 84,

21 and a number of the other CO19 officers.

22 A. Ma'am.

23 Q. I just have a couple of points to ask you about. The

24 first is in relation to briefings, and of course my

25 officers echo what those -- the officers whom

1 I represent who we will be hearing from, will also say
2 that you delivered a calm and balanced briefing, and
3 indeed one of the best briefings that they have heard.

4 A. Thank you, ma'am.

5 Q. It's been suggested that you should have explained the
6 role of the DSO within the command structure of the
7 firearms team. But of course what is important is that,
8 for the officers, is the totality of the briefings they
9 get; is that right?

10 A. Yes, it is.

11 Q. They had already heard about that from Trojan 84?

12 A. That's as I understand it, yes.

13 Q. Were you aware that he had told them about the role of
14 the DSO with Vince Esposito up in the control room?

15 A. I don't believe I was at the time, no.

16 Q. But it's right, is it not, that he would have been in
17 a better position so far as the firearms command
18 structure is concerned, to explain that to them?

19 A. Very much so, yes.

20 Q. That would also go for the possibility of a critical
21 shot having to be taken in the event of a failure to
22 comply with a challenge?

23 A. Yes.

24 Q. Because those are firearms tactics which he would be
25 better able to describe?

- 1 A. That's correct, yes.
- 2 Q. As far as the command structure is concerned, it was
3 clear at all times, was it not, that once there was even
4 a possible identification, the DSO would take command?
- 5 A. She was in command from the start.
- 6 Q. Absolutely. From the point of view -- from the moment
7 when there was any form of identification, you and
8 Trojan 84 would be passing information up to the control
9 room?
- 10 A. That's correct.
- 11 Q. You would be passing orders down to the men on the
12 ground that came from the control room?
- 13 A. That's correct.
- 14 Q. You have said that as you approached Stockwell station
15 you heard some chat on the back-to-back, channel 75?
- 16 A. I believe it's the back-to-back, yes.
- 17 Q. I think at that point you were actually on the phone to
18 Commander Dick as well, were you not?
- 19 A. I was, yes.
- 20 Q. There is no mention in your statement that you made on
21 the day of anything, any details of what they said or
22 what you heard them say on the radio?
- 23 A. That's correct, yes.
- 24 Q. I think you have now said that you remember them saying,
25 "We are there", "We can do it"?

- 1 A. Yes.
- 2 Q. As to whether or not they could do what the commander
3 wanted them to do, that would be a matter for her to
4 decide?
- 5 A. Absolutely, yes.
- 6 Q. That would be based on Trojan 84 passing up to the
7 control room the location?
- 8 A. Yes.
- 9 Q. That's what he did?
- 10 A. Yes.
- 11 Q. Bearing in mind what Commander Dick knew about precisely
12 where Mr de Menezes was at that stage?
- 13 A. Very much so, yes.
- 14 Q. It wouldn't be a matter for Trojan 84 to make the
15 decision or for the men on the ground?
- 16 A. No.
- 17 Q. That's not what happened?
- 18 A. No.
- 19 Q. In fact what happened was that, based on where the
20 various teams were and the resources were, that's when
21 the decision was made and the order came through?
- 22 A. Yes.
- 23 Q. Do you agree with Trojan 84 that, as soon as the order
24 came through to stop him getting on the tube, that was
25 put out over the radio?

1 A. It was, yes.

2 Q. That was confirmed by Ralph, who understood what he had
3 said?

4 A. Yes.

5 Q. Then state red was given almost immediately thereafter?

6 A. That's correct, yes.

7 MS LEEK: Thank you.

8 SIR MICHAEL WRIGHT: Thank you. Mr Horwell.

9 Questions from MR HORWELL

10 MR HORWELL: Mr Purser, don't be alarmed, I haven't got very
11 much to ask you. I am just putting the box there to
12 rest my notes upon. My name is Richard Horwell and
13 I appear on behalf of the Commissioner.

14 A. Sir.

15 Q. As Mr Mansfield has indicated, I am one of those who
16 comes after him who suggests that too much hindsight is
17 being applied. Do you understand?

18 A. Yes, I do, sir.

19 Q. No doubt you would be the first to agree that we can all
20 be very clever and have blinding accuracy with
21 hindsight?

22 A. Yes, sir.

23 Q. The timing of any stop that was anticipated that
24 morning: we have heard from Trojan 84 and other police
25 officers that it is of paramount importance that

- 1 everyone uses a large degree of flexibility in
2 an operation such as this; would you agree?
- 3 A. I would, sir, yes.
- 4 Q. On the issue as to whether a predetermined stopping
5 point is practicable, it is not practicable, would you
6 agree, if you have absolutely no idea where any
7 individual may go?
- 8 A. No, sir, we had too many variables.
- 9 Q. We have heard evidence to this effect, that if a person
10 takes a route different to the one that you might have
11 anticipated, there can be confusion if you have set up
12 a predetermined stopping point?
- 13 A. Yes, sir.
- 14 Q. The operation is thrown?
- 15 A. Yes, sir.
- 16 Q. Of course what one also has to bear in mind when
17 considering this issue is that you have no idea at the
18 outset at what stage any individual may be identified?
- 19 A. That's correct, sir.
- 20 Q. Now, the prospect of frequent and immediate armed
21 interventions on males who were the subject of a weak
22 possible identification, that's a concept that appalls
23 you, Mr Purser; is that right?
- 24 A. Yes, sir.
- 25 Q. At first, bearing this operation in mind, you blow the

1 covert nature of the operation?

2 A. Yes, I did, yes.

3 Q. Second, we have heard many times that even in the best
4 of circumstances, an armed intervention is a risky
5 enterprise?

6 A. Very risky, yes, sir.

7 Q. The greater the number of armed interventions, the
8 greater the risk?

9 A. That's correct, sir.

10 Q. People may not always respond in a predictable manner?

11 A. That's true, sir.

12 Q. If individuals who are the subject of an armed stop do
13 not behave in a predictable manner, there is an obvious
14 risk?

15 A. There is, sir, yes.

16 Q. Now, you have been asked to look, if you could take the
17 bundle of maps, please, at page 7, when Mr Mansfield was
18 asking you questions as to why this individual,
19 Mr de Menezes, as we now know him to have been, was not
20 stopped before reaching any one of the bus stops that we
21 can see on that plan.

22 Can we look at a wider view, please, of Scotia Road,
23 and can you turn to page 8, which I suggest is a more
24 realistic plan when considering this particular topic.
25 I am not suggesting you had this plan with this detail

- 1 available to you on the morning of the 22nd, Mr Purser.
- 2 A. Sir.
- 3 Q. We can see that from Scotia Road of course somebody can
- 4 come out and turn left, but right to the main
- 5 Brixton Road is one direction; Roupell Road, two bus
- 6 stops there; Christchurch Road, other bus stops. The
- 7 point I seek your evidence upon, Mr Purser, is this:
- 8 that if you are considering stopping somebody in this
- 9 situation, before they reach a bus stop, which bus stop
- 10 are you going to choose?
- 11 A. Exactly, sir.
- 12 Q. We have heard something about anti-surveillance, and
- 13 a terrorist may not necessarily go to the nearest bus
- 14 stop?
- 15 A. That's true, sir.
- 16 Q. He may want to walk, look behind him, see if he is being
- 17 followed?
- 18 A. Yes.
- 19 Q. The briefing, or the briefings that took place, your
- 20 briefing was at Nightingale Lane?
- 21 A. Sir.
- 22 Q. So that we understand what is happening at this stage,
- 23 there is pressure upon you to get your firearms team to
- 24 the location as soon as possible?
- 25 A. Yes, there is.

- 1 Q. But because of the extraordinary threat that you faced
2 that morning, you were determined to wait and to ensure
3 that the firearms team received the best possible
4 briefing that you could give?
- 5 A. That's correct, sir.
- 6 Q. It's a balance that has to be struck, would you not
7 agree?
- 8 A. Very much so, sir. The analogy I would look on it as
9 you need to build the foundations properly before you
10 build a house, sir.
- 11 Q. The decision as to whether or not an individual should
12 be stopped by armed police officers: it's a judgment
13 decision that has to be made, do you not agree?
- 14 A. I do, sir, and it's a difficult decision.
- 15 Q. On all of the evidence that is then available?
- 16 A. That's correct.
- 17 Q. Whether correct or incorrect?
- 18 A. Yes, sir.
- 19 Q. However we may discuss and debate this issue in the
20 course of the inquest, it cannot be any other way?
- 21 A. No, it cannot.
- 22 Q. The Coroner himself has referred to the appalling
23 dilemma that the police face when confronted with
24 a possible suicide bomber?
- 25 A. Yes, sir.

- 1 Q. You would agree with those words?
- 2 A. I would, sir, yes.
- 3 Q. No doubt. Is your evidence this: that however hard you
- 4 may try, there are no clear answers?
- 5 A. Sadly, no, sir.
- 6 Q. Again, it is a resolution that can only be made as
- 7 a matter of judgment?
- 8 A. Yes, sir.
- 9 Q. By those involved?
- 10 A. Yes.
- 11 Q. Are you of the opinion that the Metropolitan Police
- 12 Service had the best quality of officers that morning to
- 13 make these terrible decisions?
- 14 A. Sir, I would say that Commander McDowall, Mr Boutcher,
- 15 Mr White, and particularly DAC Cressida Dick are
- 16 probably four of the finest officers I have worked for.
- 17 I have already said what I have said about the firearms
- 18 team and surveillance. Me, I'm probably Mr Average, but
- 19 the rest of them are exceptional.
- 20 Q. Let us let others decide, Mr Purser, on that.
- 21 From everything that you knew and heard that
- 22 morning, is it your opinion that the decision for C019
- 23 to get moving and to follow the bus could not have been
- 24 made any earlier?
- 25 A. No, it could not, sir.

1 MR HORWELL: Thank you.

2 SIR MICHAEL WRIGHT: Thank you. Mr Perry.

3 Questions from MR PERRY

4 MR PERRY: Thank you very much, sir.

5 Mr Purser, I haven't got very much for you at all,
6 but I just want to deal with a few points if I may,
7 please.

8 First of all, may I deal with the letting him run
9 point. You remember you were asked questions about the
10 suggestion that the person should be allowed to run.

11 May I just ask you, please, we will just follow
12 these two points from your interview with the
13 Independent Police Complaints Commission at page 565,
14 first of all.

15 I think you were shown this or you saw this, if we
16 just look at the top of the page, and it's just here in
17 the interview, this is the interview back in November of
18 2005, and you say at the top of this page, second line
19 down:

20 "I did put the suggestion to Commander Dick about do
21 you want him to run and again that was me thinking along
22 the evidential line of if he could take us to where he
23 was going and meet up with others ... and Commander Dick
24 said no, no I want him stopped."

25 That's the first time you deal with it.

1 If we could go to page 568 and have that on the
2 page, it's the bottom third of the page, this is you
3 under where Mr Reynolds has said "okay":

4 "Because I put forward the suggestion of letting him
5 run whilst it's probably not, it's not the best
6 suggestion in the world I thought it was only right that
7 I put forward that option and she said no, wanted him
8 stopped."

9 Just these two points, Mr Purser: first of all, that
10 was you considering the possibility of being led to the
11 other bombers?

12 A. Yes, sir.

13 Q. And Commander Dick saying, no, she wanted him stopped?

14 A. That's correct, sir.

15 Q. This was at a time just before the events, or as you are
16 leading up to the events at Stockwell tube station?

17 A. That's correct, sir.

18 Q. Thank you very much for that. I have finished with
19 that.

20 The second point is the conversations with
21 Commander Dick. You were asked just before lunch about
22 what Commander Dick says you had said to her. You know,
23 it was shown to you on the screen about her evidence in
24 these proceedings, that you had said words to the effect
25 that "They are sure it's him", or "They are certain it's

1 him", you remember that?

2 A. Yes, I do, sir.

3 Q. I just want to see whether we can be more precise about

4 when in the sequence of events these conversations were

5 taking place. My question to you is this: were these

6 conversations about the identification and the certainty

7 of the identification conversations that took place

8 during the time you had the open line with

9 Commander Dick?

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

11 Q. Now, just so we know what the significance of that is,

12 we know, I'm not going to take up time looking at it,

13 Mr Purser, but we know that that must have been after

14 9.58.43 because that was the last occasion on which you

15 were using your mobile telephone to make an outgoing

16 call?

17 A. Yes, that's correct.

18 Q. So the open line would be after 9.58.43, and in fact

19 that conversation took about 35 seconds, so we are

20 talking about 9.59, something like that?

21 A. That's correct, sir.

22 Q. That would be after Brixton?

23 A. Yes, sir.

24 Q. Thank you. The third point is communications, and this

25 is a very short point, if I may, please. When you were

1 in the control car, were you using the radio, the Cougar
2 radio, to transmit any communications?

3 A. I was not, sir, no.

4 Q. Because that wouldn't be your job?

5 A. No, sir.

6 Q. You effectively communicate with Trojan 84, and he's in
7 communication with his firearms officers and you are
8 communicating with them through him in the main?

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

10 Q. He's the tac adviser giving you advice as to what they
11 can do?

12 A. That's correct, sir.

13 Q. So he is not making decisions, you are the
14 decision-maker, but in these circumstances you are in
15 effect being told what to do by the control room as
16 well?

17 A. Very much so, sir.

18 Q. Yes. The fourth point is the account of events on the
19 Underground, again just very briefly, if I may.
20 Clearly, Mr Purser, this was a very shocking and
21 distressing incident?

22 A. Yes, it was, sir.

23 Q. You had not been present during the course of events on
24 the actual platform and the tube train but you went down
25 shortly afterwards?

- 1 A. That's correct, sir.
- 2 Q. And had the conversation with Terry?
- 3 A. Yes, sir.
- 4 Q. You yourself didn't know what had occurred, did you?
- 5 A. I did not, sir, no.
- 6 Q. When you were asked questions about what Terry has said
- 7 to you, that was simply when you have made notes about
- 8 it, when you have given evidence here, that was simply
- 9 your understanding of what had been said?
- 10 A. Yes, sir.
- 11 Q. Would you accept it's really a matter for Terry to
- 12 explain what he was saying to you and what he was
- 13 intending to convey?
- 14 A. Yes, sir, I would also say, looking back, I probably
- 15 wasn't on my best down there.
- 16 Q. Why do you say that?
- 17 A. I have seen a lot of dead bodies, sir, a lot of dead
- 18 bodies, but this is the first one that close to me, in
- 19 that sense.
- 20 Q. Yes. The next point, again I hope very brief: dynamic
- 21 entry is the topic.
- 22 A. Yes, sir.
- 23 Q. Because you were explaining this morning in the course
- 24 of your evidence about the purpose of having photographs
- 25 for the firearms officers that they might have cause to

1 make a dynamic entry, and we actually know that
2 a dynamic entry was conducted at Portnall Road, the
3 Portnall Road address, we heard about that. Was it
4 before the briefing within your contemplation that the
5 point might arise at which a dynamic entry would be
6 required?

7 A. Yes, sir.

8 Q. The purpose of having photographs is, if you are going
9 to be forcing your way into premises, you want to be
10 alert to the sort of people you are looking for in that
11 very difficult situation?

12 A. Yes, I believed it would help them, sir.

13 Q. Whereas the difference between the dynamic entry and
14 where you are being guided to a subject by the
15 surveillance officers is you are principally relying
16 upon the surveillance officers when you are being guided
17 towards a person who's been under surveillance?

18 A. That's correct, sir.

19 Q. Thank you. Just this: you have explained a lot about
20 your knowledge of the events of 7 July 2005, and just so
21 we understand that, you said that you were the deputy
22 SIO on the investigation into the actual bombings, not
23 the failed bombings on the 21st, but the actual bombings
24 on 7 July. Mr Prunty was the senior investigating
25 officer; is that right?

1 A. That's correct, sir.

2 Q. So you were deputy to him actually on the 7/7
3 investigation?

4 A. Yes, sir.

5 Q. I think you have also explained that you were one of the
6 family liaison officers which meant that you had to meet
7 the families of those who had either lost loved ones or
8 those whose loved ones had suffered injuries?

9 A. Yes, sir, when somebody is murdered, we try to see
10 the -- senior investigating officer would see the family
11 within 48 hours. I was representing Mr Prunty on his
12 behalf in relation to that, sir.

13 Q. It was as a result of your involvement in the
14 investigation into the actual bombings that took place,
15 that you gained your knowledge of the events of 7 July?

16 A. Yes, sir.

17 MR PERRY: Thank you, Mr Purser. Those are the only
18 questions I have for you, thank you.

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

20 MR HILLIARD: Nothing I want to ask, thank you very much.

21 SIR MICHAEL WRIGHT: Very well. Thank you very much,
22 Mr Purser, that's all.

23 MR HILLIARD: Could you leave behind and perhaps give it to
24 the usher who will give it to me, the contents of your
25 ring-binder, do you remember, that had the CCTV stills

1 and so on, if you could leave the original because it's
2 obviously different in quality to the copies. Thank you
3 very much.

4 (The witness withdrew)

5 SIR MICHAEL WRIGHT: Now, we have an enforced stop, I think,
6 Mr Hilliard.

7 MR HILLIARD: Yes, we do. The screens are to go up.

8 SIR MICHAEL WRIGHT: This will take as long as it takes,
9 ladies and gentlemen, but the team is getting faster and
10 faster each time, so it will probably be about 15
11 minutes. Very well, let me know when you are ready to
12 go on.

13 (2.30 pm)

14 (A short break)

15 (2.45 pm)

16 (In the presence of the jury)

17 SIR MICHAEL WRIGHT: Mr Hilliard, if it is common ground, as
18 I think it probably is, that this witness can't be
19 finished this afternoon, and given it's Friday, I think
20 we might stop as soon as reasonably feasible after 4.30.

21 MR HILLIARD: Yes.

22 SIR MICHAEL WRIGHT: It's been a long week.

23 MR HILLIARD: I am not sure how good an offer that is, but
24 yes. So Derek is the next witness, if we can have him,
25 please.

1 SIR MICHAEL WRIGHT: Right. I am assuming I am right in
2 that assessment?

3 MR HILLIARD: I'm told you are right, yes.

4 CODENAME "DEREK" (sworn)

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

6 A. Thank you, sir.

7 Questions from MR HILLIARD

8 MR HILLIARD: I'm going to ask you some questions first of
9 all on behalf of the Coroner. Then you will be asked
10 questions by others.

11 A. Sir.

12 Q. I think for the purposes of these proceedings you are
13 going to be known as Derek; correct?

14 A. That's correct, sir.

15 Q. I think there, just to help you, can you see it, there
16 is a little bit of a card that a number of other
17 witnesses have been referred to, and will be, by
18 letters, initials and so on. There is just a little
19 list there in case that helps you.

20 A. Thank you, sir.

21 Q. So far as events on 22 July 2005 were concerned, I think
22 you have made a number of witness statements about
23 those; is that right?

24 A. That is right, sir.

25 Q. The two principal ones that I don't know if you have

- 1 with you, one you made on 23 July, so the day after,
2 another on 28 July. Do you have copies of those?
- 3 A. I have copies, sir, yes.
- 4 Q. Just so you understand, there is no difficulty about
5 your looking at those or notes you have at any time at
6 all. All right?
- 7 A. Thank you, sir.
- 8 Q. In addition, I think you did make some handwritten notes
9 that certainly some, for example, in a pocket book. Do
10 you have those or copies of them with you too?
- 11 A. I have a copy of those as well.
- 12 Q. So 22 July 2005, were you a police officer working on
13 a surveillance team attached to S012, the
14 Special Branch?
- 15 A. I was, sir, yes, sir.
- 16 Q. Can you help us, what was your police rank?
- 17 A. I was a detective sergeant, sir.
- 18 Q. How long had you done that sort of work for by
19 July 2005?
- 20 A. Are you asking surveillance or Special Branch?
- 21 Q. Surveillance.
- 22 A. Over the period of my career, probably five, six years.
- 23 Q. Five or six years' worth, as it were, but in the context
24 of your whole career?
- 25 A. Yes, sir.

1 Q. At this time, so July of 2005, were you a team leader?

2 A. I was, sir, yes, sir.

3 Q. On this particular day, I think you were the team

4 leader, is this right of the red team?

5 A. That's correct, sir.

6 Q. Were they the standby team for urgent deployments?

7 A. We were the duty team for that week and as such we would

8 fill that role, sir.

9 Q. In the early hours on the 22nd, were you at New Scotland

10 Yard?

11 A. I was, sir.

12 Q. Just so we understand, I'm going to come to 5 o'clock,

13 if that helps you, because that's a time you have dealt

14 with in your statement. What were you doing there

15 before 5 o'clock?

16 A. In relation to the events of the previous day I was --

17 as I was the team leader, I was over at Scotland Yard

18 just to see if there was any likelihood of us being used

19 in the forthcoming hours.

20 Q. At 5 o'clock, please, what did you do?

21 A. I was present in an office at New Scotland Yard which

22 was specifically the Anti-Terrorist Branch intelligence

23 unit, where I collected a number of CCTV stills from the

24 previous day. I became aware of an emerging line of

25 enquiry, and I subsequently went to the operations room.

- 1 Q. Just before we get to the emerging line of enquiry, so
2 we understand, the CCTV stills, were these of suspects
3 at various locations, in particular tube stations and on
4 a bus?
- 5 A. Three from the relevant tube stations and one from the
6 bus, sir.
- 7 Q. Right. I am just going to ask, please, that these
8 photographs and stills are handed to you. (Handed)
9 Thank you very much.
- 10 A. Thank you.
- 11 Q. They were produced by our last witness, Mr Purser. All
12 right? It's a convenient package for you to have. So
13 far as stills concerning Hussain Osman and
14 Shepherd's Bush station, can you just look through
15 those?
- 16 A. Certainly.
- 17 Q. It won't take you a moment. Just see if you can
18 identify anything that you had at 5 o'clock or shortly
19 after that in the morning on the 22nd. (Pause)
- 20 A. I believe that happened, sir.
- 21 Q. How many are there?
- 22 A. I have four sheets of which certainly one picture from
23 Shepherd's Bush I recall, a picture from the Oval with
24 a figure running, the upstairs of the bus, and a picture
25 from Warren Street.

1 Q. I am just going to ask, can you do those in order and
2 hold them up? Some of these went round yesterday,
3 I suspect it will be possible to see enough from there.
4 A. That's the Shepherd's Bush one (indicated).
5 Q. That did get passed around yesterday. It has two
6 pictures of Mr Osman. He is wearing a cap, isn't he?
7 One below the other, the back of him --
8 SIR MICHAEL WRIGHT: He has his back to the camera.
9 A. It was the top picture.
10 MR HILLIARD: Had you seen the bottom one?
11 A. I don't recall that one, sir.
12 SIR MICHAEL WRIGHT: In either case, both shots, his back's
13 to the camera.
14 MR HILLIARD: I think not the top one.
15 A. The top one is side on, sir.
16 Q. That's just the top one in that so we will bear that in
17 mind. The others, can you hold them up?
18 A. From the stairs on the 26 bus (indicated).
19 Q. We have not passed it round but I think it's possible to
20 see that. Thank you.
21 A. From Warren Street (indicated).
22 Lastly, the lower picture (indicated).
23 Q. That's the running man you mentioned. All right. So,
24 so far as Mr Osman is concerned and Shepherd's Bush,
25 it's just that top picture on the sheet that's got two?

1 A. I believe so, sir, yes.

2 Q. Thank you.

3 SIR MICHAEL WRIGHT: It would be fair to say you couldn't

4 have done much of an identification from that one.

5 A. No, sir.

6 MR HILLIARD: Did you say that you got those as part of

7 an emerging line of enquiry?

8 A. I collected those in the intelligence unit office.

9 Q. Yes?

10 A. That was the latest documentation they had.

11 Q. Right. Then I think you said you went to the operations

12 room; is that right?

13 A. I did, sir, yes.

14 Q. What was the reason for that?

15 A. It was in relation to this emerging line of enquiry, and

16 I went to see an officer called Alan.

17 Q. By emerging line of enquiry, you mean that the fact that

18 the stills were available?

19 A. And as I understood it the background enquiries into

20 matters, property that had been found.

21 Q. Is this the gym card?

22 A. I believe so, yes, sir.

23 Q. Which then gave an address, didn't it, the Scotia Road

24 address.

25 Who did you see at 5.15, so after you got those

1 stills and you had gone to the operations room?

2 A. I saw the officer known as Alan, sir.

3 Q. Did you have a conversation with him?

4 A. It's probably more of a briefing/his directions, sir.

5 Q. What directions did he give you or what did he tell you
6 about in the briefing?

7 A. It was in relation to an address of 21 Scotia Road, and
8 that address revealed two subjects, Hussain or "Husan"
9 Osman and Abdi Samad Omar.

10 He outlined how those individuals had come to the
11 notice of the enquiry through correspondence found at
12 the Shepherd's Bush scene.

13 Q. That's what we have just spoken about, right.

14 A. Then he went on to relate Commander McDowall's
15 instructions in respect of this deployment which
16 included that surveillance should contain the premises
17 front and rear, and that when under surveillance
18 control, any subject would be stopped by officers from
19 the force firearms unit.

20 Q. Right. Looking at your statement, and dealing with this
21 5.15 meeting, you said this:

22 "At 5.15 am in the operations room, I was given some
23 formal directions from Alan with regard to an urgent
24 deployment on 21 Scotia Road."

25 A. Correct, sir.

- 1 Q. Did he refer to it as an urgent deployment?
- 2 A. Yes, sir.
- 3 Q. Then 5.30, please, what did you do then?
- 4 A. At about 5.30 I was provided with two colour photocopies
- 5 of two identity cards, both of which had a head and
- 6 shoulders photograph thereon.
- 7 Q. Yes?
- 8 A. One was in the name of Mr Omar and the other in the name
- 9 of Mr Osman, and I was given these by an officer, DC
- 10 Johnson.
- 11 SIR MICHAEL WRIGHT: Do you mean DC?
- 12 A. DC, detective constable.
- 13 SIR MICHAEL WRIGHT: Not the superintendent?
- 14 A. No, sir.
- 15 MR HILLIARD: Just have a look at that, please. (Handed)
- 16 We have some more copies.
- 17 A. Thank you very much.
- 18 Q. Is that the sort of colour photocopy you are talking
- 19 about?
- 20 A. Yes, it is, sir.
- 21 Q. In fact, I don't know, does the label help, did that
- 22 come from Frank, Tango 10?
- 23 A. That's the copy taken from Frank which I --
- 24 Q. Which you had given to him?
- 25 A. Yes, sir.

1 Q. I am going to ask that we have copies of that. I am
2 grateful to Mr Gibbs in fact for assistance here, and we
3 have copies of a log which we are going to look at with
4 you. We will pass that round in a moment. Perhaps
5 first of all we can put it into divider 57, copies of
6 those photographs and the log. Perhaps both can go
7 behind the same divider. (Handed)

8 Have you got the original of the red team log?

9 A. I don't appear to.

10 Q. All right. I'm going to pass you a copy too. (Handed)

11 A. Thank you very much, sir.

12 Q. It's the red team log, isn't it; we are going to come on
13 to that in a minute. We have to be careful with copies.

14 Now, I'm going to ask now that the one that went to

15 Frank, which you left with him --

16 A. Yes.

17 Q. -- because he was going to be in a van, I think we know
18 that. I'm going to ask that that's passed along so
19 everybody can actually see the very item that Frank had.

20 (Handed) Thank you very much. (Pause)

21 SIR MICHAEL WRIGHT: That, if I may say so, is rather more
22 interesting, because that's a very much better print.

23 Derek, this is the one you actually had in your hand
24 and gave to Frank, is it?

25 A. That's one of the two copies I had.

1 SIR MICHAEL WRIGHT: You had two. Same quality each?

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: The ones that have been handed round to

4 the jury which you have probably seen --

5 A. I have, sir.

6 SIR MICHAEL WRIGHT: -- are very much less good quality.

7 What did you have?

8 A. I had the one that you are holding, sir, copies of that.

9 SIR MICHAEL WRIGHT: Two copies?

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: So that's what your team were able to

12 see?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: Thank you very much.

15 MR HILLIARD: In addition, so far as Hussain Osman is

16 concerned, you have got the still, haven't you, that you

17 had collected earlier; yes?

18 A. The CCTV.

19 Q. The top one?

20 A. Yes.

21 Q. So we know, the one that you have held up for the jury

22 and that they saw yesterday, which had come from

23 Mr Purser's ring-binder, is that the same sort of

24 quality as the one you had of that?

25 A. Are you talking about (indicated)?

- 1 Q. No, I'm talking about, do you remember the stills, one
2 at the top, one at the bottom -- that's it.
- 3 A. They were colour stills as well, sir.
- 4 Q. So same sort of quality as that?
- 5 A. Similar quality.
- 6 Q. Thank you. In addition, I think you had got a piece of
7 paper, is this right, with the suspects' details on them
8 and the Scotia Road address on it?
- 9 A. That was correct, sir.
- 10 Q. That's you at about 5.30 am at New Scotland Yard?
- 11 A. Yes, sir.
- 12 Q. Those pictures and that information. Did you leave New
13 Scotland Yard?
- 14 A. Shortly after, yes, I did, sir.
- 15 Q. Did you go to, was it Tintagel House?
- 16 A. Tintagel House, sir.
- 17 Q. And the reason for going there?
- 18 A. Was to brief the rest of my team, sir.
- 19 Q. We will come and look at the log in more detail a bit
20 later on, but if we look at the first page, "memo book",
21 "marathon product", then those are the sort of blank
22 pages that form a surveillance log, aren't they, which
23 then get filled in?
- 24 A. That's correct, sir.
- 25 Q. If we just want to look at the team, so we know who you

1 would have been briefing, there is yourself, Derek, do
2 you see at the top of that list?

3 A. That's correct.

4 Q. I think, were you also T1, Tango 1?

5 A. Tango 1 initially.

6 Q. Your team had Tango call signs?

7 A. Correct, sir.

8 Q. It in fact goes through you at T1 through to T10,
9 Tango 10, who was Frank; we have three names, Derek,
10 Edward and Frank; the rest still just have Tango
11 numbers?

12 A. Correct.

13 Q. Is that the team you briefed --

14 A. That was the team I briefed.

15 Q. -- at Tintagel House?

16 A. Yes, sir.

17 Q. That starts, is this right, at about 5.40 in the
18 morning?

19 A. That's correct, sir.

20 Q. How long did the briefing last for?

21 A. From my statement, I have said that the briefing lasted
22 no longer than ten minutes.

23 Q. What would you have told them? What would you have
24 covered in the briefing?

25 A. I would have related the information that I had been

1 given by Alan, illustrating that with the photographs or
2 the copies of the photographs and the CCTV still.

3 Q. Specifically, did you deal with the Scotia Road address?

4 A. Only inasmuch as that we -- there wasn't too much detail
5 on it, bar the address itself.

6 Q. No, but that that was where --

7 A. Yes, that was where we were heading to.

8 Q. -- that was the address that you were going to be
9 looking at, and that the people you were interested in,
10 Hussain Osman, Mr Omar, given that information too?

11 A. That that had been found through enquiries on the gym
12 card found in the property at Shepherd's Bush, sir.

13 Q. Right. Then the copies that you had got, so the still
14 from Shepherd's Bush, just so far as Mr Hussain Osman is
15 concerned, the still from Shepherd's Bush, and he's
16 obviously part of the page with two photographs on,
17 isn't he?

18 A. Sir.

19 Q. Is that what, did you show the team, as it were, those
20 photographs? So that's two photographs of him?

21 A. Yes, sir.

22 Q. In the form that you have told us about?

23 A. Yes, sir.

24 Q. Can you explain, do you pass them round, do you hold
25 them up, what's the position?

- 1 A. Normally in that scale or type of briefing, because of
2 the relatively small numbers, we would have passed them
3 round, sir.
- 4 Q. Ordinarily, I will come to this particular operation in
5 a moment, is there a copy for everybody to take with
6 them?
- 7 A. Depending on circumstances and what we would call
8 a briefing pack, might be ready for us. On some
9 occasions there might be photographs for everyone, on
10 other occasions not, sir.
- 11 SIR MICHAEL WRIGHT: On this occasion?
- 12 A. On this occasion just the two copies, sir, at that
13 stage.
- 14 MR HILLIARD: I just want to understand, is it two copies of
15 each? We have two pictures, haven't we, effectively, as
16 far as Hussain Osman is concerned, or is it one of each?
- 17 A. No, it was two copies as I recall, as it in that exhibit
18 that's gone round, sir.
- 19 Q. So it's two copies of the still; yes? And two copies of
20 this (indicated)?
- 21 A. Sorry, one copy of the still, and two copies of that.
22 I do beg your pardon, sir.
- 23 Q. Two copies of the sheet that has two pictures on it?
- 24 A. Yes.
- 25 Q. And one of the still?

1 A. Yes, sir.

2 SIR MICHAEL WRIGHT: You said "at that stage". Were they
3 repeated?

4 A. That wasn't meant to mislead, sir. At no other stage
5 that morning did I get any other photographs.

6 SIR MICHAEL WRIGHT: -- two copies.

7 A. Yes, sir.

8 MR HILLIARD: What happened to the -- it's three pieces of
9 paper then, isn't it?

10 A. Yes.

11 Q. What happened to those?

12 A. I gave one copy of the gym card photographs to Frank.
13 I retained the other with the -- and also the CCTV
14 stills.

15 Q. The reason, I am sure it's obvious, for giving Frank one
16 of the two copies you had of the piece of paper with two
17 photographs on it was?

18 A. Because he was going to be the officer who was going to
19 conduct the initial observation.

20 Q. I think we may have heard, it may have been in this
21 context or a different one, about a practice sometimes
22 of people signing just to indicate that they have seen
23 a photograph. Is that a practice you are familiar with?

24 A. It is usual working practice to sign to say you have
25 seen photographs given at a briefing, sir, for

1 evidential continuity.

2 Q. Would you actually sign the piece of paper so we might

3 have one of these with everyone signing down the bottom?

4 A. Signing on the rear, down the bottom, whatever might

5 happen, sir.

6 Q. Did that happen in this instance or not?

7 A. No, it didn't in this instance.

8 Q. The reason for that?

9 A. As I said in my statement, due to the urgent nature of

10 this deployment and because there was not an official

11 briefing pack, I did not request those officers to

12 countersign the photographs they had viewed.

13 Q. Right. Then so far as firearms were concerned, were

14 some of your team armed?

15 A. They were, sir, yes, sir.

16 Q. Was that T2, T5 and T7, so all Tango call signs?

17 A. Those three officers, and also myself, sir.

18 Q. And yourself?

19 A. Yes, sir.

20 Q. Did you do anything in relation to them so that the

21 officers with firearms?

22 A. Normally on an armed operation, and I think you have

23 already heard from a gentleman given the job description

24 of Silver, there would be, as part of the firearms

25 briefing for an operation, Silver would remind each

1 armed officer of his legal responsibilities. In the
2 absence of such an officer, I did that at the end of the
3 briefing.

4 Q. We heard about it, we have seen on the form 3605, the
5 armed operation record, that various legal provisions
6 are recorded there. Is that the sort of thing that you
7 gave to these officers?

8 A. Yes, it was, sir.

9 Q. Did you and the red team then make your way to
10 Scotia Road?

11 A. To the Scotia Road area.

12 Q. Frank we know about and we are going to hear from him,
13 I think it's Monday, but he is in a van and some time
14 ago we saw a photograph and indeed we have been to the
15 location and we know where his van was. Was he on his
16 own in the van?

17 A. In the rear, sir?

18 Q. Yes.

19 A. Yes, sir.

20 Q. Was there anybody who was in a position to take over
21 from him actually in the van with him or not?

22 A. Not immediately inside the vehicle, sir.

23 Q. Any reason for that?

24 A. Because that vehicle is not designed to take more than
25 one person, sir.

1 Q. All right, just the question was raised a long time ago
2 but that's the reason for that.

3 A. Sir.

4 SIR MICHAEL WRIGHT: So if he was to be relieved -- sorry,
5 that's a very bad joke -- it would mean that somebody
6 else would have to come to the van and replace him?

7 A. If there was a need to extract the officer for a reason,
8 the van would be removed.

9 SIR MICHAEL WRIGHT: You would move the van altogether,
10 would you? I see. You wouldn't want people walking
11 backwards and forwards from it?

12 A. No, sir.

13 MR HILLIARD: If we turn inside to the first page that has
14 handwriting on it, we can see, is this your writing?

15 A. It is, sir, yes, sir.

16 Q. We are not going to put this on the screen, and there is
17 a name, I am helpfully told on this sheet that we will
18 not read out. It will be quite obvious when I don't
19 read it. The date we have, the time 6.04 am, so this is
20 your writing and it says:

21 "Deployment commences in the Streatham Hill area."
22 Have I read that right?

23 A. Correct, sir.

24 Q. "Focused on 21 Scotia Road SW2 and two subjects,
25 Hussain Osman and Abdi Samad Omar."

1 Yes?

2 A. Correct, sir.

3 Q. "I am the loggist."

4 Then officer, that's 04, which is the last little

5 bit of your call sign; is that right?

6 A. That would have been, sir, yes.

7 Q. Then:

8 "Following officers seek to use this log as their

9 original notes."

10 Yes?

11 A. Sir.

12 Q. There is then the list that we have looked at, and we

13 will see some of these numbers just as we have seen 04

14 for you, Edward, third one down, Tango 3, I think his

15 last two numbers we will see on occasions were 81; is

16 that right?

17 A. That's correct, sir.

18 Q. Then last on this list, Frank or Tango 10, the last two

19 numbers of his call sign were 50; is that right?

20 A. That's correct.

21 Q. So if we see a 50 or an 81, it's them. 04 is you?

22 A. That's correct, sir.

23 SIR MICHAEL WRIGHT: Is 10 the standard size for

24 a surveillance team?

25 A. It would vary, sir, depending on the task.

1 SIR MICHAEL WRIGHT: So there isn't a standard size?

2 A. There is a maximum number, but -- just purely for the
3 organisation, but that would be an average.

4 SIR MICHAEL WRIGHT: Average size?

5 A. Sir.

6 SIR MICHAEL WRIGHT: Thank you.

7 MR HILLIARD: So 6.04 in the morning the deployment begins
8 and it ended, is this right, at 11.02 that morning?

9 A. Yes, it did, sir.

10 Q. The bottom of that page, just up from the bottom, there
11 is a reference to a supervising officer, isn't there?

12 A. There is, sir.

13 Q. Above that, "loggist's signature", would that have been
14 your signature?

15 A. That would have been my signature, sir.

16 Q. If we turn over to get the sense of this, and then
17 I want you to explain to us how it goes, next page, in
18 the date/time, we have a time of 6.05?

19 A. 6.05 am, sir.

20 Q. So that's the time.

21 SIR MICHAEL WRIGHT: Forgive me, is this a running log or
22 was it made up afterwards?

23 MR HILLIARD: I'm going to look at one entry and then ask
24 you to explain how the log is done.

25 As an example, 6.05 in the morning, black Primera,

- 1 is that "MV", motor vehicle?
- 2 A. MV.
- 3 Q. Then the registration number; yes?
- 4 A. Correct, sir.
- 5 Q. "Parked vicinity of 21 Scotia Road unattended". Then
- 6 81, after that, that being the call sign for Edward; is
- 7 that right?
- 8 A. That's correct, sir.
- 9 Q. Can you just explain how an entry, when you are the
- 10 loggist, like that comes to be made, what's going on?
- 11 A. You obviously have the vehicle fitted with radio. You
- 12 monitor the radio transmission --
- 13 Q. This is you as loggist?
- 14 A. Or an officer fulfilling that role --
- 15 Q. Yes?
- 16 A. -- will monitor those radio transmissions and record
- 17 them contemporaneously, sir.
- 18 Q. So these are the radio transmissions that are between
- 19 the members of the surveillance team, and we have heard
- 20 that they can also be picked up by a surveillance
- 21 monitor at New Scotland Yard?
- 22 A. On occasions, sir, yes.
- 23 Q. Is that because sometimes the communications are just
- 24 not quite good enough?
- 25 A. Range, atmospherics.

1 Q. That's the theory of it?

2 A. The theory of it, sir.

3 Q. The theory of it is that the loggist will be able to

4 listen to those communications, and is the radio kept

5 for significant sightings?

6 A. The record is kept of the material sightings.

7 Q. I see, so people may mention something that isn't

8 significant on the radio but you as loggist aim just to

9 record significant events?

10 A. The evidential sightings that are material, sir, yes.

11 Q. Then if we look at this particular entry, who writes

12 "81" down there?

13 A. I do, sir.

14 Q. So that's the officer reporting the event, is it, you

15 put down their initials?

16 A. Or their call sign number.

17 Q. Then do they get to see what you have written?

18 A. Yes, sir.

19 Q. When does that happen?

20 A. That would normally take place at the end of

21 a deployment at a debrief.

22 Q. You say at a debrief; do you run through what is in the

23 log?

24 A. You would go through and work through the log

25 chronologically, work through each officer's sightings;

1 and they would then read them themselves and if they
2 agree with them, they would sign to that effect.

3 Q. So that one, the 6.05 one, we will hear about this, it
4 means either I suppose he doesn't agree with it or he
5 has forgotten to sign it?

6 A. There was a matter later on, sir, yes.

7 Q. If we cast an eye down, so what's happened, there was
8 a debrief, so far as this log was concerned?

9 A. There was, sir.

10 Q. We can see signatures by entries as we go through it,
11 can't we?

12 A. I don't actually have that page on that copy, sir.

13 Q. Do you not have --

14 A. I have it on another copy.

15 Q. I may be misunderstanding but what I am looking at is if
16 we go to the one below, the 7.36 entry, there is a 50
17 there, isn't there?

18 A. There is, sir.

19 Q. A call sign?

20 A. Yeah.

21 Q. Has the officer then initialled the entry?

22 A. The officer in question has initialled that, yes, sir.

23 SIR MICHAEL WRIGHT: So that would explain, I think, why on
24 the first page you have an entry, as it were, at the
25 very beginning of all this, the officers and then their

1 names are listed, seek to use this log as their original
2 notes.

3 A. That's correct.

4 SIR MICHAEL WRIGHT: Effectively it's a sort of multiple
5 note-taking exercise with you keeping a record or one of
6 you keeping a record, and at the end of the deployment
7 when you debrief, everybody checks their own entries?

8 A. That's correct, sir.

9 SIR MICHAEL WRIGHT: Thank you.

10 MR HILLIARD: If we just turn on, we will come to a time,
11 second entry down on a page, 8.45 in the morning,
12 somebody else took over from you as loggist; is that
13 right?

14 A. That's correct, sir.

15 Q. So:

16 "I [blank] take over as the loggist for the above
17 Operation Theseus."

18 Is that right?

19 A. That's correct.

20 Q. If we go on, and then come to a page headed
21 "Surveillance Log Book 181", was that because the first
22 book had run out?

23 A. The log book there, the picture that you see, sir, is
24 the unique identification page for that particular log
25 with the serial number.

1 Q. Do we have that in the wrong place, then?

2 A. I am looking at what's on the screen.

3 Q. In the copies we have handed round, we have a log entry

4 at 10.38 am, and after that we then have this page,

5 surveillance log?

6 A. That would be in the wrong place, sir.

7 Q. Where does that come, right at the start?

8 A. It goes to the rear, actually.

9 Q. So right at the end. If you then go on, you will see

10 an entry -- it needs to go at the back of this section,

11 because if we look at 10.38, the last bit is "and

12 a shoulder", and the next page says "bag" at the top?

13 A. Correct, sir.

14 Q. So we have this page in the wrong order. As you say

15 this needs to go right at the back?

16 A. This goes right at the back, sir, yes.

17 Q. If we turn to the last but one page with handwriting on

18 it, we can see 11.02, third time from the bottom,

19 "observations concluded"; is that right?

20 A. That's correct, sir.

21 Q. You told us it finished at 11.02 am, and then

22 12.27 pm --

23 A. Correct, sir.

24 Q. "Debrief at police premises, following entries added."

25 Can you explain what's going on there? There are

1 three, I think?

2 A. There are three entries in that particular instance.

3 Q. So 7.58, there is a reference to "watch on left wrist";

4 8.20, there is a part registration number of a black

5 Golf that was mentioned for the 8.20 timing. Then

6 an indication that at 9.36, description, we will see in

7 due course that that description had come from 50. So

8 how do these sort of extra entries come to be there?

9 A. During the debrief, obviously whoever is conducting the

10 debrief and in this particular instance myself, I would

11 read what I had in the log, and then ascertain if there

12 is anything that another officer wishes to add to that,

13 either to clarify or additional detail to add, and then

14 that gets entered and then the log is passed from

15 officer to officer where they sign up.

16 Q. Right.

17 SIR MICHAEL WRIGHT: But you don't alter the original entry.

18 You just put this addendum into the end of the book?

19 A. Absolutely, sir.

20 MR HILLIARD: Again there is an indication to note who is

21 actually present for that. Then:

22 "Debrief concluded at 1.02."

23 A. 1.02, sir.

24 Q. Then your call sign and initials at the end of that

25 line?

1 A. Correct.

2 Q. Have you signed that page too?

3 A. Yes, I have, sir.

4 Q. Then if we go, please, we have looked at the -- go back

5 to the 6.05 entry, I just want to -- further down on

6 that page -- look at your entries. 7.52 am,

7 Hussain Osman equals Nettle Tip, Abdi Samad Omar equals

8 Regal Wave. Is that your entry?

9 A. That's my entry, sir.

10 Q. Does that indicate that at 7.52 you were given those

11 codenames for the individuals?

12 A. I was given them a little earlier at, if I recall from

13 my notebook, my own personal notebook entry at 7.44,

14 I was given that information.

15 Q. So you were given that information at 7.44 but you had

16 put it in at 7.52?

17 A. That's correct, sir.

18 Q. Go to the next page, 8 o'clock, you may need to take us

19 back to explain this, but is there an entry of yours at

20 8 am?

21 A. There is, sir, yes, sir.

22 Q. What does your entry say?

23 A. That says "IC3, M", in a circle, "in UTH alone".

24 That --

25 Q. Identity code 3?

1 A. Identity code 3.

2 Q. What does that mean?

3 A. That would be an Afro-Caribbean male, northbound in

4 Upper Tulse Hill and then alone.

5 Q. Alone or above?

6 A. I'm reading that and think it's alone, sir.

7 SIR MICHAEL WRIGHT: It's your writing.

8 MR HILLIARD: You wrote it.

9 A. Exactly, sir.

10 Q. So that says "alone", all right.

11 SIR MICHAEL WRIGHT: It doesn't actually tell you where this

12 gentleman came from.

13 A. He's obviously from the earlier entries, sir. He is

14 seen leaving premises, I believe.

15 SIR MICHAEL WRIGHT: Very well.

16 MR HILLIARD: Then if we go on --

17 SIR MICHAEL WRIGHT: Schoolgirl.

18 MR HILLIARD: Does it help if you go back an entry or two?

19 A. It's the entry before, the 8 o'clock entry relates to,

20 sir.

21 Q. The 7.58, white trainers, black markings, IC3?

22 A. Silver watch, right hand, white logo on rucksack,

23 apparent age 20s.

24

25 Q. Then it's that person who is northbound in

1 Upper Tulse Hill?

2 A. Correct, sir.

3 Q. We don't need to look at it, but watch on right wrist,

4 that was one of the amendments that was made at --

5 A. I have put "watch right hand", and in the amendment it's

6 "watch on left wrist".

7 Q. Thank you very much.

8 I think this is the last one of yours, 10.41, so

9 this is well on, simply describing a male in a blue

10 shirt continuing in Upper Tulse Hill. We don't need any

11 more detail than that.

12 A. That's correct.

13 Q. Was that your last entry?

14 A. That was my last sighting for the purposes of that log,

15 sir.

16 Q. The deployment then begins at 6.04 in the morning. Did

17 you yourself at that time or even before it or shortly

18 after it, you tell us when, have sight at all of the

19 premises themselves where 21 Scotia Road was?

20 A. No, I didn't actually go into Scotia Road, sir.

21 Q. Did you learn something about Scotia Road, namely that

22 number 21 was in a block and there was a communal front

23 door?

24 A. I did, sir.

25 Q. Had you known that before you had deployed to the area?

- 1 A. No, we had very little detail about the premises we were
2 going out to see.
- 3 Q. Who did you receive that information from? So that it's
4 one of a number with a communal door?
- 5 A. What we did in the first instance was an officer, and in
6 this case it was officer Edward, conducted
7 a reconnaissance close to the premises just to see what
8 type of premises it was, and the best place that we
9 could mount observations from.
- 10 Q. So did he give you that information?
- 11 A. He relayed that information to me, sir.
- 12 Q. Did you then relay that information to your team?
- 13 A. One of the techniques is obviously that we make sure
14 that we relay pertinent information across the network
15 for the team.
- 16 Q. What about beyond the team? Did you distribute that
17 information -- you had not come out knowing that, had
18 you?
- 19 A. No, sir.
- 20 Q. Did you do anything about getting that information back
21 to New Scotland Yard?
- 22 A. One of the first things we would do is to do a signal
23 check, when we know that the operations room at
24 Scotland Yard is monitoring us, to make sure we have got
25 signals, and therefore that they are listening to our

1 communications on the ground.

2 Q. Did you do that?

3 A. I would have done it as a matter of course.

4 Q. All right. What I want to know is: did you, aside from

5 that information being passed to your team and New

6 Scotland Yard, you hope, being in a position to pick up

7 your transmissions, did you take any specific steps to

8 alert New Scotland Yard to the fact that this was one

9 premises, as it were, in a block?

10 A. I haven't got the telephone billing to suggest what time

11 I called them, but I was in constant telephone

12 communication with Scotland Yard and would have relayed

13 that as part of the general information about the area.

14 Q. We are going to look at these briefly in due course, but

15 just to help you, it's behind our divider 50, and there

16 should be there if you have the file, a schedule like --

17 it's coming up on the screen.

18 A. Thank you.

19 Q. If we go to the next page, please, 6.38, Derek, 33

20 seconds, do you see, call from you to S012 operations

21 room?

22 A. I see that, number 46.

23 SIR MICHAEL WRIGHT: That is right.

24 MR HILLIARD: Number 46, did you say?

25 A. Extreme left-hand column.

1 SIR MICHAEL WRIGHT: Item 46.

2 MR HILLIARD: It's just missed off on my screen. There we
3 are.

4 So that's 6.38. Then 6.42, and I don't know what it
5 is but that will have a number as well, there is a call
6 back the other way, isn't there, for a minute and 16
7 seconds?

8 A. 6.42, there is a call to myself, yes, sir.

9 Q. 6.44, 20-second call, ops room to you?

10 A. Correct, sir.

11 Q. A little bit later on in 6.44, 43-second call -- that's
12 you to Colin. He briefed the blue and grey teams.
13 Don't worry about that one for the moment.

14 6.46, 51 seconds, just to see the sort of thing you
15 are talking about when you say you are in touch with the
16 ops room?

17 A. That's correct.

18 Q. That is a 51-second call, that's from them to you, and
19 there are plenty of others.

20 Who would you have mentioned the communal door to
21 when you were speaking to the ops room?

22 A. In most instances I would be talking immediately to my
23 surveillance monitor, the dedicated officer to answer my
24 line in.

25 Q. Was that Pat? Someone we know as Pat?

1 A. That would have been, sir.

2 SIR MICHAEL WRIGHT: Was it at that time? I can't remember.

3 MR HILLIARD: Forgive me, he is not on until later.

4 A. There were two officers used that morning. I don't ...

5 SIR MICHAEL WRIGHT: Anyway, it's the surveillance monitor.

6 A. My dedicated monitor, sir.

7 MR HILLIARD: That's who you give that information to.

8 So far as you were concerned, what was the

9 significance of that, please?

10 A. The more we know about the premises, the intelligence

11 picture we can provide, will obviously help both

12 real-time enquiries, back at whichever office we are

13 working for, and also to assist in planning any tactics

14 around those premises.

15 Q. Did the fact that you couldn't know at that stage

16 whether somebody was coming out from 21, so once they

17 had come out of the communal door, you don't know

18 whether they are coming from 21 or from any other flat

19 in there, do you?

20 A. Not in that particular instance from what the officer

21 who has observations on the door says.

22 Q. Did the fact that you would not know if someone had

23 specifically come from 21, did that raise any questions

24 in your mind as to what your job was there?

25 A. It obviously makes things a lot more difficult to

1 ascertain whoever's leaving, are they the people we are
2 looking for, if it's anyone coming from any number of
3 flats, as opposed to when you have got vision on
4 a single door.

5 Q. Were you clear what you should be doing about people who
6 were coming out of the communal door?

7 A. At the initial directions, it was, and if I just may
8 refer to my statement?

9 Q. Yes, please do.

10 A. The direction I was given was that we should contain the
11 premises front and rear, and then when under
12 surveillance control, any subject will be stopped by
13 officers from the force firearms unit. My
14 interpretation of that was that any subject, ie someone
15 related to the operation, who bore a resemblance to
16 someone we were looking for would be stopped.

17 SIR MICHAEL WRIGHT: So it wasn't a case, then, of your
18 understanding of your instructions was to stop
19 everybody?

20 A. No, sir.

21 MR HILLIARD: It's subjects, by which you mean the people in
22 the pictures?

23 A. Mentioned in the briefing stage of the deployment, sir.

24 Q. The actual stopping, as you understood it, was to be
25 done by who?

- 1 A. That was going to be done by the firearms unit, sir,
2 known as CO19.
- 3 Q. What was your understanding about when CO19 would be
4 there or in the vicinity?
- 5 A. I was told when I was briefed that at 5.15 am both the
6 firearms team and what we would term an arrest team
7 would be following us out, almost immediately.
- 8 Q. The arrest team, we have heard about an SO13 arrest
9 team; is that right?
- 10 A. That would be correct, sir.
- 11 Q. So is this Alan telling you that firearms and an arrest
12 team would be following you out almost immediately?
- 13 A. Yes, it was.
- 14 Q. You deploy, as we know, at 6.04 am. As you understood
15 it, had the firearms or a firearms team followed you out
16 almost immediately?
- 17 A. Not to my knowledge, sir, no.
- 18 Q. Did you raise the question of where CO19 were with
19 anyone?
- 20 A. I raised it on numerous occasions that morning, sir.
- 21 Q. Who did you raise that with?
- 22 A. That would have been working again through the
23 surveillance monitor.
- 24 Q. So we understand, what were you saying to him?
- 25 A. I was concerned because the -- given the tenet of the

1 operation, we had sufficient firearms support for the
2 task that we had been given.

3 I was concerned that we didn't have that, sitting
4 there as a surveillance team alone.

5 Q. What answer were you given? What were you told had
6 happened to them or was going to happen to them?

7 A. From memory I was never given a specific answer as to
8 where they were or to what time I should expect them.

9 Q. Is that why you kept raising the matter?

10 A. I did, sir.

11 Q. So we understand, what were you being told, "I'll find
12 out and get back to you"?

13 A. They are on way, they are being briefed, they will be
14 with you soon; replies of that sort of general nature.

15 Q. Right. In their absence, did you give any thought to
16 who would be doing the stopping if they were not there?

17 A. In their absence, the task, should we identify suspects
18 who would fit the description, and certainly if they had
19 baggage or luggage with them, would fall to us, because
20 from my point of view the primary objective that morning
21 was to protect the public.

22 SIR MICHAEL WRIGHT: Were you ever told or warned, if you
23 like, that the firearms team who were eventually going
24 to come to you had in fact only come on duty at
25 7 o'clock that morning, so that they would not be likely

1 to be with you much before 9?

2 A. No, I was never told that, sir.

3 SIR MICHAEL WRIGHT: What would your reaction have been if

4 you had been told that?

5 A. I would have probably raised the matter even more

6 strongly, sir, than I already had.

7 MR HILLIARD: Was that something, as you say, if one of the

8 suspects had come out carrying a bag or something of

9 that kind or wearing a rucksack, you would have had to

10 do the stopping, what's that, you and the other three

11 armed officers in your team?

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: Sorry, you were armed as well?

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: What do they give you for that job?

16 A. That would have been a Glock self-loading pistol, sir.

17 SIR MICHAEL WRIGHT: Side arm?

18 A. Side arm, sir.

19 MR HILLIARD: Was making a stop of that kind something that

20 any of you were trained for?

21 A. Not trained within what's already been discussed as the

22 Kratos role, sir, no. It would have been from our

23 training of to put a challenge in to a suspect from

24 a safe distance, and hope they would comply.

25 Q. Did you raise with anyone at New Scotland Yard the fact

1 that in the absence of the firearms team this is what
2 would have to happen?

3 A. I did mention through the monitor on more than one
4 occasion that, in lieu of the firearms team not being
5 there, that if something did come out we would have to
6 deal with this, sir.

7 Q. Were you ever told that there was a team but that they
8 were at New Scotland Yard waiting there in case they had
9 to go to your address or somewhere else? Did anybody
10 ever tell you that?

11 A. There was -- I can't specifically remember being told
12 there was a team on reserve to be deployed, sir, no,
13 sir.

14 Q. What was the reaction when you said that in the absence
15 of SO19, if a suspect came out that you and armed
16 officers in your surveillance team would have to do the
17 stopping? What was the reaction to that?

18 A. I wasn't addressed that morning specifically by anyone
19 from the firearms unit, but I merely made the point that
20 in lieu of anyone else, it was down to us.

21 Q. But when you raised that with, what, that would be with
22 the surveillance monitor?

23 A. Through the monitor for the attention of whoever was
24 running the operation that morning.

25 Q. Were you ever given a response to that from whoever was

1 running the operation that morning, that that was
2 unacceptable or you weren't to do it?

3 A. It was inferred that we had not been trained for that
4 role.

5 SIR MICHAEL WRIGHT: You knew that.

6 A. Indeed, sir.

7 SIR MICHAEL WRIGHT: What I think Mr Hilliard is after, if
8 I may interpret him, did anybody say, "For God's sake
9 don't you do it", or did anybody say, "Well, if you have
10 to, you have to"?

11 A. In neither way, sir.

12 MR HILLIARD: Did you become aware of the
13 Territorial Army Centre in Upper Tulse Hill?

14 A. I did, sir.

15 Q. Whenabouts was that?

16 A. That, I actually saw that the first time I drove through
17 Upper Tulse Hill prior to our commencing at 6.04 on the
18 log book.

19 Q. What went through your mind when you saw those premises?

20 A. I remembered there was a premises in that area and there
21 is a sign from the North Circular or from the
22 South Circular Road for it, and I was actually heartened
23 by its proximity, inasmuch that it would have been, for
24 the task we were given, an excellent staging post.

25 Q. For who?

1 A. For the firearms teams and the arrest teams to be able
2 to park out of sight of the road and for immediate
3 deployment.

4 Q. Once you had seen those premises, did you do anything
5 with that information?

6 A. I think that was, and the telephone records show a call
7 that I made around 6 o'clock, and I remember identifying
8 that premises to the operations room then, sir.

9 Q. What was the response to that?

10 A. They noted it, and I thought, well, that's in the system
11 then, and that will be worked on.

12 Q. Did you ever mention it again?

13 A. I probably did mention it several times, that you know,
14 we have got an ideal place here within yards of where we
15 need to be operating.

16 Q. What, and where are they?

17 A. And where are they.

18 Q. Then if you can have, please, the album, Stockwell
19 inquest maps brochure, do you have that there?

20 A. Yes, sir.

21 Q. If you turn, please, to page 7 of that. It's going up
22 on the screen too. Can you see that where
23 Marnfield Crescent joins, or pretty near to where
24 Marnfield Crescent joins Upper Tulse Hill, there is
25 a 201 bus stop, do you see, on either side of the road?

- 1 A. Yes, sir.
- 2 Q. Obviously each of those. Further along, if you go to
3 the right of the plan or east in real life, can you see
4 there is another 201 stop there; do you see it?
- 5 A. Yes, sir.
- 6 Q. Did you become aware, given that you were there, of any
7 of those or all of those or those and other bus stops?
- 8 A. During my initial reconnaissance where I admittedly
9 drove along Upper Tulse Hill Road, I didn't go into
10 Marnfield Crescent. I was aware of those bus stops
11 probably in the same drive-through that I became, or
12 formally identified where the Territorial Army Centre
13 was.
- 14 Q. Did those raise any concerns for you?
- 15 A. They did, sir, given what the tasking was around in the
16 events of the previous day, that anyone, if we believed
17 them to be the bombers from the previous day, wished to
18 mount a further attack, that that was the first place in
19 attacking the transport system that they could do that.
- 20 Q. Did you raise that concern with anybody at New Scotland
21 Yard?
- 22 A. Again, working through the surveillance monitors,
23 I raised the concerns and suggested that perhaps that
24 bus route should be suspended.
- 25 Q. How early on do you think you first mentioned that?

1 A. That would have been in the first half hour of the
2 deployment.

3 Q. What was the response?

4 A. That it would be looked into.

5 Q. Did you ever get told whether it had been looked into or
6 whether any decision had been made? Were you given to
7 understand anything?

8 A. The information that came or a reply came back some time
9 later to say that those immediate stops had been
10 suspended.

11 SIR MICHAEL WRIGHT: Do you mean the ones in
12 Upper Tulse Hill?

13 A. In Upper Tulse Hill opposite Marnfield Crescent, sir.

14 SIR MICHAEL WRIGHT: You were told that, were you?

15 A. Told that.

16 MR HILLIARD: So far as you could see, after you had been
17 told that they had been suspended, did it appear that
18 they had been suspended?

19 A. No. From recollection, people were still using the
20 stops and buses continued to drive through and stop.

21 Q. Did you raise that with New Scotland Yard?

22 A. I did again, sir.

23 Q. What was the response?

24 A. And it was more of "well, it will be looked into".

25 Q. Were you ever told that a decision had been made that

1 bus stops were not to be suspended? Did anybody ever
2 tell you that?

3 A. I don't recall specifically being told that they weren't
4 suspending any or not suspending the bus stops.

5 Q. So what you were told was, what, that these had been
6 suspended and later on that it was being looked into?

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: Could I ask you this because you were
9 there and you got a feel of what the scenery was like.

10 A. Sir.

11 SIR MICHAEL WRIGHT: Do you recognise the validity of the
12 argument that suspending a bus service or even actually
13 simply suspending a bus stop so that the buses go
14 straight past might carry with it the risk of raising at
15 least curiosity, if not suspicion about what was going
16 on?

17 A. It is one argument for that plan, sir. My reasoning
18 behind asking for the suspension, again with the
19 knowledge of what happened in Madrid and the tragic
20 events there, if our task was to surveill people away
21 from the premises and stop them through the means of the
22 firearms unit, if we could build in extra time along
23 that road to stop them, that would serve the purpose
24 better.

25 SIR MICHAEL WRIGHT: I understand. Thank you.

1 MR HILLIARD: Then I just want to go back to the log,
2 please, and then we will look at some telephone calls in
3 a minute.
4 Go to the log. There is a page that begins 8.39.
5 The next entry was the one, do you remember, where
6 someone else indicates they had taken over the log.
7 That's the one.
8 A. I'm with you now, sir.
9 Q. Yes, and then do you see 9.33 am:
10 "M [for male] IC1".
11 A. Correct, sir.
12 Q. Identity code 1 is?
13 A. White European.
14 Q. Five foot 8 inches tall, dark hair, beard, out of
15 communal doorway, of, is that "premises"?
16 A. Of premises.
17 Q. Wearing or wears denim jacket and jeans, trainers?
18 A. That's correct.
19 SIR MICHAEL WRIGHT: Do you recognise the writing?
20 A. That's by the officer, I believe --
21 SIR MICHAEL WRIGHT: Oh, it's 50.
22 MR HILLIARD: It's 50.
23 A. That's not, sir, that's not 50's writing. That's
24 another officer who took over as loggist, who I believe
25 was Tango 9.

1 Q. Right.

2 SIR MICHAEL WRIGHT: Thank you. Without identifying the

3 name, who's the initials?

4 A. That's the initials for the officer --

5 MR HILLIARD: That is 50's initials.

6 A. Yes, 50's initials, Frank's initials, sir.

7 Q. So that's the 9.33 entry. 9.36, I just want to follow

8 this through, "MIC1 as 9.33" so referring to that

9 person; is that right?

10 A. That's correct, sir.

11 Q. "Believed of North African origin, has stubble on face,

12 on foot towards Tulse Hill SW2"?

13 A. Correct.

14 Q. Again that's a 50. That's a Frank entry, isn't it?

15 A. That was changed. Initially it was put down as an 81

16 entry.

17 Q. Yes?

18 A. And that's my -- I have crossed that out and I have put

19 down 50 and that was done at the debrief.

20 Q. Absolutely, right. We will see what's happened in

21 between, but there is a 9.45 entry, so after

22 Mr de Menezes has -- after those Frank entries, he is

23 picked up by the grey team?

24 A. At some point very close to the premises.

25 Q. After that, so moves, as it were, out of your team, but

1 your team remain more closely in the area of
2 Scotia Road, don't they?

3 A. We were the initial team there, the grey team deployed
4 to assist us, not to relieve us, and as such in order
5 not to disturb the environment, we remained in the inner
6 ring and they were the outer ring.

7 Q. So it is that in this red team log, there is those two
8 entries that relate to Mr de Menezes, and then 9.45,
9 it's movement observed on the second floor at the block,
10 it's still something that is going on because as you say
11 your team, the inner ring, remains there, doesn't it?

12 A. The entry I have, sir, is 9.54.

13 Q. Sorry, you are quite right. What I want to know is
14 this: those entries before, as it were, the grey team
15 take over but the 9.33 and 9.36 entries that relate to
16 Mr de Menezes, do you remember, did you hear those? You
17 weren't loggist by that time but did you hear those over
18 the radio?

19 A. Yes, I did, sir.

20 Q. It's the Cougar system, is it?

21 A. On the Cougar, I believe at the time we had some radio
22 problems, and initial descriptions were pushed out on
23 another radio system, and then we repeat them on the
24 Cougar system.

25 Q. What's the other system?

- 1 A. The Airwave system.
- 2 Q. Was that being used at -- was it Frank having trouble
3 with Cougar?
- 4 A. Frank was having trouble transmitting on the Cougar
5 radio set from within the vehicle he was in, sir.
- 6 Q. So he is using?
- 7 A. Airwave.
- 8 Q. And then that's distributed again, is it, over the
9 Cougar system?
- 10 A. On the Cougar, repeated over the Cougar, sir.
- 11 SIR MICHAEL WRIGHT: Automatically, or does somebody have to
12 do it?
- 13 A. Someone would do it, sir.
- 14 SIR MICHAEL WRIGHT: Somebody would have to repeat what he
15 is saying?
- 16 A. Absolutely, sir.
- 17 MR HILLIARD: As soon as he has said it?
- 18 A. Without missing out pertinent detail of what he then
19 might continue to say, but in the next natural break --
- 20 Q. Once he had finished?
- 21 A. Absolutely.
- 22 Q. So you would have heard those, the 9.33 and the 9.36.
23 In the subsequent follow of Mr de Menezes, which is by
24 the grey team, do you hear anything about that?
- 25 A. No. The tactic at this particular stage is that we have

1 what's termed a split on the radio channels there. The
2 team who are moving with the subject being surveilled
3 wouldn't interfere with their communications and the
4 team who are stationary would change channels. So we
5 would swap to another channel so that we could talk
6 about what was going on in the immediacy of the address,
7 once they surveilled the individual away.

8 SIR MICHAEL WRIGHT: They won't hear you and you won't hear
9 them.

10 A. Absolutely, sir.

11 MR HILLIARD: Then the last thing, please, if you can just
12 go back to the telephone schedule, second page we had
13 looked at those calls, do you remember, after 6.30?

14 A. Yes, sir.

15 Q. We had passed through a call at 6.44, you to Colin who
16 had briefed the blue and grey surveillance teams; yes?

17 A. Sir.

18 Q. Do you remember what you were speaking to him about at
19 that time?

20 A. Not specifically, sir.

21 Q. If we go 7.04, 3 minutes and 13 seconds, that's
22 operations room to you; correct?

23 A. Sir.

24 Q. Call at 7.07, Mr Whiddett -- who we heard from --
25 perhaps to you. Do you remember speaking to him at all?

1 A. I remember speaking to him that morning as he was the
2 oncall senior officer from our unit, but the actual
3 details, sir, I don't recall.

4 Q. If we go to 7.21, you have told us that you were really
5 in touch very frequently, you said, with the operations
6 room. 7.21, there is a 50-second call, isn't there,
7 operations room to you?

8 A. Sorry, 7.51?

9 Q. 7.21. For 50 seconds.

10 A. Thank you. Yes.

11 Q. Got that?

12 A. Yes.

13 Q. 7.28, for a minute and 21 seconds, you to the ops room;
14 yes?

15 A. Correct, sir.

16 Q. 7.36, we can all see the times, 7.43, 7.44 --

17 SIR MICHAEL WRIGHT: Are you doing anything more than
18 identifying them, Mr Hilliard, at this stage?

19 MR HILLIARD: If you can bear with me for a moment. 8.02,
20 last one on this page, 2 minutes and 19 seconds, you to
21 the ops room?

22 A. Got that, sir.

23 Q. You told us earlier about the issues you were raising
24 with Pat. I don't know now, can you remember the
25 content of particular calls or can you really say no

1 more than that it would be in these calls that you are
2 raising the issues that you told us about?

3 A. I was raising my concerns of that morning, the calls
4 would have been on those subjects, and I was reinforcing
5 them because the, dare I say, the clock was going round
6 and at this stage we still had no support we were
7 looking for.

8 Q. 8.10, you to ops room. Then another one at 8.19. Then
9 help, please, at 8.20 there is a 50 second -- 57-second
10 call from Trojan 84 to you, do you see that?

11 A. That's right, sir.

12 Q. Then at 8.35, you to him or to his phone, do you see,
13 for 2 minutes and 11 seconds?

14 A. I see that, sir.

15 Q. Can you help us with what that contact was about?

16 A. The initial call or the first call with Trojan 84 at
17 8.20 --

18 Q. Yes?

19 A. -- I did exhibit on my sort of rough pad for want of
20 better terminology, a note there, I received the call
21 from him and to say they were on way to another briefing
22 at Nightingale Lane, and I made a note, just a loose
23 note, of that at that time.

24 SIR MICHAEL WRIGHT: That was at least you had discovered
25 where your firearms team was?

1 A. Sir.

2 SIR MICHAEL WRIGHT: Or where they were going, anyway. Yes.

3 MR HILLIARD: You then call him for 2 minutes and 11 seconds

4 at 8.35; correct?

5 A. Correct, sir.

6 Q. Was he able to give you, for example, any indication of

7 his time of arrival or anything of that sort?

8 A. There was nothing given as a specific time that they

9 would be arriving to support us, sir.

10 Q. Is that the sort of thing, I don't know, you wanted to

11 know?

12 A. Absolutely, sir.

13 Q. Did he say why he couldn't give you any indication?

14 A. It was just the fact they were going to another briefing

15 at Nightingale Lane, and they would be coming to join us

16 at some instance in the future.

17 Q. Was he aware of your concern? Did you make that plain

18 to him?

19 A. I can't say specifically the exact words on it, but

20 I would have relayed my concerns in terms of our

21 predicament, inasmuch as our ability to protect the

22 public.

23 Q. Did he say anything about why they weren't with you?

24 A. I don't recall any reason given for that, apart from him

25 saying they were on way to a briefing.

1 Q. Then 8.36, 8.37, 8.38 on our page 4, all contact between
2 operations room and you; correct?

3 A. Correct, sir.

4 Q. On our page 5, 8.51, there is a 4-second, a 9-second and
5 then a 1 minute and 17 second call from operations room
6 to you?

7 A. Sir.

8 Q. Then at 9, 9.01, 9.02, three calls to you?

9 A. Correct, sir.

10 Q. 9.06, a call from you to Trojan 84?

11 A. (Witness nods).

12 Q. For 36 seconds. Do you remember what that was about?

13 A. Now knowing that Trojan 84, the first time he rang at
14 8.20, a call we have already spoken about, I didn't
15 realise he was my firearms leader until he rung me and
16 gave me contact. From the events of the morning where
17 I had been chasing, I -- probably ringing him to find
18 out if they had a time of arrival for us, sir.

19 Q. Then 9.26, you to operations room, 9.28 the same, and if
20 we go over to the next page, 9.42, can you help with
21 this, Trojan 84, his telephone calls you for 30 seconds.
22 Do you remember what that was about at 9.42?

23 A. I remember taking a call around that time to ask where
24 the subject of the surveillance, the mobile surveillance
25 that was developing was, and I remember taking a call

1 from the firearms team, whether it was Trojan 84 or
2 someone using his phone, but it was to say "Where are
3 you?" and I recall saying: we are not following him, the
4 officers' numbers that you need are such and such.

5 Q. Then 9.43, it's for 0 seconds so no need to worry about
6 that. Another call, 9.43.46 for 4 seconds, Trojan 84 to
7 you. 9.46, same again but 27 seconds. Do you remember
8 what that was about?

9 A. I don't specifically, whether -- no, sir.

10 Q. All right. Then 9.52 and 9.53, calls from you to
11 a Detective Constable Bailey. Do you remember what that
12 was about?

13 A. I recall I was giving a telephone number for
14 Detective Constable Bailey who I didn't know, sir, and
15 it was, there were some calls made in that period that
16 were around the acquisition of observation posts in the
17 immediate vicinity of the Scotia Road address.

18 Q. All right, so you think that's what that was about.

19 SIR MICHAEL WRIGHT: When you were repeatedly calling
20 Trojan 84, as you say, really trying to find out where
21 they were, I don't know what the etiquette is in
22 Scotland Yard, you were a sergeant, he was an inspector.
23 Did you feel able to express yourself in strong terms?

24 A. I think I expressed myself quite forcefully that
25 morning, sir.

1 SIR MICHAEL WRIGHT: I won't ask for the detail.

2 MR HILLIARD: In the course of that, what I want to know is,
3 did he ever give you any explanation for the delay that
4 you were obviously drawing his attention to?

5 A. I was never given a detailed explanation by anyone in
6 terms of: this team's available, they are briefing here,
7 they will be with you at such and such a time.

8 MR HILLIARD: Thank you very much.

9 A. Thank you, sir.

10 SIR MICHAEL WRIGHT: Before you start, Mr Mansfield, I have
11 one or two, if I may, some of which I have been asked to
12 do.

13 Questions from THE CORONER

14 SIR MICHAEL WRIGHT: When the Special Branch surveillance
15 officers become surveillance officers, I presume you are
16 trained for that job?

17 A. We are, sir.

18 SIR MICHAEL WRIGHT: How long is the training?

19 A. The -- from recollection, and training courses are
20 varied over the time I have been involved in that arena,
21 sir, certainly there is -- the particular training
22 course which is a nationally accredited course, would be
23 somewhere in the region of four weeks long.

24 SIR MICHAEL WRIGHT: Full-time?

25 A. Full-time, sir.

1 SIR MICHAEL WRIGHT: When you are trained, don't for the
2 moment, I'll ask you in a minute, give me any of the
3 technical details, but are officers taught recognition
4 techniques? Or identification techniques is perhaps
5 a more accurate way of putting it.

6 A. Not in a fixed way that you must do it in a certain way.
7 My recollection from my training is that you develop
8 your own ability around areas that stand you in good
9 stead in terms of what you are looking at in terms of
10 a person or a vehicle.

11 SIR MICHAEL WRIGHT: Is this sensitive, Mr Horwell?

12 MR HORWELL: The simple answer to that is I don't at this
13 stage know. I am sure Derek himself will be a very good
14 judge as to whether or not it is.

15 SIR MICHAEL WRIGHT: There you are Derek, it's in your
16 hands. Within the limits of what you think you can
17 appropriately tell us, what kind of techniques are you
18 taught?

19 A. Again, sir, I wouldn't say specifically you are given
20 a range of techniques and this is how ... your skill as
21 a surveillance officer would develop with your
22 experience. Speaking in general terms, some officers
23 are very good around types of vehicle. Some officers
24 are very good around heights. Some officers are better
25 than others ... so you are not given a specific test to

1 pass in terms of being able to identify an individual in
2 a test scenario or a vehicle in a test scenario.

3 SIR MICHAEL WRIGHT: So there are no specific identifiable
4 techniques.

5 A. Not per se to my knowledge, sir.

6 SIR MICHAEL WRIGHT: But are officers, as it were,
7 generally tested -- I say tested -- assessed as to their
8 ability to be accurate recognisers?

9 A. To what they see.

10 SIR MICHAEL WRIGHT: They are asked to describe what they
11 see to see whether they are doing it sensibly and
12 logically?

13 A. Sir.

14 SIR MICHAEL WRIGHT: Very well. You had had six years'
15 experience of this?

16 A. With the Special Branch unit, somewhere in the realm of
17 six years at that particular stage, sir.

18 SIR MICHAEL WRIGHT: We can ask your colleagues how long
19 they had had.

20 I have been asked a question which you will probably
21 tell me is something you would love to have if only they
22 existed, but what I want to know is do they exist,
23 because the question is: are there any technological
24 aids that you -- you will know if there are any -- which
25 exist which can be used by surveillance officers to

1 assist your identification?

2 A. I think we would all appreciate with modern technology
3 there are lots of devices, gadgets, to assist, but in
4 the main we work to photographs and to what you see from
5 your eye.

6 SIR MICHAEL WRIGHT: The particular question is: are you
7 ever issued with or as far as you know, do these exist,
8 in 2005, not now, but in 2005, remote video cameras that
9 could be patched straight through to Scotland Yard, so
10 that the control room could actually see what you are
11 looking at?

12 A. There is various technology that I am sure was in
13 existence then, has been used on other operations,
14 depending on the facilities that are there. On that
15 particular morning, sir, there wasn't.

16 SIR MICHAEL WRIGHT: You didn't have any.

17 The last one I must leave you to deal with as best
18 you can. This was in July. We are told that
19 surveillance officers are pretty skilled at merging into
20 the background, and they dress in a way that they are
21 not likely to be noticed.

22 A. Correct, sir.

23 SIR MICHAEL WRIGHT: It's pretty fair comment, I suppose.
24 Which means casual clothes, denims, jeans, lightweight
25 clothing and so forth, in July.

1 A. Sir.

2 SIR MICHAEL WRIGHT: The question that I am asked to ask you
3 is those of you who are carrying guns, where did you put
4 them?

5 A. Again, there are a range of --

6 SIR MICHAEL WRIGHT: Again, if it's sensitive don't tell us.

7 A. There are a range of ways of carrying a firearm on
8 covert duties, and it's your skill as an operator to
9 decide what's best for you in the environment you are in
10 and what clothing is suitable, or what other means of
11 storage device you have with you, some sort of covert
12 holder inside something else.

13 SIR MICHAEL WRIGHT: So that it isn't noticeable? Thank you
14 very much.

15 Mr Mansfield, do you want to have 15 minutes? If
16 you say no, I shall understand why.

17 MR MANSFIELD: Well, I do have a legitimate reason for not
18 wanting to start, if possible, tonight, and that is we
19 are having a bundle copied -- I say we are, others are
20 doing it very kindly on our behalf -- which I would want
21 the jury to have sight of and this officer. So it would
22 be far better to do it on Monday, because I think there
23 are not enough copies at the moment. We have only just
24 got it today.

25 SIR MICHAEL WRIGHT: The quid pro quo is that I expect you

1 to shave 15 minutes off your examination on Monday.

2 MR MANSFIELD: Yes, certainly I can do that. May I ask one
3 question now, and maybe ...

4 SIR MICHAEL WRIGHT: Yes, I often wonder.

5 Questions from MR MANSFIELD

6 MR MANSFIELD: Good afternoon. My name is
7 Michael Mansfield. I represent Jean Charles de Menezes'
8 family. The question is this, and it may be one you can
9 help by research over the weekend or maybe you can't.

10 If you look at the map 7, Stockwell maps brochure,
11 that one there, which the jury I'm sure are familiar
12 with, the questions I have asked so many times on this,
13 which you have now answered, most of them, today.

14 The question I wanted to ask you is this if you can
15 help, is at about 9.30, are you able now to say where
16 your team were situated? I don't expect you to answer
17 straightaway. Is it something you would be able to
18 answer on Monday morning or is it now an impossibility?

19 A. I wouldn't be able to answer either now or probably on
20 Monday morning, sir. The specific --

21 SIR MICHAEL WRIGHT: We know where Frank was.

22 MR MANSFIELD: I do mean excluding Frank. It's the other
23 members of the team.

24 A. I could give you a general answer now, sir, but
25 I wouldn't be able to give you the specific answer now

1 or on Monday, sir.

2 Q. I don't -- we have the statements from the officers.

3 Unfortunately it isn't always easy to tell from their

4 statements, that's the red team, exactly where they

5 were.

6 SIR MICHAEL WRIGHT: How many of them do you think were in

7 direct sight of the doorway?

8 A. Only Frank, sir.

9 MR MANSFIELD: As you can't answer it now and you probably

10 can't answer it on Monday, I think I will leave it there

11 for now.

12 If I may do the rest on Monday.

13 SIR MICHAEL WRIGHT: Certainly, Mr Mansfield.

14 Very well, ladies and gentlemen.

15 MR GIBBS: Sir, might I detain you a moment on one short

16 matter?

17 SIR MICHAEL WRIGHT: Yes. In that case, ladies and

18 gentlemen, off you go, 10 o'clock on Monday morning,

19 please.

20 (4.17 pm)

21 (In the absence of the jury)

3 SIR MICHAEL WRIGHT: Anything else? Very well, 10 o'clock
4 Monday.
5 (4.21 pm)
6 (The court adjourned until 10.00 am on
7 Monday, 20 October 2008)
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12
13
14
15
16
17
18
19
20
21
22
23
24
25

1	INDEX	
2		PAGE
2		
3	DETECTIVE CHIEF INSPECTOR GREGORY	1
4	PURSER (continued)	
5		
6	Questions from MR MANSFIELD	1
7		
8	Questions from MR GIBBS	74
9		
10	Questions from MR STERN	82
11		
12	Questions from MS LEEK	113
13		
14	Questions from MR HORWELL	117
15		
16	Questions from MR PERRY	123
17		
18	CODENAME "DEREK" (sworn)	131
19		
20	Questions from MR HILLIARD	131
21		
22	Questions from THE CORONER	184
23		
24	Questions from MR MANSFIELD	189
25		

1	Housekeeping	191
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

