

1 Monday, 3 November 2008

2 (10.00 am)

3 (In the presence of the jury)

4 SIR MICHAEL WRIGHT: Yes, Mr Hough.

5 MR HOUGH: The first witness is Anna Dunwoodie.

6 SIR MICHAEL WRIGHT: Thank you.

7 MS ANNA DUNWOODIE (affirmed)

8 SIR MICHAEL WRIGHT: Thank you. Please sit down.

9 Questions from MR HOUGH

10 MR HOUGH: Is your name Anna Dunwoodie?

11 A. Yes.

12 Q. I think you may have a microphone there with a red light
13 on it. If you pull it towards you slightly it might
14 help you be heard.

15 A. Is that better?

16 Q. Yes, I think it is. I think you understand I will be
17 asking you questions first on behalf of the Coroner, and
18 then you will be asked questions by other lawyers.

19 A. Yes, I do.

20 Q. You were, I think, a witness to events in the tube
21 carriage at Stockwell station on 22 July 2005?

22 A. That's right.

23 Q. Try to keep your voice up a little. It has to be
24 transcribed and heard.

25 Now, I think you gave an account to police on that

- 1 day?
- 2 A. I did.
- 3 Q. When I think it's fair to say that you were still quite
- 4 shocked?
- 5 A. Yes, I think that's absolutely fair.
- 6 Q. We will deal in a little more detail later with how that
- 7 account was taken, but is this right, in short, that you
- 8 later determined that you would review and revise the
- 9 account you had given to police; you found some
- 10 inaccuracies and you corrected them?
- 11 A. That's correct, yes.
- 12 Q. You did this by producing a longer statement,
- 13 a nine-page statement, with numbered paragraphs, which
- 14 you provided to the IPCC later in 2005?
- 15 A. That's correct, yes.
- 16 Q. I am going to refer mainly to that longer statement, and
- 17 if you have a copy of that to hand, it may help you at
- 18 times, because as we have said to other witnesses, this
- 19 is not a memory test.
- 20 A. Okay, yes.
- 21 Q. Now, going back to the morning of 22 July 2005, I think
- 22 you had boarded the Northern Line train going northbound
- 23 at Tooting Bec station?
- 24 A. Yes, that's right.
- 25 Q. Did you enter a carriage towards the front of the train?

1 A. Yes, it would have been towards the front of the train.

2 Q. I think your position in the carriage was on the same

3 side of the carriage as Mr de Menezes ultimately was; is

4 that right?

5 A. That's correct, yes.

6 Q. And also in the same row of seats, I think?

7 A. And in the same row of seats, yes.

8 Q. Perhaps we can have on screen a sketch which you

9 produced. It's documents page 995. The writing is the

10 wrong way up. It's now been moved round. You see

11 there:

12 "I was sitting in either of these seats."

13 A. Yes.

14 Q. Then Mr de Menezes' position to your right?

15 A. Yeah.

16 Q. Then you refer to a couple, man and woman, opposite?

17 A. That's right, yes.

18 Q. Does that sketch show your position as you remember it?

19 A. Looking at it now, I would say that possibly the

20 whole -- my side of the -- my row of seats, I think

21 I describe it there one seat further to the right than

22 it was. So I think probably I was either in the very

23 middle seat or the one to the left of that, and

24 Mr de Menezes, I am not sure absolutely if he was in the

25 very last seat or if he was the one next in, but I would

1 say I was either in the middle seat which I have marked
2 or the one to the left of it.

3 SIR MICHAEL WRIGHT: You think we may have to move everybody
4 one seat to the left?

5 A. I think so. I couldn't say for sure, but that's what
6 strikes me, looking at it now.

7 MR HOUGH: To help us do that, perhaps we can put up tab 35
8 of the jury bundle, which is a computer mock-up.

9 Do you see there Mr de Menezes in white towards the
10 right?

11 A. Yes.

12 Q. He has in fact been moved one seat in?

13 A. So he's one in, yes.

14 Q. You have been moved one seat over.

15 A. I have been moved one over.

16 SIR MICHAEL WRIGHT: Does that look more like right?

17 A. Yes, it does, and if there are two seats next to him,
18 I would actually put me one closer.

19 SIR MICHAEL WRIGHT: One to the left?

20 A. One to the left on that, I would. The way to know for
21 sure, if there is a way to know for sure, would be if
22 you know exactly what seat the surveillance officer was
23 sitting in, because I'm sure I was sitting next to him.

24 MR HOUGH: We will come to him in a second.

25 After you settled down, you got out a book and

1 started reading as so many do on the tube?

2 A. Yes.

3 Q. At some point on your journey north, did you become

4 aware of a couple having got on roughly opposite where

5 you marked them on the sketch?

6 A. Yes, I did.

7 Q. We have heard from them. We know them to be

8 Rachel Wilson and Ralph Livock and we know that they got

9 on at Clapham North. Would that accord with how you

10 remember?

11 A. Yes, it would.

12 Q. In your statement, I am now looking at paragraph 6 on

13 the second page, you recall them specifically having

14 asked a man to move his bag so that they could sit down;

15 we have heard them say that as well.

16 A. Okay, oh good.

17 Q. Moving on now to Stockwell station, paragraph 7 of your

18 statement, you say that the train arrived at about

19 10 o'clock in the morning at Stockwell?

20 A. Yes.

21 Q. I think the doors opened on the side which you were

22 facing, the double doors?

23 A. That's right.

24 Q. Was the train held at the platform while you were there?

25 A. It was held at the platform, yes.

1 Q. Roughly for how long, can you remember?

2 A. I really -- I couldn't say, it felt like longer than
3 usual but on the tube sometimes a long time actually be
4 a short amount of time if you are expecting to move on,
5 but it felt like a while.

6 Q. At this point, roughly how busy was the carriage you
7 were in?

8 A. It was about half full, I would say. There were some
9 seats empty. People had got off and on during the time
10 that I had been on the train, so it was probably a bit
11 fuller than when I got on at Tooting Bec. There were
12 a few people standing, I think.

13 Q. In paragraph 7 of your statement, you describe a man
14 getting on at Stockwell tube station, and you becoming
15 aware of this man?

16 A. Yes.

17 Q. Can you describe the man, first of all?

18 A. I -- I didn't see -- I wasn't particularly aware of him
19 coming on, so I didn't see his face, but when he was
20 sitting next to me which was directly on my left, he was
21 quite -- he had broad build, and so he took up quite
22 a lot of space in the seat, he was wearing jeans and
23 a pale denim jacket and he had a baseball cap on of some
24 kind.

25 Q. In your statement you refer to the baseball cap being

1 pulled down, the peak pulled down slightly, that is what
2 you remember now?

3 A. Yes, I remember that, yeah.

4 Q. Was he carrying anything?

5 A. He had a black rucksack, a small black rucksack, which
6 he had on his knee.

7 Q. Now, he, you say, sat down to your left. Would that
8 have involved him walking across in front of you before
9 sitting down?

10 A. I think it probably would have, but as I say, I was most
11 aware of him really when he was next to me.

12 Q. I think in fairness, in the account you first gave to
13 police, you are recorded as saying you thought this man
14 had got on at the previous stop, at Clapham North, but
15 when you came to give this fuller statement later in
16 2005, you now think he got on at Stockwell?

17 A. Yes, and I can tell you how it was that I became
18 absolutely certain. I realised that there had been
19 something else happened at Stockwell which had drawn my
20 attention, and that was the man who, who was sitting
21 opposite, next to the couple, with the bag. He had got
22 off very suddenly to go to the other platform to catch
23 another train, and that was something that happened
24 quite often on the Northern Line. You would see people
25 get to that stop and that was where you changed to get

1 to the Victoria Line and maybe they would suddenly
2 remember that -- where they were and leave. So he got
3 up and left in a hurry, and because it was
4 a particularly tense day, I remember everybody sort of
5 jumped slightly or there was a, you know, I noticed, and
6 it was after he left that this other man got on.

7 Q. So that helps to fix it in your mind that this other man
8 who sat down next to you got on at Stockwell?

9 A. Yes. There is another thing actually that I would say
10 about that, which is when I originally spoke to the
11 detective in the pub on the morning, I remember saying
12 to him that I wasn't clear then whether he had got on at
13 Clapham North or at Stockwell, and I think somewhere
14 that he made a note to that effect, I think there is
15 a note somewhere amongst my statement that says I wasn't
16 sure; but when he came to write the final statement
17 down, I think he said "pick one", or words to that
18 effect and we settled on that he got on at
19 Clapham North.

20 Q. Okay, thanks very much. After the man had got on and
21 sat down next to you, and we know him as the
22 surveillance officer Ivor, what was he doing?

23 A. He was going through his bag, he unzipped his bag which
24 was on his knee, and he seemed to me at the time to be
25 behaving in a way that just felt odd and a little bit

1 unnerving. He seemed quite anxious, he was moving quite
2 quickly, and he was kind of raking through his bag. My
3 attention was very much drawn to that, I think.

4 Q. Could you hear any sounds from inside his bag?

5 A. Yes, his bag didn't seem to have a lot of stuff in it
6 but there was a sort of a metallic noise. And
7 I remember thinking, well, maybe he is looking for his
8 keys or something like that, I was trying to think of
9 a reason, but I didn't know what he was doing.

10 Q. Given the atmosphere on that day, did that give you any
11 concern, him doing that in that way?

12 A. It did, and I felt -- I felt a bit daft for being
13 concerned. I had a feeling of, that generally the
14 atmosphere in the carriage was quite tense and people
15 were looking about a bit. I looked at him and looked
16 away and he did make me feel very nervous, yes.

17 Q. Now looking at paragraph 9 --

18 SIR MICHAEL WRIGHT: He felt -- you feel nervous. What was
19 his general attitude or what did it seem to be, his
20 state of mind?

21 A. To me I felt like he was nervous.

22 SIR MICHAEL WRIGHT: Thank you.

23 MR HOUGH: Now looking at paragraph 9 of your statement, if
24 it helps you, after the train had been stopped in the
25 station and he had been in his seat for a short time,

1 did he do anything?

2 A. Yes. He got up and ran to the door.

3 Q. Ran to the door?

4 A. Well, as quickly as you can run in a tube, so he went

5 very quickly in front of me to the double doors.

6 Q. That was the double doors which we have seen which were

7 pretty much opposite Mr de Menezes?

8 A. Yes, yeah.

9 Q. How did the inhabitants of the carriage generally react

10 to him moving quickly over to the doors?

11 A. Well, it happened very quickly, I would say that ...

12 I would say that we, you know, we looked up, we wondered

13 what was going on, something felt like it wasn't right,

14 I think probably at this moment when he was en route to

15 the doors I was still trying to think of a reason why it

16 wasn't such a terribly out of the ordinary thing to do,

17 but it felt certainly that something wasn't right.

18 Q. You have seen him go across in front of you towards the

19 doors. When he got to the doors, could you see anything

20 outside the doors?

21 A. Yes, there were now a group of men on the platform.

22 Q. Can you remember anything from that time, from that

23 snapshot of memory, about what the men looked like?

24 A. Other than the fact that they were all quite broadly

25 built and that they were in, you know, ordinary clothes,

1 they weren't in uniform, they were a group of men mainly
2 in sort of denim and T-shirts, I think.

3 Q. At this time, did you hear anything?

4 A. There was -- it seemed like the men were shouting to
5 each other, it seemed like. There was some
6 communication between the man that had been sitting next
7 to me and the men on the platform. It felt like maybe
8 he was calling them in or they knew each other, and then
9 he shouted something, which at the time I heard as
10 something like, "This is it", which didn't make any
11 sense to me.

12 Q. In your statement you say that now you think he was
13 probably shouting, "There he is"?

14 A. That would make much more sense, yes.

15 Q. That's something is it that you have worked out based on
16 what you saw later?

17 A. Yes. And the fact also that he was pointing, he had his
18 arm out.

19 Q. Can you describe how he had his arm out, where it was
20 pointing?

21 A. He had his -- so I could see him through the glass
22 partition next to the seats, and he had his back to the
23 glass partition and his arm, so I guess his right arm
24 stretched pointing out into the carriage towards the row
25 of seats I was sitting in.

- 1 Q. By this stage were you looking up and following what was
2 around you, or did you still have your eyes partly on
3 your book? Where was your attention?
- 4 A. No, my attention was now on the group of men in the
5 doorway.
- 6 Q. You have heard him say these words; what did he do next?
- 7 A. It seemed like there was suddenly a lot of people in
8 quite a small space, and they were all, like I say,
9 quite big men, so there was a feeling of people coming
10 in very fast, but then not actually having much space,
11 so some sort of kind of shuffling around and more
12 shouting and guns obviously, and they as a group seemed
13 to come in very quickly into the carriage and then, and
14 then the next thing I saw was a gun pressed to the head
15 of the man to my right.
- 16 Q. We will take this in stages. In your statement, again
17 paragraph 9, you say that after the man had shouted
18 these words which you thought might be, "This is it", or
19 now, "There he is", the man who had shouted those then
20 leapt off the train and immediately leapt back on. Is
21 that something you can remember?
- 22 A. Yeah, yes.
- 23 Q. You then say that there was a sense of panic in the
24 carriage. Is that panic on the part of you and the
25 other passengers or panic on the part of the people

1 outside the doors?

2 A. It's a really odd thing to try to describe, because my
3 memory is that right in the carriage where we were
4 actually we were all very still, I think maybe because
5 it was so unexpected, and me and the people around me,
6 my memory is that we all sat quite still and were quiet.
7 Further away where I guess people had more of a chance
8 to react, I could feel that there were people getting
9 out of their seats further along the carriage and again,
10 you know, a sense of panic from the passengers. But
11 I also felt that there was a sense of panic from the men
12 in the doorway and a sense that maybe they weren't quite
13 sure what was going to happen next or what they were
14 going to do next and I found that very frightening.

15 Q. You say this in your statement:

16 "I thought that the other men outside the carriage
17 were the man's accomplices [the man who pointed] but
18 that he was the main threat."

19 A. I did think that at the time, yes.

20 Q. When you first saw these various men, what did you think
21 they were about?

22 A. I thought -- I mean maybe what was frightening was that
23 I didn't know what they were about. They -- it was a --
24 it was, you know, a particularly strange day in London,
25 and I guess everybody was nervous about suicide bombers

1 and these men didn't seem to me to be suicide bombers or
2 what you would imagine a suicide bomber to be like, so
3 that confused me for a moment. They, so then I thought
4 maybe, maybe they are a gang, but that didn't seem very
5 likely either. I was very -- I didn't know who they
6 were.

7 Q. You then say this in your statement, so after you have
8 said that about the other men:

9 "There was a lot of shouting from the men standing
10 to my right near to the doors."

11 So is this right, that you are there recalling
12 shouting from the men who were outside the door, now
13 moving in, after you have heard the first man shout,
14 "There he is" or, "This is it" or something like that?

15 A. Yes, something like that, but not -- shouting sort of
16 amongst themselves, I would have said, I didn't feel
17 like they were -- it was very odd. I didn't feel like
18 they were engaging with people in the carriage. They
19 were a group, if that makes sense.

20 Q. That is what I was next going to ask you about. Did you
21 think any of the shouts were directed into the carriage
22 to any of the people there?

23 A. No.

24 Q. In your statement you say from this point on, your
25 memory is of separate short images rather than

- 1 a continuous flow?
- 2 A. Yes.
- 3 Q. So snapshots from this point?
- 4 A. (Witness nods).
- 5 Q. Let us deal with the first snapshot, which is
- 6 paragraph 11 of your statement. You said that you saw
- 7 a gun being presented. Can you describe the snapshot in
- 8 which you saw that gun?
- 9 A. I was looking directly at the -- I think when they all
- 10 came through I had a sense of you know, lots of men,
- 11 lots of guns, sort of everything a bit fast, and then
- 12 I focused and I saw that there was a gun pressed to the
- 13 place where the neck joins the head of the passenger who
- 14 was sitting down to my right. And that was a very sort
- 15 of clear image. But really what I was looking at was
- 16 his face and the expression on his face and the gun and
- 17 the hand. I couldn't tell you who was holding it or
- 18 what else was happening around that, if that makes
- 19 sense.
- 20 Q. Can you remember how many men were around the man to
- 21 your right?
- 22 A. No. I can tell you that there were more than two. You
- 23 know, more than two and less than five.
- 24 Q. In the account that is recorded you gave to the police
- 25 on the day of these events, you are recorded as saying

1 that it was the man who had got up, the man who pointed
2 who then came over and held the gun to the neck of the
3 man to your right?

4 A. Yes.

5 Q. Is that something, another of the things you later
6 worked out was an inaccuracy?

7 A. Very, very quickly I knew that that was wrong, and
8 I would almost go as far as saying that actually when
9 I gave the original statement, I wasn't sure that that's
10 what I meant. I think what happened was I conflated,
11 you know, the fact that he was pointing with his arm out
12 to the fact that there was then another man with his arm
13 out with a gun in it, and I think I just put these
14 things together, and because I had been most frightened
15 of the surveillance officer, I think I just made it into
16 a, you know, a linear thing that happened, and actually
17 that wasn't what I saw.

18 Q. The man who had done the pointing, who you now know as
19 a surveillance officer, do you remember any movement on
20 his part between when you saw him pointing and when you
21 saw the gun to the head of the man to your right?

22 A. Yes. He was, he was -- and this, I think, is why I was
23 assuming he was the kind of person in charge, because he
24 went and he called the armed men in and then he was
25 right with them when they went to the man on my right,

1 and was part of the general -- I can't think of the
2 right word, scrum I am going to say which doesn't sound
3 right but there was a sort of scrum of men, a huddle of
4 men and he was with them.

5 Q. Now on paragraph 12 of your statement, what was the next
6 snapshot you saw?

7 A. This is what I have just described to you, I think,
8 the -- yeah, the man with the -- holding the gun out,
9 and then actually watching as the shots were fired.

10 Q. Okay, but here you give some description of the man
11 holding the gun?

12 A. Yeah.

13 Q. You say, I think, that he was in civilian dress and that
14 he was holding the gun at arm's-length; is that right?

15 A. That is right, yes.

16 Q. You also say that you could see the expression on the
17 man's face who actually had the gun pointed at his neck,
18 that's Mr de Menezes; can you remember anything about
19 that expression now?

20 A. I remember that his eyes were closed and I remember that
21 he had ... you know, it's a hard thing to try to explain
22 but his eyes were closed and he looked almost calm,
23 which again I hesitate to say that, but ... I guess he
24 had a gun pressed, and there wasn't very much he could
25 do about it.

- 1 Q. You then say that you saw flashes and heard a quiet
2 popping noise?
- 3 A. That's right.
- 4 Q. That was the gunshots?
- 5 A. That was the gunshots, yes.
- 6 Q. In the statement you mentioned focusing on the one man,
7 you described the one man; did you see any other men
8 with guns around Mr de Menezes at this point?
- 9 A. I had a sense that there were other men with guns.
10 I remember seeing a man with a longer gun, so there were
11 at least two handguns and then there was definitely
12 somebody with a longer gun. There may have been more
13 but I couldn't say.
- 14 Q. When you heard the shots, was it a continuous sequence
15 of shots or were there breaks in the sequence?
- 16 A. There were breaks in the sequence. The first few shots
17 came very suddenly, there were several of them very
18 quickly, and in fact I think my very first thought was
19 that it was some kind of stun gun or something because
20 it was so fast and then when I saw the blood I realised
21 that that wasn't the case. There was a break and I have
22 a memory of there being more shots after I had left the
23 carriage in fact.
- 24 Q. I had asked you about the shouts earlier on, but let me
25 just ask you this: by the time that you heard the shots

1 starting, had you heard anybody shout anything at
2 Mr de Menezes or in his direction?

3 A. No, I hadn't.

4 Q. Had you heard any shouts from the platform or the area
5 of the platform containing the word "police"?

6 A. No.

7 Q. Had you seen Mr de Menezes get up or move forward in any
8 way?

9 A. No.

10 Q. As you very fairly say, your memory is one of snapshots?

11 A. My memory is one of snapshots, that's true. I would
12 like to say, though, that the thing about whether or not
13 I heard "police", I am very, very clear on because
14 I was -- I absolutely had no idea who they were and
15 I was looking for a clue as to who they might be, and if
16 anybody had said "police", I would have latched on to
17 that, I think.

18 Q. Thank you. After you had heard that sequence of shots,
19 what was your next visual memory?

20 A. My next visual memory was, I was trying to work out what
21 the safest thing was for me to do, and so I was looking
22 for a way out of the carriage. There had been, there
23 had been people between me and both sets of doors, but
24 now I saw that the door to my left was clear, so the
25 next thing that I remember really focusing on was the

1 door and leaving the carriage.

2 Q. At this time, how many people were left in the carriage?

3 A. I couldn't tell you for sure. It felt to me like the
4 carriage had emptied out and that quite a lot of people
5 had left, but it's all so difficult because there were
6 what seemed to be a lot of -- well, a lot of men who
7 I now know were police so it's actually quite hard for
8 me to say who were civilians and who were not.

9 SIR MICHAEL WRIGHT: The door to your left would have been
10 the single door?

11 A. That's right.

12 SIR MICHAEL WRIGHT: Is that the one you actually went out
13 of?

14 A. Yes.

15 MR HOUGH: Once you went out and got on to the platform,
16 could you see any other policemen?

17 A. The man who had the longer gun was standing on the
18 platform, but at the double doors, so the first thing
19 I saw when I left the carriage was somebody with a, you
20 know, quite a large gun.

21 I guess there were other people leaving from other
22 doors of the train, from the carriage.

23 Q. We have heard from others that at this point, so once --
24 the time you had got on to the platform, there were
25 a lot of shouts being shouted for people to clear the

- 1 platform. Could you hear those?
- 2 A. Yes.
- 3 Q. Is this right, and we can deal with your departure quite
- 4 quickly, you went across to the Victoria Line platform?
- 5 A. Yeah.
- 6 Q. We have heard from others that a train was just pulling
- 7 in or was pulling in fairly shortly?
- 8 A. Yeah.
- 9 Q. You got on that train, I think, and that was going
- 10 north?
- 11 A. Yes.
- 12 Q. We have heard from others about the driver of that train
- 13 making an announcement to the effect that he didn't know
- 14 what had happened, but that anyone who had witnessed
- 15 anything should get off at the next open station, which
- 16 was Pimlico, and contact the police?
- 17 A. Yes.
- 18 Q. I think you got off at Pimlico with a group of other
- 19 people, including the couple who had been facing you?
- 20 A. That's right, yes.
- 21 Q. Like them you went to a pub near the station and the
- 22 landlord there contacted the police?
- 23 A. That's right, yes.
- 24 Q. Then a little later a number of police officers arrived?
- 25 A. Quite a long time later, I think, yes.

1 Q. Your account was taken by a police officer called Giles,
2 and I won't ask you to go through any of the details of
3 what he said, but I think that you summed it up in your
4 statement as saying that he was not aggressive to you,
5 but you felt under pressure being asked to remember
6 a lot of details quite soon after when you were still
7 very shaken up?

8 A. Yes.

9 Q. As we have heard, you later had the opportunity to
10 review the account that had been taken and to produce
11 a statement which you think reflected more accurately
12 what you saw?

13 A. Just to be clear, what I did was I made another
14 statement to my solicitor and we gave that to the IPCC
15 and that was when I saw the original statement, so
16 I made the statement I think in August and then, and
17 then I saw my other statement when I handed it over. So
18 I didn't see the original statement and review it, if
19 that makes sense.

20 MR HOUGH: Okay, that's very clear. Thank you very much.

21 Those are my questions. You may be asked questions by
22 others.

23 SIR MICHAEL WRIGHT: There is just something if you can
24 I would like you to expand on. You said that when you
25 saw the group coming -- group of rather large men coming

1 in through the door, everybody immediately around sat
2 still?

3 A. Mm.

4 SIR MICHAEL WRIGHT: But there was a sense from your point
5 of view that people further away were getting panicky
6 and getting up and trying to get out. What you said
7 that I would like you to expand on if you can is that
8 you also got a sense of panic from the men themselves
9 who were coming in. Can you enlarge on that? What was
10 it that you saw or sensed that made you think that they
11 were in a state of panic? I know it's a difficult
12 question, so do your best.

13 A. I think that -- partly I think it was because the man
14 who I now know as the surveillance officer really seemed
15 to me to be frightened.

16 SIR MICHAEL WRIGHT: Yes?

17 A. Or hyped up, maybe, if that's a way to describe it. And
18 when he was calling the other men in, they seemed ...
19 I don't know, it seemed like you know when ... you know
20 when people are full of adrenaline and they move quickly
21 and their movements are a bit jerky, and things just
22 felt like they were a bit out of control, that's what it
23 felt like. I think in a small space like a carriage,
24 you pick up on that kind of thing quickly.

25 SIR MICHAEL WRIGHT: Because they are very close to you.

1 A. Because they are very close, yeah.

2 SIR MICHAEL WRIGHT: Yes, thank you very much. Yes,

3 Mr Mansfield.

4 MR MANSFIELD: No questions, thank you.

5 SIR MICHAEL WRIGHT: Thank you.

6 MR GIBBS: I have no questions, thank you, sir.

7 SIR MICHAEL WRIGHT: Thank you. Mr Stern?

8 Questions from MR STERN

9 MR STERN: I ask questions on behalf of two of the firearms

10 officers who actually fired shots.

11 A. Okay.

12 Q. Can I ask you about your first statement that you made

13 on the day.

14 A. Yes.

15 Q. I know what you said about that. Do you have a copy

16 there?

17 A. I do, yes.

18 Q. If we look at the first page of your statement, it's

19 page 486, just so it can come up on the screen but you

20 look at the typed copy if it's easier for you. What I

21 really want to explore with you is the level of detail

22 that you put in before the incident and then the level

23 of detail at the incident itself. Because I think it's

24 clear from what you have told us that the shock that you

25 were feeling meant that you put in your first statement

1 things that you later thought about that were, I don't
2 know, inaccurate or not full enough. Is that right?

3 A. Yeah.

4 Q. You decided to go and see a solicitor in November 2005?

5 A. In August 2005.

6 Q. Was it in August?

7 A. Yeah.

8 Q. I am sorry, the date of the statement I think is --

9 A. I think the date that it was, that we met with the IPCC
10 was in November. The date of the statement is August.

11 Q. Thank you very much. So you did a further statement or
12 at least spoke about a further statement in August?

13 A. Yes.

14 Q. Then your further statement is actually dated
15 30 November; do I have that right? We have had one or
16 two typing errors in the statements. I just want to
17 check I have it right.

18 A. That's right, and if you would bear with me a moment.

19 Q. Of course.

20 A. (Pause). Somewhere in here it says when I made the
21 statement to my solicitor.

22 Q. I am looking at page 492.

23 A. Yeah.

24 Q. 490 I am told, thank you very much.

25 A. That's right, but somewhere --

1 Q. The second statement, it's an interview on
2 23 August 2005?

3 A. That's it.

4 Q. Is that the bit?

5 A. Yes.

6 Q. Thank you very much, that's very helpful.

7 A. Thank you.

8 Q. Going back to page 486, if we can, please, we can see
9 that you have, and I do not want to go through it in
10 detail, quite a level of detail about what you did
11 before you got on the tube; is that right?

12 A. That's right, and I am frustrated by that, because it's
13 not relevant detail, and --

14 Q. That's why I am not going to go through it.

15 A. No, I know, but I am frustrated that it's there because
16 what it reminds me of is the fact that when I gave my
17 statement on that morning, a lot of time was wasted in
18 my opinion. I didn't offer this level of detail, I was
19 asked for it, and we went over my statement several
20 times, I think about three times, with this level of
21 detail in the hours leading up to before I even got on
22 the train, and in retrospect I think that wasted a kind
23 of period of time when I was focusing.

24 Q. Can we look at page 488, please. I just want to focus
25 on the relevant part which is in the middle of the page.

1 You can see:

2 "A few seconds after the doors opened the white male

3 stood up ..."

4 Can you see that? It's exactly where the cursor is

5 at the moment.

6 A. Yes, I can see that.

7 Q. "... crossed directly in front of me and went to the

8 open double doors. I watch[ed] him open the doors at

9 a fast pace but not running, he appeared to get off the

10 carriage and then jump back in as I heard someone or

11 some people shouting in an urgent manner and tone,

12 I couldn't decipher what was being shouted at the time

13 but distracted my attention from the white male to the

14 source of the shouting outside the carriage ..."

15 That I think is the way you put it there; yes?

16 A. Yes, yeah.

17 Q. "... I then turned my attention back to the original

18 white male ..."

19 He is the one who was sitting next to you before?

20 A. That's right.

21 Q. He was the one who you perceived as the real threat,

22 wasn't he?

23 A. He was, yes.

24 Q. And:

25 "... I then turned my attention back to the original

1 white male and saw that he was now stood with his back
2 to the open double doors ..."

3 You have told us about that?

4 A. Mm.

5 Q. "... his right arm was extended ..."

6 Yes?

7 A. Yes.

8 Q. "... and he was holding what I saw to be a dull coloured
9 black gun which was small in size, the barrel of the
10 small gun was pointed at and touching the neck of
11 a black male who was dressed in a suit sat on a seat in
12 the same side of the carriage as myself."

13 A. Yes.

14 Q. Obviously that was your honest attempt at the time to
15 record what happened, I am sure?

16 A. It was, and obviously it's not what I recall now, and in
17 fact the -- what I would really like to try to make
18 clear is that even when this was being written down,
19 I wasn't sure and I was really under pressure to look at
20 a memory that was very recent and frightening and to
21 make it into something that fitted with what we thought
22 had just happened.

23 Q. So those were your feelings at the time, and you
24 recorded there, and I think you signed this witness
25 statement, did you not?

1 A. I did, yeah.

2 Q. The other matter that I just want to ask you about,
3 please, and we will go to the statement because it will
4 be easier for you, I hope, can I just ask, please, that
5 page 494 come up on the screen. I am interested in the
6 top paragraph, please. That will help in letting
7 everybody see it because it comes up larger.

8 You talk about remembering watching the man go
9 towards the door and seeing "this broad shoulder". I
10 assume that means "his broad shoulders":

11 "There were suddenly a lot of men at the door and
12 there was some shouting. At the time I thought one
13 person was shouting, 'This is it'..."

14 This is one of the things you remembered afterwards?

15 A. What, sorry?

16 Q. It wasn't in your first statement but it was something
17 that you had remembered afterwards?

18 A. It was something that I -- it was something I remembered
19 I think probably even at the time but I wasn't asked
20 about it very well, I would say.

21 Q. Right:

22 "... and thinking that something really awful was
23 about to happen and that we were all going to die. Now
24 I think that he was probably shouting, 'There he is'.
25 The man leapt off the train and immediately leapt back

1 on. There was a sense of panic. I thought that the
2 other men outside the carriage were the man's
3 accomplices but that he was the main threat."

4 That's the point that you have spoken about today.

5 A. Yes.

6 Q. Then it says:

7 "There was a lot of shouting from the men standing
8 to my right near to the doors."

9 That's right, is it?

10 A. Yes.

11 Q. But you can't recall what was shouted, at least you have
12 not told us about that?

13 A. There was -- there was shouting, "Get off the train",
14 that kind of thing, and again I think as I said before
15 there was, they were shouting at one another as well, it
16 seemed to me.

17 Q. But at the time, you have not included what was said at
18 that point?

19 A. Not at that point. I think there is somewhere else
20 where it says that I heard shouts of, "Get off the
21 train".

22 Q. I am just going to come to it, page 495, paragraph 15?

23 A. Yeah.

24 Q. This is after the shooting you include it?

25 A. Yes.

- 1 Q. "I remember hearing people shouting 'run', 'everybody
2 out' and 'everybody off the train'."
- 3 Those were the words that you recall?
- 4 A. Yes.
- 5 Q. Thank you.
- 6 A. Okay.
- 7 Q. Just one other matter, if I may, please. You went to
8 a pub, and I forget the name of it, is it The Gallery?
- 9 A. I don't know what it was called.
- 10 Q. You went to a public house with, we know the two people
11 who were opposite, and presumably others as well?
- 12 A. A few others, yes.
- 13 Q. No doubt, I think we have already heard, you were
14 watching what was happening on the television perfectly
15 understandably, because this had been something
16 obviously outside your experience before, at least
17 I hope it was?
- 18 A. Yes.
- 19 Q. Obviously there was discussions amongst you and I'm not
20 going to ask you about that. Presumably you were all
21 talking about that. But during the course of the
22 discussion, I think the man who had been sitting
23 opposite you, he indicated to you that he thought the
24 people who were shooting were police officers?
- 25 A. What he said was something along the lines of that he

1 had felt that they were good guys, he said, and in the
2 context of -- this was also, this was after we had been
3 watching the news, and I think he said: oh well, that
4 makes sense because I thought they were good guys, so
5 that must mean they were police officers; something
6 along those lines. Something that I remember very
7 clearly is how little any of us understood about what
8 had happened, and how -- well, how our first impulse was
9 to call the police because we thought we needed to tell
10 the police that something illegal had happened,
11 ironically.

12 MR STERN: Thank you very much.

13 SIR MICHAEL WRIGHT: Yes. Mr Penny?

14 MR PENNY: No, thank you.

15 SIR MICHAEL WRIGHT: Mr King?

16 MR KING: No, thank you, sir.

17 SIR MICHAEL WRIGHT: Mr Horwell?

18 MR HORWELL: No, thank you.

19 MR MANSFIELD: Sir, I wonder if I can raise a matter in the
20 absence of the jury.

21 SIR MICHAEL WRIGHT: Yes, certainly. And the witness?

22 First of all, can we let the witness go?

23 MR MANSFIELD: No.

24 SIR MICHAEL WRIGHT: Ladies and gentlemen, would you like to
25 withdraw to your room for a moment. Ms Dunwoodie, do

1 you mind standing down for a moment? We will have to
2 ask you just to go out into the corridor.

3 (10.50 am)

4 (In the absence of the jury and the witness)

5 (11.03 am)

6 (In the presence of the jury and the witness)

7 Further questions from MR HOUGH

8 SIR MICHAEL WRIGHT: Sorry to drag you back, Ms Dunwoodie.

9 A. That's okay.

10 SIR MICHAEL WRIGHT: There are a couple more questions.

11 I hasten to say that the interruption was in no way your
12 fault.

13 A. Good, thank you.

14 MR HOUGH: Thank you for your patience. Just a couple of
15 matters arising out of what Mr Stern asked you.

16 A. Okay.

17 Q. He asked you about your first account, but I think the
18 position is, as you have already said, absolutely
19 clearly, you stick to the account you gave in your more
20 complete second statement and insofar as the earlier
21 account differs from it, you stick to the account that
22 you have given us and the account in the second
23 statement?

24 A. Yes, that's absolutely right.

25 Q. And insofar as there is any difference, that may have

1 been accounted for by the circumstances in which you
2 gave the first account, the pressure we have talked
3 about, and we don't need to go into any of the detail of
4 that, but that may account for the difference?

5 A. Okay, yes.

6 MR HOUGH: Thank you very much.

7 SIR MICHAEL WRIGHT: Thank you very much, Ms Dunwoodie.

8 Thank you for coming. I am very sorry we have had to
9 put you through the ordeal of having to remember all of
10 this again, but that's the end of it. You may stand
11 down. Thank you very much.

12 A. Thank you.

13 (The witness withdrew)

14 MR HOUGH: The next witness is Simon Dixon, sir.

15 MR SIMON DIXON (sworn)

16 SIR MICHAEL WRIGHT: Thank you, Mr Dixon, please sit down.

17 A. Thank you.

18 Questions from MR HOUGH

19 MR HOUGH: Is your name Simon Dixon?

20 A. It is.

21 Q. As I think you know, I'll be asking you questions first
22 on behalf of the Coroner, and then you may be asked
23 questions by others.

24 A. Okay.

25 Q. You also were a witness to events in a tube carriage at

1 Stockwell station on 22 July 2005?

2 A. Correct.

3 Q. You were interviewed by the IPCC in August of 2005 and,

4 I think, 12 August?

5 A. That is correct.

6 Q. A witness statement of your account was produced on

7 30 August?

8 A. Yes, I think that is correct.

9 Q. I think you have a copy of that statement to hand?

10 A. I do.

11 Q. If you get it out and have it in front of you, that may

12 help you at times. As we have reiterated to everybody,

13 this is not a test of their memory some years on.

14 Now, going back to the events on that morning,

15 I think you boarded the Northern Line northbound tube at

16 Tooting Bec?

17 A. I did.

18 Q. I think you got on this carriage we have been hearing

19 about, which was towards the front of the train?

20 A. Yes.

21 Q. In your statement, you say that you sat in a seat second

22 from the end of the carriage?

23 A. That's right.

24 Q. Can we have on screen page document 973. This is

25 a sketch which you drew. Can we please zoom in, if

1 possible, on the central part so that we can focus on
2 it. This is a plan of the entire station area rather
3 than just the carriage. Do you see there arrow pointing
4 to "my carriage" and "my position"?
5 A. Yes.
6 Q. Can we move from there to page 35 -- tab 35 of the jury
7 bundle, rather. You have been positioned here at the
8 left-hand end of the carriage, just at the bottom of the
9 screen. Can you see that?
10 A. Yes, I can.
11 Q. Is that an accurate representation of where you were
12 sitting?
13 A. It is.
14 Q. So is this right, that when the train got to Stockwell,
15 you were on the platform side of the carriage and at
16 that end?
17 A. I was.
18 Q. After you settled down in your seat at Tooting Bec, did
19 you begin reading a newspaper?
20 A. I did.
21 Q. At that stage, when you were first on the train, how
22 busy was the carriage in general?
23 A. At Tooting Bec it was quite quiet. In the bank of seats
24 in which I was sitting, there were probably three
25 people, probably similarly busy throughout the carriage.

1 Q. As it went through the intervening stops on its way
2 north to Stockwell, did it fill up at all?

3 A. It did.

4 Q. How busy was it by the time you got to Stockwell?

5 A. It's difficult to say, moderately busy. The number of
6 people that are shown on this exhibit I am looking at is
7 probably about right. I wasn't aware of anybody
8 standing in the carriage, nor were all of the seats
9 filled.

10 Q. Thanks very much. We can have that off screen. When
11 you got to Stockwell, was the train held in position for
12 some minutes?

13 A. It was.

14 Q. Were the doors open for that period?

15 A. They were.

16 Q. I am on page 2 of your statement. About halfway down
17 the page, you say that it was held there with the doors
18 open for between three and five minutes?

19 A. Approximately, yes.

20 Q. As you were seated there, could you tell what was
21 keeping the train in position?

22 A. It was difficult to say. I mean, given the problems
23 that had been experienced the previous day, particularly
24 at Oval tube station, I don't think anybody on the tube
25 would have thought it unusual for there to be a delay at

1 Stockwell, being the preceding station. So I just
2 assumed it was one of those delays and we would proceed
3 as and when the coast was clear.

4 Q. But no announcements from the driver?

5 A. No announcements whatsoever.

6 Q. Did the time come when you became aware of a noise
7 behind you?

8 A. Yes, probably at the end of that three to five-minute
9 period I have talked about. I first became aware, as
10 I say, I had my back to the platform, there was a noise
11 over my right-hand side -- right-hand shoulder, which
12 initially sounded as I described it I think in my
13 interview, as being just like a group of men running for
14 the train who had probably got to the bottom of the
15 escalator, thought it was about to go and were all
16 shouting to each other and hurrying along together.

17 Q. Where did you look?

18 A. Over my right shoulder.

19 Q. What did you see through the windows of the train?

20 A. I saw four men who appeared to have just emerged from
21 the concourse at the foot of the escalators coming on to
22 the platform.

23 Q. What did they look like?

24 A. I immediately recognised them as being police officers.
25 I think I focused on one of them who appeared to be

1 wearing a banded hat and was carrying a submachine gun.

2 Q. In your statement you say that it looked like a Heckler
3 and Koch machine gun?

4 A. Yes, I am not a firearms expert, but it was the same
5 kind of machine gun as are carried by security officers
6 at airports.

7 SIR MICHAEL WRIGHT: I suppose we ought to ask you: are you
8 a policeman?

9 A. No, sir.

10 MR HOUGH: We know what his occupation is.

11 SIR MICHAEL WRIGHT: The jury might be wondering.

12 MR HOUGH: What were they wearing other than the man wearing
13 the chequered cap?

14 A. They were all wearing dark clothing. The -- my focus
15 was on the man who was closest to me. I can only
16 describe it as -- they were in effectively a diamond
17 formation, if you like. The person that I was looking
18 at would have been on the left-hand side of the diamond
19 formation. There was a person in front of him and
20 probably the person on his right was slightly more
21 advanced as well. My focus was on the person who was
22 closest to me. They all appeared -- I have a general
23 impression that everybody was wearing dark clothing and
24 I certainly didn't look at them and think that there was
25 one policeman with civilians. It appeared to me as

- 1 though this was a group of police officers moving along.
- 2 Q. What about height, build, skin colour?
- 3 A. They were all white. They were probably all about my
- 4 age, mid-to late 30s, probably of a similar height,
- 5 between about 5-foot 9 and 6 feet tall.
- 6 Q. You said in your statement you thought they were all
- 7 wearing the chequered caps; is that right?
- 8 A. I couldn't say for certain, I couldn't say for certain.
- 9 As I say, I probably formed my impression of them from
- 10 the person that I was looking at.
- 11 Q. Were you next very shortly aware of something else
- 12 happening?
- 13 A. I was. The next thing that I think I became aware of
- 14 was a general sense of disquiet or unrest or possible
- 15 panic from the other end of the carriage. I have
- 16 a distinct memory of hearing a girl's voice cry out
- 17 something like, "Oh God" or, "Oh my God", something said
- 18 in horror or in panic or something like that.
- 19 Q. By someone inside the carriage?
- 20 A. By someone inside the carriage.
- 21 Q. Further down to your right?
- 22 A. Further down to my right. It would have been the bank
- 23 of seats at the opposite end of the carriage rather than
- 24 the middle bank of seats.
- 25 Q. When you heard that shout or scream, where did you look?

1 A. I can't say. At this point my perception of the timing
2 becomes slightly awry. As I say I am aware that the
3 first thing I experienced was the noise behind me which
4 made me turn around and look. The second thing that
5 I am aware of experiencing is that noise that I just
6 explained to you. But after that I can't explain where
7 I was looking. I believe that I was looking down the
8 carriage, but I may have looked back over my shoulder
9 again to the platform to see if anybody else was
10 following.

11 Q. Did you shortly see something that was happening in the
12 carriage?

13 A. Yes, well, again at this point, I have probably more
14 freeze frame images, not completely freeze frame, but
15 I became aware of -- there were two things and I'm not
16 quite sure of the order in which these two things
17 happened.

18 Firstly there was movement, a struggle, I was aware
19 that the people who I had just seen over my shoulder
20 had, I think, entered into the carriage at the other set
21 of double doors, not the ones nearest to me on my
22 immediate right, the set further down. So I became
23 aware of them entering the carriage. I became aware of
24 movement, a struggle, something happening.

25 As I say, separate to that, as a separate experience

1 but around the same time I experienced and heard these
2 shots, and the movement that I was looking at, I have --
3 it ended up in this snapshot I think I have described in
4 my witness statement of these people being or somebody
5 being on the floor of the carriage with police officers
6 standing over him or her or around him or her.

7 Q. Okay, let us take that in stages. You are aware of the
8 men moving along the carriage behind you, which you had
9 looked over your shoulder to see?

10 A. Yes.

11 Q. You then see some movement of those men into the
12 carriage?

13 A. I believe so, yes. It would have been those men into
14 the carriage.

15 Q. Then did you see something inside the carriage?

16 A. Yes. Well, the next definite thing I saw was a movement
17 of somebody being dragged to the floor in the carriage,
18 so I didn't see anything in between, I don't think,
19 between the men entering the carriage and this other
20 image that I describe of somebody being pushed to the
21 floor and surrounded by men with guns.

22 Q. Okay, I am looking at page 3 of your statement, and I'm
23 just going to read what you say there. It's the first
24 main paragraph which is about a fifth of the way down,
25 and a few sentences down, you say that after you had

1 heard the scream, you saw that:

2 "... there were about four or five officers on the
3 carriage, a mixture of uniformed officers who were
4 wearing the banded caps and plain-clothed officers
5 holding guns and appeared to be pinning someone to the
6 floor."

7 A. That's correct.

8 Q. You then say:

9 "There were two guys who had their backs directly to
10 me."

11 You then from that point on refer to them as "left"
12 and "right" respectively?

13 A. That's right.

14 Q. You say that they were not the same men that you
15 initially saw running on to the platform?

16 A. I think that's right.

17 Q. You think that's right but --

18 A. I think that's right. I am relying now on my statement
19 rather than my memory on that point.

20 Q. You then say that you don't know -- in the statement you
21 say you didn't know where the men who you had seen on
22 the platform went?

23 A. I think that's right.

24 Q. Then you say that inside the carriage, so the people you
25 are seeing inside the carriage, formed a tight

1 formation?

2 A. Yes, that's right.

3 Q. Looking back on it now, can you describe the -- and use
4 your statement by all means -- can you remember what the
5 formation looked like?

6 A. It appeared to me as though there was somebody -- we are
7 talking here now about the area in front of the double
8 doors towards the right-hand side of the carriage -- it
9 appeared to me as though there was somebody on the
10 floor, although I couldn't see the person on the floor,
11 if there was a person, that was being pinned down by
12 an officer on the left-hand side who seemed to be
13 kneeling down, an officer I believe on the right-hand
14 side, an officer stood over him with a submachine gun,
15 and it appeared to me as though there was somebody laid
16 possibly on or around this person who may have been on
17 the floor.

18 Q. Now, these two officers on the left and on the right,
19 was either of them carrying anything that you could see?

20 A. No, I think the only gun that I saw throughout the whole
21 episode was the submachine gun that I have described.

22 Q. You refer in your statement to the officer on the right
23 being the one who had the submachine gun; is that what
24 you recall now?

25 A. I'm hesitating on that because I think that's

1 inconsistent with what I am saying in the statement, so
2 I think that the person that I saw with the submachine
3 gun was the same person that I had seen on the platform.
4 If I am talking about people as being left and right,
5 they may have been other officers or other people, shall
6 we say.

7 SIR MICHAEL WRIGHT: You didn't at any time see any
8 handguns?

9 A. No, sir.

10 MR HOUGH: Now --

11 A. Sorry, actually can I go back to a point I was making to
12 the Coroner. Until I got off the train at that point.

13 SIR MICHAEL WRIGHT: I meant during this episode.

14 A. No, no handguns during this episode.

15 MR HOUGH: The two men on the left and the right, you have
16 told us about their positions; could you see any
17 movement or what they were doing on their part?

18 A. The only impression of movement that I have is -- this
19 wasn't a completely static image that I have in my mind.
20 It was definitely a movement of somebody being brought
21 to the floor of the carriage, but what preceded it
22 I don't know. As I say, I have only -- whatever the
23 occurrence was, I am looking at the final part of it,
24 the final part of the action, and I don't know and I do
25 not have a recollection of what happened immediately

1 preceding that.

2 Q. Were there any people or anything else obstructing your
3 view as you looked down to the right?

4 A. At that stage, no.

5 Q. But is this fair to say, based upon what you have just
6 told us, you just couldn't say one way or the other what
7 the person as we now know him to be, whom they were
8 confronting, had done before the confrontation?

9 A. No. No.

10 Q. Before the confrontation took place, or at any time up
11 to the confrontation, had you heard anything said or
12 shouted other than what you thought was a scream of, "Oh
13 God"?

14 A. The noise that I initially heard -- I should explain
15 that I was sitting on the carriage, reading my
16 newspaper -- something then roused me from there. The
17 noise was -- as I say, when I think about it being
18 a group of men running for the train, it's because the
19 references were "here", "this way", "over here". So
20 that was the first noise that I heard. When I then turn
21 over my shoulder and see them, as I say, I am looking at
22 police officers then, who are still shouting, although
23 I can't see that they are shouting to anybody because
24 all I can see are the four officers that I am looking
25 at.

- 1 Q. After your attention has been drawn to those officers
2 poised over something, you thought, on the floor, did
3 you hear anything?
- 4 A. No. Well, apart from the gunshots obviously.
- 5 Q. Let's go to those. Can you describe the gunshots, how
6 many, what type of shots?
- 7 A. I heard between six and eight shots, I thought. They
8 were very distinct shots to my recollection, fairly
9 evenly spaced, over a period of -- it's difficult to
10 say, but a few seconds.
- 11 Q. Any break in the sequence of shooting?
- 12 A. Not that I heard. They were all fairly clipped,
13 distinguishable shots, as I say, from what I recall.
- 14 Q. You say in your statement, I am on page 4 of it, if that
15 helps, about a quarter of the way down, that you first
16 thought that the shots had been fired with the machine
17 gun which you had seen being carried by one of the men
18 in the carriage?
- 19 A. Yes.
- 20 Q. But you go on to say you didn't actually see the
21 gunfire?
- 22 A. That's correct.
- 23 Q. You deduced it from the fact that that was the only gun
24 you had seen?
- 25 A. That's right, and as I say, it's difficult for me to

1 recall exactly the sequence of events between the actual
2 hearing of the gunshots and seeing this image, and I
3 think probably in my mind initially I overlapped the two
4 and probably put one together and got three of course.

5 Q. During this whole fast-moving incident, you have
6 referred to the officers being formed around something
7 which was beyond them as far as you were looking. Could
8 you see anything during this whole confrontation about
9 what or who they were poised over?

10 A. No, I couldn't.

11 Q. During this confrontation, you had obviously seen the
12 police caps on some people. What did you think that the
13 people you were looking at were doing?

14 A. It appeared to me as though they were, given the events
15 and the context in which this was happening and the
16 events of the previous day and two weeks earlier to
17 that, I presumed they were apprehending a suicide
18 bomber.

19 Q. You say this in your statement, page 4, about two-thirds
20 of the way down:

21 "I felt the whole situation was under control and
22 ordered. By that, I mean that they seemed to know what
23 they were doing, I wasn't aware of any massive struggle
24 or indecision, it seemed that they all knew exactly what
25 their roles were and carried them out very efficiently.

1 I wasn't conscious of any shouting or great problems."

2 Does that summarise the atmosphere, as you saw it?

3 A. Within the context of the events within the carriage,

4 yes, that's correct.

5 Q. Before the shots actually rang out, did you hear

6 anything said or shouted clearly within the carriage?

7 A. No, I didn't.

8 Q. After you had heard the shots ring out, did you hear

9 anything at that stage either from the platform or

10 within the carriage?

11 A. At that stage within the carriage there was numerous

12 shouts of, "Get off", "Get off, "Get off", one of which

13 I think was coming -- one of the shouts was coming from

14 an officer who appeared nearer to me, so in the

15 left-hand set of double doors.

16 Q. At that stage, were you able to see over to your right

17 what or who the officers had been poised around?

18 A. No, my view was still obscured by the backs of the

19 officers in question.

20 Q. Did you at any point see that?

21 A. No, I didn't.

22 Q. In your statement, I am looking at the top of page 5,

23 you say that you were unable to see the orientation of

24 the person on the ground:

25 "... although I believe he was lying diagonally with

1 his head pointing in a northeast position if I was due
2 south."

3 Looking back at that, did you actually see the
4 person on the ground or is that a deduction you are
5 making from the position of the officers you saw?

6 A. That's correct, a deduction.

7 Q. At this stage, after the shots had been fired and after
8 events are going on in the carriage as you have
9 described, what did you do or where did you go?

10 A. At this stage I was still looking down the carriage, but
11 I was aware, as I say, of this person in front of me in
12 this set of double doors next to me on my right.

13 I stood up and immediately walked off the carriage,
14 probably at or around the same time as numerous other
15 people in the carriage were doing the same thing.

16 Q. I think you then left the platform and you were then
17 directed out of the station by a plain-clothes officer
18 with a gun?

19 A. That's correct, there was -- in the -- at the entrance
20 and exit from the platform, there was a plain-clothes
21 officer stood in that gap, again directing all of us,
22 pointing, I think, up the escalators and again shouting,
23 "Get out" or, "Get off" or words to that effect.

24 Q. I think you then left the station and, because there was
25 nothing to hold you there and nobody was keeping people

1 there, you walked off in the direction of Clapham?

2 A. Yes, I mean, that's absolutely correct. The first
3 thought that went through my mind was obviously to get
4 out. We didn't know what was going on. There was
5 general confusion around, so it was quite clearly a case
6 of self-preservation kicking in and getting up the
7 escalators really as fast as you could.

8 Q. But then, is this right, you contacted the police in
9 order to give your account?

10 A. I did. What happened was I -- when I exited the tube
11 station, I walked about 200 yards down the road to get
12 away from the scene as far as I could, obviously not
13 knowing what was going on, not knowing if we were
14 talking about a situation of bombs or suicide bombers or
15 whatever. At that stage then I made phone calls to my
16 family, to my wife and to my father to tell them that if
17 they heard anything that I was fine and also to explain
18 what I had seen. A person walked past me, obviously was
19 aware that people were streaming out on to Clapham Road,
20 just a passerby, so I explained what I had seen and at
21 that point another witness came up to me and said:
22 blimey, you must have been on the same carriage as me,
23 words to the effect of what was all that about then.

24 We didn't talk specifically about it, more almost
25 just about: did you see it; yes, I saw it; what are you

1 going to do now. We both decided that we would go home,
2 at which point I walked back towards Clapham and then
3 jumped in a cab to my home. At that stage arriving at
4 home, it was a very surreal situation. I mean, the
5 story hadn't even really broke. I had made the taxi
6 driver put the radio on in the cab, but of course at
7 this stage now, it's only 10 or 15 minutes after the
8 shooting had occurred.

9 When I get home, I go and sit in my back garden and
10 I'm almost twiddling my thumbs just thinking: was that
11 real, did what I see actually happen. I think the first
12 thing I did was I phoned a friend of mine who is a BBC
13 journalist and said: have you heard anything about this,
14 do you know what's going on. Then off the back of that
15 I spoke to one or two journalists, following which
16 I then put the TV on to see the story breaking on the
17 television, and to see obviously the immediate aftermath
18 and soundbites and so forth; and then it suddenly
19 occurred to me probably about an hour and a half later
20 that nobody knew that I was there. I had obviously
21 walked away. Nobody knew that I had been on the
22 carriage, and so I then didn't really know what to do,
23 but of course at the bottom of the TV broadcast was the
24 anti-terror hotline number going across, so I thought
25 I would phone them. It was an obvious thing to do in my

1 mind. So I phoned them, I spoke to the operator who
2 said to me, "Yes, I am sure that the police will be very
3 interested to talk to you", and so I left all my details
4 with them. As I said, that was probably then late
5 morning on that Friday.

6 MR HOUGH: Thank you very much. Those are my questions.

7 SIR MICHAEL WRIGHT: Thank you.

8 MR HOUGH: Mr Mansfield?

9 MR MANSFIELD: Thank you, I have only got two questions,
10 very quick.

11 Questions from MR MANSFIELD

12 MR MANSFIELD: Good morning, Mr Dixon, I represent the
13 de Menezes family. Just two things. One is that you
14 have said on more than one occasion, and I appreciate
15 that it's an estimate, that from the time you turned
16 round to look at the group of four or five, to the time
17 you heard the crack of shots, was in your estimate, it
18 was a split second, it was seconds only?

19 A. It's very difficult to say. I think the one thing that
20 I am aware is flawed in my experience are the timing
21 issues, so it's difficult to say whether we are talking
22 about half a second, two seconds, five seconds. It was
23 almost instantaneous in my mind and in what
24 I experienced.

25 Q. At no stage did you hear anybody identify themselves as

1 police officers during that very quick series of events?

2 A. That's correct.

3 MR MANSFIELD: Thank you.

4 SIR MICHAEL WRIGHT: Mr Gibbs?

5 MR GIBBS: No questions, thank you.

6 SIR MICHAEL WRIGHT: Mr Stern?

7 MR STERN: No questions.

8 SIR MICHAEL WRIGHT: Ms Leek?

9 MS LEEK: No, thank you, sir.

10 MR PENNY: No, thank you, sir.

11 MR KING: No, thank you, sir.

12 MR HORWELL: No, thank you, sir.

13 MR HOUGH: Thank you very much, Mr Dixon.

14 SIR MICHAEL WRIGHT: Thank you very much, Mr Dixon. That is

15 it. As with all the other witnesses, you are free to

16 stay or go as you wish.

17 A. Thank you, sir.

18 (The witness withdrew)

19 SIR MICHAEL WRIGHT: Twenty to, please, ladies and

20 gentlemen.

21 (11.30 am)

22 (A short break)

23 (11.45 am)

24 (In the presence of the jury)

25 MR HILLIARD: The next witness is Mr Preston, please.

1 MR ROBERT PRESTON (affirmed)

2 SIR MICHAEL WRIGHT: Thank you, Mr Preston, please sit down.

3 Questions from MR HILLIARD

4 MR HILLIARD: Is your name Robert Preston?

5 A. That's right.

6 Q. Mr Preston, I am going to ask you some questions first
7 of all on behalf of the Coroner, and then you may be
8 asked questions by others.

9 First of all, I think, if I get the dates right,
10 22 July 2005 and 15 August 2005, I think you made
11 witness statements following interviews that you had had
12 with the police; is that right?

13 A. I had two interviews, yeah.

14 Q. Right, and the longer statement is the second one, is
15 this right, dated 15 August 2005?

16 A. Yes, that's correct, yeah.

17 Q. You can have all those documents in front of you.
18 I think I am going to work from the longer 15 August
19 statement, if that helps.

20 A. Okay.

21 Q. So we will use that if we need to. Going to
22 22 July 2005 itself, I think you were on a Northern Line
23 train northbound that you had got on at Clapham Common
24 tube station, is this right, in the morning?

25 A. That's correct, yes.

- 1 Q. I think you had got on it at about five to 10, something
2 like that, you thought?
- 3 A. I was running late, yes.
- 4 Q. If we just look for your position, I am going to ask
5 that divider 35 in the jury bundle goes up, can you see
6 where you have been marked on this plan?
- 7 A. Yes, I can, yeah.
- 8 Q. You see the carriage and then you have been marked as
9 nearer to the right-hand set of double doors; correct?
- 10 A. Yes, the fold-down chairs, they were, yes.
- 11 Q. Are you satisfied that that was the seat you were on or
12 thereabouts?
- 13 A. That's -- that looks roughly where I was, yeah, I don't
14 recall people sitting next to me, that's the only thing.
- 15 Q. Looking at your statement, you say that the carriage was
16 quiet, and you thought there were about 15 to 20 people
17 in it who were all sitting down?
- 18 A. That's correct, really didn't pay much attention, to be
19 honest.
- 20 Q. When you came into Stockwell station, is this right, we
21 know from the layout of the station and this carriage,
22 you had your back to the platform, correct, when the
23 train came in?
- 24 A. Correct.
- 25 Q. Do you remember the doors opening at Stockwell?

- 1 A. Not very clearly, I was reading my paper at the time.
- 2 Q. I am looking at your statement, if you have the second
- 3 page, count eight lines down, do you see you have
- 4 described the train stopping at the station for a couple
- 5 of seconds with the doors open?
- 6 A. Yes.
- 7 Q. Do you remember that?
- 8 A. Yeah.
- 9 Q. Did you then hear something that attracted your
- 10 attention?
- 11 A. Enough that I put down my paper and actually had a look,
- 12 yeah.
- 13 Q. You were up to this point reading the newspaper?
- 14 A. That's right, as I normally do.
- 15 Q. Something makes you put that down?
- 16 A. A disturbance, yeah.
- 17 Q. Where was the disturbance coming from?
- 18 A. The platform.
- 19 Q. From the platform, and were you able to say whether it
- 20 was right outside where you were sitting or in one
- 21 direction or the other or couldn't you say?
- 22 A. I couldn't say.
- 23 Q. What form did the disturbance as you heard it take at
- 24 that stage?
- 25 A. I can't really describe it. Just enough that I would

1 put down my paper. I do not have a clear recollection.

2 Q. Was it the noise of something or of people?

3 A. Abnormal, enough to put down my paper. I can't really

4 describe what I felt --

5 Q. Right?

6 A. -- at all there. It was enough that -- normally at tube

7 stations, I carry on reading the paper and I would be

8 oblivious to everything until my stop, but I did

9 actually stop and --

10 Q. Let us have a look at your statement and see if that

11 helps you at all as to what the sound was. Do you see

12 you say that:

13 "The train is at Stockwell for a couple of seconds

14 with the doors to the carriage open. At this stage

15 I heard noise like loud shouting and I could not really

16 distinguish the words that well at this stage, but

17 I could just hear the noise approaching."

18 A. That sounds correct, yeah.

19 Q. With your memory refreshed from that, does that sound to

20 you as if that's what the noise was, loud shouting?

21 A. Now, my recollection of the whole event is very, very

22 shaky so I would trust my statement.

23 Q. Can you see you have described in your statement there

24 putting your newspaper down as you have told us?

25 A. Yes.

1 Q. Again, you go on to say as you have told us:

2 "The shouting sounded as though it was coming from
3 the platform although I couldn't actually see where it
4 was coming from."

5 You have told us that?

6 A. Yeah.

7 Q. Finally on this aspect, you go on to say, I don't know
8 if you have any recollection of this now:

9 "Although I couldn't distinguish the words, the tone
10 of the shouting was very sharp. It was definitely not
11 just normal background noise. There was something
12 abnormal. I could not distinguish how many voices were
13 shouting but recall that it was a male voice."

14 A. Yes.

15 Q. Do you have any recollection of that now?

16 A. No.

17 SIR MICHAEL WRIGHT: But again --

18 A. Again I trust my statement. My statement was pretty --
19 I was very clear at the time. Obviously now, the length
20 of time, it's very unclear now.

21 MR HILLIARD: Of course, right.

22 So we have got you sitting there?

23 A. Yes.

24 Q. You have heard the noise, you have put your paper down.

25 That's what you have heard. Did you then see something?

- 1 A. Yeah, obviously as my statement says I saw a man get on
2 to the tube.
- 3 Q. Right, and did you see whereabouts he got on, the man?
- 4 A. Well, he got on through the double doors right by me.
- 5 Q. So we just put 35 back on the screen?
- 6 A. Yeah.
- 7 Q. So that's on the double doors just to your right?
- 8 A. That's correct, yeah.
- 9 Q. Right. Yes, what did he do? We will leave that there
10 for the moment.
- 11 A. My recollection is he stopped in the centre of the
12 carriage, looked left and right as he would, anybody
13 would to look for seats, deciding on which one to go to.
14 I made eye contact.
- 15 Q. You made eye contact?
- 16 A. Yes. He looked scared or something -- like something
17 was wrong, I can't really recollect how he looked now,
18 but I very clearly remember the fact that, you know, it
19 was abnormal enough for me to stop and you know,
20 actually have a look properly rather than carry on
21 reading my newspaper. Yeah, they basically headed
22 towards the seats, obviously made a decision to go
23 right, which would make sense on the diagram because
24 there would be less people there.
- 25 Q. Yes?

1 A. Let me read. (Pause). Yeah, I just remember him not
2 sitting down, that was my last clear image really of
3 him, and then I was sort of distracted by other noises.

4 Q. Let us pause for a minute. I will ask that we put
5 a little sketch that you drew under the document camera.

6 A. Yes, that's fine.

7 Q. We are going to need the writing -- if we just look at
8 "direction of travel" is what you have written over on
9 the left?

10 A. Yeah, the dotted line --

11 Q. No, on the left of it, do you see, direction of travel,
12 you are just showing the direction the train is going
13 in?

14 A. That was my impression, yeah.

15 Q. I will ask that we move over, we will get rid of that,
16 now we know what that says, so that we can get the
17 writing in. "platform Stockwell", yes, we can see that?

18 A. Yes.

19 Q. Then moving along, do you see:
20 "Robert Preston sat here."

21 A. I was unsure if I had sat on the fold-away seats or on
22 the end. I remember being at the end but I wasn't sure.

23 Q. That's right -- so that's the reason for those two Xs;
24 is that right?

25 A. That's correct.

- 1 Q. That's fine. Can we move it more to the left so we can
2 get in the writing at the right-hand side. Thank you
3 very much. If we move across, then there is a dotted
4 line, isn't there, coming from above, "Robert"?
- 5 A. Yeah.
- 6 Q. Then it goes to a circle, isn't there?
- 7 A. That's where he stopped, yeah, to represent the stop.
- 8 Q. Then it goes over to the right, doesn't it, that dotted
9 line?
- 10 A. Yeah, that's correct.
- 11 Q. Now, written beneath the seats, I don't know if we can
12 get it in better focus but I think it says "Asian
13 male" --
- 14 A. My description of "Asian male" was I could not tell the
15 race but --
- 16 Q. I am going to come on to that, don't worry. Does that
17 say "Asian male stopped"?
- 18 A. Number 1 would be where -- like the circle in the centre
19 is where he stopped and then he proceeded onwards with
20 the dotted line.
- 21 Q. Let us do D965 and see if that's a better copy.
- 22 A. Okay, that's clearer.
- 23 SIR MICHAEL WRIGHT: Is that the same document?
- 24 MR HILLIARD: The copy is in fact better than the original.
25 So we have your two Xs, then this dotted line, now

1 that is showing the movement of a man who you described
2 there and in your statement as an Asian male; is that
3 right?

4 A. I didn't actually describe him as an Asian male, I was
5 unsure of race, but when the statements were done they
6 were marked as Asian male. I was very unclear about,
7 I knew he wasn't pure Caucasian but I was unsure about
8 anything else.

9 Q. Is this your writing?

10 A. Yes. No, the "Asian male stopped" is not my writing,
11 I don't think.

12 Q. What about the 1s and 2s at the bottom right?

13 A. Most of this doesn't look like my writing.

14 Q. It is not yours. Your statement says:

15 "My definition of Asian is unfortunately very
16 general. I had a very brief look at the Asian male. It
17 was just my general impression."

18 We will call him the man who goes there, shall we?

19 A. Okay.

20 Q. Let's do that. You have drawn a dotted line to show
21 that man's progress; is that right?

22 A. Yeah, I drew the dotted line, if I remember correctly.

23 Q. What it says is:

24 "Asian male entered here..."

25 If we look at the bottom right, so that's the door

1 you have told us about?

2 A. Yes.

3 Q. Dot, dot, dot:

4 "Path taken by male".

5 Correct?

6 A. Dot, dot, dot.

7 Q. Or dash, dash, dash?

8 A. Yes, so the line was written by me but the comments on

9 it were not. They were written by someone else.

10 Q. Then that 1 that's in a circle there --

11 A. Yes.

12 SIR MICHAEL WRIGHT: Which "1", Mr Hilliard? There are two.

13 MR HILLIARD: The middle "1".

14 SIR MICHAEL WRIGHT: The "1" in the middle of the carriage?

15 MR HILLIARD: There is the "1" which is where he gets on the

16 train, which we have just dealt with?

17 A. Yes.

18 Q. There is the other "1", isn't there, that's in the

19 middle? Got that, with a ring round it?

20 A. Yes.

21 SIR MICHAEL WRIGHT: In the middle of the carriage, I think.

22 MR HILLIARD: That's the one, the second "1", so the one we

23 have not dealt with. What's that "1" to indicate?

24 A. The "1" in the middle of the carriage is where he

25 stopped briefly.

- 1 Q. What did he do when he stops briefly?
- 2 A. He looks round to decide left or right, where he is
3 going to sit in the carriage, basically.
- 4 Q. Then you see him making his way slightly to the right,
5 is that right, as you have indicated with the dotted
6 line?
- 7 A. Yeah.
- 8 Q. Then I think you say, is this right, you didn't see him
9 actually sit down?
- 10 A. No, the last recollection I have is him standing up by
11 those seats.
- 12 Q. And hence "brackets Asian" but "Asian male stopped"?
- 13 A. Yes.
- 14 Q. What did you see at that point, because we have a number
15 2, do you see "2 to 3 officers came through door"?
- 16 A. Yeah, so my attention was drawn away from him -- that's
17 why I did not see him sit down or whatever he did
18 afterwards -- to more noise outside.
- 19 Q. What was the noise, the more noise outside?
- 20 A. Again hard to describe but enough to draw my attention
21 away, obviously voices or something which distracted me
22 from looking at him to turn round --
- 23 Q. Right. What did you see when you turned round?
- 24 A. Yeah, basically more people came through the doorway.
- 25 Q. Right.

- 1 A. I was 100 per cent sure they were police officers as
2 soon as they walked through. Very clear.
- 3 SIR MICHAEL WRIGHT: You mean as you saw them?
- 4 A. Yes, it was very obvious to me, I didn't have a doubt
5 they were police officers. I thought I saw a bullet
6 proof vest or something but I knew they were police
7 officers.
- 8 MR HILLIARD: Right. How many of them?
- 9 A. Again I wasn't too sure, when I said the statement,
10 I guessed at around -- what did I actually say? Can
11 I refer to my first statement? (Pause)
- 12 Q. Do you want to have a look at the bottom of the second
13 page of your second statement, maybe, the last four
14 lines you have described the man going over to the end
15 of the dotted line?
- 16 A. Yeah, my guess was around two to three males. That
17 sounds about right.
- 18 Q. You said:
- 19 "At this stage [so after the man has got to the end
20 of the dotted line by the seats] around five seconds
21 later two to three males got on the carriage through the
22 same door as the Asian male had come in through."
- 23 You have shown that on the picture?
- 24 A. That's correct, yeah.
- 25 Q. "I believed these men were plain-clothes police officers

1 as they had bullet proof vests on and the way they
2 spoke, when they did actually speak, was very
3 commanding."

4 A. Yeah.

5 Q. Just go over:

6 "The bullet proof vests these men wore were on the
7 outside of their clothing."

8 Then you go on to say:

9 "The events of the previous week or so made it
10 obvious in my mind anyway that they were police
11 officers."

12 A. That's correct, yeah.

13 Q. Did you ever hear them or anybody announce themselves as
14 armed police?

15 A. No.

16 Q. Right, well, now, once those two or three men, police
17 officers, had come in through that door, what did they
18 do or say?

19 A. Obviously their attention was totally not on me but
20 focused on individual. I remember them saying something
21 like "down, get down", or something like that but it
22 wasn't directed necessarily at me, it sounded more
23 directed towards the person their eyes were on.

24 Q. In your statement you say:

25 "They shouted, 'Down, get down, down'. These were

1 the only words that I heard the officers say throughout
2 the time I was on the tube."

3 A. That's correct.

4 Q. Is that right?

5 A. Yeah.

6 Q. Then you go on to say it was your impression, as you
7 said, that they were speaking to the Asian male as their
8 eyes were totally on him?

9 A. Yeah.

10 Q. Equally you say:

11 "It was quite a general statement and could have
12 applied to me."

13 A. Equally, yeah. Even though their attention was focused
14 purely on the individual.

15 Q. So that's what you have heard when they have got on.
16 Where did they go once they had got on?

17 A. Obviously focused totally on the man. They headed
18 straight there, pretty much. Very unclear, the sequence
19 of events, but I remember them sort of getting into
20 a rugby huddle sort of situation; not very clear on how
21 it happened or what had happened.

22 Q. Again let us go back to your statement, see if that
23 helps. Do you have this passage:

24 "After coming through the doors, the officers went
25 straight over to the Asian male who they obviously had

1 in their line of sight without looking around. I just
2 remember the officers then jumping on the Asian male and
3 tackling him to the ground in some way. I don't
4 remember how they tackled the Asian male to the ground
5 but I just noticed that he was on the ground in
6 a huddle."

7 A. Yeah, my -- best describes what I saw. Now I don't
8 remember him being tackled or anything like that but I
9 still obviously refer to my statement. I trust my
10 statement.

11 Q. So you have no recollection of that either now?

12 A. I have very little recollection of the whole event now.

13 Q. So we have the full picture, you say that they have
14 tackled him to the ground?

15 A. Yeah.

16 Q. You then go on to say:

17 "It's my impression that the Asian male was on the
18 ground, but because my view was so obstructed, he could
19 equally have been on a seat."

20 A. Yeah.

21 Q. That's what you said then, is that right?

22 A. Yeah, bent over or whatever. It was very unclear
23 because my view was obstructed. He looked low.

24 Q. If we look at your picture, do you see a kind of
25 semicircle, it's my word, a slightly curved line that

1 you have drawn just to the left of the Asian male?

2 A. Yeah.

3 Q. What's that to indicate?

4 A. I am not sure now. I would imagine that's where --

5 I can't actually honestly say.

6 Q. Have you had a chance in fact to see your statement

7 before this morning?

8 A. I did read it very briefly.

9 Q. You did, all right.

10 What you say in your statement is:

11 "I have indicated the location where the officers

12 were on the plan of the carriage by marking a line to

13 indicate the formation the officers were in."

14 A. Sounds accurate, yeah.

15 Q. So that looks as if that's what that was.

16 SIR MICHAEL WRIGHT: Is any of this reviving memories or are

17 you really --

18 A. To be honest, no, very, very dim recollection, it was so

19 quick, 40 seconds or whatever.

20 MR HILLIARD: All right.

21 At that point then I think you decided to get off

22 the train; is that right?

23 A. That's correct. By that point the entryway was clear

24 that I could easily, obviously sitting right next to it,

25 exit the tube.

- 1 Q. Right. You describe in your statement leaving the
2 train?
- 3 A. Yeah.
- 4 Q. I am looking at the top of the next page: after leaving
5 the train, you describe hearing loud bangs?
- 6 A. That's correct, yeah. I was either just through the
7 doorways or a metre on from the doorway when I heard the
8 bang.
- 9 Q. When you hear the bangs. Those, presumably you are
10 aware now, were shots?
- 11 A. At the time I wasn't so sure. I thought -- because of
12 the timing of it, I actually thought I'd heard the
13 stories about the explosives going off and making large
14 popping noises when they misfired. My first thought was
15 maybe that's what it was.
- 16 Q. So that's from the day before you heard about popping
17 noises when they had not actually gone off?
- 18 A. I wasn't sure it was actually a gun, but because of the
19 amount.
- 20 Q. Because at that time, had you thought that, as it were,
21 the single man, when you got off, was a bomber with
22 a bomb on him?
- 23 A. That was around the time, yes, that's --
- 24 Q. So you get off the train, then you hear some noises
25 which at the time, is this right, you were saying you

1 didn't think were shots, you thought might have been the
2 first bit of a bomb going?

3 A. The first one I thought that was the cap or whatever it
4 was that misfired, that was my first impression, but the
5 amount because there was more than one, I then began to
6 think maybe that was shots.

7 Q. Then you say in your statement that -- this is how you
8 put it in the statement:

9 "After leaving the train, I remember hearing loud
10 bangs. I definitely heard more than two bangs but less
11 than six or seven."

12 Yes?

13 A. Yes.

14 Q. What you say in your statement, if we just have the end
15 of this:

16 "I heard the first bang when I was on the northbound
17 Northern Line platform and then very shortly afterwards
18 as I was walking very fast, I heard the rest of the
19 bangs as I was in the corridor which leads on to the
20 platform..."

21 A. Yeah, I wasn't far from the corridor at all.

22 Q. Then you made your way up to ground level; is that
23 right?

24 A. That's correct, yes.

25 Q. Then I just want you, please, if you will just help with

1 this, in your statement of 22 July, the first one, you
2 have described the first man running on to the train,
3 and you say:

4 "I remember that he was of Asian appearance. He
5 seemed to be wearing a lot of very baggy clothing,
6 either that or he was very large."

7 A. That was my impression, yeah.

8 Q. That was your impression. Then just lastly this,
9 towards the end of your second statement, you say:

10 "Since this incident, I have seen pictures of the
11 Asian male but I didn't recognise him from these
12 pictures."

13 A. That's correct, yes.

14 Q. When you say there "pictures of the Asian male", did you
15 mean Mr de Menezes?

16 A. That's correct, yeah.

17 Q. I am just going to -- we have had some just selected and
18 Tom has these. If we put the first page of these on,
19 I am very grateful. For example, bottom left may be the
20 clearest. That's a picture of Mr de Menezes just before
21 he's going down the escalator, all right?

22 A. Yeah.

23 Q. If we just go above that and to the middle, there is
24 a picture from behind, and that's his denim jacket that
25 he has on.

1 A. Okay.

2 Q. Now you see those pictures, and as I say, I don't know
3 what ones you saw afterwards, but does that bring the
4 man you saw back at all or not?

5 A. No, not at all.

6 MR HILLIARD: All right. Thank you very much.

7 A. Okay.

8 SIR MICHAEL WRIGHT: Mr Mansfield?

9 MR MANSFIELD: I do not have any questions.

10 SIR MICHAEL WRIGHT: Thank you. Mr Gibbs?

11 MR GIBBS: No questions.

12 SIR MICHAEL WRIGHT: Thank you very much. Mr Stern?

13 MR STERN: No questions.

14 SIR MICHAEL WRIGHT: Thank you. Ms Leek.

15 MS LEEK: No, thank you, sir.

16 SIR MICHAEL WRIGHT: Mr Penny?

17 MR PENNY: No, thank you, sir.

18 SIR MICHAEL WRIGHT: Mr King?

19 MR KING: No, thank you, sir.

20 SIR MICHAEL WRIGHT: Mr Horwell?

21 MR HORWELL: No, thank you, sir.

22 MR HILLIARD: Thank you very much.

23 SIR MICHAEL WRIGHT: Thank you very much for coming. As far
24 as the court is concerned, you can stay or go as you
25 wish.

1 A. Thank you.

2 (The witness withdrew)

3 MR HILLIARD: Mr Whitby, please.

4 MR MARK WHITBY (sworn)

5 SIR MICHAEL WRIGHT: Thank you, Mr Whitby, please sit down.

6 Questions from MR HILLIARD

7 MR HILLIARD: Is your name Mark Whitby?

8 A. It is, yeah.

9 Q. Mr Whitby, I am going to ask you some questions first of
10 all on behalf of the Coroner, and then you may or may
11 not be asked questions by anybody else. All right?

12 A. Okay.

13 Q. I think in respect of the incident that you are going to
14 help us with, you were interviewed on tape, I think, by
15 the police on 22 July 2005?

16 A. Yeah.

17 Q. Then you made a witness statement that I have got in
18 front of me, and I hope you have too?

19 A. I have, yeah.

20 Q. Dated 10 August 2005?

21 A. Yeah.

22 Q. We will be looking at that as we go along and there is
23 no difficulty about that. All right?

24 A. Okay.

25 Q. On the morning of the 22nd, I think you were going to

- 1 get a Northern Line train at Stockwell tube station; is
2 that right?
- 3 A. Yeah, I was on my way to London Bridge.
- 4 Q. It wasn't long before 10 o'clock in the morning that day
5 that you had got to Stockwell tube; correct?
- 6 A. Yeah.
- 7 Q. Having come in the station, down you went, and got on to
8 a northbound Northern Line train; is that right?
- 9 A. That's right. It was actually on -- sitting at the
10 platform with the doors open.
- 11 Q. Thank you, and if we look, we will put up our
12 divider 35, you will see a little picture of the
13 carriage come up. You describe in your statement saying
14 that you had come to the -- you went in by the first set
15 of double doors, you say, which were slightly to the
16 right of the entrance to the platform, and we have seen
17 a picture of that.
- 18 A. Yeah.
- 19 Q. So there is you on the first seat to the right of those
20 double doors?
- 21 A. That's me, yeah.
- 22 Q. You explain in your statement that when you got on, you
23 sat down and opened your magazine and began to read it?
- 24 A. Yeah.
- 25 Q. Was your attention then attracted by something?

- 1 A. Yeah, lots of noise, seemed to be coming from the sort
2 of, the bottom of the escalator region.
- 3 Q. Were you able to make out some shouting?
- 4 A. Yeah, it was, "Get down, get out", repeatedly.
- 5 Q. "Get down" and "get out"?
- 6 A. Yeah.
- 7 Q. Right. So that's coming from the -- sounds to you as if
8 from the bottom of the escalator area?
- 9 A. Yeah.
- 10 Q. We have seen pictures of that. That's what you have
11 heard. Did you then see something?
- 12 A. Yeah.
- 13 Q. What was that, please?
- 14 A. My attention was drawn to my right, to the next set of
15 double doors and I saw an Asian guy come on to the train
16 first. It seemed like he was being pursued by a group
17 of other men, and I saw a hand go out and push him, he
18 looked petrified and I saw the hand push him to the
19 floor, and then a couple of people sort of jump on him
20 to pin him down.
- 21 Q. Can we pause a minute. So we have an Asian, what you
22 describe as an Asian guy coming through the next set of
23 double doors down?
- 24 A. Yeah, I know who he is now, actually, now that I have
25 had a chance to look at CCTV footage, you know, of

- 1 surveillance officers going down the tube, I recognised
2 what he was wearing and he is Asian.
- 3 Q. What was he, a surveillance officer, do you think?
- 4 A. I now believe that I saw him being bundled out the way
5 to allow passage for the shooter.
- 6 Q. Can we just pause then and pick that up. That's very
7 helpful. So somebody, is he running in through the next
8 set of double doors?
- 9 A. He sort of stumbled on, he stumbled on and he sort of
10 looked left and right, and he was bundled to the floor
11 by the group behind him.
- 12 Q. I want to look at your statement for what his clothing
13 was, because it may be important. Can you remember what
14 he was wearing?
- 15 A. It was a sort of heavy jacket, greyish in colour, if
16 I remember now, and a darker coloured baseball cap.
- 17 Q. This is you think now a surveillance officer?
- 18 A. I have seen the CCTV footage on the news, and I think
19 it's the chap called Ivor, code named Ivor. That's the
20 person I saw being bundled to the floor. That's why
21 I have said it was an Asian guy in the statement.
- 22 Q. That could be very helpful. So you describe his coat as
23 a thickish padded coat in your statement?
- 24 A. Yeah.
- 25 Q. That's what you thought?

- 1 A. It looked sort of heavy, I mean it was quite a humid day
2 that day and it was sort of --
- 3 Q. He has got a baseball cap on?
- 4 A. Yeah.
- 5 Q. When he comes on, he looks around, do I have that right?
- 6 A. Yeah. He looked petrified, the guy, he really did.
- 7 Q. You say it looks as if he was being pursued by some
8 others?
- 9 A. Yeah.
- 10 Q. How many others?
- 11 A. Three, four, three or four guys.
- 12 Q. How far behind him were they?
- 13 A. Arm's-length.
- 14 Q. Did they come on the same or different doors, on through
15 same or different doors?
- 16 A. They would be directly behind him at the set of doors
17 where he had sort of stumbled on to the train.
- 18 Q. Did you see something a bit nearer to you?
- 19 A. Another guy come on through that set of double doors
20 (indicated).
- 21 Q. That's the doors just immediately to your left?
- 22 A. Yeah, yeah, and --
- 23 Q. Was that a single person?
- 24 A. Just one guy on his own, yeah.
- 25 Q. Right. Did you hear him say anything?

1 A. Yeah, he pointed to the area where the sort of Asian guy
2 had stumbled on, and I heard him shout out, "There he
3 is", and then he sort of proceeded to where all the --
4 Q. What, made his way past you and down to that end?
5 A. Yeah, he went in front of me down to that set of double
6 doors, whereas I say, the Asian guy was who was being --
7 who I thought was being pursued.
8 Q. We will pick that up again. If it helps you I am on the
9 fourth page of your statement.
10 A. No, I am okay.
11 Q. You describe in your statement when the single man has
12 come on to the left of you, hearing him say something
13 like, "There he is", and you have told us about that?
14 A. Yeah. Then he moved in front of me towards what was now
15 becoming a bit of a scrum, another couple of witnesses
16 have said that, it was getting very scrum-like there.
17 Q. That's what I am going to ask you about now. You say
18 that after you had seen that man and he had said, "There
19 he is", you looked around again back down to that area,
20 so that's where I want to pick it up again?
21 A. Yeah.
22 Q. Did you see what happened to what in your statement you
23 describe as the Asian guy but --
24 A. He ended up flat on the floor or sort of on his knees
25 going down.

1 Q. Did you see how that happened? Did somebody push him?
2 Did he fall over --

3 A. He seemed like he was being pushed from behind.

4 Q. By one or more of the people --

5 A. By the people who were pursuing him. I couldn't see how
6 many hands. It looked as though someone had shoved him
7 to the floor out of the way and he looked like he was
8 going down in a sprawled-out motion.

9 SIR MICHAEL WRIGHT: That you thought was one or other of
10 the men who had followed him in, that did that?

11 A. Yeah.

12 MR HILLIARD: And --

13 A. So I was starting to put two and two together at this
14 time, what with the previous attempts on bombing the
15 tube. I immediately put two and two together and seeing
16 that this guy was Asian, wearing this thick jacket,
17 I thought it was a suicide bomber being pursued by
18 police. It just come to my mind immediately, that's
19 what I thought.

20 Q. In fact so we are clear, what you say is having seen the
21 film, you think that person was the surveillance officer
22 Ivor?

23 A. Yeah.

24 Q. All right. You have described that person going to the
25 floor?

- 1 A. Yeah.
- 2 Q. Apart from one or more of them bundling him to the
3 floor, did you see what happened to the three or so men
4 who were behind him?
- 5 A. Yeah, they had sort of advanced on to the train. I can
6 recall one of them sort of going down on to his knees on
7 to the back of the Asian guy that had been bundled to
8 the floor. It seemed like he went down on his knees on
9 to his back, almost like in a pinning motion.
- 10 Q. Did you see any of those people with any firearm or
11 firearms?
- 12 A. Yeah, there was a chap followed, maybe a pace or so
13 later, tall chap, dressed very sort of casually, almost
14 scruffy casual, had a large black automatic head height
15 pointing at 12 o'clock.
- 16 Q. When you say head -- you are showing with your left hand
17 holding --
- 18 A. He was left-handed. He had the gun in his left hand.
- 19 Q. Holding it about head height, but pointing upwards?
- 20 A. Yeah, towards the sort of ceiling of the carriage, and
21 he sort of stepped on and he leant forward. Now, as
22 I say, it was becoming a bit of a scrum.
- 23 Q. Can you just pause a moment?
- 24 A. Yeah.
- 25 Q. Was he one of the three men or is he is a fourth man?

1 A. I think he was possibly one of the three, yeah.

2 Q. So he's got his gun in his left hand?

3 A. In his left hand, yeah.

4 Q. Pointing upwards and what did he do then?

5 A. He sort of walked calmly on, he took about a pace
6 forward and he leant forward. As I say, throughout all
7 of this I didn't see Jean Charles at all, from where
8 I was sitting, what with the sort of scrum in that area
9 of the train, I couldn't see through to Jean Charles,
10 where he was sitting on that side. But I saw him lean
11 down. There was just bodies everywhere. He fired five
12 times. I saw the gun recoil fivetimes, smelt cordite,
13 and I thought it was at that time I had better get off.
14 It sort of hit home, you know.

15 Q. Right.

16 A. But there was a distinct pattern of shots, actually, it
17 was a two very quick and then a short, very short
18 hesitation, and then three a bit sort of slower and more
19 deliberate, so it was like bang, bang, short pause,
20 bang, bang, bang.

21 Q. Did you see, when you were there, any more than one
22 person firing shots?

23 A. I only saw that -- the guy who had the black automatic,
24 he was the only one I saw firing shots, and I didn't see
25 any other guns.

1 Q. Did you hear anybody shout "armed police" when those men
2 were on the train?

3 A. No, not one mention of police.

4 Q. Right, so you have indicated at this stage you decided
5 to get off the train, and you did that?

6 A. Yeah.

7 Q. Did you make your way to the escalator/stairs,
8 staircase?

9 A. Yeah, yeah, I just thought I had better get out, out of
10 the station.

11 SIR MICHAEL WRIGHT: Can I just clear one thing up, please,
12 Mr Hilliard?

13 I think it's probably pretty obvious from what you
14 have described. You have told us up to this point you
15 had never seen Jean Charles de Menezes at all?

16 A. No.

17 SIR MICHAEL WRIGHT: If I have the picture clear, that is
18 because there were the three men who had come onto the
19 carriage, and the Asian man, all between him and you?

20 A. Yeah, they were blocking my line of sight so I could
21 only actually see it from the sort of right-hand side.

22 SIR MICHAEL WRIGHT: Yes, they would have blocked out your
23 view altogether?

24 A. Yeah.

25 SIR MICHAEL WRIGHT: Thank you.

1 MR HILLIARD: On your way away from the train, did you hear
2 any more shots?

3 A. I heard another three. Because by this -- I was helping
4 a lady up the stairs, she was very panicky and sort of
5 hyperventilating, quite a large lady, and there was no
6 up escalator, we had to walk. We must have got a third
7 of the way up, and we both crouched down because I heard
8 another three shots: bang, bang, bang.

9 SIR MICHAEL WRIGHT: This was when you were halfway up the
10 escalator, is it?

11 A. About a third of the way up. We had just -- yeah, so
12 there was quite a delay between the first five shots
13 that I -- when I saw the gun recoiling and the second
14 batch of three shots. It must have been, from the time
15 I had actually sort of packed my bag, put my paper away,
16 got off the train, started helping this woman up the
17 stairs, she was going very slowly, must have got about a
18 third -- so possibly 30 seconds between me getting off
19 the train after seeing the first five shots and hearing
20 the second batch of three shots, because we both
21 crouched down and we sort of looked at each other and we
22 thought there was -- also at this time there was a load
23 of the S019, I think they are, the guys with the
24 baseball caps and the submachine guns. There must have
25 been 10, 15 of them all bombing it down the other side.

1 We just thought there was a big gun battle going on
2 so we sort of crouched down, I was worried about bullets
3 flying around, that sort of stuff.

4 But there was definitely a gap between the first
5 fires and then about 30 seconds -- maybe 20, 30 seconds
6 later, you know, getting up the stairs, distinctly heard
7 another three because it stopped us in our tracks.

8 MR HILLIARD: Thank you very much.

9 SIR MICHAEL WRIGHT: Thank you very much. Mr Mansfield?

10 Questions from MR MANSFIELD

11 MR MANSFIELD: Good morning, Mr Whitby, my name is

12 Michael Mansfield, I represent the de Menezes family.

13 Just two very quick questions.

14 A. Okay, no problem.

15 Q. Firstly this -- appreciating of course estimates of time
16 are very difficult -- on two occasions, both in
17 a statement and interview, you said pretty much the same
18 thing, that the time estimate you gave at the time
19 between sitting on the train yourself and hearing
20 a commotion was, in your estimate, something between 20
21 and 30 seconds and you had not even started to read the
22 article?

23 A. Yeah, I just sort of settled in, got my paper out of my
24 bag, sort of opening it to an article I wanted to read,
25 and then, you know, about half a minute, I suppose, from

1 the time I sat down to the time I heard the commotion.

2 Q. You have already indicated you didn't hear anybody
3 saying that they were armed police; not one mention of
4 that?

5 A. No.

6 Q. Was there any mention of "stand up, stand still", or any
7 instruction of that kind?

8 A. No, all I heard was "get down, get out", that's all
9 I heard.

10 MR MANSFIELD: Thank you.

11 SIR MICHAEL WRIGHT: Thank you. Mr Gibbs.

12 Questions from MR GIBBS

13 MR GIBBS: Could I ask just a couple of questions? I wonder
14 whether you can help me, Mr Whitby. I represent the man
15 who you think you have recognised from the CCTV on the
16 television called Ivor.

17 A. Okay.

18 Q. The surveillance officer.

19 A. Yeah.

20 Q. I wonder whether I have understood it wrong: your
21 impression was that he was being shot?

22 A. Yeah. Yeah. Because he was bundled out the way.

23 Q. And your memory, as you have it clearly in your head
24 now, is that you saw this handgun recoiling four or five
25 times --

1 A. Five times.

2 Q. -- as he was being shot?

3 A. Yeah, but I didn't actually, because there was sort of

4 legs and bodies and -- plus as well I was sort of ...

5 SIR MICHAEL WRIGHT: Mr Gibbs put it to you as Ivor, we are

6 talking about the man you thought was an Asian man?

7 A. Yeah.

8 SIR MICHAEL WRIGHT: As a matter of fact he wasn't, but

9 don't let that worry you.

10 A. Sorry.

11 SIR MICHAEL WRIGHT: That was the man that you thought was

12 being shot?

13 A. Yeah.

14 SIR MICHAEL WRIGHT: Thank you.

15 MR GIBBS: Again, and I am looking at something in your

16 witness statement, am I right in thinking that when you

17 went up on to ground level you were sitting down,

18 probably rather shaken by what you had just seen?

19 A. Yeah.

20 Q. And some fellow from a television company came and spoke

21 to you and started filming you and asking questions?

22 A. Yeah, it was a guy from the BBC.

23 Q. Yes, I am afraid it was.

24 A. He was, give him his dues, he was there very quick, it

25 seemed like a couple of minutes, you know.

1 Q. Quite. I think it may have been a clip of you speaking
2 to that fellow from the BBC which was --

3 A. It was all over the news, yeah.

4 Q. It was, I think it was being broadcast in the public
5 house where other people from whom we have heard were
6 watching and --

7 A. Yeah.

8 Q. -- listening to what you had seen and thinking what
9 they had seen?

10 A. Yeah, yeah.

11 MR GIBBS: Thank you very much.

12 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs. Mr Stern?

13 MR STERN: No questions, thank you.

14 SIR MICHAEL WRIGHT: Mr Penny?

15 MR PENNY: No, thank you.

16 SIR MICHAEL WRIGHT: Mr King?

17 MR KING: No, thank you.

18 SIR MICHAEL WRIGHT: Mr Horwell? Thank you very much.

19 Mr Hilliard?

20 MR HILLIARD: Thank you very much indeed.

21 SIR MICHAEL WRIGHT: Mr Whitby, thank you very much indeed,
22 that's it, you are free to stay or go as you wish.

23 A. Thank you.

24 (The witness withdrew)

25 SIR MICHAEL WRIGHT: Do you want to do some reading?

1 MR HOUGH: I am not quite in a position to do that. What we
2 can do is something required as a preliminary to
3 reading. It's a rather formalistic process. If
4 Mr Reynolds is prepared just to --
5 SIR MICHAEL WRIGHT: Is he here?
6 MR HOUGH: He is sitting behind. It's an entirely formal
7 process, and if he is prepared just to go into the
8 witness box --
9 SIR MICHAEL WRIGHT: Formal proving of the statements?
10 MR HILLIARD: Yes.
11 SIR MICHAEL WRIGHT: Yes, certainly.
12 MR STEPHEN REYNOLDS (on former oath)
13 MR HOUGH: Mr Reynolds has already been sworn.
14 SIR MICHAEL WRIGHT: Yes, you are still on oath,
15 Mr Reynolds, as you understand.
16 A. Thank you, sir.
17 Questions from MR HOUGH
18 MR HOUGH: You are Stephen Reynolds?
19 A. That is correct, yes, sir.
20 Q. We have already heard, when you gave evidence right at
21 the start of the inquest, what your role was and is as
22 an IPCC investigator?
23 A. That's correct, yes.
24 Q. I am going to ask you just very briefly about some
25 statements. It's true, isn't it, that the IPCC in its

- 1 investigation interviewed quite a number of people?
- 2 A. Yes, we did.
- 3 Q. And produced statements based upon those interviews?
- 4 A. That is correct, yes.
- 5 Q. You also, I think, collated statements which had already
- 6 been taken by the police before you had been brought in
- 7 to the investigation?
- 8 A. Yes, there were a number that had already been taken.
- 9 Q. You, I think in the course of that process, produced or
- 10 collated the statements of a number of members of the
- 11 public who are bystanders in and around the carriage,
- 12 like the people we have been hearing from today?
- 13 A. Yes, some in the carriage, some on the platform.
- 14 Q. I am going to go through a number of names, and these
- 15 are the people whose statements we will be reading to
- 16 the jury. Just so that you are clear why this is being
- 17 done, you are being asked to confirm that these
- 18 statements were produced or came through the hands of
- 19 the IPCC because the statements aren't absolutely
- 20 uncontroversial.
- 21 A. I understand.
- 22 Q. But everybody is understood that these statements are
- 23 not going to be -- that it isn't proposed to call the
- 24 makers of the statements?
- 25 A. Yes, sir.

1 Q. The statements are these --

2 SIR MICHAEL WRIGHT: Will you give me a page number each

3 time you do it?

4 MR HOUGH: Each time I will give a page number for the start

5 of the statements of each witness.

6 Number one, Quincy Oji, page 473.

7 A. That's correct.

8 Q. Number two, Ian Fitzgerald, 475.

9 A. Yes, sir.

10 Q. Thomas Neary, 530.

11 A. Yes, sir.

12 Q. Carol Harrison, 534.

13 A. Yes, sir.

14 Q. Kamila Wrobel, 539.

15 A. Yes, sir.

16 Q. Holly Greenland, 546.

17 A. Yes, sir.

18 Q. Sameer Wajid, 550.

19 A. Yes.

20 Q. James Turner, 554.

21 A. Yes.

22 Q. Robert Mills, 557.

23 A. Yes.

24 Q. Robert Lowe, 563.

25 A. Yes.

1 Q. Daniel Copeland, 569.
2 A. Yes.
3 Q. Joanne Griffin, 578.
4 A. Yes.
5 Q. Mark Napier, 591.
6 A. That is correct.
7 Q. Terri Godly, 598.
8 A. Yes.
9 Q. Martin Chisholm, 605.
10 A. Yes.
11 Q. Prodesta Patterson, 612.
12 A. Yes.
13 Q. Mark McNamee, 629.
14 A. Those are all correct.
15 Q. Those are all people from whom the IPCC either took
16 statements or obtained statements from the police?
17 A. That is correct.
18 MR HOUGH: Thank you very much. If you will wait there,
19 I don't think there will be questions from others, but
20 just in case.
21 SIR MICHAEL WRIGHT: Anybody have any questions of this
22 witness? Thank you very much. Thank you, Mr Reynolds.
23 (The witness withdrew)
24 MR HOUGH: Sir, later this week we will read all those
25 statements, but not all together.

1 SIR MICHAEL WRIGHT: You want to do some of them now,
2 presumably?
3 MR HOUGH: I don't think we are quite in a position to yet,
4 I don't think we have them, but it will take some time
5 to put the screens up for this afternoon.
6 SIR MICHAEL WRIGHT: We have to get some screens up. Yes,
7 all right.
8 MR HOUGH: We can have an early lunch and an early start
9 this afternoon.
10 SIR MICHAEL WRIGHT: It doesn't take that long to get the
11 screens up. If we were to rise now, what would be
12 appropriate, 1.30?
13 There you are, ladies and gentlemen, the screens are
14 going up again, let us have lunch now and sit again at
15 1.30.
16 (12.40 pm)
17 (The short adjournment)
18 (1.30 pm)
19 (In the presence of the jury)
20 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.
21 MR HILLIARD: Sir, there are in fact because we didn't quite
22 finish them on Friday, there are two firearms officers
23 left. They will not be very long but we will do those
24 now. The first of those is C11, please.
25

1 CODENAME "C11" (sworn)

2 SIR MICHAEL WRIGHT: Thank you very much. Sit down, please.

3 A. Thank you.

4 Questions from MR HILLIARD

5 MR HILLIARD: Officer, I think you understand that you are
6 going to be known for the purpose of these proceedings
7 as Charlie 11?

8 A. Yes, thank you.

9 Q. I am going to ask you some questions first of all on
10 behalf of the Coroner, then you may be asked questions
11 by others.

12 A. Sir.

13 Q. Do you have in front of you a witness statement that you
14 made on 23 July 2005?

15 A. I have.

16 Q. Good. I think in July 2005 you were a specialist
17 firearms officer within S019; is that right?

18 A. That's correct.

19 Q. Had you been employed in that capacity since 1996?

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

21 Q. You had, right. Then some matters that we have heard
22 many times. 22 July 2005, you went to the postings
23 briefing at 7 o'clock that Ralph gave; is that right?

24 A. That's correct.

25 Q. Were you posted to the vehicle that had Ralph himself in

- 1 it, and somebody called Charlie 3 who was driving?
- 2 A. Yes, sir.
- 3 Q. Had you got a shotgun and ammunition and a Glock handgun
- 4 with hollow point rounds?
- 5 A. That's correct.
- 6 Q. We know that there was in fact a briefing that was given
- 7 at Leman Street. Did you actually hear that or not?
- 8 A. I heard the beginning of the briefing when I was given
- 9 an address, but I didn't stay for the main part of the
- 10 briefing.
- 11 Q. So that's a briefing that was given by Trojan 84;
- 12 correct?
- 13 A. Yes.
- 14 Q. You hear the first little bit of it?
- 15 A. Yes, sir.
- 16 Q. Then what do you go off to do, make enquiries about, is
- 17 it 21 Scotia Road?
- 18 A. That's correct, yes, sir.
- 19 Q. What sort of enquiries did you make about that?
- 20 A. We have a mapping system at Leman Street which allows us
- 21 to look at more detail in the area where you are
- 22 working, to pinpoint where the address is in relation to
- 23 lying-up points.
- 24 Q. Sorry, in relation to?
- 25 A. Lying-up points, where we may locate.

- 1 Q. Did you see pretty swiftly that there was a TA Centre
2 near it?
- 3 A. Yes, I did.
- 4 Q. You did, all right. Did you then make your way in the
5 vehicle you have told us about to Nightingale Lane?
- 6 A. Yes, I did, correct.
- 7 Q. On the way, did Ralph fill you in on the bits of the
8 briefing that you had missed?
- 9 A. That's correct.
- 10 Q. When you got to Nightingale Lane we have heard that from
11 8.45 to 9.15 Silver, Mr Purser, gave a briefing?
- 12 A. That's correct.
- 13 Q. Were you present for that?
- 14 A. Yes, I was.
- 15 Q. I think Trojan 84 also took part in that; is that
16 correct?
- 17 A. Yes, sir.
- 18 Q. If it helps you I am looking towards the bottom of the
19 second page of your statement. Did you record that
20 Trojan 84 said that the bus route in Scotia Road had
21 been suspended?
- 22 A. Yes, that is correct.
- 23 Q. As you recalled it, is that what he said?
- 24 A. I can't remember his exact words but on that page I have
25 written that he also said the bus route in Scotia Road

1 had been suspended.

2 I can't remember his exact words.

3 Q. No, but was that the effect of what you recalled him
4 saying?

5 A. That's correct.

6 Q. After that briefing, did you all prepare your equipment
7 and your vehicles?

8 A. Yes, sir.

9 Q. Then make your way to the TA Centre?

10 A. Yes, sir.

11 Q. Did you in fact get as far as the TA Centre?

12 A. Yes, just outside the front gates.

13 Q. Right. On the way there, had you heard about someone
14 who had left the Scotia Road block of flats and was
15 being followed?

16 A. Yes, I had.

17 Q. Did you hear that that person had in due course got on
18 a number 2 bus?

19 A. That's correct, yes.

20 Q. Did you make your way along the route that the bus was
21 travelling to support the surveillance?

22 A. Yes, we did.

23 Q. You record in your statement that at some point in the
24 journey, there were further transmissions about the
25 identity of the person being followed; is that right?

1 A. Yes, that's correct.

2 Q. Have you made a note about one of them?

3 A. Yes, that one of the transmissions -- that doesn't

4 exactly read correctly. There were further

5 transmissions confirming the identity of the subject.

6 There was one that I can remember, which was

7 specifically -- said "definitely our man".

8 Q. So it's one, is it, so we have the picture?

9 A. Yeah, it reads incorrectly that there was numerous

10 transmissions of that nature. The only one I can

11 remember was "definitely our man".

12 Q. You have put those words, "definitely our man", in

13 speech or quote marks there. Are those the words as you

14 recalled them?

15 A. Yes, they are.

16 Q. Right, then you record that near the Underground station

17 at Stockwell, was there information that the bus had

18 stopped?

19 A. That's correct, yes.

20 Q. And some more information about the subject?

21 A. Yes, that the subject -- do you mind if I read it from

22 here, sir?

23 Q. No, you do.

24 A. Was off the bus and on a recip -- a reciprocal route,

25 crossing by the NatWest towards the Underground station.

1 SIR MICHAEL WRIGHT: So that on that basis, I had better ask
2 you: the one transmission that you remember about
3 "definitely our man", before the bus got to Brixton or
4 after?
5 A. Brixton, sir?
6 SIR MICHAEL WRIGHT: Yes, Brixton.
7 A. I can't remember, sir.
8 SIR MICHAEL WRIGHT: All right.
9 MR HILLIARD: I just want to go up a little bit. So
10 "definitely our man" you have recorded. Then at
11 Stockwell near the Underground station, did you have
12 some information that the bus had stopped? Can you see
13 that, just below "definitely our man"?
14 A. Sorry, sir, can you say that again, please?
15 Q. Yes, do you have the reference in the statement to
16 "definitely our man"?
17 A. Yes, I have.
18 Q. If you go a couple of lines below that, do you record
19 that you also had some information that the bus had
20 stopped?
21 A. Yes.
22 SIR MICHAEL WRIGHT: I'm sorry, I should have asked one
23 preliminary question. Do you remember -- it's not in
24 your statement -- that there was an occasion when the
25 bus stopped in Brixton opposite Brixton Underground and

1 that the man had got off the bus and got back on again;
2 do you have any recollection of that?

3 A. No, sir, I can't recall.

4 SIR MICHAEL WRIGHT: Very well.

5 MR HILLIARD: All right. So then this bit just where you
6 get some information at Stockwell near the Underground
7 station, that the bus had stopped; yes?

8 A. Yes.

9 Q. And any more information?

10 A. That the subject was acting nervous, twitchy, or similar
11 words to that effect, and that was that the subject was
12 on or near the steps of the bus.

13 Q. Did there come a time when you were in Stockwell Road
14 south of the junction with Clapham Road when you could
15 see the Alpha vehicle ahead of you by traffic lights
16 controlling the junction?

17 A. Yes, that's correct.

18 Q. Did you then have information that the suspect was off
19 the bus and crossing by the NatWest towards the
20 Underground station?

21 A. That's correct, yes.

22 Q. Then that the suspect had actually entered the station
23 and that he was towards platforms 1 and 2?

24 A. Yes, sir.

25 Q. Then did Trojan 84 come on the radio saying -- and you

1 have put this in quote marks -- "he must be stopped from
2 getting on the tube", or similar words to that effect;
3 yes?

4 A. Yes, that's true.

5 Q. Where did you think -- he had obviously said it, but
6 where did you think that instruction had come from?

7 A. Sorry, sir, I don't follow it, it had come from
8 Trojan 84.

9 Q. Absolutely, but was he the originator of it, or had it
10 come from somebody else, do you understand?

11 A. I do, sir. I am not sure of the exact words, but that's
12 the message that I received and because of the command
13 structure in place, I believe that command would have
14 come from somebody at Scotland Yard.

15 Q. All right, the reason I ask you is what you said in your
16 statement, can you see this:

17 "Due to the command structure in place,
18 I interpreted this as a direct instruction from the
19 DSO."

20 That's the only reason I'm asking you.

21 A. Yes, sir, you are quite correct. I wasn't looking at
22 that next line. Sorry.

23 Q. That's all right. That is what it says, isn't it:

24 "Due to the command structure in place, I
25 interpreted this as a direct instruction from the DSO."

1 A. That's correct.

2 Q. Is that what you thought at the time?

3 A. That's correct.

4 Q. Why was that?

5 A. Sorry, sir, because of the command structure -- because

6 of exactly what you have just said. Sorry, I do not

7 want to appear rude.

8 Q. No. What was it about the command structure?

9 A. Because of the command structure in place, the DSO was

10 in position to make decisions around our deployment and

11 because that structure was in place, that's what

12 I believed had happened.

13 Q. What did you think, "He must be stopped from getting on

14 the tube" meant, then, if that was a DSO instruction?

15 A. To perform an interception.

16 Q. Right, but hang on, not every instruction that came, or

17 was it the case that every instruction you had got up

18 until that point you thought had come from the DSO,

19 because of the structure? Is that what you are saying?

20 A. No, sir.

21 Q. No, so why did you think this particular instruction,

22 that's what I am asking you, was a direct instruction

23 from the DSO?

24 A. Because it was a decision on us to deploy.

25 Q. Right.

1 A. And that's what I believed the DSO was in position for,
2 to --

3 Q. What, to decide whether or not you should deploy?

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

5 Q. Sorry, by stop, did you say make an intervention or
6 interception, I didn't hear?

7 A. It's the same thing, interception, intervention.

8 Q. Right. You say that you thought that was a direct
9 instruction from the DSO and that:

10 "We were to be immediately deployed to stop the
11 suspect from taking any further action."

12 A. That's correct, yes.

13 Q. That's what you thought?

14 A. Yes, sir.

15 Q. And Ralph asked Trojan 84 to repeat that; is that right?

16 A. Yes, sir.

17 Q. Which he did?

18 A. Yes, sir.

19 Q. Do you remember Ralph declaring state red?

20 A. Yes, I do.

21 Q. Did you stop just in Binfield Road?

22 A. Yes, we did.

23 Q. And go into the station?

24 A. Yes, I did, I deployed into the tube station.

25 Q. Did you see other armed officers ahead of you, including

1 Charlie 2 and 12?

2 A. Yes, I did.

3 Q. In fact, it may be my mistake, was it only 2 and 12 you

4 could see ahead of you?

5 A. That's how I have recorded it, yes, sir.

6 Q. So those are certainly the two you remembered as being

7 ahead of you?

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

9 Q. You say that you were aware of people shouting, "Armed

10 police"?

11 A. Yes, sir.

12 Q. Then at the bottom of the escalator, somebody we have

13 heard about already, but somebody with a baseball cap

14 on, something red on his shoulder, who you thought was

15 a police officer?

16 A. Yes, sir.

17 Q. Said something -- is this right, according to you --

18 about a train having already left but then indicates

19 towards the platform on the left?

20 A. Yes, sir.

21 Q. Did you look down the little archway or the corridor

22 that leads to the platform on the left?

23 A. Yes, I did.

24 Q. What could you see?

25 A. I could see my colleagues moving towards the platform,

1 and then I saw movement of someone on the train moving
2 to the right, and I thought this could be the suspect
3 moving down the carriageway.

4 Q. So what did you do, please, in response to that?

5 A. I immediately ran ahead in the foyer area and turned
6 left into another short corridor that leads to the same
7 platform.

8 Q. Just pausing there, so that first little alleyway that
9 goes on to the platform, you have not gone down that,
10 you have gone a little further on in the main foyer as
11 you call it and then gone down the next entrance?

12 A. I am not sure if it was the next one.

13 Q. But one of the next ones.

14 A. One of the other ones, yes.

15 Q. Got it, yes.

16 Right, what happened as you turned into whichever of
17 the next corridors it was?

18 A. Sorry. As I was turning on to that platform, I heard
19 a loud crack, and I wasn't sure at that time what that
20 noise was.

21 Q. Just pausing. Do you know now or are you still not
22 actually sure what that --

23 A. Well, at the time, sir, I wasn't sure, I wasn't sure if
24 a device had just gone off or whether shots were fired.
25 I was anticipating being blown up at that stage. But

1 obviously I now know that it was the sound of a shot.

2 Q. I see, so you were clear as it were that it was one of

3 the two, now that you know a device hadn't gone off, it

4 must be a shot; is that what it comes to?

5 A. Yes, sir.

6 Q. Right. Whereabouts did you go then?

7 A. I closed in towards a single door at the end of the

8 carriage. The passengers were flooding off the train,

9 and there was a sequence of further -- further shots.

10 Q. Right.

11 A. Sorry, sir, do you want me to carry on?

12 Q. Yes, do?

13 A. People were screaming and running from the train and all

14 carriages. There were numerous shouts of, "Armed

15 police" and instructions to, "Get out". At some time on

16 the platform I could see the male who had been

17 previously described wearing denims facing down on the

18 seat with his legs behind him.

19 May I just make that clear, sir, that's me on the

20 platform.

21 Q. That's?

22 A. That's me that's standing on the platform.

23 Q. Who is it you can see?

24 A. Well, Mr de Menezes.

25 Q. I am with you. So at some time, that is you on the

1 platform, you can see Mr de Menezes, right, and he is
2 inside in the carriage, is he?

3 A. That's correct.

4 Q. All right. Face down on the seat with his legs behind
5 him?

6 A. Yes.

7 Q. I think you were aware of Terry, is this right,
8 shouting, "Back off", or "Get clear", or something to
9 that effect?

10 A. That's correct.

11 Q. Did you check the other platforms?

12 A. I did.

13 Q. And take steps to try to stop trains stopping at the
14 other platform?

15 A. That's correct, yes.

16 Q. Then in due course did you leave the station with
17 Charlie 3?

18 A. I did, yes.

19 MR HILLIARD: Thank you very much indeed.

20 A. Thank you.

21 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

22 Questions from MR MANSFIELD

23 MR MANSFIELD: Yes, good afternoon. My name is
24 Michael Mansfield. I represent the family of
25 Jean Charles de Menezes.

- 1 A. Good afternoon, sir.
- 2 Q. I'll deal with it chronologically. It's clear you are
3 heavily reliant, are you not, on your statement now?
- 4 A. Yes, sir, I am.
- 5 Q. I have no objection to you looking at that. In fact you
6 have made two statements. First thing in relation to
7 what happened when you went on that day, you talked
8 about looking at a mapping system; do you remember?
- 9 A. Yes, sir.
- 10 Q. Which you did at Leman Street?
- 11 A. Yes, sir.
- 12 Q. In relation to that, did the mapping system enable you
13 to discover that number 21 Scotia Road was in fact
14 a block of flats?
- 15 A. Yes, it did.
- 16 Q. Did you communicate that to anyone else?
- 17 A. I can't remember doing that. I haven't got it in my
18 statement. But I can't imagine any reason why
19 I wouldn't have done that.
- 20 Q. No, I am not suggesting you wouldn't have done it. So
21 the most obvious thing is having discovered that, since
22 part of the object of looking at the map in the first
23 place is to work out where you have to go; that's part
24 of it, isn't it?
- 25 A. Yes, sir.

- 1 Q. The most obvious person you would tell, would this be
2 fair, would be Trojan 84 because he is in charge down
3 there?
- 4 A. Yes, sir, Trojan 84, Ralph, colleagues.
- 5 Q. Or Ralph?
- 6 A. Or all of my colleagues that I was working with, I can't
7 imagine a reason why I wouldn't tell them.
- 8 Q. All right. Just moving on from that, I am not going
9 through all aspects of the briefing, the jury have heard
10 it many times, the TA Centre you had identified that on
11 the map as a potential holding place for C019?
- 12 A. I had seen it on the map. I hadn't specifically
13 identified it for that purpose.
- 14 Q. So had you identified anywhere for the holding areas in
15 relation to Scotia Road at this early stage?
- 16 A. At what stage, sir?
- 17 Q. Well, this is the first time you come on in the morning,
18 when you are doing this mapping exercise.
- 19 A. At the instant I am on the mapping system?
- 20 Q. Yes.
- 21 A. No, sir.
- 22 SIR MICHAEL WRIGHT: You were preparing maps. Was it any
23 part of your job at that stage to look out for holding
24 points or was that something for Trojan 84 or Ralph to
25 do?

1 A. Probably the latter, sir. The main focus on using the
2 mapping system is to identify potential points in
3 relation to -- the main thing is pinpointing where the
4 premises are.

5 SIR MICHAEL WRIGHT: That's the main thing.

6 A. If it's an extremely long road, it could be one end or
7 the other on a complicated housing estate.

8 SIR MICHAEL WRIGHT: Once the maps had been prepared, from
9 the point of view of deciding what might make a good
10 holding point, would that be for you to do or would it
11 be for Trojan 84 and Ralph to do?

12 A. The latter, sir.

13 SIR MICHAEL WRIGHT: Ralph?

14 A. Both of those, sir. We consider it and the decision
15 would be made by them.

16 SIR MICHAEL WRIGHT: Right.

17 MR MANSFIELD: And are copies run off of this map so people
18 can have them?

19 A. Sir, that would be the normal thing to do.

20 Q. Right. Would it be the normal thing for each team,
21 firearms team, to have a copy or merely Ralph and
22 Trojan 84?

23 A. Sorry, sir, each firearms team?

24 Q. Yes. Sorry. I mean each group within the team. We
25 know there are six cars altogether. Would each car have

1 a map?

2 A. Again, sir, normally, yes. I can't remember whether
3 I did it on the day.

4 Q. All right. I'm just dealing with what normally happens.
5 You can't obviously now remember whether they did on the
6 day?

7 A. No, and again sir, I know it's what I have said before,
8 is normally I would. In the absence of the printer not
9 working, I can't imagine a good reason why --

10 SIR MICHAEL WRIGHT: That's always possible.

11 A. I can't imagine another good reason why I wouldn't, sir.

12 MR MANSFIELD: We know a number of things weren't working
13 that day, but I'll leave the printer out of it for the
14 moment.

15 Just moving on from there, you can look at your
16 statement, but effectively you are en route, can I just
17 move on from the briefings, there have been two by now,
18 one at Leman Street and one at Nightingale Lane, and you
19 are en route and there were radio communications.

20 I want to ask you, middle of 432 -- I don't ask for
21 it on the screen, you have it in front of you -- can you
22 cast your mind back to this, radio communications
23 en route, were the communications to the effect that
24 a suspect who was white had left?

25 A. Just one second, sir, I think I can find what you are

1 talking about.

2 Q. I see the way it's worded in the statement. So the jury
3 can follow it as well, can we have 432, and then a third
4 of the way down:

5 "Whilst at Nightingale Lane ..."

6 I know that's what's written there, but that may be
7 written there as a kind of retrospective summary. Were
8 you told that it was a suspect or were you told that it
9 was just a white male had left?

10 A. I can't recall, sir. It's perhaps the way I have
11 written it. But that's what I have said, the person
12 I initially identified as a white male had left the
13 premises.

14 Q. Yes. There is a reason for asking you whether somebody
15 had said "a subject" or "a suspect" or something using
16 those words, do you follow, but you can't now remember,
17 would that be fair?

18 A. Not specifically. You are correct, sir.

19 Q. All right, can't remember whether that was transmitted.
20 Pausing for a moment, do you recall at some time after
21 that, in other words the transmission, are you paying
22 particular attention to the Cougar?

23 A. Sir, I have got a few tasks to perform, I am paying it
24 as much attention as I can.

25 Q. Fair enough. Did you ever hear anything about -- I'm

1 not suggesting it necessarily comes over directly from
2 the officer -- did you hear anything over the radio or
3 any other way that in fact the person wasn't Nettle Tip,
4 the codename being used, and that the arrest team were
5 going in to stop the bus or stop him getting off the bus
6 or something like that?

7 A. No, I didn't.

8 Q. So you never knew about that?

9 A. No, I didn't.

10 Q. From start to finish?

11 A. I know about it now --

12 Q. But at the time you didn't?

13 A. No, sir.

14 Q. I move on. Then it's got in your statement, so back to
15 432:

16 "Further information later stated the suspect was on
17 a number 2 ..."

18 You give a description at that stage.

19 So again at that point you are believing, are you,
20 that it's the same person but his description has
21 changed from white male to IC2?

22 A. That's correct, yes.

23 Q. At what point were you, because you are in Ralph's car,
24 at what time was any order given to follow the
25 surveillance?

1 A. I believe that was from Nightingale Lane. I haven't got
2 a time.

3 Q. Leaving aside times because I know that's difficult.
4 Are you saying your recollection is that you had been
5 ordered to follow surveillance when you were at
6 Nightingale Lane, or was it later?

7 A. Can I just read this for a second, sir?

8 Q. Certainly, carry on.

9 A. (Pause). My recollection is that on arrival at
10 Nightingale Lane, that the follow commenced from that
11 point.

12 SIR MICHAEL WRIGHT: Well, after the briefing, surely.

13 A. There was no briefing -- sorry, my apologies, sorry, the
14 TA Centre. My apologies. Sorry.

15 MR MANSFIELD: That makes sense.

16 A. Yes.

17 Q. So you are at the TA Centre, and please understand I am
18 not trying to catch you out on what you said before,
19 I am just trying to put it in some sort of sequence,
20 because we know now various other things were said.

21 So you were at the TA Centre when who ordered you to
22 follow?

23 A. I can't remember a specific order but on arrival at the
24 TA Centre, we followed on behind other vehicles that
25 were coming out.

1 Q. Was it the DSO or did you understand at that point that
2 a DSO had had anything to do with you having to follow?

3 A. I wasn't. I was just aware that we were now going out
4 to support the surveillance.

5 Q. All right. Then you have got the sentence:

6 "At some time during the journey there was further
7 transmissions..."

8 You have qualified that. It wasn't "further
9 transmissions", it was one that you remember:

10 "... confirming the identity of the suspect."

11 All right?

12 A. Yes. Sorry, sir, yes, it doesn't read particularly
13 well.

14 Q. Don't worry about that.

15 A. That's my education, I think. Numerous transmissions,
16 the one that I can remember, "definitely our man".

17 Q. Yes, well, a number of officers have done exactly what
18 you have done. They have put in "definitely our man" in
19 in quotes, as if those were the exact words you heard.

20 I have to ask you whether at the very lowest you
21 could be mistaken about that, and you interpreted what
22 you heard in that way, along with other officers, when
23 actually those were not the words used? Is there any
24 possibility?

25 A. No, sir, they are the words that I heard.

1 Q. Well, you see, as you appreciate, they are quite
2 important. Did you hear any discussion over the Cougar,
3 because there is no dispute it was over the Cougar,
4 between members of the surveillance team about the
5 percentage certainty they could have? In other words
6 the control room had asked them, that's the grey team --
7 you didn't know them as the grey team -- whether they
8 could help the control room about whether they were 50,
9 60, 70 per cent sure or a marking out of 10. Did you
10 hear any of that?

11 A. No, I didn't.

12 Q. And that the team itself were unable to provide that
13 information; you didn't hear that?

14 A. I didn't hear that, no.

15 Q. You didn't hear somebody say -- I suggest it may have
16 been the team leader, James, again you wouldn't know his
17 name -- say, "Well, I think it's him"?

18 SIR MICHAEL WRIGHT: Prefaced by the words, according to
19 James, "for what it's worth".

20 MR MANSFIELD: Yes.

21 Did you hear any words to the effect of "I think
22 it's him"?

23 A. No, sir.

24 Q. Was this, can I just shoot forward a moment, when you
25 came to write up your statement at Leman Street on the

1 23rd, we have been through the procedure, you do it with
2 all the other firearms officers are there, was this
3 a talking point amongst a number of you, this
4 "definitely our man" statement?

5 A. Not that I recall.

6 Q. Of course you go on and say in your statement:
7 "At this point I was certain that this was positive
8 identification of our subject."
9 So clearly important to you as an individual
10 officer?

11 A. That's correct, yes.

12 Q. Pausing again, were you aware at any time thereafter,
13 certainly after he gets off the bus, that the
14 surveillance officers had offered to do the stop? You
15 are aware of that?

16 A. No, I wasn't.

17 Q. You are now, of course, but not then?

18 A. Yes, sir, I am aware of it then, not at the time.

19 Q. We go right down the page, you couldn't see the suspect,
20 information now was he has actually entered the station,
21 and was going or was towards platforms 1 and 2. Do you
22 see that right towards the bottom?

23 A. That's correct, yes.

24 Q. You are very clear about that, are you, that you were
25 being told, or information was coming over, before any

1 orders, that he's already towards platforms 1 and 2?

2 A. That's correct.

3 Q. I just want to ask you about what then happened,

4 because, as you have already given, there wasn't --

5 effectively an order that he must be stopped from

6 getting on the tube and that was repeated, because TJ84

7 and others got it confirmed, in other words Ralph

8 confirmed the instruction. Do you see that, three lines

9 from the bottom? So it's repeated effectively?

10 A. No, sir. "He must be stopped from getting on the tube".

11 Q. Yes? Was that repeated?

12 A. Sorry, yes, sir, I see that now. Yes.

13 Q. It was repeated?

14 A. You are correct, sir, yes.

15 Q. I want to ask you about this, I appreciate you are not

16 an officer who fires a weapon or anything, as to what

17 was in your mind in relation to what was being said.

18 The way you have actually worded it in the statement,

19 and I'll read it so you have the whole sentence:

20 "Due to the command structure in place,

21 I interpreted this as a direct instruction from the DSO

22 and that we were to be immediately deployed to stop the

23 suspect from taking any further action."

24 You see that?

25 A. Yes, sir.

- 1 Q. Did you interpret it as meaning, as it had come from the
2 DSO, that he must be stopped from blowing up the train?
- 3 A. No, I didn't.
- 4 Q. What did you think was the significance of it coming
5 from the DSO?
- 6 A. That the DSO is in position to make decisions around our
7 deployment, based on the information they have available
8 to them.
- 9 Q. Yes. Go on, sorry.
- 10 A. I didn't attach any particular significance to the
11 instruction given. We were being deployed to stop,
12 perform an intervention and interception, simply that.
- 13 Q. But you had been told, I don't think you have actually
14 told us that yet, but it's in your statement, you are
15 another officer who had been told at a much earlier
16 stage, in your case I think by Ralph, that you had to
17 trust the information that was coming from the control
18 room?
- 19 A. That's correct.
- 20 Q. And the significance of that is that the control room
21 might have information that they can't necessarily pass
22 expressly or explicitly over the radio but may inform
23 their decisions?
- 24 A. That's correct.
- 25 Q. Just going back to this finally at the bottom of the

1 page, when this was repeated effectively twice, "stopped
2 from", as it were, "taking any further action", was that
3 an interpretation that the DSO had information that you
4 didn't?

5 A. No.

6 MR MANSFIELD: Thank you very much.

7 SIR MICHAEL WRIGHT: When you said that you interpreted this
8 order as being an instruction coming from the DSO,
9 coming from the control room, and you used the phrase
10 "to stop the suspect from taking further action", what
11 further action did you contemplate he might be going to
12 take?

13 A. There is a full range of action. It could have been
14 that there was a possibility that he was going to
15 detonate an explosive device; it could have meant that
16 he gets on a train and goes elsewhere; just to stop any
17 further action, activity, that he was going to take, to
18 detain that person.

19 SIR MICHAEL WRIGHT: A whole wide range of things.

20 A. Sir, we try and remain flexible, and in putting it in
21 that sentence, I have tried to cover that we were being
22 asked to stop --

23 SIR MICHAEL WRIGHT: The reason I asked you the question is
24 that you said to Mr Mansfield that that didn't include
25 blowing up a train, but if I have understood your last

1 answer, blowing up a train or a bus might have been one
2 of the things --

3 A. One of the things, sir, not the only thing, if I have
4 mistaken what Mr Mansfield's saying.

5 SIR MICHAEL WRIGHT: Thank you very much. Yes, Mr Gibbs.

6 Questions from MR GIBBS

7 MR GIBBS: Just one or two things. I represent the grey and
8 the red teams.

9 You were in Ralph's car; is that right?

10 A. Yes.

11 Q. He was the team leader?

12 A. That's correct.

13 Q. You know he's given evidence, you may even have heard
14 what he has said, I don't know?

15 A. Two questions, sir. Yes to both of them.

16 Q. Try them both.

17 A. Yes to both of them.

18 Q. Coming into the car, you had the Cougar, which is the
19 running commentary from the surveillance team?

20 A. That's correct, yes.

21 Q. You had the 75 channel, which is the channel upon which
22 members of the firearms team are able to speak with each
23 other?

24 A. That's correct.

25 Q. And in particular the one over which the team leader is

1 able to give instructions if necessary to his team?

2 A. That's correct.

3 Q. We know that there were a number of telephone calls

4 which Ralph as team leader was both making and

5 receiving?

6 A. That's correct also.

7 Q. Do you remember how many calls he made and received?

8 A. Numerous, sir, I think is the best way to answer it.

9 Q. Yes, and they were coming from and going to, am I right,

10 both Trojan 84 and other members of the firearms team?

11 A. I think so, sir, yes.

12 Q. Was there also, whenever there was a spare moment,

13 discussion in the car amongst you and Ralph and the

14 driver about where you were going and where you should

15 go next and how fast you should go and that sort of

16 thing?

17 A. Can you say that again, please, sir?

18 Q. Yes. All the traffic's coming in from these various

19 devices, but there are three people in the car. There

20 is a driver, isn't there?

21 A. Yes, sir.

22 Q. Then there is Ralph, who is in the front passenger seat?

23 A. That's correct.

24 Q. Does he, in that position, have primary control of the

25 radio?

- 1 A. Yes, sir, that's correct.
- 2 Q. You were in the back seat?
- 3 A. That's correct.
- 4 Q. Did you speak to each other?
- 5 A. Of course, sir, yes.
- 6 Q. It was as simple as that.
- 7 A. My apologies.
- 8 Q. We have heard that there were people in the
- 9 communication loop, by which I include all of those who
- 10 are listening to all of the things that are being said,
- 11 who did during the course of this follow think that
- 12 there had been a positive identification. But we have
- 13 heard that that didn't include -- as they say it -- the
- 14 surveillance officers themselves. This "definitely our
- 15 man", I wonder whether you may have picked that up on
- 16 one of the other forms of communication?
- 17 A. No, sir.
- 18 Q. That's not how you remember it?
- 19 A. Not at all.
- 20 MR GIBBS: Thank you very much.
- 21 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs. Mr Stern?
- 22 MR STERN: No questions, thank you, sir.
- 23 SIR MICHAEL WRIGHT: Thank you very much. Mr Penny.
- 24 Questions from MR PENNY
- 25 MR PENNY: Just a few matters, please, Charlie 11.

1 You have been asked a series of questions about
2 things that you didn't hear which it was asserted had
3 come over the Cougar radio as opposed to via any other
4 method of communication. I want to just look at the
5 time at which you, in Ralph's car, started the follow.
6 All right?

7 A. Sir.

8 Q. You have told us, and indeed Ralph has told us, that
9 that was around about the time that you, as the rear
10 passenger in the car with Ralph, arrived at the
11 TA Centre. That's your recollection?

12 A. That's correct.

13 Q. You then, as the firearms team, started the follow, and
14 went down the hill, down Tulse Hill looking for the bus?

15 A. That's correct.

16 Q. Up until that point, you were not following the
17 surveillance team who were following the subject; is
18 that right?

19 A. That's correct.

20 Q. Who was the man that you had heard was the white man,
21 IC1 was the description that you had heard going out
22 over the radio; is that right?

23 A. It was the initial identification given.

24 Q. We have heard evidence that the conversation which you
25 were asked about going out on the Cougar radio about

1 percentages had taken place before 9.55 am or around
2 9.55, which was -- we can deduce -- about the time that
3 the firearms team started the follow from the TA Centre;
4 all right? You were asked about whether something had
5 gone out over the radio about someone in the
6 surveillance team saying, "I think it's him", or words
7 were put to you, "For what its worth, I think it's him",
8 although they in fact came from another witness.

9 But that conversation had in fact taken place over
10 a telephone call, so perhaps we can understand why you
11 wouldn't have heard that.

12 I want to ask you about what happened in your
13 witness statement once you got to Stockwell Underground
14 station. Can we look at page 437, please. This is your
15 second witness statement, which I think you made in
16 October of 2005. Can we go about eight lines from the
17 top of the page, and can we see just in from the top
18 punch hole, middle of the page there is a sentence which
19 starts:

20 "Traffic was heavy and congested in the junction."

21 So we understand this, you are in the -- you are the
22 rear passenger in what we have heard was the Bravo
23 vehicle which was the second in the line of the firearms
24 cars; is that right?

25 A. Yes, that's correct.

1 Q. This is how you described it:

2 "Traffic was heavy and congested in the junction.

3 I could see more than one number 2 bus but could not
4 identify the specific one. I can only specifically
5 remember two buses being on our near side at traffic
6 lights by the junction. I could see a bus in the
7 junction about 40 yards away. The registration number
8 was given but I could not see it. I could hear
9 surveillance radio communications whilst still in the
10 vehicle at Stockwell. I recalled in my previous
11 statement TJ84 saying over the radio, 'He must be
12 stopped from getting on the tube'."

13 So that order or instruction was given at some stage
14 after you had seen that bus about 40 yards away, and you
15 have told us you couldn't see the registration number?

16 A. Yes.

17 MR PENNY: Thanks very much.

18 SIR MICHAEL WRIGHT: Thank you. Mr King?

19 MR KING: No, thank you.

20 MR HORWELL: No, thank you.

21 SIR MICHAEL WRIGHT: Thank you. Mr Hilliard?

22 MR HILLIARD: Thank you very much.

23 SIR MICHAEL WRIGHT: Thank you very much. You are free to
24 stay or go.

25 MR HILLIARD: You may have been here before and didn't get

1 on, so you are owed an apology.

2 A. That's no problem, thank you.

3 SIR MICHAEL WRIGHT: Forgive me, one minute, there is one
4 thing I meant to ask you.

5 Questions from THE CORONER

6 SIR MICHAEL WRIGHT: When you were making the maps, have
7 a look, there is a maps brochure which I hope is there
8 somewhere.

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: Have a look at page 7 and then look at
11 page 8. You only need glance at them. The kind of maps
12 that you were able to produce at Leman Street, were they
13 more like page 7 or page 8?

14 A. Page 7, sir.

15 SIR MICHAEL WRIGHT: Page 7, this large scale map.

16 A. Sir, I am not sure the licensing system for this, but
17 I would say it's almost identical.

18 SIR MICHAEL WRIGHT: That looks very like the ones you have
19 at Leman Street.

20 A. Without all the information that's been imposed on this
21 one, sir.

22 SIR MICHAEL WRIGHT: Not the bits that are stuck on top but
23 just the map?

24 A. Sir, yes.

25 SIR MICHAEL WRIGHT: Thank you very much.

1 (The witness withdrew)

2 MR HILLIARD: Last then in this section D9, please.

3 CODENAME "D9" (sworn)

4 Questions from MR HILLIARD

5 MR HILLIARD: Yes, do sit down.

6 A. Thank you.

7 SIR MICHAEL WRIGHT: Yes, sorry, sit down.

8 MR HILLIARD: You will be known for the purpose of these

9 proceedings as Delta or D9?

10 A. Yes, sir.

11 Q. You too, like the last witness, may have come before and

12 not got on, so you are owed an apology for that.

13 A. Thank you, sir.

14 Q. I am going to ask you some questions first of all on

15 behalf of the Coroner, and then you may be asked

16 questions by others, and it will help if you have in

17 front of you a copy of the statement you made on

18 23 July 2005. Do you have that?

19 A. Yes, I have, sir.

20 Q. There are in fact some errors in transcription from the

21 handwritten original to the typed copy, but Ms Leek has

22 very kindly given me a list of those, and if we run into

23 any of those, I will make it plain.

24 A. I have my originals, a copy of my original.

25 Q. Good. As at July of 2005, had you been an authorised

1 firearms officer for six years?

2 A. Yes, I had, sir.

3 Q. I am going to go, please, to 22 July. Again, very well

4 trodden ground for us now. Postings briefing first of

5 all at 7 o'clock at Leman Street?

6 A. Yes, sir.

7 Q. You end up in a vehicle with Delta 4 as the driver, and

8 Terry as the front seat passenger, so you in the back?

9 A. Yes, sir.

10 Q. Thank you. I think you were given a briefing, is this

11 right, first of all by Trojan 84?

12 A. Yes, sir.

13 Q. Then you made your way to Nightingale Lane; is that

14 right?

15 A. Yes, sir.

16 Q. There was another briefing there; is that right?

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

18 Q. I think you also have a note that at that briefing you

19 were told that bus routes either side -- I'm just

20 looking at the note, do you want to find it? The

21 statement reads as follows:

22 "We were told that the communal door to

23 21 Scotia Road was under observation and that bus routes

24 either side of that address had been suspended."

25 Did you manage to find the bit?

- 1 A. I haven't found it, sir, but that's correct, that's in
2 my statement, sir.
- 3 Q. All right, but as you recall it, is that what you were
4 told?
- 5 A. Yes, sir.
- 6 Q. Do you remember whether that was Silver or Trojan 84 who
7 said that?
- 8 A. I do not remember, sir, no.
- 9 Q. You then went, made your way, is this right, from
10 Nightingale Lane to the TA Centre?
- 11 A. Yes, sir.
- 12 Q. When you got there, is this right, your radio, Cougar,
13 is this right, in the vehicle was not working?
- 14 A. That's correct, sir, yes.
- 15 Q. So it's the vehicle set, not an individual car set?
- 16 A. Yes, the car set.
- 17 Q. Did you learn -- before the set was fixed but did you
18 learn that a man had come out of the address at
19 Scotia Road and that SO12 units were going to stop him?
- 20 A. Yes, sir.
- 21 Q. Who was it who told you that?
- 22 A. Delta 4.
- 23 Q. Right. Did he then mend or manage to mend the Cougar
24 set in the vehicle?
- 25 A. Yes, he did, sir.

- 1 Q. Then I think you heard more of the surveillance that, is
2 this right, the subject was now on a number 2 bus?
- 3 A. Yes, sir.
- 4 Q. In due course did you hear the registration number of
5 the bus?
- 6 A. Yes, sir, I heard it in two parts. The first part was
7 LJ03, and then I later heard the rest of the index as
8 MXL.
- 9 Q. Then did you hear that the bus was in Stockwell Road?
- 10 A. Yes, sir.
- 11 Q. In the meantime, were other of the vehicles in your
12 team, if I can put it that way, arriving at the
13 TA Centre?
- 14 A. Yes, sir.
- 15 Q. Did you then leave the TA Centre to support the
16 surveillance?
- 17 A. Yes, we did, sir.
- 18 Q. Was there then a period of surveillance following the
19 bus along the Stockwell Road?
- 20 A. Yes, there was.
- 21 Q. I am going to ask you to give it in your own words, but
22 do you remember hearing something about a percentage?
- 23 A. I heard someone on our car Cougar ask another
24 surveillance officer if they could give a percentage of
25 how sure they were he was one of the suspects, because

1 he was pretty sure he was our man.

2 Q. Right. Thank you. Do you know who it was -- it's being
3 asked of another surveillance officer, so we have that
4 clear -- who was asking the question or did you know who
5 it was?

6 A. No, sir.

7 Q. Can you help with, when I say what sort of person, do
8 you understand what I mean, what sort of job they did?

9 A. A surveillance officer.

10 Q. You think it was one surveillance officer to another
11 surveillance officer?

12 A. Yes, sir.

13 Q. Thank you. If they could give a percentage of how sure
14 they were he was one of the suspects, and then the last
15 little bit of that, "because he was pretty sure he was
16 our man"?

17 A. Yes, sir.

18 Q. Who was expressing that view, just so we understand?

19 A. The person asking for the percentage.

20 Q. Right. Is saying that, he, the person asking, is pretty
21 sure that he is our man?

22 A. Yes, sir.

23 Q. Did you ever hear any answer to that?

24 A. No, sir.

25 Q. Did you then hear on the Cougar surveillance saying that

- 1 the man was now on the stairwell of the bus?
- 2 A. Yes, I did, sir.
- 3 Q. And anything else?
- 4 A. I heard them say that he appeared nervous and was
- 5 looking around. They thought he was going to get off
- 6 the bus. Then I heard surveillance again on our car
- 7 Cougar give a description of the male as IC2 in denims
- 8 with stubble. And I have recorded this in a notebook
- 9 which I have exhibited to the court. You should have
- 10 a copy of it.
- 11 Q. Did you give a time for that?
- 12 A. 9.55 am.
- 13 SIR MICHAEL WRIGHT: 9.55?
- 14 A. Yes, sir.
- 15 SIR MICHAEL WRIGHT: Thank you.
- 16 MR HILLIARD: You in your vehicle, were you making your way
- 17 along Stockwell Road towards the tube?
- 18 A. Yes, sir.
- 19 Q. Did you hear something else on the car Cougar system
- 20 from surveillance?
- 21 A. I heard from the surveillance that the male was now on
- 22 foot passing the NatWest Bank.
- 23 Q. Could you see a number 2 bus at the other side of the
- 24 main junction?
- 25 A. Yes, I could, sir.

- 1 Q. Were you actually able to tell from where you were
2 whether that was the bus or just a number 2 bus?
- 3 A. No, sir.
- 4 Q. Do you remember Ralph saying something?
- 5 A. Ralph said to hold position as this was still a covert
6 operation.
- 7 Q. Traffic we know and I think you recalled was heavy at
8 the junction?
- 9 A. Yes, sir.
- 10 Q. Did you hear on the Cougar that the man was now in the
11 station and then in due course that he was running down
12 the escalator?
- 13 A. Yes, I did, sir.
- 14 Q. Did you hear Trojan 84 say that the man must be stopped
15 before he got on the tube, "he must not be allowed on
16 the tube", I am reading from your statement?
- 17 A. Yes, I did, sir.
- 18 Q. What did you understand by that instruction?
- 19 A. I interpreted this as meaning that the male was a threat
20 to the persons on the tube.
- 21 Q. Did you then hear Ralph give state red?
- 22 A. Yes, I did, sir.
- 23 Q. Did you then drive into Binfield Road and stop there?
- 24 A. Yes, sir.
- 25 Q. I think you put on your blue chequered cap, is that

- 1 right, marked "police"?
- 2 A. Yes, I did, sir.
- 3 Q. You were armed, is this right, with a Glock pistol?
- 4 A. Yes, sir.
- 5 Q. I think you had heard on the radio that the man had gone
6 down towards platform 1?
- 7 A. Yes, I did, sir. I should also state that I was armed
8 with a G3K which is an assault rifle.
- 9 Q. Is that a long weapon?
- 10 A. Yes, it is.
- 11 Q. Thank you very much. Did you run down the escalators
12 aware that other officers were ahead of you?
- 13 A. Yes, I did, sir.
- 14 Q. Shouting anything as you ran?
- 15 A. I was shouting, "Armed police, when you get to the
16 bottom of the escalator, don't go on to the platform".
- 17 Q. You explain in your statement why you have said that.
18 Can you spell it out for us, please?
- 19 A. I shouted these instructions to the people on the
20 escalators because I thought that the male would
21 detonate a device when he saw us.
- 22 Q. Bottom of the escalators, you like others went left
23 through one of the archways that gives on to the
24 platform; is that right?
- 25 A. Yes, sir.

- 1 Q. Saw the train waiting there with its doors open?
- 2 A. Yes, sir.
- 3 Q. By the archway, had you seen someone who was obviously
- 4 a plain-clothes policeman?
- 5 A. Yes, sir.
- 6 Q. What did he do?
- 7 A. He pointed diagonally right into the open doors and said
- 8 something like, "That's him there on the train".
- 9 Q. Do you know now who that person was?
- 10 A. No, sir, I can't remember who that was.
- 11 Q. All right. I just want to be clear, was that person on
- 12 or off the train?
- 13 A. Off the train.
- 14 Q. You say in your statement "by the archway on the
- 15 platform", so nearer the archway than the train, so that
- 16 we understand?
- 17 A. Yes, sir.
- 18 Q. Right. Were you able to see where he was indicating?
- 19 A. I could see the doors that he was indicating towards,
- 20 sir, yes.
- 21 Q. When he said, "That's him" or something like, "That's
- 22 him there on the train", could you see anybody where he
- 23 was indicating?
- 24 A. I can't remember at what point I was able to see the
- 25 male that he was indicating, but at some stage I was

1 able to.

2 Q. Thank you. What you say in your statement is:

3 "I saw a darker-skinned male wearing a blue denim
4 jacket and blue denim jeans sitting on the tube facing
5 me."

6 Do you know now that that was Mr de Menezes?

7 A. Yes, sir.

8 Q. Thank you. Could you hear anything else at that stage?

9 A. I could hear people shouting, "Armed police". Then as
10 I approached I heard more shouting of, "Armed police".

11 Q. By "approached", approached where so we understand?

12 A. Approaching the doors to the tube.

13 Q. To the train itself?

14 A. Yes, sir.

15 Q. Thank you. Could you see Mr de Menezes at that point?

16 A. Yes, sir.

17 Q. Did he do anything?

18 A. He suddenly stood up --

19 SIR MICHAEL WRIGHT: Before you get on to that, where were
20 you at this point?

21 A. Still on the platform, sir.

22 SIR MICHAEL WRIGHT: On the platform?

23 A. Yes, sir.

24 MR HILLIARD: I think you have just said you were
25 approaching the doors, did you tell us?

1 SIR MICHAEL WRIGHT: That's the next thing, approaching the
2 doors?

3 A. Yes, sir.

4 SIR MICHAEL WRIGHT: Where did you get the impression that
5 the shouts of "armed police" were coming from?

6 A. I don't know, sir.

7 SIR MICHAEL WRIGHT: Very well.

8 MR HILLIARD: Can you help, ahead of you or behind you?

9 A. They could have come from anywhere, sir.

10 Q. So you have explained that you are approaching the doors
11 to the train, you can hear more shouts; correct?

12 A. Yes, sir.

13 Q. Then you were telling us that Mr de Menezes suddenly
14 stood up?

15 A. Yes, sir.

16 Q. And then?

17 A. And tried to get away, but he was quickly grabbed hold
18 of by plain-clothes officers.

19 Q. Just pause there. Can you say how far he got from his
20 seat, even approximately?

21 A. No, sir, my impression was that he was moving -- he was
22 coming away from his seat but I don't know how far he
23 got away from his seat.

24 Q. Did he get some way away from it at all before he's
25 grabbed hold off?

1 A. I don't know, sir, I don't know how far.

2 Q. Got up and moved a bit but how much you can't really

3 say?

4 A. No, sir.

5 Q. Is that fair?

6 A. My impression was that he had moved away from his seat,

7 sir.

8 Q. Can you help us, how many, can you remember,

9 plain-clothes officers grabbing hold of him?

10 A. There was the Charlie 2 and Charlie 12 and one other.

11 Q. So three?

12 A. Yes, sir.

13 Q. Did you see how they grabbed hold of him, can you

14 remember now?

15 A. No, sir.

16 Q. You describe, if we just follow it through from your

17 statement, because I don't know, that may be the best

18 way of doing it. You say:

19 "The male then suddenly stood up and tried to get

20 away but he was quickly grabbed hold of by plain-clothes

21 officers."

22 Do you remember you explained to me a few moments

23 ago that you were approaching the train at that point?

24 A. Yes, sir.

25 Q. Then, does this make that plain, you say -- the next

1 sentence you have or the next bit is:

2 "I got on to the train..."

3 A. Yes, sir.

4 Q. So that would be right, would it, that as it were, what

5 you have described so far, you are just off the train

6 for?

7 A. Yes, approaching the doors.

8 Q. As you said?

9 A. Yes, sir.

10 Q. Then you say this:

11 "I got on to the train..."

12 I think you may have a little bit of detail about

13 how they get hold of him here? Do you want to just look

14 at what you said on the 23rd?

15 A. Yes, sir. Charlie 2 was on the male's, Mr de Menezes'

16 right-hand side and Charlie 12 was on the left, and the

17 other male was to the front of Mr de Menezes.

18 Q. Give those positions and say they have grabbed hold of

19 him, but beyond that, can you help at all or not now?

20 A. No, sir.

21 Q. So one either side, another male in front of

22 Mr de Menezes, and can you say anything about

23 Mr de Menezes at this stage?

24 A. He appeared to have gone rigid and I thought he was

25 resisting.

1 Q. What about his hands or either of them, were you able to
2 see those?

3 A. I could see his hand down to his right side, and I bent
4 down to control the bottom half of his body so that
5 I could get hold of his hands to stop him detonating
6 a device.

7 Q. Is that what you thought he was going to do?

8 A. Yes, sir.

9 Q. Can you just explain, so you have bent down, but just
10 "to control the bottom half of his body, and try and get
11 his hands to stop him detonating a device"; I am sure we
12 can follow about getting his hands, but can you just
13 explain "to control the bottom half of his body", just
14 help us with what you mean by that?

15 A. There would have been Charlie 2 and 12 were controlling
16 the upper half and I was -- my intention was to take
17 hold of the bottom half, primarily try and get hold of
18 his hands.

19 SIR MICHAEL WRIGHT: What were you trying to get hold of?

20 A. I was -- I think I wanted to take hold of his hands or
21 his wrists.

22 SIR MICHAEL WRIGHT: His hands rather than his body?

23 A. Yes, sir.

24 MR HILLIARD: Did you in fact bend down to do that or try
25 and do that?

1 A. Yes, I did, sir.

2 Q. What happened?

3 A. I remember hearing a number of shots. They weren't --

4 it was unusual because it didn't sound like gunfire, it

5 sounded almost like party poppers going off, it was

6 an unusual sound for me to hear, it didn't -- I didn't

7 think they were gunshots when I first heard them.

8 Q. I just want to ask you about one thing, because you

9 have, if I may say so, helpfully put in a note,

10 a reference to that. What you have actually put in your

11 statement is:

12 "Notes stopped, debrief chronology S012, 2100..."

13 Is that "resumed 2140"?

14 A. Yes, sir.

15 Q. So you have put that in there so everybody knows about

16 it. Can you explain what you were noting there?

17 A. It's noting a break in the notes. I have noted one

18 earlier. I don't think it's in my typed but it's on my

19 original.

20 Q. It's very helpful. Can you tell us where that was?

21 Maybe it's in a bit I have not been asking you about.

22 A. I don't think it appeared on the typed version, sir, but

23 I have written it in the margins of my original.

24 Q. Page 6 of the original.

25 A. Yes, I have it, sir.

1 Q. In the margin, this is at a point, isn't it, when you
2 describe yourself and the weaponry that you had got, if
3 I can put it that way, describing magazines, your gun
4 and so on, when you are on your way to the TA barracks?
5 A. Yes, sir.

6 Q. You have put in there:
7 "Break 1740 to 1830".

8 A. Yes, sir.

9 Q. Do you remember what that break was for now? Just
10 a refreshment break?

11 A. Yes, sir.

12 Q. This one, where you have just put "notes stopped", so
13 you have said, just to have the context, you have
14 explained you bent down, you heard a number of shots,
15 then you have actually put in the notes, "notes
16 stopped"?

17 A. Yes, sir.

18 Q. This is at 9 and you begin again at 9.40. "debrief
19 chronology S012"?

20 A. Yes, sir.

21 Q. Can you just explain what it was that you were drawing
22 attention to as going on at that point?

23 A. I don't remember a lot about what happened, but
24 debriefing the chronology will just be to go through the
25 timings of the events.

1 Q. When it says "S012", do you mean by that that that was
2 being done with S012?

3 A. I can't remember who was there, sir, so I can't assist
4 further, I am afraid.

5 Q. But presumably involves S012 in some way?

6 A. Yes, sir, yes, I mean I have written that at the time so
7 it's a contemporaneous note.

8 Q. Absolutely. We understand that. Thank you for that.
9 Then you have gone back in your note to pick up the
10 narrative again; is that right?

11 A. Yes, sir.

12 Q. So you have bent down, you have heard the shots, what
13 did you do then?

14 A. I looked up and shouted down the train for people to get
15 off.

16 Q. If you carry on, please.

17 A. I looked to my left and saw blood coming from
18 Mr de Menezes' head on his right-hand side, and
19 I realised the male had been shot in the head and was
20 seriously injured.

21 Q. Just carry on, please.

22 A. I was fearing that the male may be carrying an IED,
23 an improvised explosive device. I kept shouting at
24 people to get off the train, and followed them down the
25 carriage, and out through the end door. Then I went

1 into the next carriage, shouting at people to get out,
2 and people ran out. I went back to the carriage and
3 from the platform saw Mr de Menezes with blood coming
4 from the right side of his head.

5 Q. And --

6 A. I heard someone shout for first aid and went further
7 down the train clearing the carriages.

8 Q. I think you have just summarised the rest. You saw
9 a clock at the end of the platform showing six minutes
10 past 10?

11 A. Yes, sir.

12 Q. You just record this:

13 "I remember thinking when I first saw the male, and
14 he was challenged or realised police were approaching
15 him, and he suddenly stood up, that this was
16 a determined attempt to get away from the police.
17 I believed he was trying to get away so that he could
18 detonate a device."

19 Do you see that?

20 A. Yes, sir.

21 Q. Can you remember, did you speak to anybody, the belief
22 that he was trying to get away, did you speak to anybody
23 down on the platform and express that view now that you
24 can remember?

25 A. I don't think so.

1 Q. It's very difficult.

2 A. I don't think I did, sir.

3 Q. All right. I want to ask you one last question. The

4 reference you have made when you stopped in your notes

5 and the reason for that, is there a rule that that

6 should be done or is that just a practice of yours so

7 that everybody knows what was going on when you were

8 making your notes; can you help us?

9 A. I think it was something that I was taught very early on

10 when I first joined the police, but it's certainly

11 something I put in my notes --

12 Q. It's a practice of yours --

13 A. -- and it explains the length of time taken to write the

14 notes.

15 MR HILLIARD: Thank you very much indeed.

16 SIR MICHAEL WRIGHT: That might be a convenient spot for

17 a break, Mr Mansfield, before you start. Before you do,

18 one thing I do want to ask you. You told Mr Hilliard

19 a moment ago that when you heard the order from

20 Trojan 84 that he wasn't to be allowed to get on the

21 tube.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: Your reaction to that, your thought at

24 that time was, well, he's going to detonate a device,

25 that he would be a threat to people on the tube.

1 A. Yes, sir.

2 SIR MICHAEL WRIGHT: When you were going down the escalator
3 shouting at the people who were there to get out and not
4 go on to the platform, you have told us that your state
5 of mind then was that you thought if this man saw you,
6 he would detonate a device?

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: When you saw him being grappled with
9 by, as you thought, three officers, Charlie 2,
10 Charlie 12 and the other officer who we know was Ivor,
11 you tried to secure his hands or grab his hands because
12 you thought he was going to detonate or might detonate
13 a device.

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: Does it come to this, that your state
16 of mind was that on that day you thought this man either
17 did have or might have a bomb on him?

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: Right. Ten to, ladies and gentlemen.

20 (2.45 pm)

21 (A short break)

22 (2.55 pm)

23 (In the presence of the jury)

24 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

25 Questions from MR MANSFIELD

1 MR MANSFIELD: Yes, good afternoon, D9, my name is

2 Michael Mansfield. I represent the family of

3 Jean Charles de Menezes.

4 A. Good afternoon.

5 Q. I want to, as with others, keep it chronological because

6 it's easier after this distance of time. I want to go

7 back just one or two questions about the main briefing,

8 or briefings put together in a sense, but certainly

9 things that you were told.

10 Did there come a time during, either the first or

11 the second briefing, that TJ84, the tactical adviser for

12 your firearms team, told you and others that you would

13 have to trust him?

14 A. Yes, sir.

15 Q. Where was that said? At Nightingale Lane or was it said

16 on the way or was it said at Leman Street?

17 A. That was said at Leman Street, sir.

18 Q. Leman Street, so before any of you set off, he's saying

19 that, so it's page 446 if you need it, just below the

20 redaction?

21 A. Yes, sir.

22 Q. So you are being told to trust him. Were you at any

23 later stage told that you had also to trust information

24 coming from a DSO?

25 A. I don't recall that, sir, no.

1 Q. What were you told about a DSO on this day?

2 A. We were told that there was a designated senior officer
3 at Scotland Yard, sir.

4 Q. Yes; had you worked with one before?

5 A. No, sir.

6 Q. So what did that mean to you?

7 A. That he was there -- that he or she were there to make
8 decisions for a situation where we may have to deal with
9 a suicide bomber.

10 Q. Would that DSO be involved even if it wasn't, for
11 example, a Kratos generic term situation?

12 A. I don't know, sir.

13 Q. You don't know.

14 SIR MICHAEL WRIGHT: Had you received Kratos or Clydesdale
15 training at this stage?

16 A. Yes, we had, sir.

17 SIR MICHAEL WRIGHT: You had. I mean you personally?

18 A. Yes, sir.

19 MR MANSFIELD: Just going back to what TJ84 told you, that
20 you would have to use unusual tactics or would have to
21 trust him so unusual tactics may be used, something that
22 had never been done before, I am still looking at that
23 sentence.

24 A. Can I just make a correction, sir? I have -- it should
25 be "trust him as unusual tactics may be used".

1 Q. Right. Very well. This, and I think there is another
2 error here:
3 "This was [I suspect should be how it should read]
4 queried..."
5 Is that right?
6 A. Yes, sir.
7 Q. So it's not "this way queried".
8 "This was queried..."
9 Sorry, it's just to get the words correct:
10 "This was queried by Terry and TJ84..."
11 A. "... and TJ84 replied..."
12 SIR MICHAEL WRIGHT: I see, that's another transcription
13 error.
14 MR MANSFIELD: I wanted to check what this meant because
15 TJ84 is doing the talking, so he's hardly likely to
16 query it himself although he might, and it's got
17 "I replied", meaning you, but it isn't, that isn't
18 right?
19 A. No, sir, it's -- I don't know what the typist was seeing
20 when she or he wrote --
21 Q. You have the original here?
22 A. I have my original here, I have made an error, crossed
23 it out and put Delta 9 as an initial and it's just, "and
24 Trojan 84 replied".
25 Q. "It may mean us taking a critical shot to incapacitate

1 somebody".

2 Was there any discussion about the circumstances in
3 which that may arise?

4 A. No, sir. I don't recall there being any discussion.

5 Q. Because of course it may arise in two different ways,
6 but there was no discussion about whether it might be
7 an authorised or unauthorised critical shot?

8 A. I don't remember a discussion, sir, no.

9 Q. Or how the critical shot might be delivered, in other
10 words by a handgun or in some other way?

11 A. No, sir, I don't recall any discussion taking place.

12 Q. Then I just want to go on further, as it were, to
13 a later stage. At the end of the briefing that took
14 place at Nightingale Lane, all right, so I am now at
15 a later stage, I want to deal with something that you
16 have observed, it's page 447, in this statement. In
17 other words, if you see on that page, you deal with
18 9.15, so that's roughly the end of that briefing. Do
19 you have the time, two-thirds of the way down the page,
20 on the typewritten version?

21 A. Yes, sir.

22 Q. This is what you have written:

23 "I was left in no doubt that we were dealing with
24 determined suicide bombers who would not negotiate."

25 So that was the thrust of what you were being told,

1 was it?

2 A. That was my interpretation of what we were being told,

3 sir, yes.

4 Q. Right:

5 "I believe that they thought..."

6 Just follow it here.

7 A. Yes, sir.

8 Q. "... as they were going to die anyway they wouldn't

9 respond to any challenges, and that if given the

10 slightest opportunity they would blow themselves up."

11 Do you see that?

12 A. Yes, sir.

13 Q. Right. I just want to pause on that. If we may just

14 follow that through, the logic of that thinking that you

15 had, first of all was this the thinking of other

16 officers as well?

17 A. I don't know what other officers were thinking, sir.

18 Q. Well, you do act as a team?

19 A. Yes, sir.

20 Q. You do discuss between yourselves what's being said?

21 A. Yes, sir.

22 Q. This was obviously a very important day because of what

23 had happened the day before and at the beginning of

24 July?

25 A. Yes, sir.

1 Q. Again, the logic of this is, if at the slightest
2 opportunity they blow themselves up, you and any other
3 members of the public, you wouldn't want to give them
4 that opportunity, would you?

5 A. No, sir.

6 Q. Which means that you certainly wouldn't rush on to the
7 train shouting, "Armed police", would you?

8 A. Well, that depends on the circumstances, sir.

9 Q. Well, I'll come to it. But do you agree that if your
10 thinking is: don't want to give them the slightest
11 opportunity because we are dealing with people who are
12 determined and up for it, you don't want to alert them,
13 do you, that you are police officers about to arrest or
14 stop or deliver a critical shot, do you?

15 A. The ideal is not to alert them, sir, yes.

16 Q. Yes, you agree that. Well, can I just go on? Would you
17 bear that thought that you have there in mind, to the
18 next stage, again I am going chronologically, 448, is
19 what you hear on the radio.

20 Middle of 448. So the context is you have heard
21 that there is a man out of the address. Perhaps
22 I should take it right from the top. Can we have 448,
23 please. Do you see:

24 "Delta 4 told me that a male was out of the address
25 at Scotia Road and that S012 units were going to stop

1 him."

2 Do you see that?

3 A. Yes, sir.

4 Q. Now, how did Delta 4 communicate that? I am sorry to

5 ask you it. Did he come and tell you in person because

6 you are still at the barracks as you put it?

7 A. Yes.

8 Q. Or did you hear it on the radio?

9 A. No, hear it in person, sir.

10 Q. You hear it in person, so certainly at least one other

11 member of the firearms team knew at that stage, and told

12 you, that S012 were going to stop. What did that mean

13 to you?

14 A. They didn't think that the person being followed --

15 Q. Was a suspect?

16 A. Was a suspect.

17 Q. Right, and your understanding there was that it was S012

18 that were going to do the stop?

19 A. Yes, sir.

20 Q. Were you aware that in fact there was another team on

21 hand to do any stops, an S013 team?

22 A. No, sir.

23 Q. Then your Cougar set was fixed and so on. Then if you

24 just follow through:

25 "I heard surveillance say that the subject was now

1 on a number 2 bus ..."

2 Well, you are hearing that over the Cougar; is that
3 right?

4 A. Yes, sir.

5 Q. Were you wondering what's happened to the stop by S012?

6 A. I haven't recorded it, sir, but I probably was wondering
7 what was happening to that stop.

8 Q. You see, I want to ask, even in your case, about your
9 state of belief. So the early stages here, you hear
10 that it's -- and the inference you draw is that there is
11 a person being followed who's, or at least has drawn
12 attention to himself or S012, who is not the subject.

13 Then you hear that he's now, the subject was now on
14 a number 2 bus. Did you interpret that to be the same
15 person?

16 A. Yes, sir.

17 Q. You did. Well, then, you must have wondered: what's
18 going on? Because first it's S012 dealing with somebody
19 and they don't appear to have done it?

20 A. Yes, sir. I agree with that.

21 Q. Then you get the number of the bus, and there were other
22 ARVs, C ARVs arriving and so on. I'm just moving down
23 the statement. Then somebody asking for a position of
24 the male on the bus, still the same person you think:

25 "There was a period of surveillance following the

1 bus along Stockwell Road."

2 Now, by this time, that is the surveillance
3 following the bus along Stockwell Road, were you
4 following?

5 A. I have written in my statement, sir, that I have heard
6 that the bus was in Stockwell Road and then we left the
7 barracks to support the surveillance, so I don't know
8 where the bus was when we left the barracks.

9 Q. Right. Who ordered you to do that?

10 A. Well, I haven't, again, I haven't made a note of that,
11 but that would be the firearms team leader in
12 conjunction with Silver; in normal follows it would be
13 their decision to decide for us to follow them.

14 Q. Right. Once again, did you wonder why you were being
15 ordered in the normal way of things by either Ralph or
16 Silver or TJ84, somebody in that bracket, why you were
17 being ordered to follow somebody that S012 were going to
18 stop?

19 A. You do wonder why things like that are happening, sir,
20 but if you are told that it's your job to follow
21 someone, you do as you are told.

22 Q. I appreciate that. Of course, yes, I understand that.
23 The next bit is, I suggest to you, important as to what
24 you heard, because we have heard a number of people talk
25 about what they heard:

1 "I heard someone on the car Cougar ask another
2 surveillance..."

3 Meaning presumably officer, is that right?

4 A. Yes, sir.

5 Q. "... if they [meaning the surveillance] could give
6 a percentage of how sure they were he was one of the
7 suspects because he ..."

8 Does that mean the person who is asking the
9 question?

10 A. Yes, it does, sir.

11 Q. Did you get the impression that the person asking the
12 question was in the control room?

13 A. No, sir.

14 Q. Well, who did you think he was?

15 A. One of the surveillance officers on the follow, sir.

16 Q. Right, so one of the surveillance officers, all right,
17 on the follow is asking about a percentage, and whether
18 they could give it, because he -- that is the person
19 asking the question -- was pretty sure he was our man.
20 All right?

21 A. Yes, sir.

22 Q. Did he use words -- and I'm sorry to be specific but
23 there are reasons -- first of all you did not hear the
24 words spoken, "He's definitely our man", did you?

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

1 Q. Do you think you may have heard words by the person
2 asking the question to the effect, "I think it's him"?
3 A. I have only written down what I can remember was said,
4 sir.
5 Q. I know now it's difficult, this was a statement along
6 with many of the others, we have heard all the others,
7 on the 23rd. You can't elaborate further on what you
8 wrote on the 23rd; is that right?
9 A. No, sir.
10 SIR MICHAEL WRIGHT: Which is pretty sure.
11 MR MANSFIELD: Pretty sure is how you have put it there.
12 A. Yes, sir. I don't know if you have my original here but
13 I have underlined the word "he" on --
14 Q. On your handwritten one?
15 A. -- on my handwritten one. I don't know if that's
16 underlined on the original or if that's something I have
17 done subsequently.
18 Q. Never mind, I think we appreciate why you might have
19 underlined it, to emphasise that it was the speaker who
20 was pretty sure rather than the reply?
21 A. Yes, sir.
22 Q. The question I want to follow through here --
23 SIR MICHAEL WRIGHT: Sorry, which "he" is it?
24 MR MANSFIELD: It's the "he" who asked the question who he
25 thinks is another surveillance.

1 SIR MICHAEL WRIGHT: It's "he was pretty sure it's our man".
2 Is that it? Not "pretty sure that he is our man"?
3 A. The questioner is pretty sure that --
4 SIR MICHAEL WRIGHT: Can we look at it, it's the first "he"
5 of those two that's underlined in your handwritten note;
6 is that right?
7 A. Yes, sir.
8 SIR MICHAEL WRIGHT: Thank you. Shifting the comma does
9 terrible things to him.
10 MR MANSFIELD: May I ask you to pause and look up for
11 a moment, because it's not in your statement, what was
12 the reply that the man who was pretty sure got?
13 A. I didn't hear a reply, sir, I haven't noted one.
14 Q. Does that mean there wasn't one?
15 A. No, sir, it doesn't mean there wasn't one, I didn't hear
16 one.
17 Q. Right. Then you hear about him being on the stairwell
18 and so forth. I want to go a bit further down, and you
19 have talked about the time when all that happened.
20 A bit further down after the heavy traffic and so
21 on, you hear again on the Cougar that the man was now in
22 the station. Do you have that stage? Further down:
23 "I heard surveillance on the car Cougar saying the
24 male was now into the station."
25 A. Yes, I have it, sir.

1 Q. I am doing it so you can follow on that if you wish.

2 Now, had you heard anything to the -- at all by any
3 means -- that at about this time, S012, the people you
4 have mentioned on the other page, were in fact offering
5 to do the stop?

6 A. No, sir.

7 Q. Did you hear at about this time anything to the effect
8 that firearms were unable to do the stop?

9 A. No, sir.

10 Q. Or alternatively firearms were able to do the stop?

11 A. No, sir.

12 Q. Right, so none of that. What is clear from what you
13 have written is that you thought he was, that is the
14 subject about whom somebody was pretty sure, running
15 down the escalator?

16 A. Well, I heard someone say that he was running down the
17 escalator, sir, yes.

18 Q. So that's before any, as it were, communication about
19 being stopped. Now, the next part:

20 "I heard TJ84 say on the radio that the male must be
21 stopped ..."

22 I want to take this carefully as well as to your
23 state of mind. This instruction -- the learned Coroner
24 read this out just before the break:

25 "This instruction I interpreted as meaning the male

1 was a threat to the persons on the tube."

2 Now I pause. Just look at that sentence. It
3 doesn't say that the person might be a threat, does it?

4 A. No, sir, but that is, he could be a threat or he could
5 not be a threat.

6 Q. I would like to put you back into the state of mind, you
7 see. Did you think because TJ84 who had told you
8 earlier that you had to trust what he said, was telling
9 you that this person now did present a threat?

10 A. I thought that was a high possibility that he could be
11 presenting a threat, sir, yes.

12 Q. Yes, a bit more than that, you thought he was a threat
13 because TJ84 was saying he must be stopped before he got
14 on the tube?

15 A. No, sir, I don't entirely agree with that, I think he
16 was a high threat to people on the tube, but he -- there
17 could have been a possibility that he wasn't carrying
18 a device and he could still have been a subject without
19 a device.

20 Q. You see, I know that's what's said now by you, but just
21 think about this for a moment, as to what your state of
22 mind was on that day, and what what's being said by
23 TJ84.

24 The basis for you interpreting, as you have put in
25 this instruction, in a particular way, was it

1 effectively what you were being told by TJ84?

2 A. Sorry, the basis for --

3 Q. For the interpreting. Why were you interpreting it as

4 a threat or even potential threat?

5 A. Sorry, when you say it, sir, do you mean his instruction

6 that the man must not be allowed on the tube?

7 Q. Yes. Why were you interpreting it in that way?

8 A. It was the manner that it was said on the radio, "This

9 man must not be allowed to get on the tube" or --

10 SIR MICHAEL WRIGHT: What was it about the man?

11 A. It was -- it's difficult to describe but it came across

12 as being very deliberate and a very forceful statement.

13 MR MANSFIELD: Right.

14 Because if we just pass on, it's the same topic,

15 over the page to top of page 449 as again the learned

16 Coroner asked you before the break, you were going down

17 the escalators, I suggest, in the belief that you were

18 now dealing with somebody who was up for it and deadly

19 and determined and was a suicide bomber on that day,

20 weren't you?

21 A. That is a possibility that could have been the case,

22 sir.

23 Q. I know you are being more guarded about it, but look at

24 how you put it in your statement:

25 "I shouted these instructions to people on the

1 escalators as I thought the male would detonate."

2 Do you see that?

3 A. Yes, sir.

4 Q. Not could detonate, not might detonate, but "would

5 detonate"?

6 A. Yes, sir.

7 Q. You do see the distinction?

8 A. I do, sir, but I have a chance to explain that now and

9 it's the case that he might detonate.

10 Q. You had a lot of chance at the time, if you don't mind

11 my saying, you firearms officers, unlike passengers you

12 were given a day to recover, you met together, you

13 discussed it, over many hours and sat down together,

14 didn't you?

15 A. Yes, sir.

16 Q. Right. You knew when you wrote this statement, because

17 by this time you knew the man who had been shot wasn't

18 a terrorist; correct?

19 A. Yes, sir.

20 Q. You knew there were going to be questions asked about

21 that, didn't you?

22 A. Yes, sir.

23 Q. So you had plenty of time to explain what you meant when

24 you wrote your statement, didn't you?

25 A. Yes, sir, when you write your statement you write down

1 as much as you can remember and you think you want to
2 say at the time.

3 Q. All right. I'm going to come to the last part now, 449
4 in the middle roughly, can I for these purposes just ask
5 you to place yourself, if you can help us. So just keep
6 that page open, 449, but what I want you to do, if you
7 would not mind, is to look at the jury bundle as to the
8 position that you were as you came down the escalator.
9 It can come up on screen if you prefer. If it's easier
10 for you.

11 Tab 28 onwards is the bottom of the escalators, just
12 to get your bearings, tab 29 is going through to the
13 entrances, if you follow it on screen, coming down just
14 to give you a run-in, as it were, then we come to tab 30
15 and then 31. I want to stop at 31.

16 Did you go through that first entrance or archway?

17 A. I can't remember which archway I went through, sir.

18 Q. If you turn to 32, it's coming up now, there is a closer
19 one. That's the first archway with a rucksack and open
20 doors, do you see? When we get to 33 there is a view
21 along the platform.

22 A. Yes.

23 Q. When you came through the archway, were you facing the
24 doors through which you could see Jean Charles
25 de Menezes?

1 A. No, sir, because I remember I had a view across the
2 front of the train so I was coming at him diagonally, so
3 from this --

4 SIR MICHAEL WRIGHT: You said you had to look diagonally to
5 see him.

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: If that's right, that makes it look as
8 though it's the first tunnel that you went through.

9 A. Yes, where the green bag is, sir.

10 MR MANSFIELD: Are you saying you could see him from there?

11 A. No, sir, I can't remember where I was on the platform
12 when I could first see him; I may have had to move round
13 the corner and start approaching the train.

14 Q. I want to see what your position was for seeing things
15 as you describe certain things that you claim
16 Jean Charles de Menezes did, do you follow?

17 A. Yes, sir.

18 Q. So on the next one, that's 33, there is the same
19 rucksack, this is the first entrance. Where were you
20 when you say you looked through or diagonally and saw
21 him sitting on a seat on the wall side, as it were?

22 A. I don't know where I was, sir, on that platform but
23 obviously there would come a point walking along that
24 platform where you would be able to see in through those
25 doors.

1 SIR MICHAEL WRIGHT: You couldn't have been where the
2 photographer was on that photograph because you plainly
3 can't see where he was.

4 A. Yes, sir.

5 SIR MICHAEL WRIGHT: So you must at least have been further
6 forward.

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: Do you think you were still in line
9 with the tunnel, cross-tunnel, or do you think you had
10 moved?

11 A. I can't say, sir, I was focused on that carriage door,
12 so I don't know where I was.

13 SIR MICHAEL WRIGHT: You appreciate that he was sitting on
14 the far side of the other carriage --

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: You appreciate that?

17 A. Yes, sir.

18 MR MANSFIELD: When you came on, were there other armed
19 officers on the platform?

20 A. I don't remember seeing any, sir, because I was focused,
21 totally focused on those doors and on Mr de Menezes.

22 Q. Those doors as you put it, we are looking at tab 33,
23 it's not the first set of double doors, it's the next
24 set of double doors?

25 A. Yes, sir.

1 Q. So somewhere along there, you are looking through and
2 you can't help about, for example, I am going to put
3 specific officers to you, who obviously you know.
4 Terry, for example, he's given evidence of the route he
5 took. Did you see him?
6 A. No, sir.
7 Q. C2, C12, when you are on the platform, did you see them?
8 A. No, sir.
9 Q. So you see this man with denims on; did you see another
10 man with a denim jacket and trousers and a black cap?
11 A. I don't remember, sir, and I haven't made a note of it.
12 Q. We now know that that man's called Ivor and he was
13 standing in the doorway?
14 A. Yes, sir.
15 Q. You didn't see him?
16 A. I don't remember seeing him, sir.
17 Q. I would like you to think very carefully about what
18 you -- I know it's a long time ago and I know what you
19 have put in your statement: did you see a man in a denim
20 jacket and denim jeans and a baseball cap move straight
21 across to the seat where the person we know is
22 Jean Charles de Menezes was sitting?
23 A. I don't remember seeing that, sir, no.
24 Q. As you come to -- presumably you went on walking, is
25 this fair, to that second set of doors, did you?

- 1 A. Yes, sir.
- 2 Q. Which of course if we go to the next one, 34, you then
3 see the second set of doors from another angle; do you
4 see there?
- 5 A. Yes, sir.
- 6 Q. You got to those doors, did you?
- 7 A. At some stage I got to those doors, if that's the -- if
8 those are the double doors nearest where Mr de Menezes
9 was sitting, those are the ones I went in through.
- 10 Q. So those are the ones you went in, right. I'm going to
11 make it plain first of all in relation to what you heard
12 that the last thing any police officer would shout,
13 giving someone the slightest opportunity, is, "Armed
14 police", and I suggest it was not shouted?
- 15 A. Well, I heard it shouted, sir.
- 16 Q. You must have been really scared then, at that point, if
17 they started shouting, "Armed police", given your
18 beliefs about who this person was and the slightest
19 opportunity, you must have wondered what on earth they
20 were doing?
- 21 A. Well, I had also been shouting it coming down the
22 escalators, sir.
- 23 Q. That's one thing. Shouting it to members of the public
24 to get out of the way effectively and something was
25 coming up, that's one thing, but actually going through

1 the doors shouting, "Armed police", I suggest, given
2 your beliefs, would make a nonsense of the situation,
3 wouldn't it?

4 A. I don't remember being scared when I heard that
5 shouting, sir. I just remember thinking that we had to
6 get on there, and --

7 Q. All right. Did you see, you know C12 and C2, don't you?

8 A. Yes, sir.

9 Q. Did you see them right in front of you?

10 A. No, sir, I can honestly say I don't remember seeing them
11 in front of me.

12 SIR MICHAEL WRIGHT: You have told us that when
13 Mr de Menezes stood up and tried to get away, you saw
14 him grabbed --

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: -- by C2, C12 and one other officer.
17 Well, now we know who that is, that's Ivor, the
18 surveillance officer. Did you see how they got there?

19 A. No, sir, I was -- I remember just being completely
20 focused on the door and on Mr de Menezes, so I didn't
21 take, didn't note anything else. I don't remember them
22 being there.

23 SIR MICHAEL WRIGHT: So you can't help us as to where C2 and
24 C12 came from.

25 A. No, sir.

1 SIR MICHAEL WRIGHT: Or whether they got on the platform
2 before you did or after you did.

3 A. I know that they got on the platform before me.

4 SIR MICHAEL WRIGHT: Before you?

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: Right.

7 MR MANSFIELD: How do you know that?

8 A. Only from the evidence that's been given, the CCTV.

9 SIR MICHAEL WRIGHT: From recollection you simply can't tell
10 how they got there.

11 A. No, sir, I knew that they had gone into the station
12 before me.

13 SIR MICHAEL WRIGHT: Ahead of you?

14 A. Ahead of me.

15 MR MANSFIELD: You see, on your version there is shouting,
16 "Armed police", before you get on the train and as you
17 approach, there is more shouting of, "Armed police"?

18 A. Yes, sir.

19 Q. I am going to ask you this, since that is something you
20 hear, do you hear C12, who's right in front of you, even
21 though for the moment you can't explain how they got
22 there, did you see C12 right in front of you, holding up
23 his right arm with a gun in it and in the face of
24 Jean Charles de Menezes shouting, "Armed police"?

25 A. No, sir. I was behind them.

- 1 Q. Yes, but you would see that if it happened, wouldn't
2 you?
- 3 A. Not necessarily, sir, no.
- 4 Q. This is the man you say you are focusing on the man,
5 Jean Charles de Menezes, and you say you don't see a gun
6 pointed to his face?
- 7 A. Yes, that's right, sir.
- 8 Q. You don't see it because of course I want to make it
9 clear that didn't happen.
- 10 Can I just move on. Are you aware from certainly
11 recent evidence, since you are indicating what you are
12 now aware of, what passengers say about Jean Charles
13 de Menezes?
- 14 A. Some of it, sir, yes.
- 15 Q. I am going to ask you very carefully. So far there is
16 no passenger who suggests he gets out of his seat. Now,
17 think about this. Did he get out of his seat?
- 18 A. He definitely got out of his seat, sir, he stood up.
- 19 Q. You see, your interpretation of absolutely everything he
20 does, do you agree, is thoroughly influenced by the fact
21 that you believe -- all right, we will leave aside
22 potential -- that he was a suicide bomber?
- 23 A. Sorry, sir, can you repeat the question.
- 24 Q. Yes, everything you perceived has been, I suggest,
25 distorted by the fact that you believed he was a suicide

1 bomber?

2 A. Or could be a suicide bomber, yes, sir.

3 Q. You agree that?

4 A. I don't believe that what I have seen is distorted;

5 I believe that what I have written down is what I have

6 seen.

7 Q. Well, he was trying to escape? (Pause). He was trying

8 to escape, is that what you saw?

9 A. That was how I perceived it, sir, yes.

10 Q. That's why I am suggesting to you that your perception

11 has been distorted by what you believe that person to

12 be. Now, that's fair, isn't it?

13 A. I wouldn't call it a distortion, sir, no.

14 Q. Did you talk to Terry after this was over on the station

15 somewhere on the platform near the archways and tell him

16 that you saw him trying to escape?

17 A. No, sir, I -- after the shooting I went briefly back to

18 carriage and then I was right down at the other end of

19 the platform.

20 Q. Are you aware that Silver, the Silver Commander,

21 suggests that Terry told him something along those

22 lines? Are you aware of that?

23 A. Only from the -- what I have heard from the evidence

24 given, sir.

25 Q. I see, but that doesn't come from you?

1 A. No, sir.

2 Q. Right. Can I just move it forward. It's in the middle
3 of 449:

4 "The male suddenly stood up, tried to get away ...
5 quickly grabbed hold of ..."

6 I think you have been asked about this. You can't
7 help, but he's hardly moved from the seat even on your
8 version; is that right?

9 A. My impression was, sir, when I saw him stand up that he
10 had started to move away from the seat, but I don't know
11 how far he got away from it.

12 Q. You have given the description of who does the grabbing
13 and so forth. It's around this time that you are either
14 on the train or you go on to the train?

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: Could you pause there, Mr Mansfield?

17 I have had a plea for mercy from one of the jury.

18 MR MANSFIELD: Certainly.

19 SIR MICHAEL WRIGHT: Let me know when you are ready to go
20 on, please.

21 (3.32 pm)

22 (A short break)

23 (3.43 pm)

24 (In the presence of the jury)

25 MR MANSFIELD: Just one question. It's just this, the

1 penultimate page of your statement.

2 I want to suggest it's very much in the same
3 category as the observations you have made about him
4 trying to get away. Because your interpretation of his
5 reaction to being, as it were, held was that he was
6 resisting?

7 A. Yes, sir.

8 Q. Merely because he was -- he had stiffened his body?

9 A. Yes, sir, that is a form of resistance.

10 Q. In your mind that's how it works, is it?

11 A. Well, yes, sir, I can give you an example, if you are
12 dealing with a demonstrator in Central London, and they
13 may be demonstrating quite peacefully but they don't
14 want to move, they will resist by locking their arms, so
15 they are going rigid so that is a form of resistance.

16 Q. But he wasn't doing anything with his hands, was he?

17 A. I don't remember, sir.

18 Q. Because Ivor, whose name you didn't know, was the third
19 person, do you recognise this, had wrapped his arms in
20 a bear hug round Jean Charles de Menezes so he couldn't
21 move his arms or his hands; did you observe that?

22 A. Well, my observation, he had his hands down rigidly by
23 his sides, sir.

24 Q. Rigidly by his sides, restrained by Ivor?

25 A. That may have been a reason why he had his arms like

1 that.

2 SIR MICHAEL WRIGHT: Could you see his hands?

3 A. I only remember seeing his right hand, sir.

4 SIR MICHAEL WRIGHT: All right, that's one hand anyway. So
5 presumably that hand must have been below the point at
6 which Ivor was wrapping his arms round his body?

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: For you to be able to see the hand.

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: Thank you.

11 MR MANSFIELD: Thank you, I have no other questions.

12 SIR MICHAEL WRIGHT: Thank you very much. Mr Gibbs.

13 Questions from MR GIBBS

14 MR GIBBS: Sir, I have a short point if I may. I represent
15 the red and grey surveillance teams.

16 It is this question that you heard about
17 a percentage on the Cougar radio?

18 A. Yes, sir.

19 Q. You remember what you took to be a surveillance officer
20 asking: can anyone give a percentage, something like
21 that?

22 A. I heard someone on the car Cougar ask a surveillance
23 officer if they could give a percentage of how sure they
24 were he was one of the suspects because he was pretty
25 sure he was our man.

1 Q. Do you remember the way it was phrased as being
2 described as a pretty ridiculous question but one that
3 was going to be asked anyway; do you remember the word
4 "ridiculous"?
5 A. No, sir.
6 Q. Do you remember that same officer saying, "Can I take it
7 from the silence that none of you can help with that?"
8 A. I don't remember that being said, sir, no.
9 Q. Just so we put this in context, we know about the
10 various radios coming into the cars, you were in the
11 same car as Terry?
12 A. Yes, sir.
13 Q. And he was the front seat passenger?
14 A. Yes, sir.
15 Q. Does that place him in charge of the radios?
16 A. Yes, sir.
17 Q. There is a driver, and then you are in the back seat,
18 are you?
19 A. Yes, sir.
20 Q. The phrase "pretty sure", which you have in your
21 statement, is one which I don't think we have heard from
22 anyone else yet. I wonder whether that may be
23 an impression that you formed or whether you have it in
24 your head as a particular phrase that you actually hear?
25 A. I have recalled, I have recorded what I recall being

1 said, sir.

2 Q. Thank you. I think it's been asked already but we have

3 heard the phrase, "definitely our man". Some people

4 think they heard that over the Cougar channel?

5 A. Yes, sir.

6 Q. You didn't hear that?

7 A. No, sir.

8 MR GIBBS: Thank you.

9 SIR MICHAEL WRIGHT: Yes, Mr Stern?

10 MR STERN: No questions, thank you.

11 SIR MICHAEL WRIGHT: Thank you. Mr Penny?

12 MR PENNY: No questions.

13 MR HORWELL: No, thank you, sir.

14 MS LEEK: Sir, I think I get a go.

15 SIR MICHAEL WRIGHT: I beg your pardon, Ms Leek, I have done

16 it again.

17 Questions from MS LEEK

18 MS LEEK: Just a few questions. First of all, you put on

19 a high visibility cap when you got out of your car; is

20 that right?

21 A. Yes, ma'am.

22 Q. Were you still wearing it when you went on to the tube?

23 A. Yes, I was.

24 Q. Did you keep it on the whole time?

25 A. Yes, I did.

1 Q. I just want to ask you about your state of mind as you
2 went down into the tube on the basis of the questions
3 that Mr Mansfield has asked.

4 I think as well as being told to trust Trojan 84,
5 you had been told by him that information would come
6 from the control room?

7 A. Yes, ma'am.

8 Q. And that that information may be sanitised; is that
9 right? (Pause).

10 SIR MICHAEL WRIGHT: I don't think you will find it in
11 there, actually.

12 MS LEEK: In fact, sir, it's in a redacted part of the
13 original statement. I don't know why it's been
14 redacted. There is no good reason for it, because it's
15 in the statements of other officers.

16 SIR MICHAEL WRIGHT: I know.

17 MS LEEK: I think you said that you wouldn't know if
18 intelligence had been sanitised. It's on page 3 of your
19 handwritten statement. (Pause). It's page 3 of 10.

20 A. Yes. He would not know if intelligence passed on to us
21 had been sanitised.

22 SIR MICHAEL WRIGHT: Thank you very much, so it is there.

23 MS LEEK: Thank you. Do you recall Trojan 84 telling you
24 that he would relay any direct instructions as given to
25 him by the control room? It's not in your statement but

- 1 I just wonder if you can remember that today.
- 2 A. I don't remember that being said, ma'am, no.
- 3 Q. As far as what was passed on to you, nobody at any stage
- 4 said that he was carrying a bomb?
- 5 A. No, ma'am.
- 6 Q. Nobody at any stage said that he would detonate?
- 7 A. No, ma'am.
- 8 Q. Nobody gave an order for a critical shot?
- 9 A. No, ma'am.
- 10 Q. Do I understand you to be saying that your understanding
- 11 was that this man was a suspect who was a suicide bomber
- 12 from the day before?
- 13 A. Yes.
- 14 Q. On that basis alone, there was a real possibility that
- 15 he may have an explosive device?
- 16 A. Yes, ma'am.
- 17 MS LEEK: Thank you.
- 18 Questions from THE CORONER
- 19 SIR MICHAEL WRIGHT: I am not sure, I think we may have
- 20 asked one or two other officers this, but as a firearms
- 21 officer, you go out in armed response vehicles and so
- 22 forth from time to time, and you are in radio
- 23 communication with your colleagues; right?
- 24 A. Yes, sir.
- 25 SIR MICHAEL WRIGHT: And you presumably from time to time

1 use the radio yourself?

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: Is there any general discipline, if you

4 like, or general practice that when you speak over the

5 radio you introduce yourself every time you do so, so

6 that everybody knows who is calling?

7 A. The Cougar radio system in the vehicles during

8 a surveillance operation, that channel belongs to the

9 surveillance. If you want to talk on that, as

10 a firearms officer, you would ask for permission to talk

11 on that, and you would introduce yourself as --

12 SIR MICHAEL WRIGHT: You have to tell them who you are?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: Let me ask you about second-hand

15 information in that case. You will from time to time

16 probably for long periods be listening to the

17 surveillance officers talking among themselves?

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: Same question, really: is there

20 a discipline among the surveillance officers that when

21 they speak on the radio each time they have a message to

22 pass they say (a) who they are and (b) who they are

23 trying to talk to?

24 A. They may do, sir. They work in teams so they probably

25 recognise each others' voices, but they will have to ask

1 --

2 SIR MICHAEL WRIGHT: Oh, I see.

3 A. They may recognise each others' voices because there may
4 be other people coming to join them.

5 SIR MICHAEL WRIGHT: There is nothing cast-iron laid down
6 about it?

7 A. No, sir.

8 SIR MICHAEL WRIGHT: Thank you very much. Mr Hilliard?

9 MR HILLIARD: No, thank you very much.

10 SIR MICHAEL WRIGHT: Thank you very much indeed. That's it
11 as far as you are concerned. As soon as the door has
12 been cleared you are free to go. Thank you very much.

13 (The witness withdrew)

14 MR HILLIARD: Sir, that's the witnesses. Sir, can
15 I explain, we have now finished all the witnesses we are
16 going to call today. The next stage ordinarily now
17 would be to read some witnesses. I am very grateful to
18 Mr Stern in particular with whom I have had
19 a conversation and actually managed to dispense with
20 some. So I am very grateful to him for that.

21 SIR MICHAEL WRIGHT: Do you mean some of the witnesses you
22 listed?

23 MR HILLIARD: Yes. So I have to say, we do wonder whether
24 it might be easier to begin tomorrow with reading when
25 we are a bit fresher. It's quite a slog now at five to

1 4, to be honest.

2 SIR MICHAEL WRIGHT: We have the pathologist and the
3 forensic scientist coming tomorrow, I think.

4 MR HILLIARD: We have. We thought we might just read at the
5 beginning of the day, get some of the reading done when
6 we are a bit fresher and then call them, and I include
7 everybody in that.

8 SIR MICHAEL WRIGHT: If you are content to do it that way.

9 MR HILLIARD: Yes. We are certainly well up to speed. If
10 we could keep you behind, sir, afterwards.

11 SIR MICHAEL WRIGHT: Ladies and gentlemen, you have an early
12 day. Can we meet please at 10 o'clock tomorrow morning.

13 (3.56 pm)

14 (In the absence of the jury)

15 SIR MICHAEL WRIGHT: Thank you very much. That's it, good.
16 10 o'clock tomorrow morning.

17 (4.11 pm)

18 (The court adjourned until 10.00 am on
19 Tuesday, 4 November 2008)

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