

1 Monday, 21st February 2011

2 (11.00 am)

3 LADY JUSTICE HALLET: Mr Keith, I need to announce that for
4 the purposes of the preventability evidence this week
5 I am withdrawing my consent for live text-based forms of
6 communication and for the use of laptops in this court
7 room and in the annexe. This is to allow counsel to
8 intervene if the witnesses inadvertently stray into
9 closed information.

10 I also wish to remind everyone in the court room
11 that they have given special undertakings to the effect
12 that they will not disclose, directly or indirectly, any
13 information which might reveal anything about the
14 physical appearance of the witness we shall be calling
15 Witness G.

16 Finally, I wish to remind everyone that these are
17 judicial proceedings and I expect all parties to behave
18 accordingly. That means that if an interested party has
19 a complaint about the process, I expect the complaint to
20 be brought to my attention on the record, so that, if
21 necessary, I can rule upon it. If anyone is then
22 further aggrieved by my decision, they can apply to the
23 High Court.

24 Mr O'Connor, on 21st January, you and I discussed on
25 the transcript whether you wished to complain about the

1 choice of Witness G as a corporate witness. You raised
2 a number of possible problems that had occurred to you
3 before you saw the material produced by Witness G and
4 indeed Witness G's statements. You raised those
5 problems, but having discussed the matter, the matter
6 was left until Mr Smith wrote to your instructing
7 solicitors on 28th January asking in terms whether you
8 wished to raise any submissions with me on the number or
9 seniority of the Security Service witness.

10 If you wished to do so, you were informed that the
11 time to do so was on February 3rd. Nothing was heard.
12 Are you now instructed, given the reports I have read in
13 the press this morning, to apply for an adjournment on
14 the basis that Witness G is not a witness who can
15 provide me with sufficient material for a full and
16 effective investigation?

17 MR PATRICK O'CONNOR: My Lady, understandably in this case
18 strong emotions are felt by the bereaved, to which
19 my Lady has given enormous understanding and, sometimes,
20 some people may express some of those emotions to the
21 press, as they are perfectly entitled to do.

22 I can tell my Lady that there is a degree of
23 unhappiness felt by many of the bereaved that G is going
24 to be the sole witness called from the
25 Security Services.

1 We do not have any instructions, and never have had
2 any instructions, to make any formal application to
3 my Lady to exercise any of your powers to oblige any
4 other witness to be called, and that is why my Lady's
5 history of the matter is, of course, accurate, but
6 my Lady's interpretation of that history is correct as
7 well. That is why matters are as they are.

8 We do invite my Lady -- we did not pursue the matter
9 because, of course, we don't know ultimately -- my Lady
10 doesn't either -- what the state of play is going to be
11 at the end of G's evidence. My Lady will no doubt be
12 reviewing the matter in your mind. We will be reviewing
13 the matter and it may be G can answer everything
14 satisfactorily, at least in terms of provenance, quality
15 and breadth of his information. It may be that he
16 can't. That remains to be seen.

17 LADY JUSTICE HALLET: So you have no applications to make at
18 the moment that Witness G cannot provide me with
19 sufficient information for me to carry out a full and
20 effective investigation?

21 MR PATRICK O'CONNOR: At this moment, no.

22 LADY JUSTICE HALLET: Thank you. Right. Mr Keith?

23 MR KEITH: Good morning.

24 THE WITNESS: Morning.

25 MR KEITH: Witness G, could you please be sworn?

1 WITNESS G (sworn)

2 Questions by MR KEITH

3 MR KEITH: For the purposes of these proceedings, I will
4 call you Witness G and, of course, Witness G, you are
5 aware that my Lady has made an order prohibiting the
6 revelation of anything that would tend to disclose your
7 real name.

8 G, you record in your witness statement that you
9 have been a member of the Security Service since 1991.

10 Is that right?

11 **A. That's correct.**

12 Q. In fact, since late 2005, have you been Chief of Staff
13 to the Director General, currently Jonathan Evans?

14 **A. I have.**

15 Q. G, your position currently would suggest a senior role
16 in that organisation. Is that correct?

17 **A. It's a senior role within the organisation.**

18 Q. Could you please give us an outline of the sorts of
19 issues that would come to the attention of the Chief of
20 Staff? Do you have a high level in terms of the
21 policy-making for the Security Service.

22 **A. Yes, I do.**

23 Q. Are you concerned with the management of strategically
24 significant projects?

25 **A. I am.**

1 Q. Are you concerned with the management of both personnel
2 in the Service and with its resources?

3 **A. I'm concerned more with resources than with personnel.**

4 Q. Have you had direct experience of operations carried out
5 by the Security Service?

6 **A. I have.**

7 Q. In terms of your seniority in the organisation, whilst
8 you are not at the very top, because you are not the
9 Director General, would you be regarded as a very senior
10 member of the Security Service?

11 **A. I would be.**

12 Q. G, does the fact that you have made yourself available
13 to give evidence as a very senior member of the
14 organisation reflect the seriousness with which the
15 Security Service regards these issues?

16 **A. It does.**

17 Q. My Lady is aware, as are the interested persons, that
18 many months have been spent engaged with what is known
19 as a public interest immunity process, that is to say
20 the process by which the Security Service files have
21 been scoured for information relevant to the issues in
22 these proceedings. Decisions have been made in relation
23 to relevancy and then applications have been made, where
24 appropriate, for such documents to be withheld where it
25 is said properly that the risk or damage to national

1 security outweighs the relevancy of those documents,
2 meaning the documents cannot be used in these
3 proceedings.

4 Has that process gone on for many months?

5 **A. It has indeed.**

6 Q. Has it engaged many members of your organisation
7 throughout, on a day-to-day basis, these last few
8 months?

9 **A. Yes, it has.**

10 Q. In relation to your position as a witness in these
11 proceedings, have you similarly been engaged in
12 preparing for today and for these proceedings for
13 months?

14 **A. Yes, I have.**

15 Q. Have you sought advice from your colleagues, both
16 operational and management, as well as lawyers within
17 the Security Service?

18 **A. Yes, I have.**

19 Q. G, as I have done with senior witnesses from other
20 organisations before your own, may I commence by
21 acknowledging, through you, the dedication and industry
22 of your individual officers and staff?

23 Your Service was not called upon directly as part of
24 the emergency response on 7th July, was it?

25 **A. That's correct.**

1 Q. But it is obvious from the intelligence history, to
2 which I will turn later, that the Security Service was
3 able to foil the terrorist conspiracy that was
4 investigated during Operation Crevice between 2003 and
5 2004?

6 **A. That's correct, with the help of our partners.**

7 Q. It was during that operation that Khan and Tanweer, as
8 we now know them to be, came under surveillance?

9 **A. That's correct.**

10 Q. Would Operation Crevice or, rather, the conspiracy that
11 Operation Crevice foiled, have led to a substantial loss
12 of life if it had not been thwarted?

13 **A. That is our judgment.**

14 Q. Since the events in question in 2003 and 2004, has the
15 Security Service continued to do its utmost to foil
16 terrorist attacks in the United Kingdom and elsewhere?

17 **A. Yes, we have.**

18 Q. The first ISC report in May 2006 was able to report that
19 three major attacks had been foiled since July '05, so
20 that's to say between July '05 and May '06. The second
21 ISC report -- that's to say the Intelligence and
22 Security Committee report -- reported that 12 terrorist
23 attack plans alone had been foiled since 2000.

24 You are not in a position to give us a full
25 understanding of the nature of the threats faced by the

1 United Kingdom or of the steps taken by the
2 Security Service and others to foil those attacks?

3 **A. That's correct.**

4 Q. But is it fair to say that those figures present simply
5 the tip of the iceberg, because, of course, other
6 conspiracies may not have reached the attack planning
7 stage but were similarly foiled by the Service and your
8 partners?

9 **A. Yes, that's correct.**

10 Q. In your witness statement you have referred to the
11 Transatlantic Airlines plot of 2006 and of the arrest of
12 the persons planning to kidnap and murder a Muslim
13 soldier.

14 Were both those investigations longstanding and
15 substantial investigations carried out by the Service?

16 **A. Particularly the airlines plot.**

17 Q. Was that an investigation that spanned some years?

18 **A. It was a shorter investigation than that, but it was
19 a very intensive one.**

20 Q. So in terms of resources, it was intensive, was it?

21 **A. It was indeed.**

22 Q. In terms of the seriousness of the plot, was it rated as
23 one of the more serious plots encountered by your
24 Service?

25 **A. In terms of the seriousness of the plot, I believe it is**

1 **the most significant thing the Service has been involved**
2 **in since 1945.**

3 Q. In your statement and in the Intelligence and Security
4 Committee reports there is reference to Operation Rhyme.
5 The relevancy of Operation Rhyme will become apparent in
6 due course, because it was an operation undertaken by
7 the Security Service very soon after Operation Crevice,
8 the operation in 2003/2004.

9 Was that operation, Operation Rhyme, a very serious
10 matter indeed?

11 **A. Rhyme was indeed a very serious plot.**

12 Q. In essence, what did that plot entail?

13 **A. The Rhyme plot was one which, again, did not come to**
14 **fruition and where there were a number of different**
15 **plans ranging from a series of limousine-borne bombs to**
16 **the possibility of a radiological dispersal device.**

17 Q. It was just one of the operations being carried out by
18 the Security Service at that time in mid-June 2004. Is
19 that correct?

20 **A. That's correct, though it was a very significant one at**
21 **that time.**

22 Q. The Intelligence and Security Committee report referred
23 itself, did it not, to a number of investigations that
24 were spin-offs or related to Operation Crevice, again to
25 which we will come back later.

1 Could we please have on the screen INQ8305, page 20?

2 G, as with many of the documents to which I will
3 refer you, there are redactions, of course, on the face
4 of this document. As is absolutely plain from the
5 history of these proceedings, have those redactions been
6 made because it has been considered, after due
7 reflection, that disclosure of the redacted information
8 would tend to harm national security?

9 **A. That's correct.**

10 Q. But in any event, the Intelligence and Security
11 Committee was able, if you can enlarge the middle of the
12 page, please, to give some indication of the operations
13 which resulted directly from Crevice:

14 "In early 2004, MI5 launched operation SC*** to
15 investigate individuals *** There were a certain number
16 of key targets in this operation ... Some remain the
17 subject of current investigation."

18 This report, of course, was published in May 2009.

19 Can you now tell us, please, that there was
20 an operation after Crevice called Operation Scraw, which
21 was designed to investigate further the identity of the
22 individuals revealed by Operation Crevice?

23 **A. I can confirm that.**

24 Q. Is that a reference to that there?

25 **A. That is correct.**

1 Q. "(ii). Between early 2004 and November 2005 MI 5 was
2 running operation UL*** [It concerned] the activity of
3 [a certain number of] core members."

4 As a result of the operation, a person was arrested
5 having attempted to procure weapons and rocket-propelled
6 grenades.

7 Did that investigation lead to a conviction?

8 **A. It did.**

9 Q. Was that an investigation that was carried on
10 simultaneously to the latter part of Crevice and
11 thereafter?

12 **A. Simultaneously for a little bit and much thereafter.**

13 Q. We can see until November 2005. So at least six months
14 later?

15 **A. (Witness nods).**

16 Q. There was then at (iii):

17 "In spring 2005 ... another operation to identify
18 associate of the Crevice network named by a detainee as
19 'Imran' and [Blank]. Imran was identified as
20 Zeeshan Siddiqui and was arrested on ... on his return
21 to the UK, he began to associate with other extremists,
22 and was placed under a control order ..."

23 As at May 2009, the investigation continued.

24 You are now able to say, of course, G, that that
25 operation concerned investigation into two people, Imran

1 and a person called Saddique (surname not Khan). Is
2 that correct?

3 **A. No, that's a separate operation.**

4 Q. In that case I am mistaken. There was an investigation,
5 or rather attempts were taken after Crevice, to identify
6 two people called Imran and Saddique (surname not Khan).
7 Is that correct?

8 **A. Correct.**

9 Q. We will return to the issue of Saddique (surname not
10 Khan), later in some detail, but so as to help describe
11 the nomenclature which I am using, there was a person
12 called Saddique whose surname was not Khan, but the
13 surname you cannot reveal in open for national security
14 reasons, and steps were taken to try to identify who
15 that person was. Is that correct?

16 **A. That's correct.**

17 Q. At (iv):

18 "From spring 2005", there is reference to yet
19 another operation. It involved a significant Al-Qaeda
20 link facilitator and radicaliser. What is a facilitator
21 and radicaliser, G?

22 **A. A facilitator is an individual who has arranged either**
23 **the provision of funds or possibly individuals to**
24 **Al-Qaeda. A radicaliser is an individual who is a step**
25 **back from that, who is radicalising youths to make them**

1 **susceptible to possibly considering mounting attacks or**
2 **supporting terrorism in some way.**

3 Q. Over the page, please, at page 21 of the exhibit, the
4 Committee felt able to refer to other operations which
5 were completely unconnected to Crevice. At (i):

6 "The investigation was to identify two unknown
7 operatives who had been ... dispatched to the United
8 Kingdom to undertake a suicide mission."

9 Were investigative resources used throughout 2004
10 and beyond to try to pursue leads in relation to those
11 men?

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

13 Q. We can see from the report that one, in fact, ended up
14 in prison for an unrelated offence and the other was
15 investigated until it seemed he had turned away from
16 terrorism?

17 **A. That's correct.**

18 Q. At (ii), there was a reference to operation QU***. That
19 was an investigation of a south London-based Islamic
20 extremist network. It was central to Al-Qaeda
21 investigations carried on by MI5 from 2002 to 2004.

22 Does it appear that it involved a substantial number
23 of targets as well as a substantial number of peripheral
24 people; that's to say people identified as being on the
25 periphery of the main investigation?

1 **A. Yes, that's correct.**

2 Q. You cannot tell us whether those extracts reflect the
3 entirety of the operations carried out by your Service,
4 can you?

5 **A. I can confirm that they don't reflect the entirety of**
6 **it.**

7 Q. But they give a flavour, do they not, of the seriousness
8 of the matters which your organisation investigates and
9 of the width of the people involved?

10 **A. Yes.**

11 Q. There are many, many people who come under
12 investigation. Is that correct?

13 **A. That's correct.**

14 Q. Would it be fair to say, G, that enormous effort, time
15 and resources are devoted to ensuring that, as
16 a country, we are protected as far as is reasonably
17 possible?

18 **A. Yes, it would be fair to say.**

19 Q. The Security Service had no inkling of what was to
20 befall London, did it?

21 **A. On 7th July 2005, that's correct.**

22 Q. I am sure you would agree that it would be nonsensical
23 and defensive to suggest that, in any way, the
24 Security Service, whilst knowing, if it were to be
25 supposed or hypothesised that they knew what was to

1 befall London, did not take steps to prevent it?

2 **A. It would be both nonsensical and offensive.**

3 Q. The ISC, the Intelligence and Security Committee, found,
4 and it concluded, that there was no warning from
5 an intelligence angle of any plan to attack London.

6 Do you confirm that that is your understanding?

7 **A. That is our understanding.**

8 Q. But in your statement, G, you have nevertheless recorded
9 that it is a matter of profound regret that, despite its
10 efforts and industry, the Security Service did not
11 manage to ascertain the full significance and
12 intentions, importantly, of Mohammed Siddique Khan and
13 thus did not manage to prevent the atrocities of
14 7th July.

15 It is perhaps a statement of the obvious, but in so
16 far as intelligence-based counter-terrorism is
17 concerned, there are no guarantees, are there?

18 **A. There are no guarantees.**

19 Q. You cannot foil all the attacks all the time?

20 **A. I am afraid that is true.**

21 Q. But it is what you, as a Service, endeavour to do?

22 **A. We do indeed.**

23 Q. Is that why you have expressed in writing, publicly in
24 your statement, the profound regret on behalf of the
25 Service?

1 **A. It is. Every member of the Service feels that.**

2 Q. You, yourself, were not, I think, involved directly in
3 the Crevice investigation?

4 **A. That's correct.**

5 Q. You were not, at that time, a desk officer involved in
6 a day-to-day investigation, although you were then, as
7 you are now, a senior manager?

8 **A. At that point, I was a senior manager involved in
9 day-to-day investigations, but as a manager, not as
10 a desk officer.**

11 Q. May I ask you, therefore, what steps you have taken in
12 broad terms to prepare yourself to answer questions in
13 relation to the minutiae of the investigative steps
14 taken out by the Security Service at the time?

15 Have you looked at original documentation kept from
16 the events in question?

17 **A. I have.**

18 Q. Have you spoken with colleagues in the International
19 Counter-terrorism Department of the Security Service,
20 who were concerned with intelligence and operations at
21 the time of Operation Crevice, in particular in 2004?

22 **A. I have.**

23 Q. Have you spoken to senior colleagues as well as to the
24 legal advisers to the Service?

25 **A. I have.**

1 Q. Can you give us some understanding of how much time you
2 had dedicated towards preparing yourselves by looking at
3 documents and speaking to people?

4 **A. I personally have spent some three to four months on**
5 **this particular task, assisted by a dedicated team of**
6 **researchers.**

7 Q. It may be obvious, and forgive me asking what might be
8 an obtuse question, but you therefore must have taken
9 time away from other equally pressing operational
10 matters?

11 **A. I have indeed.**

12 Q. We understand, G, in outline, that the Security Service
13 says throughout its witness statement, throughout the
14 documents that you have prepared for my Lady, that
15 although you are constrained by closed national security
16 material, in terms of what you can tell us about the
17 role of the Service, the Service nevertheless cannot be
18 held responsible for causing or contributing to the
19 attacks on 7th July. Is that correct?

20 **A. That's correct.**

21 Q. Do you reject any assertion that there were significant
22 intelligence failings?

23 **A. I do.**

24 Q. Could we look, please, because it will, I think, inform
25 us as to where we go from here, at the summary of the

1 position put out in writing on behalf of the Service?

2 Could we have paragraph 138 of your witness statement,
3 SYS11005-86?

4 The answer on behalf of the Security Service can be
5 summarised as follows:

6 "(a). There were no intelligence failures in
7 relation to the significance of MSK and Tanweer."

8 **A. Correct.**

9 Q. "(b). There were no indications which could have led
10 the Service to conclude that they would eventually begin
11 to plot, and then carry out, the attacks of 7th July
12 2005."

13 **A. Correct.**

14 Q. "(c). There was no indication that [they] presented
15 a real and immediate risk to members of the public."

16 I presume you mean in July 2005, but the same would
17 hold, you would suggest, equally at the time of Crevice?

18 **A. Correct, on both counts.**

19 Q. "(d). Given the parameters within which the Service
20 operates, including in particular the priority
21 investigations being undertaken by the Service at any
22 one time, it would not have been appropriate to carry
23 out surveillance and/or interception of communications,
24 the deployment of covert agents or other technical
25 measures."

1 **A. Correct.**

2 Q. The Security Service believes:

3 "Even if any of these investigative steps had been
4 taken", and we will address in a moment what they would
5 have entailed, as a matter of causation, it does not
6 follow, even if you had understood more about MSK and
7 Tanweer, that you would have been able to detect and
8 prevent the plot that led ultimately to the explosions
9 on 7th July?

10 **A. That's correct.**

11 Q. Is that an accurate summary -- I trust it is, because it
12 is from your own witness statement -- of your position,
13 G?

14 **A. It is.**

15 Q. Turning to why that is your position -- and I will ask
16 you at some length about why you have reached that
17 position -- I would like you, please, to say something
18 about the functions and structure of the
19 Security Service so that we can understand what
20 operationally is available to the Service in terms of
21 its counter-terrorism work.

22 The Security Service, which we all understand to be
23 known informally as MI5, in reflection of its origins as
24 part of the War Office, was founded in its original form
25 in 1909. Is that correct?

1 **A. That is correct.**

2 Q. It is currently headed by the Director General,
3 Jonathan Evans?

4 **A. That's correct.**

5 Q. You are largely based at your headquarters in
6 Thames House in London?

7 **A. Largely, but much less so than we were even a few years**
8 **ago.**

9 Q. We will return to this issue later. Is that because, in
10 essence, of the process of regionalisation?

11 **A. Yes, in essence.**

12 Q. I should say, G, this information is taken from your
13 website, and so you need not fear that I am revealing
14 anything that's not in the public domain.

15 Since 1909, the Service has been responsible for
16 countering organised threats to our national security?

17 **A. That's correct.**

18 Q. By virtue of the Security Service Act 1989, an Act
19 passed by Parliament, you act under the statutory
20 authority of the Secretary of State for the
21 Home Department, but you are not part of the
22 Home Office. Is that correct?

23 **A. That's correct.**

24 Q. Are your functions set out by law in that Act?

25 **A. They are set out by law in that Act.**

1 Q. Can we look, please, at your statement at SYS11005,
2 page 10? Have you set out for us there the statutory
3 functions, although you have not said so expressly, of
4 the Service under the Act?

5 **A. (Witness nods).**

6 Q. The primary function is the protection of national
7 security and, in particular, protection against threats
8 from espionage, sabotage, terrorism, the activities of
9 agents of foreign powers and from actions intended to
10 overthrow or undermine parliamentary democracy by
11 political, industrial or violent means?

12 Is that an extract, in fact, from section 1 of the
13 Act?

14 **A. I am not sure if it's the literal words from section 1,
15 but yes.**

16 Q. Under the Act, you also have the function of
17 safeguarding the economic well-being of the United
18 Kingdom against threats posed by actions or intentions
19 of persons outside the British Islands. Is that
20 correct?

21 **A. Yes, that's correct.**

22 Q. I think, although you have not set it out there in
23 detail, at one stage it was also the function of the
24 Service to act in support of the activities of the
25 police in the prevention and detection of serious crime?

1 **A. Yes, I think I cover that in the next paragraph of the**
2 **statement.**

3 Q. In summary -- we need not address it in detail -- was
4 work in that area suspended in April 2006 following the
5 introduction of the Serious Organised Crime Agency and
6 the need to redeploy resources elsewhere?

7 **A. For both those reasons.**

8 Q. On page 10, the same page, you also set out your
9 corporate aims. Perhaps we could look at those briefly.
10 Halfway down the page, they are to frustrate terrorism,
11 prevent damage to the United Kingdom, counter the
12 proliferation of materials relating to weapons of mass
13 destruction, and so on. So they cover a wide range of
14 functions?

15 **A. (Witness nods).**

16 Q. Are you supported in your work by other government
17 agencies?

18 **A. We are.**

19 Q. Do they include the Secret Intelligence Service and the
20 Government Communications Headquarters, GCHQ?

21 **A. Yes.**

22 Q. It will become relevant when we look at the detailed
23 intelligence later, but in broad terms, you may receive
24 intelligence through your brother agencies by way of
25 intelligence from abroad, intercepted terrorist

1 communications and perhaps agents abroad. Would that be
2 accurate, in the broadest terms?

3 **A. And agents in the UK.**

4 Q. You are also assisted by foreign intelligence services,
5 because, under a process of foreign liaison, they
6 provide you with relevant information --

7 **A. (Witness nods).**

8 Q. -- by physical surveillance conducted in the United
9 Kingdom by either yourselves or the police --

10 **A. (Witness nods).**

11 Q. -- and the interception work that you carry out can be
12 either visual, it can be visual surveillance or it can
13 amount to intercepted communications, intercepting
14 a phone line or by way of an eavesdropping device. Is
15 that correct?

16 **A. That's correct.**

17 Q. Also, of course, you have access, no doubt, to domestic
18 sources, domestic agents?

19 **A. Indeed we do.**

20 Q. Are your priorities, in terms of which of those threats
21 and functions you direct your resources, which I have
22 just outlined, set by the government or by any
23 particular committee of the government, such as the
24 Joint Intelligence Committee?

25 **A. No, our priorities are not set by the Joint Intelligence**

1 **Committee or any other committee. Though we are mindful**
2 **of those, we set our own priorities.**

3 Q. They don't direct you how you should use your own
4 resources, but they give an indication, do they not, of
5 the sort of broad threats facing the United Kingdom?

6 **A. That's absolutely right.**

7 Q. Your organisation is itself organised into seven
8 branches with specific areas of responsibility, each one
9 headed by a director?

10 **A. (Witness nods).**

11 Q. Is the Director General, Jonathan Evans, responsible for
12 two of those branches?

13 **A. Yes, he is.**

14 Q. Are they personnel and security and strategy policy
15 finances and the like?

16 **A. That is correct.**

17 Q. The role that you ordinarily carry out is associated,
18 presumably, with those functions, the Director General's
19 functions, because you are his Chief of Staff, as well
20 as, more broadly, with other areas arising inside the
21 Service?

22 **A. Correct. I work primarily for the Director General, but**
23 **also for the Deputy Director General on other issues.**

24 Q. The Deputy Director General is responsible for the other
25 five branches. Do they include countering international

1 terrorism?

2 **A. They do.**

3 Q. I think you were, according to your witness statement,
4 in that section of the Service responsible for
5 investigating and countering international terrorism
6 from 2000 to early 2004?

7 **A. That's correct.**

8 Q. Countering international terrorism, may we presume is
9 the greatest function or consumes the greatest part of
10 the Security Service's time and resources?

11 **A. It consumes the greatest part of our resources.**

12 Q. I think on your website you have a pie chart. Perhaps
13 it could be put on the screen. It is document
14 temporary 1. It gives us a broad flavour of allocation
15 of resources by core business in March 2010. We can see
16 that international counter-terrorism consumes 73% of the
17 resources.

18 I am not going to ask you about what "resources"
19 means or whether that's a reflection of the financial
20 resources or the operational resources, but we can see
21 it is, to a very large extent, the greatest part of what
22 you do. Is that right?

23 **A. That's right.**

24 Q. Accordingly, does the Security Service spend the largest
25 part of its overall budget on that particular area?

1 **A. Yes, that's correct.**

2 Q. I think the ISC report in May 2009, at paragraph 161,
3 details something of the budgetary increases that the
4 Security Service enjoyed as part of the spending
5 settlement review in 2004. Perhaps we could have a look
6 at that. INQ8305-52.

7 One of the issues the Intelligence and Security
8 Committee looked at, G, was whether or not the
9 Security Service had been adversely affected by a lack
10 of adequate resources. Is that right?

11 We can see there, at paragraph 161, how the
12 Committee identified that the resources had grown
13 considerably since 9/11, and had accelerated, in fact,
14 after 7th July 2005. The budget had trimmed since 2001.

15 At 162, they ask this question:

16 "What difference has this made?"

17 Were you able to inform the Committee, without
18 giving the exact details in open court, because you
19 cannot, that the extra resources had had a direct effect
20 on the coverage; that's to say your ability to
21 scrutinise and keep an eye on individuals who were the
22 targets of your various investigations?

23 **A. Yes, we were able to tell the Committee that.**

24 Q. The Committee went on to observe, at paragraph 163, that
25 they remained concerned that not enough targets could be

1 covered adequately. They were told by the
2 Director General, Jonathan Evans, that you still needed
3 to prior advertise ruthlessly. He used the phrase,
4 I think:

5 "They can still only 'hit the crocodiles nearest the
6 boat'."

7 When, can you tell us, did the extra resources start
8 to impact upon the practicability of the Service to deal
9 with the threats posed to the United Kingdom and to
10 increase the coverage that it had of individuals and
11 networks that it was investigated? Was it a gradual
12 process or a sudden process?

13 **A. No, it was very much a gradual process and my judgment**
14 **would be the most significant impact began from 2006**
15 **onwards.**

16 Q. That process of trying to secure a budgetary increase,
17 had it already commenced prior to the events of
18 7th July 2005?

19 **A. Yes, it had.**

20 Q. Was that because requests were made by the
21 Security Service as part of the spending settlement
22 review in 2004 for the next budgetary period for
23 an increase in its overall funding?

24 **A. Yes, that's correct.**

25 Q. You reported in your statement how, as a result, from

1 2000 to 2011, the number of staff numbers have almost
2 doubled from 2000 to 3800?

3 **A. (Witness nods).**

4 Q. What was the primary reason, or the primary purpose, for
5 that increase in the number of staff employed by the
6 Security Service.

7 **A. Staff were recruited for a number of different
8 functions, including the specialist desk officer
9 function, additional surveillance resources and
10 additional transcribers to listen into audio
11 eavesdropping and other devices.**

12 Q. If you wish to increase coverage of a network or of
13 an individual or you wish to increase your ability to be
14 able to detect threats, is it enough just to employ more
15 desk officers to look at the intelligence or does the
16 ability of the desk officer depend to a very great
17 extent on the ancillary functions and roles performed
18 inside the Service?

19 **A. It is the latter. You need all parts of the whole to
20 properly increase coverage.**

21 Q. The growth, it seems from the report, in the Service was
22 managed over a period of time. How long a period of
23 time did the Service plan the introduction of more
24 staff?

25 **A. The planning process really began not long after 2001**

1 **and is only coming to an end now.**

2 Q. Why can staff numbers not be increased more radically
3 and more quickly? Why is that increase played out over
4 a course of years?

5 **A. All the functions I mentioned are quite specialist ones,**
6 **and attempting to absorb large numbers of untrained**
7 **staff into specialist areas almost inevitably leads to**
8 **a reduction in performance rather than an increase.**

9 Q. May we take it, though, that even before July 2005, the
10 Security Service was concerned by the proliferation of
11 threats to the United Kingdom, in particular from
12 Islamist terrorism?

13 **A. Yes, the Security Service was extremely concerned.**

14 Q. Obviously, the events of 9/11 had come, no doubt, as
15 a terrible warning. Was the Service aware, throughout
16 the period from 2001 to 2005, of a general increase,
17 though, in threats?

18 **A. Yes, that is definitely right.**

19 Q. International counter-terrorism is divided into two
20 types, is it not, Islamist and non-Islamist?

21 **A. That's correct.**

22 Q. I think you were a manager in the non-Islamist section?

23 **A. That's correct.**

24 Q. By Islamist terrorism, does the Service mean a threat
25 from individuals who claim a religious justification for

1 terrorism?

2 **A. Not necessarily, because some of those whom we would say**
3 **were Islamists don't necessarily use Islam as**
4 **a justification, but that's a broad definition, yes.**

5 Q. It should be made clear, I think, by using the phrase
6 "Islamist terrorism" there is no slur, of course, on the
7 vast majority of Muslims who reject violence and reject
8 the purported aims of those Islamist terrorists whom you
9 pursue, but it's a broad phrase adopted to address that
10 sort of terrorism.

11 **A. That is absolutely right.**

12 Q. We have some figures on Islamist international
13 counter-terrorism in the ISC report at INQ8304-37.

14 At paragraph 118, the Intelligence Committee
15 reported that:

16 "... intelligence on Islamist terrorist networks
17 (and particularly those planning attacks or with the
18 capability to mount attacks ...) has been a JIC priority
19 band 1 requirement."

20 We discussed a few moments ago the Joint
21 Intelligence Committee. Is that "JIC"?

22 **A. That's correct.**

23 Q. Is that a reference to the priorities which the JIC
24 sets?

25 **A. That's correct.**

1 Q. So the investigation of Islamist terrorist networks, has
2 been, for many years, a priority band 1, a top priority?

3 **A. That's correct.**

4 Q. The paragraph goes on to identify how, under the total
5 operational effort, the Security Services' efforts rose
6 from 23% to 56% by July 2005.

7 Has there been a similar increase since 2005, again
8 in general terms, in relation to the operational effort
9 against international Islamist terrorism?

10 **A. Yes, there has.**

11 Q. At paragraphs 120 to 121, we can see that the Committee
12 went on to address the detail of the spending review
13 settlement of 2004. Is that the spending review bit to
14 which you made reference?

15 **A. That's correct.**

16 Q. So with that general picture in mind, could we now look
17 at how the international counter-terrorism section of
18 the Security Service works in practice?

19 You have set out some detail on this in your
20 statement. Could we have, please, SYS11005, page 26.

21 LADY JUSTICE HALLET: While that's coming up, I am sure it
22 is my fault. I didn't quite follow. We had the
23 terrible events of 9/11, and obviously your organisation
24 became desperately concerned about the threat of Islamic
25 terrorism. What then happens before the spending review

1 of 2004 to get you resources that you felt you needed so
2 badly?

3 **A. We begin to grow a little and also to prioritise**
4 **internally. I think it is important to say that,**
5 **immediately after 9/11, we were in a position where we**
6 **had to look at our own resources as they were then and**
7 **consider how we could move bits from one place to**
8 **another in order to meet this new threat.**

9 LADY JUSTICE HALLET: So you began to grow a little and
10 prioritise internally. Is that all you were able to do
11 until the 2004 spending review?

12 **A. That's all we were able to do at a significant level in**
13 **terms of additional resources, yes.**

14 MR KEITH: How long, if I may ask another question arising
15 out of my Lady's questions, does the spending review
16 settlement process take?

17 **A. That's a variable question. It can be different from**
18 **one spending review to another. In normal terms, the**
19 **spending review process will take at least six to nine**
20 **months.**

21 Q. There is certainly an impression in the Committee's
22 observations in relation to that process, but I put it
23 no higher than that, that the Security Service was
24 concerned at the time that the spending review process
25 took, but because it was obviously anxious to put into

1 place, as a practical measure, whatever resources it
2 needed to counteract the growth in international
3 terrorism, was there such a concern that the process,
4 the budgetary process, was delaying the operational
5 improvements which I have identified?

6 **A. The process doesn't lend itself well to swift and**
7 **flexible reallocation of resources, and so there was**
8 **some concern.**

9 Q. 2005 and the events of July, of course, fell before the
10 spending settlement review of 2004 had been completed.

11 In hindsight -- and hindsight is an issue to which
12 we will return later -- do you feel that the
13 Security Service's coverage, in intelligence terms, in
14 particular of the local events in Dewsbury, in Batley,
15 areas such as the Iqra bookshop, was adversely affected
16 by not having been able to secure those extra budgetary
17 funds before 2005?

18 **A. No.**

19 Q. Since then, much has been done by the Service, has it
20 not, to respond to what it now knows to have been the
21 intelligence picture before 2005?

22 **A. Yes, absolutely.**

23 Q. I think it is fair to say that the Committee
24 acknowledged that the Security Service itself had
25 recognised that there were lessons to be learned?

1 **A. Yes.**

2 Q. We will address two of them later, but there was
3 certainly a sense that the Security Service had perhaps
4 done less than it might otherwise have done -- and
5 budgetary restraints contributed to this, of course --
6 to gain a local picture, a better understanding of
7 intelligence on the ground, at street level, so to
8 speak, and it had had difficulties in the regional
9 liaison with local police forces, the local
10 Special Branch and the sources of intelligence you
11 needed to carry out your investigations.

12 Those were two key areas in which lessons were
13 learned, were they not?

14 **A. Yes, I think that's fair.**

15 Q. In hindsight, therefore -- again, I emphasise "in
16 hindsight" -- does it, therefore, not also follow, if
17 those steps had been taken before 2005, whilst you
18 cannot say for sure, you might have been able to
19 increase your intelligence understanding of what was
20 happening in the Dewsbury area?

21 **A. Yes, I think that's fair.**

22 Q. We do understand, G, that you have much to say about the
23 wisdom of hindsight and what practical steps could have
24 been taken, but would you agree with me that there were
25 certainly aspects of the intelligence picture and the

1 way in which it is assembled and produced to the Service
2 that did not work as well before 2005 as it has since?

3 **A. Yes. They work much better today than they did then.**

4 Q. Although you would not use the phrase, I think,
5 an intelligence failing, it does indicate some level,
6 does it not, of a failing? Because you can always get
7 things better, and in that particular area things didn't
8 work as well as they might?

9 **A. You can always get things better and I believe we have,
10 but I wouldn't accept that was a failure.**

11 Q. We will not, I think spend, time trying to define the
12 meaning of "failure".

13 Could we perhaps agree this: you recognised, with
14 hindsight, that more could have been done, and to the
15 extent that more could have been done and wasn't, it
16 didn't quite work out as well as it might?

17 **A. I certainly think things have improved substantially
18 since then.**

19 Q. Thank you.

20 LADY JUSTICE HALLET: I am still not following. What
21 happened between 9/11 and the spending review 2004 which
22 gave you the additional resources you needed?

23 **A. We grew a little, both in personnel and in budgetary
24 terms.**

25 LADY JUSTICE HALLET: But that's it?

1 **A. Not as significantly as after 2005.**

2 LADY JUSTICE HALLET: So it seems the only response to 9/11
3 was that you were enabled to grow a little.

4 **A. And indeed, we reprioritised internally, my Lady, so**
5 **people moved from other parts of work to international**
6 **counter-terrorism.**

7 LADY JUSTICE HALLET: Are you in a position to comment on
8 whether pressure was being put on others that you needed
9 more resources more quickly?

10 **A. I think we were of the view that we could only grow at**
11 **a particular rate for the reasons I gave earlier. So we**
12 **did not feel the government was starving us of**
13 **additional resources.**

14 LADY JUSTICE HALLET: It is because you go back to they have
15 to be the specialists, so even if you had suddenly been
16 flooded with money, you say that you still would have
17 taken time to recruit them?

18 **A. Yes. We think, if we had been flooded with money, we**
19 **might have struggled more than we did.**

20 LADY JUSTICE HALLET: Thank you.

21 MR KEITH: Turning then to desk officers and the way in
22 which the international counter-terrorism section works,
23 can we please have your statement SYS11005-26, G?

24 You record how the Service has a section dedicated
25 to the investigation of international counter-terrorism.

1 In broad terms, how does the section work, G? Is it
2 headed by somebody?

3 **A. Yes, it is.**

4 Q. Who is that?

5 **A. That's an individual referred to as the**
6 **Assistant Director for the section.**

7 Q. Is that, in effect, the head of the section?

8 **A. That's correct.**

9 Q. Is the section divided into a number of investigative
10 teams?

11 **A. Yes, it is.**

12 Q. How are those teams divided?

13 **A. That would vary, depending on what the threat was, so**
14 **sometimes geographically, sometimes thematically.**

15 Q. Then, within each of those investigative teams, is there
16 a team leader who is in charge of a number of desk
17 officers and each of those subteams investigates
18 a number of different investigative aspects?

19 **A. That's correct.**

20 Q. You have indicated that the teams of desk officers are
21 not very large in number, because you describe them as
22 a small group of desk officers, and you make the point,
23 at paragraph 41, that the total number of desk officers
24 in the international counter-terrorism section looking
25 at Islamist work numbered in the tens, at the time we

1 are concerned with, 2004/2005.

2 May I ask you this? It is a matter of grammar, G.

3 Does "numbered in the tens" mean less than ten or

4 somewhere between ten and 99?

5 **A. It means the latter.**

6 Q. So somewhere between ten and 99.

7 If that is the number of officers who were concerned

8 at the totality of Islamist counter-terrorism work,

9 there don't appear to be a very large number of desk

10 officers concerned with this area by perhaps comparison

11 to regional police forces?

12 **A. I am less sure about the comparison with regional police**
13 **forces, but, yes, I would confirm the numbers are quite**
14 **small.**

15 Q. What was the essential function of a desk officer? What
16 does he actually do?

17 **A. A desk officer is there to consider all of the incoming**
18 **intelligence about the subjects for which they are**
19 **responsible, to make judgments about that intelligence,**
20 **and then to decide what action, if any, should be taken**
21 **on it.**

22 Q. So is it, in essence, a detective job? They identify
23 leads and pursue those leads and try to gain a better
24 picture of what it is that they are looking at?

25 **A. Yes, that's right.**

1 Q. Presumably, in the course of that process, they liaise
2 with other intelligence bodies such as the police,
3 Secret Intelligence Service, GCHQ, whoever they might
4 be, and try to develop an intelligence picture?

5 **A. Yes, that's right.**

6 Q. Will they generally be responsible for trying to gain
7 an understanding, in intelligence terms, of what they
8 are looking at for more than one investigative strand.

9 **A. In normal circumstances, yes.**

10 Q. So information might be coming in on a daily basis in
11 relation to quite a few investigations for which that
12 desk officer would have responsible?

13 **A. That's correct.**

14 Q. Presumably, there is a system in place whereby, if
15 further intelligence comes in and the desk officer
16 appreciates that the matter is becoming more serious,
17 perhaps because the intelligence reveals an attack of
18 some kind, then the roles performed by desk officers can
19 be altered to accommodate the change in the nature of
20 the investigation?

21 **A. Yes, that's absolutely right.**

22 Q. Can desk officers be reallocated to different areas or
23 put together so as to increase the resources available
24 on any particular investigation?

25 **A. Yes, they can.**

1 Q. Was one such example Crevice, the operation carried out,
2 we now know, in 2003-2004?

3 **A. It was in the later part of Crevice from February 2004.**

4 Q. How does that impact upon the resources then left
5 available for the other investigative work being carried
6 on?

7 **A. For an operation the size of Crevice, very**
8 **significantly.**

9 Q. In what way?

10 **A. That most of the desk officers, because of the**
11 **requirements, for instance, for 24-hour running, are**
12 **taken off normal duties to assist on a large scale**
13 **operation like Crevice.**

14 Q. Presumably, managers then try to see if they can make up
15 the deficit in the other areas by bringing other
16 officers in?

17 **A. That's correct, and a judgment needs to be made about**
18 **the balance of expertise from different areas.**

19 Q. Is there any one person in a team of desk officers, when
20 a investigation becomes more serious, perhaps because
21 an attack planning has come to the surface, who takes
22 responsible for overall assessment of the various
23 intelligence threads, for saying "This is what we need
24 to do. That's not what we need to do. We need to
25 pursue that lead, but not this one"?

1 **A. There's a decision-making process around that, normally**
2 **by more senior managers within the section in which the**
3 **expert desk officers will play a key role.**

4 Q. We know that in Crevice, from the Executive Liaison
5 Group, the ELG side -- and we will come back to this
6 later -- it is a secret body, if you like, which sits to
7 examine intelligence arising out of any particular
8 investigation where it can talk freely and it comprises
9 the police, the Security Service and other agencies. It
10 met almost every day at the height of the
11 Operation Crevice investigation.

12 Do desk officers, involved, perhaps, on the
13 intelligence side of Operation Crevice, meet similarly
14 every day to assess what further investigations need to
15 be carried out, what further intelligence needs to be
16 pursued?

17 **A. Yes, they do, both within the Service and jointly with**
18 **the police.**

19 Q. Is that something then that is a matter of routine?
20 Every day, for example, in April, May, June 2004 desk
21 officers would have got together to say "What do we do
22 about these particular individuals?"

23 **A. Not necessarily. For a large scale operation like**
24 **Crevice and Rhyme, that would be happening every day.**
25 **If such a significant operation was not taking place, it**

1 **might be less frequent.**

2 Q. We will come back to Operation Scraw later. Would it be
3 fair to say that the intensity with which desk officers
4 met during Crevice dropped off sharply after the arrests
5 in April 2004 and that they then turned their mind to
6 Operation Rhyme, which was the other big operation going
7 on at that time of which you have been able to make
8 reference?

9 **A. The intensity dropped off for Crevice but began in**
10 **similar form for Rhyme.**

11 Q. How much time was spent by desk officers looking at the
12 peripheral individuals in Crevice after the arrest of
13 the core plotters in April 2004?

14 **A. Some time by a small number of officers.**

15 Q. Can I push you, please, G, on this point? We know that
16 an operation, Operation Scraw, was instituted to try to
17 identify -- not merely pick out the name of, because you
18 knew their names, but to identify the significance of
19 certain individuals associated with Crevice.

20 How many officers were designated to that task, to
21 that operation?

22 **A. Scraw was the responsibility of one officer, who was**
23 **also responsible for other work going on at the time,**
24 **but other officers would have been involved in Scraw.**

25 Q. In what way? To assist that officer?

1 **A. Correct.**

2 Q. But would there have been the system in place of
3 a number of desk officers sitting down and saying
4 "Right. We are concerned about some of the threads and
5 strings left over from Crevice. Can we please sit down
6 and investigate what further investigative steps need to
7 be taken?"

8 **A. Yes. Discussions would take place about the priorities
9 in Scraw.**

10 Q. How often did those discussions take place?

11 **A. Not as regularly as daily. I would estimate no more
12 than once a fortnight or so.**

13 Q. There is now in place, is there not, a system called the
14 Legacy Review? Is that a more formal system whereby the
15 Security Service tries to pick up the threads and
16 strands of previous investigations to see what further
17 investigative steps can be taken?

18 **A. Yes, it is a more formal process than in 2004.**

19 Q. In practice, what is the difference between then and
20 now?

21 **A. The difference between then and now is the Legacy Review
22 team is really there to go through in considerable
23 detail all those leads which have come out of
24 an operation which has now ended, but I think it is
25 worth just saying that the Legacy Review team again will**

1 **be subject to additional prioritisation and that work**
2 **will always be overtaken by high priority current**
3 **investigations if they are available.**

4 Q. Assuming, though, for the moment, that there isn't one
5 or a proliferation of operations that suddenly requires
6 you to rearrange the resources and the desk officers,
7 does the ordinary Legacy Review team call upon a greater
8 number of desk officers on a more regular basis than the
9 number of officers who were utilised in 2004 to look at
10 the threads arising out of Operation Crevice?

11 **A. Yes, that's true.**

12 Q. Is it a substantial difference?

13 **A. It is a substantial difference.**

14 LADY JUSTICE HALLET: Would you say it's a much more
15 thorough review.?

16 **A. I would say it was more detailed and, therefore, has the**
17 **opportunity to be more thorough, because more staff can**
18 **be allocated to it.**

19 MR KEITH: Rather than regionalisation and an appreciation
20 of local intelligence, may we presume that this
21 additional step, the institution of a Legacy Review,
22 came about because it was understood by the Service that
23 perhaps the work done to review the threads arising out
24 of Crevice had not, in hindsight, been quite as thorough
25 it is it might have been, for good resource reasons you

1 would say?

2 **A. Not just Crevice. I think we learned this from a number**
3 **of operations between 2004 and 2006.**

4 Q. To give us some idea, please, G, of how many people were
5 involved in the intelligence side from the Service as
6 part of Operation Crevice, can you tell us how many
7 non-management desk officers you spoke to in the course
8 of preparing yourself for these proceedings?

9 **A. I spoke to the low tens and my research team spoke to**
10 **others.**

11 Q. So the "low tens" means somewhere between ten and 50?

12 **A. Yes.**

13 Q. All right. Were they all concerned with the
14 section which concerns international counter-terrorism
15 of the Islamist type?

16 **A. That's correct.**

17 Q. So do we take it from that, that as part of the
18 reallocation of resources and the hot bunking, if you
19 like, of desk officers at the time of this operation at
20 its peak, that would have entailed quite a large
21 proportion of the total number of desk officers
22 available in the Service to investigate international
23 counter-terrorism?

24 **A. Yes, that's correct.**

25 Q. Because you said the total number is in the tens, but

1 the number of officers you have spoken to for Crevice is
2 also in the low tens?

3 **A. Yes.**

4 Q. So it must be a significant fraction?

5 **A. Yes.**

6 Q. Can I turn to intelligence material? It is obvious, is
7 it not, G, that any investigation will give rise to
8 a vast amount of intelligence material?

9 **A. Yes, indeed.**

10 Q. Does the intelligence material assembled by the Service
11 come from a variety of different sources?

12 **A. It does.**

13 Q. The ISC itself observed that the volume of material
14 generated in terrorist investigations can be quite
15 overwhelming. Would you agree with that?

16 **A. I would.**

17 Q. It had some figures, and we will produce some figures
18 which were provided by the Security Service to that
19 committee. We don't have the full figures but we can
20 get a flavour of the figures from their report.

21 INQ8305-51. Paragraph 155, "The nature of
22 intelligence":

23 "Intelligence is fragmentary. Small pieces of
24 information come from a wide variety of sources. Some
25 of it is misleading and much of it is irrelevant. MI5

1 must gather and sift through it, assessing each piece
2 and trying to pull the picture together.

3 "156. To give an idea of the scale of information
4 that MI5 needs to assess, in relation to their
5 international counter-terrorism work only ..."

6 So may we take it both Islamist and non-Islamist?

7 **A. Correct.**

8 Q. "... between March 2004 and July 2005."

9 So between the end of Crevice and the events of
10 7th July?

11 **A. (Witness nods).**

12 Q. "There were [blank] unique telephone numbers
13 intercepted."

14 But you are able to say in open that those numbers,
15 however many there were, "involved approximately
16 2.4 million call events"?

17 **A. (Witness nods).**

18 Q. What is a "call event"?

19 **A. I am not sure I can answer this question in open.**

20 Q. Is a call event a broad reference to a particular use of
21 a call, of a number as part of a telephone call?

22 **A. Particular uses.**

23 Q. Particular uses. So it's not just a telephone number.

24 It is how that number is being used?

25 **A. That's correct.**

1 Q. All right. Well, you are able to answer that then, G.

2 **A. (Witness nods).**

3 Q. There were approximately 30,000 requests for
4 communications data.

5 Putting aside the more intrusive steps which are
6 legally open to the Service to take, is it open to the
7 Security Service to ask companies and organisations for
8 information relating to phone numbers?

9 **A. Yes, it is.**

10 Q. Is that a reference to individual requests for such
11 information?

12 **A. Yes, that's correct.**

13 Q. So that number then excludes any kind of intrusive steps
14 taken by the Service?

15 **A. That's correct.**

16 Q. I think, G, in your statement you were at pains to
17 emphasise that the amount of material that we have in
18 our core bundle represents just a fraction of the volume
19 of material generated in 2004 and 2005?

20 **A. (Witness nods).**

21 Q. By that assertion, do you mean it's a fraction of the
22 material generated by way of the intelligence material
23 assembled for Operation Crevice or a fraction of all the
24 material generated by the international
25 counter-terrorism section of the Security Service.

1 **A. It's true for both, but I was speaking specifically**
2 **there about a fraction -- it being a total of the total**
3 **fraction of the Crevice material.**

4 Q. So would you caution us, I am sure, against the wisdom
5 of hindsight in assessing just how clear the
6 intelligence picture was if we then seek to rely upon
7 the material in this core bundle?

8 **A. I would indeed.**

9 Q. Because what you have done is you have assembled into
10 a core bundle, have you not, with hindsight, all of the
11 intelligence related to Khan and Tanweer and their
12 associates?

13 **A. That's correct.**

14 Q. But taking a step back to 2004 and 2005, when you assess
15 what resources should be dedicated towards particular
16 intelligence investigations, do you have to have regard
17 to the limitations and the difficulties associated with
18 intelligence itself?

19 **A. We do.**

20 Q. Could you explain to us, please, what the limitations
21 are in so far as the gathering of intelligence are
22 concerned?

23 **A. There are four principal limitations on us. The first**
24 **is the technological one, which is some things which**
25 **might appear to be feasible on television are simply not**

1 feasible for us. The second is the legal one. We can
2 only do things with appropriate authority up to and
3 including from the Home Secretary. We can only do that
4 when there is a proper case to do so. The third one is
5 the resources one, on which I think we have touched.
6 The fourth one is the fragmentary nature of intelligence
7 itself. Intelligence rarely comes in an
8 easily-packaged, easily-understandable way. Two
9 separate sources can say two contradictory things about
10 the same thing and we need to balance those.

11 Q. I think the former Director General, Dame Eliza
12 Manningham-Buller, observed to the ISC report that some
13 intelligence is gold, some is dross, but it all needs to
14 be sifted.

15 Is information about the activities of those whom
16 your organisation pursues freely provided by them?

17 A. **Very unlikely.**

18 Q. Are there also, even when information is provided,
19 issues about the reliability of that information?

20 A. **Almost always.**

21 Q. If you use technical resources, such as an eavesdropping
22 device on a car or a house, will you necessarily get
23 a full coverage of the conversations being conducted
24 that day?

25 A. **No, not necessarily.**

1 Q. Or who is there?

2 **A. No, not necessarily.**

3 Q. If you use an agent, a human source, is that person
4 necessarily in a position to tell the Service, even if
5 he or she is reliable, everything about the network or
6 the threat that might have been posed?

7 **A. Most unlikely.**

8 Q. Why is that?

9 **A. Because agents can only report that which they know or
10 hear, and that's unlikely to be the totality of any
11 plot.**

12 Q. Is a name useful in itself?

13 **A. It would depend what the name was.**

14 Q. So in the present case, as we will address in due
15 course, we are concerned with the intelligence around
16 a person called Khan. Does the word or name "Khan" have
17 any significance in itself in the absence of information
18 from other agencies, other people, whatever it is that
19 you are relying upon?

20 **A. No. A name like "Khan" is too common to be of value by
21 itself.**

22 Q. Can intelligence be misleading?

23 **A. Yes.**

24 Q. In what way?

25 **A. For many reasons. It may be that targets are**

1 deliberately seeking to misinform. It may be that
2 agents have genuinely misunderstood material or have
3 been told something where opinions change. It may well
4 be that transcripts of evidence are sometimes different
5 sounding, depending on who the individual transcribing
6 is. There are all sorts of reasons why intelligence can
7 be misleading.

8 Q. I would like you to address, please, one example.

9 We are aware in this case photographs of people
10 concerned with Operation Crevice, the fertiliser bomb
11 plot at the beginning of 2004, were shown to a person in
12 the custody of the Americans called Mohammed
13 Junaid Babar. He looked at photographs prepared and
14 given to him on 6th April 2004 and again on
15 12th August 2004.

16 The 6th April 2004 photograph was a cropped picture
17 of Tanweer, as it turns out. A photograph of Tanweer
18 and Khan in a service station had been cropped so that
19 only Tanweer appeared and only half his body, in fact.
20 It was shown to Babar on 6th April.

21 Subsequently, photographs prepared by the police in
22 August 2004, better photographs, but in black and white,
23 were shown to him as well.

24 Did he identify, from examinations of photographs,
25 the person, the extremist he had described as having

1 attended a training camp in Pakistan, called Ibrahim?

2 **A. No, he didn't.**

3 Q. Would you categorise that sort of information as being
4 helpful or misleading or a blocker, in the sense that it
5 then means that that investigative strand can't be
6 pursued any further?

7 **A. With the benefit of hindsight, it was misleading. At**
8 **the time, it would have seemed helpful, in terms of**
9 **confirming that the individuals in the photograph were**
10 **not Ibrahim.**

11 Q. Why, in hindsight, was it misleading?

12 **A. Because we now know that man to have been**
13 **Mohammed Sidique Khan.**

14 Q. Do you think Babar was deceiving whoever showed him the
15 photographs by saying he didn't recognise the person,
16 Ibrahim, as the extremist he had seen in Pakistan as
17 being man E, the man who had been picked up in Crevice,
18 or did he perhaps just not know?

19 **A. We just don't know why he wasn't able to identify him.**

20 Q. Much will depend, will it not, on the quality of the
21 photograph that is shown?

22 **A. (Witness nods).**

23 Q. We will return to this later. Are you in a position to
24 assist with why, with this hugely significant informant
25 in US custody, he was only shown a half-cropped picture

1 of Tanweer on 6th April and no picture of man E, who
2 turned out to be Mohammed Sidique Khan, at all?

3 **A. I can only speculate here, because we don't know exactly**
4 **why. The judgment we formed was that the cropped**
5 **photograph of man E was probably so poor quality it**
6 **wasn't worth showing, but I don't have any**
7 **contemporaneous record documentation on that.**

8 Q. Is that an issue you have identified and tried to pursue
9 and research for the purposes of these proceedings?

10 **A. It is.**

11 Q. Another example: on 1st March 2004, the police, in the
12 course of Crevice, were trying to find out something
13 about who this man Sidique Khan was who was the
14 registered owner of the Honda Civic, which was spotted
15 in Crawley on two occasions and also the driver of the
16 Vauxhall Corsa.

17 They went to the United Kingdom Passport Office to
18 try to see what information the UKPA, the United Kingdom
19 Passport Authority, had of anybody under the name of
20 Sidique Khan. Was there a response from the Passport
21 Authority?

22 **A. I don't know.**

23 Q. All right. Will you take it from me, G, that, in fact,
24 they responded with a fax of a photograph of a man and
25 a date of birth?

1 **A. (Witness nods).**

2 Q. That date of birth was different to that of
3 Mohammed Sidique Khan, the man we now know to have been
4 the terrorist bomber.

5 Is that an example of how an investigative strand or
6 piece of intelligence could appear to be quite
7 promising, because somebody thought the Passport Office
8 might have a photograph, but turns out to be less so,
9 because it is somebody else?

10 **A. Yes, that's a good example.**

11 Q. Presumably, persons under investigation are generally
12 covert in their own activities?

13 **A. That's correct.**

14 Q. Do they speak in coded language?

15 **A. Very frequently.**

16 Q. One example here, I suppose, is the goodbye conversation
17 of Khan recorded on his home video on 15th November in
18 2004, involving his daughter.

19 That video didn't come to the attention of the
20 police until after the events of 7th July, but if it had
21 been available at the time, would that sort of
22 discussion have really said very much about what his
23 intentions were?

24 **A. No, not on its own.**

25 Q. But together with other information, it was more

1 significant, wasn't it?

2 **A. Yes.**

3 Q. Because, subsequently, the Security Service also
4 discovered that in the course of a meeting on
5 21st February 2004, the man in the car, Khan, had made
6 reference to the need to say goodbye to his family. So
7 there was a link there.

8 **A. That's right, though the timings are out.**

9 Q. The timings are quite different, of course. One was on
10 21st February 2004. One was later in November 2004.

11 How good -- what is the technical quality of
12 eavesdropping devices in general terms? We will hear
13 some being played later.

14 **A. It's very variable, but none of it is terribly easy to
15 listen to.**

16 Q. We will be concentrating on a particular conversation,
17 21st February 2004, the conversation of the men in the
18 Vitara car outside number 2, The Hollows.

19 That conversation, which was then transcribed and
20 retranscribed and retranscribed, turned out to be fairly
21 significant, didn't it?

22 **A. Yes, it did.**

23 Q. Because it made reference to Jihadist or operational
24 activity in Afghanistan?

25 **A. In Afghanistan and Pakistan.**

1 Q. So that's an example, is it not, where there was some
2 clarity to what was being discussed and some indication
3 of nefarious or criminal terrorist activity?

4 **A. Of nefarious activity, yes.**

5 Q. Is it sometimes difficult to distinguish between
6 nefarious activity, criminal activity, and extremist or
7 terrorist activity?

8 **A. Yes, it can be very difficult.**

9 Q. Why is that?

10 **A. Because many of the targets who are involved in**
11 **extremist activity are also involved in criminal**
12 **activity and use similar coded language for both their**
13 **extremist and criminal activities.**

14 Q. There was a particular difficulty, wasn't there, in
15 Operation Crevice because the Security Service and the
16 police had sight of some conversations -- for example,
17 21st February 2004 -- in which plain references were
18 being made to the facilitation of terrorist activity by
19 way of attending Afghanistan and Pakistan for terrorist
20 training purposes.

21 Is it right, therefore, for there to be a clear
22 distinction between facilitating conversation and
23 extremist or terrorist conversation, because one leads,
24 does it not, into the other, or can lead into the other?

25 **A. One can lead into the other, but doesn't necessarily.**

1 Q. On this occasion, G, for reasons we will explore, the
2 view was taken that the references to operation and to
3 terrorist training in Afghanistan and Pakistan and so on
4 were not closely associated -- or not sufficiently
5 associated with attack planning, which is what some of
6 the co-conspirators had been up to, as to necessitate
7 further dedicated resources being made available to
8 address who these people were?

9 **A. That's correct. The focus was on attack planning in the**
10 **UK, of which there is no suggestion in that**
11 **conversation.**

12 Q. But the divide between people discussing attack planning
13 and people discussing ancillary aspects of terrorism is
14 a very difficult one to draw, is it not?

15 **A. It is, yes.**

16 Q. The Intelligence and Security Committee were concerned,
17 were they not, in both their reports about how quickly
18 people engaged in ancillary terrorist activity --
19 raising money for terrorism, talking about terrorist
20 training camps, intending to take part in Jihadist
21 activity in Afghanistan -- can very quickly transform
22 them from facilitators and hangers-on to attack
23 planners.

24 Would you agree that there is a concern at the speed
25 at which people can transform themselves?

1 **A. There is a concern, but it is not a linear process. It**
2 **doesn't always happen.**

3 Q. Do you acknowledge the concerns of the Intelligence and
4 Security Committee that an insufficient regard was paid
5 to the speed and the ease with which people can
6 transform themselves from one category to the other?

7 **A. Yes, I think that's fair.**

8 Q. In hindsight, may it have been the case that
9 insufficient attention was paid to the risk that whoever
10 was in the car on 21st February was, in fact, in the
11 process of being groomed or being transformed into
12 a full-blown attack planner in the future, not just
13 a facilitator?

14 **A. I think we were still most interested in those**
15 **individuals concerned with full-blown attack planning in**
16 **the United Kingdom and, therefore, I don't think, given**
17 **the priorities we had at the time, that was**
18 **insufficiently considered.**

19 Q. Now closer regard would be paid, would it not, even on
20 a general basis, to people who are involved in
21 facilitating activity or terrorist training activity?
22 The borderline of the distinction in terms of what
23 resources are able to be dedicated towards the
24 investigation has altered, has it not?

25 **A. Yes, that's absolutely right. As our capacity has**

1 **grown, so we have moved further downstream, so to speak.**

2 Q. There is a better understanding of the significance of
3 facilitation in contributing to the risk of overall
4 ultimate attack planning?

5 **A. There is a much better understanding, which is why I am**
6 **confident in saying it's not a linear process.**

7 Q. Can you just tell us, please, a bit more about why your
8 understanding has changed or in what way it has changed?

9 **A. Unfortunately, we have simply been in the position that,**
10 **since 2004, we have seen a number of other significant**
11 **terrorist plots directed both against the UK and**
12 **directed in the UK against other places, and we have**
13 **been able to look at the individuals behind them.**

14 Q. So you now understand there is a closer link between
15 terrorist training and attack planning?

16 **A. Yes, that's right.**

17 Q. Even the conversation -- and again, we will come back to
18 it later -- on 21st February, made explicit reference,
19 did it not, to terrorist activity? There is a reference
20 to Jihadist material, in terms of operation, or
21 post-operation, in terms of going to the front, in terms
22 of attendance at a terrorist training camp in
23 Afghanistan? Those are serious and worrying issues in
24 terms of the Security Service's obligation to
25 investigate such people.

1 **A. I wouldn't accept that the conversation actually does**
2 **make explicit reference to terrorist activity or**
3 **terrorist training camps. It certainly talks about**
4 **extremist activity.**

5 Q. You are better qualified than I, G, to define what is
6 meant by "terrorist". The tape makes plain, though,
7 does it not, that there are a group of people -- how
8 many was a matter of some dispute -- but a group of
9 people who were discussing the minutiae of a proposed
10 visit to Afghanistan, the housing that would be
11 available, the material and equipment which they would
12 be able to take with them, how long they would be there,
13 who would pay for them to be there, how their expenses
14 would be met, all concerned with extremist activity?

15 **A. Yes, absolutely.**

16 Q. Now, that sort of tape would cause alarm bells to ring
17 perhaps somewhat louder than had been the case in
18 February 2004 and thereafter when the tape came to be
19 fully transcribed?

20 **A. Yes, it would, but again, within the context of, if**
21 **a major operation were running, it might need to be put**
22 **to one side.**

23 Q. Subject to your overall argument about how much is
24 available by way of resources.

25 Obviously these are matters of balance and fine

1 judgment, G. The louder the alarm bell, the greater the
2 case for having more resources being dedicated towards
3 that particular investigative strand?

4 **A. Within the context of finite resources, yes.**

5 Q. Yes. We have digressed.

6 There are other operational aspects or other
7 activities which purported terrorists might use which
8 will obscure the intelligence.

9 Might they switch phones?

10 **A. Indeed they will.**

11 Q. Was the switching of operational phones an aspect of
12 this case?

13 **A. Yes, to some extent.**

14 Q. We know from Detective Sergeant Stuart of the
15 Metropolitan Police that the four bombers had
16 operational phones and switched them, rotated them, on,
17 I think, three or four occasions. Is such a switch of
18 phones, whilst being indicative of operational
19 understanding, also a good understanding of how your
20 ability to track people can be hindered?

21 **A. Yes, that's correct.**

22 Q. People can use different addresses, can they not?

23 **A. Indeed, they can.**

24 Q. So we know, do we not, that Khan had a phone registered,
25 at the time of March 2003, to an address that was not

1 his own but was the address of the Igra bookshop,
2 49A Bude Road?

3 **A. Correct.**

4 Q. Bringing the strands together now, G, in light of the
5 nature of intelligence material and the availability of
6 desk officers to examine it, is it an ongoing process to
7 analyse the significance of material and will it require
8 more than one person to look at the overall worth of
9 what has been made available?

10 **A. Yes, whenever possible.**

11 Q. Who does that job of the overall assessment, not just of
12 what the material is, what the intelligence is, but
13 grading its importance and of taking the resource
14 decisions thereafter?

15 **A. Desk officers will make cases for resources, which will
16 be heard by more senior managers in the section, who
17 will make judgments on how those resources are
18 allocated.**

19 Q. Presumably, whoever makes the decision about resources
20 will speak to the desk officers or discuss amongst
21 themselves, and they will also have access, will they
22 not, to computer systems or storage facilities that hold
23 the various bits of information about a particular
24 person? Is that fair?

25 **A. That's true, but the senior manager would be unlikely to**

1 **reinvestigate.**

2 Q. He would rely upon the desk officer or officers to say
3 "We have gone as far as we can in identifying something
4 about this person. This is the position. What do we do
5 now?"

6 **A. Correct.**

7 Q. Presumably, there are storage facilities kept by the
8 Security Service in which information is held?

9 **A. Yes.**

10 Q. I am sure you won't want to tell us about them, but can
11 you tell us instead, perhaps, whether or not those
12 storage facilities, whatever they may comprise, were
13 used by the Security Service in the course of trying to
14 run to ground who men D and E were?

15 **A. Yes, to some extent.**

16 Q. Is it straightforward to dig into the Security Service's
17 own files or computer systems, whatever they may be, to
18 try to find out whether a particular person has come to
19 your attention before?

20 **A. It depends on how significant the prior attention is,
21 because if that individual has his own personal record
22 created, then it is reasonably easy, provided the
23 details are similar. If that person does not have his
24 own record created, it can be very difficult.**

25 Q. So there is some way of storing information generally,

1 as well as another way of storing information in
2 relation to people who have a specific file opened for
3 that person?

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

5 Q. An obvious question that must be asked here, G, and, of
6 course, it is one with hindsight, is whether or not the
7 systems then in place were able to assist the desk
8 officers and the senior management with trying to find
9 out who Khan was? Had there been changes in the storage
10 systems used by the Service in the way in which
11 information relating to particular people can be put
12 together?

13 **A. Yes, and those changes are still going on.**

14 Q. Have there been quite radical changes, in terms of the
15 computer storage and the information facilities
16 available to the Security Service?

17 **A. They are radical both in terms of working practices and
18 the computer software.**

19 Q. In this case -- and, again, we will come to the detail
20 later -- there was a Siddique Khan who had married
21 Hasina Patel in an Islamic ceremony in October 2001.
22 S-I-D-D-I-Q-U-E. There was a Sidique, with 1 D, Khan,
23 of 49A Bude Road, who had received a call from
24 Mohammed Qayum Khan, the Luton-based originator of
25 Operation Crevise, in March 2003. Perhaps we could have

1 that on the screen. SYS11076, please.

2 This is a subscriber check for that phone. There
3 are a number of calls between the man
4 Mohammed Qayum Khan, who was part of the
5 Operation Crevice network, and a person using a phone,
6 and one of the phones was registered to a man called
7 Sidique Khan, 49A Bude Road. So there is a Sidique Khan
8 there with 1 D.

9 We now know there is -- and, again, this is all
10 subject to hindsight -- a Sidique Khan of
11 11 Gregory Street, Batley, in whose car McDaid, the
12 extremist under investigation from 1989 by West
13 Yorkshire Police, had briefly travelled in April 2003.

14 Could we have my Lady's tab 4, West Yorkshire Police
15 document 12, page 43?

16 "Checks on vehicle reveal no trace on systems.

17 "Checks on keeper reveal no trace."

18 Then there is a reference to:

19 "Cautioned 1992 for a section 47 assault.

20 Sidique Khan."

21 This was an inquiry carried out into the blue BMW in
22 which the extremist McDaid had had a very brief lift in
23 April 2003. So there is another Sidique Khan.

24 In the course of Crevice, the extremely serious
25 investigation into the fertiliser bomb plot that would

1 have led to enormous loss of life, a Sidique Khan, 1 D,
2 of 11 Gregory Street, Batley -- so the same
3 Gregory Street -- appeared as the registered keeper of
4 a Honda Civic that was spotted twice. That Honda Civic
5 had previously been registered to Hasina Patel, the
6 wife, in fact, of Mohammed Sidique Khan.

7 Could we have MPS11009-020? There is the action
8 from the Metropolitan Police following a level 1 search.
9 We will come back later to what a level 1 search is. We
10 can see that at the top of the page. In relation to the
11 Honda Civic and the registered keeper, Sidique Khan of
12 11 Gregory Street, Batley.

13 There is then the Sidique Khan of 11 Gregory Street
14 who rented the Toyota Avensis. That was a car -- and
15 again, with hindsight -- whose registration number was
16 not spotted on 21st February, but it subsequently
17 transpired that Khan had been there in a Toyota Avensis.
18 That was discovered after 7th July, because records came
19 to light showing his car hire arrangements. They
20 included the hire of a Toyota Avensis on 21st February.

21 Could we have MPS11011-48? If you can enlarge the
22 top half of the page, this is a message dated
23 8th July 2010. The Metropolitan Police reviewed this
24 particular aspect of the case for the purposes of these
25 proceedings, and they, in essence, observed that Khan

1 had hired a Toyota Avensis for 24 hours, on
2 21st February 2004, from Salford Van and Car Hire. He
3 had produced information in order to be able to hire the
4 van or the car and that consisted of his driving licence
5 in the name of Sidique Khan.

6 If you could just highlight, please, the fifth
7 line of that paragraph. Thank you. The person who
8 hired him the car, who I think was Robin Turner, took
9 a note of his name and it was S Khan. So there is
10 another reference to a Sidique Khan.

11 LADY JUSTICE HALLET: I am sorry to interrupt, Mr Keith.

12 I thought we were going through references that would
13 have been available at the time, whereas this reference,
14 because the number of the Toyota hadn't been obtained --
15 so I am just wondering whether it is fair to add this.

16 MR KEITH: My Lady, I have emphasised, and I hope I have
17 done so fairly, that this is with hindsight.

18 My Lady, I am not concerned at the moment with
19 addressing intelligence failings. I was seeking to
20 address a different point, which is, with hindsight now,
21 is there a system in place that would have picked up in
22 its basic terms all the links to a similar name?

23 LADY JUSTICE HALLET: I don't think the Toyota Avensis comes
24 into that category without the registration number.

25 MR KEITH: No, it doesn't. My Lady is quite right

1 I wouldn't say it is a hypothesis on a hypothesis but
2 there is a certain element of hindsight in the question.

3 There were, G, now in hindsight, seven or eight
4 references to a Sidique Khan. I don't suggest that you
5 could have picked up this reference. The Service
6 couldn't have picked up this reference, because you
7 didn't know the registration plate of the
8 Toyota Avensis, but the families and the wider public,
9 as well as my Lady, will, I am sure, be concerned to
10 know whether or not the current systems, following the
11 upgrades and the improvements brought about since 2005,
12 can address this sort of issue, that the systems in
13 place can raise a red flag if there are a number of
14 references to a name that is identical or similar and
15 who happens to be somebody whom you are investigating.

16 **A. Again, I think much depends on the name. A highly**
17 **uncommon name is something for -- that current software**
18 **technology may be able to pick up. A common name, as**
19 **this one would be for us, any software which picked up**
20 **any references to it would be likely to come up with all**
21 **sorts of other Sidique Khans as well.**

22 **Names of common targets are very difficult to link**
23 **in the absence of a more common and more specific thing**
24 **like a phone number or an address.**

25 **Q. I think some research has been done as to how common**

1 place the name Sidique Khan is in the Batley or Soothill
2 area, and that research has indicated there are not that
3 many Sidique Khans and Sidique Khan is not that common
4 a name?

5 **A. No, but there are plenty of Sidique Khans on our systems**
6 **rather than one specifically in Batley.**

7 Q. Right.

8 **A. So a question about the name rather than other material**
9 **which is more helpful, like addresses, means that it's**
10 **very difficult for systems, even today, just to link on**
11 **names.**

12 Q. But here, albeit in hindsight, and I am asking this to
13 try to give us some appreciation of how well the system
14 works now, there were repeated references, not just to
15 Sidique Khan with certain variants in the name Sidique
16 and how it was spelt, but also repeated references to
17 11 Gregory Street, and also references to Hasina Patel,
18 the former registered owner of the Honda Civic.

19 Does the system now enable the Security Service or
20 the police to try to bring those threads together, to
21 bring to one place all significant references in your
22 various systems to a particular individual?

23 **A. As you noted, where that is easiest to do is where there**
24 **are repeated references to more definable information**
25 **like addresses rather than names.**

1 Q. Well, this Sidique Khan had repeated references to
2 addresses associated, 11 Gregory Street, and of course
3 we know the reference to Bude Road, the Iqra bookshop,
4 where subsequently, again with hindsight, it turned out
5 that he was a trustee.

6 You were also aware, not of this one, but you were
7 also aware at the time, of course, there was a person
8 driving a Vauxhall green Corsa also called S Khan. That
9 Corsa appeared in the course of Crevice on 23rd March.

10 From a gist, an open summary, of a different
11 intelligence strand, the Security Service was later
12 aware, between January and March 2005, of a person
13 called Saddique (surname not Khan), that's to say
14 someone who had a name which was Saddique, but the
15 surname was not Khan, but you are unable to tell us in
16 open what the surname was, which, therefore, also had
17 a reference to Saddique, although slightly misspelt,
18 S-A-D-D-I-Q-U-E.

19 Did the system then -- and does the system now --
20 enable you to be able to cross-reference that sort of
21 additional reference to somebody, in this case
22 "Saddique"?

23 **A. It might do, again depending on what record had been**
24 **created for that individual.**

25 Q. Because that latter piece of intelligence between

1 January and March 2005 was separate, was it not, and
2 quite significant, because, as your gist shows -- could
3 we have it, please, on the screen, SYS53 -- this is
4 a summary of information that you have made available,
5 G.

6 There is obviously a great deal more behind the
7 scenes which cannot be disclosed for national security
8 reasons, but if you can enlarge the top half of the
9 page, please, between January and March 2005, a separate
10 intelligence strand came to light, because you received
11 intelligence to the effect that two men by the names of
12 Saddique X -- you know what X is, but it is not Khan --
13 and Imran, both from Batley in West Yorkshire had been
14 trained in Afghanistan in the late 1990s. Of course
15 11 Gregory Street is in Batley, is it not?

16 **A. It is.**

17 Q. You knew of 11 Gregory Street, Batley from
18 Operation Crevise?

19 **A. We did.**

20 Q. "Furthermore, intelligence suggested that both men
21 remained committed in the cause and were extreme in
22 their views towards the west. Saddique or Sidique" --
23 so plainly there were variants in the name -- "was in
24 his early 30s and had attended the gym. It was reported
25 that Saddique had travelled to Pakistan in 2001 for two

1 months where he received some military training in
2 a Mujahaddin camp. It was not clear whether Saddique
3 and Imran had been overseas at the same time or had
4 trained together.

5 "Imran reportedly visited a mosque and the
6 West Yorkshire Police provided the Security Service with
7 a telephone number for him. This number was a contract
8 mobile registered to Imran", that's to say one of the
9 two men, "in respect of whom there is no known link to
10 MSK. 'Saddique' is the way in which the name was
11 recorded originally, but some of your records refer to
12 the same individual as 'Sidiq'."

13 Further down the page, a bit more. Assessments were
14 carried out by the West Yorkshire police and no doubt by
15 yourselves that both Saddique (surname not Khan) and
16 Imran had associate with a man called Taf, thought to be
17 a man called Tafazal Mohammed, and he had links with
18 McDaid.

19 McDaid, of course, had been under surveillance in
20 April 2003. The surveillance when he got into the car
21 registered to Sidique Khan. Of course, this all related
22 to the original Operation Warlock in 2001 when
23 West Yorkshire Police had McDaid and some of his
24 associates under surveillance at an outward bound
25 course.

1 No steps were taken to identify Sidique for reasons
2 you cannot tell us?

3 **A. That's correct.**

4 Q. Your view is, and remains, that there were good reasons
5 and they were proportionate?

6 **A. (Witness nods).**

7 Q. I will come back to this later.

8 Even before steps were taken, or even if steps had
9 been taken -- I am not going to ask you why they
10 weren't -- this information disclosed another reference
11 to Sidique in a very significant way, because there was
12 detailed intelligence concerning his extremist views,
13 the fact he had been training for two months in 2001,
14 and, of course, we now know with hindsight, if we go
15 over the page, it turned out, after 7th July, that this
16 person was MSK. He would be prepared, according to the
17 intelligence, to use a baseball bat. The intelligence
18 was also to the effect that he was capable of carrying
19 out a martyrdom operation.

20 Putting aside the question of hindsight, putting
21 aside what was not known at the time, do the systems
22 allow you now, and did they then, to try to collate
23 these various strands of intelligence relating to a name
24 which had occurred, we now know with hindsight, in seven
25 or eight different aspects, so that you can say, "This

1 is a worrying development. There is a feature here.

2 This name or a variant name is popping up in a number of
3 different places. There is something here to
4 investigate"?

5 **A. They may do, but it will really depend on how unique the
6 name is.**

7 LADY JUSTICE HALLET: Could we take them separately, please?

8 Two questions Mr Keith was posing in one. Did the
9 systems then? Do the systems now?

10 First of all, did the systems then enable you to
11 collate these various strands or is your answer the same
12 for both?

13 **A. They could have done. I mean, software has improved
14 over the years, and this course of searching, which is
15 known as "fuzzy searching", is better now than it is
16 then, but it is still a long way from perfect on common
17 names.**

18 LADY JUSTICE HALLET: So back in 2004, there would have been
19 software which could, for example, with all the
20 reservations you have said, potentially have collated
21 the references to Sidique Khan, Batley or Beeston or
22 wherever it is, that potentially it was there, the
23 question is the amount of information fed in. Is that
24 it?

25 **A. Yes. If they had all been on the same database, which**

1 clearly all these pieces of information were not, it
2 might have done, but again, I would still be very
3 reserved about saying it would have done, because of the
4 common nature of the name being used here.

5 LADY JUSTICE HALLET: Has anything happened to change
6 whether all the pieces of information go on the same
7 database?

8 **A. We have improved systems to make this sort of thing**
9 **easier.**

10 LADY JUSTICE HALLET: Sorry, Mr Keith. I interrupted.

11 MR KEITH: My Lady, not at all. It is of great assistance,
12 if I may say so.

13 You have acknowledged, G, in your own statement,
14 that there have been significant advances with the
15 introduction of more advanced and integrated computers
16 since 2005.

17 May we take it that the ability of the Service to be
18 able to collate these sorts of fragments of intelligence
19 relating to a name or a variant has improved
20 considerably since 2005?

21 **A. Yes, it has.**

22 Q. May we, therefore, also take it that, had the existing
23 systems been in place then, the Security Service might
24 have had more luck -- and a great deal of luck is
25 required, of course -- in identifying that all these

1 cross-references to Sidique, Siddique, Saddique, were,
2 in fact, references to the same person?

3 **A. It might have done, but my reservations about the**
4 **commonality of the name remain.**

5 Q. You have described in your statement how, if you will
6 forgive me, in Civil Service speak, the "existing
7 structures facilitate smoother integration". What do
8 you mean by that?

9 **A. That it is easier to search across a variety of**
10 **different data sets.**

11 Q. So a desk officer can utilise the storage system,
12 presumably a computer, and see what information is
13 already held in relation to someone whose name he wishes
14 to investigate?

15 **A. Yes.**

16 LADY JUSTICE HALLET: Is a data set the same as a database?

17 **A. You would have to ask someone who is more IT**
18 **familiar than me.**

19 LADY JUSTICE HALLET: You used the expression "data set".

20 I didn't know whether it was different than that.

21 **A. I think probably so, my Lady.**

22 MR KEITH: One of the problems the Service had at the time,
23 G, was this, was it not: not only was there no central
24 system for trying to pull all these references to
25 Sidique together, even assuming that it is a name that

1 would have been in there, but you had to rely to a much
2 greater extent than you do now on approaching other
3 agencies, in particular the West Yorkshire Police and
4 the Metropolitan Police, to try to see what they had on
5 their various databases and what their local
6 intelligence revealed.

7 **A. We would still need to approach them. Our data bases**
8 **are not linked to theirs.**

9 Q. I did not suggest you would not do it now, but you were
10 dependent to a far greater extent on their own separate
11 systems then?

12 **A. Yes, I think that's fair.**

13 Q. We are aware now, are we not, in one small regard -- for
14 example, the BMW car which gave a lift to McDaid in
15 April 2003 -- the registration of that car was entered
16 by West Yorkshire Police on what's called their CLUE
17 computer system, but that was not passed to the
18 Security Service and the reference to the registered
19 keeper being Sidique Khan was on the police national
20 computer, but was subsequently deleted when the car was
21 scrapped?

22 **A. I am not sure about the latter bit.**

23 Q. Take it from me. We have received a further statement
24 revealing that that piece of information was deleted
25 from the police national computer.

1 So that's one example, is it not, of how unless
2 there is a full and free flow of information and a full
3 ability to examine intelligence, an important piece of
4 information might not make their way to you?

5 **A. That's possible, yes.**

6 LADY JUSTICE HALLET: Why was the dependence on other
7 agencies greater then than now or is it merely that your
8 relationship with other agencies has improved to enable
9 the free flow? Are you as dependent but you just have
10 a greater flow or were you then more dependent?

11 **A. No, you summed it up accurately, my Lady. We just have
12 a better relationship, closer relationship now.**

13 LADY JUSTICE HALLET: So the dependency is the same?

14 **A. Yes.**

15 LADY JUSTICE HALLET: It is just you swap or collate
16 information better?

17 **A. (Witness nods).**

18 MR KEITH: I think in those days, G, there was
19 a relationship known as "task and complete". West
20 Yorkshire Police were tasked in the course of Crevice
21 with carrying out certain enquiries, but they wouldn't
22 have been made privy to the overall importance of the
23 enquiries and what you were driving at. You and the
24 police simply asked them to do X, Y and Z and they
25 responded as they thought efficiently and speedily. It

1 is a task and complete relationship, not a full
2 understanding?

3 **A. Yes. Task and complete does not mean full**
4 **understanding, but it wouldn't necessarily mean that**
5 **they weren't privy to the significance of the**
6 **information.**

7 Q. All right. We have received evidence from the Assistant
8 Chief Constable of West Yorkshire Police emphasising
9 that the relationship was one of task and complete.

10 **A. Which we would accept.**

11 Q. Can I now turn, please, to the issue of resources? You
12 have made reference repeatedly, notwithstanding
13 acceptance that things perhaps might have been done
14 better or could now perhaps with hindsight have been
15 done better, to the overarching issue of finite
16 resources.

17 Is this the position: the Security Service has to
18 focus on those targets that appear to present the most
19 immediate threat to life?

20 **A. Yes, that's true.**

21 Q. It's a risky business, is it not, G?

22 **A. It is indeed.**

23 Q. Could you tell us, please, why the adoption of the --
24 the necessary adoption of that limitation in the use of
25 resources is risky?

1 **A. Because our judgment remains that there are more**
2 **significant targets in the UK at any one time than we**
3 **have the ability to properly investigate.**

4 Q. And does that harp back to your earlier observation that
5 you simply cannot stop them all all the time?

6 **A. That's correct.**

7 Q. Putting it another way, you just have to have a limit.
8 You cannot have a Security Service comprising 20,000
9 desk officers with a budget running into billions of
10 pounds?

11 **A. It would be inappropriate in a democratic society.**

12 Q. You are not able, you say, to give us the true picture
13 of the scale and range of the threats faced by the
14 Security Service. Is that right?

15 **A. That's correct.**

16 Q. But you have given us summaries of what is known as
17 a Quarterly Report?

18 **A. (Witness nods).**

19 Q. What are they, G?

20 **A. Quarterly Reports were produced to help give a snapshot**
21 **of the most significant operations in the Islamist**
22 **counter-terrorist area on a quarterly basis.**

23 Q. Could we have, please, SYS11077, my Lady's tab 5? If
24 you can enlarge the top half of the page, please, what
25 you have given us, G, is the summaries for the period

1 between May 2004 and June 2005, the month preceding the
2 attacks.

3 What you have endeavoured to do is to set out the
4 broad categories into which the operations that you were
5 pursuing fell without revealing the absolute number of
6 operations?

7 **A. (Witness nods).**

8 Q. Because you say if we or the public knew that, it would
9 harm national security.

10 Have you identified the broad categories here?

11 **A. I am sorry. Can you repeat question?**

12 Q. Have you identified the broad categories here?

13 **A. Yes.**

14 Q. Are we looking here at the quarterlies or figures
15 related to international terrorism as a whole or just
16 the Islamist part?

17 **A. These are just Islamist ones.**

18 Q. You have also referred to priority investigations.
19 Could we take it there are other investigations which
20 are not referred to in these Quarterly Reports?

21 **A. That's correct.**

22 Q. Why are you focused on priority investigations?

23 **A. Because this was the way we attempted to articulate**
24 **simply at the time those things that were of greatest**
25 **concern. If we were to have listed all the operations**

1 **in a Quarterly, we would have spent the whole quarter**
2 **listing the operations.**

3 Q. Because these were reports you prepared for the
4 government or for other senior members of the national
5 security --

6 **A. Some of these appeared in government reporting, but this**
7 **was much more for our own purposes at this point.**

8 Q. Is this list also restricted to live operations, that's
9 to say operations which have reached a certain level of
10 significance or seriousness?

11 **A. Yes, that's true.**

12 Q. Are the figures cumulative or overlapping?

13 **A. Between one report and another or on the report?**

14 Q. On this list?

15 **A. No, they are overlapping. Don't add up these numbers to**
16 **produce a complete total.**

17 Q. So it wasn't that there were 17 operations concerning
18 facilititation of fighters or items and terrorism
19 overseas and another nine concerning the potential use
20 of CBRN weapons. There were a number of operations, all
21 of which had one or more of these features to them?

22 **A. Correct.**

23 Q. So Crevice, the operation carried out at the beginning
24 of 2004, might have appeared or might indeed appear in
25 this list under more than one category?

1 **A. Yes. Of course, Crevice is over by this time.**

2 Q. Yes, of course.

3 **A. But it might have done.**

4 Q. But it concerned terrorist attack planning certainly
5 when it was under investigation?

6 **A. Absolutely.**

7 Q. It concerned radicalisation of individuals?

8 **A. Absolutely.**

9 Q. It concerned facilitation of fighters for overseas?

10 **A. Though we would not necessarily have known that at the**
11 **time.**

12 Q. It didn't involve CBRN but it did involve fertiliser
13 explosive?

14 **A. Yes.**

15 Q. It involved identity and financial fraud, because it was
16 born out of an investigation into financial
17 facilitation, was it not?

18 **A. Correct, and it also involved fundraising in the UK.**

19 Q. If we go over the page, please, to 20th October 2004 --
20 I am sorry. We have gone too far. My mistake. If we
21 go back, the quarterly summary for 20th October 2004
22 emphasises the range of geographical links. Why have
23 you felt it necessary to insert that into this gist?

24 **A. At this point we were developing our own methodology**
25 **towards the quarterly summaries in general, and I think**

1 at the time it was felt that it was important to explain
2 to those who were interested in this that we were not
3 simply talking about just people from Pakistan or just
4 people from North Africa.

5 Q. If we go over the page to page 2, please, and enlarge,
6 at 4 there is a specific reference, is there not, to one
7 single priority operation which included in the region
8 of 40 individual targets? It involved the investigation
9 of a South London-based Islamic extremist network and it
10 appears it was under investigation for at least three
11 years. There is a typo there, but it was 2002, 2003 and
12 2004. It had a number of different assets or facets to
13 it: travelling overseas and some extradition ancillary
14 aspect?

15 **A. (Witness nods).**

16 Q. Have you also in your statement given us some
17 indication -- SYS11005-015 -- of the total number of
18 grouping or networks actively involved in plotting
19 terrorist acts in the United Kingdom or overseas as
20 provided by Jonathan Evans, the Director General, in a
21 speech in November 2006?

22 **A. Yes.**

23 Q. I am not sure actually he was Director General?

24 **A. I think that's Eliza's speech.**

25 Q. Was that broadly the picture during the previous year,

1 2005, as well?

2 **A. Broadly so, yes.**

3 Q. Does that relate to Islamist and non-Islamist terrorism?

4 **A. I am reasonably confident that refers entirely to**
5 **Islamist terrorism.**

6 Q. The ISC report provided figures for 2001 to 2005 at
7 paragraph 22, INQ8304-12, please.

8 At the top of the page, in 2001 the Security Service
9 knew of approximately 250 primary investigative targets.
10 By July 2004 it had risen to over 500. By July 2005 it
11 had risen to about 800.

12 Bearing in mind what you said in your own statement
13 about the number of groupings or networks, it appears
14 that there was then a substantial increase even after
15 2005. Is that right or are we not comparing like with
16 like?

17 **A. No, I am afraid that's true.**

18 Q. So the current figures now are that there are many more
19 now than the figures given in the ISC report?

20 **A. That's correct.**

21 Q. My Lady, is that a convenient moment?

22 LADY JUSTICE HALLET: Certainly. 2.05, please.

23 (12.55 pm)

24 (Luncheon adjournment)

25 (2.00 pm)

1 MR KEITH: G, may I now turn to a new topic, please, but
2 again in the broad general exploration of the role of
3 the Security Service and that is the rule of law, to
4 which you made reference to your witness statement?

5 Is the Security Service legally and democratically
6 accountable?

7 **A. Yes, it is.**

8 Q. In blunt, is it permitted to operate outside the law?

9 **A. No.**

10 Q. Are your colleagues and employees open to prosecution or
11 civil sanction, like everybody else, if they break the
12 law?

13 **A. We are.**

14 Q. Your functions are also subject to review, are they not,
15 by the Intelligence Services Commissioner?

16 **A. Not our functions, but some of our activities.**

17 Q. Some of your activities. I think currently that's
18 Sir Peter Gibson?

19 **A. Yes.**

20 Q. You are also, presumably, subject, in so far as some of
21 your functions are concerned, to the review of
22 Sir Paul Kennedy in relation to the interception of
23 communications --

24 **A. (Witness nods).**

25 Q. -- and Sir Christopher Rose in relation to surveillance

1 generally? I think he is the Chief Surveillance
2 Commissioner?

3 **A. Not to Sir Christopher Rose.**

4 Q. Not to Sir Christopher Rose, but the other two.

5 What is the effect of the adherence of the Security
6 Service to the rule of law in terms of its ability to
7 use intrusive actions?

8 **A. It means that any effort on our part to use intrusive
9 actions of this kind must be subject to some form of
10 authorisation process, either internal or external.**

11 Q. At what level is authorisation granted in relation to
12 the less intrusive steps within the organisation?

13 **A. It will again depend on the specific type of
14 authorisation, but normally at least a middle manager
15 within an investigative section.**

16 Q. What sort of less intrusive steps will require
17 authorisation from middle management?

18 **A. Again, it will differ from case to case, but some things
19 like seeking billing information and seeking
20 applications for mobile surveillance.**

21 Q. So that's surveillance that's not intrusive?

22 **A. That's right, not intrusive under the Act.**

23 Q. In relation to more intrusive actions, such as telephone
24 intercepts or interference with property, intrusive
25 surveillance or eavesdropping, is a higher level of

1 authorisation required?

2 **A. Yes, it is.**

3 Q. In general terms, do all such steps, whether intrusive
4 or less intrusive, require a certain level of procedural
5 propriety and a certain level of authorisation?

6 **A. Yes, they do.**

7 Q. In relation to the most intrusive, is the authority of
8 the Secretary of State for the Home Department required?

9 **A. The authority of the Secretary of State normally for the
10 Home Department, but potentially other departments.**

11 Q. Are separate applications required for each separate
12 step for each particular day or for the course of
13 an operation?

14 **A. For the course of an operation, but it may be that
15 separate applications are required, depending on what is
16 being asked.**

17 Q. Why? Because there might be a variation in what
18 intrusive steps you wish to take?

19 **A. Yes, that's right.**

20 Q. There might be a change in the position which required
21 an additional step to be taken and, hence, a new
22 application?

23 **A. That's right.**

24 Q. In all of these applications what is the role of
25 proportionality? What weight do you give to the

1 importance of the step that you or your colleagues wish
2 to take.

3 **A. Proportionality is central. Officers within the Service**
4 **would work on the assumption that they would not make**
5 **a case unless there was a specific intelligence case for**
6 **doing a thing. Therefore, making a judgment about the**
7 **proportionality on doing that is central to all**
8 **decisions.**

9 Q. Can I push you a little more, please, in relation to
10 proportionality?

11 Plainly, your officers must believe, if they want it
12 done, it must have some use, but that doesn't
13 necessarily mean to say it is proportionate. What
14 factors do you and your colleagues bear in mind, in
15 terms of whether a particular step is justified?

16 **A. When we are considering proportionality, the things to**
17 **consider are: one, whether there is another way that is**
18 **less intrusive to get the information we require; and,**
19 **two, even if there is no other way, what we refer to as**
20 **collateral intrusion will take place.**

21 In other words, if we choose to listen to
22 a particular person's phone, how many other people might
23 we hear who are not central to the operation or perhaps,
24 in some cases, not associated with the operation at all.

25 Q. How detailed are these applications in terms of the

1 justifications which they may contain?

2 **A. They can be very detailed, depending on the**
3 **proportionality case involved.**

4 Q. Do they take time to prepare?

5 **A. Yes, but they can be done swiftly when that is**
6 **necessary.**

7 Q. Why? Because they can be abbreviated, or they may be
8 building on existing applications and, therefore, can be
9 quickly turned around?

10 **A. They can be abbreviated, they can be building on**
11 **specific -- other applications, but also, frankly, given**
12 **that they are so important, if a new one is required**
13 **which is detailed, we have to find the officer to find**
14 **the time to do it.**

15 Q. Is the full range of investigative processes or
16 investigative tools generally utilised in any given
17 operation, even the most serious?

18 **A. In the most serious operations, yes, I would expect that**
19 **to be so, but it isn't necessarily so.**

20 Q. Crevice was an operation that was very serious, because
21 of the potential of mass casualties through the
22 construction of an improvised explosive device, but
23 I don't think the full range of investigative tools were
24 used in Crevice, certainly in relation to all the core
25 conspirators?

1 **A. That would be true in relation to some of the core**
2 **conspirators.**

3 Q. So some of the core conspirators had more intrusive
4 methods used against them than others?

5 **A. Yes, certainly.**

6 Q. But not all of the core conspirators had the whole range
7 of tools?

8 **A. Yes, that's true.**

9 Q. Could you please assist us with the range of options
10 that are open, assuming them to be justified, to your
11 officers? You have summarised them for us in your
12 statement, SYS11005-30, please.

13 Basic checks and tracing. Is that the basic level?

14 **A. Yes.**

15 Q. What does that consist of?

16 **A. That would consist of checking in our own records and,**
17 **where appropriate, checking with some other records to**
18 **which we have access.**

19 Q. Is this fairly basic information: names, addresses,
20 registrations of cars --

21 **A. Yes, but it may --**

22 Q. -- lifestyle information?

23 **A. It may be, if a target has come to our attention before,**
24 **there will also be some intelligence on there on the**
25 **sort of thing they came to our attention before for.**

1 Q. That's a reference to what we were discussing earlier:
2 namely, whatever systems you have in place for collating
3 existing intelligence on particular people?

4 **A. Yes.**

5 Q. On the fact of Crevice, one example of a trace request
6 was the request by the Security Service to the
7 West Yorkshire Police to provide more information on
8 Hasina Patel, who was the apparent registered keeper of
9 the Honda Civic on 2nd February. Is that correct?

10 **A. That's correct.**

11 Q. Perhaps we could have a look at that, WYP9-2, please.
12 There is a reference there we can see in the letter from
13 the Security Service to West Yorkshire Police. A trace
14 request after Operation Crevice under the heading of the
15 subject matter. Are there forms, different levels, of
16 trace requests?

17 **A. There are, but it is likely that we -- it is not
18 a process for us. It is likely we would ask for more or
19 less information depending on what we wished to find
20 out.**

21 Q. Is that why the trace request simply says "trace
22 request" rather than level 1 or level 2 or something
23 else?

24 **A. We don't use those terms in the way the police do.**

25 Q. So this is an example of a request to

1 West Yorkshire Police. It sets out, and we will see in
2 due course the reference to Operation Crevice being
3 an investigation into the ringleader, Omar Khyam,
4 although it is a bit hard to see under the highlighting.
5 You ask for details of any information kept in relation
6 to Miss Hasina Patel of 10 Thornhill Park Avenue.

7 There is then, going back to your witness statement,
8 at page 30, liaison with the local police but,
9 presumably, that would entail some type of request or
10 trace request of the type we have already seen?

11 **A. That's right.**

12 Q. Of course, on the facts of this case, there was a great
13 deal of liaison with the West Yorkshire Police and
14 Metropolitan Police, was there not?

15 **A. That's correct.**

16 Q. Those sorts of liaisons will engage the sort of
17 information to which you made information earlier:
18 namely, the information in their own databases?

19 **A. That's correct.**

20 Q. Agent reporting. Can agents be run, that's to say
21 operated, not just by the Security Service, but your
22 brother agency, the Secret Intelligence Service, and the
23 police?

24 **A. Yes, in all cases.**

25 Q. Is it open to the Security Service, even if the agent is

1 being run by somebody else, to create tasking or to
2 indicate to the holder of the agent the sorts of areas
3 of information you're interested in?

4 **A. Yes.**

5 Q. Over the page, please: then further down, please.
6 Interception of communications. Is that a more
7 intrusive step?

8 **A. Than the ones we have outlined thus far, yes.**

9 Q. Is that an example of an investigative tool which
10 requires a warrant from the Secretary of State?

11 **A. Yes, it is.**

12 Q. Could you just help us, please, with the process of
13 transcription? You refer there to how intelligence
14 product from intercept will be listened to, then
15 transcribed and, over the page, you describe how the
16 original tape recording is then destroyed, perhaps for
17 legal reasons -- I know not.

18 We are greatly concerned in this case with
19 eavesdropping material from probes inserted into
20 particular addresses and particular cars. Is there
21 a similar system of transcription and then destruction
22 of the original audio evidence or material with
23 eavesdropping?

24 **A. I think if the material is being retained for evidential**
25 **purposes, which of course it can be for audio**

1 eavesdropping in the way it cannot be with telephone
2 intercept, the original may be retained for much longer.

3 Q. The 21st February 2004 eavesdropping device revealed the
4 audio conversation which we will hear shortly. That
5 original recording was retained for years, because it
6 was subject to repeated transcription and perfection of
7 the transcript?

8 A. I think it was retained for years because of its role in
9 the Crevice trial, but yes, that was a by-product of it.

10 Q. May we assume that the original recordings of all the
11 eavesdropping devices in the Crevice investigation were
12 similarly retained, whether or not it was thought they
13 might be useful to the trial?

14 A. I would have to seek clarification on that, but my
15 assumption would be yes.

16 Q. Does it, therefore, follow that there is a difference,
17 as I have indicated, between eavesdropping and intercept
18 material --

19 A. There is indeed.

20 Q. -- because, generally, the intercept material is not
21 retained?

22 A. There is indeed.

23 Q. Further over the page, please, surveillance.
24 Surveillance comprises a number of different forms, does
25 it not? Could you just describe them for us?

1 **A. So fundamentally, surveillance is -- when we discuss**
2 **mobile surveillance, which we discuss here, mobile**
3 **surveillance is intended for a number of things. It may**
4 **be to get a sense of what the target is doing on a daily**
5 **basis. It may be because we specifically think the**
6 **target is going to do something of interest. It may be**
7 **that we don't know that that is the case, but the target**
8 **may be doing something of interest.**

9 Q. Can there be visual surveillance, that's to say directed
10 surveillance in the street, or intrusive surveillance in
11 someone's home?

12 **A. Yes, there can be intrusive surveillance in a person's**
13 **home.**

14 Q. You refer to the benefit of surveillance as supporting
15 a range of technical operations. What do you mean by
16 that?

17 **A. I am not sure I can say much more about this in open.**

18 Q. Shall we try, G? Is it because, if there is
19 a surveillance operation going on, the presence of the
20 officers engaged in the surveillance operation will
21 assist in the use of other technical means or intrusive
22 investigative tools open to the Service?

23 **A. That may be so.**

24 Q. I am not asking you whether it was so in this particular
25 case or whether it also is so, but that is the link, is

1 it not?

2 **A. That may be so.**

3 Q. You go on to deal with the comprehensive nature of
4 surveillance. How often is surveillance utilised in any
5 given operation in very general terms?

6 **A. Any large operation of a type like Crevice, I would
7 expect surveillance to be used at some point or
8 regularly during it.**

9 Q. By "regularly", do you mean consistently or
10 periodically?

11 **A. In an operation like Crevice, consistently against
12 a small number of targets.**

13 Q. Would it be usual for there to be consistent
14 surveillance of all the main targets in any given
15 operation?

16 **A. It would depend on the size of the operation, but if the
17 operation is of reasonable scale, no.**

18 Q. Because you refer to 24-hour coverage of a target as
19 being rare?

20 **A. Yes.**

21 Q. It may, however, be used but not necessarily against
22 a large number of targets. The most important targets
23 might merit 24-hour coverage?

24 **A. Yes, that's correct.**

25 Q. In terms of the resources of the Security Service, can

1 you call upon dedicated surveillance officers from other
2 forces?

3 **A. We can, but clearly at the expense of other operations.**

4 Q. But the answer is you can go to police forces, the Met
5 or other forces, and say "Can we borrow your
6 surveillance officers?".

7 **A. Yes. I mean, as is clear from the ELG process, it's**
8 **a more organic process than that. We would discuss it**
9 **with the police rather than make specific requests of**
10 **them.**

11 Q. Because you are investigating it together. In the case
12 of the Met in this case, you would have some sort of
13 call on their surveillance officers anyway?

14 **A. Correct.**

15 Q. The ISC report said something about the intensive nature
16 in resource terms of surveillance. Can we have
17 INQ8304-11? At paragraph 21, if you could enlarge it,
18 at the bottom of the page:

19 "Intrusive, round-the-clock coverage of a single
20 target can require up to ..."

21 There is then blanked out the number of
22 Security Service surveillance staff as well as the total
23 and also a number organisational staff.

24 Can we deduce from that comment, even though it is
25 redacted, that it is not just a question of putting

1 surveillance officers on to the street, there has to be
2 a back-up process as well and that will also need for
3 organisational staff to be called upon?

4 **A. That's correct.**

5 Q. An intensive operation, for example, into imminent
6 attack planning -- and Crevice was one such
7 investigation, was it not? --

8 **A. It was.**

9 Q. -- can consume almost half of the Security Service's
10 operations resources.

11 So Crevice, by way of example, in the beginning of
12 2004, once it became plain it was an investigation into
13 attack playing, constituted a very major draw, did it,
14 on the Security Service's resources?

15 **A. It did.**

16 Q. Is that why you suggest in your statement that it meant
17 that when other equally serious operations, such as
18 Operation Rhyme, which followed it, then come to light,
19 there are very significant difficulties in how you can
20 deploy your resources and the investigative tools open
21 to you across a number of operations?

22 **A. That's correct.**

23 Q. In fact, in relation to Operation Rhyme -- if we can
24 have INQ8305-19, the second report from the Intelligence
25 and Security Committee in May '09 -- I think there are

1 some details provided in relation to Rhyme, which was
2 the major operation that followed Crevice.

3 Putting aside what the facts of the investigation
4 were, there are some references there, are there not, to
5 the resource allocations for Rhyme? Six weeks of
6 24-hour coverage. Is that the sort of coverage that one
7 would generally expect to see in a major attack planning
8 investigation or is that exceptional?

9 **A. That is a very large number.**

10 Q. I won't ask you whether it's the most extensive, but it
11 must be near the top of the range of what the
12 Security Services deployed?

13 **A. That's correct.**

14 Q. Up to 15 surveillance teams deployed at any one time,
15 20 CCTV cameras installed and monitored, 8000 hours of
16 product, 25,000 man hours devoted to monitoring the
17 transcription and covert searches and other processes
18 that I suspect reference to is prohibited by law, 60
19 property searches, analysis of seized hard drives
20 amounting to data amounting to roughly 12 times the
21 height of Everest, if printed out and stacked.

22 **A. (Witness nods).**

23 Q. So does it follow, G, that because of the incredibly
24 intensive demands on the Service in terms of bringing
25 these resources into play, very careful thought has to

1 be given to when they are justified and for how long
2 they can be maintained?

3 **A. That's correct.**

4 Q. The Executive Liaison Group minutes -- we discussed the
5 group earlier, the forum in which the Security Service,
6 the police and other bodies discuss frankly and openly
7 in secret the investigative work being carried on, makes
8 a reference constantly to whether further surveillance
9 is justified, whether or not particular targets should
10 form part of the surveillance process and also whether
11 or not the whole operation should be brought to an end
12 by way of arrests or some other executive step.

13 So is there a constant analysis every day, in fact,
14 in the major operations, of who merits surveillance and,
15 if not, what other intrusive methods do they merit?

16 **A. In a major operation like Crevice, yes, every day.**

17 Q. The statement goes on to deal with technical deployment,
18 your statement, at page 33, SYS11005-33. Overt
19 eavesdropping devices.

20 Why is that a rarer investigative technique?

21 **A. Covert eavesdropping devices are rarer for a number of
22 reasons. Firstly, the level of intrusion involved is
23 much greater, because you are in a person's home and the
24 likelihood of collateral intrusion is greater.**

25 **Secondly, putting one of these devices in is a very**

1 **resource-intensive process, because, as you will**
2 **appreciate, getting into somebody's house without them**
3 **knowing can be a very difficult job.**

4 **Thirdly, supporting those operations, once they are**
5 **running, is also a resource-intensive process.**

6 Q. Is that because, as we will see, it is not enough to
7 have an eavesdrop device in place, there must be
8 somebody listening to it by way of monitoring the
9 conversation real-time and then somebody to transcribe
10 the full conversation afterwards.

11 **A. That's one of the reasons, yes.**

12 Q. But presumably there are other organisational staff
13 required to insert it, protect it and get it out again?

14 **A. That's correct.**

15 Q. In Crevice, though, eavesdropping devices were used
16 quite extensively, were they not?

17 **A. They were.**

18 Q. Because we know that they were used in the house
19 belonging to Omar Khyam, the ringleader, and also they
20 were inserted in his Vitara car, and the product of that
21 device, or devices, has been produced in these
22 proceedings, as it was in the Crevice trial, I think on
23 21st February and 28th February and 23rd March.

24 You have also referred, Witness G, to other
25 conversations, conversations carried out -- partaken in

1 by the Crevice core conspirators for the purposes of
2 assisting your argument that there was attack planning
3 going on.

4 Those other conversations, less relevant perhaps to
5 the facts of this case, show that audio devices were
6 relied upon on quite a large number of days throughout
7 February and March?

8 **A. (Witness nods).**

9 Q. Because you had pretty good sight, did you not, of what
10 they were talking about?

11 **A. We had good rather than pretty good. Our appetite for
12 devices was better than our ability to get them in.**

13 Q. In essence, they worked, did they not? Because very
14 soon after the investigation changed, by way of
15 an examination of whether this was just concerned with
16 fraud and facilitation of terrorism to attack planning,
17 you were able to get good coverage of the nature of the
18 targets that they had in mind?

19 **A. We were able to get reasonable coverage. I wouldn't
20 describe it as good, even today.**

21 Q. Let me look at that time from another angle. The ELGs
22 do not, on their face, seem to indicate substantial
23 difficulties being expressed by the police and the
24 Security Service in relation to the coverage that you
25 were able to get of the core conspirators?

1 **A. No, I think that's fair.**

2 **Q. Right. Are all conversations from eavesdropping devices**
3 **transcribed, once they have been monitored, or was the**
4 **one with which we are primarily concerned -- and we will**
5 **come back to -- the one on 21st February, a rarity?**

6 **A. They are not all transcribed. In an operation like**
7 **Crevice the amount which is transcribed I wouldn't**
8 **describe as a rarity. A fair amount is, but by no means**
9 **all.**

10 **Q. How is it decided whether or not a particular**
11 **conversation overheard through an eavesdropping device**
12 **will come to be transcribed so you can see exactly what**
13 **was said, assuming the device worked?**

14 **A. Again, this is a fairly organic process. You will have**
15 **seen in the core bundle some evidence of the first-stage**
16 **monitor's notes which we produce, which give some**
17 **indication of what's in the target -- sorry -- what's in**
18 **the piece of audio eavesdropping.**

19 **From that, the transcriber will themselves then look**
20 **at those monitor's notes and make some judgment about**
21 **what they will produce a partial transcript of, which**
22 **they will then send to the desk officer who is absorbing**
23 **the information.**

24 **The desk officer may ask for some more to be done.**
25 **He may ask for some greater detail on some of the stuff**

1 **which has been done. He may take advice from the**
2 **transcriber as to areas they think are of particular**
3 **importance.**

4 Q. It seems to follow from what you say, G, there will
5 always be a monitor to keep an account of the live
6 conversation as it goes on, but not necessarily that
7 that conversation will thereafter be transcribed.

8 **A. That's correct.**

9 Q. Can you give us some indication of the level of
10 coverage, the percentage of monitor conversations that
11 are subsequently transcribed in a serious investigation
12 involving mass casualties or a substantial loss of life?

13 **A. No, I can't. I think I would have to do some more**
14 **research on that.**

15 Q. It is not a closed issue. It has just not been
16 researched before?

17 **A. Correct.**

18 Q. Finally, in relation to the options open to you, the
19 Security Service has no power to arrest and search. Is
20 that correct?

21 **A. That's correct.**

22 Q. Much litigated and much discussed, there is the
23 possibility of a control order, but the gift to impose
24 a control order is not yours to give, and they were only
25 in force from March 2005. Is that correct?

1 **A. Correct on both counts.**

2 Q. Finally, in terms of the ability of the Security Service
3 to perform its role, is the coverage that the Service
4 has very sparse in terms of your ability to fully
5 understand or properly understand what your targets are
6 up to?

7 **A. I mean, if you take targets as a totality, all of them,**
8 **yes. Clearly, for some targets, our coverage is better.**

9 Q. There are some figures provided again by way of the
10 Intelligence and Security Committee report, INQ8305-48,
11 paragraph 145 for those with a hard copy.

12 Again, it is a redacted part of the Committee's
13 report. We can see, at 144, there was a reference to
14 essential targets, those suspected of direct involvement
15 in or knowledge of terrorist attack planning, as well as
16 desirable targets.

17 We will explore later, G, the etymology of those
18 descriptions and whether they are accurate, but putting
19 that aside, the Committee thought there were two broad
20 categories to which it would usefully make reference.

21 In terms of the capability of your Service to cover
22 those targets, there is then a chart. What does "cover"
23 mean or what did you understand "cover" to mean?

24 **A. "Cover" for us, means the degree of control -- sorry --**
25 **knowledge rather than control -- the degree of knowledge**

1 **we are likely to have of the targets' activities.**

2 Q. That means where they go, who they know, what they are
3 saying, what they are doing?

4 **A. Yes, both on the overt side, because some of those**
5 **things will be obvious, and on the covert side.**

6 Q. The totality of their activities?

7 **A. Yes.**

8 Q. Some of them, as you say, can be explored through open
9 sources, but you may also need to use intrusive, secret
10 sources to get more information out?

11 **A. That's correct.**

12 Q. In relation to the overall coverage at that time in 2004
13 of both essential and desirable targets, there was
14 a good or less good coverage in relation to only 6.13%?

15 **A. That's correct.**

16 Q. So that, therefore, must mean that there are essential
17 targets, or there were essential targets, of whom you
18 may not have had either good or less good coverage?

19 **A. Yes. As I say in my statement, there are, at this**
20 **stage, 52 targets who fell into the essential category,**
21 **of which we had inadequate or no coverage.**

22 Q. At that time?

23 **A. At that time.**

24 Q. Not just Operation Crevice?

25 **A. No. Correct. Over 2004.**

1 Q. There were significant gaps in relation to 33% of all
2 targets, inadequate coverage for 42% and no information
3 at all in relation to 19% of targets. That means names,
4 bodies, individuals, whatever or whoever they are, which
5 you knew had some significance, but you were unable to
6 progress further?

7 **A. That's correct.**

8 Q. That none, as you have just observed, included targets
9 who had already been assessed as being essential but in
10 relation to whom you just had no coverage at all?

11 **A. That's correct.**

12 Q. Was that why the Committee then went on to describe, at
13 146, how that level of coverage or inadequacy of
14 coverage -- I don't mean it pejoratively -- was
15 astounding?

16 **A. (Witness nods).**

17 Q. I suppose, G, you would proffer the observation that
18 that was why the question of resources and the ability
19 to take further investigative steps is quite so acute?

20 **A. That's correct.**

21 Q. Has there been much difference, or is there much
22 difference, between that extraordinary level of
23 inadequate coverage, for the reasons you have explained,
24 and now?

25 **A. Things have improved.**

1 Q. For the same reason that the Committee redacted the
2 figures -- I shan't explore with you the figures -- but
3 are they appreciably different?

4 **A. Yes, they are.**

5 Q. Would they be described now as being astounding figures
6 or just alarming figures?

7 **A. I hope alarming rather than astounding.**

8 Q. Perhaps we might venture to suggest they are sufficient
9 figures or will you never reach that level?

10 **A. I don't believe we will ever reach a sufficient level.**

11 Q. So the principal issues concerning the priorities that
12 you can bring to bear on the decisions about the
13 resources remain as acute today as they did then?

14 **A. Almost as acute.**

15 Q. G, that is all I propose to ask you about the background
16 to Crevice and the role of your organisation in so far
17 as Khan and Tanweer are concerned.

18 I would like to turn now, please, to the particular
19 intelligence which has been assembled in a core
20 bundle as a result of the many months of procedures
21 which have been carried out to bring this to our
22 attention.

23 Would it be fair to say that there were four
24 separate, or to a degree separate, intelligence strands
25 concerning Khan and Tanweer?

1 One, there was the general picture of McDaid and
2 Tafazal Mohammed, the camp in Dalehead, surveilled by
3 West Yorkshire Police in 2001; Operation Honeysuckle and
4 the investigation of McDaid and the Iqra bookshop and
5 the various associates in April 2003, which had
6 a tangential connection to the man we now know to be
7 Mohammed Sidique Khan, through attendance at the camp,
8 the lift that his car gave to McDaid and his role in the
9 Iqra bookshop. Again, none of that known necessarily at
10 the time.

11 Is that the first broad strand?

12 **A. Yes.**

13 Q. The second broad strand is Crevice, is it not? Just to
14 remind ourselves, that was the sighting of two men who
15 were given the identification "unidentified males" or
16 "men D and E". In the course of Crevice, the operation
17 to thwart the fertiliser bomb plot, and then, of course,
18 there is the associated operation, Operation Scraw,
19 after Crevice undertaken by the Service to identify 12
20 particular individuals who alarmed you or concerned you
21 arising out of Crevice once the arrests of the core
22 conspirators had been effected, as part of which process
23 you asked West Yorkshire Police for further enquiries to
24 be made about the two men D and E.

25 At that time, you had, of course, the transcript,

1 a rough transcript, of the conversation in the Vitara
2 car on 21st February, but it had not been fully
3 transcribed or appreciated or understood until much
4 later?

5 **A. Yes, that's correct.**

6 Q. Then there is the third separate strand of reporting
7 relating to two extremists called Ibrahim and Zubair.
8 That intelligence originated in part from a man called
9 Babar, in US custody, and in part from a second
10 detainee, the name of whom is in closed and not,
11 therefore, open to public revelation, and that process
12 involved the showing of photographs to both people,
13 Babar and the second detainee -- whether they were male
14 or female, I know not -- and that process went on after
15 Crevice. So starting around about March 2004 and over
16 the remainder of the year?

17 **A. That's correct.**

18 Q. That's the third strand.

19 The fourth strand is the strand that was received or
20 came to light in the beginning of 2005, which was the
21 intelligence received by the Security Service to the
22 effect that two men called Saddique (surname not Khan),
23 to whom you have already made a reference, and Imran,
24 a man called Imran from Batley, had been training in
25 Afghanistan and were committed to the extremist cause?

1 **A. Yes.**

2 Q. That's the fourth strand. It was that strand in
3 relation to which no investigative steps were taken
4 after 1st March for what you would say are good reasons.
5 Of course, one of those name whose name was Saddique
6 (surname not Khan) turned out to be
7 Mohammed Sidique Khan.

8 You may need a copy of the chronology, but I will
9 put up the documents on the screen as well, G, so you
10 can see where we are going.

11 We start the narrative with the events at the camp
12 at Dalehead in Duddon Valley in Cumbria. Was that
13 a West Yorkshire Police Special Branch operation,
14 surveillance operation, in January of 2001?

15 **A. It was.**

16 Q. Perhaps we could have WYP11 on the screen. It is
17 my Lady's tab 1. Operation Warlock. If you could
18 enlarge the top half of the page, please. That was
19 an operation which involved, at least in part,
20 surveillance on a training camp in the Lake District.
21 The gist says 26th October 2001. That's a typographical
22 error. It is, in fact, 26th January 2001, is it not,
23 and the 28th?

24 **A. That's correct.**

25 Q. In essence, there was a man called McDaid who had been

1 known to the Security Service and West Yorkshire Police
2 since at least 1998 and was suspected of being an
3 Islamic extremist involved in, potentially, Jihadist
4 training, so there was this immense operation.

5 These camps, this is just but one instance, is it
6 not, of the sort of outdoor activity where concerns had
7 arisen in the Security Service and the police that they
8 may have become forums for the attendance of people who
9 might be thinking about involvement in extremist
10 activity?

11 **A. Yes, that's correct.**

12 Q. MSK, although you did not know him as MSK then, was seen
13 on a video, which then became a photographic clip, and
14 was known to have attended the camp. Is that correct?

15 **A. Yes, it is.**

16 Q. So from 1998, Security Service and West Yorkshire Police
17 were at least aware of some aspect of the extremist
18 activity centering on this sort of camp and involving
19 a man called McDaid?

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

21 Q. It is plain, isn't it, G, that it wasn't just a one-off
22 examination of one particular training camp, because
23 West Yorkshire Police carried on investigating as part
24 of Operation Warlock, because they carried out checks on
25 the people who were there, such as the information

1 existed, and that led to the existence of other people
2 called McLintock and Tafazal Mohammed and so on?

3 **A. It wouldn't be right to say that the checks on the**
4 **training camp led to the discovery of McLintock as an**
5 **individual of interest, but it would be true to say that**
6 **of Taf Mohammed.**

7 Q. But there were a number of people who came on to the
8 radar of the West Yorkshire Police and the Security
9 Service as a result of this operation?

10 **A. McLintock was on before --**

11 Q. And McDaid was on before.

12 **A. -- I guess that would be true, and McDaid was on before.**

13 Q. But Tafazal Mohammed --

14 **A. This was our first knowledge of him, yes.**

15 Q. As I say, MSK, although not known then, was just one man
16 who happened to attend at the camp and was photographed.
17 Was that photograph shown to anybody at the time?

18 **A. Yes, it was.**

19 Q. With success?

20 **A. No. Nobody identified him as Mohammed Sidique Khan.**

21 Q. So no-one said "The person in that photograph, I can
22 give that person a name. His name is
23 Mohammed Sidique Khan."?

24 **A. That's correct.**

25 Q. Was any witness or person to whom the photographs were

1 shown, presumably a source, informant or agent of some
2 sort, able to give any sort of information about the
3 person whose photograph had been taken?

4 **A. The person who was Mohammed Sidique Khan?**

5 Q. Yes.

6 **A. No.**

7 Q. At the bottom of the page, you can see there the
8 reference to the showing of the photographs including
9 the one of MSK by West Yorkshire Police to one source in
10 2001, and then, after July 2005, the photograph was
11 shown again, or other photographs were shown again, and
12 some other sources identified that person as MSK and
13 said "He was on the camp".

14 The gist, that's to say the summary, of what can be
15 said in open proceedings, states that none of those
16 sources had been recruited prior to November 2003. What
17 about after November 2003?

18 **A. Some of them, yes.**

19 Q. None of them were recruited prior. We can take it some
20 were recruited after?

21 **A. Yes.**

22 Q. Some must logically have been recruited after
23 November 2003 but before July 2005?

24 **A. I believe that to be so.**

25 Q. Do you know whether or not opportunities were taken or

1 whether consideration was given to showing photographs
2 to those sources prior to July 2005?

3 **A. No, and that would have been very unlikely.**

4 Q. Why?

5 **A. It wouldn't have been normal practice to go back over**
6 **old photographs from two years before with all new**
7 **sources.**

8 Q. I am not sure I follow you. After July 2005, the
9 significance of the camp and the people who were there
10 took on a hugely different significance?

11 **A. Indeed.**

12 Q. So the sources who had already been recruited were shown
13 these photographs?

14 **A. (Witness nods).**

15 Q. But they hadn't already been shown those photographs,
16 had they?

17 **A. No, that is correct. They had not been shown them**
18 **between November 2003 and July 2005.**

19 Q. Was there any process in place at the time, either in
20 your organisation or West Yorkshire Police, to go back
21 and put photographs to new sources as they came online?

22 **A. No, there wasn't.**

23 Q. Is that still the position? Is there any kind of
24 process whereby, where you are attempting to identify
25 targets and individuals, existing photographs, perhaps

1 albeit from some time ago, can be put to new sources so
2 that they can be afforded the opportunity of identifying
3 that person, if possible?

4 **A. No. That would remain the position. The Service and**
5 **police forces will collect thousands of photographs, and**
6 **it wouldn't be a practical option.**

7 Q. West Yorkshire Police I think carried out an operation
8 called Operation Atlas, which did involve going back and
9 trying to identify people who had attended that camp?

10 **A. (Witness nods).**

11 Q. So there must have been some organisational concern that
12 this camp was quite significant in intelligence terms?

13 **A. But Atlas was, of course, after 2005, at a point at**
14 **which the significance of entities at that camp appeared**
15 **much greater.**

16 Q. Yes. Plainly, there was an element of locking the
17 stable door after the horse had bolted, but if it was
18 significant after 2005, because it became appreciated
19 that camps of this type are significant, it is surely
20 open to the police and the Security Service to
21 appreciate the significance before 2005?

22 **A. It was one of a number of camps, others of which did not**
23 **lead to suicide bombers being involved and there**
24 **wouldn't have been a practical way to have identified**
25 **before July 2005 that this was the particular camp that**

1 **a suicide bomber had attended.**

2 Q. I didn't ask you whether the photograph of MSK was put
3 before 2005, because he was still not significant. My
4 question to you was: is there a system for assessing or
5 for the production of photographs if there is
6 an operational requirement?

7 **A. It is certainly within our capabilities to draw those**
8 **photographs together again, yes.**

9 Q. Because, in hindsight, the attendees at the camp, MSK,
10 McDaid, Tafazal Mohammed, do appear to have had some
11 significance or greater significance in terms of their
12 activity in the Dewsbury/Batley area, the Iqra bookshop,
13 dissemination of extremist material and so on, all of
14 which is now known.

15 So is more importance now attached to intelligence,
16 whatever it is, arising in connection with these sorts
17 of outward bound camps?

18 **A. Yes, we would recognise these camps as more significant**
19 **now than we did in 2001.**

20 Q. So that's Operation Warlock. To put it into the
21 chronological context, that's January 2001 and that
22 summer, although not known to the Service or anybody
23 else, between July and September, Shipon Ullah,
24 Waheed Ali, the Theseus co-accused, and Khan travelled
25 to Pakistan. I think there was evidence given at the

1 Theseus trial that they had engaged in terrorist
2 training activity then. In March 2000 --

3 LADY JUSTICE HALLET: Before we go on, in case it should be
4 thought it is easy to monitor people travelling to
5 Pakistan, do you have any idea of the figures of those
6 whose parents or grandparents may have come from
7 Pakistan, travel to and from Pakistan?

8 **A. We estimate, my Lady -- and forgive me, if I have**
9 **misremembered this from earlier considerations --**
10 **something like 400,000 individuals travel each year who**
11 **would fit a very broad profile that might be of interest**
12 **to us, because of the size of the second- and**
13 **third-generation Pakistani communities in this country.**

14 LADY JUSTICE HALLET: That's per year?

15 **A. That's per year.**

16 LADY JUSTICE HALLET: I have seen some figures somewhere.

17 MR KEITH: My Lady is absolutely right. There is
18 a reference -- I am sure I will be assisted by somebody
19 behind me, but there is a reference in G's statement to
20 the hundreds of thousands of people who visit Pakistan
21 annually.

22 Then moving forward, there is then a considerable
23 jump. March 2003, again a piece of information, the
24 significance of which was simply not known at the time.

25 In March 2003, Mohammed Qayum Khan, who was one of the

1 Crevice early conspirators before it turned into attack
2 planning, made a call to a number which happened to be
3 a number registered in the name of Sidique Khan, and who
4 gave his address as 49 Bude Road?

5 **A. (Witness nods).**

6 Q. Could we have Security Service document SYS11076,
7 please? You have in the last day or two, G, provided
8 some further details in relation to this call?

9 **A. (Witness nods).**

10 Q. The Security Service gave evidence, did it not, to the
11 Intelligence and Security Committee that the calls were
12 in July and August in their entirety, but, in fact, that
13 was erroneous?

14 **A. No. The calls were in July and August as reported in**
15 **the ISC report. Our error at that point was saying we**
16 **had done the subscriber check in July and August rather**
17 **than March.**

18 Q. I understand. So there were calls -- I think the ISC
19 report showed or stated that there were calls in on
20 19th July, I think 15th August and -- sorry -- two dates
21 in July and a date, 17th August, but it has subsequently
22 transpired, has it not, that there were more calls on
23 19th July than the ISC understood?

24 **A. Correct.**

25 Q. The call on 17th August was not 17th August, but 15th

1 August?

2 **A. Correct.**

3 Q. So there were some small errors in relation to the dates
4 given to the Intelligence and Security Committee?

5 **A. (Witness nods).**

6 Q. The essence of the calls was this, was it not: that one
7 of the early significant individuals in the
8 Operation Crevice, the operation from 2003 and through
9 2004, was in touch with a man called Sidique Khan, who
10 gave that address, but that was all it was understood to
11 be?

12 **A. It is not actually right to say he gave that address.**

13 **That was the subscriber address for the telephone.**

14 Q. If a check had been done, if a check had been done, and
15 I am not suggesting that that single call necessitated
16 a check, it would have shown that there was a person in
17 touch with Mohammed Qayum Khan called Sidique Khan of
18 49A Bude Road?

19 **A. That was a subscriber to the phone, yes.**

20 Q. Operation Crevice, which included this man
21 Mohammed Qayum Khan, gave rise to thousands upon
22 thousands of what you have described earlier as call
23 events, data events?

24 **A. (Witness nods).**

25 Q. What percentage of all the calls originating out of

1 Crevice were able to be followed up and the caller or
2 the recipient of the call able to be dismissed from your
3 enquiries?

4 **A. We did seek to follow them up. I am not sure we managed**
5 **to follow them all up, but in many cases we were able to**
6 **dismiss them from our enquiries quite swiftly.**

7 Q. Do you know whether this particular call, featured in
8 the course of your enquiries and your assessments, led
9 to this particular call then being rejected as being
10 indicative of necessarily an innocent contact?

11 **A. There is no contemporaneous documentation on this, but**
12 **I think the assessment I hold today is that it is most**
13 **unlikely these would have been considered significant**
14 **calls at the time.**

15 Q. Because it is simply one call to one person or maybe
16 four or five calls. This was the only number that was
17 registered to a man, identifiable name and an address.
18 The other calls were to a mobile pre-pay, pay-as-you-go
19 phone?

20 **A. Yes.**

21 Q. Does the Security Service have any means of tracing the
22 ownership of such pre-pay mobile phones?

23 **A. We can, but it's a highly resource-intensive process.**

24 Q. Although there is no record kept by the Security Service
25 of what steps are taken in relation to each contact, it

1 is your view then that it would never have been
2 justified in trying to pursue these individual calls and
3 they must, therefore, have simply been put to one side
4 as not being of sufficient importance as to merit
5 further enquiries?

6 **A. That's my judgment.**

7 LADY JUSTICE HALLET: Can I just ask this: given these are
8 only a few of the thousands of calls, would that
9 information even have been retained -- in other words,
10 there to be flagged up or collated when other references
11 to a man called Khan of Bude Road -- or would that
12 information just really never get logged because it
13 appeared to be just a few of many?

14 **A. It would have been easy to flag the telephone number**
15 **itself, and that was done. If the telephone number came**
16 **up regularly, that flag would have been shown. There**
17 **would also have been something relating to a number of**
18 **other issues around the call, which I don't think I can**
19 **go into any further in open, but the specific question**
20 **about the subscriber, though that material may have been**
21 **retained, it wouldn't have easily been flagged up in**
22 **future.**

23 MR KEITH: So I have understood you correctly, somewhere
24 there would have been some record of this subscriber,
25 Sidique Khan of 49A Bude Road?

1 **A. Correct.**

2 Q. Reverting to our earlier discussion about whether or not
3 there is now a system in place that would record such
4 an item of intelligence, would that single piece of
5 information, not significant in itself, now be readily
6 accessible if you were going to try to start
7 investigating someone in the United Kingdom called
8 Sidique Khan?

9 **A. Again, certainly with the telephone number, it would be,
10 because that's a unique identifier, but it would still
11 be difficult with a name.**

12 Q. That's March 2003. In April 2003, going back to the
13 gist, there was then the surveillance on Martin McDaid,
14 the suspected extremist. In paragraph 12, on
15 14th April, he was seen to be given a lift in a blue
16 BMW?

17 **A. (Witness nods).**

18 Q. The lift was very short, was it not, G, three minutes?

19 **A. Correct.**

20 Q. It is plain that West Yorkshire Police carried out
21 checks on the car, because obviously the lift had arisen
22 in the course of the surveillance operation and they
23 found it was registered to Sidique Khan of
24 11 Gregory Street, Batley?

25 **A. (Witness nods).**

1 Q. That name, Sidique Khan, and of 11 Gregory Street,
2 Batley, was certainly an identical name to the name of
3 the man in whose name the phone was registered that had
4 received a call from another suspected extremist
5 Mohammed Qayum Khan, but there was then, it seems, and
6 perhaps now, no flagging system or no trigger that would
7 have necessarily brought this these two pieces of
8 information together?

9 **A. That's correct.**

10 LADY JUSTICE HALLET: Again, two questions in one. Not
11 then, not now? Not then, but now different, or not
12 then, not now?

13 **A. Not then, not now, but a higher chance of now than then.**

14 MR KEITH: There was no direct connection, was there,
15 between McDaid, the suspected extremist in the Leeds
16 area, and Mohammed Qayum Khan, the suspected extremist
17 from another network in Luton?

18 **A. That's correct.**

19 Q. But had the two pieces of intelligence been put
20 together -- and I fully accept that there was nothing
21 significant about either, or nothing necessarily
22 significant about either -- it would at least have
23 indicated a man, Sidique Khan, same name, same spelling,
24 having a link with two suspected extremists not
25 otherwise connected?

1 **A. It would have done if the information about the McDaid**
2 **lift had been shared with us.**

3 Q. But it was not?

4 **A. Correct.**

5 Q. The information about the lift to McDaid was contained
6 on the West Yorkshire Police system under their computer
7 system CLUE, but that was not routinely, we
8 understand -- I will be corrected if I am wrong -- given
9 to the Security Service?

10 **A. That's correct.**

11 Q. As I suggested earlier, the fact that Khan was the
12 registered keeper of that blue BMW disappeared from the
13 police national computer subsequently on account of
14 policies concerning the retention of documents when cars
15 are sold or scrapped, or something like that.

16 In hindsight, would you agree it was unfortunate
17 that that piece of information linking McDaid to
18 Mohammed Sidique Khan was not brought to the attention
19 of the Security Service?

20 **A. I think West Yorkshire Police made the correct decision**
21 **at the time, but in hindsight, yes, I would agree with**
22 **you.**

23 Q. Because in hindsight, as you have acknowledged, it
24 showed a different complexion on Sidique Khan because it
25 showed an entirely unrelated connection to another

1 extremist, albeit short?

2 **A. (Witness nods).**

3 Q. Mr McDaid would presumably not have got into the car of
4 a complete stranger?

5 **A. I wouldn't be as confident as that. He might well have
6 got into the car of somebody he hardly knew.**

7 Q. I think the surveillance operation at the time and the
8 notes that have been disclosed show he put his head into
9 the window of the car and chatted to the driver before
10 getting into the car, so there was certainly some level
11 of familiarity?

12 **A. Indeed.**

13 Q. That's Operation Honeysuckle, which comprised the
14 surveillance of the BMW car in very small part. It also
15 had a link, did it not, or established a link to
16 Bude Road?

17 **A. Certainly the surveillance did, yes.**

18 Q. If we go down the page:

19 "Research into 49 Bude Road, Beeston, linked the
20 address to Tafazal Mohammed."

21 Of course, 49A Bude Road was the address of the Iqra
22 bookshop of which Khan was a trustee, it subsequently
23 transpired.

24 West Yorkshire Police conducted further enquiries
25 into the Iqra bookshop. Those enquiries revealed there

1 were links between McDaid and Tafazal Mohammed in the
2 bookshop. There seemed to be a group of individuals
3 loosely based around that bookshop or connected to the
4 bookshop.

5 Over the page, please, there were also links, were
6 there not, to the Rays of Truth bookshop and the Hamara
7 Healthy Living Centre and the Leeds Community School,
8 all of which my Lady heard of last week during the
9 course of other evidence.

10 So that's Operation Honeysuckle in 2003, in April.

11 That summer, just to get our bearings again -- of
12 course, not known to the Service or anybody else -- the
13 summer of 2003, two men called Ibrahim, who turned out
14 to be Mohammed Sidique Khan and Zubair, who turned out
15 to be man called Mohammed Shakil, travelled to Islamabad
16 and engaged then in terrorist training activities,
17 because, whilst there, they are seen by a man called
18 Mohammed Junaid Babar, who subsequently gives evidence
19 to you and to the Americans about the activities. But
20 that's all, again, in the future.

21 July to August 2003 there are then the other calls
22 to which you made reference between
23 Mohammed Sidique Khan and Mohammed Qayum Khan in Luton.
24 So they are more of the same. Is that correct?

25 **A. That's right.**

1 Q. As you have observed, there have been some errors in
2 relation to the dates and the information given to the
3 Intelligence and Security Committee, but there was
4 nothing, was there, in those calls, that suggested that
5 Sidique Khan himself, whoever he was, was involved in
6 terrorist-related activity?

7 **A. That's correct.**

8 Q. The position remained the same, although not known to
9 you, linked to McDaid, linked to Mohammed Qayum Khan?

10 **A. That's correct.**

11 Q. Then, in February 2004, entirely separately, the Crevice
12 group conspirators had altered, had they not? They had
13 changed their plans, or their plans had developed, and
14 Mohammed Qayum Khan, the erstwhile leader or contact in
15 Luton, fell out of the picture and a man called
16 Omar Khyam appeared to become engaged along with others
17 in a much more serious plot to manufacture a fertiliser
18 bomb?

19 **A. Yes, that's correct.**

20 Q. On 2nd February, that man, Omar Khyam, was seen to park
21 his car in a place called Langley Parade in Crawley and
22 alongside his car there then parked a green Honda Civic?

23 **A. (Witness nods).**

24 Q. Could we have, please, tab 8 of my Lady's bundle,
25 SYS10998-2? If we could just go back one page so we can

1 see the origin of the document. A4 operations summary.

2 A4 is a section of the Security Service, is it not?

3 **A. That's correct.**

4 Q. Is this a summary of the surveillance largely arising
5 around Omar Khyam's car but forming part of the
6 surveillance in Operation Crevice at that time?

7 **A. It is a summary of the surveillance of Omar Khyam for
8 that day, for 2nd February.**

9 Q. The surveillance had already been in place. This is
10 just an extract from it?

11 **A. That's right.**

12 Q. This refers to a number of individuals. They all had
13 code names. Why is that?

14 **A. That's a measure we use for higher security,
15 particularly for our teams who are out on the ground
16 engaged in surveillance. So they always refer to
17 targets by this sort of name rather than by the
18 individual actual names.**

19 Q. Omar Khyam, the ringleader, had a name of All Together,
20 did he not?

21 **A. Yes.**

22 Q. He lived in Langley Walk in Crawley and then gave
23 another address in Slough?

24 **A. That was one of his addresses.**

25 Q. One of his addresses, and this is the surveillance

1 surrounding his car, which was a silver Suzuki Vitara,
2 which we can see a reference to at 7.36.

3 **A. That's correct.**

4 Q. Over the page, at page 2, if you could enlarge the
5 second half of the page, at 20.25, All Together --
6 that's Omar Khyam -- with man B -- that's a man you
7 didn't know the name of -- in the silver Suzuki Vitara
8 left Dove Close and parked area of shops,
9 Langley Parade. So near his house. At 20.28, a green
10 Honda Civic, R480 CCA, with three occupants, parked next
11 to the silver Suzuki Vitara.

12 **A. (Witness nods).**

13 Q. We can see, G, from subsequent documents that you or
14 your organisation, formally, by way of cluster messages,
15 a secret e-mail system, asked West Yorkshire Police to
16 make enquiries about the address, and the Metropolitan
17 Police made similar enquiries, but you obviously had
18 your own access to these sorts of computer databases
19 and, therefore, you knew immediately that that number
20 plate related to a registered keeper, Miss Hasina Patel
21 of 10 Thornhill Park Avenue.

22 Is that why it appears in the course of the
23 surveillance summary? It is almost instantaneously you
24 can make these checks?

25 **A. It is quick, yes.**

1 Q. At the bottom of the page, the officers carrying out the
2 surveillance observed that the green Honda Civic with
3 the two occupants left Langley Parade and three other
4 people remained in the silver Suzuki Vitara. The green
5 Honda Civic went north on the A23, then went south, then
6 went round a roundabout and seemed to be going up and
7 down or certainly up once and sideways once in the
8 general area, the general locality. It was obviously
9 a meeting?

10 **A. (Witness nods).**

11 Q. It wasn't your average -- it didn't appear, did it, to
12 be your average social meeting, G, did it? It appeared
13 to be an express meeting for the purposes of bringing
14 people together to discuss something while that car was
15 driving up and down the A23?

16 **A. Yes, I think that's fair.**

17 Q. That is why, of course, the car was noted and the
18 registration details checked?

19 **A. It is likely we would have noted any significant car in
20 this period, but yes.**

21 Q. It certainly achieves quite a prominence, does it not,
22 this car?

23 **A. Yes.**

24 Q. The following page, page 3 of the document, the officer
25 knew, because he commented:

1 "It was believed that All Together", that's
2 Omar Khyam, "with the unidentified male drove around for
3 the purpose of a meeting together."

4 It was quite possible that was for something
5 connected to a nefarious, illegal or extremist activity.
6 We simply do not know what?

7 **A. I agree.**

8 Q. They then all hug at 21.10. At 21.12 Khyam, with man B
9 in the silver Suzuki leaves, and the other three men are
10 in their Honda Civic. The green Honda Civic stops at
11 McDonalds.

12 At 21.19 the men in the Honda Civic leave the retail
13 park and go north on the A23, M23, M25, M1, and they
14 stop at Toddington.

15 At Toddington, some photographs are taken of them,
16 are they not?

17 **A. (Witness nods).**

18 Q. The three men in the car at Toddington were given the
19 names temporarily perhaps, unidentified men C, D and E?

20 **A. (Witness nods).**

21 Q. C turned out to be Waheed Ali, co-conspirator in the
22 Theseus trial for conspiracy to engage in the bomb plot
23 of 7th July. D turned out to be Tanweer, and E turned
24 out to be Mohammed Sidique Khan. Is that correct?

25 **A. That's correct.**

1 Q. We can see at tab 10 of my Lady 's bundle,
2 Security Service document SYS11058, the handwritten
3 notes -- I am sorry. I think I have the wrong
4 reference. Tab 10 -- sorry, tab 9. It was the tab that
5 was incorrect and not the reference -- tab 9, SYS11046.
6 I apologise. Handwritten notes of one of the
7 surveillance officers that day. If you could turn to
8 page 6 of the exhibit, at the top of the page we can see
9 there, 20.23, the conversation appears very private.
10 That's a reference to an earlier conversation. Then:

11 "V1 moved off north and parked in the area of the
12 shops at Langley Parade."

13 Then, at 20.28, the reference to the Honda Civic
14 arriving:

15 "R480 CCA is parked next to vehicle 1."

16 For what it is worth, if you go forward three more
17 pages, please, we can see the references to the car and
18 the completion of the Honda Civic's journey, because it
19 was followed, was it not, all the way up to Leeds?

20 **A. Yes, it was.**

21 Q. Passengers alighted, 01.15:

22 "V2 stopped", if you can highlight the fourth entry
23 on the page, please, "in Lodge Road off Trentham Street
24 near a church."

25 Then at 01.37:

1 "0137. V2 entered Thornhill Park Avenue.

2 "62. V2 is parked on the driveway of
3 Thornhill Park Avenue."

4 Just above it there is a reference to another
5 individual alighting at an address or Lodge Road.

6 So they were trailed back to, not individual
7 addresses, but streets in the Batley area?

8 **A. (Witness nods).**

9 Q. Of course, that is the car that's registered then to
10 Hasina Patel?

11 **A. (Witness nods).**

12 Q. Could you help us, please, with the photographs that
13 were taken at Toddington? If you go to tab 10 of
14 my Lady's bundle, and on the screen, please, SYS11058,
15 there is a picture, one of the pictures taken of the
16 people at Toddington. You can see, I think, the
17 Burger King in the background.

18 **A. (Witness nods).**

19 Q. If you could just run through, please, these
20 photographs, 58, and then I have them in the same
21 exhibit number. So I think you will find them -- sorry.
22 58, 59. Thank you. 60. 61. Can we just make a mental
23 note of that one, 60. Then 61. 62. Ah, yes. It
24 doesn't go in sequence. I am very grateful. SYS11015.
25 SYS11011. SYS11016. SYS11014. SYS11007 and SYS11008.

1 Some of the photographs are better than others.

2 **A. Indeed.**

3 Q. Going back, though, to the one I said to make a mental
4 note of, which I think was SYS11060, that photograph was
5 subsequently used, was it not?

6 **A. That's correct.**

7 Q. On 6th April -- so now running forward -- an informant,
8 Junaid Babar, having come to light in the custody of the
9 American authorities, was shown part of that photograph,
10 was he not?

11 **A. He was.**

12 Q. We can see the part that was shown to him on ISC
13 report 2, INQ8305-92. Could you put that on the other
14 half of the screen? So there is the original on the
15 left and he was shown that cropped photograph on the
16 right.

17 **A. (Witness nods).**

18 Q. Could you help us, G, with why it was necessary, if you
19 know the answer, to show that detainee, who was a very
20 significant source of information, not merely only half
21 the photograph but a cropped version of just one of the
22 two people?

23 **A. There's no contemporaneous documentation on this, but my
24 judgment would be that, when photographs are cropped in
25 this way, it is, for whatever reason, we are concerned**

1 that, by including the background, we are giving away
2 too much detail about the covert means in which it was
3 collected.

4 Q. G, I am bound to observe, if you will forgive me,
5 I think one of my children could have done a better job
6 of cropping out that photograph.

7 You can see that not only has it left Tanweer -- for
8 it is Tanweer -- without even identifying marks on his
9 hat, much of a nose, the stubble has disappeared and
10 parts of his clothing. It is not really a very
11 satisfactory cropped photograph, is it?

12 A. I mean, clearly for -- without the benefit of
13 contemporaneous documentation, at the time, the officer
14 who would have been compiling these photographs I have
15 no doubt would have been under significant pressure,
16 would have been asked to drop the photograph, for,
17 I suspect, the reasons I identified earlier, and would
18 have done their best at the time in the course of having
19 quite a lot of other tasks available to them also at
20 that time.

21 Q. We are not in a position to preach to you about the
22 pressures on individual desk officers, G, but when
23 a photograph is being prepared for the purposes of
24 showing it to a significant, indeed one of the most
25 significant sources the intelligence services had at

1 that time, a little care in the cropping of the
2 photograph might not have gone amiss?

3 **A. There is issue clearly not only around the cropping of**
4 **the photograph, but the transmission of it to a foreign**
5 **country at speed.**

6 Q. But not to the extent that the informant aspect of the
7 photograph is entirely obliterated.

8 **A. Quite so, but clearly the officer at the time would have**
9 **taken the view that that was not so. Photographs are**
10 **reasonably subjective.**

11 Q. Mohammed Sidique Khan -- although, of course, not known
12 by that name then and his significance, again, not known
13 then; he was just man E -- is on the right-hand side of
14 that photograph.

15 In relation to him, he was similarly cropped. Could
16 we have INQ8305-97 on the right-hand side? No. My
17 reference is wrong. If you bear with me: it is
18 paragraph 273. It is INQ8305-87. We do not know for
19 sure, because there are no contemporaneous notes
20 available, G, but it seems to us that that cropped
21 photograph which was taken around that time or prepared
22 at that time was cropped from the right-hand side of the
23 left-hand photograph?

24 **A. I think that's a reasonable assumption.**

25 Q. For whatever reason, perhaps to conceal the fruit

1 machine behind him, he lost half of his head and half
2 his body?

3 **A. Yes, that's correct.**

4 Q. In the event, that cropped photograph was not shown to
5 the informant Babar, only the left-hand one, the half
6 that turned out to be Tanweer.

7 **A. That is correct.**

8 Q. Have you been able to ascertain why one of the two men
9 was not shown or rather why one was shown and the other
10 one was not?

11 **A. I have not been able. There is no contemporaneous
12 documentation on this.**

13 Q. Have you tried to find out what happened?

14 **A. I have, and my speculation remains that, the quality of
15 that being even poorer than the quality of the
16 Shehzad Tanweer photograph, it simply wasn't considered
17 worth including.**

18 Q. I think you would agree, G, there was no necessary
19 reason why that photograph couldn't have been in
20 a better shape and of better quality?

21 **A. It could have been in a better shape. It would have
22 required a different decision that went to the balance
23 then in terms of cropping. There remains the issue of
24 getting it to Mohammed Junaid Babar as speedily as
25 possible.**

1 Q. The photographs that were shown to Babar, were they in
2 colour or black and white, do you know?

3 **A. I believe they were in black and white.**

4 Q. Do you know why the systems at that time did not allow
5 a colour version to be shown to this essential, new
6 informant?

7 **A. I don't know.**

8 Q. Would they be generally shown in colour to new sources
9 now?

10 **A. It would depend where they were in the world.**

11 Q. America is not the other side of the moon. The systems
12 must have been in place to allow a colour photograph to
13 be transmitted to America.

14 **A. Indeed. But it would depend where they are in the world
15 today.**

16 Q. Do you know of any reason why that photograph had to be
17 cropped in that way? I mean, that man on the right was
18 known only to the Security Service and everybody else,
19 and remained so, just as man E. There is nothing about
20 the photograph, the person or the place that required
21 him to be cropped to conceal the origin of the
22 photograph?

23 **A. Yes. The risk here is not around man E himself, but the
24 individuals to whom the photographs were being shown.**

25 **At this stage, obviously, Mohammed Junaid Babar was**

1 **a new source. We did not know how far he could be**
2 **trusted.**

3 Q. But you are not saying, surely, that he was shown
4 an appallingly cropped photograph of Tanweer so as to
5 negate any ability on his part to doublecross you by
6 giving you false information?

7 **A. No. The cropping is all to do with not revealing the**
8 **techniques by which the photograph was collected, rather**
9 **than not identifying the individual in the photograph.**

10 Q. Well, it is surely no surprise to Babar, or anybody
11 else, that the Security Service have the ability of
12 taking photographs in covert circumstances?

13 **A. No. It may be of no surprise, but the specific covert**
14 **circumstances might allow an individual to track back**
15 **and learn more about our capabilities than we would**
16 **wish.**

17 Q. Do you, in hindsight, accept that full photograph, if
18 shown to Babar, would have led only to the positive
19 identification of that Burger King and possibly the
20 identification of the location of Toddington Service
21 station, but it would have been a very long shot for
22 Junaid Babar, or anybody else, to identify where the
23 photograph was taken?

24 **A. With the benefit of hindsight, yes.**

25 Q. But that's not a decision taken in the light of any new

1 information. It seems, with respect, that the desk
2 officer could plainly have reached that decision at the
3 time?

4 **A. No, because we now know much more about Mohammed Junaid Babar**
5 **now than we did then.**

6 Q. Even then, there couldn't be a particularly high risk
7 that Babar would identify Toddington service station on
8 the M1?

9 **A. The desk officer at the time would have judged that**
10 **there was a significant enough risk to crop the**
11 **photograph.**

12 Q. G, I want to make plain, because I can hear slight
13 sounds behind me, it needs emphasising again.

14 At this time, man E and man D were only known as D
15 and E. There was nothing to suggest that Babar knew
16 them as Mohammed Sidique Khan and Tanweer, or that they
17 were extremists?

18 **A. That's correct.**

19 Q. Because when Tanweer, on the left, in his cropped form,
20 was shown, he did not identify him as either or any of
21 the people he had met whilst terrorist training in
22 Pakistan?

23 **A. That's correct.**

24 Q. The man on the right, he was never shown?

25 **A. Not on that photograph, but of course, I'm sure we will**

1 **come on to the others.**

2 Q. We will. My Lady, is that a convenient point for
3 a short break?

4 LADY JUSTICE HALLET: Only one thing. I think you said
5 earlier that the car was seen to drive into
6 Thornhill Park Avenue but not park outside any
7 particular house. I think it did park outside
8 number 10.

9 MR KEITH: Did it, G?

10 **A. We believe he was housed at 10 Thornhill Park that**
11 **night, yes.**

12 MR KEITH: That would be the answer, yes.

13 LADY JUSTICE HALLET: The only other question: was there not
14 also a reference to someone alighting somewhere near the
15 Iqra bookshop?

16 MR KEITH: There was a reference to three addresses:
17 Lodge Lane, Tempest Road and 10 Thornhill Park Avenue,
18 but for some reason -- and I am afraid I am unable to
19 discern why -- the Tempest Road reference cannot be
20 located on the face of the typewritten surveillance
21 notes.

22 **A. To be absolutely accurate, on this day, our notes not**
23 **that in actual fact the person alighted at Lodge Road,**
24 **which is different to Lodge Lane, although very near to**
25 **it.**

1 MR KEITH: Quite right.

2 LADY JUSTICE HALLET: In fact, the surveillance shows he
3 alighted at Lodge Road. Is that what my note should
4 read?

5 **A. Correct.**

6 LADY JUSTICE HALLET: Thank you. Thank you very much.

7 (3.25pm)

8 (A short break)

9 (3.30pm)

10 MR KEITH: G, we will return, if we may, to the subject of
11 Mr Babar later, when we get to the chronology of his
12 assistance to the Security Service, but do you know or
13 have you been able to ascertain why those Toddington
14 photographs, when they were shown in April to Mr Babar
15 in America, why it was those photographs that were shown
16 rather than, no doubt, the many hundreds of thousands of
17 photographs that you have in your systems? Was it
18 because you already knew that Babar was connected, by
19 knowledge of the people involved, to the
20 Operation Crevice plotters?

21 **A. Again, I have no contemporaneous documentation, but all**
22 **my investigations suggest it was because we knew he was**
23 **associated with the Crevice plotters.**

24 Q. Because he had been in the training camp in Pakistan
25 with some of them, including Omar Khyam --

1 **A. That's correct.**

2 Q. -- and, of course, we now know, Zubair and Ibrahim, who
3 turned out to be Mohammed Sidique Khan and Shakil, but
4 there were quite a few peripherals, that's to say
5 individuals on the outskirts of the main core conspiracy
6 in Crevice.

7 Why was Babar, the very first time he was shown the
8 photographs, according to the FBI, shown these
9 photographs of Toddington? Was it because they were the
10 only photographs you had by April 2004, or was it
11 assessed that these two individuals travelling up north
12 to Leeds were quite significant?

13 **A. No. These weren't the only ones we had, nor were these**
14 **individuals assessed as being particularly significant**
15 **at the time. It is quite difficult to reconstruct**
16 **exactly why this set of photographs was sent, but in**
17 **many cases, when showing photographs to sources for the**
18 **first time, you wish to send them a mix of photographs**
19 **you think they will identify and others you are not so**
20 **sure they will, to help to make your own judgment of**
21 **their own bona fides.**

22 Q. Presumably, you show the photographs because you hope
23 that the source will identify a new investigative lead?

24 **A. Yes, and confirm that they are telling the truth about**
25 **things we already know to be true.**

1 Q. But there was nothing about D, Tanweer, that you knew to
2 be true or false because you had no sight of him at all.

3 **A. No, that's right.**

4 Q. So you couldn't get confirmation from Babar by showing
5 him a picture of Tanweer. The only benefit could be
6 an investigative lead?

7 **A. Yes, that's right.**

8 Q. So why was he the investigative lead that was shown to
9 Babar the very first time he was shown photographs by
10 the British?

11 **A. I can't say for sure. I don't think it is likely that
12 it is because we considered D and E to be particularly
13 significant at the time, because we did not.**

14 Q. We jump forward. Those are the photographs shown to
15 Babar arising out of the intelligence that had surfaced
16 on 2nd February, the first time the Honda Civic and its
17 occupants from Leeds came into contact with the Service
18 in the investigation of what was then a serious, but not
19 hugely serious, investigation.

20 **A. That's correct. As you rightly say, this was before we
21 had the knowledge of the plot becoming much more
22 significant.**

23 Q. Exactly. On 16th February, tab 12 in the core bundle,
24 WYP9, page 2, the Security Service asked
25 West Yorkshire Police, we can see there, as we looked

1 earlier, for details in relation to Hasina Patel.

2 We put this up on the screen as an example of
3 a trace request. We have seen already that, as soon as
4 the Security Service's officers saw the Honda Civic,
5 they ascertained who the registered keeper was,
6 Hasina Patel, but you went the extra mile by making
7 a formal request to West Yorkshire Police for details
8 they may have had in relation to Hasina Patel for
9 10 Thornhill Park Avenue. You knew the address, because
10 the car had been trailed back to that address.

11 West Yorkshire Police I think had not been involved
12 in Operation Crevice hitherto?

13 **A. That's correct.**

14 Q. Therefore, this is an example of them being used as part
15 of the task and complete relationship which you
16 described. They responded, I think, on 17th February.
17 WYP9, page 3, please:

18 "I refer to your cluster dated 16th ...

19 "Hasina Patel is identical to.

20 "Hasina Patel.

21 "Date of birth.

22 "Criminal record office number."

23 They give details of a conviction when she pleaded
24 guilty and was given a conditional discharge.

25 Personal information relating to other people who

1 had no connection whatsoever to these enquiries has been
2 deleted from the page, and that was the information
3 provided by West Yorkshire Police?

4 **A. That's correct.**

5 Q. We, I think, need not look any further into this
6 particular tab, but there were a number of enquiries
7 between West Yorkshire Police and the
8 Metropolitan Police as well, in addition, in relation to
9 Thornhill Park Avenue and what cars were parked there
10 and what information came to light in relation to that.

11 In addition, although at the instigation of the
12 Metropolitan Police, did the Security Service as well,
13 through the Metropolitan Police, see whether or not any
14 of these addresses, but in particular the addresses at
15 Lodge Lane, Tempest Road and Thornhill Park Avenue have
16 garages attached to them which might have been used for
17 the storage of anything evident?

18 **A. The Met asked that question of West Yorkshire themselves**
19 **rather than we did it.**

20 Q. With your knowledge, no doubt?

21 **A. With our knowledge, yes.**

22 Q. But as soon as these addresses were identified, and they
23 were identified from the carbon trail there because you
24 were looking for a bomb plot and investigating
25 a fertiliser bomb plot in Crevice in Crawley, you wanted

1 to see whether or not these addresses had storage
2 facilities attached to them that might conceivably have
3 been connected to the storage of the bomb?

4 **A. That's correct.**

5 Q. So quite detailed enquiries for addresses which were, at
6 this stage, quite tangential?

7 **A. That's correct.**

8 Q. The research on the lock-ups is at MPS11008. No. It
9 doesn't appear on the screen. It may be my reference is
10 mistaken. The Metropolitan Police asked Special Branch
11 in Yorkshire in relation to the garages and the
12 lock-ups. WYP9, pages 5 and 6. Better luck this time.
13 If you can enlarge the top half of the page. The
14 Metropolitan Police in London asking Special Branch:

15 "Please make discreet enquiries on behalf of the
16 Metropolitan Police Special Branch."

17 So they are making the enquiry of Yorkshire:

18 "Are there unattached lock-up garages registered to
19 these people?

20 "Omar Khyam [the ringleader].

21 "Mohammed Qayum Khan."

22 The man who had been in touch with MSK unbeknownst
23 to the Service in March '03, and the three addresses to
24 which the car was travelling there at the bottom.

25 As I say, that information or that request was

1 responded to and there were a number of requests on 17th
2 February made of West Yorkshire Police, to which they
3 responded.

4 Although there is some suggestion in the ISC report
5 that one of the requests made of West Yorkshire Police
6 was not responded to by way of a written response, it is
7 clear, is it not, G, that all the requests made by the
8 Security Service and the Metropolitan Police to
9 West Yorkshire and its Special Branch were answered?

10 **A. Yes, I would agree with that.**

11 Q. So that's February, middle of February.

12 On 20th February, was there a very significant event
13 in terms of the investigation into Crevice?

14 **A. There were two significant events on 20th February.**

15 Q. What was the first?

16 **A. The first was the travel to the UK of a Canadian-based**
17 **individual called Mohammed Momin Khawaja who we believed**
18 **had expertise in bomb making.**

19 Q. He came into the Britain for only a short length of
20 time, did he not, before returning to Canada?

21 **A. Correct.**

22 Q. From the discussions you were made privy to by way of
23 the eavesdropping devices, it was plain this was a very
24 significant escalation in the operation?

25 **A. Very significant, I am not sure I would describe it as**

1 **an escalation. It was more of a confirmation of what we**
2 **already suspected.**

3 Q. The ELG showed that you suspected they were concerned in
4 the manufacture of an improvised device, an IED, but the
5 arrival of a bomb-maker, or suspected bomb-maker, from
6 Canada took everything to a much higher level of
7 gravity?

8 **A. That's certainly true.**

9 Q. What else happened on 20th February?

10 **A. On that day, a member of the public reported what we**
11 **subsequently discovered to be a large store of**
12 **fertiliser which was intended to use by the Crevice**
13 **plotters as homemade explosive.**

14 Q. So two very significant pieces of information?

15 **A. (Witness nods).**

16 Q. Did they contribute to a sea change in the
17 seriousness -- it was already very serious, as we have
18 discussed, but it became appreciated that the
19 Operation Crevice plotters were potentially concerned
20 with the making of a bomb that would cause massive loss
21 of life?

22 **A. It was already very serious, but this gave us a much**
23 **clearer indication of their potential capability and its**
24 **seriousness.**

25 Q. Now, the following day, on 21st February, there was

1 a farewell meal held at a house in Crawley, the address
2 being 2 The Hollow, for the bomb-maker, was there not,
3 Khawaja, who had come in from Canada?

4 **A. That's correct.**

5 Q. Surveillance officers thought they saw -- they were not
6 sure, were they -- two men leave at house at 8.50 in the
7 evening and get into a car belonging to Omar Khyam, the
8 ringleader, and go to a local takeaway --

9 **A. (Witness nods).**

10 Q. -- where one of them bought a kebab. Then the car
11 returned to the address and they sat in the car.

12 **A. (Witness nods).**

13 Q. After a bit, they went back inside the house?

14 **A. (Witness nods).**

15 Q. There was no suggestion that the people at the farewell
16 dinner were necessarily concerned in the plot to
17 construct the bomb, were they?

18 **A. No, that's correct.**

19 Q. Some of them were there, but there were others there as
20 well, were there not?

21 **A. That's correct.**

22 Q. Did you have sight of the conversation inside the house?

23 **A. We did not.**

24 Q. There was no eavesdropping device inside that house?

25 **A. There was not.**

1 Q. Because this was not the house of the ringleader,
2 Omar Khyam, it was somebody else's address?

3 **A. This was the first time we had seen this address in the**
4 **context of Crevice.**

5 Q. The man whose house it was was ruled out of the enquiry
6 subsequently. There did not appear to be any other link
7 between him and the conspirators?

8 **A. No, that's not the case.**

9 Q. There was a link, was there, established subsequently?

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

11 Q. Not known at the time?

12 **A. That's correct.**

13 Q. The surveillance log is at, my Lady's tab 13,
14 MPS11011-41.

15 20.49 -- this is a typed up version, I should say,
16 of the surveillance log. Is that right, G?

17 **A. Yes. This is a Metropolitan Police surveillance log.**

18 Q. It was one of their officers who took the log?

19 **A. I think you will find both our and their comment on this**
20 **evening.**

21 Q. Because, I think, there were separate times, were there
22 not? You can't keep a surveillance officer going all
23 day and night. There were segments and the officers
24 changed. Is that right?

25 LADY JUSTICE HALLET: Before we go on, for my note, which

1 tab is surveillance for the 20th after the bomb-maker
2 has landed?

3 MR KEITH: The 20th -- my Lady, we don't have in the
4 bundles the full logs for every day, but what we do have
5 is the log for the 20th and 21st, because I think the
6 surveillance started very early in the morning of the
7 21st or perhaps the previous night and went on to
8 the 22nd. It spans quite a bit of time, doesn't it, G?

9 **A. (Witness nods).**

10 MR KEITH: So my Lady will find in tab 13--

11 LADY JUSTICE HALLET: So nothing of significance in relation
12 to the bomb-maker and who he is meeting on the 20th?

13 MR KEITH: Exactly. Nothing in the bundle.

14 LADY JUSTICE HALLET: Do we have any idea of the numbers of
15 people he met on the 20th?

16 **A. I can't tell you the numbers for the 20th only, my Lady.**
17 **For the three days he was in, we think it's around about**
18 **20 individuals.**

19 LADY JUSTICE HALLET: Thank you. So, otherwise, nothing of
20 significance on the 20th?

21 MR KEITH: My Lady, yes.

22 LADY JUSTICE HALLET: Thank you.

23 MR KEITH: The surveillance log, that typed version, shows
24 that, at 20.49, AT -- that's All Together, is it not,
25 the correct name for Omar Khyam, the ringleader, and SB,

1 that's the code name Sports Bag, which was his brother,
2 Sujah Mahmoud(?).

3 **A. That's correct.**

4 Q. "Out of The Hollow to V3 ..."

5 Vehicle 3 was Omar Khyam's car?

6 **A. Yes, on this occasion, but not on other occasions.**

7 Q. Quite so. On the earlier occasion, it had been V1, but
8 on this occasion it was V3:

9 "... and off. UH believed still to be in

10 2 The Hollow."

11 UH?

12 **A. Undue Haste, who is --**

13 Q. One of the other --

14 **A. No, that's Mohammed Khawaja, the individual who had come
15 in from Canada.**

16 Q. Right:

17 "V3, the vehicle stops kebab shop Langley Parade.

18 All Together [that's Khyam] and Sports Bag [his brother,
19 Shuja Mahmoud] to kebab shop. Then back to vehicle 3,
20 remaining in vehicle for some time - believed in
21 conversation.

22 "V3 returns to the vicinity of the hollow."

23 So after half an hour or so, they are believed to
24 have got out of the car and gone into the address?

25 **A. (Witness nods).**

1 Q. The handwritten surveillance log of one of the officers
2 at tab 14 for the same period, SYS11039-8, at 20.42, the
3 same time, has the word "possibly" -- do you see that,
4 G, halfway down the page:

5 "Possibly SB [Sports Bag] and AT out of house
6 2 The Hollow and towards vehicle 1 ".

7 So they were not sure, were they, the surveillance
8 officers, who precisely had come out of the address.
9 Possibly Khyam and his brother?

10 **A. Again, there is a difference here, because this is**
11 **a Security Service surveillance log. As we touched on**
12 **earlier, that was a Metropolitan Police one. So**
13 **certainly the Security Service officer was not sure that**
14 **it was Sports Bag and All Together.**

15 Q. It is a point in my endeavour to be fair, because this
16 was of quite considerable significance in terms of the
17 later analysis of when trying to work out who was in the
18 car.

19 **A. Yes.**

20 Q. In the car, there was an eavesdropping device, was there
21 not?

22 **A. That's correct.**

23 Q. As you have told us, where there is an eavesdropping
24 device, there is also a monitor, someone who listens
25 real-time to what is being said?

1 **A. That's correct.**

2 Q. On that date, 21st February, at tab 17 in the core
3 bundle, the monitor's notes, SYS11035-2, please -- if
4 you bear with me, I have a different document from this
5 note:

6 Could we have, please, instead -- was that SYS11035?

7 **A. (Witness nods).**

8 Q. All right. Could you scroll through it, please, to
9 later in the afternoon or evening, 21.08? So if you go
10 back to the document and scroll through it to later
11 pages. It might be page 17 or page 18 of the exhibit.

12 The monitor's note spanned eavesdropping over the
13 course of the whole day, did it not? There we are.

14 Thank you very much. This is the extract of the
15 monitor's note for that particular part of the
16 eavesdropping device in the car?

17 **A. (Witness nods).**

18 Q. So around about 8.50, and thereafter we can see:

19 "20.54. Quiet. Traffic noise. Media broadcast.
20 Traffic noise. Indistinct noises. Indistinct
21 speech."

22 So it is plain it is very difficult for the monitor
23 to hear exactly what is being said.

24 At 21.06:

25 "Every time you come down, when you come back to the

1 brothers [something indistinct] you will agree because
2 you are going to leave now. Some reference to country.

3 "25th May", there's a reference to 25th May:

4 "Indistinct. We had five of them around here."

5 References to Pakistan:

6 "You're at risk. They're going to believe us", and
7 so on.

8 So we get a very clear sense, do we not, G, that the
9 ability of the monitor to hear exactly what is being
10 said is very circumscribed?

11 **A. Absolutely.**

12 Q. Over the page, and, my Lady, this now relates to a part
13 of the extract which we will play, because, of course,
14 we have the original eavesdropping tape. Halfway down
15 the page there, approaching 21.15 you can see -- if you
16 could highlight the line above 21.15:

17 "Indistinct/all the other brothers --"

18 The line just above, thank you:

19 "Make a telephone call. Make a telephone call.

20 Indistinct. Have to say goodbye/the very next
21 morning/the UK/another brother is just coming in/he's
22 not ready - [something] let me to the brother. Contact
23 brother in Crawley."

24 Then, over the page, a reference to a British
25 passport at the top, fourth line down. If you could

1 highlight that:

2 "We will get punished/indistinct. British/red
3 passport."

4 Then, at 21.24:

5 "One house - should be set up in next couple of
6 weeks, 2 bedrooms -- travel agents/operation."

7 There was nothing on the face of the monitor's
8 notes, G, that there was anything to do with the attack
9 planning that Khawaja, the Canadian bomb expert, might
10 have been engaged in discussing?

11 **A. That's correct.**

12 Q. Taken at its highest, from the monitor's notes perhaps
13 the only interesting thing was the indistinct reference
14 to "operation" and references to "brothers" and,
15 elsewhere in this note, a reference to "fraud" and
16 "scams" and "dodgy dealing". We can see a reference on
17 the face of the page.

18 **A. (Witness nods).**

19 Q. But, as is habitual, or as is the practice with the
20 Security Service, the tape was then listened to, was it
21 not?

22 **A. That's correct.**

23 Q. Because you could not take the risk that something had
24 been said that the monitor might have missed?

25 **A. That's correct.**

1 Q. The tape was originally transcribed on 22nd February,
2 the following day. SYS11065. My Lady's tab 18. G,
3 your tab 18. We can see there, at the top of the page,
4 22nd February.

5 "Date of contents: 21st February."

6 So the eavesdropping from the day before:

7 "Recording from 20.51 to 21.09."

8 So they were split up into segments, were they not?

9 **A. That's right.**

10 Q. If you go over the page, please, to page 2, it seems,
11 does it not, G, that from the very first time that there
12 was a transcript, there was perhaps some doubt as to how
13 many people were in the car? Because we can see there
14 "UM1" and "UM2", unidentified males 1 and 2.

15 Then, if we go forward, please, to page 4 of the
16 exhibit, we can see a reference at 21.08 to "UM3", top
17 of the page. So the next day, when it was transcribed,
18 it seemed there were three people in the car, because
19 the transcriber heard three voices?

20 **A. Yes.**

21 Q. So there was a difference between what the surveillance
22 officers had seen and what the transcriber had noted?

23 **A. Yes. That's right.**

24 Q. Was that difference picked up at the time?

25 **A. Again, I cannot say with certainty that it was. It**

1 **certainly could have been.**

2 Q. There is no reference anywhere in the contemporaneous
3 documentation that has been made available, G, that the
4 transcriber said, "Hang on. There are three people here
5 but there were only two people on the surveillance. If
6 the two people were Khyam and his brother Mahmoud, who
7 is the third man?"

8 **A. That wouldn't have been a function for the transcriber,**
9 **but that would have been a function for the desk officer**
10 **who would have reconciled the surveillance report with**
11 **the transcription.**

12 Q. Is there any note that the desk officer picked it up?

13 **A. No.**

14 Q. It seems -- and, if I may say so, it is not a clear
15 reference to UM3; he doesn't appear to have had the
16 majority of the speaking part in this conversation --
17 that there was a level of confusion?

18 **A. Yes, I think that's fair.**

19 Q. But the tape was successively transcribed, was it not?
20 In fact, it was transcribed again and again and again?

21 **A. It was, but not by the Security Service.**

22 Q. Why was it subsequently further transcribed?

23 **A. My understanding -- and I think this is a question more**
24 **for the Metropolitan Police -- is that they subsequently**
25 **transcribed it for a number of times as they sought to**

1 **refine the quality of all the transcript, not just this**
2 **one, ahead of the Crevice trial.**

3 Q. Again -- and I have no wish to be unfair -- there was
4 nothing in the conversation which indicated anything to
5 do with attack planning or fertiliser bombs in the
6 United Kingdom?

7 **A. No, that's correct.**

8 Q. The first subsequent transmission came in March 2004,
9 your tab 19, so not long after, the following month. So
10 a long time in advance of the subsequent criminal
11 proceedings the Metropolitan Police were getting about,
12 transcribing these conversations?

13 **A. (Witness nods).**

14 Q. On that page -- and the document is SYS11070, please --
15 the police officer who completed the transcript -- we
16 can see there his name -- is able to give -- no doubt he
17 has much more time and I suppose it takes hours to
18 listen to and transcribe these sorts of conversation, he
19 is able to give a more detailed account of what he hears
20 on the tape.

21 Importantly, he also identifies more than two
22 speakers.

23 **A. (Witness nods).**

24 Q. But he also identifies, does he not -- so this is again
25 before the Crevice plotters have been arrested -- they

1 were arrested at the end of March -- this is nothing to
2 do with the criminal proceedings that followed, but in
3 the course of the investigation carried out by you and
4 the Metropolitan Police, he seems to have identified two
5 of the three speakers as being NM1 and NM2. What did
6 "NM" stand for? Do you know, G?

7 **A. I don't know. I think this is a question for the**
8 **Metropolitan Police. I would be reasonably confident,**
9 **given as I understand police language, it stands for**
10 **"nominal male".**

11 Q. When the transcript was subsequently transcribed, as
12 I say, again and again, by the time that it was
13 transcribed in March of 2005, those two men were
14 recognised as being two unknown males with a Northern
15 English accent?

16 **A. (Witness nods).**

17 Q. They were not these references. Were they perhaps,
18 instead, references to Northern Male 1 and
19 Northern Male 2?

20 **A. It is possible, but it strikes me as unlikely.**

21 LADY JUSTICE HALLET: Mr Hill, can you help to put this one
22 to rest at this stage?

23 MR HILL: Northern Males 1 and 2.

24 LADY JUSTICE HALLET: Thank you.

25 MR KEITH: So not "nominal", but "Northern". So from a very

1 early time after February, after the actual
2 conversation, there was material available to suggest
3 that two of the people in this car were men with
4 Northern accents and known to the transcriber.

5 Did it cross anybody's mind, therefore, that these
6 might have been some, or one or other, or both of the
7 two males out of the three males who had come from the
8 north on 2nd February and gone back up again and been
9 followed all the way to Leeds?

10 **A. It certainly wasn't a conclusion made by anyone in the**
11 **Service.**

12 LADY JUSTICE HALLET: Each time the tapes were transcribed
13 again, the product would be sent to you, would it, even
14 if it was being done by the Metropolitan Police?

15 **A. Yes, it would be.**

16 LADY JUSTICE HALLET: Thank you.

17 MR KEITH: Again, G, we must put this in context. There was
18 nothing again, even when this tape was further
19 transcribed, to indicate attack planning or anything of
20 the sort?

21 **A. No.**

22 Q. But if you were concerned to try to start identifying
23 who was privy to the conversation, there was some hint
24 anyway of a Northern accent or a Northern male or two
25 Northern males being in the car. That's the sum of it.

1 **A. By March 2005. Mr Keith, would it be helpful if I just**
2 **went back to the issue of NM?**

3 **Q. Yes, of course.**

4 **A. I think it is reasonable to assume, and I am grateful to**
5 **hear that that's not the case, that because there is**
6 **nothing in that transcript which shows that NM equals**
7 **Northern male, and I don't recall ever seeing any police**
8 **transcripts that said, for instance, SM to equate to**
9 **Southern male rather than Scottish male or WM to Western**
10 **male rather than Welsh male, I suspect any desk officer**
11 **in the Service not being familiar with the detail of the**
12 **way Metropolitan Police transcripts work would have**
13 **assumed it was "nominal", which is a word that I am sure**
14 **Mr Hill will confirm that the police are very fond of.**

15 **MR KEITH:** Without impugning their motives, G, there was
16 nothing to alert the Security Service that NM meant
17 anything other than nominal male?

18 **A. Correct.**

19 **LADY JUSTICE HALLET:** So there was not a little guide when
20 you got the transcript as to what the abbreviations in
21 the transcripts meant?

22 **A. No, whereas one looks at the March 2005 transcript which**
23 **helpfully says "Northern accent".**

24 **MR KEITH:** We will come to that at the end, but, of course,
25 this was a document not being prepared for criminal

1 proceedings, because they had not even been arrested at
2 this stage. The Executive Liaison Group meetings which
3 were going on daily at this time had not yet decided
4 whether or not these plotters would be disrupted by way
5 of arrests or whether they would be allowed to continue
6 and kept under surveillance, but there must have been
7 a very close level of liaison between the two
8 organisations in relation to this work product.

9 **A. And again I think this is a question for the**
10 **Metropolitan Police, but my experience tells me based on**
11 **the enormous amount of time it requires to fully**
12 **transcribe all this material for criminal proceedings**
13 **and the understandable desire to get to criminal**
14 **proceedings quickly, I suspect the Met were sensibly**
15 **using the resources they had to begin the preparation of**
16 **criminal proceedings against the day they might be**
17 **required.**

18 **Q.** We must put it in context. I have already asked you
19 deliberately for this purpose. There was a multitude of
20 eavesdropping transcripts or tapes available. We have
21 in the bundle monitors' notes for two or three of them,
22 but, of course, there was surveillance and eavesdropping
23 on a number of cars and addresses for weeks, perhaps
24 months?

25 **A. (Witness nods).**

1 Q. So this is just one part of one transcript out of
2 perhaps hundreds, if not thousands, of recordings. Is
3 that right?

4 **A. That's correct.**

5 Q. The Metropolitan Police then passed the matter to
6 another officer, who had another go, and that's at
7 tab 20, 4th April 2004, less than a month later, I think
8 only a couple of weeks later, SYS11071. It may be that
9 tab 19 is a draft, in fact, of tab 20, but certainly
10 there's a different officer. Again it refers at the top
11 Asian males including Khyam and his father. That was,
12 in fact, erroneous. It was his brother.

13 **A. Correct.**

14 Q. Again a reference to NM1, NM2 and Omar Khyam. So
15 certainly this officer took the view that there were
16 three people in the car?

17 LADY JUSTICE HALLET: Sorry. You are on 20. On my copy
18 that's headed April 2004 and 19 is headed February 2004.

19 MR KEITH: Yes. The exact dates, in fact, are not as they
20 appear there in the handwritten entries. They are
21 erroneous.

22 LADY JUSTICE HALLET: Thank you.

23 MR KEITH: The tab at 19 is, in fact, March 2004 and we
24 assess it's a draft of tab 20, which was on 4th
25 April 2004.

1 Then at May, tab 21, a fuller transcript was done by
2 the same officer, the second officer. There's
3 a handwritten note, is there not, "May '04" at the top?
4 This is SYS11072. By this time the transcript was
5 a little more detailed, wasn't it?

6 **A. Yes, it was.**

7 Q. If we could look, please, at page 4, by way of example
8 at 2433 there was some reference to:

9 "You know what my advice is (unclear) the brothers
10 (unclear) very rarely do I meet them now ... I moved
11 out, because in the next month they're going to start
12 raiding big time all over the UK (unclear) Inshalla when
13 the time comes for me to believe ...", and so on and so
14 forth.

15 Broad, very indistinct, not very clear, but more
16 detailed perhaps if one was focusing on these
17 individuals rather than persons who were actually
18 engaged at the time of the attack planning. Khyam was
19 but there was nothing to suggest again that this
20 conversation concerned attack planning.

21 **A. No, I would agree with all of that. This one, of**
22 **course, is more detailed but makes no reference of**
23 **a Northern accent.**

24 Q. The earlier version, if Mr Hill is right, and I am sure
25 he is, had referred to NM.

1 The final version then is tab 22, which was
2 undoubtedly prepared for criminal proceedings, because
3 by the date of this transcript, which is March 2005 --
4 my Lady, it says "May '05" at the top in handwriting; it
5 is not; in fact, it is 10th March 2005 -- this
6 transcript was prepared a long time after the arrest of
7 Crevice and after the Security Service's role in Crevice
8 had ended. Is that right?

9 **A. That is correct.**

10 Q. The following year, in fact. This version contained yet
11 more detail.

12 Just to highlight perhaps part of it, the second
13 page -- I am sorry. I didn't give you the reference.
14 It is SYS11034-002. Although it was an erroneous
15 reference, the full transcript when prepared didn't
16 contain these words. We can see the transcriber thought
17 there was a reference to terrorism at 1252:

18 "Are you really a terrorist?"

19 There was a reference to one-way ticket on the
20 following page at 1621:

21 "This is a one-way ticket, bruv, yeah, and you agree
22 ... you're going to leave now. You may as well rip the
23 country apart economically as well."

24 Again I emphasise there was no reference to attack
25 planning specifically in the course of that conversation

1 when it was transcribed then.

2 Later after the events of 7th July it became
3 apparent, did it not, G, that one of the persons of the
4 three there identified was, in fact, Mohammed Sidique
5 Khan?

6 **A. That's correct.**

7 Q. And the voice on that audio recording of 21st February
8 matched a later recording on 23rd March when again there
9 was a man there who was also subsequently assessed to be
10 Mohammed Sidique Khan?

11 **A. That's correct, and I think possibly other recordings of
12 him, but I'm not sure.**

13 Q. There was other intelligence you've referred to in your
14 statement which is closed which led you to believe that
15 Mohammed Sidique Khan might have been in the car on
16 21st February?

17 **A. That's a separate matter.**

18 Q. That's a separate matter, but for all those reasons it
19 became apparent that one of those men was
20 Mohammed Sidique Khan?

21 **A. Yes, that's correct.**

22 Q. The final transcript of the record of the recording
23 which was transcribed again in December 2008 and
24 January 2009 is at our tab 16. I am going to ask -- I
25 don't know whether this can be done -- for a document to

1 be put on the screen whilst we hear two extracts from
2 that original audio probe.

3 Could we have on the screen, please, document MPS6?
4 Page 2 shows it is a Report on Speech Recordings,
5 Operation Theseus. Theseus was the investigation into
6 the 7th July bombings, was it not?

7 **A. That's the Met code word.**

8 Q. The Met code name for it?

9 **A. Yes.**

10 LADY JUSTICE HALLET: I am reminded this is the audio that
11 will not be going on the website?

12 MR KEITH: This will not be going on the website, my Lady.

13 At the bottom of the page we can see a date, "26th
14 January 2008". Will you take it from me it is 26th
15 January 2009?

16 **A. So I am given to understand.**

17 Q. Further over the page, for my Lady's assistance, page 5
18 of this exhibit, my Lady will see, as will the parties,
19 that there is a guide to how the transcript is to be
20 interpreted.

21 Where there is a reference to MV1, 2 or 3 that means
22 male voice 1, 2, 3. A male voice asterisk means
23 an unknown or unidentifiable voice.

24 In relation to the conversation if the conversation
25 is unclear, it will be put in brackets. If it is in

1 double brackets, it is particularly hard to hear, and if
2 there is indistinct noise or absence of conversation,
3 then there are dashes.

4 The two extracts which we are to play are at page 19
5 of this document, please, at 2545 and, secondly, at
6 page 22 of the document, at 30 on the tape counter. So
7 that's page 22 of the document.

8 LADY JUSTICE HALLET: So we are listening to the audio with
9 the benefit of a report from a phonetics expert?

10 MR KEITH: Yes. This, as is now clear I think, G, was the
11 product of five I think attempts to transcribe in
12 successive ways the audio recording prepared for
13 criminal proceedings and I think this final
14 transcription took weeks to prepare.

15 **A. Yes, Mr Keith, although this is not the final one.**
16 **There is a separate West Yorkshire one from February**
17 **2008, which is not in the core bundle.**

18 Q. This related to January 2009. I think this is the
19 final, final version.

20 **A. I am sorry.**

21 Q. There was a previous one in December 2008 and before
22 that one in February 2008. It is the best one we have.
23 It indicates I think, G, the time that was taken to have
24 to put it together.

25 So we can get our bearings on the speakers, MPS6-06,

1 please ...

2 MR EADIE: My Lady, whilst that's being put up on the
3 screen, there is there is a question of fairness here.
4 This transcript was never available to the
5 Security Service before this afternoon.

6 LADY JUSTICE HALLET: That's why I was just underlining and
7 I was just wondering that point myself, because,
8 Mr Keith, the reason I was asking that this is
9 a transcript phonetics expert is if we are going to be
10 analysing what was available to the Security Services
11 and listening to the tape, is it fair, as Mr Eadie is
12 about to say, for us to listen to a supreme expert's
13 version many years down the line or should we perhaps be
14 listening to the versions available back in --

15 MR KEITH: Certainly. It is entirely a matter of
16 impression. I hope I have not done on this point
17 Mr Eadie an unfairness, because I have made it
18 absolutely clear that this transcript was the result of
19 a very lengthy process many years later prepared for
20 criminal proceedings. I have emphasised the date, that
21 it was January 2009, four years, of course, after the
22 events of 7th July 2005.

23 I am quite content for the two extracts to be played
24 without any regard to the transcript. It merely gives
25 you some idea of what is being talked about. If my

1 learned friend is concerned that you might be seduced by
2 seeing the transcript and not able to make the point
3 that it wasn't available to the Security Service, then
4 I stand corrected.

5 LADY JUSTICE HALLET: I don't think Mr Eadie is worried
6 about me so much as --

7 MR EADIE: I'm not in the least worried about my Lady being
8 seduced by anything. What I am worried about is the
9 unfairness of the public impression that is given by
10 playing a transcript accompanied with on the screens
11 a full transcript of this kind when nothing like this
12 was available to the Security Service at the time.

13 If my learned friend is intent on making a forensic
14 point of this kind, the way to do it will be without
15 anything on the screens to play the tape and then we can
16 all listen to it.

17 MR KEITH: I am quite content to have the tapes played. The
18 arrangements for playing the tapes have been in place
19 for many weeks.

20 Could I invite you, G, just to help us with the
21 names of the people? MPS6-006, we can see there
22 a reference to MV1 and MV2. MV1 it subsequently
23 transpired was confirmed to be Omar Khyam. This is
24 again many years later. MV2, again many years later,
25 was assessed to be Mohammed Sidique Khan. ?MV* was

1 a reference to the third or perhaps fourth person in the
2 car, because the final assessment was reached many years
3 later that there may indeed have been four people in the
4 car, possibly Tanweer, but no-one could ever be sure.

5 **A. Yes, that's right. I think it is fair, though, as has**
6 **just been said, this is a transcript with which we are**
7 **much less familiar.**

8 Q. Yes.

9 **A. So that seems right based on my knowledge, which is**
10 **reasonably extensive, of this particular conversation,**
11 **but I'm working backwards from what I know rather than**
12 **accepting here -- I mean, I think it is quite**
13 **significant that this expert doesn't identify the**
14 **individuals by name in the way that most of the**
15 **post-2005 transcripts do.**

16 MR KEITH: In fact, if I can assist you on that, G, there
17 was a further version in December 2008 prepared by the
18 police. It is MPS8. I need to have it put up.
19 Actually the transcriber uses the initials -- the name
20 Khyam and the initials MSK, but it may be that for the
21 trial that assertion by the transcriber was too much for
22 the defence to swallow in those proceedings and
23 therefore he went back to using the more neutral
24 descriptions MV and MV1.

25 The two extracts, my Lady, are those I have

1 indicated. Let me emphasise they are there to assist
2 the explanation -- to give an understanding of the
3 explanation that at the time not only was the
4 conversation not concerned with attack planning, but it
5 was very hard to hear what was being said, and we are
6 reducing it to --

7 LADY JUSTICE HALLET: I think Mr Eadie thought you were
8 trying to make a forensic point that I didn't understand
9 you were trying to make.

10 Mr G, can I ask as far as the eventual
11 identification of one of the voices as being MSK, can
12 you say in open proceedings in generic terms how the
13 link was made; how it was identified that it was him
14 eventually after July 7th?

15 **A. There are two ways, one which I can't discuss in open --**

16 LADY JUSTICE HALLET: Indeed.

17 **A. -- the other which is diligent work by the**
18 **Metropolitan Police to go back and listen to all the**
19 **transcripts from Crevice where Northern accents were**
20 **detected and compare them with what was then known about**
21 **Mohammed Sidique Khan's voice.**

22 MR HILL: My Lady, with that, may I just take the
23 opportunity to interject, given I was asked to assist,
24 and make sure, and maybe we will be checking overnight,
25 that hindsight is not being improperly used in looking

1 at these transcripts?

2 The answer that I gave in relation to suggesting
3 that NM1 at your core bundle tab 20 means Northern male
4 is something that may be derived from the consistency of
5 DC Vernon, who is a Metropolitan Police officer, in
6 preparing these transcripts, but I want to make it
7 clear, if I may, that where we see NM as a description,
8 a nomenclature, looking at the same part of the same
9 tape, but in different transcripts, in April 2004 NM1 is
10 the sole description given by DC Vernon. By May 2005 DC
11 Vernon doesn't use NM1 at all, but he does use in
12 relation to the same part of the tape -- this is by now
13 your tab 22, my Lady -- "unknown male Northern accent".
14 He uses the words "unknown male" rather than "UM". So
15 it may be discernable from that that "unknown male
16 Northern accent", which he uses in May 2005, is Northern
17 male in April 2004, or it may not, and I would not wish
18 by the answer that I gave on an invitation earlier to be
19 saying definitively that NM1 means Northern male. It
20 may follow; it may not. We are trying to track --

21 LADY JUSTICE HALLET: I think I have seen references in
22 Metropolitan Police Service documents to the use of the
23 word "nominal" in some odd fashion.

24 MR HILL: Yes. That --

25 LADY JUSTICE HALLET: Loose use of English again, Mr Hill,

1 seems to be creating confusion.

2 MR HILL: The witness is right that "nominal" is a term of
3 art within police nomenclature generally, whether
4 Metropolitan or otherwise. If we can be absolutely
5 clear overnight as to whether DC Vernon meant "N" to
6 mean "Northern" in 2004, we will. If it's apparent that
7 it means "nominal", we will try to confirm that
8 overnight.

9 LADY JUSTICE HALLET: Right. Thank you. Shall we now
10 listen to the audios? I am the only person -- and I
11 have all the points in mind -- who has a transcript in
12 front of me apart from the parties.

13 MR KEITH: And they are, of course, only examples, my Lady,
14 of the wider recording.

15 LADY JUSTICE HALLET: Thank you.

16 (First audio extract played)

17 (Second audio extract played)

18 LADY JUSTICE HALLET: Mr Eadie need not have worried. I do
19 not have an inkling as to which parts of the tape you
20 have just played me.

21 MR KEITH: My Lady, let it make it absolutely plain. It is
22 for precisely that reason that both my Lady and
23 my Lady's inquest team determined a long while ago that
24 those extracts should be played to reflect, G, just how
25 incredibly difficult it is to hear what is being said.

1 **A. Yes, I would agree.**

2 Q. My Lady, may we leave it there?

3 LADY JUSTICE HALLET: I think, to be fair, I have heard
4 some tape, and it is very difficult, but it is not as
5 bad, if you are, as it were, in a small room on your own
6 as opposed to in a court room, but it is still very
7 difficult.

8 MR KEITH: I think there is a degree of amplification
9 between the speakers in my Lady's court room which makes
10 it harder. We thought it was a bit easier to hear when
11 we heard it like my Lady. It is on any view very hard.

12 Perhaps tomorrow, my Lady, we will look just
13 momentarily at what that amounted to at the time the
14 Security Service had a written record, which was, of
15 course, in February/March/April.

16 LADY JUSTICE HALLET: Right.

17 (4.30 pm)

18 (Court adjourned until 10 o'clock tomorrow morning)

19 --ooOoo--

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I N D E X

1		
2		
3	WITNESS G (sworn)	4
4	Questions by MR KEITH	4
5		
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11		
12		
13		
14		
15		
16		
17		
18		
19		
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