

OPUS 2

INTERNATIONAL

Inquests arising from the deaths in the Westminster Terror Attack of 22 March
2017

Day 12

September 26, 2018

Opus 2 International - Official Court Reporters

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1 Wednesday, 26 September 2018
2 (9.45 am)
3 (Proceedings delayed)
4 (9.56 am)
5 Discussion re procedural matters
6 THE CHIEF CORONER: Good morning, Mr Hough. Can I start by
7 saying I know the press are concerned about some parts
8 of the direction in relation to special measures, and
9 there's some suggestion that the order was made last
10 night. Can I simply confirm that that's not the case:
11 the order was made back in August. The position was
12 that there were to be further conversations between you
13 and Ms Leek about the electronic devices and how that
14 might be monitored, but the substance of the special
15 measures directions was made some time ago.
16 MR HOUGH: Yes, sir.
17 Sir, may I deal with matters of background and then
18 put forward what I hope will be a satisfactory course to
19 resolve the legitimate concerns raised by the press this
20 morning.
21 So by way of background, by your order dated
22 10 August 2018, which followed discussion at the
23 preliminary hearing in July, you made the following
24 order in relation to Witness L, who is the Security
25 Service witness from whom we will be hearing today:

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1 "1. The name and identifying details of Witness L
2 shall be withheld in disclosure in evidence within the
3 Inquest.
4 "2. The pseudonym Witness L should be used for the
5 purpose of the Inquest.
6 "3. When Witness L is giving evidence, no question
7 may be asked which might lead to his identification .
8 "4. Pursuant to Rule 18 of The Coroners (Inquests)
9 Rules 2013, when Witness L is giving evidence he should
10 be screened from the court, including from the public,
11 the press, interested persons, their lawyers and from
12 me, as Coroner.
13 "5. When Witness L attends to give evidence he
14 should be permitted to enter and exit the court by an
15 appropriate non-public route.
16 "6. Pursuant to section 11 of the Contempt of Court
17 Act 1981 there should be no publication of the name of
18 Witness L or identifying information about Witness L,
19 including images of Witness L, in connection with these
20 Inquests or their subject matter. That order shall have
21 effect for the duration of the Inquests and thereafter,
22 subject to any further order of the court."
23 So that was the order you made on that occasion.
24 You also said in your ruling, sir, that you were
25 prepared to make an order concerning further special

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1 measures including relating to electronic devices but
2 that would require further discussions.
3 So the order that was then made a little while ago
4 regarding special measures was as follows:
5 "1. During Witness L's evidence, all electronic
6 devices including (Apple watches and similar electronic
7 fitness devices) should be turned off (powered off
8 rather than silenced), save for,
9 "(a) the devices required for official transcription
10 of Witness L's evidence for the court.
11 "(b) the devices required for the official document
12 management system (OPUS) to be operational and
13 accessible as required for the purposes of the hearing.
14 "(c) laptop computers and tablets (such as iPad)
15 required for use by legal representatives, but such
16 devices must not be used to make any recording of
17 Witness L's evidence (as per paragraph 2 below), or to
18 make any electronic note of Witness L's evidence as it's
19 being given (as per paragraph 4 below). Where possible,
20 any microphone or other recording capability of such
21 device should be turned off.
22 "2. There should be no recording of any of
23 Witness L's evidence save for the official recording for
24 the purposes of transcription for the court.
25 "3. There should be no public dissemination of any

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1 of Witness L's evidence until that evidence is complete.
2 "4. No electronic note may be taken of Witness L's
3 evidence whilst it is being given. Handwritten notes
4 are permitted, which may be reproduced in electronic
5 form after Witness L's evidence is complete; and
6 "5. The live audio/TV link from Court 1 to Court 19
7 and/or to any remote courtroom must be turned off
8 temporarily while Witness L enters and exits the
9 courtroom.
10 "6. Everyone in the courtroom will be asked to
11 leave while Witness L enters and exits the courtroom."
12 Sir, the press have raised two concerns this
13 morning. Let me address each of those in turn.
14 First of all, they have raised the concern that it
15 is excessive to require them not to publish any of
16 Witness L's evidence until that evidence is complete at
17 the end of the day. It effectively prevents them from
18 making regular broadcasts.
19 Sir, we see the force of that and we are proposing
20 a compromise solution, which we understand is supported
21 by the Security Service's representatives, and it is at
22 each break, so the mid-morning break, lunchtime and the
23 mid-afternoon break, I shall liaise with representatives
24 of the Security Service and a decision will be taken
25 about whether anything Witness L has said gives rise to

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1 any security sensitivities .
 2 THE CHIEF CORONER: Yes.
 3 MR HOUGH: Obviously that would be inadvertent if it was the
 4 case.
 5 THE CHIEF CORONER: Yes.
 6 MR HOUGH: We will then inform the press as promptly as we
 7 can that they can report on proceedings up until that
 8 point in time, and that will allow them to produce
 9 reports at those intervals , while also providing
 10 a safeguard in case Witness L says anything which gives
 11 rise to a concern, so that it isn't immediately tweeted
 12 and irreversibly published.
 13 THE CHIEF CORONER: Yes.
 14 MR HOUGH: So that's what we propose in relation to that
 15 aspect of the press's concerns, which we hope is
 16 a proportionate way of dealing with their concerns and
 17 marrying the interests of open justice with that of
 18 security.
 19 Secondly, the press have raised the concern that
 20 they're being asked to revert to the 19th century and
 21 take handwritten notes rather than using electronic
 22 devices to take notes, and the concern they expressed
 23 was that they were being trusted less than lawyers.
 24 I can assure them that we are trusting them every bit as
 25 much as we are trusting the lawyers because everybody in

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1 court will be confined to handwritten notes including,
 2 I understand, you sir .
 3 THE CHIEF CORONER: Mr Hough, people may have noticed that
 4 I have actually not made a single electronic note whilst
 5 in court throughout this Inquest, because I am aware
 6 that actually whatever note I might make, it's going to
 7 be inferior to the transcript which is provided. What
 8 I tend to do is to simply make trigger notes which help
 9 me either to try and remember documents, although
 10 Mr Adamson will know that I gave the wrong reference for
 11 a document yesterday, but I do tend to come into court
 12 with my iPad. I've got it open at the moment, because
 13 it has the email that was sent on to me with the
 14 concerns that the press were raising, but I can give you
 15 this assurance: that when I come in and we are dealing
 16 with Witness L's evidence, I will not have my iPad in
 17 court at all . It seems to me that these measures are
 18 proportionate for the evidence we're going to deal with,
 19 and I appreciate many of us will have lost the ability
 20 to write by hand, but I would simply ask that people do
 21 that, do their best.
 22 The advantage, apart from anything else, Mr Hough,
 23 is that it's much easier, should something be said that
 24 shouldn't have been said, if it is recorded in
 25 handwriting, either for that note to be destroyed. If

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1 it is stored electronically , even though it might be
 2 deleted, there is always the risk that the matter can be
 3 recovered by somebody suitably qualified .
 4 MR HOUGH: Sir, I gather we have a representative of the
 5 press who may wish to say something.
 6 MEMBER OF THE PRESS: My Lord, it might seem a little
 7 facetious to say we're not being trusted as much as the
 8 lawyers and if they have the same restrictions imposed
 9 on them I'm sorry, but the fact remains that we are well
 10 used to listening to Security Service witnesses and we
 11 have never been asked to use these measures before.
 12 While we understand that things may be said that
 13 they would rather not be reported, no one can scrub our
 14 memories of what has been said. So the idea that not
 15 using electronic devices therefore means that
 16 information was not given out in court is simply
 17 pointless, and the use, as I'm sure my Lord and the
 18 other people in the court understand, of using the
 19 electronic devices, is that it makes the process that we
 20 go through much smoother in producing the news. So we
 21 are able to take down quotes, to reproduce them as
 22 broadcasters or newspaper journalists, in a much more
 23 efficient fashion than we would be if we are writing
 24 down handwritten notes.
 25 Some of us use a combination, as I am sure they will

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1 on the legal benches here, of electronic devices and
 2 handwritten notes as well. But it is, the point being
 3 we can see no difference in these proceedings than any
 4 other that the Security Services might appear in, and
 5 the restriction on the time in which we are able to put
 6 out that information should cover any slips that do
 7 occur in the courtroom.
 8 THE CHIEF CORONER: Thank you very much for those
 9 observations. I can assure you, it's not an order
 10 I have made lightly but it is one that I am making and
 11 we will all use pen and paper, pencil and paper, and
 12 have to make handwritten notes. So my apologies it's
 13 going to make it more of a burden for you and for
 14 others.
 15 Just on that, obviously there's been quite a lot of
 16 reporting in relation to this Inquest. The reporting
 17 I have seen has been entirely accurate and very well put
 18 together. So it's no criticism of anything that has
 19 been said so far which has led me to make this order,
 20 but there are good reasons as to why it's in place.
 21 MEMBER OF THE PRESS: My Lord, I'm very grateful. I just
 22 make the last point, that although the transcript is
 23 very valuable for lawyers, it is not for journalists who
 24 have to go to press substantially before it is
 25 available .

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1 THE CHIEF CORONER: I quite appreciate that.
 2 Mr Hough, the arrangements for the next witness mean
 3 that, in fact, having all come into court, we now all
 4 need to leave court. Can I, just before we do, just say
 5 one thing: there is no one in the public gallery at the
 6 moment. I have given a direction that the public
 7 gallery is to be open. There are clearly restrictions
 8 which will apply to anyone coming into the public
 9 gallery which are the same as the restrictions that
 10 apply to each of us, and it seems to me that anyone
 11 coming into the public gallery may well be asked to hand
 12 over any device they've got, along the lines that you
 13 have set out in the direction.
 14 I know that there are a number of police officers in
 15 the courtroom and there have been at various times
 16 during the course of the Inquest so far, but it may well
 17 be that if they are available to give some assistance,
 18 just to make sure that we are open for business, if
 19 I can use that phrase, upstairs in the public gallery,
 20 that the order I've made is not thwarted by the ability
 21 to have the public gallery open.
 22 MR HOUGH: Sir, I believe arrangements have been made for
 23 that to happen.
 24 THE CHIEF CORONER: Thank you.
 25 Mr Hough, I'm going to rise and put my iPad to bed,

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1 as I have mentioned, and can I suggest we aim to resume
 2 as quickly as we can. Obviously the court will have to
 3 be cleared in order for that to happen.
 4 (10.08 am)
 5 (A short break)
 6 (10.19 am)
 7 MR HOUGH: Sir, we have Witness L in the witness box behind
 8 the curtain. Perhaps he could swear the oath, which
 9 I think he has with him.
 10 THE CHIEF CORONER: Yes.
 11 WITNESS L (Affirmed)
 12 THE CHIEF CORONER: Mr Hough, can I simply say, for the
 13 benefit of the witness, I appreciate he may feel
 14 slightly claustrophobic. We will be taking various
 15 breaks to ensure that actually there are times for him
 16 to be able to breathe fresh air, because I'm conscious
 17 that the curtain is otherwise covering him.
 18 Examination by MR HOUGH QC
 19 MR HOUGH: Now, you're being referred to as "Witness L" in
 20 these proceedings; you understand?
 21 A. I do.
 22 Q. You also understand that I will ask you questions first
 23 on behalf of the Coroner, and then you will be asked
 24 questions by other lawyers?
 25 A. I do.

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1 Q. Is this right: you are an officer of the Security
 2 Service, MI5?
 3 A. I am.
 4 Q. And that the purpose of your evidence is to explain
 5 MI5's knowledge of and investigations into Khalid Masood
 6 in the years before the attack, to the extent you're
 7 able?
 8 A. It is.
 9 Q. You're giving evidence to these Inquests as
 10 representative of the service, and about investigations
 11 in which you were not personally involved?
 12 A. That's correct.
 13 Q. You will also, I think, be addressing the content and
 14 conclusions of a report by Lord Anderson QC on reviews
 15 of intelligence handling in relation to various terror
 16 attacks in 2017, a public document?
 17 A. That's correct.
 18 Q. To be clear, it is possible that you may respond to some
 19 of my, or others' questions, by saying that you can't
 20 give an answer or can give only a limited answer for
 21 security reasons?
 22 A. Yes, that may be necessary.
 23 Q. We recognise, and I think everyone in court recognises,
 24 that as a general proposition, you have to be careful,
 25 for proper reasons, not to reveal intelligence methods

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1 or to compromise sources?
 2 A. That's correct.
 3 Q. Just for everyone's information, is this right, you have
 4 with you in the witness box a file containing your own
 5 witness statement, the Anderson Report, and some other
 6 Inquest materials, such as DCI Brown's evidence?
 7 A. That is correct.
 8 Q. May I begin with your personal background. When were
 9 you first employed by MI5?
 10 A. 1991.
 11 Q. What is your current position?
 12 A. I'm currently the Deputy Director for International
 13 Counter Terrorism responsible for policy, strategy and
 14 capability.
 15 Q. In a sentence or two, what does that role involve?
 16 A. That role involves looking at the challenges we face in
 17 international counter terrorism and considering the
 18 strategic changes we might make to address them.
 19 Q. What previous posts have you held which may be relevant
 20 for our purposes?
 21 A. I have spent most of my career in international counter
 22 terrorism. I think some of the more relevant posts
 23 I have spent is I was an investigative senior manager
 24 between 2000 and 2004, working in the international
 25 counter terrorism section. I was chief of staff to the

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1 director general between 2005 and 2011, and I've done
 2 a variety of other operational and policy posts.
 3 Q. You gave evidence in the London bombings Inquests in
 4 February 2011 before Lady Justice Hallett?
 5 A. I did.
 6 Q. You were referred to as Witness G in those proceedings?
 7 A. That's correct.
 8 Q. So moving up the alphabet a little now.
 9 May we now turn to MI5's functions and the legal
 10 framework in which it operates, and I'm looking at
 11 pages 2 to 4 of your witness statement if it helps. Is
 12 it right that the Security Service Act of 1989 put MI5
 13 on a statutory footing?
 14 A. That's correct.
 15 Q. Is it right also that section 1 specified the function
 16 of the service as the protection of national security in
 17 various respects?
 18 A. That's correct.
 19 Q. Is one of those respects protection against threats from
 20 espionage, terrorism and sabotage?
 21 A. Yes, that's correct.
 22 Q. Is it also correct that MI5 is guided by the
 23 Government's national security strategy, which
 24 identifies threats to national security?
 25 A. Guided, yes, correct.

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1 Q. Is it right to say that one of those threats is
 2 terrorism?
 3 A. That's correct.
 4 Q. Turning to oversight, is it right to say that MI5 is
 5 subject to oversight by the Home Secretary and by
 6 Parliament?
 7 A. Yes, that's correct.
 8 Q. And that parliamentary oversight particularly takes the
 9 form of the Intelligence and Security Committee?
 10 A. Yes, that's correct.
 11 Q. That committee, established by the Intelligence Services
 12 Act 1994, and reformed by the Justice and Security Act
 13 2013, makes reports to Parliament and the Prime
 14 Minister; is that right?
 15 A. That is correct.
 16 Q. And in relation to the exercise of certain
 17 statutorily-based powers is it right that the service is
 18 also overseen by the Investigatory Powers Commissioner,
 19 a former or serving judge?
 20 A. That's correct.
 21 Q. And by the Investigatory Powers Tribunal?
 22 A. That's correct.
 23 Q. The service in the exercise of its
 24 intelligence-gathering powers is also, I think,
 25 regulated by the Regulation of Investigatory Powers Act

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1 2000 and 2016; is that right?
 2 A. Yes, that's correct.
 3 Q. And do those acts require warrants for activities such
 4 as telephone interception, which require specific
 5 approvals?
 6 A. That's correct.
 7 Q. Those warrants and those activities I think are also
 8 subject to additional oversight by the Investigatory
 9 Powers Commissioner?
 10 A. Additional within the context of the Act, yes.
 11 Q. May we turn to your investigative processes, which you
 12 address from page 4 onwards of your report. Is it right
 13 to say that developing terrorist threats to this
 14 country, especially from Islamic extremism, have
 15 required developments in the service's processes for
 16 investigation?
 17 A. Yes, that's correct.
 18 Q. The Anderson Report describes these as involving
 19 an industrialisation of the approach to investigation;
 20 would you agree with that?
 21 A. I would.
 22 Q. What would you say that has involved, or how is that
 23 translated into practice?
 24 A. That's required us handling much larger volumes of
 25 intelligence than we had been used to in the past, and

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1 therefore better systems for both processing that
 2 intelligence and prioritising the action we take against
 3 it.
 4 Q. May I ask you about a number of terms which we will come
 5 to look at in the context of your investigations into
 6 Khalid Masood. First of all, a lead. In a sentence or
 7 two, what is a lead in your world?
 8 A. So a lead is a process we introduced jointly with the
 9 police in 2011, so when intelligence first comes in to
 10 us or to the police, and is considered significant
 11 enough that we want to develop it further, it will
 12 become a lead.
 13 Q. So it's intelligence or information which goes through
 14 a triage process and reaches a certain level of interest
 15 to you?
 16 A. That's correct.
 17 Q. And I think leads and intelligence are handled by
 18 a model known as the intelligence handling model,
 19 operated between you and the police?
 20 A. That's correct.
 21 Q. Next, the process of investigation. Is it right to say
 22 that leads can result in investigations being commenced?
 23 A. Yes, it is.
 24 Q. Are investigations prioritised according to a specific
 25 system?

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1 A. Yes, they are.
 2 Q. In the context of Islamist terrorist activity, is it
 3 right to say that MI5 at any one time has a number of
 4 active investigations into individuals and groups linked
 5 to or suspected of terrorist activity?
 6 A. Yes, that's correct.
 7 Q. In order to understand how those investigations are
 8 prioritised, may we please have on screen {WS5097/85}.
 9 I hope you are seeing in front of you on your screen
 10 a chart from the Anderson Report, as I say, a public
 11 document, giving a series of priority categories?
 12 A. Yes, I can see that. Thank you.
 13 Q. Could you briefly take us through those categories and
 14 how they work in practice?
 15 A. So Priority 1 that you can see at the top is the most
 16 significant investigations of concern to us. This is
 17 where we believe that a group or an individual is
 18 involved specifically in attack—planning and, as you can
 19 see, we divide those into the most significant, large
 20 scale attack—planning, and smaller scale
 21 attack—planning.
 22 Priority 2 are also extremely important
 23 investigations. These are investigations where we
 24 cannot see direct evidence of attack—planning, but we
 25 can see other activities that we're concerned about, for

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1 instance, large scale fundraising or an attempt to
 2 travel overseas to fight with a terrorist group. Again,
 3 we divide that category into two, with the more
 4 significant, higher risk activities, the larger scale
 5 activities being in Priority 2 high, and the smaller
 6 ones in Priority 2 medium.
 7 Priority 3 investigations are those where the
 8 intelligence is uncorroborated. In other words,
 9 something has come in that looks as though it may be of
 10 potential significance, but we can't make a judgment
 11 until we have investigated further to judge what that
 12 significance is.
 13 Priority 4 are individuals or groups who we have
 14 investigated and we believe successfully we have
 15 disrupted the specific threat, in other words, they're
 16 not going to do the thing that we were concerned about
 17 when we first investigated them, but we are concerned
 18 that those individuals or groups may return to engage in
 19 other activity later.
 20 Q. What's the function and purpose of prioritising
 21 investigations in this way?
 22 A. Given the large volume of investigations we have, and
 23 the limited resourcing picture within which we work, we
 24 need to prioritise investigations to make sure that we
 25 are aware of those most significant threats and we

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1 allocate resources accordingly.
 2 Q. Are investigations of the highest priority addressed
 3 separately on a periodic basis?
 4 A. We have a specific process for the very highest
 5 investigations, which are considered in a weekly
 6 meeting, which we refer to as "the grid". The priority
 7 of the investigations considered at the grid may
 8 sometimes be across the range of Priority 1, Priority 2
 9 and Priority 3.
 10 Q. Without going into detail about the dedication of
 11 resources, is it fair to say that a fair amount of your
 12 investigative efforts are dedicated to those
 13 investigations of the highest priority identified on the
 14 grid?
 15 A. Yes, particularly of those resources which are the most
 16 scarce.
 17 Q. How is an investigation started or opened, in broad
 18 terms?
 19 A. So in broad terms, information will have come to us,
 20 often in the form of a lead which will be formally
 21 opened, but may be very, very quickly turned into
 22 an investigation. A decision will be made by
 23 an investigative manager that he or she thinks
 24 an investigation should be opened. That will be
 25 validated by a central team which considers our

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1 investigations to make sure they meet the threshold and
 2 that will in turn then be reviewed by a senior manager.
 3 Q. In the course of an investigation, is it right to say
 4 that then the service uses a range of appropriate
 5 intelligence—gathering tools to pursue the
 6 investigation?
 7 A. Yes, it is.
 8 Q. How does an investigation come to be closed?
 9 A. So an investigation will be closed at a time that we
 10 consider the threat has been dealt with. That may be
 11 through intervention through our police partners, so
 12 a successful set of arrests and prosecutions. That may
 13 well be other interventions that we might make. That
 14 may be circumstances in which, actually the individual
 15 we've been investigating themselves just give up for
 16 their own reasons.
 17 Q. Are investigations reviewed on a periodic basis to
 18 decide whether they should remain open and, indeed,
 19 whether they should be given more resources?
 20 A. Yes, they are.
 21 Q. What is the period, if you can tell us?
 22 A. It's each quarter, each live investigation, each open
 23 investigation will be reviewed.
 24 Q. Another term, please "subjects of interest", what is
 25 a subject of interest?

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1 A. So a subject of interest is a person who is under
2 investigation by MI5.

3 Q. What happens to open a person as a subject of interest
4 or make somebody an active subject of interest?

5 A. So an open person is an active subject, and that will be
6 circumstances whereby we have enough intelligence on
7 a particular individual that we will raise a specific
8 record for that individual which has the identifying
9 details we have for that person and gives an outline of
10 the intelligence case which we are investigating, which
11 is the purpose by which they've been opened.

12 Q. Is it right to say that any one investigation may have
13 a number of subjects of interest within it?

14 A. Yes, it is.

15 Q. Sometimes very many?

16 A. Sometimes very many.

17 Q. What is the effect of a person being an open or active
18 subject of interest on your interest or scrutiny of that
19 person?

20 A. So the level of interest or scrutiny will vary
21 considerably, depending on who that person is, where
22 they are, and what the significance of them is, but the
23 opening of them as a subject of interest: one, allows us
24 to ensure we are legal, necessary and proportionate in
25 all we do against that individual, and, two, we are able

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1 to record the things that we are doing against that
2 individual, and three, that we then have a record which
3 we can refer back to later should that be required.

4 Q. May a subject of interest be closed while the
5 investigation to which they are linked remains open?

6 A. Yes.

7 Q. What happens to close a person as a subject of interest
8 and why does that happen?

9 A. So a person may be closed, again, for a number of
10 reasons. It may well be because we have successfully
11 disrupted the threat that they as an individual pose, it
12 may well be that in some cases we've investigated that
13 person and concluded in actual fact they never had any
14 particular role in the investigation we're considering,
15 or it may well be that they themselves have lost
16 interest in the activity that we were concerned about.

17 Q. Are periodic reviews conducted to determine whether
18 people should remain open as subjects of interest or be
19 closed?

20 A. Yes, within the context of the quarterly case review.
21 But we wouldn't expect, if an individual needed to be
22 closed, that that decision—making would necessarily have
23 to wait until the quarterly case review.

24 Q. What's the effect in practical terms of somebody being
25 closed as a subject of interest?

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1 A. So when an individual is closed as a subject of interest
2 it would no longer be necessary or proportionate to
3 devote further investigative collection activities
4 against them. Nor will there be a regular assessment of
5 that individual.

6 Q. May I next ask you about the system of allocating
7 subjects of interest to tiers, and I think we can look
8 again on screen at the document we have, which is
9 {WS5097/85}. Making reference to this document as you
10 wish, could you explain the system of allocating
11 subjects of interest between tiers?

12 A. Yes, as the document describes, we have three tiers of
13 targets within an investigation: tier 1 are the main
14 targets of the investigation, so these are the
15 individuals that we judge are likely to be involved in
16 pretty much all the aspects of the activities under
17 investigation.

18 Tier 2 are the key contacts of those tier 1 main
19 targets, and by and large we would make a judgment that
20 they are likely to be involved in a significant
21 proportion of the activities under investigation.

22 Tier 3 are contacts of the tier 1 or the tier 2
23 targets. They may — our judgment is that they are
24 likely to be involved in only marginal aspects of the
25 activities under investigation.

23

1 Q. What is the function and purpose of allocating subjects
2 of interest to these tiers?

3 A. So tiering has a twofold purpose for us. Firstly, it
4 allows us to look across the whole range of
5 investigations and to consider how many people of the
6 highest level of concern we have open at any one time.
7 Secondly, the tiering process will assist within the
8 allocation of resources within an investigation, in
9 terms of the things that it may be thought necessary and
10 proportionate to do. Fairly obviously, a tier 1 target
11 is likely to be subject to a much higher degree of
12 resource and scrutiny than a tier 3 one.

13 Q. We can take that document off the screen now.

14 Final term with which I'll ask your assistance,
15 "holding codes". What is a holding code?

16 A. So a holding code is an information management tool
17 rather than an investigative tool. When we make the
18 decision that we have identified a new subject of
19 interest, and we create a specific personal record for
20 that individual, in order to create that specific
21 personal record, that individual is required to have
22 a holding code, and the holding code is effectively the
23 information management shorthand which confirms that
24 that individual is of interest to us, and therefore
25 investigative action can be undertaken against them.

24

1 Q. And what sort of holding codes are there?
 2 A. So there are two different types of holding code:
 3 adverse holding codes, for individuals that we have
 4 concerns about; and non—adverse holding codes for
 5 individuals that we are not concerned about, but
 6 nonetheless we need to make a record for.
 7 Q. Can subjects of interest be moved between holding codes
 8 from time to time?
 9 A. Yes, they can.
 10 Q. What's the effect, for example, of moving an SOI —
 11 subject of interest — from a holding code suggestive of
 12 concern to one suggestive of no concern?
 13 A. So moving from a holding code of concern to no concern
 14 would make a significant difference in terms of our
 15 ability to mount an investigation of that person,
 16 because if we were saying they were of no concern,
 17 clearly we should not be investigating them.
 18 There are, however, a subset within the of—concern
 19 set where some individuals are individuals that we are
 20 certain pose a threat to national security. Others that
 21 may, we consider, be likely to pose threat to national
 22 security, and others that we consider may pose a threat
 23 to national security. Within those subdivisions,
 24 whichever one of those holding codes you hold is
 25 unlikely to make a significant difference to the

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1 investigative resources devoted to you.
 2 Q. Can we move now to a different topic, the reviews
 3 relevant to the Westminster attack, which you address
 4 from page 5 of your statement. Is it right to say that
 5 following the Westminster attack, MI5 was involved in
 6 a number of reviews?
 7 A. Yes, that's correct.
 8 Q. In paragraph 19 of your statement, you say that one
 9 purpose of these reviews was to understand why the
 10 service had not detected Masood's attack—planning and to
 11 identify what could be done to prevent such an attack
 12 happening in the future; is that right?
 13 A. That's right, yes.
 14 Q. Are the principal reviews with which we're concerned the
 15 post—attack review, the Operational Improvement Review,
 16 and an assurance process conducted by David Anderson QC?
 17 A. That's correct, yes.
 18 Q. Turning, then, to the post—attack review. Who conducted
 19 that review and what was its purpose?
 20 A. So the post—attack review was conducted by a specific
 21 team of MI5 officers. I think it is worth saying that
 22 there was a similar and parallel police post—attack
 23 review into Khalid Masood. But the MI5 one was
 24 conducted by a team of specific officers who were
 25 individuals who had not been involved in any of the

26

1 investigations which actually involved Khalid Masood, so
 2 that they brought a degree of objectivity to our review,
 3 but they were individuals who understood the
 4 investigative processes and activities of MI5 so they
 5 could look at decisions made and make judgments on that
 6 basis.
 7 Q. What were the principal purposes of the review which you
 8 set out in paragraph 20 of your statement?
 9 A. So the purposes are, firstly, to identify what we
 10 actually knew about Masood prior to the attack;
 11 secondly, to then review that information, that
 12 investigation into Masood, and; thirdly, to identify any
 13 lessons that we could learn from that investigation.
 14 Q. Were you yourself involved in this review?
 15 A. No, I was not.
 16 Q. Is it right, however, that you are very familiar with
 17 its conclusions?
 18 A. Yes, I am.
 19 Q. Can you also confirm that the report on the review has
 20 been made available to security cleared members of the
 21 Inquest team?
 22 A. Yes, I can.
 23 Q. Now, going further into the detail of this review,
 24 you've told us that those involved with it were not
 25 themselves involved with the original investigations.

27

1 Were they also overseen by a panel of experts across the
 2 service?
 3 A. Yes, the conclusions were reviewed by a panel of
 4 experts.
 5 Q. Was the review also undertaken with cooperation from
 6 other agencies?
 7 A. Yes, it was.
 8 Q. I think the other intelligence agencies and the
 9 Metropolitan Police?
 10 A. That's correct.
 11 Q. Looking at paragraph 28 of your report, what were the
 12 terms of reference for that review?
 13 A. So the terms of reference were to identify what was
 14 known about Khalid Masood prior to the attack; to review
 15 assessments, actions and decisions made prior to the
 16 attack in relation to intelligence held on
 17 Khalid Masood; to identify and review contextual
 18 information that may have had a bearing on actions and
 19 decisions made, and to identify learning points arising
 20 out of each case.
 21 Q. In short, what was the method that the reviewers adopted
 22 in order to fulfil their terms of reference?
 23 A. So it was threefold. The first element was a very
 24 extensive information—gathering exercise to ensure that
 25 we had available to us all of the information which we

28

1 knew about Khalid Masood. The second was to therefore
 2 take that information and to understand what decisions
 3 and what actions had been taken in relation to
 4 Khalid Masood, and the third was to look at those
 5 actions and decisions and to consider whether, with the
 6 benefit of hindsight, they felt like the right and
 7 proper things to do and whether there were any lessons
 8 that we could learn from those actions and decisions
 9 going forward.

10 Q. In your statement you refer to something called a "pause
 11 point meeting" in the context of that last part of the
 12 review process; can you explain what that involved?

13 A. Yes, so when you correctly referred earlier to the
 14 expert panel, brought to the expert panel were a series
 15 of points for discussion around areas where we
 16 considered improvements might be made, and those which
 17 were considered to effectively be specific points for
 18 improvement or further consideration were described as
 19 "pause points".

20 Q. May we now move to the Operational Improvement Review.
 21 Who conducted this review?

22 A. This was a joint review commissioned by the
 23 Commissioner of the Metropolitan Police and the Director
 24 General of the Security Service, and the review was
 25 conducted jointly by ACC Terri Nicholson of the

29

1 Metropolitan Police and myself.

2 Q. Was that review limited to consideration of the
 3 Westminster attack?

4 A. No, it was not.

5 Q. Did it also involve consideration of the Manchester
 6 attack, and did it take into account lessons learned
 7 from other attacks?

8 A. Yes, it specifically considered the Manchester attack.
 9 After the review had been commissioned, the London
 10 Bridge and the Finsbury Park attacks took place, so
 11 clearly we bore them in mind as well. We considered
 12 other successful attacks in the context of the OIR —
 13 sorry, the Operational Improvement Review, but we also
 14 considered those attacks which we had successfully
 15 foiled.

16 Q. In a nutshell, what was the purpose of the review?

17 A. The purpose of the review was, in the context of the
 18 events of last summer, to look for areas of improvement,
 19 particularly in terms of MI5/police joint working, and
 20 also to play into any wider reviews the Government was
 21 undertaking last summer.

22 Q. Was this process assisted by the sister intelligence
 23 agencies and by the Home Office?

24 A. Yes, it was.

25 Q. Was it overseen by a steering committee containing

30

1 members of the agencies and relevant government
 2 departments?

3 A. Members of the agencies and relevant government
 4 departments and the National Crime Agency and
 5 David Anderson, as he then was.

6 Q. Now, I think you identify in your statement at
 7 paragraph 37 a number of specific matters which were
 8 identified for consideration, and if we can bring up
 9 that paragraph on screen, it is {WS5097/9}, and there
 10 you set out, I think, seven matters which the
 11 Operational Improvement Review specifically considered.
 12 Can you take us through those and those of
 13 particular relevance to us?

14 A. Certainly. So the seven in the statement are, of
 15 course, the ones we considered, and they were firstly,
 16 to consider whether there are any further improvements
 17 that can be made to the leads prioritisation and the
 18 triage processes operated by MI5 and the police.
 19 The second, the process by which individuals are
 20 categorised as SOIs, including decisions around closing
 21 them.
 22 The third, what data sources, tools and approaches
 23 can best be used to support our work.
 24 Fourth, which partners can contribute and how can we
 25 strengthen joint working with a range of partners.

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1 Fifthly, how data is shared and links made with
 2 other relevant organisations.

3 Sixthly, any policy, legal or ethical questions
 4 which arose in the context of the review.

5 Seventhly, the overall level of assurance it's
 6 possible to provide.

7 Q. Given pressures of time and the importance of producing
 8 answers relatively swiftly, was there a particular focus
 9 of the review?

10 A. The particularly strong focus of the review was on the
 11 categorisation of SOIs, particularly the handling of
 12 closed SOIs, and also around data sources and partners.

13 Q. We know from the Anderson Report that Masood was
 14 a closed SOI at the time of the attack, and that so,
 15 too, was Salman Abedi, the perpetrator of the Manchester
 16 attack.
 17 Were those facts, those two were closed SOIs,
 18 important in your decision to focus on the management of
 19 closed SOIs?

20 A. Yes, they were.

21 Q. The operational improvement review was, I think,
 22 completed in October 2017?

23 A. That's correct.

24 Q. And, again, the report made available to the Inquest
 25 team, appropriate members of it?

32

1 A. That's correct.
 2 Q. We can take that document off screen.
 3 Without going into detail, is it fair to say that
 4 this review was primarily concerned with the detail of
 5 MI5 and police procedures which are necessarily very
 6 capable?
 7 A. Yes, that's correct, it was the Operational Improvement
 8 Review to a short timescale, specifically because we
 9 sought to address things that we knew that we could
 10 handle quickly.
 11 Q. Turning, then, to the independent assurance by
 12 David Anderson QC. He was the former independent
 13 reviewer of terrorism legislation. Is it right that he
 14 was commissioned by the Home Secretary to carry out
 15 an independent assurance of the various reviews being
 16 carried out by MI5?
 17 A. By MI5 and the police, yes.
 18 Q. Looking at paragraph 42 of your statement, what access
 19 was David Anderson given for the purpose of carrying out
 20 his task?
 21 A. So David was given significant access to MI5's systems,
 22 to MI5 personnel, to MI5 premises, and to the working
 23 processes that we engaged in for both the post-attack
 24 reviews and the Operational Improvement Review.
 25 Q. Did that extend to widespread access to computer systems

33

1 and documents?
 2 A. Yes, it did.
 3 Q. Attendance at meetings, including pause point meeting?
 4 A. Yes, it did.
 5 Q. Reviewing and commenting on drafts of the post-attack
 6 review reports?
 7 A. Yes, that's correct.
 8 Q. And attendance at meetings of the Operational
 9 Improvement Review steering board?
 10 A. That's correct.
 11 Q. In his report, which was published online
 12 in December 2017, David Anderson referred to having
 13 produced another, shorter, classified assessment for the
 14 Prime Minister?
 15 A. That's correct.
 16 Q. I think you are aware that in paragraph 5.29 of his
 17 report, he concluded that MI5's reviews had been careful
 18 and trustworthy?
 19 A. That's correct.
 20 Q. As to the narratives of facts contained in the
 21 post-attack review, did he describe those as
 22 impressively thorough and fair?
 23 A. He did.
 24 Q. And described staff as frank and open to criticism in
 25 meetings?

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1 A. He did.
 2 Q. Did he also point out that some comment sections in the
 3 reviews were defensive in tone?
 4 A. Some of the initial drafts, yes.
 5 Q. Did he endorse as appropriate the processes followed by
 6 the review teams and praise the dedication, honesty and
 7 expertise of the reviewers?
 8 A. Yes, he did.
 9 Q. But is it fair to say that he made clear he didn't have
 10 the operational expertise to endorse each conclusion
 11 that the reviewers had reached?
 12 A. Yes, that is fair.
 13 Q. May we now move to the context for the Westminster
 14 attack. Is it right to say that in the two years before
 15 the attack of March 2017 there had been a significant
 16 increase in the number of fatal terrorist attacks in
 17 Europe?
 18 A. Yes, I am afraid that is true.
 19 Q. We have heard reference, quite properly in these
 20 Inquests, to attacks in Paris, Brussels, Nice and Berlin
 21 in the years before the attack?
 22 A. Yes, that's correct.
 23 Q. Were there any trends or common features of these
 24 attacks which were relevant to you and which you can
 25 tell us about?

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1 A. So relevant to MI5 and to our work, specifically in the
 2 context of the Operational Improvement Review also
 3 relevant. Less relevant, I think, in terms of the
 4 specific review of Khalid Masood.
 5 Q. What trends, if any, did you detect in those which were
 6 relevant?
 7 A. So what we saw clearly with all of these terrible
 8 attacks was a greater focus on firearms than we had seen
 9 in previous years, a greater willingness for really
 10 significant levels of creating casualties, irrespective
 11 of the method that was used, and in some of the attacks,
 12 though not in all of them, a degree of direction that we
 13 hadn't previously seen from ISIL in Syria.
 14 Q. By March 2017, as a matter of context, what was the UK
 15 threat level?
 16 A. The UK threat level was severe.
 17 Q. What did that mean?
 18 A. So the threat level is set by the Joint Terrorism
 19 Analysis Centre, which is independent of MI5, and severe
 20 means that an attack is highly likely.
 21 Q. At the time of the attack of March 2017, how many
 22 current investigations was MI5 pursuing into individuals
 23 or groups linked to Islamist terrorism?
 24 A. Around 500.
 25 Q. How many subjects of interest were on the service's

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1 radar?
 2 A. So live subjects of interest, around 3,000.
 3 Q. How many closed subjects of interest were on your books?
 4 A. Around 20,000.
 5 Q. How was the scale of the investigative work you were
 6 pursuing at that time in the context of the service's
 7 recent history?
 8 A. It was unprecedented in scale.
 9 Q. Was one particular aspect of the threat posed by this
 10 form of terrorism people who had travelled abroad to
 11 places such as Syria and Iraq, including to fight there?
 12 A. Yes, that's correct.
 13 Q. To the extent you can say, what sort of challenges did
 14 that aspect of the threat pose to your work?
 15 A. So these individuals posed significant challenges
 16 because they were clearly making a commitment to fight
 17 and support a foreign terrorist organisation. When
 18 fighting in Syria and Iraq, they were in a position to
 19 learn lots of terrorist skills that would have been very
 20 difficult for them to pick up in the United Kingdom, and
 21 also when fighting in Syria and Iraq, they were able to
 22 use their knowledge of the United Kingdom to reach back
 23 here and encourage others to mount attacks.
 24 Q. Is it also right that operationally this trend posed
 25 challenges of tracking people who had travelled abroad

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1 but still represented a threat to this country?
 2 A. Yes, that's correct.
 3 Q. In terms of high-risk casework, what did this period
 4 see?
 5 A. There's a significant increase in high-risk casework
 6 throughout this period.
 7 Q. Did that include, first of all, those who had received
 8 training, to your knowledge, in terrorist techniques?
 9 A. Yes, correct.
 10 Q. And did it also include those you assessed as attempting
 11 to procure the means of carrying out an attack?
 12 A. Yes.
 13 Q. And to understand the practical significance of that
 14 increase, does that type of work, high-risk casework,
 15 involve more intensive and resource-intensive
 16 monitoring?
 17 A. Yes, that's correct.
 18 Q. May I now turn to the division of responsibility between
 19 MI5 and counter terrorist policing. Is it right to say
 20 that in the course of its work, MI5 cooperates with and
 21 receives assistance from counter terrorist policing?
 22 A. Yes, it is right to say that.
 23 Q. Leads, for example, may emanate from counter terrorist
 24 police?
 25 A. Yes, so the leads process is a joint process between us

38

1 and counter terrorism policing.
 2 Q. Looking at practicalities, may counter terrorist police
 3 assist MI5 by using their ordinary police powers to
 4 gather intelligence and evidence?
 5 A. Yes, they can, and particularly evidence where we have
 6 no powers.
 7 Q. May they also use their police powers to prevent,
 8 disrupt and prosecute terrorists?
 9 A. Yes, that's correct.
 10 Q. What procedures exist, in broad terms, to ensure that
 11 information about subjects of interest is shared between
 12 the police and MI5?
 13 A. So in broad terms the intelligence handling model we
 14 referred to earlier means that the leads process is
 15 joint from beginning to end, really. When we move into
 16 priority operations there are a series of structures,
 17 the joint operational team and the executive liaison
 18 group, where MI5 and police officers meet together to
 19 decide the tactics and strategy for the investigations,
 20 and also there is a significant degree of co-location of
 21 MI5 and policing staff.
 22 Q. By which you mean working from the same buildings?
 23 A. Yes, I'm sorry for jargon, by which I mean working from
 24 the same places.
 25 Q. Dealing with a practical example which may be of

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1 importance for us: how is MI5 notified of information
 2 held by police, perhaps ordinary police rather than
 3 counter terrorist police, on an individual who comes
 4 under your investigation?
 5 A. So are you asking a question about non-terrorist or
 6 intelligence information?
 7 Q. Let's start with that, yes.
 8 A. Okay, so non-terrorist or intelligence information will
 9 normally flow to us through searches undertaken by our
 10 counter terrorism policing colleagues — sorry, of
 11 mainstream policing systems. They will then bring
 12 intelligence which they think is useful or relevant to
 13 our attention.
 14 Q. And then how is MI5 notified of specifically terrorist
 15 information held by the police?
 16 A. So the joint investigative process I outlined a minute
 17 ago means that that is a free and constant flow of
 18 information from MI5 to the police and from the police
 19 to MI5.
 20 Q. Are counter terrorist police therefore routinely
 21 informed or aware, just through the way they work, of
 22 a person being under investigation by MI5?
 23 A. Yes. In circumstances where that individual is in the
 24 United Kingdom always; in circumstances where that
 25 individual is outside the United Kingdom, normally, but

40

1 not always.

2 Q. We are all aware of the counter terrorism hotline and

3 the fact that members of the public can deliver

4 information to the police and to the hotline about

5 suspicions of terrorism.

6 To the extent you can say, what sort of volume of

7 information flows in from members of the public?

8 A. I can't say, I am afraid, because I don't know, rather

9 than it's too secret for me to describe.

10 Q. You're not able to give us an indication whether it's

11 very substantial or a modest and manageable amount?

12 A. I know it's very substantial numbers. The management of

13 that is entirely down to my police colleagues, so it

14 might be a better question to pose to them.

15 Q. Thank you. Now, are you aware, as a phenomenon, of

16 terrorist suspects and offenders being involved in or

17 having a history of other types of offending,

18 non-terrorist types of offending?

19 A. Some, yes.

20 Q. We know, of course, that Khalid Masood had a history of

21 serious violence before he ever turned to Islam.

22 A. He did, yes.

23 Q. Is such offending, or may it be, relevant to your

24 investigative work?

25 A. Potentially so. I think much would depend on what the

41

1 nature of the offending was, how old the individual was

2 at the time in comparison to now, and what the other

3 factors around the offending were.

4 Q. As a general proposition, if the offending involves

5 serious violence at a stage when the individual was

6 an adult, rather than temporary adolescent activity, is

7 that something of interest and significance to the

8 service?

9 A. Of interest. Again, I think the significance would

10 depend on the context of the individual.

11 Q. Over recent years, has a trend been noticed or

12 identified involving increased terrorist activity by

13 lone actors?

14 A. Yes, it has.

15 Q. Is a characteristic of that activity that the

16 individuals may have done little planning or precise

17 targeting?

18 A. Yes, that's correct.

19 Q. When, to the extent you are able to say, was this

20 increase in relatively unsophisticated lone actor

21 attacks first identified?

22 A. I would identify two points of significance from

23 a specifically UK context. The first was the murder of

24 Fusilier Lee Rigby in 2013 by two individuals who,

25 nonetheless, we classify in broad terms as lone actors.

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1 The second was the rise of ISIL in 2014, and ISIL's

2 increasing willingness through its online propaganda to

3 encourage people to mount lone actor, low sophistication

4 attacks, a degree of propaganda which has now also been

5 taken up by Al Qaeda, so we see both of our main major

6 terrorist opponents encouraging lone actor attacks.

7 Q. Before 2010, which you will understand is an important

8 date for our purposes, was this trend one that you had

9 identified?

10 A. Certainly not in the United Kingdom, and I don't believe

11 it's one that had been identified by any of our European

12 partners or our American or Australian allies.

13 Q. Based on what you have told us, it had been identified

14 by March 2017?

15 A. Yes.

16 Q. May we look at a document now, {WS5097/78} we're going

17 to look on screen at an annex to David Anderson's public

18 report which sets out recent convictions for Islamist

19 attack plots which he used to provide some context for

20 the type of terrorist plots which had been thwarted.

21 Are you able, looking at these, to identify any

22 particular common features or, indeed, to say that they

23 show a variety of sophistication, numbers of

24 participants and so on?

25 A. They show a variety in terms of sophistication and

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1 number of participants.

2 Q. Have other — sorry, I'll pause there. Over the last

3 four years, so in the period of time which you say this

4 trend of lone actor attacks has been identified, has MI5

5 developed investigative tools to deal with it?

6 A. Yes, we have.

7 Q. Do those include something called the lone actor triage

8 process?

9 A. Yes, that's correct.

10 Q. To the extent you are able, can you tell us what that

11 involves?

12 A. This is an attempt, given that lone actors, by

13 definition, operate on their own, to try and understand

14 better a person's state of mind and, therefore, the

15 likely indicators that individual on their own might

16 well mount a terrorist attack, and the triage process is

17 intended to look at whatever indicators we have and make

18 a judgment as to how likely they are then to go on and

19 mount a terrorist attack.

20 I think it's worth saying this is developing work.

21 In my judgment, it's jolly impressive work, but it

22 remains more of an art than specific science.

23 Q. Beyond the triage process, which you have described to

24 us now, have other investigation and attack prevention

25 procedures been modified in response to this lone actor

44

1 threat?

2 A. Yes, they have.

3 Q. Are you able to expand on any?

4 A. So we're in a position where, in addition to the

5 specific work around the lone actor triage process,

6 we're also engaging with academic research and others to

7 understand the lone actor phenomenon more generally. We

8 are working extraordinarily closely with the police on

9 this because lone actors are not purely an Islamist

10 terrorist phenomenon, we see this in other areas, so we

11 have a joint process with the police for lone actor

12 assessment, irrespective of the sort of threat we think

13 an individual poses, and we are in a position where we

14 are engaged in more training and awareness for our own

15 investigative staff so they know what to look for in

16 terms of particular indications that a person might be

17 a lone actor.

18 Q. Now, we know, we have heard that Khalid Masood had

19 a history of violent offending, and also we've heard and

20 we'll hear more, that he had connections to extremists.

21 Do you have any evidence or understanding of

22 terrorist practices to suggest that a person with those

23 characteristics may present a particular risk?

24 A. So I think it's important to say that there is no

25 template or clear set of criteria which will allow us to

45

1 say: this person is likely to be a terrorist. Both the

2 factors you describe there are possible indicators. The

3 connections to others who are or have been or are

4 believed to be terrorists being a rather stronger one

5 than the connection to previous violent offending

6 history.

7 Q. Is it right to say in that last regard that, of course,

8 the degree of connection to terrorists and the nature of

9 conduct are critical?

10 A. Yes, that's absolutely right.

11 Q. You've mentioned attacks overseas in the period before

12 2017. Drawing together both attacks from overseas and

13 planned and actual attacks in this country in the years

14 before 2017, have any particular lessons been learned

15 which are relevant to the prevention of attacks similar

16 to Masood's?

17 A. So I draw a distinction between here in the UK and

18 overseas in that respect. So for overseas attacks we

19 can clearly learn a great deal about how the threat has

20 manifested itself, but we are unlikely to learn as many

21 lessons about how to respond to an attack, because

22 clearly each country has its own security system which

23 is different to our own.

24 Obviously here in the United Kingdom we would learn

25 both about trends in the attack and trends from the

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1 response, and much of the work we have done has focused

2 on the response.

3 I think it's fair to say if you look at those

4 attacks as a totality, there is not a significant trend

5 or line of investigation which relates particularly

6 strongly to Masood. As we have touched on, we have seen

7 a growth in the rise of lone actors, and he is part of

8 that, but because lone actors are, by definition,

9 individuals who make their own decisions and do their

10 own things, it's quite difficult to draw any trends from

11 that.

12 Q. May we then turn to Masood himself, and the

13 investigations into him prior to the attack. You deal

14 with these from page 16 of your statement.

15 When did Masood, albeit not named as such, first

16 come to the attention of MI5?

17 A. So a person who we subsequently identified as Masood but

18 not, as you say, at the time, first appeared on our

19 systems in April 2004.

20 Q. How did that happen?

21 A. So his telephone number was found in the contact list of

22 another subject of interest.

23 Q. What was the investigation in which that other subject

24 of interest was involved?

25 A. The investigation was Operation Crevice,

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1 an investigation which ran between 2003 and 2004, and

2 particularly in the 2004 phase was a highly significant

3 investigation relating to plans to build some fertiliser

4 bombs and attack a series of targets across the UK.

5 Q. Is it right that that operation resulted in convictions

6 of five men for conspiracy to cause explosions?

7 A. That's correct.

8 Q. Was Masood ever identified, whether by name or by

9 contact number or any other connection, as having any

10 direct connection to the attack plot which was

11 investigated?

12 A. No, we do not believe that Masood had any knowledge or

13 involvement of the Crevice attack plot. Clearly at the

14 time of the Crevice attack, and afterwards, we

15 investigated individuals for such knowledge, and we also

16 separately did that with Khalid Masood. So I say that

17 with a great deal of confidence.

18 Q. So in the context of this investigation, what you had

19 was a number in one SOI's contact list which later

20 turned out to be Masood's number when he was actively

21 investigated?

22 A. That's correct.

23 Q. For context, may an investigation of this kind involve

24 dozens or hundreds of people with hundreds or thousands

25 of contacts?

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1 A. That's correct.
 2 Q. In this case, would it have been possible, practicable
 3 or proportionate to identify Masood in 2004 simply from
 4 the number you had?
 5 A. In 2004, simply from the number we had, we could have
 6 devoted significant resources to seeking to identify him
 7 without any certainty of success, and devoting those
 8 resources would not have been proportionate.
 9 Q. When you say it wouldn't have been proportionate, are
 10 you taking into account the effort and practicalities of
 11 carrying out that exercise for all similar contact
 12 numbers in the SOI's lists?
 13 A. Yes, that's correct.
 14 Q. Are you able to say whether efforts were made at that
 15 time to identify the person whose number appeared in the
 16 contact list and who later turned out to be Masood?
 17 A. Not in April 2004.
 18 Q. Moving on, then, to the later period, from 2004 to 2009,
 19 did any further information or contacts associated later
 20 with Masood turn up on your radar?
 21 A. Yes, they did.
 22 Q. How did that happen?
 23 A. So a series of other selectors belonging to Masood
 24 appeared primarily in the -- in the investigation of
 25 a particular individual who was a long-standing

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1 associate, the investigation of that individual emerging
 2 from Crevice.
 3 Q. You refer to "selectors"; what is a selector?
 4 A. So selector would be something like a telephone number
 5 or an email address.
 6 Q. So over a period of time, is it right to say that
 7 an individual who was a long-standing associate of
 8 Masood was under investigation and some contact details
 9 of Masood appeared through investigation of that
 10 individual?
 11 A. That's correct.
 12 Q. Once again, were those contact details actually
 13 attributed to Masood by name at this stage?
 14 A. Some were and some were not.
 15 Q. So far as you can say, what was the conduct or planning
 16 that was the subject of those investigations into that
 17 individual?
 18 A. So there are various spin-off investigations emerging
 19 from Crevice. Some of those were looking at those
 20 individuals to consider what links they had to Crevice
 21 itself. Some of those investigations were then moving
 22 on to other things that those individuals, or
 23 individuals connected to those individuals were doing
 24 which were of interest in their own right.
 25 Q. Did the investigative work that you did into that

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1 individual suggest that the person referenced by the
 2 various selectors, who turned out to be Masood, was
 3 directly involved in the conduct under investigation?
 4 A. No, it did not.
 5 Q. Once again, would it have been possible, practicable or
 6 proportionate to identify Masood fully from those
 7 selectors over that period of time?
 8 A. Yes, it would have been possible to identify him from
 9 some of the selectors. It wouldn't have been
 10 proportionate to do so given that there was no evidence
 11 that he was engaged in anything of concern.
 12 Q. Do I take it from that answer that between 2004 and the
 13 later period of time, 2004 to 2009, you could make such
 14 an identification with a greater confidence of success?
 15 A. Yes, we could have done.
 16 Q. But still a resource-intensive process?
 17 A. No, not terrifically resource-intensive to identify him
 18 from the details we had then, but not really
 19 proportionate to do so.
 20 Q. Why not proportionate to do so?
 21 A. Because there was no evidence that he was involved in
 22 any activities of concern.
 23 Q. Were, therefore, any efforts made to identify the person
 24 from the selectors?
 25 A. Not between 2004 and 2009, no.

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1 Q. May we now move to the period 2009 to 2010, and was
 2 a separate investigation taking place in those years
 3 which drew your attention to Khalid Masood in a more
 4 focused way?
 5 A. That's correct.
 6 Q. What was that investigation?
 7 A. So we refer to that investigation as Operation E.
 8 Q. What did it involve? What was it looking into?
 9 A. So Operation E was looking at a group of individuals,
 10 subjects of interest, who we believed were seeking to
 11 travel to the Federally Administered Tribal Areas in
 12 Pakistan, an area which was heavily being used for
 13 terrorist training by AQ at the time.
 14 Q. AQ, Al Qaeda, of course?
 15 A. Yes, I'm sorry, Al Qaeda.
 16 Q. Did the investigation involve considering the means by
 17 which the subjects of interest may have been planning to
 18 travel there?
 19 A. Yes, it did.
 20 Q. How did investigative leads take you to somebody called
 21 Masood, or Khalid Masood?
 22 A. So a suggestion was that those who were under
 23 investigation through Operation E might seek to travel
 24 to the FATA, forgive me for using that one, but I think
 25 Federal Administrative Tribal Area is too much for me

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1 each time -- they were travelling to the FATA and the
2 possibility was that they might travel via Saudi Arabia
3 and an individual in Saudi Arabia could assist them, so
4 we sought to identify who that individual might be.

5 Q. What did that effort lead to, then?

6 A. So that effort led to the investigation of an individual
7 who we may come onto in a minute, specifically in this
8 case, we had reporting of an individual called
9 Khalid Masood who was an extremist based in
10 Saudi Arabia.

11 We thus considered that Khalid Masood, an extremist
12 based in Saudi Arabia, who was not fully identified at
13 this point, might be the individual who was assisting
14 the Operation E individuals.

15 So we opened a record on this Khalid Masood
16 in February 2017 -- I'm sorry, in February 2010.

17 Q. Are you able to say any more about what was the nature
18 and substance of the information that caused this
19 Khalid Masood link to Saudi Arabia to be investigated?

20 A. The information was reasonably vague and it was
21 uncorroborated; in other words, we had it from
22 a particular area, but we had nothing else to back it
23 up.

24 Q. Was the Khalid Masood now under investigation given
25 a holding code?

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1 A. Yes, he was.

2 Q. You've described what holding codes were, what purpose
3 they served in terms of information management: what did
4 this holding code indicate about him?

5 A. It indicated that we believed he posed a threat to
6 national security.

7 Q. How clear and specific did information about a person
8 need to be before they could be given a holding code of
9 that type?

10 A. So guidance on what specific holding codes within the
11 context of the definitely threat to national security,
12 likely threat to national security, or may be threat to
13 national security, were down to the judgments of
14 individual desk officers, so there is no specific
15 criteria to say that the individual met those criteria.

16 Q. At the time he was given this holding code, how much was
17 known about Khalid Masood so far as you could say?

18 A. Not very much. Simply that there was an individual not
19 fully identified called Khalid Masood, based in
20 Saudi Arabia, who was thought to be an extremist.

21 Q. Is it fair to say that you hadn't established his
22 identity and precise whereabouts with any confidence at
23 all?

24 A. That's correct.

25 Q. What was the effect for the course of the investigation

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1 of Khalid Masood, or a person dubbed with that name,
2 being given this holding code?

3 A. So they were now open for investigation which would
4 allow us to deploy investigative resources against them.

5 Q. Did you have a particular investigative aim as a service
6 in relation to that person?

7 A. So it would have been both to identify him and then to
8 make a judgment as to whether he was, indeed, the
9 individual helping to facilitate travel to the FATA.

10 Q. Now, in your witness statement you say that Masood was
11 not part of the principal reason that this operation --
12 Operation E -- was of concern to MI5?

13 A. That's correct.

14 Q. You also say that there were a number of individuals
15 with a similar profile being investigated at the same
16 time?

17 A. That's correct.

18 Q. Were his actions, or connection to the principal
19 subjects of interest, so far as you knew them, of
20 concern to you, even if they weren't part of the
21 principal reason for the investigation?

22 A. So, so far as we knew them at that time in February, it
23 would have been very difficult to make a judgment
24 because they were not understood.

25 Q. Help us with this: is it commonplace for investigations

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1 into a core group of individuals to result in efforts to
2 identify others linked with them so as then to determine
3 whether those others are involved in extremist
4 activities or planning?

5 A. Yes, that's correct.

6 Q. But is it also commonplace for that type of effort to
7 yield, in the end, no evidence of the other person being
8 involved in extremism?

9 A. It may do so, yes.

10 Q. Moving on, did you later ascertain anything about
11 Khalid Masood as regards your information about somebody
12 facilitating travel of the main subjects of interest to
13 the FATA?

14 A. Yes, that's correct. By March 2010 we were satisfied
15 that the individual who was facilitating travel to the
16 FATA was not Khalid Masood.

17 Q. Did you do anything in terms of Masood's holding code as
18 a result of that?

19 A. Yes. Masood's holding code was downgraded to
20 an individual who may be of interest to national
21 security.

22 Q. What was the basis in rationale for that downgrading?

23 A. So I would judge that the basis in rationale was that
24 the principal purpose for opening Masood as a subject of
25 investigation was clearly now not appropriate because we

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1 knew he was not the facilitator , but, nonetheless, given
 2 the information we had about him being an extremist
 3 based in Saudi Arabia, he was still worth considering as
 4 an investigative target in the context of Operation E.
 5 Q. But by the time of the downgrading in March 2010, had
 6 efforts to identify him established his identity with
 7 any confidence?
 8 A. No, they had not.
 9 Q. Had his criminal record been discovered?
 10 A. Not by March, no.
 11 Q. In those circumstances, why was the downgrading decision
 12 not postponed until more was known about him?
 13 A. So I think this returns again to the holding codes not
 14 being of particular significance to the investigator at
 15 the time. I do not believe that in downgrading the
 16 holding code the investigator would have thought a great
 17 deal about the significance of that action; he would
 18 have seen it much more as an information management
 19 artefact than one that related to the investigation .
 20 Q. Between February 2010 when Masood was opened as an SOI,
 21 and December 2010, did MI5 successfully make a full
 22 identification of the person called Khalid Masood?
 23 A. Yes, we did.
 24 Q. Did you obtain details of his criminal record, such as
 25 we've seen on the Police National Computer entry?

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1 A. Yes, we did.
 2 Q. Did you, however, receive any intelligence that he was
 3 involved in any form of extremism, whether
 4 attack-planning or otherwise?
 5 A. Beyond the original reporting suggesting he was
 6 an extremist in Saudi Arabia, no.
 7 Q. Given that you had excluded him as being the individual
 8 actually facilitating travel , or who might facilitate
 9 travel to the FATA, did you have any other information
 10 about him as a potential extremist?
 11 A. No.
 12 Q. Was there any evidence of him being involved in what one
 13 might call the operational activities of the main
 14 subjects of interest in Operation E?
 15 A. There was not.
 16 Q. You've told us that you established his criminal record
 17 in its entirety . Did you establish details of his
 18 prison history and records?
 19 A. We had some reporting to indicate that he had been in
 20 prison, so we made inquiries. I cannot say whether
 21 those inquiries were returned or whether they were not
 22 returned, and to be clear, I can't not say that because
 23 it's too secret to not say it; I can't say it because
 24 I do not know whether we had a response or not.
 25 Q. In December 2010 was there an investigative review of

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1 Operation E?
 2 A. Yes, there was.
 3 Q. During the course of that review -- and you've described
 4 these periodic reviews to us -- was a decision made in
 5 relation to Masood?
 6 A. Yes, it was.
 7 Q. What was that decision?
 8 A. And that was that he would be downgraded to a target who
 9 was not considered to be of national security
 10 significance .
 11 Q. What was the basis and rationale for that decision?
 12 A. So there is no contemporaneous documentation that I can
 13 draw on for this , but I would say that in circumstances
 14 where we were, by December 2010, satisfied that he was
 15 not the Saudi-based facilitator , and we could also see
 16 no evidence that he was involved in any of the
 17 significant elements of Operation E, there would have
 18 been no reason to keep him open as a live subject of
 19 investigation .
 20 Q. Now, we recently asked whether the decision
 21 of December 2010 to close Masood as an SOI was
 22 documented, and the services' lawyers have given
 23 a response which, if I may, I'll read out and ask you to
 24 confirm. It goes as follows:
 25 "Counsel to the Inquest have requested information

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1 as to whether the recommendation in December 2010 to
 2 close Masood as an SOI was contemporaneously documented
 3 and, if so, to what extent. Witness L has provided the
 4 following information:
 5 "As set out in paragraph 65 of my witness
 6 statement, Operation E was subject to a routine
 7 investigative review at a meeting held in December 2010.
 8 An internal minute dated 10 January 2011 records the
 9 actions that it was decided at the meeting should be
 10 taken in relation to a number of SOIs investigated under
 11 Operation E. The minute is brief and records the
 12 actions arising from the meeting, not the reasoning
 13 discussed at the meeting. It states that Masood should
 14 be closed as an SOI under Operation E. No reasoning is
 15 given. Whilst the minute does not expressly set out the
 16 reasoning for the decision to close the investigation
 17 into Masood, our files hold written assessments
 18 regarding Masood that detail the intelligence known
 19 about him at that time.
 20 "As stated in paragraphs 70 and 71 of my statement,
 21 we have reviewed the decision to close Masood with the
 22 benefit of hindsight and concluded that the decision was
 23 sound. It is not feasible for MI5 to record every
 24 discussion held and every decision made during the
 25 course of an investigation .

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1 "Paragraph 31 of the Government's response to the
2 Rule 43 report made following the 7/7 Inquest explained
3 the position as follows:

4 "There are still limits on what it is feasible for
5 the Security Service to record about its decision-making
6 processes as resources deployed on record-keeping of
7 decisions below a certain threshold of importance would
8 be better deployed elsewhere."

9 "This is particularly the case in respect of
10 decisions not to take specific actions. This is an area
11 that the Security Service is keeping under review."

12 Can you just confirm that that information we were
13 given by the legal representatives is correct?

14 A. Yes, I can.

15 MR HOUGH: Now, I'm going to ask some more questions about
16 that decision and some of the latter points made in the
17 lawyers' response, but would that be a convenient moment
18 for a break?

19 THE CHIEF CORONER: Mr Hough, I think it would be very
20 sensible to take a break there. What we will do, again,
21 Mr Hough, is clear the court as we did before, and what
22 I am going to suggest is that we aim to sit again,
23 please, in 15 minutes' time.

24 MR HOUGH: I will speak to Ms Leek about whether the press
25 can now report what's happened over the course of this

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1 morning, and I'll go outside court and immediately tell
2 the press whether they may do so.

3 MS LEEK: Sir, perhaps before we rise I can confirm that
4 there is nothing that was said this morning that can't
5 be reported.

6 THE CHIEF CORONER: Right. I'm sure the press in court are
7 pleased to hear that. Can I simply invite those who are
8 not in court -- I'm conscious that some have come and
9 gone, that if those who are in court would simply let
10 their colleagues know that is the decision, that would
11 be very helpful.

12 I will rise now.

13 (11.31 am)

(A short break)

15 (11.50 am)

16 MR HOUGH: Witness L, we are continuing.

17 I had been asking you about the December 2010
18 decision to close Khalid Masood as a subject of interest
19 in the course of the periodic review of the
20 investigation Operation E. At the time that decision
21 was made, as a matter of course was consideration given
22 to a subject of interest's record of violent offending
23 unrelated to extremism in that sort of decision?

24 A. So there is no contemporaneous documentation I can draw
25 on. I would judge that it would have been considered,

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1 but it would not have been considered a significant
2 factor.

3 Q. But just as a general proposition, not focusing on
4 Masood for the moment, but at that time would
5 consideration have been given to that record of violent
6 offending as part of the whole set of information about
7 the person?

8 A. I think it unlikely as a matter of course, not least,
9 and because this is a specific Khalid Masood point,
10 given the distance in time between the end of his
11 violent offending record and the time of his
12 investigation.

13 Q. Which was a period of about seven years?

14 A. That's correct.

15 Q. Since that time, December 2010, has there been any
16 change in practice and view to take more account of
17 violent offending unrelated to extremism?

18 A. So we certainly want to be sure that we are recording
19 evidence of violent offending. In terms of specific
20 decisions around whether to maintain an investigative
21 target or close it, I think that would still be a matter
22 of judgment for an individual investigator.

23 Q. What was the effect of the decision to close
24 Khalid Masood as a subject of interest in practical
25 terms for your interest in and scrutiny of him?

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1 A. So in practical terms, once the decision to close him
2 had been made, we would no longer be mounting further
3 investigation into him.

4 Q. If the decision had been made to leave him open, would
5 or could more investigative work have been done in
6 relation to him?

7 A. It could have been. I do not think it's likely that it
8 would have been.

9 Q. Are you able to say why you think it's unlikely that it
10 would have been, based on information you can disclose
11 publicly?

12 A. I think it would have reflected the fact that he would
13 have continued to be a not very significant target in
14 the context of Operation E if he had been kept open
15 longer and, therefore, we would have been unlikely to
16 devote more resources to him.

17 Q. If your continued investigation into Operation E and the
18 principal subjects of interest under that investigation
19 had given reason to suspect that Khalid Masood, after
20 being closed, was directly involved in extremist
21 activity or attack-planning, could he have been
22 reopened?

23 A. Yes, he could.

24 Q. Would he have been reopened in those circumstances?

25 A. If there had been evidence of him being involved in

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1 attack—planning, certainly .

2 Q. Now, you have said that the decision, although not

3 minuted with a rationale, is one which has been assessed

4 and found to be correct or valid?

5 A. That's correct, both the expert panel we talked about

6 earlier and myself have reviewed the decision and we

7 both consider it to be sound.

8 Q. Are you able to give an explanation of why you formed

9 that view?

10 A. Yes. I think it reflects the fact that Khalid Masood

11 was clearly not a significant subject of interest in the

12 context of Operation E. We had not found any other

13 information about him suggesting he was interesting in

14 his own right and, therefore, it was logical, necessary

15 and proportionate to consider him for closure.

16 Q. The suggestion might be made, first of all, here was

17 a man who had over a number of years links to multiple

18 people suspected of or involved with serious terrorism

19 offences and extremist activity; do you understand?

20 A. Yes.

21 Q. It might also be made: here was a man who had a history

22 of very violent offending, up to seven years previously,

23 including a charge of attempted murder with a knife.

24 The question may be asked, shouldn't such a person

25 be kept on MI5's radar?

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1 A. So I think I would like to divide those into two. In

2 terms of his contacts with other subjects of interest,

3 that was clearly known and understood by us. It's worth

4 remembering that many of our subjects of interest have

5 a range of contacts who are, themselves, not of concern,

6 so simply an aggregate number of contacts doesn't make

7 an individual of concern, particularly, as was the case

8 here, when some of them knew one another.

9 On the violent activity point, I think, as I said

10 earlier, this would not have been considered

11 a particularly significant factor to us.

12 Q. The decision was made in December 2010 to close Masood

13 as an SOI. When was he formally closed as a subject of

14 interest?

15 A. He was not formally closed until October of 2012.

16 Q. In the interim period, December 2010 to October 2012,

17 was there any intelligence indicating he was involved in

18 extremism?

19 A. There was intelligence indicating that he associated

20 with some other subjects of interest. I think it would

21 be marginal to describe that as intelligence that he was

22 involved in extremism.

23 Q. Was there any intelligence in the interim that he was

24 directly participating in extremist activity or

25 attack—planning?

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1 A. Absolutely no to attack—planning. On extremist

2 activity, one depends on — it depends on how broadly

3 you draw this. So there was certainly an indication

4 that he consumed extremist material.

5 Q. Is that information, the consumption of extremist

6 material, by which I assume you mean internet material

7 and published material, is that enough to keep somebody

8 open as an SOI?

9 A. I do mean internet material and published material, and

10 no, it is not of itself enough.

11 Q. If it were enough, would you have a great many more SOIs

12 to which you would have to devote investigative

13 resource?

14 A. We would have an unmanageable number.

15 Q. What happened to Masood's holding code at the time that

16 he was closed as an SOI?

17 A. It was downgraded to the holding code which says

18 an individual does not pose a threat to national

19 security.

20 Q. Why did nearly two years pass between the decision

21 of December 2010 to close Masood as an SOI and him

22 actually being closed as an SOI?

23 A. So the closure process is an administrative process

24 requiring a number of administrative steps. It's my

25 judgment that at a time when clearly individual

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1 investigators were under significant pressure, it took

2 them a long time to close him as an individual.

3 Q. To the extent you can say, is such a time gap normal?

4 A. I can't say with any certainty because I haven't

5 reviewed similar cases from the time. My suspicion is

6 that this is a long period of time but there may well be

7 a number of occasions where periods of time have also

8 been quite long.

9 Q. Does a time gap between the decision to close and the

10 actual closure serve any particular investigative

11 purpose?

12 A. No, it does not.

13 Q. So far as you can say, in that two-year period, were any

14 further investigations carried out either specific to or

15 directly relevant to Masood?

16 A. No, they weren't.

17 Q. May we move on to the period between 2012 and 2016.

18 Over that period, did Masood appear on your radar in

19 other contexts?

20 A. Yes, he did.

21 Q. What, or rather how, did he do so?

22 A. So he appeared intermittently in contact with a number

23 of other subjects of investigation that we were looking

24 at.

25 Q. Now you say in your witness statement, paragraph 66,

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1 that that included -- sorry, paragraph 67, that that
 2 included subjects of interest who were linked to the
 3 organisation Al-Muhajiroun, ALM, in the Luton and
 4 Crawley areas?
 5 A. That's correct.
 6 Q. Did you have any intelligence to suggest that Masood was
 7 himself an ALM member?
 8 A. No, we don't believe that he was.
 9 Q. Just help us with this: how is membership of ALM
 10 defined? Does it have membership records?
 11 A. No, it does not have membership records.
 12 Q. It's a process of judgment, is it, whether somebody is
 13 sufficiently connected to be a member of the
 14 organisation?
 15 A. That's correct.
 16 Q. Over this period, did any of the intelligence received
 17 suggest that Masood was or might be directly involved in
 18 extremist activity?
 19 A. No, it did not.
 20 Q. In this period, from 2012 onwards, was any consideration
 21 given, based on your records, to reopening Masood as
 22 a subject of interest?
 23 A. I cannot see any evidence that we considered reopening
 24 him.
 25 Q. In your statement you say that Masood's contact with the

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1 subjects of interest did not reach the threshold for
 2 opening an investigation into him. What was that
 3 threshold?
 4 A. So there is no specific mechanical threshold at work
 5 here. Any decision to reopen an investigation or
 6 an investigative subject would be a reflection of the
 7 judgment of the investigator validated by their
 8 management, but in Masood's case, none of that
 9 intelligence felt at the time, and I feel today, would
 10 have reached consideration for being reopened.
 11 Q. In general terms, having regard to the information
 12 previously gathered about Masood, what sort of
 13 intelligence might have triggered a fresh investigation?
 14 A. So it's quite difficult to speculate on what that might
 15 be, and I wouldn't want to give too definitive a set of
 16 answers because of the concern that that would then
 17 allow our subjects of interest who we look at today to
 18 consider what sort of activity they should avoid doing
 19 to avoid our interest in them.
 20 Q. If an investigation had been reopened into Masood at any
 21 stage, what would it have involved, and what would have
 22 been its objective?
 23 A. So I think that's a very speculative question, because
 24 much would have depended on why we had reopened the
 25 investigation into Masood.

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1 Q. We've heard that many individuals who were convicted of
 2 terrorist offences in recent years have been linked to
 3 ALM; are you familiar with the information?
 4 A. Yes, indeed.
 5 Q. As far as you're aware, how large is ALM as
 6 an organisation?
 7 A. ALM we believe is an organisation counting into the
 8 hundreds.
 9 Q. Is it fair to say as a result that there are significant
 10 numbers of people who are contacts of people who are
 11 members of or directly linked to ALM?
 12 A. Yes, it is fair to say that, and it's worth amplifying
 13 my earlier answer to say it's in the hundreds at any one
 14 time with individuals joining ALM and then drifting away
 15 from it.
 16 Q. Would a contact link with an ALM member be enough of
 17 itself to open a person as a subject of interest and
 18 pursue an investigation into them?
 19 A. No, it would not.
 20 Q. If it were, what would be the effect on your resources?
 21 A. It would be a significant drain on our resources.
 22 Q. Looking at paragraph 68 of your statement, did you
 23 receive specific intelligence about Masood and his views
 24 in 2013?
 25 A. Yes, we did.

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1 Q. What was that intelligence?
 2 A. That Masood had expressed contentment that the violent
 3 actions such as the World Trade Centre attack on 9/11
 4 attracted people to Islam.
 5 Q. How commonplace or abnormal is it for those either who
 6 are subjects of interest or fall within your
 7 investigations otherwise, to make such remarks?
 8 A. So in terms of expressing support for terrorist
 9 activity, it's depressingly common. In terms of the
 10 specific point that Masood made about attracting people
 11 to Islam, that is also common, but probably not as
 12 common.
 13 Q. Would that sort of intelligence ordinarily cause
 14 somebody to be opened as a subject of interest and the
 15 subject of an investigation?
 16 A. No, it would not.
 17 Q. Did it in the case of Masood?
 18 A. No, it did not.
 19 Q. Again, if you took the approach of opening
 20 an investigation into anyone who expressed that view,
 21 what would be the effect on your resources?
 22 A. So before I tackle resources I think it would be worth
 23 saying that I don't believe it would be necessary and
 24 proportionate for MI5 to open investigations into
 25 individuals who had simply expressed those views and

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1 nothing else. So it wouldn't be a proper function for
2 us in the first instance.

3 Should that view not be taken, that it was a proper
4 function, then clearly very large numbers of people
5 indeed might be expressing such views.

6 Q. Drawing points together, it may be suggested that
7 Masood's combination of characteristics known to you by
8 2013 should have triggered investigation. Let me run
9 through them. First, his history of violent offending
10 up to 2003; second, his links with multiple subjects of
11 interest suspected of serious terrorist offences over
12 a number of years; third, his links to individuals
13 associated with ALM, and; fourth, his expression of
14 satisfaction about the 9/11 attacks drawing people to
15 Islam.

16 Taking account of all those characteristics, what
17 would you say to the suggestion that they together
18 should have triggered further investigation from 2013?

19 A. So I would say those factors were reviewed by the expert
20 panel, and again by me, and both the expert panel and
21 I considered the decision not to reopen the
22 investigation was a sound one.

23 Q. And the reason, in a sentence or two?

24 A. And the reason being that none of those indicators were
25 enough to suggest that he was involved in activities of

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1 significant concern to us.

2 Q. Is it right that because of all your work since the
3 attack you now know a lot about what the police
4 unearthed of Khalid Masood's actual planning and
5 preparation for the attack?

6 A. As far as we understand his actual planning of the
7 attack, yes.

8 Q. We know, and I think you know, that his planning and
9 preparation were relatively unsophisticated and didn't
10 involve many other, or indeed any other, people?

11 A. Yes, correct, we believe they didn't involve any other
12 people.

13 Q. Against that background, and what you know from the
14 police investigation, may I ask a few questions. First
15 of all, would, or might, MI5 have become aware of
16 Masood's attack—planning and preparations if he had not
17 been closed as a subject of interest in 2012?

18 A. That strikes me as very unlikely indeed.

19 Q. And, again, in a sentence or two, why do you say that?

20 A. For circumstances I've picked out earlier, Masood
21 engaged in attack—planning on his own. It's very
22 difficult to make a decision as to when he decided to
23 mount the attack, so we wouldn't have had intelligence
24 to indicate that he was mounting an attack because no
25 such intelligence existed.

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1 Q. It may be the same answer, but would, or might, MI5 have
2 become aware of his attack—planning and preparations if
3 he had been reopened as a subject of interest between
4 2012 and 2016?

5 A. So, again, that strikes me as extraordinarily unlikely,
6 but I think it is worth just saying earlier — as I said
7 in reference to your earlier question, the circumstances
8 in which we would have reopened, that is an entirely
9 speculative question, so it is harder for me to be more
10 definitive, but given the limited amount of
11 attack—planning he appears to have done, it feels to me
12 extraordinarily unlikely in those circumstances too.

13 Q. We know Masood's attack—planning involved, essentially,
14 the purchase of knives, the hire of a car, some basic
15 reconnaissance, and then tragically driving to London to
16 carry out his attack.

17 Even with hindsight, do you consider that there's
18 anything MI5 could practicably have done to prevent this
19 type of attack by the person with this record and
20 background?

21 A. No, I do not.

22 Q. And, again, in a sentence or two, your reason for saying
23 that?

24 A. For there simply wasn't enough intelligence for us to
25 work on that would have allowed us to identify his plot

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1 and therefore work with the police to frustrate it.

2 Q. Now, a point about record—keeping, please. I think you
3 are aware that Lady Justice Hallett made
4 a recommendation about record—keeping in the London
5 bombings Inquest. May we put on screen {DC8023/24}.

6 Now, if we look at paragraphs 106 and 107, and I'll
7 quote them, these are Lady Justice Hallett's comments:

8 "My conclusions, therefore, are that as far as the
9 categorisation of targets and the structure of decision
10 making are concerned, I feel these are very much areas
11 best left to the experts. I have not heard enough
12 evidence to justify making any criticism of the present
13 system of prioritising targets. The ISC [Intelligence
14 and Security Committee] has now been alerted to problems
15 in the past and will be in a position, in closed
16 session, to exercise careful supervision of the process.
17 Accordingly, I make no recommendation that procedures be
18 examined to establish if there is room for further
19 improvement in relation to assessing the risk posed by
20 an individual or in relation to more formalised
21 structured decision making as such.

22 "107. However, I am satisfied there may be some
23 scope for improvement in the record—keeping relating to
24 categorisation decisions. There was very limited
25 recording of the decisions in relation to D and E

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1 available to any reviewer and I heard little if anything
2 from Witness G on how the system has improved in this
3 respect."

4 Pausing there, Witness G is you.

5 "Given the importance of these decisions, and the
6 uncertainties and inconsistencies in the evidence, there
7 may well be a case for a better recording of decision
8 making. With the advantages of modern technology, it
9 should not prove burdensome. Only significant decisions
10 need be recorded and then only in short form, possibly
11 by a computer entry."

12 Then her recommendation R2:

13 "I recommend that procedures be examined by the
14 Security Service to establish if there is room for
15 further improvement in the recording of decisions
16 relating to the assessment of targets."

17 Now, as we heard when I read out the response to our
18 question about the December 2010 decision, the
19 government's response to that recommendation stated that
20 there were limits on what it is feasible for the
21 Security Service to record about decision-making
22 processes because resources spent on record-keeping
23 below a certain threshold of importance would be better
24 deployed elsewhere, especially so far as decisions not
25 to take action are concerned.

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1 So that's the background. Given your information
2 about the December 2010 decision not being
3 contemporaneously recorded, should that be a matter of
4 concern to us that it wasn't recorded with a rationale
5 at the time?

6 A. So the decision was recorded. It was the rationale
7 behind that decision that was not.

8 Q. Should it be a concern for us that the rationale for the
9 decision not to close, or rather not to keep open an SOI
10 in December 2010, was not recorded fully rationalised?

11 A. Not in my view.

12 Q. And why is that?

13 A. So, I think as well characterised in the Government's
14 response to Lady Justice Hallett's recommendation, we
15 are not in a position to record all the stuff we choose
16 not to do, for if we did so we would be overwhelmed with
17 record-keeping around things that we had chosen not to
18 do rather than getting on with the investigation of
19 those targets of more significant interest.

20 Q. Is it fair to say that the closure of persons as SOIs is
21 a fairly regular process, given the number of closed
22 SOIs you've told us?

23 A. Yes, it is.

24 Q. And that if a full rationale for every decision to close
25 somebody as an SOI had to be recorded on a form, that

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1 might take up substantial resources?

2 A. Yes, but that's a slightly different point. So we are
3 moving increasingly to a new system in which the details
4 behind an individual who is closed are better recorded
5 than they have been in the past. I think
6 Lady Justice Hallett's point was as much around in the
7 case of men D and E, who were two of the 7/7 bombers,
8 an explanation about why specific investigative
9 decisions or tactics had not been deployed against them.

10 Q. So is it the case that since December 2010,
11 record-keeping about the rationale for closing people as
12 subjects of interest has improved?

13 A. It has improved and we are currently, literally this
14 month, trialling a new process which takes us further on
15 that particular path.

16 Q. Thank you. We can take that document down now.

17 Moving on, then, to the findings of the various
18 reviews carried out after the attack. It's right to
19 say, isn't it, that the decisions regarding Masood were
20 all scrutinised and debated in the post-attack review
21 process?

22 A. Yes, that's correct.

23 Q. Now, you've told us about the decisions made in relation
24 to some of them, but looking at those decisions as
25 a whole, what conclusion was reached about them?

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1 A. That those decisions were sound.

2 Q. Did you yourself then take your own view about the
3 conclusion of the post-attack review?

4 A. Yes, I did.

5 Q. What was that view?

6 A. That those decisions were sound.

7 Q. The post-attack review, you tell us in paragraph 73 of
8 your statement, identified a number of learning points.
9 Are you able to summarise those, please, for us?

10 A. Yes, I can. So taking them as five: categorisation of
11 subjects of interest, this relates to the conversation
12 we've had about holding codes; record-keeping, ensuring
13 that all the information we knew about Masood was on
14 Masood's record; record of decision-making, I touched on
15 earlier the fact that we had asked the Prison Service
16 for details and there is no record of actually whether
17 we had a response or not; assessment of intelligence on
18 existing subjects of interest, so this relates to the
19 conversations we've had this morning about the lots of
20 different strands we had around Khalid Masood, and,
21 finally, handling intelligence regarding violent
22 behaviour. As I've said, I think from our perspective
23 this is not of itself necessarily a warning indicator,
24 but making sure that we are aware of it when we are
25 considering the overall threat posed by an individual is

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1 important.

2 Q. Which, if any, of those arose out of particular

3 decisions in Masood's case in your analysis of them

4 rather than just matters that cropped up in the course

5 of the review?

6 A. So, given that the review was almost wholly focused on

7 Masood, all of them arose from decisions specific to

8 him.

9 Q. Insofar as you can, are you able to summarise in what

10 ways changes have improved information sharing between

11 the police and MI5?

12 A. From when?

13 Q. From the time that the review took place.

14 A. I see. So we would assert, and I believe that most of

15 my foreign colleagues would assert, that the

16 relationship between the police and MI5 is already the

17 strongest between a security service and its law

18 enforcement colleagues anywhere in the world, but that

19 isn't to say that it can't improve further, and that

20 reflects very much the spirit behind the Operational

21 Improvement Review, which is ensuring even more than we

22 have done in the past that we work together as a single

23 team with complete sharing of information.

24 Q. Now, the Operational Improvement Review, as you've told

25 us, aimed to identify systemic improvements as a result

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1 of the analysis of a number of attacks. Were any of the

2 improvements arising from the Operational Improvement

3 Review specifically related to Khalid Masood's

4 investigation and his subsequent attack?

5 A. So David Anderson rightly characterises the OIR as

6 having three significant step changes, two of which are

7 relevant to, but Masood was only part of, the

8 consideration around them, and those two are better

9 exploitation of data -- this is very important for all

10 subjects of interest, but particularly closed ones, as

11 Masood was -- and also working with partners,

12 a consideration that we need to work much more at local

13 level to understand what individuals are doing and what

14 we can handle around those individuals. Again,

15 particularly key for closed subjects of interest, and,

16 therefore, particularly relevant to Khalid Masood.

17 Q. Without diminishing the importance of these improvements

18 for a moment, if any of them had been introduced and

19 implemented before the investigations into Masood, do

20 you consider they would have changed the decisions?

21 A. No, I do not.

22 Q. Do you consider that they would have changed in any

23 important way the decision-making process?

24 A. No, I do not.

25 Q. Finally, I would like to ask for your responses or

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1 reflections upon four general observations made by

2 David Anderson at the end of his report. First of all,

3 he reflects that intelligence is always imperfect and

4 adds that that means tough judgments have to be made as

5 part of intelligence craft. What would you say in

6 response to that general observation?

7 A. I would agree with that very strongly, and I'm heartened

8 that David Anderson, having spent a lot of time in the

9 detail of our investigations, not being an expert in

10 them, drew the same conclusion.

11 Q. Secondly, he observes not everything can be stopped;

12 there is always a risk of determined attackers getting

13 through.

14 A. I am afraid that is true.

15 Q. Thirdly, he says there is, however, no cause for despair

16 as most attacks are successfully disrupted, including

17 with the assistance of your intelligence efforts?

18 A. Yes, I would agree with that. I think David gave some

19 figures in his report. Since the attack on Fusilier Lee

20 Rigby in 2013, we and the police and our partners have

21 disrupted 26 plots, 13 of those since Khalid Masood's

22 attack.

23 Q. And we looked earlier at the annex to his report

24 identifying disruptive plots which have resulted in

25 prosecutions.

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1 A. Yes.

2 Q. And the fourth reflection he offers is that even

3 marginal improvements are capable of paying dividends.

4 A. Yes, I would strongly agree with that. That goes back

5 to my earlier view that the relations particularly

6 between us and the police is already very strong, but we

7 can continue to make it stronger.

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

9 You will be asked questions by others, and they will

10 identify themselves because, obviously, you won't be

11 able to see them.

12 Examination by MR PATTERSON QC

13 MR PATTERSON: May it please the court. Witness L, I ask

14 questions on behalf of the families of the four people

15 killed on Westminster Bridge by Masood in his terrorist

16 attack. Can I say at the outset that in exploring these

17 issues, the families recognise the work of the Security

18 Service and the difficult task that the Security Service

19 faces, but the spirit in which we ask these questions is

20 with a view to squeezing out every last drop of learning

21 so that the service can improve procedures where

22 necessary, words I think which were used by the Director

23 General himself and are quoted in your statement,

24 I think.

25 A. Thank you, and can I just take the opportunity on behalf

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1 both of myself and my service to offer our profound
 2 sympathies to the families of those who were killed in
 3 Khalid Masood's attack, those injured in the attack, and
 4 anyone else who was affected by it. Everyone in my
 5 service comes to work every day to stop attacks like
 6 that.
 7 Q. Can I begin with the fertiliser plot, please. This was
 8 a major investigation involving both MI5 and the police,
 9 wasn't it?
 10 A. Yes, it was.
 11 Q. And the scale of the likely targets was terrifying,
 12 wasn't it?
 13 A. Yes, it was.
 14 Q. This was an incredibly serious plot; would you agree?
 15 A. Yes. At the time it felt like one of the most serious
 16 things we had ever done. Sadly, it feels less like that
 17 today.
 18 Q. There were significant efforts made by the offenders at
 19 bomb-making?
 20 A. Correct.
 21 Q. Some of them had travelled to Pakistan for terrorist
 22 training?
 23 A. That's our belief.
 24 Q. It later emerged that they had been meeting around that
 25 time with Mohammad Sidique Khan, the leader of the 7/7

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1 bombings?
 2 A. That's correct, though we do not believe that Mohammed
 3 Sidique Khan had any knowledge of the Crevice plot.
 4 Q. And it also later emerged that they had met, some of
 5 them had met with Shehzad Tanweer, a second one of the
 6 four 7/7 bombers?
 7 A. That's also correct, and again, we do not believe that
 8 Tanweer had any knowledge of the Crevice plot.
 9 Q. We know from what happened in the trial of the
 10 fertiliser plotters that there was covert surveillance
 11 in place in houses and in at least one car.
 12 A. That's correct.
 13 Q. We know from the evidence at the trial that they were
 14 linked to Crawley, and in particular, to the Langley
 15 Green mosque?
 16 A. I'm not sure about the Langley Green mosque bit, but
 17 yes, certainly they were linked to Crawley.
 18 Q. And from press reporting at the time, and I can put it
 19 on the screen if you would like a reminder, we know that
 20 there was a regular meeting or a Sunday school, that one
 21 of the defendants, Akbar, was running at the time at the
 22 Langley Green mosque?
 23 A. I'm not familiar with that but I have no reason to think
 24 it's not true.
 25 Q. Which one of the Crevice defendants held Khalid Masood's

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1 number in his phone?
 2 A. Waheed Mahmood.
 3 Q. Can we see on the screen, please, {DC8030/1}. This is
 4 a report, a press report of the evidence that was given
 5 in the trial at this court back in 2007; do you see it?
 6 A. Yes, I do.
 7 Q. And in terms of Mahmood, the person who later was found
 8 to hold the Westminster attacker's phone number, if we
 9 go to {DC8030/2}, please, he was the gang's spiritual
 10 mentor; do you see that?
 11 A. Yes, I do.
 12 Q. And this press report by The Telegraph, summarising
 13 evidence at the trial, was that the gang would often
 14 meet at the Crawley home of Mahmood; do you see that?
 15 A. Yes.
 16 Q. If we go to {DC8030/3}, please. Akbar, one of the other
 17 defendants, was at the same school in Crawley as Omar
 18 Khyam who was the ringleader, would you say?
 19 A. Omar Khyam was the ringleader, yes.
 20 Q. And a little further down we see that Akbar set up the
 21 Sunday school that we talked about at Langley Green
 22 mosque with Mahmood, so Mahmood, the spiritual mentor;
 23 yes?
 24 A. Yes, I can see that.
 25 Q. And yet at the time there was no investigation of: well,

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1 who is this person who is in telephone contact with
 2 Mahmood; is that right?
 3 A. So there were very large numbers of individuals in
 4 contact with Mahmood.
 5 Q. Were there hundreds or thousands of people that he was
 6 in telephone contact with? Help us, give us an idea of
 7 the scale?
 8 A. So at least the low hundreds.
 9 Q. But given the gravity of this plot, the perhaps
 10 unprecedented scale of what they were targeting, did the
 11 desk officers not go through the various contacts and
 12 investigate them?
 13 A. They went through and prioritised those contacts and
 14 investigated those of the most significance, yes.
 15 Q. And the Crevice attackers were linked to ALM, weren't
 16 they?
 17 A. Loosely, yes.
 18 Q. One of them, Garcia, was from Ilford where Anjem
 19 Choudary was based, Anjem Choudary coming to the end of
 20 a sentence of imprisonment now, involved as one of the
 21 leading figures in ALM, would you agree?
 22 A. So Anjem Choudary, certainly one of the leading figures
 23 in ALM; I don't know whether he was based in Ilford in
 24 2004.
 25 Q. But certainly for quite some time Choudary was based in

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1 Ilford ; would you agree?
 2 A. I am afraid I simply don't know.
 3 Q. How many times was there telephone contact between
 4 Mahmood and Khalid Masood?
 5 A. So it was in a contacts list rather than recorded
 6 contact between them. It is possible it would be no
 7 actual contacts at all.
 8 Q. What did the telephone data show?
 9 A. We have no telephone data on that.
 10 Q. Have there been efforts made to get the telephone data?
 11 A. Not at the time.
 12 Q. Since then has it been possible to get it?
 13 A. It would be, I imagine, extraordinarily difficult to do
 14 that now for calls in 2004.
 15 Q. Has the service tried?
 16 A. No.
 17 Q. So for all we know, there were calls after call between
 18 Khalid Masood and this key defendant in the fertiliser
 19 plot?
 20 A. So that would be extraordinarily unlikely because, of
 21 course, our coverage of Waheed Mahmood was very strong
 22 throughout the Crevice investigation, and had
 23 Khalid Masood come up then, we would have some greater
 24 evidence of it.
 25 Q. But you haven't analysed the data?

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1 A. We haven't analysed the data specifically around that
 2 particular contacts list, no.
 3 Q. Or whether there were text messages, perhaps at key
 4 times during the currency of the plotting when they were
 5 going to the lock-up in Hanwell, or when they were
 6 buying the fertiliser from different places in Sussex?
 7 A. That's a question which I would need some advice from
 8 counsel before I could answer.
 9 Q. Well, obviously you're represented, Witness L, and if at
 10 any stage you need to speak with your counsel, there
 11 will be no objection certainly from me. Perhaps if
 12 I could press on --
 13 MS LEEK: Sorry, I don't know if it assists. If you
 14 consider that that is really a relevant issue for this
 15 court then we could rise to discuss the legalities of
 16 Witness L giving that answer. Perhaps you might think
 17 that it's not of particular relevance.
 18 THE CHIEF CORONER: It seems to me, Mr Patterson, I think
 19 you've explored the area as far as you can for the
 20 moment. What I was going to suggest is that you move on
 21 and we'll come back to it if we need to.
 22 MR PATTERSON: Certainly. Have investigations revealed
 23 whether there were any other links between Khalid Masood
 24 and Mahmood or any of the other plotters?
 25 A. No, investigations have not revealed that and we do not

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1 believe there were any.
 2 Q. So, for example, we know that Khalid Masood was
 3 attending regularly at the Langley Green mosque. Do you
 4 know if there was contact between him and the plotters
 5 there?
 6 A. So I understand the police have identified his
 7 attendance at the Langley Green mosque after his attack.
 8 I have no intelligence suggesting he was going to the
 9 Langley Green mosque before the attack.
 10 Q. Were there any written procedures in place at the time
 11 for deciding whether to investigate telephone contacts
 12 or not?
 13 A. Not that I can think of, no.
 14 Q. Today are there any written procedures in place that
 15 assist desk officers with whether to investigate
 16 a telephone contact or not?
 17 A. So guidance would be much broader than around a specific
 18 type of contact, but there is guidance around what sort
 19 of things should be investigated.
 20 Q. Have you spoken to the desk officer who didn't pursue
 21 that telephone contact?
 22 A. No, I have not.
 23 Q. Was it the same desk officer who didn't pursue Mohammad
 24 Sidique Khan in relation to 7/7?
 25 A. So I would not accept that Mohammad Sidique Khan was not

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1 pursued in relation to 7/7. I think that was
 2 proportionate. There were a number of desks involved in
 3 the Crevice investigation.
 4 Q. Is there an overlap? Is it one or a number of officers
 5 who featured in relation to the decision-making in
 6 relation to both --
 7 A. I'm sorry, could you repeat that question? I missed it.
 8 Q. Yes, is there an overlap: the desk officer or officers
 9 who didn't pursue Khalid Masood and the desk officers
 10 involved in the decision-making in relation to Mohammad
 11 Sidique Khan?
 12 A. Sir, I would need to go back and specifically check
 13 that.
 14 Q. Obviously the activity in the plot was in 2003 and 2004.
 15 That's right, isn't it?
 16 A. Yes, there's significant activity in 2004.
 17 Q. And the arrests were in the spring of 2004?
 18 A. That's correct.
 19 Q. In July 2005, we had the shocking events of 7/7.
 20 A. That's correct.
 21 Q. And the period that followed that, MI5 went back, didn't
 22 they, and revisited contacts of the fertiliser plotters,
 23 didn't they?
 24 A. Yes, we did.
 25 Q. Operation Scraw, and a number of other operations

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1 looking, again, at peripherals, or those linked with the
 2 fertiliser plotters?
 3 A. That's correct.
 4 Q. And at that stage, in late 2005, 2006, 2007, did you go
 5 back and consider the number that was being used by
 6 Masood?
 7 A. So Scraw in fact began in 2004, immediately at the
 8 end -- at the successful arrests from Crevice. Scraw
 9 and other investigations extended from then throughout
 10 that period and, as you correctly say, retrospectively
 11 after 7/7. At no point did the particular number used
 12 by Khalid Masood come up in any significant way.
 13 Q. And in the years following the trial, which came to
 14 an end, as we've just seen, in 2007, there was some
 15 criticism of the service, wasn't there, because the
 16 first ISC report had to be supplemented by a second ISC
 17 report, which corrected and expanded upon what was said
 18 in the first report; do you agree?
 19 A. Yes, I do, though my understanding, and I would be keen
 20 for you to get the ISC's view on this, is the real need
 21 for two reports was because of the legal complexities
 22 around the trial of the Crevice bombers, and not being
 23 able to say a number of things which clearly could only
 24 be said after the Crevice trial was complete.
 25 Q. But despite all that attention and possible criticism in

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1 the press about how Mohammad Sidique Khan had been
 2 missed, still, no analysis of that contact that we now
 3 know was the Westminster attacker; yes?
 4 A. No. And that reflects, again, the fact that that was
 5 one of a very large number of contacts.
 6 Q. When the number was identified as being Khalid Masood,
 7 that was in 2010, wasn't it?
 8 A. Yes, that's right.
 9 Q. How was he identified? Was he the registered user of
 10 the number?
 11 A. He was not the registered user of that number, no.
 12 Q. Was it difficult to identify him as being the user of
 13 the number?
 14 A. It would have been very difficult in 2004; by 2010,
 15 cross-reference to other information made it relatively
 16 easy.
 17 Q. So it wasn't something that required huge volumes of
 18 resources or staffing; it was something that was
 19 unearthed quite quickly, was it?
 20 A. It would have been very difficult in 2004, not because
 21 of resourcing issues, but simply because it would have
 22 been a very difficult thing to do, given what we knew
 23 about the number.
 24 Q. But what about 2006, 2007, 2008, when you were
 25 revisiting all the other contacts of the fertiliser

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1 plotters?
 2 A. So I think by 2005 it would have been feasible to fully
 3 identify Khalid Masood.
 4 Q. We looked earlier today, Witness L, at the chart in
 5 annex 5 of David Anderson's report, and how you
 6 prioritise through the use of tiering. The tiering
 7 system indicates, we have T1, T2 and T3 subjects of
 8 interest; yes?
 9 A. Yes.
 10 Q. If that had been the approach, surely he should have
 11 been investigated, the user of that phone number should
 12 have been investigated? A contact of clearly a T1 SOI?
 13 A. So some contacts of subjects of interest will not
 14 automatically become Tier 3s themselves because many of
 15 those contacts may be entirely innocent.
 16 Q. Well, the chart we looked at says, does it not, that
 17 a T3 SOI will be somebody who is a contact of either
 18 a T1 or a T2?
 19 A. Yes, that's correct, but it's not automatic that if you
 20 are a contact of a Tier 1 or a Tier 2 you will
 21 automatically become a Tier 3.
 22 Q. Right. So I don't think it says that anywhere on the
 23 chart that we looked at, does it? That this isn't
 24 automatic and that there's an additional degree of
 25 discretion?

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1 A. No, but that is the case.
 2 Q. Ah, right. You see the whole point of David Anderson's
 3 document was to provide reassurance to the public,
 4 wasn't it?
 5 A. I think it was designed to provide reassurance to the
 6 public but also so that we had been independently
 7 assessed and that the Home Secretary in particular could
 8 be satisfied that we'd done the right things.
 9 Q. But, in fact, if we look at that chart it should say
 10 that contacts of main targets, for example, won't
 11 necessarily be investigated?
 12 A. Yes, it certainly could say that.
 13 Q. Right. Do you think it's unhelpful that it didn't say
 14 that?
 15 A. Sir, I think you're really asking a question about
 16 levels of information for the public. I don't think
 17 it's particularly unhelpful, and I hope I've just
 18 clarified it in any case.
 19 Q. Right. So is your evidence that whatever approach
 20 should have been adopted, the phone contact of a major
 21 terrorist like the fertiliser plotter should not have
 22 been investigated; is that your position?
 23 A. So it would certainly be true that we would not expect
 24 to investigate every phone contact of every major
 25 subject of interest.

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1 Q. Hopefully today such a contact of a major terrorist
2 would be investigated; would you agree?
3 A. No, I think once again the same would apply: we would
4 not investigate every contact of every subject of
5 interest.
6 Q. So if it was suggested that this was a clearly missed
7 opportunity; would you accept that?
8 A. No, I would not.
9 Q. Moving on, please. Following that, between 2004 and
10 2009, there were various activities under investigation
11 in relation to which there were some links with Masood;
12 is that correct?
13 A. Yes, that's correct.
14 Q. And can I understand it, it was a long-standing
15 associate of Masood who was featuring in your
16 investigations; is that right?
17 A. That's correct, yes.
18 Q. So the associate was being investigated; yes?
19 A. Yes, he was a subject of interest.
20 Q. Was he being investigated in more than one
21 investigation?
22 A. Not at any one time. Investigation names change and
23 move across, but he was being investigated for the same
24 sorts of things throughout this period.
25 Q. I'm not sure I follow. So for how many years is the

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1 associate under investigation?
2 A. Throughout this period.
3 Q. What, from 2004 for a five-year period until 2009?
4 A. Yes, that's correct.
5 Q. And the suspected activity changes but it's all
6 terrorist suspicions; is that right?
7 A. Correct. This is all terrorist suspicions of different
8 types.
9 Q. And throughout that time, Masood's details, and we'll
10 analyse the selectors or details in a moment, but
11 throughout that time Masood's details are appearing
12 repeatedly; is that right?
13 A. So a number of occasions over that relatively long
14 period, yes.
15 Q. How many?
16 A. I'm not sure I can answer that question in open.
17 Q. Well, is it one or two?
18 A. Sir, I'm not sure I can answer that question in open.
19 Q. Is it dozens of times?
20 A. Sir, I'm not sure I can answer that question in open.
21 MS LEEK: Sir, I think, with respect, he has answered the
22 question.
23 MR PATTERSON: Is that because you don't have the detail at
24 your fingertips or because there is a security issue?
25 A. I'm not sure I can even answer that question in open.

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1 Q. And the various selectors, do they include --
2 "selectors" I think, is the word that you use; yes?
3 A. Yes, correct.
4 Q. Do they include his address?
5 A. Yes. One of his addresses.
6 Q. So an address for Masood featured. Was that a Crawley
7 address?
8 A. That was the Crawley address -- that was a Crawley
9 address, yes.
10 Q. His telephone number?
11 A. More than one telephone number.
12 Q. Did his telephone number -- did a given or specific
13 number appear more than once?
14 A. Yes.
15 Q. Did the number from back in 2004 in the handset of the
16 fertiliser attacker, Mahmood, did that number appear
17 again during this five-year period?
18 A. Yes, it did.
19 Q. Email addresses. Did Masood's email address feature?
20 A. Yes.
21 Q. One email address or more than one?
22 A. More than one.
23 Q. Did any of them have his name on the face of the
24 address?
25 A. Not his full name.

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1 Q. But a feature of his name, like the word "Masood" or the
2 word "Khalid"?
3 A. Yes.
4 Q. And so all of this is at the time, you're telling us
5 that after the spotlight is put on Crevice because of
6 the ISC issues and the 7/7 issues, at the time that the
7 service is revisiting the contacts of the fertiliser
8 plotters, and still no investigation into Masood?
9 A. Sir, I wouldn't agree that the spotlight was put on
10 Crevice because of ISC or 7/7 issues. The spotlight was
11 on Crevice because of its significance and therefore the
12 importance of us seeking to identify those who might
13 have been associated with Crevice.
14 Q. Yes, well I can take you to press reports, but as soon
15 as the Crevice trial ended, one of the big headlines was
16 the 7/7 bombers, Mohammad Sidique Khan and Shehzad
17 Tanweer, had been on the radar of the security service.
18 That was one of the big headlines, wasn't it?
19 A. Yes, that's correct.
20 Q. Right. And the ISC was ordered by Prime Minister Blair
21 to go back and do a second report, wasn't it?
22 A. That's correct.
23 Q. So the spotlight was on the service, wasn't it?
24 A. The spotlight was indeed on the service but from 2004
25 onwards we were investigating contacts of the Crevice

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1 plotters .
 2 Q. And now we've got details that more or less take you to
 3 the man: we've got his address, we've got his name, or
 4 part of his name?
 5 A. Yes, I agree.
 6 Q. We've got the link with Mahmood's handset from 2003, or
 7 2004; yes?
 8 A. No, I don't think I can be sure of that.
 9 Q. But you think that that number might have been one of
 10 the numbers that featured; is that right?
 11 A. So I think there's a difference here between his number
 12 and the handset.
 13 Q. Go on; would you just explain?
 14 A. So I don't want to get too technical on this but
 15 numbers, as many people know, can be ported between
 16 different phones. I'm not really sure where we were on
 17 smartphones in 2004, but today there is a big difference
 18 between having a person's number and having a person's
 19 handset.
 20 Q. And throughout all of this five-year period, from 2004
 21 to 2009, Masood is repeatedly in contact with this
 22 person being investigated?
 23 A. He is in contact with him a number of times over that
 24 period, yes.
 25 Q. Who was that person who for five years was being

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1 investigated for various terrorist activities ?
 2 A. I am afraid I can't answer that question in open.
 3 Q. The wife of Masood gave evidence last week, and she told
 4 the police that she was with him from 2006 onwards, so
 5 during this period we are focusing on; yes?
 6 A. That's my understanding, yes.
 7 Q. And she told us that Masood told her that before they
 8 met, when he first became a Muslim, which would have
 9 been, therefore, around about 2003 or 2004, that he met
 10 a man from Crawley at a mosque who later acted as
 11 a suicide bomber and who was mentioned in a television
 12 news report. You're aware of what the police
 13 investigations into Masood since the attack have
 14 unearthed; yes?
 15 A. I am broadly familiar with them, yes.
 16 Q. And so are you aware of that, that was learnt from the
 17 wife of Masood?
 18 A. No.
 19 Q. Is that something that has been looked into by your
 20 service?
 21 A. That is not a subject which has come up in the course of
 22 the review of the Khalid Masood material.
 23 Q. Because that's believed to be a person called Majid,
 24 Abdul Waheed Majid from Crawley, who had links to ALM
 25 and who died in a suicide attack overseas. Is that

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1 a name that you're familiar with?
 2 A. No, it is not.
 3 Q. Is that somebody who was under investigation by your
 4 service at the time?
 5 A. So given that that name is not familiar to me, I can't
 6 answer that question.
 7 Q. Might that have been another missed opportunity to
 8 investigate Masood when he was associating with that
 9 suspect?
 10 A. So it would seem to me to be unlikely to be so because
 11 the only circumstances in which that could have been
 12 significant to us was if we had known it at the time,
 13 and I am satisfied we did not know that at the time.
 14 Q. Jameel Hammad told the police, and we have had evidence
 15 of this from DCI Brown, that after prison where he had
 16 met Masood, he would see Masood at the Langley Green
 17 mosque, and that Masood was introduced to a friend
 18 called Khany or Khany by the name of Mohammed Khan
 19 Naigul; is that a name that you are familiar with?
 20 A. Sir, I can't really go through all the names of
 21 individuals because to do so may identify material that
 22 is not known to the individual about our interest in
 23 them.
 24 Q. And Masood's wife gave evidence last week that this
 25 person, Khany or Khany, had a phone shop that was

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1 raided by the police in a terrorist investigation, and
 2 DCI Brown confirmed that this person, Khany or Khany
 3 was, indeed, arrested in a terrorist investigation. So
 4 we know that this person was under investigation. Was
 5 that an investigation conducted just by counter
 6 terrorist officers or was your service involved in that
 7 as well?
 8 A. Sir, I don't have the details of that investigation.
 9 Q. Have you been made aware of what Jameel Hammad told the
 10 police when they looked into Masood's background?
 11 A. Sir, I saw it in the reporting of DCI Brown's statement.
 12 Q. Have you been made aware of what the wife said to the
 13 Coroner last week in her evidence about Masood's
 14 background?
 15 A. Which particular bit?
 16 Q. That there was a person who had a phone shop who was the
 17 subject of a terrorist investigation?
 18 A. Sir, I had seen that in a statement last week.
 19 Q. Yes. And this is a name that has featured again and
 20 again and again as being somebody that Masood was
 21 regularly associating with. Is that somebody who was on
 22 your service's radar?
 23 A. Sir, I am afraid I can't confirm that in open.
 24 Q. Was that a failed opportunity to identify Masood,
 25 a person regularly associating with somebody being

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1 investigated?
 2 A. Sir, our investigation of Masood has not suggested that
 3 to be so.
 4 Q. Because if he is a contact of a main target, applying
 5 the tiering system, Masood should have been
 6 investigated, shouldn't he?
 7 A. Sir, once again, no. Being a contact of a main target
 8 does not automatically make you a Tier 3 of itself.
 9 Q. Yes, but it might?
 10 A. It might do, yes.
 11 Q. Right. And if he is associating again and again and
 12 again with this man Khany or Khany, isn't that exactly
 13 the sort of person, a contact of a main target who your
 14 service should be investigating?
 15 A. So certainly it would be something we could do. That
 16 doesn't necessarily mean it would meet the threshold to
 17 do so.
 18 Q. But it wasn't done?
 19 A. I'm sorry, you will have to be specific on what wasn't
 20 done?
 21 Q. Well, all of these occasions when the address, the email
 22 address, the telephone number, all of these occasions
 23 when they popped up in relation to this long-standing
 24 associate, that contact was never explored, never
 25 investigated?

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1 A. Yes, that's correct. Between the period between 2004
 2 and 2009, the aggregate of information that we had on
 3 Khalid Masood was not enough for us to open
 4 an investigation into him.
 5 Q. Or was the long-standing associate Mehtab Hafiz, another
 6 name that features in the background evidence about
 7 Masood?
 8 A. I'm sorry, what's the question?
 9 Q. Is that who the long-standing associate was,
 10 Mehtab Hafiz?
 11 A. Sir, I am afraid I can't confirm who the long-standing
 12 associate was.
 13 Q. Can you help us to this extent: was the associate
 14 somebody who had previous convictions?
 15 A. Yes, they were.
 16 Q. Had they shared a prison cell with Masood?
 17 MS LEEK: Sir, with respect, the witness has said he can't
 18 confirm or deny in open court the identity of the
 19 individual. The matter really must rest there.
 20 MR PATTERSON: Well, can you help, Witness L, with this: was
 21 it somebody who was associating at the Langley Green
 22 mosque?
 23 A. I am afraid I can't say any more on that in open.
 24 Q. Or who was linked to ALM?
 25 A. I am afraid I can't say any more on that in open.

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1 THE CHIEF CORONER: I think, Mr Patterson, to some extent
 2 you're going to have to abide by my injunction now not
 3 to press when Witness L is very clearly giving you
 4 an answer not to proceed, as it were, to try and get him
 5 to give other detail.
 6 MR PATTERSON: If the decision had been made to try to
 7 identify the person using the selectors, that could have
 8 been done, couldn't it?
 9 A. Yes, it could.
 10 Q. With a home address and an email address and phone
 11 numbers, you had plenty of material available to find
 12 out who the person was without lots of resources being
 13 required; do you agree?
 14 A. Yes, I do.
 15 Q. Looking back now, do you not agree that clearly that
 16 contact cried out for investigation?
 17 A. No, I do not.
 18 Q. Police records indicate that in February 2008, Masood
 19 was in contact with a Crawley-based male who had been
 20 arrested twice for terrorism offences. Were you aware
 21 of that?
 22 A. So I don't believe we were aware of the police records
 23 at the time, no.
 24 Q. But you're aware of it now?
 25 A. Yes.

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1 Q. Can you help with that contact, that Crawley-based male,
 2 with who that was?
 3 A. Sir, I can say without identifying that individual that
 4 that individual is the long-standing associate referred
 5 to in my statement.
 6 Q. Right. So is that a further occasion when Masood was
 7 meeting here in suspicious circumstances with that
 8 person?
 9 A. What do you mean "meeting in suspicious circumstances"?
 10 Q. Well, somebody who has been arrested twice for terrorism
 11 offences, Masood, to the police's knowledge, was
 12 contacting him; yes?
 13 A. So as far as we can see the police have, in actual fact,
 14 gone back and looked at their PNC record after we
 15 provided evidence of Masood's selectors after his
 16 attack.
 17 Q. But the police knew that at the time in February 2008,
 18 the police knew that there was this contact by Masood
 19 with this person who had been arrested twice for
 20 terrorism?
 21 A. I do not think that is clear that the police knew that.
 22 Q. When is it your understanding that the police became
 23 aware of that February 2008 contact?
 24 A. So I think, my understanding is not that the police
 25 records say that there was contact in February 2008.

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1 I thought it was that they were saying that this related
 2 to their record from February 2008. As I touched on
 3 earlier, I think our judgment is that the police PNC
 4 record did not include any details of that contact in
 5 2008. It in actual fact is retrospective work done by
 6 the police after we provided them with selectors after
 7 the attack.
 8 Q. Right, so that wasn't identified until after 2017's
 9 attack?
 10 A. That is my belief but it is, of course, a police record.
 11 Q. If that had been something that the police had known at
 12 the time, you would have expected that to have been
 13 shared with you, would you?
 14 A. Yes, I would have done.
 15 Q. Can you help us with what kind of contact took place on
 16 that occasion, or where it took place, or the nature of
 17 it?
 18 A. No, I can't, because I am not at all clear what
 19 the February 2008 contact is.
 20 Q. Or whether there were anti-surveillance techniques that
 21 were being used by the men?
 22 A. No, I can't, because I'm not at all clear what
 23 the February 2008 contact was.
 24 Q. And are you aware of the evidence given to the Coroner
 25 last week by the wife of Masood that there was

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1 an occasion when her husband went to Chadwell Heath,
 2 deliberately leaving his mobile phone behind, in order
 3 to meet with a friend of this person, Khani?
 4 A. I have seen that evidence. I think I had missed the
 5 point that it was a friend of the person, Khani.
 6 Q. And DCI Brown confirmed that two classic
 7 anti-surveillance techniques were being used during that
 8 meeting; would you agree?
 9 A. No, I would not, because my understanding is that
 10 DCI Brown doesn't have any contemporaneous records of
 11 that meeting, but the description given by
 12 Khalid Masood's wife is consistent with what
 13 anti-surveillance sounds like.
 14 Q. Yes: going to a wide open place, typically a park, so
 15 that you are away from listening devices, is a feature
 16 that we often find in terrorist activity, isn't it?
 17 A. Yes, that's correct.
 18 Q. Leaving phones behind is a feature that we often find in
 19 terrorist activity, isn't it?
 20 A. That's correct.
 21 Q. So if it's being accurately described by the wife,
 22 Masood was engaging in that sort of behaviour, wasn't
 23 he?
 24 A. I don't know, because I don't know on what basis
 25 Khalid Masood's wife said those things, but they are

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1 descriptions of anti-surveillance behaviour.
 2 Q. And has that meeting been investigated by the service?
 3 A. Sir, I do not believe there is enough information to
 4 investigate that meeting.
 5 Q. Or who that friend of Khani's would be; can you help us
 6 with that?
 7 A. No, I am afraid I can't say any more about that in open.
 8 THE CHIEF CORONER: Mr Patterson, would that be a convenient
 9 point?
 10 MR PATTERSON: My Lord, yes.
 11 THE CHIEF CORONER: Just to help me, Mr Patterson, in terms
 12 of timing, because I know that there was talk of having
 13 another witness on standby. It's really just to how
 14 long --
 15 MR PATTERSON: I don't think we'll be able to begin another
 16 witness today, would be my best estimate.
 17 THE CHIEF CORONER: Thank you.
 18 MR PATTERSON: I know my learned friend has some questions
 19 as well.
 20 THE CHIEF CORONER: Yes, and how long do you think you have
 21 left, Mr Patterson?
 22 MR PATTERSON: I would think something like 3.30, 3.45,
 23 something like that.
 24 THE CHIEF CORONER: Yes. We will sit again at 2 o'clock.
 25 MS LEEK: Sir, before we rise, can I just indicate that

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1 there's no objection to press reporting of what's been
 2 said since the last break.
 3 THE CHIEF CORONER: That's very helpful. Thank you.
 4 (1.00 pm)
 5 (The Luncheon Adjournment)
 6 (2.00 pm)
 7 (Proceedings delayed)
 8 (2.10 pm)
 9 MR HOUGH: Sir, just before Mr Patterson continues it's been
 10 agreed I deal with a couple of matters with the witness.
 11 THE CHIEF CORONER: Certainly.
 12 Further examination by MR HOUGH QC
 13 MR HOUGH: Witness L, once again I'm asking a couple of
 14 additional questions on behalf of the Coroner; do you
 15 understand?
 16 A. I do.
 17 Q. You were asked some questions before lunch in which you
 18 said you couldn't confirm or deny in open whether
 19 certain persons were under your investigation at certain
 20 times; do you recall those answers?
 21 A. I do.
 22 Q. In general, is it very often the case that you, as
 23 a representative of the service, would not be in
 24 a position to confirm or deny that a person is or has
 25 been the subject of interest?

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1 A. Yes, in open court proceedings.
 2 Q. Just putting it very simply, what's the reason for that,
 3 so that everyone can understand?
 4 A. The reason behind the neither confirm nor deny policy is
 5 in circumstances where we were regularly able to admit
 6 in all cases the individuals we knew about and the
 7 individuals we did not know about, that would allow our
 8 subjects of interest to make judgments as to whether
 9 they were, in fact, under investigation or not, and even
 10 for those who were under investigation, it might allow
 11 them to draw conclusions about where we had gained
 12 intelligence on them, which would be dangerous for the
 13 sources of the intelligence, or impact on our future
 14 investigations.
 15 Q. Thank you. I know Mr Patterson is well aware of that,
 16 but it's so that everyone in court understands it.
 17 Secondly, is it right to say that a lot of work went
 18 into identifying material which could be put into the
 19 public domain through David Anderson's report about what
 20 was known of each of the attackers covered by that
 21 report?
 22 A. Yes, a great deal of work went in for that purpose.
 23 Q. And, is this fair, a certain amount of negotiation
 24 between him and the service?
 25 A. Certainly from my perspective. You might want to take

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1 David Anderson's own view on that, but yes, from mine,
 2 a good deal of negotiation.
 3 Q. Is it right to say that there was then further material
 4 put into the public domain through the means of your
 5 witness statement, which involved yet further work and
 6 discussions?
 7 A. That's correct.
 8 Q. And is it right to say that further consideration has
 9 been given following advance notice of questions in this
 10 Inquest, further work has been done to identify what
 11 more you can say?
 12 A. That's correct.
 13 Q. So when you do give us answers, it's against that
 14 background of work being done in order to ensure that
 15 you can be as transparent as possible?
 16 A. Yes, that is so.
 17 MR HOUGH: Thank you very much.
 18 THE CHIEF CORONER: Thank you, Mr Hough.
 19 Mr Patterson.
 20 Examination by MR PATTERSON QC (Continued)
 21 MR PATTERSON: And, Witness L, can I state what I hope has
 22 been obvious throughout that if at any stage you feel it
 23 wouldn't be appropriate to answer, then obviously please
 24 do say so, because the families I represent would not
 25 want anything to be done that would jeopardise safety or

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1 the work of your service.
 2 A. Thank you. I understand.
 3 Q. I want to ask you about the Luton TA base plot. Can we
 4 see, please, on the screen {DC8050/1}, I think this is
 5 a plot that your service investigated?
 6 A. That's correct.
 7 Q. And it came to trial?
 8 A. That's correct.
 9 Q. And resulted in convictions?
 10 A. That's correct.
 11 Q. And if we go to page 2, please {DC8050/2}, this is
 12 a press report summarising evidence in the case. We can
 13 see on page 2 that the preparations in question, the
 14 terrorist activity, was between January 2011
 15 and April 2012; do you see that?
 16 A. Yes, I do.
 17 Q. I think we're on the wrong page. Page 2, I wanted.
 18 THE CHIEF CORONER: I think that is page 2.
 19 MR PATTERSON: Right, I have a different copy.
 20 THE CHIEF CORONER: It may be back on page 1.
 21 MR PATTERSON: Yes, bottom of the page; do you see that,
 22 Witness L? {DC8050/1}.
 23 A. Yes, I do.
 24 Q. So a joint operation again between the counter terrorism
 25 officers of the police and MI5?

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1 A. That's correct.
 2 Q. And one of the offenders, one of the plotters, was
 3 acting as a facilitator for people who wanted to travel
 4 for extremist purposes; yes?
 5 A. That's my understanding.
 6 Q. And one of them, a defendant, Ahmed, was helped to
 7 travel to Pakistan for military training?
 8 A. That's my understanding. I'm not an expert on this
 9 plot.
 10 Q. Were any of these the individuals that you were telling
 11 us about who were investigated in 2009 when there were
 12 references to a person with the name Khalid Masood?
 13 A. So I can neither confirm nor deny that to be so.
 14 Q. Now, in February 2010, investigations did open into
 15 Khalid Masood?
 16 A. That's correct.
 17 Q. And the holding code indicated that he posed a threat to
 18 national security?
 19 A. Yes, that's right.
 20 Q. At some stage did you learn that he had been associating
 21 with some or all of these individuals involved in the TA
 22 base plot?
 23 A. I can neither confirm nor deny his involvement with
 24 these individuals.
 25 Q. {DC8029/1}, please. After the Westminster attack, The

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1 Telegraph reported that there was a link between the
 2 London terrorist, as he was described in this report,
 3 and the Luton TA base plot; you can see that?
 4 A. I can see The Telegraph article, yes.
 5 Q. And over on to the next page, please {DC8029/2}, the
 6 point was made that Masood had been associating with
 7 some of these individuals. I think you're aware of that
 8 reporting, those assertions in the media?
 9 A. Yes, I have seen those. Thank you.
 10 Q. Now, we know from this report that those plotters were
 11 believed to have trained together at a local gym in
 12 Luton.
 13 A. So I understand it from the reporting.
 14 Q. A gym with the name Gym 1?
 15 A. Yes, so I understand it from the reporting.
 16 Q. And that was the evidence in that case. Now, we know
 17 from DCI Brown that Masood was working at the time for
 18 a teaching organisation called ELAS, and we also know
 19 from DCI Brown that next door to the ELAS offices was
 20 a gym called Gym 1, and I think you will be aware of
 21 that from DCI Brown's report, which you have read?
 22 A. Yes, I've read DCI Brown's report.
 23 Q. And so at the time, was your service aware that Masood
 24 had associations with these individuals?
 25 A. I can neither confirm nor deny that.

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1 Q. Or that he lived close to them in Luton?
 2 A. I can neither confirm nor deny that.
 3 Q. So if we go to page 4, please, of this report {DC8029/4}
 4 we have a photograph, and the press were reporting that
 5 Ajao, so that's Masood, that he was a close neighbour of
 6 somebody called Abdulwahab who blew himself up in
 7 Stockholm after being radicalised in Luton, in the
 8 Bedfordshire town; are you able to help us with that,
 9 whether there were any associations between Masood and
 10 this extremist that you were aware of at the time?
 11 A. I can neither confirm nor deny any associations.
 12 Q. The press reported that he lived just yards from
 13 Abu Rahin Aziz, a jihadi who ended up being the subject
 14 of a drone strike, and who was killed in the ISIL
 15 stronghold of Raqqa in 2015. Was your service aware of
 16 any connection between Masood and Abu Rahin Aziz?
 17 A. Sir, I can neither confirm nor deny any such links.
 18 Q. You see, the families I represent, L, are anxious to
 19 know whether there were any missed opportunities to
 20 investigate Masood at times when he was mixing with or
 21 associating with others who may have been on the radar
 22 of your service. Can you help us?
 23 A. Yes, I understand that concern, and I would say that the
 24 extensive investigation that we have undertaken
 25 subsequent to the attack, where I've described as best

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1 I can in open in my witness statement the detail of
 2 that, continues to lead me to the conclusion that there
 3 were no such missed opportunities.
 4 Q. The head of Counter Terrorism Command between 2011 and
 5 2015 was Mr Richard Walton; is that correct?
 6 A. I'm not quite sure of the times that Richard was the
 7 head of SO15, but yes, I'm sure within those times.
 8 Q. And that includes the period of 2011 and 2012 when this
 9 joint operation, the Luton TA base plot, when that
 10 operation was continuing?
 11 A. Yes, it does.
 12 Q. And I think you've been invited to look at a broadcast
 13 in which Mr Walton on national television indicated, on
 14 BBC Newsnight, that Masood would have been cognisant of
 15 what was being planned or being talked about, and he was
 16 speaking about the TA base plot, wasn't he?
 17 A. That's my understanding.
 18 Q. So was that a missed opportunity to investigate Masood?
 19 A. So if that is Commander Walton's view, I do not know on
 20 what it is based.
 21 Q. He was in charge of the police Counter Terrorism Command
 22 at the time of the police investigation; yes?
 23 A. He was, indeed.
 24 Q. He would be best placed to describe accurately whether
 25 Masood would have been cognisant of what was being

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1 planned; would you agree?
 2 A. So if Commander Walton has information around that
 3 particular plot, I'm not aware that he has shared it
 4 with his current police colleagues, and I am certain he
 5 has not shared it with us.
 6 Q. You've been given notice of these questions, haven't
 7 you?
 8 A. Yes.
 9 Q. Have you asked Mr Walton what evidence he was referring
 10 to that led him --
 11 A. No, I would have thought that was a matter for the
 12 police rather than MI5.
 13 Q. -- that led him to state on national television that
 14 Masood would have been cognisant of what was being
 15 planned?
 16 A. I would suggest that asking Commander Walton is a matter
 17 for the police rather than for MI5. Commander Walton
 18 understands how investigations of this type go, and I am
 19 surprised, if it is the case that he has not shared any
 20 information with SO15 that he has not come forward
 21 himself and shared that relevant information with SO15.
 22 Q. Now, you've told us that when the decision was made to
 23 commence an investigation, an important strand of
 24 intelligence was that Masood might be facilitating
 25 travel?

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1 A. That's correct, yes.
 2 Q. But it sounds from your earlier answers as though in
 3 addition there was positive intelligence indicating that
 4 he was believed to be an extremist?
 5 A. As I say, the intelligence which led us to conclude that
 6 he might be facilitating travel was the intelligence
 7 that said he was in Saudi Arabia and an extremist.
 8 Q. Yes. But just because somebody is a suspected extremist
 9 doesn't mean that they might be involved in a particular
 10 plot to facilitate travel to the FATA areas of Pakistan,
 11 does it?
 12 A. No, that's quite right.
 13 Q. So it sounds as though there were two distinct pieces of
 14 intelligence: one facilitating that specific travel, and
 15 two, that he was an extremist; is that correct?
 16 A. No. The intelligence suggesting that there was
 17 a facilitator gave no indication as to the name of that
 18 individual; merely that there was such a facilitator.
 19 The specific intelligence on him clearly gave a name and
 20 said that he was in Saudi and that he was an extremist.
 21 Q. But you see the point I'm driving at: just because he,
 22 after investigation, is believed not to have
 23 facilitated, doesn't mean that he's not an extremist?
 24 A. No, absolutely. I agree.
 25 Q. Yes. So although your investigations over several

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1 months led you to believe that he hadn't facilitated on
 2 that occasion, he wasn't, for example, being shown to be
 3 somebody who didn't have any extremist ideology; is that
 4 correct?
 5 A. No, that's correct. So just specifically on the point
 6 of facilitation on that occasion, it is wider than that.
 7 So we were able to positively identify someone else as
 8 the facilitator who was of significance in this plot.
 9 Q. Yes. But forgetting about the facilitator identity, we
 10 know that Masood had been in Saudi Arabia on a number of
 11 occasions up to that point in his life; yes?
 12 A. So I think it's right to say we know that now; we did
 13 not know that at the time.
 14 Q. What, in the summer of 2010 when you were investigating
 15 him you didn't find that out?
 16 A. So as 2010 moves on we learned more, but not necessarily
 17 all of the detail we now have of his life and work in
 18 Saudi Arabia.
 19 Q. So by the time the decision was made in late 2010 to
 20 close him, you hadn't learned that, in fact, he had
 21 been, on more than one occasion, in Saudi Arabia; is
 22 that right?
 23 A. I'd have to check the details of exactly what we
 24 understood about his time in Saudi Arabia. We did
 25 understand that he had been in Saudi Arabia.

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1 Q. During those investigations over the months of 2010, you
 2 had a number of lawful techniques that were available to
 3 you; yes?
 4 A. That's correct.
 5 Q. And I appreciate you may not be able to go into what was
 6 used, but amongst the various tools you have, there are
 7 surveillance; yes?
 8 A. Yes.
 9 Q. Covert recording devices?
 10 A. Yes.
 11 Q. Telephone intercepts?
 12 A. Yes.
 13 Q. Intrusive searches of houses?
 14 A. Yes.
 15 Q. A wide range of tools; yes?
 16 A. Yes.
 17 Q. In that period, did you identify the Langley Green
 18 mosque link, by which I mean his attendance at the
 19 Langley Green mosque and the fact that that's where the
 20 fertiliser plotters, some of them, had been attending?
 21 A. We did not identify that Khalid Masood was going to the
 22 Langley Green mosque.
 23 Q. So when the decision was made to close him, do
 24 I understand this right, no written record was made at
 25 the time in December 2010?

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1 A. Sir, a written record was made in January 2011, but that
 2 written record does not provide any of the underpinning
 3 reasoning behind the decision to close him.
 4 Q. Yes, and obviously it's the reasons that are of most
 5 relevance, would you agree?
 6 A. No, that document reflected on quite a large number of
 7 subjects of investigation who were part of this
 8 particular operation, and therefore it was a useful
 9 summary document.
 10 Q. If I suggested it was remarkable that MI5 at the time,
 11 and from what I understand even today, don't make
 12 a written record when they decide to stop investigating
 13 somebody, and to give the reasons, would you accept
 14 that?
 15 A. I would not accept that that was remarkable, no.
 16 Q. So, for example, if information later comes to light
 17 about that person, there would be no record summarising
 18 what had been known and how they had been assessed,
 19 which might, for example, avoid lots of wasteful further
 20 investigations in the future?
 21 A. No, there would be a record of what had been known.
 22 Q. Or summarising what was known so that there was already
 23 a body of work and analysis that had been done that
 24 could then be used by later investigators and they could
 25 build upon that and factor that into their later

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1 investigations?
 2 A. So in many cases, although not very effectively in
 3 Masood's in 2010, but in many cases there is a summary
 4 of that type.
 5 Q. And as for that decision, I just want to ask you about
 6 the decision and whether that was the right decision or
 7 not, because by then he was known to be, as you've told
 8 us, or suspected to be, an extremist; yes?
 9 A. Yes.
 10 Q. And he'd been in telephone contact with one of the men
 11 convicted of the very serious fertiliser plot?
 12 A. Yes.
 13 Q. Mahmood?
 14 A. Yes.
 15 Q. That had been identified by this stage, 2010?
 16 A. That's correct.
 17 Q. He'd been living in Crawley, near some of the fertiliser
 18 plotters, you knew that by this stage; yes?
 19 A. No connection would have been made to the fact that he
 20 was living in Crawley near some other SOIs, no.
 21 Q. What, you investigated him through all those months and
 22 still hadn't identified that he lived in Crawley?
 23 A. No, we understood that he lived in Crawley but we
 24 wouldn't have made a link between him living in Crawley
 25 and other individuals living nearby in Crawley.

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1 Q. Even though you had identified the telephone link?
 2 A. Yes, we had identified the link and therefore the
 3 physical proximity of their addresses would not have
 4 been seen as very relevant.
 5 Q. That he had been linked over time through a
 6 long-standing associated who had been under
 7 investigation for five years?
 8 A. Linked to, yes.
 9 Q. Yes. So again and again, associating with that
 10 individual?
 11 A. Yes, that's right.
 12 Q. So that individual, somebody who had been suspected of
 13 terrorism; yes?
 14 A. Yes, that's correct.
 15 Q. As we know from DCI Brown's evidence, that he had
 16 a long-standing association with a person called Khany
 17 or Khany?
 18 A. Sir, that was not information that we had at the time?
 19 Q. You had tried to get hold of prison information but it
 20 seems that you didn't get hold of it?
 21 A. Either we did get hold of it and we cannot now find it,
 22 or we didn't get hold of it. I'm not clear which of
 23 those is true.
 24 Q. So you identified a need to get it, but didn't pursue
 25 that need; is that right?

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1 A. No, we took steps to get it. I'm not clear whether
 2 those steps were responded to or not.
 3 Q. If it was necessary to get that information, why did the
 4 officers go ahead and make the decision when they hadn't
 5 completed that investigation?
 6 A. Because in many circumstances, an investigation moves on
 7 and information which would still be useful is no longer
 8 as urgent as it seemed at another time.
 9 Q. If you had pursued what you had started out pursuing,
 10 that might have revealed radicalisation, mightn't it?
 11 A. That would seem unlikely given that we still have no
 12 evidence that he was radicalised in prison.
 13 Q. By this stage he was living in Luton and working for
 14 ELAS; had you identified that?
 15 A. No, we had not.
 16 Q. You had investigated him for several months but hadn't
 17 identified where he was living?
 18 A. We hadn't identified that he was working for ELAS.
 19 Q. Is there a reason why you didn't investigate where he
 20 was working?
 21 A. Because I suspect at the time this would not have been
 22 a significant enough line of inquiry to pursue.
 23 Q. The Sunday Times pursued it and, it seems quite quickly,
 24 found evidence that he was an important contact for the
 25 Call to Islam website on which radical material was

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1 being published; you're aware of that, no doubt, through
 2 the report of DCI Brown?
 3 A. And The Sunday Times report, yes.
 4 Q. Yes. So that sort of behaviour might have been
 5 identified if you had investigated his employment?
 6 A. Sir, I think I remain unclear as to both the provenance
 7 of that leaflet and the timing of it, so I can't say.
 8 Q. What, you're not suggesting that the Sunday Times
 9 planted a leaflet, are you?
 10 A. Of course I'm not suggesting that. I'm suggesting that
 11 as far as I'm aware, there is no clear timescale in
 12 which that leaflet was produced or distributed.
 13 Q. And by the time you made the decision in December 2010,
 14 his violent background had also been identified, hadn't
 15 it?
 16 A. That's correct, yes.
 17 Q. Now, I appreciate that the police have obtained some
 18 material by taking witness statements from people who
 19 knew him, after the attack, but having read the report
 20 of DCI Brown, you would have been aware, presumably, of
 21 the entirety of the records held at the time by the
 22 police?
 23 A. We had a copy of his PNC record only.
 24 Q. So we heard from DCI Brown that all the documents held
 25 by the police, nothing would have been held back from

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1 MI5, they wouldn't have denied you access to documents
2 about his violence?
3 A. No, indeed, but we had a record of his PNC record only.
4 Q. So all the other stuff we got from the Sussex Police,
5 none of that was provided to you?
6 A. Correct.
7 Q. Do you know why that was?
8 A. I imagine that the police did not think it necessary to
9 share with us and we didn't ask.
10 Q. Presumably you asked: give us everything you have on
11 Masood's background?
12 A. No, I suspect it was much more likely that we asked for
13 his criminal records traces, and they came to us in the
14 standard form, which would have been the PNC printout.
15 Q. Because if you had all that the police had, you would
16 have had a very powerful picture of repeated and
17 escalating serious violence, wouldn't you?
18 A. Up until a period of 2003, some seven years before he
19 was being investigated.
20 Q. Yes. But you would have had more information about his
21 background than in fact what you requested?
22 A. We would have had more information about his background,
23 yes.
24 Q. With hindsight do you agree that it would be more
25 appropriate to ask for greater details of people's

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1 criminal offending when you make such requests of the
2 police?
3 A. Not on a regular basis, no. Only, I think, when we
4 identify something of significance.
5 Q. Mr Walton, the head of CT Command at the time, again in
6 that national broadcast stated this:
7 "Most Islamic extremists that we've come across in
8 the last five or ten years have histories of
9 criminality, and many have a history of violence as
10 well, and violent criminality."
11 That, presumably, would have been the experience of
12 MI5 at the time as well?
13 A. No, it would not be our experience that most of our
14 subjects of interest have a history of criminality.
15 Q. A large number have a background involving serious
16 violence; do you agree?
17 A. No.
18 Q. David Anderson quantified it: 38 per cent of
19 Islamist-based terrorists between 1998 and 2015 were
20 known to the police?
21 A. Yes, that's correct. That's David quoting from a report
22 by the Henry Jackson Society.
23 Q. Yes, but there is nothing new or surprising about that.
24 We have all known for years that in many cases
25 terrorists have previously displayed seriously violent

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1 tendencies.
2 A. So I think probably if this is worth exploring you ought
3 to call a witness from the Henry Jackson Society, but my
4 understanding of that is twofold: first is that that
5 38 per cent is certainly not violent crime, it is known
6 to the police in some form or other, and second, my
7 understanding is that half of that 38 per cent were
8 known to the police for terrorism activity, which
9 clearly makes the number known for non-terrorist
10 activity substantially lower.
11 Q. But you would agree, no doubt, that it is relevant to
12 investigate the backgrounds of suspects and whether they
13 have previously been violent?
14 A. I would believe it relevant to investigate the
15 background of suspects.
16 Q. It's absolutely relevant, isn't it?
17 A. Yes, it is relevant.
18 Q. Yes. DCI Brown said when he gave evidence that it's
19 absolutely relevant and that it needs to be weighed. No
20 doubt you would agree with that?
21 A. Needs to be considered, yes.
22 Q. Yes. "Weighed": do you agree? It needs to be analysed
23 and quantified. If it's a common assault from 25 years
24 ago it might be pretty much irrelevant. If it's
25 an escalating and relatively recent record for serious

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1 violence then that would carry more weight, wouldn't it?
2 A. I think it would depend on the individual who was under
3 investigation and what we were looking at.
4 Q. And you've been provided, I think by me, with a list of
5 notable terrorists over recent years who have previous
6 convictions for violence?
7 A. Yes, that's right.
8 Q. And I'll take this quickly but you would agree, no
9 doubt, that one of the 21/7 conspirators had previous
10 convictions involving violence?
11 A. So I would take your list as agreed rather than I have
12 researched all the individuals in it.
13 Q. It includes the Madrid bombers, the London Stock
14 Exchange plotters, Michael Adebolajo, one of the two
15 murderers of Lee Rigby, and many others; do you agree?
16 A. As I say, I haven't sought to independently verify it,
17 but I don't see any reason why that shouldn't be
18 accurate.
19 Q. And so is there any evidence that the desk officer who
20 made the decision properly weighed the violence?
21 A. The desk officer will have certainly looked at the
22 criminal record and considered it.
23 Q. Or identified that it's really serious violence?
24 A. So the basics of his convictions would have been on his
25 PNC record.

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1 Q. Or that it was escalating over time?
 2 A. Sir, I think I would struggle to accept that definition
 3 given that he had not been involved in violence for
 4 seven years.
 5 Q. And that's in the context, going back to Masood and what
 6 you knew when the decision was made in December 2010, of
 7 somebody who had recently and repeatedly been
 8 associating with suspicious individuals.
 9 A. He certainly had been associating with a number of
 10 individuals of interest to us, yes.
 11 Q. And you agreed earlier that that particular factor is
 12 perhaps even more weighty or significant than the
 13 violence?
 14 A. So by and large, in terms of our investigations, we
 15 would consider that more relevant than violence, yes.
 16 Q. And it's not just one episode: it's the cumulative
 17 weight of the repeated material that MI5 was aware of by
 18 then; would you agree?
 19 A. I don't quite understand the question. Can you rephrase
 20 it?
 21 Q. Yes. Presumably in December 2010 the desk officer
 22 analysed all of the matters that you have told us that
 23 MI5 were aware of?
 24 A. Yes, that's correct.
 25 Q. So the 2004 link, the five-year association with the

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1 long-standing associate who was under investigation.
 2 All of these pieces of information would have been
 3 considered, would they?
 4 A. Yes, they would have been.
 5 Q. Is there any record as to how much weight was attached
 6 to that?
 7 A. Not to individual pieces, no.
 8 Q. You have said that there's no need for a written record
 9 to be made, but would you agree that if there was some
 10 sort of document or template or even some boxes to be
 11 ticked, that might assist in considering relevant
 12 factors.
 13 A. So I think our processes for closure have moved on and
 14 there is more of a template now than there was then, so
 15 yes.
 16 Q. So, for example, if there are a series of boxes, is
 17 there any evidence to suggest violence? Is there any
 18 evidence to suggest associating with suspects? Is there
 19 any evidence to suggest a recent convert in adulthood?
 20 A number of potentially relevant factors, all the
 21 officer needs to do is put a tick or put an X in the
 22 box.
 23 A. I mean, it would always need to be slightly more
 24 sophisticated than that, but yes --
 25 Q. Yes.

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1 A. -- consideration of a number of those factors is more
 2 part of the closure process now than it was in 2010.
 3 Q. Yes. Maybe a box, any positive factors in favour of
 4 continuing, any negative factors suggesting not
 5 continuing with investigation. Something like that?
 6 A. Yes, closure forms have moved on.
 7 Q. Because you agreed when you gave evidence to
 8 Lady Justice Hallett that structured approaches of that
 9 type will reduce the danger of inconsistent decisions
 10 being made between one desk officer on one day and
 11 a different officer perhaps on another day.
 12 A. So Lady Justice Hallett was not asking specifically
 13 about close; there were discussions there about
 14 prioritisation and resource allocation, but yes, more
 15 structure clearly reduces the chances of inconsistent
 16 decision-making.
 17 Q. To take an extreme example, a very thorough investigator
 18 might pursue a suspect more than perhaps another less
 19 thorough investigator.
 20 A. No, each investigator -- and clearly investigators are
 21 individuals -- but each investigator will have
 22 a caseload available to them and they will need to
 23 balance that caseload against their own individual
 24 resources and the other resources that are available to
 25 them. If one individual investigator spent their whole

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1 time on a single case, they really wouldn't be able to
 2 operate very effectively as an investigator.
 3 Q. At what level was the December 2010 decision made?
 4 A. So I judge rather than I can be certain, that that will
 5 have been a discussion including senior management.
 6 Q. So presumably the desk officer was involved?
 7 A. Yes.
 8 Q. And a manager was involved?
 9 A. That's my judgment.
 10 Q. So was it two individuals involved in the decision?
 11 A. No, more than two, I believe.
 12 Q. Did a legacy team of the kind that you relied upon in
 13 your 7/7 evidence ever go back and reconsider that
 14 decision?
 15 A. No, it did not.
 16 Q. Why not?
 17 A. So the legacy team would -- resources available to the
 18 legacy team throughout the 2010 to 2012 period were
 19 often quite tight as we began to ramp up for the
 20 Olympics, but I suspect even if resources had been more
 21 available, Khalid Masood as an individual would have
 22 been below the priorities that they would set
 23 themselves.
 24 Q. So the decision was made and it was never reviewed or
 25 revisited prior to the attack in March 2017?

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1 A. That's correct.
 2 Q. Was there any evidence or intelligence that had been
 3 received during the months when he was investigated that
 4 positively pointed to him not being an extremist
 5 anymore?
 6 A. No.
 7 Q. Because you'll appreciate that often suspects are aware
 8 of the need to act covertly; yes?
 9 A. Yes.
 10 Q. They're not going to want to make it easy for the
 11 Security Service or counter terrorist police officers to
 12 identify their intentions; do you agree?
 13 A. Yes, of course.
 14 Q. So does it follow that nothing that you did unearth in
 15 those few months of investigating provided satisfaction
 16 that he wasn't an extremist, as your intelligence had
 17 previously suggested that he was?
 18 A. No, I am not suggesting that by December 2010 we had
 19 satisfied ourselves he was not an extremist, but we had
 20 satisfied ourselves that he was not involved in
 21 attack—planning or facilitation .
 22 Q. And so you stopped investigating , even though you knew
 23 he was still an extremist?
 24 A. Yes, we cannot afford to — we're simply not large
 25 enough and it would not be proportionate to investigate

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1 every extremist we come across.
 2 Q. And so to this day is it the case that people in that
 3 sort of situation , suspicious contacts, intelligence
 4 suggesting that they're an extremist —
 5 A. Those are two very different factors .
 6 Q. — might be the subject of closing an investigation ?
 7 A. Oh yes. Absolutely.
 8 Q. The Intelligence and Security Committee was very
 9 troubled by how the service manages closed SOIs, wasn't
 10 it?
 11 A. It was.
 12 Q. And they raised this in relation to the Lee Rigby
 13 murder, didn't they?
 14 A. They did.
 15 MR HOUGH: I'm sorry, may I just stand to raise something
 16 which has been raised with us by Speaker's counsel.
 17 I'm sorry, I don't want to disrupt my learned friend's
 18 flow. Counsel for the Parliamentary Authorities has
 19 stressed the effect of Article 9 of the Bill of Rights
 20 which, as we know, provides that parliamentary
 21 proceedings shouldn't be questioned or impeached in any
 22 way. His concern is that by raising the findings of the
 23 ISC's report —
 24 THE CHIEF CORONER: Yes.
 25 MR HOUGH: — in circumstances where the witness may be

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1 asked to agree or potentially disagree with them, this
 2 court may be drawn into infringing Article 9.
 3 THE CHIEF CORONER: Yes.
 4 MR PATTERSON: Well, sir, as you know for weeks the IPs have
 5 had notice of my questions and they will have known that
 6 one of my proposed questions was the issue of how the
 7 service manages closed SOIs.
 8 THE CHIEF CORONER: Yes.
 9 MR PATTERSON: I will be corrected if I'm wrong, but I think
 10 Mr Hough touched upon it himself earlier , and it's very
 11 much within your scope, I would respectfully submit.
 12 MR HOUGH: Absolutely. I'm not suggesting for a moment that
 13 in pursuing that topic , Mr Patterson is doing anything
 14 wrong, nor am I saying that there aren't contents of the
 15 ISC report that could properly be referred to, for
 16 example, evidence which it recites .
 17 THE CHIEF CORONER: Yes.
 18 MR HOUGH: But if it is put to a witness that a conclusion
 19 of the ISC report is valid , with a view to proving
 20 a proposition, in circumstances where the witness may
 21 disagree and the court may be asked to adjudicate on
 22 whether the finding in the report is right or wrong,
 23 then that engages squarely Article 9, and it is
 24 legitimate , in my submission, for Speaker's counsel to
 25 have raised the point with us.

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1 I don't for a moment say that Mr Patterson in
 2 pursuing the point he's pursuing about SOIs is doing
 3 anything wrong, nor do I say that it was wrong for him
 4 to make the report available . It's the use to which the
 5 report is put about which I put down a marker at the
 6 request of Speaker's counsel.
 7 THE CHIEF CORONER: Yes.
 8 MR PATTERSON: Well, sir, perhaps if I can proceed, and if
 9 at any stage it is felt that I have transgressed, no
 10 doubt you or Mr Hough will ...
 11 THE CHIEF CORONER: What I would suggest, Mr Patterson, is
 12 you ask the questions you want to ask.
 13 MR PATTERSON: Yes.
 14 THE CHIEF CORONER: And what I would simply invite is either
 15 for Mr Hough to simply stand and say: that may engage
 16 the point which counsel, I think — I'm looking but he's
 17 not in court — I think Mr Moss is here, so Mr Hough is
 18 simply raising it with me because it's been raised with
 19 him by Mr Moss, but if we could work on that basis .
 20 I'm also conscious that I suspect you have quite
 21 a bit of other material yet to go.
 22 MR PATTERSON: Yes, I wasn't proposing to spend long over
 23 this point, I would have finished it by now.
 24 THE CHIEF CORONER: Yes, that was rather what I was going to
 25 say, that I suspect it is a very small part of the topic

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1 you want to cover.
 2 MR PATTERSON: Perhaps I can deal with it in about two
 3 questions, sir.
 4 THE CHIEF CORONER: Well, let's see if we can.
 5 A. I am sorry, I apologise to now involve myself in this as
 6 well. I'm not clear because I don't understand the
 7 Article 9 issues here. Do I understand that I will
 8 answer the question unless counsel tell me not to?
 9 THE CHIEF CORONER: That is the approach to take.
 10 A. Thank you.
 11 THE CHIEF CORONER: I suspect we won't get into this
 12 territory because I think Mr Patterson is going to deal
 13 with it probably in a broader way.
 14 MR PATTERSON: Yes. We can deal with it quickly: it's
 15 right, isn't it, that concerns were raised in that
 16 report?
 17 A. It is.
 18 Q. And that was about how your service manages closed SOIs?
 19 A. Yes, that's correct.
 20 Q. And it was indicated that the service had informed the
 21 committee of a number of programmes that have been used
 22 to try to continue to manage closed SOIs?
 23 A. That's correct.
 24 Q. Programme Balea, Programme Congo, Programme Danube?
 25 A. That's correct.

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1 Q. The report concluded on this topic that previous
 2 attempts by MI5 and the police to manage this group had
 3 failed and that they hadn't seen evidence that the new
 4 programme would be any better, suggesting that
 5 improvements were needed.
 6 Now, my question is this: were any of these
 7 programmes applicable to Masood's case?
 8 A. I don't believe so.
 9 Q. So there was no revisiting Masood as a closed SOI
 10 pursuant to any of those programmes?
 11 A. That's correct.
 12 Q. Is this an area which the service is continuing to look
 13 at with a view to improving management of closed SOIs?
 14 A. Yes, it is a key part of the Operational Improvement
 15 Review.
 16 Q. Thank you. Well, sir, I can move on from there.
 17 During the period after that recommendation, which
 18 was December 2010 until October 2012 you have told us
 19 that although the recommendation had been made, there
 20 was a period of quite a lengthy time before the actual
 21 closure took place?
 22 A. That's correct.
 23 Q. In your statement you deal with this at paragraph 66.
 24 Would you look at that, please.
 25 A. I'm sorry, what did you ask me to do?

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1 Q. Paragraph 66.
 2 A. Yes.
 3 Q. Where you dealt with this period and you said that there
 4 had been no intelligence since December 2010 to indicate
 5 that he was involved in extremism. Yet today -- and,
 6 indeed, I would observe the David Anderson review also
 7 made no mention of intelligence during that period
 8 either -- yet today you tell us that there was
 9 intelligence coming in over that period of time; is that
 10 correct?
 11 A. That's correct, but that intelligence related to contact
 12 with others which doesn't necessarily of itself say he's
 13 an extremist.
 14 Q. You say that amongst the things that came in in that
 15 period was information that he was consuming extremist
 16 material?
 17 A. Yes. Extremism in terms of him doing anything active or
 18 anything that reached the potential threshold for
 19 investigation or for prosecution or, indeed, for passing
 20 information on to others.
 21 Q. Yes. Well, you limit it in that way, but in your
 22 statement, and what we had all been working on for many
 23 months, was that no intelligence in that period to
 24 indicate involvement in extremism. You see the point
 25 I'm making: they seem to be inconsistent?

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1 A. Yes, I see the point you're making. Extremism for us
 2 here clearly means extremism of a level that would cause
 3 us concern.
 4 Q. Well, I would be grateful for any information or help
 5 you can give us as to Masood and what you learned about
 6 Masood because you also told us that he was continuing
 7 in that period to associate again with SOIs?
 8 A. Yes, he was.
 9 Q. How many SOIs during this period was he associating
 10 with?
 11 A. So a small number.
 12 Q. Well, one? Two? Five? Six?
 13 A. I can't go beyond "a small number".
 14 Q. Let's break them down. On each occasion was it one
 15 contact in a queue at Sainsbury's, or was it repeated
 16 contacts? What were the circumstances?
 17 A. So none of the contacts were of great significance.
 18 Q. Can you give us any assistance with the nature of these
 19 contacts with these SOIs?
 20 A. I can say they were not of great significance.
 21 Q. Can you help us with what was the extremist material
 22 that he was consuming?
 23 A. Nothing that appeared to be particularly strong, nothing
 24 that would trigger us investigating him further and,
 25 perhaps more importantly here, nothing that would reach

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1 the thresholds for prosecution.
 2 Q. Well, we considered this distinction with DCI Brown, and
 3 I would suggest it's an unhelpful distinction for
 4 investigators constantly to focus purely on what might
 5 be criminal, given that the vast majority of extremist
 6 material isn't criminal, yet it still exhorts people to
 7 kill Christians, kill Jews and fight in Allah's cause.
 8 Would you agree?
 9 A. Sir, I'm not an expert on the overall balance of
 10 material, but I would certainly agree that there is
 11 a good deal of material which is offensive but does not
 12 meet prosecution standards.
 13 Q. It's not a question of being offensive; it's highly
 14 relevant to whether he might hold a belief that he has
 15 an obligation to fight and kill?
 16 A. It could be so.
 17 Q. Yes. He may not have had beheading videos on his laptop
 18 but did he have material showing that he believed in an
 19 obligation to fight and kill?
 20 A. Sir, we had no access or no knowledge of any laptops he
 21 had until after the attack.
 22 Q. This extremist material, was it one solitary item, or
 23 was it materials plural?
 24 A. It was materials plural, but without any absolute
 25 certainty of how many.

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1 Q. That brings me back to my cumulative point. At this
 2 stage did nobody think: hang on, again and again there
 3 is material suggesting this guy is crying out to be
 4 investigated?
 5 A. No, they did not.
 6 Q. Isn't that surprising?
 7 A. No, it is not.
 8 Q. Assessments as to whether somebody should be
 9 investigated or not are critical, aren't they?
 10 A. Yes, they are.
 11 Q. And you agreed this in front of Lady Justice Hallett --
 12 A. I did.
 13 Q. -- that everything flows from that decision whether you
 14 do or don't investigate, because if you don't
 15 investigate you won't get the information, will you?
 16 A. That's correct.
 17 Q. And Salman Abedi, the Manchester bomber, he too was
 18 a closed SOI, wasn't he?
 19 A. Yes, he was.
 20 Q. And that's another example of how important it is to get
 21 right that decision as to whether somebody should be
 22 closed or not; do you accept that?
 23 A. So there are many issues relating to Salman Abedi, but
 24 Salman Abedi was, indeed, a closed SOI.
 25 Q. So those two terrorist attackers from 2017, Masood and

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1 Abedi, closed SOIs; yes?
 2 A. That's correct, yes.
 3 Q. During the period that he was being investigated in
 4 2010, we know that he, on his memory stick, obtained at
 5 work a document called "Jihadi Verses" with extremist
 6 material; is that the sort of material that you would
 7 have been aware of in that investigation?
 8 A. So we were not aware of that material in the course of
 9 the investigation.
 10 Q. When Abedi was closed, according to David Anderson's
 11 report, he was nonetheless categorised as retaining low
 12 residual interest; that's right, isn't it?
 13 A. Yes, that's correct.
 14 Q. So it is the case, isn't it, that it's not a sort of
 15 black-and-white decision, but that even if you close
 16 somebody, you can continue to have an interest in them?
 17 A. So low residual interest means of not significant
 18 interest, and I think it's worth saying here that by the
 19 time Abedi was closed, we had rather more developed
 20 processes around closed, reflecting some of the earlier
 21 observations than we had at the time that Khalid Masood
 22 was closed.
 23 Q. Yes, but is this true, that if you had wanted to
 24 continue to monitor Masood to a degree, you could have
 25 done?

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1 A. We could have done if we had thought it was necessary
 2 and proportionate to do so.
 3 Q. Yes. And it might not require highly intensive or many
 4 resources in terms of the investigation, but there could
 5 have been a degree of continued monitoring, couldn't
 6 there?
 7 A. So many of the things that you have discussed that we
 8 could have become aware of would have required quite
 9 intensive investigation.
 10 Q. And then we get to 2012 and 2016 and the four-year
 11 period when he was appearing as contacts of SOIs who
 12 were linked to ALM; is that right?
 13 A. Yes. Yes, that's correct.
 14 Q. And you've already indicated that a particular factor
 15 that might be particularly relevant is associations with
 16 suspected persons; yes?
 17 A. Yes. It's a more important factor than some of the
 18 others we have discussed.
 19 Q. So it's more of the same. Again, it's these repeated
 20 associations, isn't it, when we look at Masood?
 21 A. He certainly associated with ALM members, yes.
 22 Q. Yes. But it's a recurring theme today, it isn't it, L,
 23 again and again you've been agreeing with me that he's
 24 meeting with and associating with people suspected of
 25 terrorism?

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1 A. Yes, he is. As do many other people.
 2 Q. Yes, but ALM, and we can go to the statistics if
 3 necessary, but you will be aware of this from your
 4 reading of the transcript of DCI Brown's evidence, ALM
 5 tops the list, doesn't it, of terrorist offenders where
 6 there's a link with a proscribed terrorist organisation?
 7 A. Yes, ALM is of significant concern to us and to CT
 8 policing.
 9 Q. Yes. So I would suggest any suggestion that somebody
 10 isn't regarded as a member but is simply an associate of
 11 somebody is an unhelpful distinction; would you agree?
 12 A. No, I would not.
 13 Q. Because if you are meeting again and again with ALM
 14 people, that would be relevant, wouldn't it?
 15 A. It might well be relevant but I think there is
 16 an important distinction between membership and
 17 association, particularly when we are talking here about
 18 association with a number of different ALM members
 19 rather than a deep interaction with any of them in
 20 an ALM context.
 21 Q. DCI Brown agreed that it would be relevant if he was
 22 associating with ALM people again and again and again.
 23 You agree with that?
 24 A. So I think it depends on what that would mean and in
 25 what context.

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1 Q. In relation to those SOIs, can you help me with the
 2 number of them?
 3 A. It was a small number.
 4 Q. Were they ever the subject of prosecution?
 5 A. Some of them were.
 6 Q. Can you help us in general terms with what their
 7 activities were?
 8 A. So clearly they were members of ALM, some of them were
 9 also doing other things.
 10 Q. Yes, but I mean, are there any notable ALM figures that
 11 we're talking about here?
 12 A. No.
 13 Q. And what tier of SOIs were these individuals who he was
 14 associating with?
 15 A. So they would have largely been Tier 1 or Tier 2
 16 individuals.
 17 Q. So since 2011, that chart we looked at indicated that
 18 Masood therefore would be a contact of theirs who ought
 19 to be considered as either a Tier 2 or a Tier 3 SOI?
 20 A. So certainly not a Tier 2 and, as I have said before,
 21 there is no mechanical link between being in contact
 22 with Tier 1 and Tier 2 and therefore automatically
 23 becoming a Tier 3.
 24 Q. It sounds as though we can't really rely on that chart
 25 if, in fact, it's completely flexible as to whether

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1 somebody is to be an SOI or not; do you agree?
 2 A. So inevitably all of our work involves a degree of
 3 judgment. None of this is structured and mechanistic.
 4 Q. Yes. You see on 7/7 the problem was the Security
 5 Service told the public that there was a distinction
 6 between essentials and desirables. Then it all
 7 unravelled and we were told in the follow-up ISC report
 8 that it was a rather different approach. Do you
 9 remember that whole topic?
 10 A. I do.
 11 Q. And now we're being told that there is this tiered
 12 approach and that the public can be reassured that even
 13 Tier 3 individuals will be SOIs. Today we've learned
 14 that that's not necessarily the case; is that fair?
 15 A. Yes, so a subject of interest may not necessarily have
 16 a tiering, but the fact that they are a subject of
 17 interest means, clearly, that they are subject to
 18 investigation.
 19 Q. David Anderson told us that 25 per cent of terrorists
 20 between 1998 and 2015 were linked with ALM; yes?
 21 A. So, again, I think that is David Anderson quoting from
 22 the Henry Jackson report. I have no reason to think
 23 that's not true.
 24 Q. I mean, the Lee Rigby vehicle attack in 2013, an attack
 25 that shocked the nation, both of them were ALM-linked,

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1 weren't they?
 2 A. That's my understanding, yes.
 3 Q. They were converts, both had previous convictions, one
 4 of them for violence; yes?
 5 A. That's my understanding.
 6 Q. Do you agree with this: DCI Brown stated that it would
 7 be a cause for concern to an investigator if a person
 8 was suspected of being linked with or associating with
 9 ALM individuals?
 10 A. It would certainly cause us to take a look at them at
 11 some level, yes.
 12 Q. And so have you found anything in the records to show
 13 that consideration was given to revisiting Masood as
 14 an SOI?
 15 A. I have not.
 16 Q. If there had been a revisiting or a reconsideration, you
 17 would find that in the records, wouldn't you?
 18 A. Yes, I would have thought so.
 19 Q. Right. Well, I suggest that, given the cumulative
 20 weight of all of this material by this stage of the
 21 chronology, something has gone wrong; do you agree?
 22 A. No, I do not.
 23 Q. And that there has been a missed opportunity and that he
 24 should have been reopened?
 25 A. I do not agree with that.

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1 Q. Then on top of all of that we have the intel from 2013
2 about expressing support for 9/11; yes?
3 A. Yes, indeed.
4 Q. DCI Brown's evidence about that was that that would
5 indicate that the person presented a risk; do you agree?
6 A. So risk and threat are two different things. I would
7 not agree that that of itself suggested the person posed
8 a threat, and the security services around investigating
9 threats.
10 Q. Can you find anything in the records to suggest that at
11 that stage the service considered reopening him?
12 A. No, and I would have thought it most unlikely it did on
13 the basis of that intelligence alone.
14 Q. In the context of the cumulative weight of all of this
15 material that we've been analysing today?
16 A. I would have said that the 9/11 comment is not of any
17 significance from our perspective.
18 Q. {DC7429/1}, please. After the attack the police
19 received intelligence about Masood attending the Gym 1
20 and being particularly friendly with Abu Rahin Aziz. If
21 you look at the screen, you will see it there to your
22 left.
23 A. No, I am afraid I can't see it at the moment.
24 Q. And I repeat, this was obtained after the attack?
25 A. Oh right, yes, at the bottom, Abu Rahin Aziz, yes.

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1 Q. Did your service have any intelligence before the attack
2 of any link between Masood and this person Aziz?
3 A. I don't believe so.
4 THE CHIEF CORONER: Just the date, I think, at the very top
5 has been cut off --
6 MR PATTERSON: It is March 2017, but after the attack.
7 THE CHIEF CORONER: -- 29 March we see in the middle of the
8 page. I just want to check it's the same date at the
9 top.
10 MR PATTERSON: It is sir, at the top right.
11 If he had been investigated during this period, 2012
12 to 2016, we know from his computer that he was looking
13 at some dangerously extremist material. I think you're
14 aware of that from DCI Brown's report; yes?
15 A. I'm not aware of the detail of the material, no.
16 Q. {DC1665B/1}, please. On his laptop during that period
17 of time, L, we had entry 2, an image of the terror
18 attack on the World Trade Centre?
19 A. Yes.
20 Q. An audio file speech encouraging jihad, and killing the
21 kafir and not taking Jews or Christians as friends,
22 "Killing the enemies of Allah is a great honour"; do you
23 see that?
24 A. I do.
25 Q. Over on to {DC1665B/2}, please. A biography of

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1 Bin Laden, the leader of AQ and mastermind of 9/11. A
2 speech -- this is down at the bottom at entry 6 -- a
3 PDF, a speech calling for engaging in jihad.
4 Over the page:
5 "... an order by God to carry out jihad, raise his
6 word, salvage the believers, men and women, from the
7 hands of the infidels."
8 Further down, 9 and 10, images of knives which we
9 were told were a zombie knife and a combat knife, then
10 the banner with the seal of Muhammed, so the flag used
11 by Isis.
12 Then over on the final page {DC1665B/4}, entry 13,
13 a photograph of an IED with a detonator and a switch,
14 components to make an improvised bomb which in fact
15 successfully brought down an aeroplane in 2015 killing
16 224 people.
17 If he had been investigated, as I suggest that he
18 should have done, you would have had every possibility
19 of discovering his interest in material like that, would
20 you agree?
21 A. Sir, as you rightly note, none of this was available to
22 us. In a hypothetical situation in which we had been
23 investigating him, I imagine it would have been possible
24 to obtain some of this. It would not be easy to do so,
25 and the material itself is quite variable. None of it,

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1 even from what I see here, shows that he is actively
2 planning to do anything.
3 Q. We heard also about his reading of an extremist called
4 Bilal Philips, so online he was reading material from
5 Bilal Philips and we have seen some of the hate speech
6 that has come from Bilal Philips, all of which would
7 clearly be of concern to an investigator if you had
8 reopened your investigation; would you agree?
9 A. It certainly wouldn't have been enough of itself to
10 reopen an investigation, so once again, we're in the
11 realms of speculation as to why. This material itself
12 would have been unlikely to stimulate much interest from
13 us because it shows no evidence of attack-planning, no
14 evidence of facilitation, and indeed, no evidence indeed
15 even that he is passing this material on to other
16 people, as I understand it.
17 Q. But at the end of that period that we've just focused
18 on, 2016, we know that the attack planning began, and in
19 the early months of 2017 there's the hiring of the car,
20 there's the buying of the carving knife, there are
21 internet searches about plots against the Queen and
22 an interest in the Prime Minister, vehicle terror
23 attacks, knives, creating his document, "Jihad". We
24 have reconnaissance, we have FaceTime conversations with
25 the children saying that he's going to die fighting for

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1 Allah. We have, in the summer of 2016, him speaking to
 2 his wife defending Isis and criticising her. There's
 3 a whole wealth of material, I would suggest, that would
 4 have suggested attack—planning if, towards the end, you
 5 had reopened him, as I suggest you should have done.
 6 A. So, I would make two observations. The first is that
 7 much of that really is in just the last two weeks before
 8 he mounts his attack. The second is that in order to
 9 have all of those materials beforehand — and of course
 10 we had none of them — it would have required
 11 a large—scale and comprehensive investigation,
 12 a comprehensive investigation which then would have
 13 needed to run for a considerable number of years,
 14 I suspect without us having any justification for
 15 running it.
 16 Q. And we were told just yesterday by the clinical
 17 psychologist who analysed his profile and his
 18 personality that he may well have sought affirmation or
 19 recognition of his actions prior to the attack and would
 20 have found it hard to conceal his planned acts and may
 21 well not have concealed them from people close to him,
 22 such that there would have been an opportunity, through
 23 eavesdropping, to hear what he wanted to do.
 24 A. Sir, I can't comment on the clinical psychologist's
 25 view, but I can say that I think even after the event,

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1 our and the police's extensive investigations has not
 2 identified anybody who was party to his plans.
 3 Q. What about his mother, to whom he said "They will say
 4 that I'm a terrorist". If you had been monitoring him,
 5 carrying out surveillance, listening, that certainly
 6 would have set alarm bells ringing; do you agree?
 7 A. I think it would have generated some interest, but that
 8 phrase of itself is a long way from identifying
 9 attack—planning.
 10 Q. And certainly the reconnaissance over the bridge and the
 11 final reconnaissance over the bridge on the morning, at
 12 that stage, if not earlier, executive action would have
 13 been taken. He would have been arrested, wouldn't he?
 14 A. Sir, I wouldn't be at all confident of that given we
 15 don't really even today understand his pattern of
 16 driving around in the fortnight beforehand.
 17 Q. And so can I conclude, L, by this: my suggestion, and
 18 I hope I've put it fairly and squarely, my suggestion is
 19 there were several occasions over the years following
 20 2010 when he should have been investigated? Do you
 21 accept that?
 22 A. No, I do not.
 23 Q. And, if so, I suggest a proper investigation would have
 24 been likely — would have been likely — to have
 25 revealed not only his extremist views, which were there

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1 to be discovered, but the danger that he posed?
 2 A. I believe that such a hypothetical investigation would
 3 have been likely to expose his extremist views.
 4 I do not believe that it would have exposed his
 5 attack—planning intentions.
 6 Q. And those things having been discovered, it is likely
 7 that the investigation would have continued until the
 8 stage when the attack—planning would have been detected
 9 and he would have been arrested before he carried out
 10 his horrific acts of terror.
 11 A. No, I do not agree with that.
 12 MR PATTERSON: Thank you. That's all I ask.
 13 MR HOUGH: Sir, would that be a convenient moment for
 14 a mid—afternoon break?
 15 THE CHIEF CORONER: It would be a very convenient — can
 16 I just check, Mr Adamson, I know you have some material
 17 you want to cover?
 18 MR ADAMSON: Not very long, I don't have more than ten
 19 minutes, maybe less.
 20 THE CHIEF CORONER: Right. What I'm going to suggest is we
 21 take just literally a short break, Mr Adamson, it will
 22 be a 10—minute break, and we'll come back and hopefully
 23 conclude L's evidence at that stage.
 24 I'll rise.
 25 (3.15 pm)

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1 (A short break)
 2 (3.34 pm)
 3 MR HOUGH: I'm told by Ms Leek that there is no difficulty
 4 with anything since lunch being reported.
 5 THE CHIEF CORONER: Thank you very much.
 6 Mr Adamson.
 7 Examination by MR ADAMSON
 8 MR ADAMSON: Witness L, my name is Dominic Adamson and I ask
 9 questions on behalf of the widows of Kurt Cochran and
 10 Keith Palmer. Can I start by associating myself with
 11 the comments made by Mr Patterson at the start of his
 12 examination, namely that nothing that I ask should in
 13 any way be interpreted as an attack on the security
 14 services and the important work that they do.
 15 Can I please ask you to turn your attention back to
 16 the recommendations which flowed from the 7/7 Inquest,
 17 and can I ask to be put up on screen, please,
 18 {DC8023/24}. We see there that the recommendation R2
 19 from Lady Justice Hallett was:
 20 "I recommend that procedures be examined by the
 21 Security Service to establish if there is room for
 22 further improvement in the recording of decisions
 23 relating to the assessment of targets."
 24 You see that, yes?
 25 A. I do.

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1 Q. And so just so we have it in mind, she was concerned
 2 about the absence of records relating to assessment, and
 3 that's what really brought about that recommendation; do
 4 you agree?
 5 A. Yes, I think that is right.
 6 Q. And would you agree with me also that a decision to
 7 downgrade somebody is as much an assessment as it is to
 8 decide that somebody is a subject of interest?
 9 A. So I think there is a difference here between
 10 downgrading between the different types of holding code
 11 that we discussed earlier, when a person is still
 12 subject to active investigation, and downgrading where
 13 an individual is no longer the subject of active
 14 investigation, and I certainly agree between those two
 15 larger categories that's an important decision.
 16 Q. Well, whichever of the two categories it is, you agree
 17 with me that whether it's a shift in holding code or
 18 whether it's a shift in tier or whether it's a shift in
 19 status as subject of interest, one way or another, any
 20 shift involves an assessment?
 21 A. Yes, that's right.
 22 Q. Yes. Can we move further back in the document, please,
 23 to {DC8023/22} paragraph 100 which is on page 22. It
 24 would seem that you were asked questions in the process
 25 of that inquiry about the previous system for

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1 categorisation of subjects of interest; correct?
 2 A. Yes.
 3 Q. And then at paragraph 101 we get a sense for all your
 4 answers to those questions:
 5 "Witness G explained, as best he could in open
 6 proceedings, that the Security Service now prioritises
 7 by operations or groups rather than by individuals.
 8 Investigations are categorised as Priority 1A, 1B, 2 and
 9 3 and 4."
 10 So am I right in thinking that the categorisation
 11 that was brought in then is the categorisation that is
 12 now in place?
 13 A. Yes, though the actual specific descriptions have
 14 changed.
 15 Q. So the precise definition of what is a 1A case and what
 16 is a 1B case might have changed, but the scoring system
 17 is essentially the same?
 18 A. It is essentially the same but there have been changes,
 19 and, indeed, there have been further changes since
 20 I gave my witness statement.
 21 Q. Yes. And it goes on to say -- this is
 22 Lady Justice Hallett's words:
 23 "This allows better judgments about the allocation
 24 of resources within the networks."
 25 And presumably you would agree that that is still

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1 the case?
 2 A. Yes, I would.
 3 Q. If we could go, then, over the page to {DC8023/23}, and
 4 the top of the page, we see there:
 5 "I was informed that the Security Service has
 6 developed a 'strong assessment capability', alongside
 7 the investigative teams. Assessment work is also
 8 conducted on concluded investigations to reveal gaps and
 9 suggest new leads."
 10 Now, is that work still continued?
 11 A. Yes.
 12 Q. And so to what extent would that work flag up to anybody
 13 looking at it that an eye might have to be kept on
 14 a particular interest, a particular subject who has had
 15 their status downgraded, for example?
 16 A. So I think it would divide into two, the first bit,
 17 strong assessment capability, is something we refer to
 18 as the Strategic Intelligence Group. As you would
 19 expect from their name, they are largely strategic,
 20 which means that they look at each investigation
 21 holistically. It is possible, but I would suggest it
 22 was unlikely, they would get into the sort of detail
 23 we've considered around Khalid Masood's closure at the
 24 end of 2010.
 25 The second thing on "concluded investigations to

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1 reveal gaps and new leads" that's what we've seen
 2 referred to a number of times as the Legacy Team.
 3 Now, since 2011 when I gave this evidence, the
 4 Legacy Team has waxed and waned in terms of resourcing,
 5 and it became a very significant part of the Operational
 6 Improvement Review and particularly our consideration
 7 around closed. So yes, that work continues.
 8 Q. Paragraph 102, Lady Justice Hallett said this, or she
 9 records that Patrick O'Connor, who I assume was counsel:
 10 "... submitted that there may still be room for
 11 further improvement. The answer, he suggested, my lie
 12 in a more structured written assessment process. He
 13 claimed this would allow for a flexible and nuanced
 14 approach and also, by providing a better record of
 15 decisions, allow for proper supervision by senior
 16 officers within the Service, the 'legacy' team and the
 17 ISC. Witness G accepted that the single most potent
 18 criticism of the Security Service in the second ISC
 19 report --"
 20 Pausing there, I don't want you to repeat your
 21 criticism for fear of consequences of breaching
 22 Article 9 of the 1689 Bill of Rights --
 23 THE CHIEF CORONER: I think we can all read what's there.
 24 MR ADAMSON: Yes, was the question of:
 25 "Yet he insisted that the record keeping systems in

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1 relation to prioritisation decisions, at the time, were
2 designed to ensure that vital information was retained
3 in a form which was easily accessible. This allowed, it
4 was said, for 'the speediest and most effective
5 disruption and prevention of terrorist threats.'

6 She went on:

7 "It might be thought that some form of record
8 keeping is essential to proper review and I did not
9 detect any dissent from Witness G from that
10 proposition."

11 Do you agree with that proposition?

12 A. Absolutely.

13 Q. She goes on:

14 "If a desk officer decides not to prioritise
15 a target, any reviewer, at the time or later, would no
16 doubt wish to know about the decision and the reasons
17 for it, even in short form."

18 Would you accept that that is a legitimate point
19 being made by Lady Justice Hallett?

20 A. I would accept it was a legitimate point, but I would
21 not agree that that should be the approach we take.

22 Q. The decision to remove Masood as a subject of interest
23 is effectively recorded, from the nature of your
24 evidence this morning, as I understand it, in a minute
25 in a meeting which we could find was dated

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1 in January 2011; is that correct?

2 A. That's correct.

3 Q. And from what I have understood from your evidence,
4 nothing within that minute would inform anyone as to why
5 that decision was taken?

6 A. Yes, that's correct.

7 Q. And so would you agree that if decisions of that nature
8 are taken without a proper record being kept, then the
9 observation made by Lady Justice Hallett has not been
10 learnt. So nobody has learnt the lesson that
11 Lady Justice Hallett invited the security services to
12 learn in paragraph 103 of her report?

13 A. Sir, I would agree, but I would say in the Government's
14 response to Lady Justice Hallett's Rule 43 report, and
15 indeed in my evidence to Lady Justice Hallett, we made
16 it clear that it would not be feasible for us to record
17 all the negative decisions we had made, that our desire
18 to improve this was about the things that we had
19 positively chosen to do, not the things that we were not
20 doing.

21 Q. You said in answer to a question given by Mr Patterson,
22 that in many cases there is a summary.

23 A. There's a summary of positive decision-making, yes.

24 Q. Yes.

25 THE CHIEF CORONER: But I think that related to positive

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1 decisions rather than the rationale for what I might
2 call a decision to stop, or to close.

3 MR ADAMSON: But isn't a decision to stop a positive
4 decision?

5 A. In terms of the things in which we need to concentrate
6 our time, we need to concentrate them on those things
7 where we are actively pursuing an investigation and the
8 things we're doing to justify, for instance, the
9 necessity and proportionality, rather than the
10 circumstances where we are not doing things, simply
11 because the number of times we decide not to do
12 something is potentially almost infinite.

13 Q. I appreciate that the number of times that you choose
14 not to do something is infinite. The number of times
15 that you choose to downgrade or to no longer treat
16 a subject of interest as a subject of interest is a
17 finite number of actions, is it not?

18 A. Finite but large, yes.

19 Q. And are you saying in relation to that particular
20 process there's no room for better record-keeping of the
21 rationale for those decisions?

22 A. So we have better closure processes now than we had in
23 2010. They are largely, however, a narrative of the
24 intelligence case and where we have got to rather than
25 a specific rationale.

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1 So in circumstances where a witness was giving
2 evidence in a future case, they would be likely to be
3 drawing on the intelligence picture as was understood at
4 the time rather than a pro forma approach explaining why
5 a case had been closed.

6 Q. Is that not exactly what Lady Justice Hallett was
7 inviting you to do back in 2005?

8 A. I think, among other things, I think
9 Lady Justice Hallett was also heavily focused on the
10 specific operational decisions we had taken not to
11 pursue the investigations of those two individuals when
12 there was no similar closure process further in any
13 case.

14 Q. May I ask you, please, to look at paragraph 68 of your
15 report, {WS5097/17}.

16 A. 68 of my statement?

17 Q. Of your statement, I do apologise.

18 A. Yes.

19 Q. And you have recorded there the point that arose in
20 2013:

21 "... Masood was known to have expressed contentment
22 that violent actions such as the World Trade Centre
23 attacks attracted people to Islam."

24 And you go on to say:

25 "Comments of a similar nature to this are expressed

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1 by a large number of SOIs.”
 2 He was not at this time an SOI, was he?
 3 A. No, he was not.
 4 Q. And you say:
 5 “Again, these comments did not reach the threshold
 6 for reopening an investigation into him.”
 7 When you were answering questions to Mr Hough about
 8 this particular comment, you appear to indicate that
 9 there’s a difference between people who express
 10 satisfaction in general terms, hideous though it may
 11 seem to most of us, that the World Trade Centre attacks
 12 were a good thing, and what Masood was saying was that
 13 the World Trade Centre attacks attracted people to
 14 Islam?
 15 A. That’s correct, yes. We hear both things.
 16 Q. The former, as I understood your evidence, is quite
 17 commonplace, but the latter, that is to say that the
 18 World Trade Centre attacks attracted people to Islam, is
 19 less common?
 20 A. Less common, but still not uncommon amongst the sort of
 21 people that we are looking at.
 22 Q. And would a comment of that nature, because it is less
 23 common, be more troubling to the security services than
 24 a general comment about the World Trade Centre attacks?
 25 A. No, because it is not highly unusual; it is just less

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1 common than the first sort of general satisfaction
 2 point.
 3 Q. And if somebody was known to have said that, can you
 4 help as to why that wouldn’t result in, in relation to
 5 a former SOI, reconsideration of their status at that
 6 time?
 7 A. So I think to review again the kind of things where we
 8 need to devote our resources, clearly at the top of the
 9 list there is attack–planning. Then next down from that
 10 there is facilitation or funding. Then next down from
 11 that there is seeking to encourage others to move
 12 towards an extremist form of Islam which could lead to
 13 terrorism. Really after that are individuals just
 14 expressing extremist views, which is what this is.
 15 Q. Paragraph 3.21 of David Anderson’s report, which is
 16 exhibited to your statement, {WS5097/55}.
 17 A. Yes, I can see that, thank you.
 18 Q. Paragraph 3.21, and I appreciate this is a commentary in
 19 relation to the London Bridge attacks, he identifies the
 20 learning points, and within the middle of that
 21 paragraph, a learning point which was identified was the
 22 monitoring and flagging of closed SOIs. I appreciate
 23 also it’s under the heading “All attacks: police
 24 recommendations”.
 25 Are you able to assist as to why that recommendation

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1 features in paragraph 3.21 in relation to London Bridge,
 2 but doesn’t feature in relation to the Westminster
 3 attacks, at least explicitly in that sense, in your
 4 paragraph 73 of your statement?
 5 A. No, I’m not. It’s worth saying, as we’ve touched on,
 6 that the monitoring and flagging of closed SOIs is
 7 a very important part of the Operational Improvement
 8 Review, and I would have said, as you have said, that
 9 actually in terms the post–attack review is more
 10 significant for both the London Bridge and Westminster
 11 than it is for Manchester. I think that’s a question
 12 you would have to pose to Lord Anderson about his
 13 specific drafting.
 14 MR HOUGH: I think, in fairness, this section of the report
 15 in which 3.21 appears concerns all attacks. It’s 3.18
 16 and 3.19 which are specific to London Bridge.
 17 THE CHIEF CORONER: Yes, thank you. I think it deals with
 18 each individually, doesn’t it, and then it goes on to
 19 all attacks.
 20 MR ADAMSON: Can we look, therefore, at paragraph 73 of your
 21 statement, {WS5097/18}.
 22 A. Yes, I can see that.
 23 Q. Now, you said in your statement:
 24 “Although the review team concluded that MI5’s
 25 decisions and actions were sound on the basis of the

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1 information available at the time, they did identify
 2 a number of learning points and areas where MI5’s
 3 policies and processes should be amended. Those
 4 learning points and recommendations concern...”
 5 And then you identify five items. Item (c)
 6 concerns:
 7 “Recording of decision–making — to (1) improve
 8 clarity and accountability between investigative teams
 9 and make better use of existing management processes,
 10 and (2) ensure the quality and effectiveness of how MI5
 11 records interactions with its partners.”
 12 Again, does this recommendation not reflect, in
 13 a sense, exactly what Lady Justice Hallett was referring
 14 to back in 2005?
 15 A. No, it doesn’t. If I can amplify this a bit, so on the
 16 first part of (c) I can’t, I am afraid, say any more in
 17 open, but this relates to interaction between two
 18 Security Service teams engaged in investigation. On the
 19 second point, I’ve touched on this earlier with the
 20 example of us asking questions of the Prison Service and
 21 this was not the only example where we had asked
 22 questions and it is not clear whether we had had a
 23 result or we hadn’t perhaps followed up that result as
 24 closely as we might do.
 25 Q. So in connection with Masood, we can see from your

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1 evidence an absence of record—keeping in relation to the
2 decision to no longer treat him as an SOI. We can see
3 an absence of chasing up and/or ensuring that full
4 details are known about Masood in relation to his time
5 in prison. Do they all come back, in effect, to the
6 same issue of an inadequate approach to record—keeping
7 generally?

8 A. So of the first I think it's worth just saying again it
9 is not absence of record of a decision, it's absence of
10 the rationale behind it. No, I don't think so in either
11 case.

12 Q. Recommendation of (a):

13 "Categorisation of SOIs — to ensure that the system
14 for categorising SOIs reflects risk and supports good
15 investigative and information management practice."

16 What about the Masood case brought about that
17 recommendation?

18 A. So as we touched on earlier, in the Masood case we were
19 in a position where he went through two holding codes in
20 a very short space of time, and the rationale behind
21 that is not really clear. I'm sorry, I need to be
22 slightly — the rationale as to why it has changed is
23 clear because we had, by then, identified that he was
24 not the individual facilitating. But why he had two
25 holding codes in a short space of time is not clear.

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1 Q. Again, is this another example of there being a lack of
2 adequate record—keeping?

3 A. I think not record—keeping in the way we would
4 understand it, which is about details relating to the
5 individual and stuff that can be used in an intelligence
6 context to help advance the investigation, but yes, it's
7 still in that kind of decision—making area, though my
8 suspicion rather than my certainty in this case, is this
9 simply reflected a lack of clear understanding in
10 precisely what the different holding codes were for at
11 the time that these changes were made.

12 Q. Recommendation (b) is:

13 "Record—keeping — to embed further good practice in
14 record management to ensure incoming intelligence is
15 correctly routed."

16 Now, remind us, what in relation to the Masood case
17 brought about that recommendation?

18 A. So when Masood had his own personal record created, this
19 was making sure, or making sure in future, that all the
20 relevant information is associated with that personal
21 record.

22 Where it is not related to that personal record, it
23 is still retrievable by us, but it is not as easy. So
24 if we can go back to an example I gave for 7/7 where
25 I talked about how difficult it was to identify a person

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1 with a relatively common name, the more details you put
2 about that person on an individual's personal record,
3 the easier that is to do. In Masood's case that didn't
4 really matter because we knew who he was, but it's still
5 important as a matter of principle that we put all that
6 data on the record.

7 Q. Is this about, in effect, ensuring that you have
8 a repository of information where all the strands are
9 drawn together, and so that anyone who had course to go
10 back and look at the file can know that they have all
11 the relevant information at their fingertips which the
12 security services has on its databases?

13 A. Yes, that's right.

14 Q. And so there was, in this instance, there were areas
15 where the records that you had could have been better
16 managed?

17 A. Yes, that is definitely right.

18 Q. We've covered record of decision—making, and then we
19 come to assessment of intelligence on existing SOIs, and
20 the recommendation is:

21 "... to (1) promote greater consistency in assessing
22 intelligence on existing SOIs, and (2) ensure
23 consideration is given to opening separate
24 investigations where appropriate to address risk."

25 Help us again, why was that a recommendation in

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1 relation to Masood's case?

2 A. So this is a broader point than Masood specifically. As
3 we touched on earlier, we used these reviews for broader
4 learning. There were a number of different and
5 interrelated investigations which were all going on in
6 this period, and tracing between one and the other and
7 understanding the handovers between them was not
8 absolutely clear.

9 Q. And so can you help me in practice as to how this is, in
10 fact, now implemented?

11 A. So this remains a difficult area because different
12 investigations need to be opened for different times
13 because SOI start doing different things, or because we
14 have resource pressures which require us to move them in
15 different ways.

16 But what we do have now is a central team which
17 takes much more careful note of when new investigations
18 are opened and needs to approve them, but it remains
19 a challenge, this.

20 Q. And would that team again take much more careful notes
21 in relation to decisions to no longer treat somebody as
22 a subject of interest?

23 A. Unlikely, again, at the sort of scale we've seen from
24 Masood and the others at that time. It would be too
25 granular.

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1 Q. Recommendation (e):
 2 "Handling of intelligence regarding violent
 3 behaviour -- to ensure the quality and effectiveness of
 4 how MI5 records and disseminates details of violent
 5 behaviour."
 6 Now, we know that Masood had a history of violent
 7 behaviour but, again, just so we're clear, remind me why
 8 this was a recommendation in relation to Masood's case?
 9 A. Because, once again, our centrally -- retrievable record on
 10 Masood really should include a flag to indicate that he
 11 had a violent history.
 12 Q. It, I think, would surprise some, indeed many, that the
 13 security services records did not have that information
 14 on record in relation to this individual; do you accept
 15 that criticism?
 16 A. So the information was accessible, it just wasn't on the
 17 record, and the important thing is having it on the
 18 record so it is easily seen by any individual who is
 19 looking at the totality of the case.
 20 Q. Well, I'm sure we agree that it's important that it's
 21 easily accessible, but again, to come back to my -- the
 22 central thrust of my point, isn't that exactly what you
 23 were told to do back in 2005?
 24 A. No. I don't see that. And, just to be clear, that was,
 25 of course, 2011, not 2005.

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1 Q. Sorry, I do apologise. But the same point?
 2 A. Yes, but I don't see that point.
 3 MR ADAMSON: Thank you very much.
 4 Examination by MR BUTT
 5 MR BUTT: Witness L, I represent the Metropolitan Police
 6 Service. Just two very brief areas. Before the lunch
 7 break you were asked about a record of contact between
 8 Masood and a Crawley-based man in February 2008; do you
 9 recall that?
 10 A. I do.
 11 Q. And the Police National Computer was mentioned; do you
 12 recall that?
 13 A. I do.
 14 Q. Can we bring up, please, {DC7505/5}, the Coronial
 15 timeline, at page 5. Can you see at entry number 77 --
 16 A. This is very hard for me to read. Thank you.
 17 Q. It will get easier.
 18 A. So now I can't see the numbers but I assume -- oh no,
 19 they are all Masood, aren't they?
 20 THE CHIEF CORONER: We have had this problem before, I think
 21 if we just move across the screen a bit.
 22 MR BUTT: The relevant entry is immediately below.
 23 A. Yes, thank you, I can see "77. February 2008.
 24 Khalid Masood. Event."
 25 Q. And if we move to the right, please. Immediately below

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1 the black line you can see:
 2 "Khalid Masood was in contact with a Crawley-based
 3 male who has been arrested twice for terrorism offences,
 4 however was not charged."
 5 A. Yes.
 6 Q. And then on the right again, please, the source is given
 7 as "PNC", Police National Computer; do you see that?
 8 A. I do.
 9 Q. You thought this might have been information discovered
 10 post-attack as opposed to information held in 2008; is
 11 that right?
 12 A. I did.
 13 Q. If I told you that the PNC is the source for only the
 14 information that a Crawley-based man was arrested twice
 15 but not charged, does that sound about right?
 16 A. Yes, that sounds very likely to me.
 17 Q. So obviously this relates to the Crawley-based man's PNC
 18 and not Masood's?
 19 A. Correct, so therefore I assume that there is no record
 20 on the PNC for the Crawley-based man linking him to
 21 Masood in February 2008.
 22 Q. The position is that the police have, since the attack,
 23 searched a number of databases for a Masood selector
 24 obtained post-attack and this is how the link of 77 was
 25 found; again, does that sound right?

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1 A. It does sound right to me, yes.
 2 Q. You were asked whether Commander Walton would be best
 3 placed to say whether Masood would be cognisant of a
 4 terror plot. Do you recall that question?
 5 A. I do.
 6 Q. Would you agree -- have you read, in fact, the report
 7 conducted by DCI Brown?
 8 A. I have.
 9 Q. Would you agree it appears to be thorough and complete?
 10 A. Yes, I would.
 11 Q. Commander Walton retired from the police in 2015,
 12 I think you know of his rough date of departure; is that
 13 right?
 14 A. Yes, I am sure that is right. That is not my precise
 15 understanding but I am sure that is right.
 16 Q. Without more, Commander Walton's comments are simply
 17 speculation in the media, aren't they?
 18 A. That's my understanding, yes.
 19 Q. And would you agree that DCI Brown would be far better
 20 placed to provide evidence on this point?
 21 A. Yes, I would.
 22 MR BUTT: Thank you very much.
 23 Examination by MS LEEK QC
 24 MS LEEK: Witness L, as you know my name is Samantha Leek
 25 and I ask questions on behalf of the Secretary of State

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1 for the Home Department. Is it simplistic to say simply
 2 that you didn't investigate contacts of major terrorists
 3 and that those were missed opportunities?
 4 A. Yes, I don't believe there were missed opportunities.
 5 Q. And is it simplistic because one can't make
 6 an assessment as to that out of context without looking
 7 at the number of individuals we're talking about, the
 8 number of ongoing investigations, the resources that you
 9 have available to you, and the need to prioritise?
 10 A. Yes, that's correct on all counts.
 11 Q. And is it correct also that necessity and
 12 proportionality are legal thresholds which need to be
 13 reached in order for intrusive action to be undertaken?
 14 A. Yes, they are.
 15 Q. And that you can't simply monitor everybody's internet
 16 and phone usage, and follow everybody you would like to
 17 follow to establish what they are doing 24 hours a day?
 18 A. We can't do so and I don't think it would be desirable
 19 in a democratic society.
 20 Q. And if one looks at the context here in relation to
 21 Operation Crevice, for example, do we have Operation
 22 Crevice as one of a number of investigations that are
 23 ongoing at the same time?
 24 A. Yes, that's so.
 25 Q. And within each of those investigations, are there

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1 a large number of individual subjects of interest?
 2 A. There are in many of them, yes.
 3 Q. And does each of those subjects of interest have tens if
 4 not hundreds, if not thousands of contacts, whether by
 5 phone number or email address?
 6 A. So in my experience, normally hundreds or thousands
 7 rather than tens.
 8 Q. And do you have to prioritise your resources in
 9 determining which of those contacts you are going to
 10 investigate?
 11 A. Yes, we do.
 12 Q. And then having prioritised those resources, do you also
 13 have to look at whether it is necessary and
 14 proportionate to investigate each individual?
 15 A. Yes, we do.
 16 Q. Can we look at the issue of tiers. Is it right that
 17 a tier does not describe a threshold for investigating?
 18 A. Yes, that's correct.
 19 Q. Do you first decide whether you have sufficient
 20 information or intelligence for somebody to become
 21 a subject of interest?
 22 A. Yes, that's correct.
 23 Q. And do you then allocate somebody to a tier within their
 24 position, effectively, as a subject of interest?
 25 A. Yes, that's so.

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1 Q. And is that what happened in 2009 with regard to
 2 Khalid Masood?
 3 A. So he was not given a tier in 2009.
 4 Q. And why was that?
 5 A. So I think it's not clear what precise tiering policy
 6 was at that time. Things have moved on since then now,
 7 and I would think if he was open investigation now
 8 he would certainly have been allocated a Tier 3, but
 9 then he was not allocated one.
 10 Q. And is it right that at no point did MI5 receive
 11 intelligence or information at any stage to suggest any
 12 involvement in any attack plot?
 13 A. That's correct. No information at any stage to suggest
 14 involvement in attack—plotting.
 15 Q. You've been asked about failed opportunities to identify
 16 Khalid Masood. As you've explained, just because you
 17 are a contact of a subject of interest, that does not
 18 automatically make you a subject of interest. Having
 19 looked at all of the information that was available to
 20 your organisation, are you satisfied that there were no
 21 failed opportunities to identify him?
 22 A. Yes, I am.
 23 MS LEEK: Thank you very much.
 24 Further examination by MR HOUGH QC
 25 MR HOUGH: Witness L, just finally one matter to address

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1 from me on behalf of the Coroner. You were asked about
 2 whether MI5 could and should have taken steps to
 3 identify the various aspects of Masood's
 4 attack—planning; do you recall?
 5 A. Yes, I do.
 6 Q. Involving such matters as going to a shop to buy some
 7 knives, going to a car rental company to hire a car, and
 8 having a conversation with his mother in his mother's
 9 house in Wales.
 10 How intensive would an investigation have to be into
 11 a subject of interest in order to yield all that kind of
 12 information?
 13 A. It would have been to be extraordinarily intensive.
 14 Q. Would an investigation of that kind require some
 15 investigative tools that would need approval and
 16 authorisation?
 17 A. Yes, undoubtedly.
 18 Q. In the world today, would some of those require judicial
 19 oversight?
 20 A. Yes, they would.
 21 Q. Would you therefore have to satisfy a judicial authority
 22 of the need and proportionality to engage in the sorts
 23 of intrusive investigative techniques that would be
 24 required?
 25 A. Yes, we would.

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1 Q. Knowing what you know now, can you be confident, if
2 there had been judicial oversight, that you would be
3 able to satisfy that in respect of what you knew of
4 Masood?
5 A. So as you will be aware, judicial oversight is
6 reasonably new in some areas --
7 Q. Yes.
8 A. -- so this is obviously somewhat speculative on my part.
9 I'm not satisfied we would have been able to do,
10 particularly in terms of any requirement for coverage of
11 Khalid Masood's mother.
12 MR HOUGH: Thank you very much. Those are all my questions.
13 Sir, do you have any questions?
14 THE CHIEF CORONER: I don't. Can I simply thank you,
15 Witness L, for coming to give evidence at this Inquest,
16 within the limits, obviously understandable limits, and
17 have answered the questions that have been put to you on
18 behalf of -- both for me and by others. So thank you
19 very much.
20 A. Thank you, sir.
21 THE CHIEF CORONER: Mr Hough, what I'm going to suggest we
22 do, simply for the arrangements to work smoothly is that
23 I rise. I understand there is a further witness we
24 could take today.
25 MR HOUGH: We have another witness. It is DC Black. Having

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1 spoken to others, his evidence will be very brief and it
2 will save him a lot of inconvenience if we can hear from
3 him at the end of today.
4 THE CHIEF CORONER: Thank you. We will simply reconvene the
5 court as quickly as we are able to do so. I will rise.
6 MEMBER OF THE PRESS: May we report the last session?
7 THE CHIEF CORONER: Ms Leek, is there anything in what's
8 been said in that last passage.
9 MS LEEK: No, sir.
10 THE CHIEF CORONER: No? So that I think means that there
11 has been no issue on any of it at all?
12 MS LEEK: That's right, sir.
13 THE CHIEF CORONER: Thank you.
14 (4.13 pm)
15 (A short break)
16 (4.24 pm)
17 THE CHIEF CORONER: Thank you.
18 MR HOUGH: DC Black.
19 DC STUART BLACK (Affirmed)
20 A. I am Detective Constable Stuart Black, Sussex Police,
21 collar number CB453, sir.
22 THE CHIEF CORONER: Thank you, officer, and as with anyone
23 else, if you prefer to sit, please sit. If you want to
24 stand, that's fine, just make yourself comfortable.
25 A. Thank you very much, sir.

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1 Examination by MR HOUGH QC
2 MR HOUGH: Officer, I think you understand I ask questions
3 on behalf of the Coroner and then you may be asked
4 questions by some other lawyers.
5 A. Yes.
6 Q. You have told us that you are a detective constable
7 serving with Sussex Police. When did you first join
8 that force?
9 A. 1991, sir.
10 Q. Now, you're here to give evidence on your interactions
11 quite a number of years ago with Khalid Masood, as he
12 later became, Adrian Elms, as he was at the time?
13 A. That's correct.
14 Q. In 2003, where were you working?
15 A. At Eastbourne, sir.
16 Q. In what capacity there?
17 A. I worked in the CID office, the main office.
18 Q. Did you in May 2003 become involved in an investigation
19 into a violent event involving Adrian Elms?
20 A. I did, sir.
21 Q. What was the nature of that event?
22 A. We received a report that a man had received a facial
23 wound by means of a knife and had been taken down to the
24 hospital.
25 Q. Did you attend the scene?

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1 A. I did, in the end.
2 Q. Where had the incident taken place?
3 A. It's a road called King's Drive, the junction with
4 Prideaux Road, in Eastbourne.
5 Q. Where had it taken place in relation to any property?
6 A. It was outside on the front door.
7 Q. As you later discovered from your investigations, what
8 was the background to the altercation which became
9 violent?
10 A. Is it all right, sir, if I refer -- it's some time ago
11 and I do have some notes.
12 THE CHIEF CORONER: Of course.
13 MR HOUGH: You are at liberty to refer either to the witness
14 statement you made in March of this year, or to the
15 original report.
16 A. I have all of them there, but part of it I remember
17 quite well.
18 THE CHIEF CORONER: If you want to refer to anything, you
19 may do so.
20 A. Thank you, sir.
21 MR HOUGH: If you can tell us, please, the background to the
22 incident as you discovered from your investigations?
23 A. The initial part of the investigation was that the
24 victim had attended the address in Prideaux Road having
25 been taken there by Mr Elms on the pretext of trying to

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1 prove that he wasn't an undercover police officer .
 2 An altercation then has allegedly taken place between
 3 the two where Mr Elms then uses a knife to inflict
 4 injury on the victim. Would you like me to name the
 5 victim, sir?
 6 Q. He has been named already.
 7 A. He has been. Daniel Smith.
 8 Q. So the victim was taken to this address, as you
 9 understood, by Elms on the basis of Elms proving that he
 10 wasn't -- he, Elms -- wasn't an undercover police
 11 officer?
 12 A. That's correct, sir .
 13 Q. You said at the scene Elms then inflicted injuries .
 14 What were the nature of the injuries ; can you describe
 15 them?
 16 A. The injuries were probably in all the years I've been
 17 in, the worst knife injuries I've actually seen. The
 18 knife blow had come from a high trajectory and gone
 19 through the bridge of the nose. It had gone down
 20 through the nose and through the upper palate. The tip
 21 of the blade had then gone through the tongue into the
 22 lower jawbone where it had then snapped and then the
 23 nose had then been ripped in half because it would
 24 appear that as the person comes down -- and I'll show
 25 the court -- as the person comes down the knife has then

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1 split the nose completely in half, and that's what it
 2 was.
 3 THE CHIEF CORONER: Yes.
 4 MR HOUGH: So an injury requiring considerable force to
 5 inflict ?
 6 A. Indeed, sir .
 7 Q. What happened, as you understood it from your
 8 investigations , after that injury had been inflicted ?
 9 A. Mr Elms chased after the victim down what's known as
 10 King's Drive, and I'll get the wording that he shouted.
 11 (Pause).
 12 "I'm going to kill you. You're fucking dead.
 13 I know where you live."
 14 He then makes his way -- the victim gets picked up
 15 and taken to the hospital while Mr Elms gets into
 16 another vehicle and drives to the hospital where he had
 17 received an injury to the palm of his hand, which he
 18 also required later treatment.
 19 Q. Was Adrian Elms then arrested later at the hospital?
 20 A. He was, sir .
 21 Q. What, if any, weapons were found in his possession there
 22 and otherwise associated with him?
 23 A. A knife was recovered from Mr Elms and an extendable
 24 baton was found in a vehicle to which he had driven to
 25 the hospital by.

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1 Q. What explanation, if any, had he given to the hospital
 2 for his injury?
 3 A. He said he had been involved in a gardening incident
 4 involving a rotor blade, I think it was.
 5 Q. Did you and a colleague interview Adrian Elms at the
 6 police station?
 7 A. I did, sir .
 8 Q. What, in summary, were his responses to questions in
 9 interview?
 10 A. In the -- back in 2003 it was common practice to run two
 11 interviews, which is still used, first to get an account
 12 because we didn't have a victim's account because the
 13 victim had gone into surgery at that time, and he went
 14 no comment in the first interview. The second interview
 15 gave a second account.
 16 Q. What was the nature of the account he gave in the second
 17 interview?
 18 A. Effectively he said that it was self-defence, claiming
 19 that the victim had approached -- had gone to his
 20 address or to this address that was the address of
 21 a friend and associate of his (Pause).
 22 Sorry. Yes, so he had claimed that he was -- so the
 23 victim turns up at the address and Elms claims that he
 24 was then saying to him that he was an undercover police
 25 officer .

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1 Q. Did Elms, Adrian Elms, then give an account of the
 2 subsequent chase?
 3 A. I'll have to go back to the interview.
 4 Q. You deal with this in your witness statement as well, if
 5 it helps, in the middle of page 2.
 6 A. Oh, is that where I referred to when he chases after
 7 him?
 8 THE CHIEF CORONER: Yes.
 9 A. Yes, he says he chases after him, claiming that he wants
 10 to chase him away from the address.
 11 MR HOUGH: What was Adrian Elms' demeanour in interview.
 12 How did he come across to you?
 13 A. He came across extremely confident to the point of being
 14 cocky. He was more than convinced that the victim
 15 wouldn't say anything or press any further charges or
 16 allegations against him.
 17 Q. Did you form any opinion as to why Elms had that degree
 18 of confidence?
 19 A. He had turned up in town from another part of the
 20 county, and had been involved in a number of incidents,
 21 as I recall. He was a confident person. He was
 22 a brash, brash person.
 23 Q. Had you dealt with Adrian Elms previously as
 24 a policeman?
 25 A. From the records back in 2003 it does show that I was

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1 involved in an incident where an allegation of blackmail
 2 had been made against Elms, who was using another name,
 3 called Ajao.
 4 Q. Ajao, I think?
 5 A. Ajao, is that how it is pronounced? I apologise.
 6 I can't remember anything more of that and there are no
 7 records held anymore on that investigation, I am afraid.
 8 Q. In your statement, and I'm looking at the bottom of
 9 page 2, you describe an incident in February 2003 where
 10 you say he was suspected of being part of a group
 11 demanding money from a local licensee and that the
 12 suspects had mentioned guns?
 13 A. That's right, that's right, sir.
 14 Q. What, if any, further recollections do you have about
 15 the kind of criminality in which Adrian Elms,
 16 Khalid Masood as we now know him, was involved?
 17 A. He certainly seemed to be trying to increase his
 18 reputation and status within the town. Eastbourne is
 19 only a small town, and he was just trying to big it up
 20 in a small town.
 21 MR HOUGH: Thank you very much. Those are my questions. As
 22 I say, there may be others.
 23 A. Sir.
 24 Examination by MR PATTERSON QC
 25 MR PATTERSON: Detective Constable Black, I ask questions on

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1 behalf of the families of those who were killed on the
 2 bridge in March of last year.
 3 A. Sir.
 4 Q. Just a few points, if I may. You say that the injury to
 5 Danny Smith was amongst the worst that you had ever seen
 6 in your experience; is that right?
 7 A. Even to this day I have not seen a knife injury that had
 8 been so horrific. We were fortunate as an investigative
 9 department that despite there not being any mobile
 10 phones that we did have access to images that were taken
 11 prior to surgery.
 12 Q. You saw the images and you met the victim yourself, no
 13 doubt?
 14 A. I did.
 15 Q. From the description of the angle of the blow with the
 16 knife and the location of the injuries, it sounds as
 17 though he was lucky to escape with his life; is that
 18 fair?
 19 A. That was my understanding as well, sir.
 20 Q. So he was charged with not just wounding with intent or
 21 causing grievous bodily harm with intent; he was charged
 22 with attempted murder?
 23 A. I can't answer that. I'm looking -- I've got the
 24 indictment that was taking out the charges.
 25 Q. I think the first count was attempted murder; is that

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1 right?
 2 A. If that's what the court record shows, I don't have
 3 access to that, I've only got the charge sheet that came
 4 from Sussex Police.
 5 Q. We have the indictment and I'll be corrected if I'm
 6 wrong but he was ultimately charged and tried with
 7 attempted murder.
 8 Although he advanced an explanation of self-defence,
 9 "Not my knife but his knife", and "I was merely
 10 defending myself", the very first account he gave to
 11 anyone, as I understand what you've told us, is at the
 12 hospital when he gave a completely different
 13 explanation, namely a gardening accident?
 14 A. That's correct, sir.
 15 Q. And then the second opportunity he had to give
 16 an explanation, far from saying: self-defence, it was
 17 his knife, he declined to answer your questions?
 18 A. That's correct, sir.
 19 Q. And only late in the day, in an interview the following
 20 day on 19 May, did he put forward his self-defence
 21 explanation?
 22 A. That's correct, sir.
 23 Q. You were assisted in that investigation by an officer
 24 who I think is now retired, at the time, Detective
 25 Constable Garland; is that correct?

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1 A. He has emigrated, sir.
 2 Q. Forgive me. Could we see on the screen, please
 3 {WS0056C/1}. I don't know if you are aware of this but
 4 he has assisted recently with his recollection of this
 5 investigation with this email. Have you seen that,
 6 officer?
 7 A. No, I haven't, sir. That says Oliver --
 8 THE CHIEF CORONER: I think we have the wrong document,
 9 Mr Patterson.
 10 MR PATTERSON: Yes, if we scroll through, please, to page 4,
 11 {WS0056C/4}, this is a statement from an officer who
 12 spoke to him and the officer attaches as an exhibit
 13 an email from Lee Garland. If you look towards the
 14 bottom of page 4 we can see it's signed by your former
 15 colleague, Lee Garland.
 16 A. That's correct, sir. It comes from his wife, Tracy.
 17 Q. If we go up to the paragraph that begins:
 18 "The incident with Daniel Smith was pure anger ..."
 19 Do you see that?
 20 A. Oh, the second paragraph in, yes. Yes.
 21 Q. And about six lines into it, your colleague's
 22 recollection is that it was tried before Judge Richard
 23 Brown, who many of us will know is the one-time resident
 24 judge at Lewes; is that right?
 25 A. That's correct, sir.

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1 Q. And he indicates this:

2 "Even Judge Brown in his words to Elms was amazed

3 with the result."

4 Do you see that?

5 A. I do, sir.

6 Q. And is that your recollection that it was one of those

7 acquittals where unusually the judge made some comments

8 or observations to the acquitted defendant?

9 A. I remember the moment that he said -- I can't remember

10 the actual words, but I remember looking up and seeing

11 the judge turn to the jury and say something, I can't

12 remember the exact words, and I also remember that he

13 was given six months for the offensive weapon, which is

14 the maximum penalty.

15 Q. Yes.

16 A. Which is unheard of.

17 Q. Yes, but you don't dispute what Mr Garland has recalled:

18 that the judge expressed some form of amazement to Elms

19 when he was found not guilty?

20 A. Absolutely, sir.

21 Q. And furthermore, a few lines below, the recollection of

22 your colleague is that he bumped into Masood, or Elms as

23 he was then, in Eastbourne a few days later.

24 "I saw Elms again in Eastbourne town centre a few

25 days after the trial ..."

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1 Do you see that?

2 A. Sir.

3 Q. "... he told me he was getting out of town and starting

4 again in Wales. I remember saying to him that he got

5 lucky in court and he smiled and nodded his head."

6 So from that it sounds as though Mr Garland was

7 being told by him that he perhaps recognised that he had

8 been the beneficiary of a wrongful acquittal; is that

9 something you were aware of, that exchange?

10 A. I wasn't aware that he had had that exchange.

11 Q. Yes.

12 "... the subsequent event in London doesn't surprise

13 me that he could commit that atrocity."

14 Is what your colleague went on to say. Is that

15 a view that you would share given what you witnessed of

16 his conduct in relation to Danny Smith?

17 A. The violence used and the method, using the knife, it

18 does not surprise me at all, sir.

19 Q. Do you have any recollection of any other intelligence

20 that you would have been aware of at the time in

21 relation to Elms, and in particular, we've heard

22 suggestions from a number of sources that he was

23 believed to be both a drug dealer and that he was

24 believed to be a knife carrier. Did either of those

25 things ever reach you by way of intelligence at the

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1 time?

2 A. If they did, I can't recall now, sir.

3 Q. If at any stage you had been asked by counter terrorism

4 officers or by the Security Service to share information

5 about him, presumably you would have willingly done

6 so --

7 A. Absolutely, sir.

8 Q. -- and told them everything you know about this man?

9 A. Absolutely sir. It's in our best interests that

10 intelligence is shared where possible.

11 Q. At any stage do you have any recollection of being asked

12 for information about Elms in relation to that case or,

13 indeed, in relation to anything?

14 A. Not in relation to this particular case, no, sir. Not

15 prior to the incident.

16 Q. And finally, I think in terms of his age, this wasn't

17 a teenager behaving in this way. By my calculations

18 in December 2002 he had turned 38, so that when this

19 happened in May 2003, he was 38 years of age.

20 A. I have his date of birth recorded as 25.12.1964.

21 Q. So 38 sounds about right?

22 A. That's about right, sir.

23 MR PATTERSON: Thank you very much for your help.

24 A. Thank you, sir.

25 MR HOUGH: No further questions from anyone. Thank you very

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1 much for attending court.

2 A. Thank you, sir.

3 THE CHIEF CORONER: Thank you for attending and I'm sorry

4 you have had a long wait today.

5 A. Not at all, sir.

6 MR HOUGH: Sir, that's all our evidence today. Tomorrow's

7 witnesses will be Commander Usher, Mr Hepburn and

8 Chief Superintendent Morris, as she now is.

9 THE CHIEF CORONER: Yes.

10 MR HOUGH: We suggest starting at 9.30 in order to be able

11 to complete Mr Usher's evidence within a proper time.

12 THE CHIEF CORONER: Yes.

13 MR HOUGH: It may be that that will allow us to finish

14 a little early.

15 THE CHIEF CORONER: Yes. Can I just say, really, for the

16 benefit of everyone in court, I have a commitment which

17 means that I need to be away from this building tomorrow

18 afternoon I hope no later than 4.30. It would make it

19 easier if I could get away before then. So I hope that

20 won't constrain people's questions, they will have

21 enough time to ask them, but I anticipate that we're not

22 going to unnecessarily go back over territory we've

23 covered with Commander Usher. It's very much a case of

24 covering where we've got to and what's emerged since.

25 MR HOUGH: We are reasonably confident, or as confident as

200

1 we can be, that those three witnesses can be done within
2 the day.

203

3 THE CHIEF CORONER: Very good. I'm saying it partly because
4 I know some people who are interested in those witnesses
5 are not in court so they will see it on the transcript.

6 MR ADAMSON: I will do my best.

7 THE CHIEF CORONER: Yes.

8 MR PATTERSON: Sir, we will consider overnight whether
9 I'm required tomorrow. It may be that none of the three
10 witnesses requires my attendance. My instructing
11 solicitor will be here, but I hope your Lordship will
12 forgive me if I'm not present for the simple reason that
13 none of the issues relevant to us are likely to arise.

14 THE CHIEF CORONER: I quite understand. I'll rise.

15 (4.43 pm)

16 (The court adjourned until 9.30 am on
17 Thursday, 27 September 2018)

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