

# OPUS 2

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London Bridge Inquests

Day 20

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1 Wednesday, 5 June 2019  
 2 (10.02 am)  
 3 THE CHIEF CORONER: It's always confusing, Mr Patterson,  
 4 when people are in different places.  
 5 MR PATTERSON: Yes, yes. I will try not to confuse  
 6 everyone.  
 7 Witness M (continued)  
 8 Questions by MR PATTERSON QC (continued)  
 9 MR PATTERSON: Good morning, Witness M.  
 10 A. Good morning.  
 11 Q. Witness M, you will appreciate that the investigation  
 12 that you are here to help us with lasted for something  
 13 in the region of two years, so I've got a fair amount to  
 14 cover but I'll try to be as concise as I can be.  
 15 You were asked questions by Mr Hough about the  
 16 Transport for London employment and you told us that  
 17 there came a time when you and your team learnt about  
 18 this job that Khuram Butt obtained working at  
 19 Westminster underground station.  
 20 A. That is correct, yes.  
 21 Q. So can I be clear: you learnt about this after he had  
 22 begun working at that station?  
 23 A. I cannot recall at what stage we learnt about him either  
 24 seeking out employment or having that employment.  
 25 Q. Was that something that you --

1

1 A. But we were aware of the fact that he was working at  
 2 London Underground.  
 3 Q. So it wasn't something that you learned at the  
 4 application stage before the decision had been made as  
 5 to whether they should give him the job?  
 6 A. I cannot answer that.  
 7 Q. Were arrangements in place at the time for the counter  
 8 terrorism police to be notified by Transport for London  
 9 of the names of people applying to be employed by  
 10 Transport for London in vulnerable locations?  
 11 A. I'm not aware of any such arrangement. That's not to  
 12 say it doesn't exist, but it's not something I'm aware  
 13 of.  
 14 Q. So to this day can Transport for London receive  
 15 applications by people who might be terrorist suspects,  
 16 the subject of ongoing investigations, and then  
 17 a decision made to employ them without you or your  
 18 partner agency being notified?  
 19 A. So, again, I can't categorically say whether that  
 20 process exists. That sounds to me that it's something,  
 21 if it did exist, would be more in the "protect" side of  
 22 our business.  
 23 Q. We've heard evidence from your colleague, Mr Jolley,  
 24 that he at one stage was expressing an interest in  
 25 working at City airport; that at one stage he asked to

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1 work on the railway network, specifically at  
 2 London Bridge railway station, and you'll appreciate the  
 3 concerns that the families have and that the wider  
 4 public might have as to the terrifying message that the  
 5 7/7 attacks sent as to how vulnerable our transport  
 6 network is to terrorist attacks.  
 7 A. I do appreciate that and clearly any job application in  
 8 any employment will be assessed, risk-assessed, and  
 9 a conclusion will be reached whether that employment is  
 10 in pursuance of any kind of terrorist activity or any  
 11 kind of attack planning. So very much case-by-case, but  
 12 it is something that will feature in one, our assessment  
 13 and two, we'll look at any intelligence or any ancillary  
 14 intelligence around that potential employment.  
 15 Q. You told Mr Hough yesterday that one of the reasons, or  
 16 the reason, why you didn't take steps to notify TfL was  
 17 that you had no intelligence that the employment was  
 18 linked to any kind of terrorist activity?  
 19 A. Yes, and the other thing I also said to Mr Hough was  
 20 that this could be seen as a stabilising effect in his  
 21 life around getting employment and actually detracts  
 22 from some of the other intelligence around his  
 23 extremism.  
 24 Q. Of course, but equally, just focusing on the absence of  
 25 intelligence, you would agree with this, no doubt, as

3

1 a general proposition: that the absence of intelligence  
 2 doesn't of itself give the employment or the suspect  
 3 a clean bill of health, does it, especially when you've  
 4 known that throughout your investigation he was taking  
 5 anti-surveillance steps?  
 6 A. So you're never going to arrive at that position where  
 7 you're 100 per cent certain. So each -- and not just --  
 8 this is generic, not just pertaining to Mr Butt, it is  
 9 case-by-case, it gets assessed, and a decision is made.  
 10 If there is some intelligence or is some concern in  
 11 activity that would suggest that employment is for  
 12 a nefarious purpose, we would take action.  
 13 Q. You mentioned yesterday the consideration about  
 14 employment issues, but would you agree with this: that  
 15 public protection should never be trumped by concerns  
 16 about employment issues if you have a terror suspect  
 17 being employed in a highly vulnerable location like  
 18 Westminster underground station right next to the Palace  
 19 of Westminster?  
 20 A. I'm not sure where that argument ends, because we deal  
 21 with 3,000 people. Are we saying that every one of  
 22 those individuals should not hold a position of  
 23 employment because it carries some risk? It's  
 24 case-by-case, it gets assessed, if there's no  
 25 intelligence to suggest that it's for a terrorist

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1 purpose or terrorist activity , then we would be of the  
 2 opinion that that is not overly concerning.  
 3 I do understand that at a base level yes, having  
 4 employment on London Underground is concerning for  
 5 someone with an extremist mindset, but we have to look  
 6 at it with the eyes of is this for a terrorist purpose.  
 7 Q. So is the position this: that he was a terror suspect at  
 8 the time, he remained categorised in 2016, at this  
 9 period, as high-risk to the public, you knew he was  
 10 employed at Westminster underground station and you were  
 11 happy for that risk to be run?  
 12 A. So we were alive to the risk and you are right, he was  
 13 a terrorist subject of interest at that point in time  
 14 and he was -- we were alive to the fact that he had that  
 15 employment and, if we had seen anything that had  
 16 suggested that employment was for a terrorist purpose,  
 17 we would have acted.  
 18 Q. Well, hopefully you increased the monitoring, the  
 19 surveillance of him, throughout the time that he was at  
 20 Westminster underground station?  
 21 A. I cannot comment on that.  
 22 Q. And so for many months this risk was run; is that right?  
 23 A. So for -- the risk would be assessed and, as a result of  
 24 that assessment, decisions would be made whether to  
 25 intervene or not intervene. There was no intelligence

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1 or there was no information to suggest that that  
 2 employment was for a terrorist purpose and, in fact ,  
 3 almost contrary, it was seen as a stabilising effect in  
 4 his life . And I think at that period as well we saw  
 5 a withdrawal from ALM.  
 6 Q. We'll come on to the autumn of 2016 in a moment. We  
 7 know from the summer of 2016 he was attending regularly  
 8 at the Ummah Fitness Centre.  
 9 A. Yes.  
 10 Q. You indicated yesterday that there came a time when you  
 11 learnt about his regular attendance at that gym. When  
 12 was that that you found out about it?  
 13 A. I don't have the exact date but I can say during that  
 14 period we were aware that was one location, of many,  
 15 that he was attending.  
 16 Q. Well, you deal with it in your report at 3.13. So at  
 17 the bottom of page 11 of your report:  
 18 "We were aware that Butt was frequenting the Ummah  
 19 Fitness Centre at the end of 2016."  
 20 A. That's correct.  
 21 Q. Does that help you to identify when it was that you  
 22 identified that he was frequenting it at the end of  
 23 2016? Presumably you found this out at the end of 2016  
 24 or early 2017; does that sound about right?  
 25 A. What -- no, what's in my statement, "towards the end of

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1 2016". I cannot go into the specifics in terms of dates  
 2 because that will go toward some of our methodology.  
 3 Q. You see the ambiguity in the wording of your statement.  
 4 Are you saying that the attendance was at the end of  
 5 2016 and you learnt about it at some stage or are you  
 6 saying that you learnt about it at the end of 2016?  
 7 A. So we were aware at the end of 2016 he was attending the  
 8 Ummah Fitness Centre.  
 9 Q. So June, July, August, September, October, we know he  
 10 was attending; you were unaware of that?  
 11 A. So the police towards the end of 2016 were aware that he  
 12 was attending Ummah Fitness Centre.  
 13 Q. How is it that he was able to go there regularly for all  
 14 those months when he's under surveillance without you  
 15 knowing that?  
 16 A. So I'm not able to comment on whether he was under  
 17 surveillance or whether he was not under surveillance.  
 18 Q. Well, under investigation .  
 19 A. Under investigation . Okay, so when he was under  
 20 investigation we became aware at the end of 2016 that he  
 21 was attending that fitness centre, the -- sorry, that  
 22 gym. The significance of his attendance there was not  
 23 known at that time and there was nothing to indicate it  
 24 was for a terrorist purpose.  
 25 Q. Well, I'll come to the significance later, but if he is

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1 regularly attending, month after month, from about the  
 2 summer of 2016 --  
 3 A. Yes.  
 4 Q. -- how is it that you missed all of that?  
 5 A. Well, so according to our police records it's at the end  
 6 of 2016 that we were aware that he was attending that  
 7 fitness centre.  
 8 If there had been any significance in him attending  
 9 that venue, then I'm sure that would have been flagged  
 10 up to us earlier if he was attending earlier, or at the  
 11 time.  
 12 Q. But in the middle of 2016 when he, it seems, began  
 13 attending, he was still a high-risk extremist linked to  
 14 attack planning. He was still a P2H.  
 15 A. Absolutely, and I don't want to labour the point here,  
 16 but he would attend many venues, many locations,  
 17 different types of locations. It only becomes  
 18 significant if it is attached to some intelligence to  
 19 tell us that is a significant venue.  
 20 Q. You spoke repeatedly yesterday with Mr Hough about the  
 21 investigation being intelligence -led, and spoke about  
 22 whether you did or didn't have intelligence about  
 23 a particular thing, but, of course, your role wasn't  
 24 just as the recipient of intelligence or as a sort of  
 25 agent of your partner MI5, you were investigating this

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1 man, weren't you?  
 2 A. So --  
 3 Q. Old-fashioned policing? I don't mean that in  
 4 a derogatory way, but you see the point I'm making:  
 5 you're investigating what he's doing.  
 6 A. Investigating what exactly?  
 7 Q. His activities .  
 8 A. So he hadn't been arrested, so he was not the subject of  
 9 a police investigation by that stage.  
 10 Q. No, but you say "investigate what"; you read out all of  
 11 your investigative aims yesterday.  
 12 A. Yes.  
 13 Q. Your strategic aims.  
 14 A. Yes.  
 15 Q. You came back from the first JOT and set out in writing  
 16 what the various aims of your investigation were.  
 17 A. Yes. So we were supporting the MI5-led intelligence  
 18 operation into Khuram Butt and others.  
 19 Q. Yes, but you were investigating him, yes?  
 20 A. So we were supporting the intelligence -led operation in  
 21 a very clear-cut term, investigating , there was no  
 22 criminal offences at that stage, mid-2016, we were  
 23 investigating . He had not been arrested.  
 24 Q. He is categorised as high risk to the public; are you  
 25 really saying that the Counter Terrorism Unit aren't

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1 investigating as much as you can about this suspect?  
 2 A. So we're assisting the intelligence -led operation into  
 3 Khuram Butt. I think we're getting into semantics  
 4 around the word "investigation ". We are part of the,  
 5 yes, investigation team that is attached to this  
 6 intelligence -led operation.  
 7 Q. In September 2016 the categorisation was downgraded to  
 8 P2M, so the risk is now a medium risk, you told us?  
 9 A. That is correct. Yes, it was categorised down to a P2M.  
 10 Q. And when you dealt with this in your report at  
 11 paragraph 5.9, you linked this decision to the fact that  
 12 there had been no indications of actual steps to plan  
 13 an attack.  
 14 A. That's correct, that is in my report.  
 15 Q. But as you've accepted a number of times, from the very  
 16 start , this is somebody who had, throughout, exhibited  
 17 a degree of operational security .  
 18 A. We see that across the entire range of individuals we  
 19 investigate .  
 20 Q. Yes. But an ordinary member of the public with nothing  
 21 to hide is unlikely to be taking steps to avoid  
 22 surveillance or to hide their activities ; would you  
 23 agree?  
 24 A. He's not an ordinary member -- he was not an ordinary  
 25 member of the public; he was under investigation .

10

1 Q. But that of itself rings alarm bells , doesn't it , if he  
 2 is positively taking steps to disguise what his  
 3 activities are?  
 4 A. It's concerning, but it becomes more concerning when it  
 5 is attached to other intelligence around other activity .  
 6 And that will elevate the risk and elevate our posture  
 7 and our response.  
 8 Q. After that decision to recategorise as medium risk, he  
 9 then re-engaged, you told us, with ALM in the autumn of  
 10 2016.  
 11 A. So that -- that's correct , that was the assessment at  
 12 the time that he started to re-engage with other ALM  
 13 individuals .  
 14 Q. He was also identified as having an inflammatory  
 15 presence around other extremists, wasn't he?  
 16 A. How do we know that?  
 17 Q. Well, you confirmed yesterday that you were aware of  
 18 that and that's information that reached you via MI5.  
 19 We see it in the report of Witness L at paragraph 116.  
 20 A. Okay. So I can't say with any certainty I was aware of  
 21 that before that time, but just the mere presence -- the  
 22 mere fact that he was associating with other ALM  
 23 individuals or becoming further engaged is of concern.  
 24 Q. And the passage of time doesn't of itself exclude the  
 25 possibility that an attack will later be carried out by

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1 a person; would you agree there have been many notable  
 2 examples of people who, after a lengthy period of  
 3 extremist behaviour, have only then carried out  
 4 a terrorist attack?  
 5 A. Absolutely.  
 6 Q. And so would you agree that care needs to be taken,  
 7 particularly with those anti-surveillance measures being  
 8 displayed, care needs to be taken not to give somebody  
 9 a clean bill of health when they don't deserve to be  
 10 given a clean bill of health?  
 11 A. Yes, but he wasn't given a clean bill of health.  
 12 Q. Did you consider revisiting that downgrading to medium  
 13 risk when you learned about his re-engagement and when  
 14 you learned about the inflammatory presence?  
 15 A. No, I think the grading was appropriate. So P2H would  
 16 suggest someone who has an aspirational desire to commit  
 17 an attack or linked to some other terrorist offending of  
 18 significance , and P2M sits below that, of someone that  
 19 still has an extremist mindset.  
 20 Q. What about when you saw all of that very troubling  
 21 material on his devices which you seized on  
 22 18 October 2016; you didn't revisit the downgrading  
 23 after that?  
 24 A. So the material, that was not assessed to be a criminal  
 25 offence .

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1 Q. Yes, you've made that point a number of times, officer ,  
 2 but you've also recognised that it does have relevance  
 3 in providing a window into his thoughts.  
 4 A. Absolutely, and in an intelligence space that was shared  
 5 and that was subsequently assessed.  
 6 Q. So did you reconsider the downgrading to medium risk?  
 7 A. So there was no evidence on that material of any violent  
 8 attack being planned.  
 9 Q. If we can just remind ourselves of some of the material,  
 10 {DC7243}?  
 11 A. Could I have the document?  
 12 Q. Yes, we'll see it on the screen in a moment. So these  
 13 are the devices that were linked to him?  
 14 A. Yes.  
 15 Q. And if we go, please, to page {DC7243/8}, this is CMD/2,  
 16 a phone that was attributed to him; do you have it  
 17 there, officer ?  
 18 A. I do, yes.  
 19 Q. And this was summarised through Detective Sergeant Ager  
 20 on Friday. If we go to the next page, please {DC7243/9}  
 21 and if we can expand it more on the screen, if that's  
 22 possible. Web page after web page, on occasion after  
 23 occasion was being visited by Butt, this is all material  
 24 that you learnt, showing a repeated interest, if not  
 25 obsession, with martyrdom. The list begins there at the

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1 top of page 9, and if we scroll down the page,  
 2 a "martyrdom seeker", a "martyrdom operation", "3  
 3 martyrdom operations", "5 martyrdom operations", "13  
 4 martyrdom operation and violent battles", "a martyrdom  
 5 attack". Over on to {DC7243/10}, please, a variety of  
 6 material which included a photo of Ground Zero, so the  
 7 scene of the 9/11 terrorist attack. If we scroll down  
 8 a little on that page, please. On {DC7243/11}, material  
 9 showing an interest in executions, and at 11.3 the  
 10 killing of 90 non-believers or apostates, further down  
 11 at 11.6, visiting a web page about a suicide bomber who  
 12 had managed to kill and injury more than 30.  
 13 Screenshots of Dabiq, a journal which is used for Isis  
 14 recruitment.  
 15 Over on to {DC7243/12}, another web page at 12.1  
 16 showing an interest in martyrdom. At 12.2, Isis  
 17 propaganda report about a suicide bomber who has crashed  
 18 a booby-trapped vehicle into people, Adnani, the Isis  
 19 second-in-command to Baghdadi.  
 20 {DC7243/13}, further material showing an obsession,  
 21 I would suggest, with Islamic State, terrorist research.  
 22 {DC7243/14}, an interest in Dabiq, a terrorist  
 23 propaganda magazine. 13.7, jihad against Great Britain  
 24 in the historical context. 14.3, a mine attack against  
 25 a French vehicle.

14

1 {DC7243/15}, women in army fatigues aiming rifles at  
 2 the heads of two men dressed in orange overalls who are  
 3 kneeling in front of them. 14.14, a brutal photo of  
 4 a dead man with a spade in his face. 14.15, an Islamic  
 5 State image of a kneeling man in an orange jumpsuit, so  
 6 clearly a captive, with a shot gun aimed at him. The  
 7 material about the propagandists Awlaki, and Faisal and  
 8 Jibril .

9 Then the voice message at 15.4, so if we could just  
 10 scroll down a little, please. All of this on Butt's  
 11 phone, a voice message believed to be from Jibril ,  
 12 offering support, looking forward to meeting him in  
 13 paradise, asking him to send regards to the brothers and  
 14 to stay in contact.

15 Over on to {DC7243/16}, please. This is all still  
 16 Butt's phone that you examined before the London Bridge  
 17 attack. At 15.6, voice messages from a person believed  
 18 to be Khuram Butt in London, addressed to the person  
 19 believed to be this man, Jibril , thanking him for the  
 20 response and saying that he has shared his number, so he  
 21 has shared Jibril 's number with other like-minded  
 22 brothers, offering support from London.

23 And so it goes on, and that paragraph ends with Butt  
 24 asking if it's possible for Muslims to have visions of  
 25 the future before death. So Butt is speaking about the

15

1 topic of death in the context of an obsession with  
 2 martyrdom and suicide attacks.

3 At {DC7243/17}, still on Butt's phone, at 15.11,  
 4 a lecture by Jibril talking about wala and bara, the  
 5 well recognised principle that you've got an obligation  
 6 to express your hatred or disapproval or opposition for  
 7 things that are contrary to the causes he believes it to  
 8 be, an instruction to hate everyone who doesn't accept  
 9 a particular creed of Islam.

10 Then if we go, please, to the laptop, and  
 11 {DC7243/19}, again material that you were aware of at  
 12 this time, at the bottom of the page there, officer ,  
 13 a video recording showing him taking apparent pleasure  
 14 as he, Khuram Butt, draws a knife across the throat of  
 15 an animal in a sacrifice, commenting that this is what  
 16 had been done to 600 Jewish men.

17 So you made reference at one stage yesterday to  
 18 theological matters, but clearly there were a huge host  
 19 of things here that show that he had a very, very  
 20 troubling obsession with violence; would you agree?

21 A. So, in response, probably two points, really. So, yes,  
 22 we're aware of that, yes, it is concerning. None of  
 23 an offence. It was shared and it will feature in the  
 24 risk assessment which will then form the category that  
 25 he was subsequently put under.

16

1 Secondly, this rhetoric, this conversation, this  
 2 mindset we see right the way across the spectrum of all  
 3 the SOIs we deal with.  
 4 Q. At page 22 --  
 5 A. But none -- none of this material shows that he was  
 6 planning for an attack or that there was an offence  
 7 being committed.  
 8 Q. Yes, but officer it brings me back to my point  
 9 yesterday: my general proposition is that too little  
 10 weight is attached to mindset evidence and by  
 11 categorising it using those words "mindset evidence", it  
 12 is often dismissed and given insufficient weight?  
 13 A. I can only go with what legislation permits me to go  
 14 with, I can only go with the assessment that is given to  
 15 me from experts, and that's what will form grounds to  
 16 take any kind of executive action.  
 17 This material, I appreciate it is concerning, it  
 18 does show an extremist mindset, it does show rhetoric  
 19 around jihad, martyrdom and paradise, but it is quite  
 20 commonplace across all the individuals we deal with.  
 21 Q. Officer, you misunderstand me. I'm not focusing on  
 22 should you or shouldn't you have prosecuted him for  
 23 disseminating extremist material. What I'm focusing on  
 24 is the very real insight that it gives you into his  
 25 risk, because if we go on to page {DC7243/22} and the

17

1 laptop, there were images of known terrorists. He was,  
 2 it seems, repeatedly interested in and looking at the  
 3 details of significant terrorists. Just further down  
 4 the page, please?  
 5 A. Abdesalam Salah.  
 6 Q. Salah, the Paris attacks which had been November 2015,  
 7 Chouchane, the Tunisia attack in 2015, the three  
 8 Brussels airport suspects from 2016.  
 9 Again, the totality of this material surely makes it  
 10 plain that this is somebody who is a real risk to the  
 11 public; would you agree?  
 12 A. So it makes it plain to me that this is an individual  
 13 with an extremist mindset that has an interest in  
 14 extremist matters and other individuals that are  
 15 involved in Islamic radicalism, I fully accept that.  
 16 But without anything else further it does not cause us  
 17 to act and it just goes into the intelligence pot that  
 18 will then form a subsequent risk assessment on him.  
 19 Q. Is there a written document somewhere where you assessed  
 20 what this material told you in your investigation?  
 21 A. This is material shared with MI5 --  
 22 Q. Yes?  
 23 A. -- who form the categorisation of a operation.  
 24 Q. Did you assess it?  
 25 A. So we assessed it with a view to seeing if there's any

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1 offences, any evidential opportunities for us to act on,  
 2 or if there's anything there that might lead us to  
 3 believe that he's either planning or involved in any  
 4 other terrorist activity.  
 5 Q. When you handed it over to MI5, did you say: you may  
 6 want to observe that this is a 27-year-old fit, young,  
 7 healthy man who has a real obsession with martyrdom?  
 8 A. Well, I can't categorically say we did or we didn't say  
 9 that, but that would have been obvious from the  
 10 material.  
 11 Q. Because obviously if that was specifically  
 12 highlighted --  
 13 A. Yes.  
 14 Q. -- then do please say so, because we're aware of no such  
 15 flagging up and we can ask L when he comes next week as  
 16 to whether this was recognised.  
 17 A. So there would have been continued conversation with MI5  
 18 around the whole fraud arrest, around the material that  
 19 was seized and shared.  
 20 Q. And still, despite all of this, you didn't revisit the  
 21 downward categorisation to medium risk?  
 22 A. So if you look at the categorisation, is there anything  
 23 in there that suggests that he is going to commit  
 24 an attack or there is any other high-risk terrorist  
 25 activity that he's about to undertake. So my view is

19

1 the categorisation was right, so we'd come down, P2H  
 2 generally suggests we're looking at someone looking to  
 3 commit an attack.  
 4 Q. My suggestion, officer, is there needs to be a more  
 5 nuanced assessment of this kind of material. It's not  
 6 just: is there an offence disclosed, it's not just does  
 7 this show attack planning; there should be a third  
 8 category that should be identified: what does it show us  
 9 about his mindset? Is there a willingness to fight and  
 10 die, because if there's a willingness to fight and die,  
 11 that's a very considerable step along the path to  
 12 actually executing an attack in which he will be  
 13 fighting and dying; do you see the point?  
 14 A. I do see your point, and I will go back to this is not  
 15 uncommon, what we see, and it is factored in to  
 16 subsequent risk assessments and assessments around this  
 17 individual.  
 18 Q. If I suggested -- and I don't mean this in any way  
 19 disrespectfully, but if I suggested that that's a rather  
 20 defeatist approach simply to say "We see it all the  
 21 time" --  
 22 A. No.  
 23 Q. -- without a tailored assessment of what it tells us  
 24 about particularly his willingness to die?  
 25 A. But you will hear from Witness L about that tailored

20

1 assessment, around the PLA process.  
 2 Q. We will see what was and wasn't done by MI5, but it  
 3 appears from what you have told us that no such  
 4 assessment along those lines was carried out by you and  
 5 your team?  
 6 A. No, because we don't own that process --  
 7 Q. So it's your material --  
 8 MR HORWELL: Answer the question.  
 9 A. -- so we feed into that process. We did not -- so in  
 10 terms of assessment, we're alive to it, it is  
 11 concerning, and it was shared.  
 12 Q. Well, if there was any flagging up of what was there,  
 13 would you please let us know?  
 14 A. Of course.  
 15 Q. Were some of the items that were found at this stage  
 16 considered for a potential prosecution?  
 17 A. On the devices?  
 18 Q. Yes.  
 19 A. They were all assessed with a view to whether they would  
 20 be prosecutable.  
 21 Q. Was advice taken from the CPS in relation to any of the  
 22 files?  
 23 A. I don't believe it was. So we followed a system we have  
 24 in place, which I documented in my statement, around  
 25 NITRA and the assessment process that falls out of that.

21

1 Q. In the ISC report it suggested at paragraph 226 that  
 2 some of the files might have been used in a successful  
 3 prosecution; is that right?  
 4 A. So, I believe this material has been reviewed  
 5 subsequently by the CPS and reached the same conclusion  
 6 as what we did: that none of it was chargeable.  
 7 Q. So the point I'm making is was there a particular film  
 8 or a particular document, a specific item which you  
 9 thought: mm, that might possibly give grounds for  
 10 a specific prosecution?  
 11 A. Well, that would be our starting point.  
 12 Q. Yes, was there any particular file that you were  
 13 interested in? Any particular book or document or film?  
 14 A. Not --  
 15 Q. That might be close to the line, for example?  
 16 A. I would have to go through it line-by-line, but there's  
 17 nothing I recall. Did we think it's close to the line?  
 18 Yes, because we submitted it for assessment, and we rely  
 19 on that assessment to form our view whether it is  
 20 actionable and we should take some form of action on the  
 21 back of that assessment.  
 22 Q. Can you help us with what the particular files were?  
 23 A. No, I can't. So without having the actual document in  
 24 front of me what was referred up, and I would have to  
 25 see DS Ager's report, but my understanding is all this

22

1 material was subject to assessment.  
 2 Q. The reason I'm asking this, there's no mystery, at  
 3 paragraph 226 of the ISC report it is stated that:  
 4 "During Butt's arrest in October counter terrorism  
 5 police had discovered files that it considered 'may be  
 6 successfully used in a prosecution under the Terrorism  
 7 Act.'  
 8 And I am wondering if you can help us with what the  
 9 particular documents or files were that you were  
 10 interested in?  
 11 A. So "may be successfully used in a prosecution under the  
 12 Terrorism Act", so may be used as mindset material to  
 13 assist with -- to form a part of the jigsaw for another  
 14 terrorist suspect(?).  
 15 Q. Not a self-contained charge?  
 16 A. The material in itself did not form the basis for any  
 17 prosecution.  
 18 Q. I see.  
 19 A. I think that's my interpretation of that phrase.  
 20 Q. The reason I ask is because there was a reference to  
 21 possible disruption and obviously that suggests that it  
 22 wouldn't be mindset attached to another charge, it would  
 23 be a charge of itself.  
 24 A. Well, I read it differently.  
 25 Q. There was a period of withdrawal from ALM after his

23

1 arrest, we have been told, in Witness L's statement.  
 2 Presumably you were aware of that?  
 3 A. Yes. I knew there was -- well, I'm aware that there was  
 4 a period of disengagement.  
 5 Q. And Witness L said this: that it was assessed that he  
 6 was possibly seeking to minimise any further police  
 7 attention. Presumably that was shared with you, or  
 8 a view that you also had at the time?  
 9 A. Possibly, but I cannot be definitive. There was  
 10 nothing -- nothing shared with the police that suggests  
 11 that that was the case, but he had just been arrested,  
 12 he was on bail.  
 13 Q. And so did he increase his operational security at that  
 14 stage? Did he step it up even more?  
 15 A. Not that I was aware of. So that in itself would be  
 16 an indicator.  
 17 Q. That in itself would be an indicator that caused --  
 18 A. So I think it's fair to say if we started seeing  
 19 an individual change their behaviour, change operational  
 20 security, that in itself would be a red flag.  
 21 Q. But that never reached you, did it, if that happened?  
 22 A. No, I wasn't aware that there was any significant change  
 23 in his operational security.  
 24 Q. {WS5006/66}, please. If we can enlarge the page,  
 25 please. David Anderson in his assessment of the police

24

1 review stated at paragraph 2.49 that after the arrest  
 2 for fraud in October he began a period of withdrawal  
 3 from ALM and increased his operational security.  
 4 A. Okay. So the ...  
 5 Q. So is that something that wasn't brought to your  
 6 attention?  
 7 A. Well, was that something we knew at the time or  
 8 something we found out after the attack but went back  
 9 and reassessed? I'm not sure.  
 10 Q. But you've told us that certainly at the time you were  
 11 unaware of any such increase, and it would have been  
 12 a significant thing if it had occurred?  
 13 A. Absolutely, but is that comment made in light of what  
 14 was found afterwards, or was it found out at the time,  
 15 and I will be --  
 16 Q. I can't assist.  
 17 A. No, let me be clear. So at the time if we had seen any  
 18 increase in operational security that in itself would be  
 19 suspicious, and pique our interest. So I don't know if  
 20 Mr Anderson is referring to the fact that we were aware  
 21 of that at the time or that was subsequently discovered  
 22 in the post investigation.  
 23 Q. But certainly you were aware, you said yesterday to  
 24 Mr Hough, that MI5 increased their coverage of him at  
 25 around this time.

25

1 A. Sorry, what time? The second half of 2016?  
 2 Q. Late in 2016.  
 3 A. So probably for a combination of reasons. I think you  
 4 mentioned he was re-engaging with ALM.  
 5 Q. With contacts outside of London, I think you told us.  
 6 A. Outside of London, yes.  
 7 Q. So that's a further cause for concern which led to  
 8 an increase in surveillance, or coverage, whatever that  
 9 entailed?  
 10 A. That's correct.  
 11 Q. Just help us with this, please: in October you told us  
 12 that you learned from Crimestoppers that he had been  
 13 named on suspicion of assault at Goodmayes Park,  
 14 an incident back on 6 July. Is that correct?  
 15 A. That is correct.  
 16 Q. At that time did you get an account, or did those who  
 17 were investigating get an account from the complainant,  
 18 or the victim?  
 19 A. Yes, I believe so; and, again, I'm going from memory,  
 20 I believe they were supplied with a video of the  
 21 incident as well from the complainant.  
 22 Q. Ah, so it was caught on camera?  
 23 A. I haven't seen the footage myself. I understand there  
 24 was a video of the incident which led the officer to  
 25 circulate the image of the suspect on the Crimestoppers

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1 website, and then at that stage we became involved --  
 2 became aware and then became involved.  
 3 Q. So the incident is in the summer but in October, so  
 4 about three and a half months after the incident, you're  
 5 aware that the suspect is Butt?  
 6 A. That's correct.  
 7 Q. And you have a video recording. The reason I ask you  
 8 these questions, officer, is --  
 9 A. So the CID officer investigating the offence has a video  
 10 recording, not us in Counter Terrorism Command.  
 11 Q. But were you aware of all of this in October?  
 12 A. In October?  
 13 Q. Yes.  
 14 A. Yes, so we received information that he may have been  
 15 involved in a low-level assault in Goodmayes, it was  
 16 an Eid celebration, and at that point we decided to  
 17 assist the local detective with the investigation.  
 18 Primarily help around identification. We did not get  
 19 directly involved or we did not take it over.  
 20 Q. What's the relevance of the six-month statutory time  
 21 limit, given that we are dealing with what you were  
 22 investigating or colleagues were investigating only  
 23 three months after the incident?  
 24 A. Sir, I can only talk about when we became aware. So as  
 25 a low-level assault, a common assault, it has

27

1 a six-month statutory time limit attached to it.  
 2 Q. Yes, but this is October, this is three months after the  
 3 incident so the six-month time limit is irrelevant at  
 4 this stage, isn't it?  
 5 A. Well it's still within that period, yes.  
 6 Q. Yes. So I don't understand why in your report you touch  
 7 upon the six-month time limit if we're only three months  
 8 down the line?  
 9 A. Well, because the conclusion of the investigation was  
 10 the victim did not wish to proceed and, in any event,  
 11 that six-month time limit had expired, and that was the  
 12 end of that investigation.  
 13 Q. Why the delay?  
 14 A. The delay in us becoming involved?  
 15 Q. Well, why -- I don't understand why the six months even  
 16 arises, because we have a video recording, you have  
 17 an account from the complainant --  
 18 A. Yes.  
 19 Q. -- you've identified Butt after just three months.  
 20 A. Yes. And he was interviewed.  
 21 Q. Right. Well, when was the interview?  
 22 A. I believe, again, going from memory, I believe that was  
 23 in January 2017.  
 24 Q. In January. So was he interviewed after the six months  
 25 had expired?

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1 A. No, that was within the six months, I believe.  
 2 Q. Why the delay in interviewing him if you identified him  
 3 in October?  
 4 A. I will have to go into the detail around the crime  
 5 report. So a very low-level assault, not a significant  
 6 disruption for us, the victim did not wish to proceed  
 7 and we assisted in the background. It would not have  
 8 been proportionate for me to assign resources to that  
 9 assault.  
 10 Q. You said that the interview was within the six months  
 11 but, as I understand it, the incident itself was on  
 12 6 July and the interview wasn't until 16 or 17 January.  
 13 A. Okay, I would need to see the detail before I can ...  
 14 Q. Which would be interviewing him after the six months has  
 15 expired?  
 16 A. That would be correct, yes.  
 17 Q. Why did you interview him after the six months had  
 18 expired, given the need for urgency in these sorts of  
 19 situations is well recognised?  
 20 A. Okay, so this local detective that undertook this  
 21 investigation, I would have to get the detail of that  
 22 crime report, why it was -- it might not have been  
 23 initially assessed as a common assault.  
 24 Q. But ...  
 25 A. Possibly affray, which doesn't come into that --

29

1 Q. Which wouldn't have a six-month time limit.  
 2 A. -- which wouldn't have that six-month statutory time  
 3 limit.  
 4 Q. The reason I'm asking this is because you've told us you  
 5 were investigating Khuram Butt, you've told us you were  
 6 looking at ways to disrupt him if you couldn't get  
 7 evidence of a terrorist offence.  
 8 A. Yes.  
 9 Q. It sounds as though you have video evidence of  
 10 an assault?  
 11 A. So we had video evidence of an incident, yes.  
 12 Q. Did the video evidence of itself provide a case to  
 13 answer?  
 14 A. I haven't seen the video evidence. My understanding is  
 15 that it was a scuffle in the park and a low-level  
 16 assault allegation was made as a result of that scuffle.  
 17 Q. So you can't help us with what the video did or didn't  
 18 show?  
 19 A. So I believe it showed part of that scuffle. In no way  
 20 would that represent a significant disruption  
 21 opportunity around Mr Butt.  
 22 Q. Yes, but as Mr Hough put to you yesterday, this material  
 23 could suggest a willingness to use violence towards  
 24 other people, towards non-believers, towards people who  
 25 don't share his extremist ideology; would you agree?

30

1 A. And this incident was discussed and shared with partners  
 2 and would have factored in any subsequent assessment  
 3 around that individual.  
 4 Q. Now, can I ask you about late 2016 and early 2017;  
 5 you've told us that by then you had identified that he  
 6 was regularly frequenting the Ummah gym?  
 7 A. That is correct.  
 8 Q. And you had the address or location of that gym.  
 9 A. That is correct.  
 10 Q. And it has been known in the past, has it not, for  
 11 terrorist activity to focus on, or occur within gyms?  
 12 A. An example doesn't come to mind but I've no reason to  
 13 doubt that.  
 14 Q. The Westminster attacker, Khalid Masood, for example,  
 15 and other examples, the term "jihadi gym" is something  
 16 the press are frequently keen to deploy in their press  
 17 reports of terrorist activity?  
 18 A. And I'm sure multiple other locations have been the  
 19 focus of terrorist activity as well.  
 20 Q. You told us that one of your investigative strategies or  
 21 aims was to find opportunities to exploit the potential  
 22 for intelligence or information?  
 23 A. Absolutely.  
 24 Q. Did you try to exploit this gym as a potential source  
 25 for information about the man that you were

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1 investigating?  
 2 A. So -- and I will come back to this point: there was no  
 3 significance attached to that gym in terms of any kind  
 4 of terrorist planning or terrorist activity, so it was  
 5 not a location we focused on.  
 6 Q. While you were investigating Khuram Butt, were you  
 7 trying to work out what he was doing or what he was  
 8 thinking or what he was planning?  
 9 A. Absolutely, and we followed the intelligence and none of  
 10 the intelligence linked that gym to any kind of  
 11 terrorist activity.  
 12 Q. But coverage had led you to the gym, hadn't it?  
 13 A. The coverage led us to multiple locations.  
 14 Q. One of the locations that the coverage led you to was  
 15 the gym, wasn't it?  
 16 A. That's correct, yes.  
 17 Q. And my suggestion is that you could have then  
 18 investigated the gym to which you had been led by the  
 19 coverage?  
 20 A. If we had cause and reason to investigate that gym  
 21 because we had intelligence or any other information to  
 22 suggest that was being used as a location for any kind  
 23 of terrorist activity or planning, then we would have  
 24 done.  
 25 Q. But, forgive me: you don't just sit there in a reactive

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1 way and only respond to what intelligence picks up: you  
 2 investigate yourself, don't you, in a proactive way;  
 3 would you agree?  
 4 A. We follow the intelligence .  
 5 Q. Yes. But you investigate , you don't just sit there and  
 6 receive, you take positive steps, you follow lines of  
 7 inquiry, don't you?  
 8 A. Absolutely. Yes.  
 9 Q. I mean, in the context of a potential prosecution, the  
 10 defence will complain if you haven't pursued reasonable  
 11 lines of inquiry, won't they?  
 12 A. Yes, but we're not -- absolutely, yes.  
 13 Q. And it's not just a case of one day the coverage  
 14 suggests he goes to this place just like one day he goes  
 15 to a newspaper shop; he's going there regularly, he's  
 16 going there again and again, isn't he?  
 17 A. And he went to other locations regularly as well.  
 18 Unless it comes with an intelligence case to support  
 19 further action, then it would not be a significant  
 20 location for us.  
 21 Q. We know that he was working behind the counter there for  
 22 months, and we know that Redouane was working behind the  
 23 counter there for months. If you had investigated that  
 24 gym and considered surveillance inside or near the gym,  
 25 you probably would have picked up their association ;

33

1 would you agree?  
 2 A. That is possible, but speculative .  
 3 Q. Let's be realistic : if they're both working behind that  
 4 same counter, and I can show you a photograph of the  
 5 chair, if they're both working behind the same reception  
 6 desk and if it's a regular, almost daily thing, the  
 7 likelihood is you would pick up their association ,  
 8 wouldn't you?  
 9 A. And probably other associations . So -- but again I'll  
 10 go back to, even if there is an association, it still  
 11 needs to come some intelligence to suggest that is  
 12 nefarious and requires further investigation .  
 13 Q. Since the attack, have you cast your mind back and  
 14 considered carefully whether there are any lessons to be  
 15 learnt about the conduct of your two-year investigation ?  
 16 A. From personal self- reflection ?  
 17 Q. You and your team?  
 18 A. I've never worked on a perfect operation. There's  
 19 always lessons to be learned.  
 20 Q. Yes.  
 21 A. There's always learning to be had out of every  
 22 operation, every investigation , every prosecution, and  
 23 of course, if I look back now with hindsight, we would  
 24 have done a lot of things differently .  
 25 But, at the time we undertook lines of inquiry that

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1 were intelligence -led and reasonable to what was known  
 2 at the time.  
 3 Q. In the days and weeks that followed the London Bridge  
 4 attack, did you and your colleagues consider what  
 5 lessons there were to be learned?  
 6 A. Those lessons have come out in the David Anderson  
 7 report, some of the more broad lessons about working in  
 8 the service and data and data exploitation . In terms of  
 9 my investigation team, there is nothing I can go back on  
 10 and say was a missed opportunity around a significant  
 11 disruption, nor was there anything that we had in our  
 12 possession at that time indicating that an attack was  
 13 being planned.  
 14 Q. Did you yourself, officer , in the days and weeks that  
 15 followed, consider whether there were any lessons to be  
 16 learned?  
 17 A. I've spent -- I've spent a long time reflecting on what  
 18 we knew before June 3 and what I personally would  
 19 change, and what we had missed. There's nothing I can  
 20 go back on and identify as what I would describe  
 21 a missed opportunity.  
 22 Q. So you have. You have considered whether there are any  
 23 lessons to be learned?  
 24 A. Yes. And not only have I considered that, that has been  
 25 considered in numerous reviews we've had, both within

35

1 the Command, external, and the ISC report and  
 2 David Anderson's report.  
 3 Q. Why is it, then, that it was only last week that you  
 4 learned that Butt and his two accomplices were training  
 5 at a gym in east London which is believed to be linked  
 6 to or run by a man who is believed to, or who there is  
 7 intelligence to suggest ran a terrorist training camp  
 8 for the leader of the 7/7 bombers overseas in Pakistan?  
 9 A. So I haven't been intimately involved in the  
 10 post- investigation and every facet of that  
 11 post- investigation . I can say that before June 3 I was  
 12 not aware of that individual's links to the gym.  
 13 Q. But why did you not learn about this in the weeks and  
 14 months that followed when you've told us you were  
 15 analysing whether there were any missed opportunities or  
 16 lessons to learn?  
 17 A. We did not know before June 3 that that individual was  
 18 aligned to that gym.  
 19 Q. You've made that point.  
 20 A. Yes.  
 21 Q. After 3 June, when you were seeking to find out if there  
 22 were lessons to be learned or missed opportunities, why  
 23 did you not learn at that stage about this potential  
 24 link?  
 25 A. Because my self- reflection , or on the assessments and

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1 the reviews that we have undergone have been with the  
 2 focus of what was known before June 3.  
 3 Q. I mean, the newspapers within days -- I can show you  
 4 report after report in which the press were saying:  
 5 there's this potential link, a prosecution witness in  
 6 one of the most high-profile terrorist prosecutions in  
 7 recent years, Omar Khyam and his accomplices, the  
 8 Crevice trial, the fertiliser plot trial, a prosecution  
 9 witness named this person, Sajeel Shahid, as running  
 10 a terrorist training camp for ALM extremists, and this  
 11 included Mohammad Sidique Khan, and so the press got  
 12 there within a few days of the attack?  
 13 A. Is there any evidence that this individual was involved  
 14 in the plot or the attack?  
 15 Q. Well, what does you --  
 16 A. So this is media reporting.  
 17 Q. Yes.  
 18 A. So I don't believe he has been arrested as a result of  
 19 that attack.  
 20 Q. Yes, but --  
 21 THE CHIEF CORONER: I think the question was that he was  
 22 involved in the running of the gym rather than in the  
 23 planning of the attack, so I think we need to be very  
 24 clear about that.  
 25 MR PATTERSON: Absolutely.

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1 A. Because your inference is that he was in some way  
 2 involved and we should have known.  
 3 Q. My question is there's this potential link and what the  
 4 families want to know is why is it you weren't even  
 5 aware of this? You are the man who investigated him  
 6 with your team for two years and you say you didn't even  
 7 know about this potential link until last week when the  
 8 press reports were put to Mr Jolley and asked "Have you  
 9 investigated it", to this day?  
 10 A. Have I investigated ...  
 11 Q. Have the police, have the counter terrorism police, of  
 12 which you are a member?  
 13 A. I think that's probably -- I think that question is  
 14 probably better answered by Superintendent Riggs who  
 15 will detail the post-investigation. He was not  
 16 an individual known to me or us prior to June 3.  
 17 Q. Because in the days following the attack, the then Home  
 18 Secretary, Amber Rudd, asked for David Anderson QC to  
 19 look into these matters and to consider reviews from the  
 20 police and reviews from MI5 --  
 21 A. Yes.  
 22 Q. -- and material was fed through to David Anderson, and  
 23 he wrote a report, all of which was very important in  
 24 terms of the public's understanding of whether there  
 25 were any lessons to be learned.

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1 A. Yes. And we --  
 2 Q. And nowhere even at that stage --  
 3 A. -- participated fully in that.  
 4 Q. I'm pleased to hear that, but nowhere at that stage do  
 5 we see any suggestion that David Anderson was even told  
 6 that this gym, which features prominently in the months  
 7 before the attack, has this possibly highly significant  
 8 link to terrorist training?  
 9 A. So I can't answer on what David Anderson was told and  
 10 was not told. My understanding was that he was given  
 11 access to all the intelligence in relation to this  
 12 attack. But I will go back to we had no information, we  
 13 were not told, and we did not make the association with  
 14 Mr [Shahid] and the gym.  
 15 Q. So what was the link? Was he the tenant of the premises  
 16 if?  
 17 A. Who? Mr...  
 18 Q. This man Sajeel Shahid?  
 19 A. I don't know.  
 20 Q. Was his son --  
 21 A. But I have not gone through that individual's history  
 22 and what's known about him in any detail.  
 23 Q. But the gym itself: who ran the gym?  
 24 A. I don't know.  
 25 Q. Well, for months and months, Butt, who you were

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1 investigating, was going to this gym, he was working  
 2 there. Did you find out at the time who is running this  
 3 gym where he works?  
 4 A. No, we did not.  
 5 Q. Why not?  
 6 A. Because it was not a significant location. None of the  
 7 intelligence indicated that it was a significant  
 8 location. If it had, then we would have investigated it  
 9 further.  
 10 Q. You told Mr Hough yesterday that you hadn't been  
 11 notified by MI5 that he was working there. So not just  
 12 going there regularly, which you did know, but he was  
 13 believed to be working there?  
 14 A. Did I tell that to Mr Hough yesterday?  
 15 Q. Transcript page 103.  
 16 A. Because I was not aware that he was working there at the  
 17 time.  
 18 Q. And that would be a very material thing to know,  
 19 wouldn't it, if you were investigating this man and  
 20 whether he is involved in terrorist activity?  
 21 A. So I was not aware that he was in paid employment at the  
 22 gym.  
 23 Q. Or unpaid employment; that wasn't shared with you by  
 24 MI5?  
 25 A. That he was working at the gym?

40

1 Q. Yes.  
 2 A. I cannot recall that, no.  
 3 Q. Which again brings me back to the point I raised  
 4 yesterday about previous parliamentary committees having  
 5 raised the concern about inadequate sharing of  
 6 information from your partner agency to you. You would  
 7 want to know that, wouldn't you, where your suspect  
 8 works?  
 9 A. So again, I'll go back to -- it's for MI5 to collect  
 10 intelligence, assess it, disseminate it where they see  
 11 it as significant.  
 12 Q. Yes, but you're not just a puppet, are you? You're  
 13 working alongside them. They may take the lead.  
 14 A. Yes.  
 15 Q. You are not just an agent or a puppet, are you?  
 16 A. No, not at all but -- you've just hit the nail on the  
 17 head: they take the lead, it's for them to take the  
 18 intelligence, assess it, disseminate where it is  
 19 assessed to be significant and where we can take some  
 20 kind of activity on the back of that intelligence.  
 21 If they phoned me every day with every intelligence  
 22 update, we would be overwhelmed.  
 23 Q. As a matter of principle would you agree that  
 24 an investigator will want to inquire into where somebody  
 25 works?

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1 A. So we were not aware that he was in employment at that  
 2 gym at that time.  
 3 Q. As a matter of principle, you would generally want to  
 4 know where your suspect works, wouldn't you?  
 5 A. So in the same vein of working at TfL, we would be  
 6 interested in where he was being employed at the time.  
 7 Q. Exactly.  
 8 A. And we would make decisions on the basis of that  
 9 employment.  
 10 Q. But you didn't make a single overt inquiry into this gym  
 11 that he was going to regularly?  
 12 A. It was a covert inquiry. It was a covert investigation.  
 13 Q. If I suggested that in your approach to the  
 14 investigation and consideration in particular of the gym  
 15 that you were being unreasonably blinkered, would you  
 16 accept that?  
 17 A. No, I'd refute that. For the reason I have said, unless  
 18 it came with some intelligence attached that gym had  
 19 some significance, that gym has been involved in any  
 20 form of terrorist activity, then it was a location that  
 21 he visited. It needs to come with another layer to make  
 22 it significant and worthy of further investigation.  
 23 Q. In early 2017 you also learned that he was believed to  
 24 be teaching Koran classes to children in the Barking or  
 25 Ilford area.

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1 A. That is correct.  
 2 Q. And the intelligence you told Mr Hough was that it was  
 3 possibly at a school?  
 4 A. That is correct.  
 5 Q. And so this is several months before the London Bridge  
 6 attacks, isn't it?  
 7 A. That is correct.  
 8 Q. Why did you not ask your Prevent colleagues to inquire  
 9 into the local school, the Ad-Deen primary school?  
 10 A. Because the intelligence indicated a number of schools  
 11 where he was believed to be teaching and we followed  
 12 that intelligence.  
 13 Q. And once you were unable to identify that it was at  
 14 schools A, B and C, why didn't you see if it was at  
 15 another local Islamic school, the Ad-Deen primary  
 16 school?  
 17 A. Because we -- so, very simply, we were following the  
 18 intelligence. The intelligence was specific around the  
 19 number of schools where he's believed to be working. We  
 20 carried out those inquiries, they came back negative.  
 21 We were alive to the fact that he was possibly teaching  
 22 in a school. If we had seen anything else come in  
 23 around a school, then we would have revisited it, but we  
 24 followed the intelligence.  
 25 Q. You told us yesterday that one of your investigative

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1 aims was to look into Prevent issues and the issue of  
 2 whether there was a need to protect perhaps vulnerable  
 3 people from radicalisation?  
 4 A. I agree.  
 5 Q. And you told us also that after 2013, that particular  
 6 issue was of real concern. There was an increase in  
 7 radicalisation and there was an increased need to  
 8 address those sorts of issues in counter terrorism  
 9 policing?  
 10 A. Yes, sir, I agree, and there still is today.  
 11 Q. And that's a classic thing which is in the  
 12 responsibility or purview of the police in this  
 13 partnership, isn't it? It's exactly the kind of thing  
 14 where you rather than MI5 --  
 15 A. Absolutely. So safeguarding would fall more to us, and  
 16 more to our Prevent colleagues. It's a more overt form  
 17 of counter terrorism policing.  
 18 Q. So why is it that virtually every afternoon he was able  
 19 to have access to and potentially radicalise children  
 20 aged 3 to 11 without being detected over the months of  
 21 your investigation?  
 22 A. Sir, we had no further information that came to us to  
 23 suggest that was the case or to suggest that he was  
 24 teaching at Ad-Deen school.  
 25 Q. Our research has suggested that it's a school just about

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1 20 minutes from his home address. It's a local school.  
 2 A. So we followed the intelligence. We conducted inquiries  
 3 based on the intelligence and it came back  
 4 uncorroborated.  
 5 Q. The headteacher was a woman called Sophie Rahman and she  
 6 was the wife or the partner of this man, the same figure  
 7 again, Sajeel Shahid.  
 8 A. So I'm aware.  
 9 Q. And we've been told, and the press reported this within  
 10 days of the attack, that he was believed to be the  
 11 one-time owner or proprietor of this school. All of  
 12 that was something that you weren't aware of at the  
 13 time; is that correct?  
 14 A. That is correct.  
 15 Q. If you had investigated either the gym or that local  
 16 school, the Ad-Deen school, it's likely, isn't it, that  
 17 you would have identified the involvement of this  
 18 person, Sajeel Shahid, realistically; would you agree?  
 19 A. Possibly. Possibly. But we did not, and for the  
 20 reasons I've explained.  
 21 Q. And then, no doubt, you would look at your databases and  
 22 find out that a key prosecution witness had said that  
 23 this was somebody facilitating terrorist training for  
 24 Mohammad Sidique Khan, the leader of the 7/7 bombers;  
 25 that's likely, isn't it?

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1 A. If we'd --  
 2 Q. The link would have been made?  
 3 A. -- if we'd made the link and he'd become a person of  
 4 interest in that inquiry, we would have conducted  
 5 background checks, yes.  
 6 Q. If you had looked more closely into the gym or the  
 7 school?  
 8 A. If we had undertaken those inquiries then yes, that  
 9 would have been a natural course of activity by us, but  
 10 we did not, for the reasons I've explained.  
 11 Q. If it were suggested, officer, if it were to be  
 12 suggested that a reasonable investigator would have and  
 13 should have identified the location of that school,  
 14 would you accept that?  
 15 A. So we followed the intelligence, it came back  
 16 uncorroborated. Any activity I would take in addition  
 17 to that on uncorroborated intelligence would not be  
 18 proportionate.  
 19 Q. And that once you start investigating the school or the  
 20 gym, you're onto Sajeel Shahid and you're likely to be  
 21 onto the significant preparatory activities and planning  
 22 of Butt and his accomplices; that's the likelihood,  
 23 isn't it?  
 24 A. I don't agree.  
 25 Q. All of this, I suggest, was a very real missed

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1 opportunity in the months leading up to the attacks;  
 2 would you accept that?  
 3 A. There was no intelligence that suggested the gym was of  
 4 significance prior to the attack, and we followed the  
 5 intelligence around the school, around a number of  
 6 schools that led us to believe that it was  
 7 uncorroborated.  
 8 Q. In addition to never learning from MI5 that he was  
 9 believed to work at the school, you told Mr Hough  
 10 yesterday that you didn't learn from MI5 that in early  
 11 2017 he was believed to be engaged in an increase in his  
 12 extremist rhetoric and his accessing of extremist  
 13 material online. Can you help us with why that is?  
 14 A. Sorry, I might have to go back. So we didn't learn from  
 15 MI5.  
 16 Q. Yes. So to this day, can you help me with the details  
 17 of that? To this day do you know what increase there  
 18 was in his accessing material or --  
 19 A. Sorry, I'm confusing myself. Are you saying we weren't  
 20 aware of that fact?  
 21 Q. That's what you said yesterday.  
 22 A. Okay. So can I help with the reason why MI5 didn't tell  
 23 us this?  
 24 Q. Yes.  
 25 A. No, you would have to speak to MI5.

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1 Q. To this day do you know what it was? Do you know what  
 2 the extremist rhetoric was that was coming from Butt in  
 3 that period before the attacks?  
 4 A. No, I do not.  
 5 Q. Would you agree that that's very unsatisfactory, given  
 6 that you were engaged in investigating him at the time?  
 7 A. No, not at all. I mean, you say extremist rhetoric in  
 8 a manner to suggest, sir, that an attack was being  
 9 planned. So I mean this is an individual that has --  
 10 who is an extremist and has been consistently involved  
 11 in extremist rhetoric, so if they have not shared that  
 12 with us then you will have to speak to them as to why.  
 13 Q. But you can't help us with what sort of things he was  
 14 saying?  
 15 A. I don't believe I can, no.  
 16 Q. Whether there were, again, references to martyrdom.  
 17 Whether there was again evidence of an obsession with  
 18 violence or a willingness to fight or anything like  
 19 that, you can't help?  
 20 A. No.  
 21 Q. As a matter of principle would you agree that you would  
 22 want to be notified where possible of all relevant  
 23 intelligence that was coming in to your partner agency?  
 24 A. All significant intelligence that would need to be  
 25 discussed that would lead us to have an opportunity to

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1 disrupt or arrest or prosecute, yes. And that is  
 2 a daily occurrence, that conversation.  
 3 Q. In February 2017 he applied to work at London Bridge  
 4 station; was that something you were aware of at the  
 5 time?  
 6 A. Quite possibly that was something my team were aware of  
 7 at the time. Myself personally, no.  
 8 Q. Can you help us one way or the other with whether your  
 9 team was notified of that?  
 10 A. So in the same vein as the YouTube videos, yes, I would  
 11 have to go back and check the records if that was the  
 12 case.  
 13 Q. Again, could that inquiry be made, please?  
 14 A. Certainly.  
 15 Q. Thank you.  
 16 THE CHIEF CORONER: Mr Patterson, just before you move on,  
 17 can I just pick up on one question you asked. You asked  
 18 about the relevant intelligence and the answer you gave,  
 19 Witness M, was, I think you used "significant  
 20 intelligence", and I just wondered whether there was any  
 21 distinction you are drawing between relevant and  
 22 significant?  
 23 A. So to my mind it would have to be either actionable  
 24 intelligence, somewhere where we can intervene, take  
 25 action --

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1 THE CHIEF CORONER: So by "relevant" one might assume it is  
 2 intelligence which concerns Butt, but your view is it  
 3 would need to be significant rather than just concerning  
 4 him?  
 5 A. So yes. So my view of what MI5 should tell me is  
 6 intelligence that goes to some way for the police either  
 7 to intervene or take some action or we change our  
 8 posture in terms of resource allocation.  
 9 THE CHIEF CORONER: Thank you. I'm sorry to interrupt.  
 10 MR PATTERSON: Not at all. I want to ask you about  
 11 telephone contacts, please, Witness M, because we  
 12 learned that for a long time your suspect, Butt, used a  
 13 phone with a number that ends 594 as his main day-to-day  
 14 phone, and that it was registered in his own name, at  
 15 his own home address and indeed the police had it from  
 16 the fraud investigations that were conducted certainly  
 17 from the autumn of 2016.  
 18 A. Sorry, can I check that was one of the phones we seized?  
 19 Q. Certainly the number was known to your team, certainly  
 20 from the period of the fraud investigation in the autumn  
 21 of 2016.  
 22 A. Okay.  
 23 Q. You told us yesterday that the investigation didn't just  
 24 relate to Butt, but that it also related to others who  
 25 were around him, and Mr Jolley in his evidence last week

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1 stated that it is always an objective to try to  
 2 ascertain associations, and no doubt you would agree  
 3 with that?  
 4 A. Yes. With the purpose to ascertaining whether any of  
 5 those associations are engaged in terrorist activity.  
 6 Q. Absolutely. And Butt's call data for that day-to-day  
 7 phone shows that from January onwards he began to have  
 8 repeated contact with a number that ends 500 and which  
 9 we know was used by Rachid Redouane, and we know that  
 10 that number was registered in Redouane's name, so it  
 11 wasn't a burner, as it's sometimes termed, or  
 12 an unregistered phone; it was in his name and, indeed,  
 13 when he replaced the SIM in March he even went so far as  
 14 to give his home address of 387 Barking Road. So that  
 15 all of that information was held by the telephone  
 16 service provider.

17 Equally, we were told by DS Ager that from January  
 18 onwards there was, again, repeat contact with a number  
 19 that ends 547 and, again, the telephone service provider  
 20 held that number registered against Youssef Zaghba, or,  
 21 to be precise, "Zaghda", with a D rather than a B, and  
 22 again, there was an address that was available at Ripple  
 23 Villas on the Ripple Road and, in fact, Zaghba had given  
 24 that telephone number to the police when he reported  
 25 a crime back in 2016.

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1 At any stage, officer, before the suspensions on  
 2 21 March, did you or anyone in your team analyse who he  
 3 was in contact with on a repeated basis on his  
 4 day-to-day phone?  
 5 A. No. So prior to June 3 we were not aware of the  
 6 association between Redouane and Zaghba.  
 7 Q. So prior to the suspensions on 21 March, why were you,  
 8 given that the objective or one of the aims was to  
 9 examine and investigate who he was associating with, why  
 10 were you not looking at who is it that he is making  
 11 repeat contact with over these months?  
 12 A. So (a) we're intelligence-led, and I would say (b) there  
 13 was never any indication that those associations were  
 14 of -- for us to be suspicious about and make those  
 15 further inquiries.  
 16 Q. But you've agreed with Mr Jolley's general observation  
 17 that as a matter of principle, it's always an objective  
 18 to try and ascertain associations.  
 19 A. So that would form conversation with MI5 around  
 20 associations, and the significance of those  
 21 associations, yes.  
 22 Q. I mean, these days you can just put the call data into  
 23 a computer program, click a few buttons, and you can see  
 24 at a glance which are the numbers that are appearing  
 25 again and again and again.

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1 A. Not for the police, so there is a legal process we have  
2 to follow before we can retrieve call data.  
3 Q. Yes, but you can get access to call data, can't you?  
4 A. And we have to have a legal basis to have that call  
5 data, that is correct, yes.  
6 Q. And typically in a terrorist investigation you will make  
7 applications of that sort to try to get access to call  
8 data?  
9 A. If we have a reason to do so.  
10 Q. Yes. And one reason to do so is if there are grounds to  
11 believe that there is criminal activity taking place.  
12 A. But we didn't have grounds to believe that there was  
13 criminal activity taking place at that stage.  
14 Q. Well, terrorist activity would be criminal, wouldn't it?  
15 A. Well in relation to his association with Redouane and  
16 Zaghba there was no intelligence to suggest that they  
17 were engaged in any terrorist activity before June 3.  
18 Q. Yes, but the suspicion that had led to the setting up  
19 and maintenance of an investigation into Butt himself  
20 would have provided grounds to look at Butt's telephone  
21 call data, wouldn't it? I'm not suggesting you couldn't  
22 have looked at Butt's data?  
23 A. Yes, possibly, and I'm not shifting here, but that  
24 responsibility would lie with MI5, and the significance  
25 of those individuals and that association would be

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1 assessed.  
2 Q. But would you accept this, officer: that a reasonable  
3 investigator would have and should have looked at Butt's  
4 call data to see who he is contacting again and again  
5 and again.  
6 A. So it's intelligence-led, intelligence-led. So that  
7 responsibility would fall to MI5. If we needed to  
8 evidentially prove that association, then we would go  
9 away and conduct those checks.  
10 Q. DS Ager told us that as the period progressed, it  
11 increased in volume and it got to the stage where often  
12 there were multiple contacts on a single day between  
13 Butt and the 500 number and the 547 number.  
14 A. And that was found out after the attack.  
15 Q. And still you didn't look into this at the time?  
16 A. Well, we weren't aware of it and it hadn't been flagged  
17 to us as a significant association.  
18 Q. Do you agree that if you had looked into who is it  
19 that's using these repeated numbers, the obvious and  
20 first line of inquiry would have been to ask the service  
21 provider, and then you would have had the name,  
22 Rachid Redouane, or Rachad Redouane, and the name  
23 Youssef Zaghda, and you would have had their addresses  
24 that were linked to them?  
25 A. Sorry, why am I looking into this? There's no ancillary

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1 intelligence to suggest that this is a contact of  
2 significance at that stage.  
3 Q. I think you disagree with my suggestion that you should  
4 have done, but if you had done, you would have had their  
5 name and address in an instant, wouldn't you?  
6 A. Well, not necessarily in an instant.  
7 Q. Well, in short order.  
8 A. Had we made those inquiries we would have established  
9 that contact. But, take that aside, we had no reason to  
10 make those inquiries.  
11 Q. And, again, going back to your strategic aims of  
12 exploiting opportunities for intelligence --  
13 A. Yes.  
14 Q. -- was this an obvious line of inquiry that you failed  
15 to exploit?  
16 A. So the significance of that association wasn't known.  
17 So ... let me --  
18 Q. This topic, telephone contacts.  
19 A. Let me just ... sorry.  
20 So we would only go down that line if we had reason  
21 to go down that line and we did not have reason to go to  
22 that avenue. If there was intelligence to suggest that  
23 the association or associates was nefarious, then we  
24 would be looking to exploit the intelligence avenues.  
25 Q. On 7 March you told us that the three men were outside

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1 Butt's home address but that that was something you were  
2 unaware of at the time; is that correct?  
3 A. That is correct.  
4 Q. Can we see on the screen, please, {DC8172/3}. Now, if  
5 we can expand it, please. These are stills that show  
6 Redouane in a distinctive coloured jacket outside the  
7 home address, the apartment block where Butt lived, on  
8 7 March at 17.13; is that correct?  
9 A. Yes.  
10 Q. And at the bottom of the screen, if we could scroll  
11 down, please, he's with Khuram Butt, who at that stage  
12 wore his hair and his beard a lot longer than he did on  
13 the day of the attack; do you see that?  
14 A. Yes.  
15 Q. And over on to {DC8172/4}. The two of them together  
16 again. And at page 7, please {DC8172/7}, if we could  
17 expand that, it has been assessed that this person  
18 coming to the block was Zaghba, the third member of the  
19 attackers; do you see that?  
20 A. I can see that.  
21 Q. And so all of this was captured on CCTV that was  
22 recording at the time; is that correct?  
23 A. I believe -- I cannot comment on where this footage  
24 comes from and it was not something that I was aware of  
25 or we were aware of prior to June 3.

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1 Q. And would you agree that it's one thing meeting with  
2 people at a particular location, but it's another thing  
3 having people actually being so close to you that  
4 they're coming to your home address? That that's  
5 a significant feature of an association?  
6 A. Yes. I agree.  
7 Q. And we are told by Witness L in his report that that  
8 same day Butt and Redouane met at the gym Butt may have  
9 been trying to get hold of a gun, and that that comes  
10 from an analysis of contemporary coverage.  
11 A. Of contemporary coverage?  
12 Q. That's the wording we've been given in his witness  
13 statement, "an analysis of contemporary coverage".  
14 A. Okay, and what is the interpretation of that?  
15 Q. That's what I'm asking: can you help us with how those  
16 two meetings and the attempt to get hold of a gun was  
17 missed while you were investigating Butt?  
18 A. So that is information we were not aware of prior  
19 to June 3.  
20 Q. Again, a missed opportunity to detect possible attack  
21 planning if he was trying to get his hands, in March, on  
22 a firearm; would you agree?  
23 A. So I'd probably need some clarification here. Was this  
24 information known prior to June 3?  
25 Q. No, this was identified after the event from coverage

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1 that was available. That's what we've been told by  
2 Witness L.  
3 A. Okay. So do I agree that he was trying to purchase  
4 a firearm?  
5 MR HOUGH: May I just read what Witness L says, so that this  
6 witness is fairly appraised.  
7 THE CHIEF CORONER: Thank you.  
8 MR HOUGH: What Witness L says:  
9 "Although not apparent at the time, coverage and  
10 analysis since the attack (including analysis of  
11 contemporaneous coverage) has indicated at the second  
12 gathering Butt was probably seeking assistance with  
13 obtaining an item which may possibly have been  
14 a firearm."  
15 MR PATTERSON: Thank you very much.  
16 You weren't aware of any of that at the time; is  
17 that right?  
18 A. No.  
19 Q. And this opportunity to detect attack planning was  
20 missed; would you agree?  
21 A. Had we known prior to June 3 that information, we would  
22 have acted on it, and I suspect we would have been very  
23 quickly into ELG territory around him trying to acquire  
24 a firearm. But that was not known to us prior  
25 to June 3.

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1 Q. And ELG activity would be the precursor to a possible  
2 arrest?  
3 A. Absolutely, and it would elevate the risk and the  
4 resources allocated and our posture.  
5 Q. The phone that was used on the day of the attacks to get  
6 hold of the van was what we've been referring to as  
7 an "operational phone", was purchased on 17 March, so  
8 a few days later after these events in those stills  
9 which were on 7 March.  
10 Mr Jolley's assessment, who was, I think, a member  
11 of your team at the time; is that correct?  
12 A. That's correct.  
13 Q. Was that it is likely that the three men discussed  
14 getting that phone before they got it. So not something  
15 that was detected at the time but he agrees that it's  
16 likely that they must have discussed getting a phone;  
17 would you agree with that assessment?  
18 A. As an assumption, prior to buying the phone?  
19 Q. As a realistic matter of likelihood?  
20 A. No reason to disagree.  
21 Q. And so, again, would you agree that at this period, now  
22 into March, the attack planning was there to be  
23 detected, it was going on in these weeks?  
24 A. So we were not aware of that activity prior to June 3.  
25 So the fact that they were planning, prepping, buying

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1 an operational phone was not within our knowledge in the  
2 police.  
3 Q. But it was clearly happening, wasn't it, the planning,  
4 at that stage in March?  
5 A. That is an assumption, but --  
6 Q. Would you agree it's a realistic assumption?  
7 A. -- as a hypothesis, yes.  
8 Q. It's likely, isn't it?  
9 A. I cannot say categorically whether it is likely or not,  
10 but I agree with your hypothesis that there was a degree  
11 of what appears to be operational activity.  
12 Q. On 21 March there was the second time that the  
13 investigation into Butt was suspended because of  
14 resource issues; is that correct?  
15 A. That's correct.  
16 Q. And so this is one day before the Westminster attack,  
17 and a few months after the Nice attack. The Nice attack  
18 had been in late 2016 when a large vehicle, a lorry --  
19 A. Yes.  
20 Q. -- was used in France.  
21 A. I thought it was August 2016.  
22 MR HORWELL: July.  
23 A. July.  
24 MR HORWELL: 14 July.  
25 MR PATTERSON: I'm grateful. And the Berlin attack had also

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1 taken place the previous --  
 2 A. So that was November 2016, yes.  
 3 Q. Did MI5 to your knowledge, or you and your counter  
 4 terrorist team request any additional resources at this  
 5 stage to try to maintain the investigation at that time  
 6 into Khuram Butt?  
 7 A. No, so again, as the previous suspension, we were  
 8 notified it was being suspended and had no grounds to  
 9 disagree with their assessment and their rationale for  
 10 suspending. There was no significant intelligence at  
 11 that time around Mr Butt.  
 12 Q. But you'd recently had intelligence that he was  
 13 radicalising children?  
 14 A. Uncorroborated intelligence that was followed up and not  
 15 proved by us in those inquiries.  
 16 Q. He was still categorised as posing a risk to the public?  
 17 A. Yes, but that categorisation extends across thousands of  
 18 individuals on the basis of just having that mindset.  
 19 Q. At that time, when resources caused the suspension of  
 20 the Butt investigation, how many other investigations  
 21 had to be suspended for resource reasons?  
 22 A. That's a question I think you'd need to ask to MI5.  
 23 Q. Do you know if the Home Secretary was aware of this? Or  
 24 if the public were made aware of this?  
 25 A. Well, I expect the public not, but the Home Secretary

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1 I don't know. I would think unlikely, but again, you  
 2 would have to speak to MI5.  
 3 Q. But no doubt Mr Basu or whoever the Assistant  
 4 Commissioner at the time would have been aware at  
 5 the time, within the CT unit?  
 6 A. I wouldn't have thought he would have been consulted,  
 7 but, again, I would have to ask Mr Basu, but that --  
 8 I think the suspension, the temporary suspension of  
 9 operations, the responsibility lies within MI5 to make  
 10 that decision.  
 11 Q. Although now, after the David Anderson review, it's  
 12 recognised that the police should be given  
 13 an opportunity to have an input?  
 14 A. Absolutely. So that is a learning point. So that's for  
 15 the temporary suspension, so as we moved, and in this  
 16 case it was moving towards closure, the normal course of  
 17 events we will have what we call a closing JOT, where we  
 18 will deal with residual intelligence and best decide how  
 19 to deal with some of the subjects of interest.  
 20 Q. The next day after those shocking events on  
 21 Westminster Bridge which highlighted the vulnerability  
 22 of London to attack and raised the possibility of  
 23 copycat attacks, was the decision reviewed or revisited?  
 24 A. I'm not aware that it was reviewed or revisited and  
 25 again, that's probably a question for MI5 and their

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1 processes.  
 2 Q. Did you not think: hang on a minute, that decision we  
 3 made yesterday about Khuram Butt, do we really want to  
 4 do that in light of what I've read in today's  
 5 newspapers? The Westminster attack?  
 6 A. So I think I covered this to an extent yesterday:  
 7 a temporary suspension does not mean a cessation of all  
 8 activity around an individual --  
 9 Q. You were scaling it back?  
 10 A. -- it means our resources are put in other priorities.  
 11 Q. But you're scaling it back?  
 12 A. These decisions are never taken lightly. There's always  
 13 a risk around any kind of suspension or putting your  
 14 resources elsewhere, I accept that, but they are  
 15 decisions and they are decisions that are made day in,  
 16 day out, weekly.  
 17 Q. Yes, you say they weren't made lightly, but the counter  
 18 terrorism police, one of the two partners in this  
 19 investigation wasn't even consulted?  
 20 A. No, and as you've just alluded to, that was a point that  
 21 was raised by David Anderson, and that is somewhere we  
 22 will either move to or are moving to in the future.  
 23 Q. Was there any consideration to continuing it but perhaps  
 24 scaling it back to a degree, or redeploying resources  
 25 from another investigation? A halfway house, anything

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1 like that?  
 2 A. No. No. So the decision was made by MI5, who have that  
 3 wider view of what is going on right across the piece,  
 4 and that decision is made on their judgment.  
 5 Q. These two examples that you have now told us about when  
 6 the investigation was suspended for resources reasons,  
 7 does this rather suggest that in the United Kingdom it's  
 8 less likely that we will attack -- we will detect attack  
 9 planning in the wake of serious incidents because of  
 10 resource issues?  
 11 A. No, I don't think that's the case. I think -- so it's  
 12 probably worth just backtracking slightly. Let's not  
 13 forget this operation was moving towards closure at that  
 14 time as well, so if we had an operation, or MI5 have  
 15 an operation that doesn't have any significant activity  
 16 or intelligence around it at that point in time and it's  
 17 moving towards closure, that would be a natural one for  
 18 temporary suspension.  
 19 So your second point around copycat attacks and  
 20 around -- in the event of an attack are we liable to  
 21 take our eyes off one operation to another operation, it  
 22 really is case-by-case, and depends on the intelligence.  
 23 Q. In those two examples there had been an inability to  
 24 find or surge the resources needed to keep these various  
 25 investigations from having to be suspended?

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1 A. But we only have finite resources and decisions have to  
 2 be made where to put those resources and those decisions  
 3 are made according to a system and according to  
 4 intelligence .  
 5 Q. But we've seen no evidence that there was even a request  
 6 to the Home Secretary to find the money, to go to the  
 7 Treasury and ask --  
 8 A. As I said yesterday, resourcing is a constant  
 9 conversation that is taking place at the highest levels ,  
 10 my organisation, MI5 and within the Home Office.  
 11 Q. You said that we should bear in mind that this was  
 12 coming to a closure, but you told Mr Hough yesterday  
 13 that in May when the closure plan was being prepared or  
 14 considered by MI5 you weren't even consulted on that?  
 15 A. No, it hadn't been closed, it was moving towards  
 16 closure. So at the end of that process, there would be  
 17 a closing JOT where there would be a full consultation  
 18 and a full discussion of what the -- of where we are in  
 19 that investigation .  
 20 Q. So this decision to suspend on 21 March, this was made  
 21 in relation to somebody who remained categorised as  
 22 medium risk to the public; is that right?  
 23 A. That's correct.  
 24 Q. Who in the past had been the subject of more than one  
 25 piece of intelligence saying he had aspired to

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1 a terrorist attack?  
 2 A. That's correct.  
 3 Q. There was intelligence suggesting that he wanted to  
 4 fight for Isis?  
 5 A. Again, correct.  
 6 Q. His recently obtained phones had clearly suggested  
 7 a fascination with martyrdom attacks and a real interest  
 8 in terrorist violence.  
 9 A. That is correct.  
 10 Q. There was recent intelligence about possibly  
 11 radicalising young children.  
 12 A. Uncorroborated intelligence .  
 13 Q. MI5 had recently felt the need to increase his coverage.  
 14 A. When was that?  
 15 Q. Towards the end of 2016?  
 16 A. That's correct.  
 17 Q. There had been a growth in his extremist rhetoric ,  
 18 although that was something you told us you weren't  
 19 notified of?  
 20 A. It would be helpful to know what that rhetoric was.  
 21 Q. Yes, and we don't know, I'm simply relying on what  
 22 Witness L has revealed.  
 23 A. Yes.  
 24 Q. And he was going to the gym regularly but there had  
 25 been, and you knew this, no investigations into his

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1 attendance at the gym or into his regular contacts on  
 2 his phone.  
 3 A. Yes, that's correct.  
 4 Q. And he was still engaging in ongoing active surveillance  
 5 techniques?  
 6 A. Correct.  
 7 Q. And for all those reasons, I suggest that it's clear  
 8 that the wrong decision was made as to suspension; do  
 9 you accept that?  
 10 A. So no intelligence -- no intelligence that he was  
 11 involved in attack planning, there was no opportunity to  
 12 conduct any kind of significant disruption on that  
 13 individual at that time.  
 14 The baseline you have just described there was over  
 15 a period of two years and the assessment was made that  
 16 he was not engaged in any [ illegal ] activity and nothing  
 17 was missed in that respect.  
 18 MR PATTERSON: My Lord, I do have a little more but if there  
 19 were to be a mid-morning break...  
 20 THE CHIEF CORONER: I think we'll take a break there.  
 21 MR PATTERSON: I'm making very good progress, if that  
 22 assists .  
 23 THE CHIEF CORONER: We will sit again in 15 minutes' time.  
 24 Mr Patterson, just because I am conscious that we have  
 25 other witnesses coming. How much longer do you think

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1 you have?  
 2 MR PATTERSON: After the short break I can review and give  
 3 you a more accurate assessment, I would think something  
 4 like 30 minutes, maybe, something like that, 30 to 40  
 5 minutes.  
 6 MR HOUGH: Sir, it may be that to cover our witnesses today,  
 7 and you know they need to be covered, then we will need  
 8 to sit late and have shorter breaks.  
 9 THE CHIEF CORONER: Yes, absolutely.  
 10 (11.38 am)  
 11 (A short break)  
 12 (11.55 am)  
 13 THE CHIEF CORONER: Mr Patterson.  
 14 MR PATTERSON: Witness M, in April you told us that devices  
 15 were seized from Jamel Kasimi, and we know that that was  
 16 at St Pancras station, and I think in May you passed on  
 17 to MI5 some of the material that had been obtained from  
 18 those devices; is that correct?  
 19 A. Yes, that is correct.  
 20 Q. Found on one of the devices was a message to Butt  
 21 saying:  
 22 "May Allah bless you, may you die as [and the word  
 23 translated is believer] and give you [then again the  
 24 words translated are] the highest level in paradise."  
 25 What weight did you attach to that message which

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1 Butt, you had learnt, had been sent a few months earlier  
 2 in January?  
 3 A. So that was a message sent by Kasimi to Butt. That's  
 4 correct.  
 5 Q. Yes. That's our understanding.  
 6 A. So I should probably preface this. So we did not look  
 7 at that download prior to June 3.  
 8 Q. Should you not have looked at it as one of the --  
 9 A. No.  
 10 Q. -- members of the investigating team?  
 11 A. No. No. So Kasimi was not an individual that was known  
 12 to myself or that investigation. The downloads followed  
 13 entirely the appropriate route to MI5.  
 14 Q. So can you help us with what weight MI5 might have  
 15 attached to that message which rather suggests that he  
 16 might be somebody for whom death is imminent?  
 17 A. So we were not notified -- I was not aware of that port  
 18 stop until after the attack. So the route in of that  
 19 material was from port stop through to MI5, and it did  
 20 not come out the other end, and that's entirely correct:  
 21 it is for them to assess and identify anything  
 22 significant and they would notify us.  
 23 Q. But you never discussed that particular message with  
 24 them as the investigation continued?  
 25 A. No.

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1 Q. And then also, as you told Mr Hough, there was  
 2 an interview account that he gave in which he spoke  
 3 about Abu Zaytony, who was clearly Butt, and a link with  
 4 a Moroccan man, Rachid, and that he would often invite  
 5 him round for food, in other words, coming to the home  
 6 address?  
 7 A. Yes, I ... so that was the -- so that was on the  
 8 interview by the port's officers and that was also  
 9 shared with MI5.  
 10 Q. Help me. You touched upon this yesterday, but I'm still  
 11 unaware as to how it was that that didn't come to your  
 12 attention at the time. You said that arguably you  
 13 should have been notified of that --  
 14 A. Yes.  
 15 Q. -- at the time.  
 16 A. So I reflected on that last night and actually I think  
 17 the route it followed was entirely correct.  
 18 So it goes into an intelligence assessment, it goes  
 19 into analysis and looks at the wider picture and if  
 20 there was anything significant, we would have been  
 21 notified. So that was the routing of the material which  
 22 was appropriate and correct. We had no cause to go  
 23 through the download. Had we had cause, we would have  
 24 gone through that download.  
 25 Q. Is it really desirable for one of the two partner

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1 agencies not to investigate material in their  
 2 possession, or potentially in their possession?  
 3 A. Well, so, again, I will go back to it, if we have cause  
 4 to look at that material and go through that material,  
 5 we will go through that material. As an organisation we  
 6 seize hundreds of terabytes worth of data a year. The  
 7 actual physical aspect of going through all that  
 8 material is not possible: we have to prioritise and we  
 9 have to have cause to go through that material. We did  
 10 not have cause to go through that material. It was  
 11 passed on to MI5, which was entirely the correct route  
 12 of that material.  
 13 Q. But isn't it a possibility that you would put it  
 14 together with something that you know that MI5 might not  
 15 know and that will ring alarm bells for you?  
 16 A. Even if it had come to me at the time, I'd been notified  
 17 about it, my sole direction would be: fine, pass it on  
 18 to MI5 for their assessment and then we'll revisit at  
 19 the end of that assessment.  
 20 Q. As a matter of principle, is it not undesirable to limit  
 21 in this way investigative considerations?  
 22 A. That dynamic would have changed if I was aware of or  
 23 been notified Mr Kasimi was of interest, but there was  
 24 no reason for us to be involved in that at that time.  
 25 Q. So you were investigating Butt, you were aware that he

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1 was going regularly to a gym. Here you've got  
 2 an interview account from somebody at a port stop  
 3 talking about the gym, talking about Butt, talking about  
 4 a man called Rachid, talking about meetings at the home  
 5 address for food, and you're saying that you wouldn't  
 6 want to know that information?  
 7 A. I would want to know if it had been assessed and  
 8 assessed as significant, and then that would be  
 9 a further discussion point.  
 10 Q. So you say --  
 11 A. Intelligence-led, Mr Patterson. So it has to go through  
 12 this process.  
 13 Q. But isn't there a danger, if you refuse to consider  
 14 appropriate material like this, that things will be  
 15 missed? You can put it together -- you were putting  
 16 together pieces of the jigsaw?  
 17 A. No, I'm not refusing to consider anything. What  
 18 I'm saying to you, I have to have cause to go and  
 19 allocate resources to go through this material. I did  
 20 not have cause in this particular instance and it  
 21 followed its entirely correct route through to MI5 for  
 22 assessment.  
 23 Q. In the weeks that followed, did anyone in your police  
 24 team investigate this Rachid who a witness was saying  
 25 would meet with Butt at the home address?

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1 A. No.  
 2 Q. So by whatever route it's considered, whether by you or  
 3 by MI5 or both, something fell through the net, didn't  
 4 it?  
 5 A. In terms of that material?  
 6 Q. Well, it's another opportunity, it's another alarm  
 7 bell --  
 8 A. So the significance of Rachid Redouane was not known at  
 9 that time.  
 10 Q. Another missed opportunity, isn't it?  
 11 A. The significance -- there was no significant  
 12 intelligence around that association that caused us to  
 13 investigate any further.  
 14 Q. When you did --  
 15 A. Had there been, we would have investigated.  
 16 Q. When you did resume on 5 May, this was about a month  
 17 before the attack, so resumption is 5 May, the attack is  
 18 3 June; yes?  
 19 A. So the investigation, the MI5 investigation was  
 20 unsuspended on that day.  
 21 Q. Yes, and your role as the investigating team also was  
 22 unsuspended; is that correct?  
 23 A. So the -- no, not entirely. So the -- our activity was  
 24 still continuing around the fraud investigation,  
 25 et cetera, but the intelligence-led aspect of the

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1 operation was unsuspended on that day.  
 2 Q. And Mr Jolley, a member of your team, agreed in evidence  
 3 last week that following the resumption in this period,  
 4 any reasonable investigator would want to consider what  
 5 he had been doing in the intervening period, where he  
 6 had been going in the intervening period, who he had  
 7 been contacting in that period, and who his telephone  
 8 contacts appeared to be on an ongoing basis.  
 9 At that stage was any work done to identify those  
 10 two numbers that he was repeatedly in contact with, the  
 11 500 number and the 547 number?  
 12 A. By the police?  
 13 Q. Yes.  
 14 A. No, and for reasons I've explained why, it's  
 15 an intelligence-led operation, that responsibility would  
 16 fall to MI5.  
 17 Q. And so you weren't doing what Mr Jolley agrees  
 18 a reasonable investigator would do after a period of  
 19 suspension; is that right?  
 20 A. So there would be -- when it became unsuspended, or...  
 21 reactivated, then there would be conversations, and  
 22 I can't recall if we had a JOT in that period -- with  
 23 MI5 around any significant updates or any significant  
 24 intelligence that we could act on.  
 25 Q. So did you do any retrospective work?

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1 A. So we were still continuing the fraud investigation, but  
 2 in terms of communication data, no, for the reasons I've  
 3 explained.  
 4 Q. And you are still unaware that he's known to be working  
 5 at the gym, not just attending the gym? That was still  
 6 something that wasn't at this stage brought to your  
 7 attention?  
 8 A. No, I do not believe it was.  
 9 Q. And so it's for about five months now that you know he  
 10 has been going to that gym regularly and still you fail  
 11 to make any further investigations into the gym; is that  
 12 correct?  
 13 A. Unless it came with some significant intelligence  
 14 indicating that gym was of interest to us, then we would  
 15 not have had cause.  
 16 Q. The car that he was using at this period was a useful  
 17 opportunity to gather intelligence, wasn't it?  
 18 A. In what terms?  
 19 Q. Well, a car allows you two things: first of all, to see  
 20 where he's going and who he is associating with, and,  
 21 secondly, it's an opportunity to try to gain evidence as  
 22 to what he's saying.  
 23 A. Well, I'm not prepared to go into tactics.  
 24 Q. Can you help to this extent: did you take steps to try  
 25 to hear what he was saying when he was speaking in the

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1 car?  
 2 MR HOUGH: I don't think the witness is able to answer that  
 3 question.  
 4 MR HORWELL: No.  
 5 MR PATTERSON: Can you help with this, then, officer: did  
 6 you take steps to see who was using his car?  
 7 A. In the police?  
 8 Q. In your team.  
 9 A. I'm not aware that we conducted those inquiries.  
 10 Q. And so we know, as Mr Hough elicited from you yesterday,  
 11 that cell site data showed a trip to Leeds, that  
 12 numberplate recognition details showed a trip to Leeds,  
 13 there is evidence of his car being used by Zaghba,  
 14 there's evidence of his car having Redouane in it,  
 15 there's evidence of him, Butt, being in it with Zaghba,  
 16 going swimming. All of this contact in and around the  
 17 car, was all of that contact that you were unaware of?  
 18 A. There's an aspect of that I might need to speak with  
 19 Mr Horwell about before I can answer.  
 20 Q. Well, can you help to this extent: did you pick up on  
 21 the contact that he was having with Zaghba or Redouane  
 22 in connection with the car?  
 23 A. No, so the association between those three individuals  
 24 was not known to us prior to the attack.  
 25 Q. And the 14 May barbecue event at which Redouane was

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1 present; that's something that you were unaware of, you  
 2 didn't pick up at the time?  
 3 A. That was something we were not made aware of.  
 4 Q. And you'll agree with this: that if you had been aware  
 5 of the association with Redouane, it's possible that you  
 6 would have identified the conversations about getting  
 7 hold of the knife which took place the next day, the  
 8 three knives, which took place the next day, 15 May.  
 9 A. You've made a big leap there. So if we were aware that  
 10 that association was significant in terms of attack  
 11 planning, then possibly, but we were not aware.  
 12 Q. Well, we know that there was a lot of telephone contact  
 13 around that time between Butt and the Redouane phone and  
 14 the Zaghba phone. At this stage, mid-May, were there  
 15 still no investigations being made into the repeated  
 16 telephone contacts on those numbers?  
 17 A. So we were not made aware of any significance around  
 18 that association.  
 19 Q. You told Mr Hough that his capability was assessed as  
 20 being only moderate at this stage in an MI5 assessment  
 21 on 15 May. I think you said that was something that you  
 22 were aware of --  
 23 THE CHIEF CORONER: Just for clarity, you're talking about  
 24 Mr Butt's --  
 25 MR PATTERSON: Forgive me, Mr Butt, yes. It is the PLA

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1 assessment.  
 2 THE CHIEF CORONER: I wasn't meaning it was an assessment of  
 3 Mr Hough's abilities, it was just that we had been  
 4 dealing with Redouane and I just wanted to make that  
 5 distinction.  
 6 MR PATTERSON: I'm grateful, yes. Back to Butt. The PLA  
 7 assessment as it has been termed.  
 8 A. Yes.  
 9 Q. You were aware of that at the time, were you?  
 10 A. Yes, so we would have been aware that that was  
 11 the assessment reached by the PLA process, yes.  
 12 Q. Did you not question the assessment that his capability  
 13 was moderate given that all he needed to carry out  
 14 an attack if he chose to was a knife that can be lifted  
 15 from a kitchen, for example?  
 16 A. I have said this previously: I don't know enough about  
 17 the actual process and the mechanics that goes into  
 18 coming to that assessment, but I fully accept that in  
 19 the threat picture at that time, around method of  
 20 attack, effectively makes anyone capable of conducting  
 21 an attack.  
 22 Q. And on 29 May when the three of them were together in  
 23 the middle of the night near the gym, setting down the  
 24 telephone and then walking off and having the  
 25 conversation in the street, again, it's something, it's

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1 contact, it's association that is linked to the gym, the  
 2 same location that you haven't been looking into in all  
 3 these months; would you agree?  
 4 A. And that is something we know now.  
 5 Q. We were told that there was no live coverage on Saturday  
 6 the 3rd, so the day of the attack itself. Are you able  
 7 to help with whether there was any live coverage on  
 8 Friday the 2nd?  
 9 A. I'm not able to assist with that.  
 10 Q. Or Thursday the 1st?  
 11 A. I'm not able to assist with that.  
 12 Q. But the investigation was back on at this stage, this  
 13 was all about a month after the resumption?  
 14 A. And moving towards closure.  
 15 Q. Although you weren't aware that the closure plan had  
 16 been prepared?  
 17 A. It was moving towards closure so that would have been in  
 18 the course of events, and it would have culminated in  
 19 a closing JOT around the operation. I was aware that it  
 20 was unsuspending to conduct further reassurance inquiries  
 21 around Mr Butt.  
 22 Q. On the day itself, Butt used a debit card in his own  
 23 name to pay for the van that he rented from Hertz. Were  
 24 there no arrangements in place to consider his finances  
 25 and what he was doing with his bank account?

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1 A. So we were not aware that he hired -- are you going  
 2 towards was there live coverage around his financial --  
 3 was there financial monitoring in place? I'm not able  
 4 to comment on that.  
 5 Q. All right. He uses a debit card in his own name to get  
 6 the van.  
 7 A. So I understand.  
 8 Q. He uses a telephone number registered in his own name.  
 9 So there were two phones he used, not just the  
 10 operational phone, but he got rather careless, I would  
 11 suggest, and used a second phone registered in his own  
 12 name to contact a hire company.  
 13 A. All of which we were not made aware of.  
 14 Q. Had you asked service providers for the phone numbers  
 15 that were registered in his name?  
 16 A. No, but we knew -- we would have known what phone  
 17 numbers he'd had through information already in our  
 18 possession.  
 19 Q. And in terms of rental vehicles, obviously the horrible  
 20 events on 22 March had been a recent reminder, hadn't  
 21 they, of yet again a terrorist using a rental vehicle to  
 22 carry out an attack on the public. Can you help us with  
 23 this: were there arrangements in place at the time for  
 24 the counter terrorism police to be notified of people  
 25 applying to get hold of rental vehicles?

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1 A. I'm not sure if I'm able to answer that.  
 2 Q. For security reasons?  
 3 A. Yes.  
 4 MR HOUGH: I think it may be better that that question is  
 5 asked of others later in the Inquest who know precisely  
 6 what can and can't be said.  
 7 THE CHIEF CORONER: Thank you.  
 8 MR PATTERSON: And as for the other --  
 9 A. If I come back to that. If there had been any  
 10 intelligence suggesting that he was looking to hire  
 11 a vehicle for an attack, we would have been proactive.  
 12 Q. I mean, as a general principle, you would agree: you  
 13 would want to know if one of your terror suspects is  
 14 trying to get a rental vehicle, wouldn't you?  
 15 A. In the sense of if we had intelligence that he was  
 16 looking to rent a van, that would prompt further  
 17 inquiries, yes.  
 18 Q. Yes. And for example, he did successfully book, he  
 19 didn't collect, but he booked the rental of a 7.5 tonne  
 20 lorry in his own name, using his own email address,  
 21 using a telephone number registered in his name. Again,  
 22 is that something that was just missed?  
 23 A. So I can't go towards what coverage was in place around  
 24 Mr Butt.  
 25 Q. At any stage was consideration given to applying for

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1 a TPIM, for a court order, a TPIM that would provide  
 2 a degree of monitoring for him as a person suspected of  
 3 possibly being involved in terrorist activity?  
 4 A. No, but I will add to that that a TPIM is a Security  
 5 Service initiated measure which the police support and  
 6 police, and it is quite a high threshold around a TPIM.  
 7 It's very resource-intensive and will only apply to some  
 8 of the most dangerous individuals in this country. They  
 9 are very limited in number.  
 10 Q. Yes. Would you agree with this, officer: that a real  
 11 issue for counter terrorism policing is, as this case  
 12 demonstrates, where you perhaps are struggling to get  
 13 evidence of actual attack planning or the commission of  
 14 an offence but you have real concerns about the risk the  
 15 person poses to the public?  
 16 A. Absolutely, and I know that there is ongoing discussion  
 17 from government, police, security services, around  
 18 having a different version of a TPIM that will not be so  
 19 resource-intensive to police.  
 20 Q. If I suggested that as a general principle, TPIMs are  
 21 a good idea but they don't go far enough and it's not  
 22 a sufficient mechanism for the police in these sorts of  
 23 situations, would you agree?  
 24 A. Yes, in certain circumstances TPIM is a good idea but  
 25 you have to police it as well, and what comes with that

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1 is a lot of resource.  
 2 Q. But is it an area where if the political will were there  
 3 for increasing the resources you would welcome that sort  
 4 of development?  
 5 A. I would welcome being involved in those discussions, but  
 6 actually what that looks like, it would take a lot of  
 7 discussion.  
 8 Q. From what you've told us, resources played a significant  
 9 part on two occasions in the scaling back of the  
 10 investigations into, at the very least Butt, but by the  
 11 sounds of things, probably other suspects in the period  
 12 that we're dealing with?  
 13 A. Well, in terms of Operation Hawthorn or just across the  
 14 board?  
 15 Q. Across the board?  
 16 A. Yes. And as I've said previously, decisions have to be  
 17 made, judgment is made around where our resources go.  
 18 We don't have infinite resources.  
 19 Q. If the government did provide increased financial  
 20 resources for counter terrorism policing, no doubt that  
 21 would be something that you would welcome?  
 22 A. It would be churlish to say not. So resourcing is a --  
 23 it's not a black and white issue, so it's not about the  
 24 amount of staff we have, it's quite often about the  
 25 skills, the capability and the processes we have to

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1 point it in the right direction.  
 2 Q. Would it also be of assistance to have the opportunity  
 3 to surge resources when necessary?  
 4 A. So I can surge resources from across SO15, the Counter  
 5 Terrorism Command, I can get resources in from the  
 6 Counter Terrorism Policing Network and I can draw from  
 7 resources from wider policing if needed.  
 8 Q. {DC8295/1}, please. I don't know whether you will be  
 9 able to help me with this or not, officer, but one of  
 10 the family members, from whom we will be hearing, is  
 11 Saad Butt, and shortly after the attack on 6 June, The  
 12 Times newspaper reported that Saad Butt, the brother of  
 13 Khuram Butt, received funding from the police as part of  
 14 his involvement in the Prevent programme in order to  
 15 combat violent extremism, and that a group that received  
 16 funding to fight hateful philosophies was set up at the  
 17 Butt family home in east London.  
 18 Then on, please, to the next page {DC8295/2}, and  
 19 again if we could expand it so that we can make it more  
 20 legible, and scroll down, please, a reference to Saad  
 21 Butt again:  
 22 "He was one of 23 members of the Young Muslims  
 23 Advisory Group...  
 24 And he applied for the role back in 2009. The group  
 25 was set up by the Labour government, it was to engage

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1 with young Muslims. He met two ministers every three  
2 months. He contributed to a report about improving  
3 communication between young people and the government.  
4 And if we just cast our eyes down that, we can see that  
5 he was very engaged in the whole concept of Prevent, and  
6 that he and a colleague were paid under £10,000 by ACPO,  
7 the Association of Chief Police Officers, in connection  
8 with that research.

9 First of all, is any of that reporting something  
10 that you were aware of before the attacks?

11 A. No.

12 Q. Can you help us one way or the other with whether he was  
13 engaged in any way with Prevent or that kind of  
14 activity?

15 A. I believe there's a quote from Mark Rowley, who was  
16 Assistant Commissioner at the time in that report --

17 Q. So you have no reason to doubt it?

18 A. Absolutely not, no.

19 THE CHIEF CORONER: I think the quote was on the previous  
20 page.

21 MR PATTERSON: Yes, page 1 towards the bottom {DC8295/1},  
22 Mr Rowley, confirming towards the bottom of the page  
23 about having received a tip about his extremism in a  
24 hotline call which is clearly what you have told us  
25 about in relation to a different family from whom we'll

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1 hear, Usman Darr.

2 But certainly in relation to Saad Butt and his  
3 background involvement with Prevent-type work, at any  
4 stage did you receive a report from him about  
5 Khuram Butt prior to 3 June 2017?

6 A. I am not personally aware that we did receive any, other  
7 than Usman Darr, there was no other material that came  
8 in to us from family members.

9 Q. Youssef Zaghba and the sorry saga about non-notification  
10 of the events in Italy, can you help us with that and  
11 the procedures that did or didn't apply in relation to  
12 that information?

13 A. In -- well, only my knowledge is that he was entered  
14 upon the wrong database.

15 Q. If the information had properly reached the Border  
16 Agency, can you help us with whether they could have  
17 done anything to prevent his entry into the country if  
18 they had received the relevant information?

19 A. Again, I wouldn't be aware of the actual legal basis and  
20 mechanics of that, but he may have been excluded on  
21 national security grounds. It's very much case-by-case.  
22 Possible.

23 Q. So there would be the possibility of refusing entry?

24 A. My answer would be ill informed. I would need to go  
25 away and look at the actual detail of that.

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1 Q. And finally this, officer: you were asked about the  
2 fraud investigation and the potential opportunity to  
3 disrupt Butt's activities in that way.

4 A. I would say it was an opportunity to deal with the  
5 fraud, to engage with him directly and enrich the  
6 intelligence picture around him.

7 Q. Do I understand your evidence to be that the police  
8 disagreed with the CPS and took the view that there was  
9 a case against him in relation to fraud?

10 A. No.

11 Q. So did you agree that there wasn't a realistic prospect  
12 of conviction?

13 A. No. So we investigated it to the point where we felt we  
14 had sufficiently exhausted all evidential inquiries. It  
15 was referred to the CPS, there was discussion with the  
16 CPS, and they concluded that it was -- he would be  
17 subject to no further action.

18 Q. So what was your view? Did you think there was  
19 sufficient evidence for a charge?

20 A. I think my view was pragmatic in terms of it was  
21 a low-level -- relatively low-level fraud, unlikely to  
22 result in him being remanded in custody or receiving  
23 a custodial sentence. I think we'd carried out --  
24 resource-wise, I'd allocated resources to conduct  
25 a number of inquiries that hadn't reached the threshold

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1 and there's no reason for me to doubt the expertise of  
2 the CPS lawyer on this matter.

3 Q. With Mr Jolley we looked at a document that suggested  
4 that it didn't proceed for public interest reasons  
5 rather than evidential reasons.

6 A. I thought it was evidential reasons.

7 Q. And that's what we were told by Mr Jolley. So, in other  
8 words, there wasn't sufficient evidence. So do you  
9 agree with that? You took the view there wasn't  
10 sufficient evidence to prosecute?

11 A. So the CPS took the view there wasn't sufficient  
12 evidence.

13 Q. Did you agree with that?

14 A. I agreed with the pragmatic approach that in order to  
15 carry out a number of other inquiries, which was  
16 unlikely to yield that evidence, it was not worth  
17 pursuing. And it did not represent a disruption in  
18 terms of him being imprisoned.

19 Q. So you didn't think there was enough evidence?

20 A. No, the CPS thought that.

21 Q. And did you agree? Was that your view?

22 A. I had no reason to disagree with the CPS assessment.  
23 So ...

24 Q. Even though there was cell site evidence putting his  
25 phone in the area of one of the cash points where the

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1 money was being withdrawn?  
 2 A. And I believe that was considered by the CPS. That's  
 3 his phone, not him.  
 4 Q. Yes. But was there evidence that he was habitually  
 5 giving his phone to other people?  
 6 A. I'm not aware of that.  
 7 Q. And if his explanation were to be possibly accepted by  
 8 a jury, that would mean again and again and again he had  
 9 been the unfortunate victim of interception of cards and  
 10 of interception of PIN numbers.  
 11 A. Absolutely, and all this was considered by the CPS.  
 12 Q. And the co-accused who pleaded guilty had shown  
 13 a similar modus operandi?  
 14 A. That's correct, and one of them pleaded guilty and  
 15 received, it was a community order, or ...  
 16 Q. And his explanation was that his wallet must have been  
 17 stolen but that was not something that he had ever  
 18 reported to the police?  
 19 A. That's correct, but I believe he did report it to -- and  
 20 no way am I defending him or an apologist for him, but  
 21 I believe he did report it to Action Fraud.  
 22 Q. Isn't the reality that there was clear evidence that  
 23 could have gone before a jury that did provide  
 24 a realistic prospect of a conviction for these various  
 25 offences of fraud?

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1 A. That's the call of the CPS. And pragmatically it was  
 2 a relatively low-level fraud. We were having issues  
 3 with banks at the time in terms of providing evidence,  
 4 some of the banks had refunded him. We'd investigated  
 5 it to a point whereby we thought we had got -- we had  
 6 conducted the evidential inquiries we could where we  
 7 thought we would yield something. This was all put to  
 8 the CPS and they said it didn't cross a line.  
 9 Q. Can I ask you this, please, {DC8251/1}, shortly before  
 10 the attacks on 17 May, the counter terrorism police  
 11 carried out arrests on a number of men in the east  
 12 London area. If we could scroll down, please.  
 13 Umar Haque, Muhammad Abid and Abuthaheer Mamun, they were  
 14 accused of preparing acts of terrorism, they lived in  
 15 the Barking area, so the same area where Butt lived, and  
 16 in due course the case against them proceeded, they were  
 17 charged, they were tried at this court, they were  
 18 convicted essentially of radicalising children.  
 19 A. It was a bit more than that.  
 20 Q. Yes, there were a large number of charges --  
 21 A. Yes.  
 22 Q. -- centring on a mosque on Ripple Road in Barking?  
 23 A. Absolutely.  
 24 Q. I'm sure you're familiar with the case?  
 25 A. Only in terms of it was investigated by one of my peers

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1 within the Command. My understanding of that case is  
 2 that it was more than just radicalising school children,  
 3 it was an attack plot.  
 4 Q. Yes, there were --  
 5 A. Yes.  
 6 Q. -- a number of counts ultimately on the indictment --  
 7 A. Yes.  
 8 Q. -- and very serious allegations that resulted in  
 9 sentences of imprisonment.  
 10 Was any consideration given before those arrests  
 11 were made to whether there might be any unintended  
 12 consequences in relation to any effect on Khuram Butt,  
 13 who was a local suspect that you were investigating at  
 14 the time?  
 15 A. No, so -- no, is the short answer. So there's counter  
 16 terrorism operations going on throughout the country,  
 17 throughout London all the time. I think there will be  
 18 a look across the board around links and associations,  
 19 and I'm not aware of any links between this case, even  
 20 though they live in the locality, and Khuram Butt.  
 21 MR PATTERSON: Thank you, officer, those are all my  
 22 questions. Thank you.  
 23 A. Thank you.

Questions by MR ADAMSON

24 MR ADAMSON: My name is Dominic Adamson. I ask questions on  
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1 behalf of the parents of Xavier Thomas and his partner  
 2 Christine Delcros. I am grateful to Mr Hough and  
 3 Mr Patterson for their detailed questioning of you so  
 4 I hope to be relatively brief.  
 5 M, you've explained on many occasions during the  
 6 course of your evidence that your investigations need to  
 7 be intelligence-led; that's fair to say, is that right?  
 8 A. That's not always the case because we conduct  
 9 investigations on events but in the -- whereby it's  
 10 a priority operation, then it is intelligence-led.  
 11 Q. Yes. We now know, don't we, that the Ummah Fitness  
 12 Centre was a significant location in terms of this  
 13 attack?  
 14 A. Sir, that was something that was subsequently discovered  
 15 post-attack.  
 16 Q. Yes, we now know it was significant.  
 17 A. I agree.  
 18 Q. Yes. We now know that Butt had the strongest possible  
 19 intent to carry out an attack on UK soil, because he did  
 20 it?  
 21 A. Evidently, yes.  
 22 Q. And we now know that he had the capability to do it and,  
 23 as you pointed out in your evidence, attacks like this  
 24 are actually relatively unsophisticated?  
 25 A. That's correct.

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1 Q. So the intelligence -led approach in this instance failed  
2 to identify this plan; you accept that?  
3 A. Yes.  
4 Q. And so it's important, isn't it, that in seeking to  
5 learn the lessons of that failure, your organisation and  
6 MI5 subject themselves to the closest possible scrutiny  
7 in their analysis of the decisions that they took  
8 throughout the investigation into Butt?  
9 A. Yes, that's correct, and we've been subject to numerous  
10 reviews post the events, all the events in 2017.  
11 Q. It's the substance of your evidence that no material  
12 opportunity was missed to identify this attack; is that  
13 right?  
14 A. That is correct.  
15 Q. And so are you effectively saying that this attack was  
16 unstoppable?  
17 A. No, I'm not -- I don't think I've ever said that, and  
18 I don't think any of the reports that came out  
19 subsequently have said that.  
20 It's no one single factor; it's a combination.  
21 Q. Because --  
22 A. And, actually, I mean, if you look in the past we have  
23 stopped many attacks coming to fruition through our  
24 intelligence -led approach.  
25 Q. Insofar as you've acknowledged that there were failings

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1 in the way that intelligence was considered, you've  
2 explained them away as effectively opportunities which  
3 didn't tell you something that you didn't already know.  
4 So let's take, for example, the call from Mr Darr  
5 in September 2015.  
6 A. Yes.  
7 Q. You've said that although that did not come to your  
8 attention, it didn't in fact tell you anything that you  
9 didn't already know?  
10 A. So it did not tell me anything significant that we  
11 weren't already aware of, that is correct.  
12 Q. But that's wrong, isn't it?  
13 A. In what respect?  
14 Q. Well, it told you that members of his own family were  
15 concerned about his radical views and his extremist  
16 views?  
17 A. Yes, I accept that. So I was going towards the body of  
18 the information that was provided.  
19 Q. But you will accept that the fact that a family  
20 member --  
21 A. Yes.  
22 Q. -- is concerned about their own family member, that they  
23 were radical, that they were accessing extremist  
24 material and disseminating extremist material --  
25 A. Yes.

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1 Q. -- is itself new information which you didn't know?  
2 A. You're entirely correct. That element of the  
3 information provided to us, we wasn't aware of.  
4 Q. And it's likely that they know him better than you know  
5 him. They, the family, know him better than you, the  
6 security services, or SO15, know him?  
7 A. Yes.  
8 Q. And since you were never informed of that, it's fair to  
9 say, isn't it, that any decisions that you took in  
10 relation to your investigation subsequently didn't have  
11 that fact as part of the matrix that you were  
12 considering?  
13 A. That a family member was concerned about him?  
14 Q. Yes.  
15 A. That would be correct.  
16 Q. And it also meant that you didn't have the opportunity  
17 to consider whether or not to follow up on that initial  
18 contact.  
19 A. So I articulated this yesterday. So it denied us the  
20 option of considering whether to follow up that contact.  
21 Q. Yes. So these are undoubtedly opportunities missed to  
22 explore avenues of inquiry which were not taken by you  
23 or your organisation.  
24 A. So an intelligence opportunity that was not progressed.  
25 Yes.

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1 Q. Yes. The fact that Butt had considered employment in  
2 the security sector you've said did not give you cause  
3 for concern?  
4 A. No, I did not say that. What I said was, in itself,  
5 yes, it is concerning that any type of employment he  
6 takes on, but it would have to come with some  
7 significant intelligence to suggest that employment is  
8 in pursuance of any kind of terrorist activity. So it  
9 is risk-assessed and it is on case-by-case.  
10 Q. You say, I think it's in paragraph 5.6 of your report,  
11 that it indicated a shift away from an extremist  
12 mindset.  
13 A. So what I say is employment suggested a shift away from  
14 an extremist mindset and viewed by the police and MI5 as  
15 a stabilising factor in his life. That was the  
16 assessment.  
17 Q. It's quite a narrow assessment, isn't it, that it  
18 suggested a shift away from the extremist mindset, the  
19 fact that a man is a suspected threat to national  
20 security, and he is seeking employment in a security  
21 setting where he could undermine the security of the  
22 venue that he's there to protect?  
23 A. Entirely possible, but it would -- again, it has to come  
24 with some intelligence that indicates that's the case,  
25 and clearly -- clearly -- that is not the situation

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1 here.  
 2 Q. So he is interested in this line of work, it sounds as  
 3 if you effectively give the benefit of the doubt --  
 4 A. No.  
 5 Q. -- in your assessment of his interest in this line of  
 6 work at that time; is that fair?  
 7 A. So when you say "benefit of the doubt" ...  
 8 Q. That it's a shift away from an extremist mindset as  
 9 opposed to --  
 10 A. That is the assessment.  
 11 Q. Similarly in relation to his potential employment, or  
 12 his actual employment with Transport for London on the  
 13 London Underground?  
 14 A. Yes.  
 15 Q. Again, you have identified that there was no additional  
 16 intelligence to suggest that that was a matter of  
 17 concern in the sense that it was linked to some form of  
 18 attack planning.  
 19 A. It's a matter of concern full stop, but there was  
 20 nothing -- there was no intelligence to suggest that was  
 21 in pursuance of anything terrorist-related.  
 22 Q. But, again, is this another occasion where you're  
 23 looking at the material and you're giving the benefit of  
 24 the doubt to a more benign explanation for why he is  
 25 taking up these employment opportunities?

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1 A. No, and there is more science behind it, so it's not you  
 2 as in the police; that is joint with MI5 and there is  
 3 an assessment process and there is an understanding of  
 4 the intelligence of why that individual has taken that  
 5 employment.  
 6 Q. Right. So in relation to those employment  
 7 opportunities, those lines of work, you, conducting  
 8 an intelligence-led assessment in association with MI5,  
 9 wherever the responsibility lies, want to know what the  
 10 motivation behind working in a particular location is?  
 11 A. So the key question here is, is that employment for  
 12 a nefarious purpose? If the answer is no, then we  
 13 proceed -- it's not put to one side as to say: done,  
 14 dealt with; it was a subject of review and consideration  
 15 as time went on. If we had seen anything throughout  
 16 that period to suggest he was there for an ulterior  
 17 motive, then we would have acted.  
 18 Q. So when he then comes to be working at the Ummah Fitness  
 19 Centre ...  
 20 A. So, as I've explained, that was not something that I was  
 21 aware of, that he was working there, but we knew it was  
 22 somewhere he was frequenting.  
 23 Q. Yes. So you should have been informed he was working  
 24 there? Do you accept that?  
 25 A. By whom?

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1 Q. By MI5.  
 2 A. Did they know he was working there?  
 3 Q. Well, should you have been informed that he was working  
 4 there if somebody knew that?  
 5 A. If someone knew. We were not informed.  
 6 Q. And in those circumstances, would you have made  
 7 inquiries about the owners or operators of that fitness  
 8 centre?  
 9 A. So, again, if we had cause to. I mean, I do take  
 10 a little bit of issue with the word "working" there.  
 11 I mean, arguably, from what we know now, assisting,  
 12 helping; he wasn't in paid employment.  
 13 Q. But going there every day.  
 14 A. He was going there frequently. He was a gym user there,  
 15 so ... but the gym did not have any significance in terms  
 16 of intelligence around it to suggest that there was any  
 17 kind of terrorist activity taking place there at that  
 18 time.  
 19 Q. You said yesterday:  
 20 "I'm only going to allocate resources to further  
 21 inquiries if it comes with some kind of significance in  
 22 terms of intelligence."  
 23 And the point that you were making is that you are  
 24 only going to allocate resources to inquiries about the  
 25 gym if you think there's something significant about the

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1 gym; is that fair?  
 2 A. I would say that's fair, yes.  
 3 Q. How long would it take your organisation to make  
 4 inquiries about a gym like the Ummah Fitness Centre in  
 5 order to find out who was running it and who was  
 6 involved there?  
 7 A. If you went to a mainstream gym that wasn't being  
 8 frequented by extremists and approached the manager,  
 9 relatively quickly, but this was still a covert-led  
 10 investigation.  
 11 Q. Yes. Would you start by looking at what was out there  
 12 on the internet, for example?  
 13 A. Yes. Yes, I mean that would be a natural inquiry if we  
 14 had cause to do so. We would build a profile of the  
 15 venue, and we do. If we have cause to, we'll look at  
 16 a location and look at -- not just through the eyes of  
 17 intelligence but as a possible location we might have to  
 18 conduct a warrant or a search on, we will build  
 19 a profile of that venue.  
 20 Q. Forgive me, I assume that making inquiries about who  
 21 runs a fitness centre is the sort of thing your  
 22 organisation could get on top of within a very short  
 23 space of time?  
 24 A. So I will go back to the first point, it depends on the  
 25 nature of that fitness centre.

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1 Q. Yes. Well ...  
 2 THE CHIEF CORONER: And I think the other part of that  
 3 answer was, if it was being done covertly it's rather  
 4 different to it being done overtly. So you don't simply  
 5 ring up and say ...  
 6 MR ADAMSON: No, no, of course I accept that. I accept  
 7 that.  
 8 It wouldn't have taken you long, would it, to have  
 9 identified at least a potential connection between that  
 10 gym and Sajeel Shahid?  
 11 A. I mean, that depends on the connection. Covertly, if we  
 12 had identified him going to that gym we would have  
 13 identified a connection there. I don't know, is his  
 14 name on the lease? Does he pay the bills? I don't  
 15 know. There will be a number of factors coming into  
 16 play there.  
 17 Q. And you've explained how you became aware -- this is  
 18 a related topic to the gym, I just want to deviate to  
 19 the school for a moment, if I may. You've explained  
 20 that you became aware of intelligence that Butt may have  
 21 been involved with the school?  
 22 A. So I've explained that we received information that he  
 23 was teaching the Koran to children.  
 24 Q. Yes. And as I understand it, you made inquiries about  
 25 the schools that had been identified as possible

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1 locations.  
 2 A. So we made proactive inquiries around a number of  
 3 schools.  
 4 Q. And they drew a blank, ie, he was not at those  
 5 locations?  
 6 A. Yes, the intelligence was uncorroborated.  
 7 Q. Now, as I understand it you did not then look at other  
 8 possible schools that it might be?  
 9 A. So the information suggested Barking, Ilford area, so  
 10 there are, again, hundreds of schools in those areas.  
 11 Q. Yes.  
 12 A. We followed the intelligence.  
 13 Q. One of those schools in that area was the Ad-Deen  
 14 school, and we know that that school was relatively  
 15 close to Butt's home address?  
 16 A. Yes, we know that now.  
 17 Q. It was about 0.9 of a mile from the Elizabeth Fry  
 18 Apartments to the Ad-Deen school?  
 19 A. I will take you at your word on that.  
 20 Q. According to a Google search I did.  
 21 A. Okay.  
 22 Q. And --  
 23 A. How many other schools were in ...  
 24 Q. Well. And there was public material, news reports about  
 25 that school, which predated 2017 which showed that that

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1 school had been set up by Sajeel Shahid. Can I call up  
 2 on screen {DC8298/1}, please. Now, this is an article  
 3 from the Mail Online. It appears to be dated  
 4 29 March 2014, and the headline is:  
 5 "Fury as fanatic who trained 7/7 bomber sets up  
 6 Islamic primary school in Britain."  
 7 And then as we go down the page it says:  
 8 "As a member of a banned extremist group,  
 9 Sajeel Shahid ... called for violence against British  
 10 troops and ran a training camp in Pakistan where known  
 11 terrorists learned how to make bombs and fire  
 12 rocket-propelled grenades."  
 13 It talks about one of his graduates being Mohammad  
 14 Sidiq Khan.  
 15 Over the page {DC8298/2}, further allegations as to  
 16 what Shaheed had allegedly done in terms of training  
 17 convicted terrorists, explains he was raised in Britain  
 18 but spent years in Pakistan after 9/11, detained by the  
 19 Pakistani authorities.  
 20 Then it says this:  
 21 "But despite being known to British security  
 22 services, on his return to the UK he was given  
 23 permission to set up an independent primary school,  
 24 where he taught lessons and employed his brother -- who  
 25 also has a history of extremism -- as head of IT."

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1 And the Department for Education was said to be  
 2 looking into it urgently:  
 3 "Lord Carlile, the Government's former adviser on  
 4 counter terrorism said: 'It is a matter of real concern  
 5 that somebody should be able to slip through the net and  
 6 run a school where there has been substantial concern  
 7 about his activities in the past.'  
 8 So the point that I'm driving at is when you did not  
 9 identify the school through the searches that you had  
 10 carried out, surely a school like this was an obvious  
 11 source of further investigation: a school in Ilford set  
 12 up by a man said to have been involved in training of  
 13 terrorists?  
 14 A. So we followed the intelligence we had around a number  
 15 of schools where he was believed to be working. They  
 16 came back negative. We did not then go on a fishing  
 17 exercise of around all the schools in the area. That  
 18 school was never identified to us as a possible  
 19 location. That link was never made.  
 20 Q. Were you aware of these concerns at that school --  
 21 A. Sir, perhaps you can tell me, how many schools --  
 22 Ad-Deen school -- how many schools are in that area?  
 23 Q. I simply don't know the answer to that, but it's surely  
 24 obvious that when you are considering what schools to  
 25 investigate, this one, this school is worthy of

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1 consideration?  
 2 A. We followed the intelligence that was given to us around  
 3 a number of schools, and that was the inquiry that was  
 4 conducted.  
 5 Q. Did no one say within your team: well, let's get a list  
 6 of schools that there might be and think about whether  
 7 or not one or other of those schools might be more  
 8 likely to be the location of where these classes  
 9 are taking place?  
 10 A. So we spoke to local officers, we spoke to our Prevent  
 11 colleagues, and we went down the direction of the  
 12 intelligence.  
 13 I think --  
 14 Q. You can understand the concern, can't you?  
 15 A. I think in isolation, yes, but I think there needs to be  
 16 a wider context to that inquiry. If we'd become -- if  
 17 the information we had was vaguer in terms of where he  
 18 was teaching, yes, we might have spread our net further  
 19 and conducted further inquiries, but we didn't. We just  
 20 went with the intelligence, intelligence-led, we went  
 21 with the intelligence that pointed us in the direction  
 22 of a number of schools and conducted inquiries at those  
 23 schools. We consulted locally and it wasn't identified.  
 24 If we'd had any more information or any more  
 25 suggestion that he was teaching in schools, we would

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1 have revisited it; we did not.  
 2 Q. But the concern is that, just as with your lack of  
 3 further investigation in relation to the Ummah fitness  
 4 gym --  
 5 A. That's quite cutting, I've explained why we did not  
 6 further investigate the Ummah fitness gym.  
 7 Q. But the concern is that unless the information is handed  
 8 to you, you are not making proactive inquiries into  
 9 locations which we now know are very significant and  
 10 I suggest to you any reasonable investigator would have  
 11 thought was significant at the time.  
 12 A. So we did make proactive inquiries based on the  
 13 intelligence we had.  
 14 Q. You made no proactive inquiries in relation to the  
 15 Ad-Deen school?  
 16 A. That's correct.  
 17 Q. You made no proactive inquiries in relation to the Ummah  
 18 fitness gym; is that right?  
 19 A. We did not have cause or did not have intelligence that  
 20 led us to make -- or lead us into a position where we  
 21 needed to make those further inquiries.  
 22 Q. And if you had made inquiries about either of those  
 23 organisations I suggest to you that they would have led  
 24 you to Sajeel Shahid, would they not?  
 25 A. Possibly.

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1 Q. Well, I would hope probably.  
 2 A. Possibly. I can't say that -- that is speculative --  
 3 I haven't made those inquiries so I don't know the  
 4 details of his links to the schools, to the gym, we  
 5 would have to make all those inquiries and if they came  
 6 back affirmative in terms of his links, then yes, we  
 7 would have made a link to Sajeel.  
 8 Q. And given what is reported about him, this would have  
 9 been a further reason to be concerned about Butt, would  
 10 it not, and who he was associating with potentially?  
 11 A. Absolutely, but in addition to other extremists that we  
 12 did know about that he was in contact with, Anjem  
 13 Choudary being one. Again, if it came with or there was  
 14 any information to suggest that the relationship was  
 15 nefarious or in pursuance of any kind of terrorist  
 16 activity, then we would have acted on it. There was  
 17 none.  
 18 Q. You mentioned Anjem Choudary and he is a person  
 19 doubtless you've considered on many occasions over the  
 20 years, and he's a person about whom you rightly have  
 21 concerns.  
 22 A. I don't think that's in doubt, yes.  
 23 Q. Is it right, though, that the individuals who perpetrate  
 24 attacks are not the Anjem Choudarys of this world?  
 25 A. I think that would be fair to say, sir.

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1 Q. Yes.  
 2 A. Anjem Choudary and his ilk are radicalisers who put  
 3 people on the pathway to conduct attacks, or have, yes.  
 4 Q. Yes, and so given that Butt was an associate of Anjem  
 5 Choudary, you knew that he had been in contact with  
 6 Anjem Choudary, is it not the case that he is precisely  
 7 the sort of person that you should be worried about as  
 8 a potential attacker, because it's more likely to be him  
 9 than it is Anjem Choudary?  
 10 A. I don't think it's definitive as that, but, rightfully,  
 11 yes, that contact is of concern, the fact that he is  
 12 an associate of someone like Anjem Choudary, and that  
 13 elevates him into a priority operation.  
 14 We're talking hundreds and hundreds of people that  
 15 have contact or have some kind of nexus to  
 16 Anjem Choudary.  
 17 MR ADAMSON: Thank you very much.  
 18 A. Thank you.  
 19 MR HORWELL: No, thank you.  
 20 MR HOUGH: I see no indicated further questions from any  
 21 other advocate.  
 22 I have no further questions of you, M, but thank you  
 23 very much for your evidence.  
 24 THE CHIEF CORONER: Can I just make one comment, Mr Hough.  
 25 There were a couple of occasions when Witness M has

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1 indicated that he wishes to check or he is going to  
 2 check certain issues which Mr Patterson raised with him.  
 3 It may well be that, in fact, the answers can be given  
 4 to the Inquest if they need to be through another route,  
 5 but it was simply just to -- if I could simply ask those  
 6 inquiries are made and that we get the fruits back,  
 7 because I know that to some extent that will assist  
 8 Mr Patterson at least to know whether he needs to ask  
 9 anything else, particularly as we have L coming next  
 10 week.  
 11 MR HOUGH: Yes.  
 12 THE CHIEF CORONER: But just to thank you very much for  
 13 making clear you're going to make those inquiries and  
 14 we'll hear back from you.  
 15 A. Sir.  
 16 THE CHIEF CORONER: Mr Hough, we'll break there and we'll  
 17 sit at 2 o'clock, and in terms of the next witness  
 18 I will leave it, as it were, for you to discuss whether  
 19 we take Mr Cawthorne next or whether we go to  
 20 Charisse O'Leary.  
 21 MR HOUGH: We will have that discussion.  
 22 THE CHIEF CORONER: Thank you.  
 23 (12.59 pm)  
 24 (The Luncheon Adjournment).  
 25 (2.08 pm)

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1 MR HOUGH: Sir, the next witness is Charisse O'Leary, who is  
 2 subject to special measures. As a result, only the  
 3 interested persons and their lawyers are in court. She  
 4 is just being brought in.  
 5 MS CHARISSE O'LEARY (affirmed)  
 6 THE CHIEF CORONER: Please take a seat and I'm going to ask,  
 7 if you bring the microphone as close to you as possible  
 8 and that way we can all hear what it is you have to say;  
 9 all right?  
 10 A. Yes.  
 11 THE CHIEF CORONER: Thank you.  
 12 MR HOUGH: Sir, before I begin asking questions of  
 13 Charisse O'Leary, may I just make a few points for all  
 14 those listening?  
 15 THE CHIEF CORONER: Yes.  
 16 MR HOUGH: You made an order on 19 November 2018 that the  
 17 name Charisse O'Leary is currently using is to be  
 18 withheld from disclosure and that she is not to be asked  
 19 about that name.  
 20 You also made an order under section 11 of the  
 21 Contempt of Court Act 1981 that there should be no  
 22 publication of the current name used by Charisse O'Leary  
 23 in connection with these Inquests or their subject  
 24 matter. So we are using the name she had at the time of  
 25 the attack and the years preceding it, which is

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1 Charisse O'Leary. Her current name is not to be  
 2 disclosed. If anyone, including Charisse herself,  
 3 accidentally mentions her current name, it must not be  
 4 published.  
 5 THE CHIEF CORONER: Yes. And, Mr Hough, can I simply say  
 6 thank you very much for making that very clear because,  
 7 of course, the people it particularly affects are not  
 8 physically in the room but listening to these  
 9 proceedings through the link, and I know that they  
 10 understand the reason why you have underlined its  
 11 importance and significance, particularly if there is  
 12 any, as it were, immediate reporting in any way, shape  
 13 or form of what is said.  
 14 MR HOUGH: Exactly.  
 15 MR KHAN: Sir, I reluctantly rise. As you know, I represent  
 16 Charisse O'Leary, and for completeness' sake, she has  
 17 a child in relation to this order and she may also  
 18 during the course of her evidence inadvertently refer to  
 19 that child and again, there is an order in place, so  
 20 a similar restriction applies as far as the child is  
 21 concerned.  
 22 THE CHIEF CORONER: Thank you very much for that very  
 23 important reminder, Mr Khan. Thank you.  
 24 Questions by MR HOUGH QC  
 25 MR HOUGH: Charisse, you've made your affirmation. You

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1 appreciate that you are to be known as Charisse O'Leary  
 2 during the course of your evidence?  
 3 A. Yes.  
 4 Q. You understand that I'm asking you questions first on  
 5 behalf of the Coroner and you may then have some  
 6 questions from some other lawyers?  
 7 A. Yes.  
 8 Q. I think you also understand that you're here to give  
 9 evidence about your estranged husband, Rachid Redouane?  
 10 A. Yes.  
 11 Q. You made a number of witness statements, including one  
 12 on 11 June 2017, which I think you have to hand and  
 13 which you may refer to if you wish.  
 14 A. Yes.  
 15 Q. Please say if you require a break at any time in your  
 16 evidence.  
 17 Now, we know that Rachid Redouane was born in  
 18 Morocco in July 1986 and that he entered the UK and  
 19 applied for asylum in June of 2009 under the name of  
 20 Rasheed Elakhdar. According to your witness statement  
 21 you first met him in June 2010 in a nightclub in  
 22 Manchester; is that right?  
 23 A. Yes.  
 24 Q. At that time, was he going by the name Rasheed Elakhdar?  
 25 A. Yes.

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1 Q. By April of 2011, so a little under a year later, his  
2 asylum claim had failed and he was living in London.  
3 I think you started meeting him in London over the  
4 period of time that he was there?  
5 A. Yes.  
6 Q. Did you yourself move to London in January 2012?  
7 A. Yes.  
8 Q. Around this time were you starting a relationship with  
9 him?  
10 A. I was in a relationship since 2010.  
11 Q. At the outset of your relationship, what did Rachid tell  
12 you about his background, that's to say where he had  
13 been born and how he had come to the UK?  
14 A. He come in illegally from Morocco.  
15 Q. Did he tell you what he did for a living?  
16 A. He worked cash-in-hand, as a pastry chef.  
17 Q. Did he tell you what his religion was?  
18 A. Muslim.  
19 Q. Over the months and years that followed, did you  
20 discover any more about what he had done, where he had  
21 been, what he had done for a living in the years before  
22 you met?  
23 A. No.  
24 Q. Now, there has been some reporting in the press  
25 suggesting that he had been in Libya at one point in

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1 time and that he may have fought there?  
2 A. No.  
3 Q. You're not aware of anything like that?  
4 A. No, I'm not -- no.  
5 Q. In that early period when you were first starting a  
6 relationship, did Rachid express any particular  
7 religious views beyond just being a Muslim?  
8 A. No.  
9 Q. Did you know what Rachid's views were of world events,  
10 so like in the Middle East and about terrorism?  
11 A. Well, he didn't agree with it.  
12 Q. He didn't agree with it. He didn't agree with  
13 terrorism. Did you have any idea what he thought about  
14 events in the Middle East?  
15 A. He used to say it's the government's fault.  
16 Q. Western governments or the governments in the  
17 Middle East?  
18 A. He used to say it was the government.  
19 Q. Okay. Now, we know that in June 2012, Rachid was  
20 stopped in Scotland while he was trying to travel to  
21 Northern Ireland; do you remember that?  
22 A. Correct, yes.  
23 Q. We know he was detained in Belfast for a few days. Were  
24 you informed of his detention at the time?  
25 A. Yes.

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1 Q. Did you tell the authorities that he was your partner by  
2 then?  
3 A. Yes.  
4 Q. He was released from detention and we understand that he  
5 was released because at that time the authorities  
6 thought he had come to the UK from Libya and they  
7 weren't sending anybody back to Libya; do you have any  
8 knowledge of that?  
9 A. No.  
10 Q. We know that you and Rachid married in November 2012 in  
11 Dublin?  
12 A. Correct.  
13 Q. And that you stayed there briefly?  
14 A. Yes.  
15 Q. I think you then lived in your mother's home in London  
16 from early 2013 to later in 2013; is that right?  
17 A. Yes.  
18 Q. And did Rachid live with you at your mother's over that  
19 period of time?  
20 A. Yes.  
21 Q. In your witness statement you refer to an event in  
22 late May 2013, just after the murder of Fusilier Lee  
23 Rigby, and you say in your witness statement that this  
24 was the first time Rachid had met your two brothers?  
25 A. Yes -- one brother.

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1 Q. And that the subject of the murder came up.  
2 A. Yes.  
3 Q. What did Rachid say about it?  
4 A. Well, my brother obviously, first time he'd met Rachid  
5 and he was a Muslim and he didn't talk to me for six  
6 months prior to me marrying Rachid because his views, so  
7 that had happened like the week prior to meeting and he  
8 brought it up asking him what his views were, and he  
9 turned around and said it's the government's -- he  
10 blames the government.  
11 Q. And did you and your brother then disagree with that?  
12 A. Well, yeah. I just thought he was talking rubbish.  
13 Q. Beyond that exchange, was there any other discussion in  
14 that early period of time about terrorism or --  
15 A. Nothing.  
16 Q. -- that sort of activity?  
17 A. Nothing.  
18 Q. Now, in September 2013, did Rachid go back to Morocco to  
19 see his family?  
20 A. Yes.  
21 Q. Did he end up staying in Morocco until February 2015?  
22 A. Yes.  
23 Q. Is it fair to say that you were very unhappy about his  
24 prolonged absence?  
25 A. Yes.

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1 Q. I think you visited him and his family in Casablanca in  
2 both February and October 2014; is that right?  
3 A. Yes.  
4 Q. He had his parents and four siblings there, I think.  
5 A. Yes.  
6 Q. How did they seem to you? What sort of family were  
7 they?  
8 A. Welcoming.  
9 Q. Any sign of extremist religious views?  
10 A. No. No.  
11 Q. I think on the second of those visits you became aware  
12 that Rachid had applied for a visitor's visa to Ireland;  
13 is that right?  
14 A. Yes.  
15 Q. And that, we know, was granted in December 2014.  
16 A. Yes.  
17 Q. Is it right that in February 2015 you met Rachid in  
18 Dublin, with him flying from Morocco and you flying from  
19 London?  
20 A. Yes.  
21 Q. You went there, I think, to be with him, not because you  
22 had any ties to Ireland?  
23 A. Yes.  
24 Q. In 2015, between February and August, did you and Rachid  
25 live in Dublin together?

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1 A. Yes.  
2 Q. I think you were working as a live-in carer; is that  
3 right?  
4 A. Yes.  
5 Q. And he was working nights at a bakery?  
6 A. Yes.  
7 Q. During that period I think you became pregnant?  
8 A. Yes.  
9 Q. In that early period, again, what was Rachid's religious  
10 observance? Did he follow Muslim religious practices?  
11 A. Yes.  
12 Q. So he prayed regularly?  
13 A. Yes.  
14 Q. Wore traditional clothing?  
15 A. No, western clothes.  
16 Q. Wore western clothing. How else did he express his  
17 religion, as far as you can recall, beyond going to  
18 prayers?  
19 A. Just praying and doing Ramadan.  
20 Q. Did he give any indication that he had extreme views  
21 either about religion or about world events?  
22 A. No. No.  
23 Q. In September 2015, you and Rachid I think moved to  
24 London and initially lived with your mother in east  
25 London?

118

1 A. Yes.  
2 Q. We know that he obtained residence rights  
3 in March 2016 --  
4 A. Correct.  
5 Q. -- do you recall that?  
6 A. Yes.  
7 Q. You had your child, we know, shortly after your return  
8 to London. We're not going to name the child, as you've  
9 heard. After a time, did you move out of your mother's  
10 house?  
11 A. Yes, correct.  
12 Q. I think that was because Rachid wasn't happy living with  
13 his mother-in-law indefinitely?  
14 A. Yeah.  
15 Q. Did you then obtain housing in Barking?  
16 A. Yes.  
17 Q. While in London, did Rachid go to the mosque?  
18 A. More frequent, yeah.  
19 Q. How often did he go?  
20 A. Every day.  
21 Q. Was he wearing traditional clothing --  
22 A. No.  
23 Q. -- or western clothing?  
24 A. Still western clothing.  
25 Q. I think in your statement you say he sometimes wore

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1 a dish-dash at home?  
2 A. Yes, but that was like me wearing pyjamas, so he didn't  
3 wear pyjamas, he'd wear that, just to be comfortable,  
4 but he wouldn't dress it going out.  
5 Q. After the -- did his attendance at the mosque increase  
6 when you moved to Barking?  
7 A. Yes, because where we lived before there was no mosque,  
8 so he only used to go on a Friday, but when we moved  
9 there was obviously more local, so he went more  
10 frequent.  
11 Q. Did he avoid alcohol in keeping with Muslim teaching?  
12 A. Yes, he didn't drink, never drank.  
13 Q. Did he ever express any views about the western world  
14 and western lifestyles?  
15 A. No.  
16 Q. I think in your witness statement you refer to him  
17 sometimes commenting about music channels that you  
18 enjoyed watching?  
19 A. Yeah.  
20 Q. What did he say about those?  
21 A. That was in the last couple of months before we split  
22 up.  
23 Q. So that would be towards the end of 2016?  
24 A. Yeah, that he didn't like me having certain music  
25 channels on or certain TV programmes on in front of my

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1 daughter.  
 2 Q. Why did he say he didn't like that?  
 3 A. Because if there was gay people on there, he said it  
 4 would turn her gay.  
 5 Q. I think you also in your statement refer to arguing with  
 6 him about the clothing women wore on the music channels?  
 7 A. Yeah.  
 8 Q. Did he disapprove of women --  
 9 A. The way people -- yeah -- dressed.  
 10 Q. We gather that Rachid got a job at a bakery called Cakes  
 11 and Bakes in East Ham from March 2016?  
 12 A. No, it wasn't March.  
 13 Q. What time do you recall it being?  
 14 A. November.  
 15 Q. As late as that?  
 16 A. Just after my daughter was born.  
 17 Q. Did he like the job?  
 18 A. Yes.  
 19 Q. Did you think he would like to keep the job?  
 20 A. Yes.  
 21 Q. A few questions about his friends. We've heard from  
 22 a man called Lahbib Atebaa that he met Rachid through  
 23 his wife, your friend Lynne?  
 24 A. Correct, yes.  
 25 Q. So you recall that friendship?

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1 A. Yes.  
 2 Q. In your witness statement you refer to two other friends  
 3 that Rachid had, a man called Ali?  
 4 A. Yes.  
 5 Q. Whom I think you last saw from 2012?  
 6 A. Yes.  
 7 Q. And a man called Hassin who he knew from working in  
 8 a bakery?  
 9 A. Yes.  
 10 Q. During your time with Rachid in London, so 2015 through  
 11 to 2016 and early 2017, are there any other friends of  
 12 his that you remember?  
 13 A. No.  
 14 Q. Were you aware of Rachid meeting people secretly at any  
 15 time when he was with you before the split?  
 16 A. Not secretly. He'd say he was going to meet a friend.  
 17 He wasn't hiding it.  
 18 Q. Did you think that he had friends whom you might not  
 19 have met or heard the names of?  
 20 A. Yes.  
 21 Q. And that's just because he had his own friends he  
 22 wouldn't tell you about?  
 23 A. Yes.  
 24 Q. Did you ever become aware that any of Rachid's friends  
 25 had extremist views?

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1 A. No.  
 2 Q. Did you ever hear any mention of the organisation  
 3 Al-Muhajiroun?  
 4 A. No.  
 5 Q. Have you heard of that even to today?  
 6 A. I've heard it in the press now, yeah.  
 7 Q. Did you have any idea that Rachid associated with  
 8 anybody to do with that organisation?  
 9 A. No.  
 10 Q. In your statement you say that you would sometimes  
 11 return home to find that photos of you around the flat  
 12 had been put away?  
 13 A. Yes.  
 14 Q. And that you worked out from that that he had been  
 15 entertaining friends in the flat. Did you ever ask him  
 16 who he was meeting?  
 17 A. No, he just said it was his friends.  
 18 Q. Was he happy with you and the child being around his  
 19 friends in the same room?  
 20 A. I was never around his friends.  
 21 Q. Why was that?  
 22 A. Because that's, as far as I knew, the way the Muslims  
 23 was.  
 24 Q. Did you often have to stay in another room while he was  
 25 seeing his friends?

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1 A. No, he never had his friends when I was at home, his  
 2 friends were never present.  
 3 Q. So it's entirely possible that he might have had friends  
 4 or associates you wouldn't have known about?  
 5 A. No, I wouldn't have known.  
 6 Q. From late 2016, is it right to say that your  
 7 relationship with Rachid went downhill?  
 8 A. Yes.  
 9 Q. And you refer in your witness statement to one occasion  
 10 when you had a row about the heating of the baby's milk  
 11 and he struck you?  
 12 A. Yes.  
 13 Q. But you say that was the only time he was ever violent  
 14 to you?  
 15 A. Yes.  
 16 Q. Did he ever exhibit violent tendencies around you at  
 17 all?  
 18 A. No.  
 19 Q. You split from him in January 2017, I think; is that  
 20 right?  
 21 A. Yes.  
 22 Q. And he moved out?  
 23 A. Yes.  
 24 Q. Are you able to say very briefly why you split?  
 25 A. Because he just become distant towards me, he wasn't

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1 helping me financially or emotionally.  
 2 Q. After the split from Rachid, I think he regularly saw  
 3 his child; is that right?  
 4 A. Yes.  
 5 Q. Did he often take her out, for example, to the park?  
 6 A. Yes.  
 7 Q. Were you sometimes aware of him having other friends  
 8 with him when he was out and about?  
 9 A. Yes.  
 10 Q. I think you refer in your statement to sometimes hearing  
 11 a male voice in the background when he was calling you?  
 12 A. Yes.  
 13 Q. We know that Rachid was attending a gym from the early  
 14 months of 2017?  
 15 A. Yes.  
 16 Q. Were you aware of that?  
 17 A. Yes.  
 18 Q. Did you know which gym he was using?  
 19 A. No.  
 20 Q. Did you know about any friends he had from the gym?  
 21 A. No.  
 22 Q. I think after the split you were aware he was living in  
 23 a flat in East Ham?  
 24 A. Yes.  
 25 Q. Did you ever visit him there?

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1 A. No. It was a shared house, I think.  
 2 Q. Thank you. We know that he sometimes had the use of  
 3 a red Corsa car in the early months of 2017.  
 4 A. Yes.  
 5 Q. Is that something you knew about?  
 6 A. Yes.  
 7 Q. Did you know how he had got that car, whose it had been?  
 8 A. No, he said it was a friend's.  
 9 Q. We know that Rachid was in contact with Khuram Butt  
 10 from December 2016 and with Youssef Zaghba  
 11 from January 2017. Can we take it that you hadn't heard  
 12 those two names before the attack?  
 13 A. No.  
 14 Q. Were you aware that he had been making new friends over  
 15 that period?  
 16 A. I knew he'd met people from obviously the gym and the  
 17 mosque, but I didn't know, obviously, who they were.  
 18 Q. We know he was taking swimming trips with them on  
 19 Sundays in the period before the attack.  
 20 A. Yeah.  
 21 Q. Did you know he had friends he was seeing for swimming  
 22 trips?  
 23 A. Yes.  
 24 Q. Did you ever hear names dropped along these lines: Abu  
 25 Zaytony?

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1 A. No.  
 2 Q. Khuram?  
 3 A. No.  
 4 Q. Youssef?  
 5 A. No.  
 6 Q. We know that Rachid left his job at the bakery at the  
 7 end of March 2017; did you become aware of that?  
 8 A. Yes.  
 9 Q. Did you know why he'd done that?  
 10 A. He told me because his boss had changed his hours and it  
 11 didn't suit for him to come and see our daughter.  
 12 Q. What did you think about him losing that job? Were you  
 13 unhappy about that?  
 14 A. Well, yeah, I kept on at him to get another job.  
 15 Q. Did he look to be making any efforts to get another job?  
 16 A. Well, I don't know because I wasn't living with him.  
 17 Q. In those months of 2017 between January and May, were  
 18 you aware of any change in his behaviour?  
 19 A. No.  
 20 Q. Did he express any new or different views?  
 21 A. No.  
 22 Q. Any change in his religious observance?  
 23 A. No.  
 24 Q. Now, on 22 May 2017, the Manchester Arena bombing took  
 25 place.

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1 A. Yes. Yes.  
 2 Q. I think you recall a discussion with Rachid after that?  
 3 A. Yes.  
 4 Q. Can you tell us about that discussion?  
 5 A. He just said "Did you see what's happened in Manchester  
 6 on the news?" and I just said "Yeah".  
 7 Q. I think you referred to it as terrible?  
 8 A. Terrible, because obviously I remember the youngest girl  
 9 that passed away.  
 10 Q. Yes, and he gave no reply to that?  
 11 A. He didn't comment.  
 12 Q. Okay. In the week before the attack, I think Rachid saw  
 13 his child every day except Friday. So that's the week  
 14 from 29 May onwards; do you recall that?  
 15 A. Yeah. Yes.  
 16 Q. Was there anything that you particularly remember about  
 17 his behaviour on any of those days or anything he said  
 18 on any of those days?  
 19 A. No.  
 20 Q. Now, on the Thursday, 1 June, Rachid, you say in your  
 21 statement, took the child out from 2 o'clock in the  
 22 afternoon until shortly after 6 o'clock.  
 23 A. Yes.  
 24 Q. And you say that you were a little surprised by how long  
 25 he kept the child out?

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1 A. Yes.  
 2 Q. Did he give any reason for how long that was?  
 3 A. No.  
 4 Q. Now that day, after 7 o'clock, after he had returned,  
 5 did you have a conversation with him about a mobile  
 6 phone?  
 7 A. Yes.  
 8 Q. What did -- what did he say about that?  
 9 A. He was trying to sell me a new mobile phone.  
 10 Q. How did he say he'd got it?  
 11 A. From a friend that was selling it.  
 12 Q. What did he say was the price?  
 13 A. £200.  
 14 Q. What did you say?  
 15 A. "I haven't got £200".  
 16 Q. How was it left?  
 17 A. And then he turned round and said "Try and sell it".  
 18 Q. So was the phone left with you?  
 19 A. Yes.  
 20 Q. Did you, after receiving the phone, have any thoughts  
 21 about where it might have come from?  
 22 A. No.  
 23 Q. Did you, however, decide that you would give it back to  
 24 him?  
 25 A. I told him that, yeah.

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1 Q. Why was that, why did you decide to give it back to him?  
 2 A. Because I thought someone took it out from a shop and  
 3 then tried to sell it.  
 4 Q. And, of course, you know --  
 5 A. Contract, like I thought someone took it on contract and  
 6 I didn't want it in my possession.  
 7 Q. Now, on Friday, 2 June, is it right that you didn't see  
 8 Rachid that day?  
 9 A. I can't remember.  
 10 Q. I think you say in your statement, which was obviously  
 11 much closer to the time, that on that Friday you didn't  
 12 see him.  
 13 A. Okay.  
 14 Q. But is this right: that you had made arrangements for  
 15 Rachid to look after the child on Saturday, 3 June in  
 16 the afternoon because you were going to a family  
 17 barbecue?  
 18 A. Yes.  
 19 Q. We know he arrived at your flat at about 1 o'clock --  
 20 A. Yes.  
 21 Q. -- on that Saturday afternoon, and that you left for the  
 22 barbecue shortly afterwards, about a quarter of an hour  
 23 after he had arrived.  
 24 A. Yes.  
 25 Q. When he did arrive that day, did he say anything about

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1 what his plans were for the rest of the day?  
 2 A. No.  
 3 Q. You recall in your witness statement that shortly after  
 4 he arrived at your flat his mobile phone rang?  
 5 A. Yes.  
 6 Q. Could you hear what he was saying into that?  
 7 A. No, because he always spoke in Arabic.  
 8 Q. Did you give him any instructions for looking after the  
 9 child that afternoon?  
 10 A. Yeah, I got her changing bag ready and I'd already give  
 11 her her lunch and I cooked her tea and told him to give  
 12 her her tea.  
 13 Q. Did you tell him that you didn't want this mobile phone?  
 14 A. Yes.  
 15 Q. What did he say about that?  
 16 A. It was just left in the drawer.  
 17 Q. In your statement you say that he told you, again, to  
 18 sell it?  
 19 A. Try and sell it, yeah.  
 20 Q. And he also said, you say in your statement, that you  
 21 shouldn't switch it on until the following day, the  
 22 Sunday?  
 23 A. Yes, that's correct.  
 24 Q. Did you think there was anything odd about that?  
 25 A. No, I just thought it was, like I said, either stolen or

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1 on finance.  
 2 Q. So did you then put the phone away in a drawer?  
 3 A. It was just kept in a drawer, yes.  
 4 Q. Anything else you recall about when you saw him;  
 5 anything he said, what his plans were?  
 6 A. No.  
 7 Q. Now, while you were at the family barbecue, did you get  
 8 a text message from Rachid?  
 9 A. Yes.  
 10 Q. What was he saying?  
 11 A. I think he was asking me what time I was coming back.  
 12 Q. I think that text message was sent in the early evening,  
 13 around 6.00, 6.30; is that right?  
 14 A. No, because I think I made my way back at 6.30.  
 15 Q. Sorry, that's the time you've given in your statement --  
 16 A. Oh, sorry, then.  
 17 Q. -- but it's your recollection we're interested in.  
 18 A. Okay.  
 19 Q. Late afternoon-ish did you receive a text message asking  
 20 when you'd be back?  
 21 A. Yes.  
 22 Q. And did you respond?  
 23 A. Yes.  
 24 Q. When did you say you'd be back?  
 25 A. Between 7.00 and 8.00.

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1 Q. What did you think about him asking when you would be  
2 back?  
3 A. Well, I questioned him and I said "Why? Are you bored  
4 with her already?"  
5 Q. Did you then leave the barbecue that evening, as you've  
6 said?  
7 A. Yes.  
8 Q. And did you call Rachid to see where he was?  
9 A. Yes.  
10 Q. What did you say?  
11 A. I said to him that "I'm on my way back to the station  
12 and I'll be home in 20 minutes", and he said "I'll make  
13 my way there now".  
14 Q. In your statement you say that during that call he said  
15 that he was out with friends?  
16 A. Yeah.  
17 Q. Did you have any idea who these friends were?  
18 A. No.  
19 Q. Or what they were doing?  
20 A. No.  
21 Q. I think you then took the train and walked back from the  
22 train station towards your block; is that right?  
23 A. Yes.  
24 Q. And we know that Rachid was waiting in the red car?  
25 A. Yes.

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1 Q. The red Corsa car outside. And you tell us in your  
2 statement that your immediate concern was that you  
3 couldn't see where the child was and you were worried  
4 that he might have taken her without a car seat?  
5 A. Yes.  
6 Q. But then you saw her in the back in the child seat?  
7 A. Yes.  
8 Q. We know that was just after 7 o'clock in the evening;  
9 does that accord with your recollection?  
10 A. Yes.  
11 Q. When you saw him, did you have a conversation with him?  
12 A. No, I was angry.  
13 Q. What did you say?  
14 A. "Why is my daughter effing wet?"  
15 Q. And what did he say?  
16 A. "Because I didn't get time to change her".  
17 Q. Presumably you were annoyed at that?  
18 A. Yes.  
19 Q. What did you tell him to do then?  
20 A. Carry her into the flat because I didn't want to get wee  
21 over me.  
22 Q. Was that unusual behaviour on his part, not changing the  
23 child --  
24 A. Yes.  
25 Q. -- leaving the child unfed?

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1 A. Yes.  
2 Q. Did he give any reason for having messed up in this way?  
3 A. No.  
4 Q. As you entered the block, did you have any other  
5 conversation with him?  
6 A. He offered me some money.  
7 Q. Did he give you some money?  
8 A. £50.  
9 Q. Did you make any plans for the following days?  
10 A. I asked him if he was seeing her tomorrow.  
11 Q. What was his answer?  
12 A. He didn't reply. He just made a quick exit and said he  
13 forgot his phone.  
14 Q. Any other conversation with him that you remember from  
15 that day?  
16 A. Nothing.  
17 Q. After he'd gone I think you became aware that he hadn't  
18 left you with the child's walking reins?  
19 A. Yes. Yes.  
20 Q. You say in your statement that you called to ask him  
21 about those a couple of times?  
22 A. Yes.  
23 Q. And that the response was that he refused the calls?  
24 A. Rejected it, yes.  
25 Q. You tell us that at about 8.00 pm he sent you a WhatsApp

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1 message about the walking reins?  
2 A. I sent him the WhatsApp message.  
3 Q. Sorry, you sent him a message, and he didn't respond.  
4 A. No.  
5 Q. You tell us that you then went to bed around 10.00 pm;  
6 is that right?  
7 A. Yes.  
8 Q. I think the next event you became aware of was being  
9 woken up by police coming into the flat?  
10 A. Yes.  
11 Q. And over the following days we know that you were  
12 interviewed, you spoke to the police?  
13 A. Yes.  
14 Q. Can you give us any more information to explain why or  
15 how he might have done what he did --  
16 A. No.  
17 Q. -- perpetrating this attack? Did you have any inkling  
18 at all beforehand that he was capable of such violence?  
19 A. No.  
20 Q. Did you, indeed, have any inkling that he harboured  
21 extreme views such as to commit such an attack?  
22 A. No.  
23 Q. What was your own reaction after hearing that he'd been  
24 involved in this terrible attack?  
25 A. Shocked. I didn't think he was capable of doing

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1 something like that.  
 2 MR HOUGH: Thank you very much. Those are all my questions.  
 3 Thank you for helping us, Charisse.  
 4 THE CHIEF CORONER: Mr Adamson, can I simply ask one  
 5 question before you start.  
 6 MR ADAMSON: Yes.  
 7 THE CHIEF CORONER: Are you happy to carry on or would you  
 8 like a short break?  
 9 A. No, carry on. Carry on.  
 10 THE CHIEF CORONER: Fine.  
 11 Questions by MR ADAMSON  
 12 MR ADAMSON: Ms O'Leary, my name is Dominic Adamson and  
 13 I ask questions on behalf of the parents of  
 14 Xavier Thomas and his partner -- they're in court  
 15 today -- Christine Delcros.  
 16 Ms O'Leary, it would appear that your relationship  
 17 with Rachid was a source of stress within your family?  
 18 A. At first, yeah.  
 19 Q. And do I understand from your answers that it was his  
 20 religion which was the source of that --  
 21 A. Yes.  
 22 Q. -- division?  
 23 A. Yes.  
 24 Q. And so did that not give rise to conversations between  
 25 you and him as to his religious beliefs?

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1 A. No.  
 2 Q. Did you not have discussions to ascertain whether he was  
 3 a moderate Muslim or an extreme Muslim?  
 4 A. No.  
 5 Q. The Inquests have heard that Rachid, when he lived in  
 6 Manchester, had resided with a man called Daniel  
 7 Abraham, and he has informed the investigation that  
 8 Rachid was critical of Jews; is that something you ever  
 9 heard him say?  
 10 A. No, I wasn't aware of that.  
 11 Q. He reports that Rachid didn't like Jews because they'd  
 12 been the cause of fighting between people.  
 13 A. I wasn't aware of that.  
 14 Q. He reports that Rachid had criticised British culture as  
 15 being too liberal, especially with regard to women.  
 16 A. I wasn't aware of that.  
 17 Q. And that he didn't wish to bring up a family in this  
 18 country.  
 19 A. No, that was never brought up. We had a daughter.  
 20 Q. Because the substance of your evidence is that you did  
 21 not know that he had extreme views?  
 22 A. No.  
 23 Q. And so are you able to assist at all as to how and when  
 24 he developed these views?  
 25 A. No.

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1 Q. When your brother had a discussion with Rachid,  
 2 presumably, I think, in 2013, about the murder of Lee  
 3 Rigby --  
 4 A. Yes.  
 5 Q. -- it seems clear from your evidence that he regarded --  
 6 this is Rachid regarded -- responsibility for that  
 7 murder as resting with the government?  
 8 A. Yes.  
 9 Q. And do I assume from that we are talking about the UK  
 10 government?  
 11 A. Yes.  
 12 Q. Did that alarm you?  
 13 A. Not at the time, I just thought he was talking rubbish,  
 14 and I told him that.  
 15 Q. You've mentioned a discussion that you had with him  
 16 following the horrific events in Manchester only a few  
 17 days before this attack?  
 18 A. Yes.  
 19 Q. And it sounds from your evidence that you were, quite  
 20 understandably, appalled and upset by what you had seen?  
 21 A. Yes.  
 22 Q. But he appeared, on the basis of what you said, to have  
 23 been unmoved by this?  
 24 A. Yes.  
 25 Q. Did that not alarm you?

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1 A. He just didn't comment back when I said it was terrible.  
 2 Q. That it undoubtedly was, but did it not alarm you that  
 3 he had no reaction, apparently, to these horrific events  
 4 in Manchester?  
 5 A. No.  
 6 MR ADAMSON: Thank you very much.  
 7 Questions by MS AILES  
 8 MS AILES: I can see Ms O'Leary is getting a drink of water.  
 9 I will give her some time.  
 10 Ms O'Leary, are you happy to carry on now?  
 11 A. Yes.  
 12 Q. I ask questions on behalf of the families of six of the  
 13 people who died in the attacks which were carried out on  
 14 3 June 2017. You would agree with me, no doubt, that  
 15 what Rachid Redouane did on that night was abhorrent?  
 16 A. Yes.  
 17 Q. And you've already made it very clear that you had no  
 18 inkling in advance of what he was about to do?  
 19 A. No.  
 20 Q. You'll understand that the families who I represent are  
 21 desperate to understand how it is that somebody comes to  
 22 do something like this?  
 23 A. Yes.  
 24 Q. And you, no doubt, are desperate to understand how it is  
 25 that someone you'd been married to and had a child with

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1 is capable of doing something like this?  
 2 A. Yes.  
 3 Q. So we understand your evidence that you didn't know in  
 4 advance what he was about to do, but can you tell me,  
 5 with the benefit of hindsight, looking back now, is  
 6 there anything that you can point to that --  
 7 A. No.  
 8 Q. -- was a change in him?  
 9 A. No.  
 10 Q. Was a clue?  
 11 A. No clue.  
 12 Q. Nothing at all?  
 13 A. Nothing.  
 14 Q. As far as you're concerned, his behaviour was normal  
 15 throughout?  
 16 A. Yes.  
 17 Q. His date of birth we have as 31 July 1986.  
 18 A. Correct.  
 19 Q. You met in June 2010, which, if my maths is right, means  
 20 he would have been around 23 years old?  
 21 A. 24, yeah.  
 22 Q. Nearly 24, his birthday is in July, so nearly 24.  
 23 A. Yeah.  
 24 Q. So you knew him for not all, but much of his adult life?  
 25 A. Yes.

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1 Q. You met, as you've said, in June 2010. I think that  
 2 there was a period when you were living, both of you, in  
 3 London between 2011 and his travel to Morocco in 2013?  
 4 You may not have been living together, but you were both  
 5 in London?  
 6 A. Yes, yes, well, no, I didn't come until January 2012.  
 7 Q. January 2012, was it. So January 2012 until the autumn  
 8 of 2013 when he went to Morocco?  
 9 A. Yes. Yes.  
 10 Q. And then you were living together in London  
 11 from February 2015 until the relationship ended  
 12 in January 2017?  
 13 A. Yes, correct.  
 14 Q. So not perhaps living together as much as one might  
 15 expect of a married couple --  
 16 A. Yes.  
 17 Q. -- you've given the reasons for that, but certainly  
 18 living together for a period of years.  
 19 A. Yes.  
 20 Q. You said you didn't get to know his male Muslim friends.  
 21 A. No.  
 22 Q. Did you socialise at all together?  
 23 A. No. Oh, what, just me and him?  
 24 Q. No, I mean with other people.  
 25 A. Yeah, he used to come round to family's and that, my

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1 family.  
 2 Q. So he would have conversations with you and your family,  
 3 you got to know his family?  
 4 A. Yeah.  
 5 Q. And no doubt over the course of the relationship you got  
 6 to find out about each other?  
 7 A. Yes.  
 8 Q. You and your family have no background in Islam at all,  
 9 I take it?  
 10 A. No.  
 11 Q. And you had never been in a relationship with a Muslim  
 12 before?  
 13 A. No.  
 14 Q. So everything that you learned about Islam you learned  
 15 from your husband?  
 16 A. Yes.  
 17 Q. You must have been curious about it?  
 18 A. I just thought they was good people.  
 19 Q. Did he ever tell you anything about what he personally  
 20 regarded as the obligations imposed on him by his  
 21 religion?  
 22 A. No, just like doesn't drink and smoke, and prays.  
 23 Q. Did he ever express opinions on other religions?  
 24 A. No.  
 25 Q. Did he express any opinions on your background?

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1 A. No. He would have liked me to convert, but that was  
 2 never going to happen.  
 3 Q. Did he encourage you to convert --  
 4 A. No, he didn't -- he would have liked me to have, but  
 5 that was never going to happen.  
 6 Q. He expressed the view that he would have liked that to  
 7 happen?  
 8 A. Yeah, he would have ideally, yeah, liked that.  
 9 Q. And was that throughout the relationship or ...?  
 10 A. It wasn't throughout, I said it from day one it was  
 11 never going to happen.  
 12 Q. So he expressed that view at the beginning?  
 13 A. Yeah. Sorry.  
 14 Q. In relation to homosexuality --  
 15 A. Mm.  
 16 Q. -- you said in your statement he attended a friend's  
 17 party in October 2013.  
 18 A. Correct.  
 19 Q. That's a friend of yours who was gay?  
 20 A. Correct.  
 21 Q. Did he appear to have any problem with your friend's  
 22 homosexuality?  
 23 A. No.  
 24 Q. And was that his view on homosexuality throughout the  
 25 relationship?

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1 A. Apart from the end, when he was commenting about the TV  
2 and music.  
3 Q. Right, and you said that that was in the last three  
4 months or so?  
5 A. Yes.  
6 Q. So you're not aware of him expressing any negative views  
7 about gay people?  
8 A. No.  
9 Q. Prior to around three months before these attacks?  
10 A. No.  
11 Q. So does that mean we can pinpoint a change at around  
12 that point?  
13 A. What, the end of 2016?  
14 Q. Well, whenever you say that he started expressing these  
15 views; is that the end of 2016?  
16 A. Yes, yes.  
17 Q. So there was a change in his behaviour to that extent?  
18 A. Yes, talking about the programmes.  
19 Q. Is there anything else that changed at around the same  
20 time?  
21 A. No, like I said, he distanced himself, he wasn't --  
22 financially or emotionally towards me.  
23 Q. Were you aware of him watching videos on YouTube?  
24 A. I have seen him try to show me videos, yeah.  
25 Q. Do you know what those were?

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1 A. Of things happening in countries abroad.  
2 Q. Do you mean the Middle East?  
3 A. Middle East, yeah.  
4 Q. Were they -- what kind of things happening?  
5 A. Well, when there's attacks that happen.  
6 Q. So this is war?  
7 A. Yeah, war.  
8 Q. Videos about war?  
9 A. Yes.  
10 Q. Videos about people being injured or killed on the  
11 battlefield?  
12 A. Yes. Yes.  
13 Q. Were you aware of any beheading videos, anything like  
14 that?  
15 A. No. I didn't watch the other videos. He tried to show  
16 me but, yeah, I didn't want to watch it.  
17 Q. When was this happening? When was he watching these  
18 videos?  
19 A. God... could have been the last year. I can't really  
20 put a date on that.  
21 Q. Within the last year of your relationship?  
22 A. It could have been, yes. It wouldn't have been  
23 obviously up to it because we only had contact just for  
24 my daughter.  
25 Q. So this was while you were living together?

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1 A. Yes.  
2 Q. Did he explain to you why he was watching these videos,  
3 what his interest in them was?  
4 A. He was just showing me what happens to them, back home.  
5 Q. What happens to who?  
6 A. He said innocent civilians, families, mothers, children.  
7 Q. He said he wants to show you what happens to innocent  
8 civilians in the Middle East?  
9 A. Yes. It was mainly when there used to be an attack here  
10 then he would bring it up.  
11 Q. Right. Do you mean a terrorist attack?  
12 A. Mm.  
13 Q. So when there's a terrorist attack here, it's not just  
14 a comment he's made in relation to the Lee Rigby murder,  
15 when there is a terrorist attack in this country he  
16 would bring up --  
17 A. Yeah.  
18 Q. -- the issue of innocent civilians being killed in the  
19 Middle East?  
20 A. Yes.  
21 Q. You've told us that he asked you about the Manchester  
22 attack. The other attack that was carried out, the  
23 significant one in this country after you split up, was  
24 the Westminster Bridge attack, that was in March of  
25 2017. Did he pass any comment on that at all?

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1 A. I can't really remember that one. I remember the attack  
2 but I can't remember if he passed comment. I just  
3 remember the Manchester one.  
4 Q. Throughout the period though when attacks were mentioned  
5 he would refer to the Middle East?  
6 A. Well, I wasn't living him when them attacks happened,  
7 so ...  
8 Q. Did he express any view to you on UK politics --  
9 A. No --  
10 Q. -- more broadly?  
11 A. -- because I don't talk about politics, so no, we never  
12 used to talk.  
13 Q. You never heard him say that the UK was too liberal?  
14 A. No.  
15 Q. The last time you saw him, you mentioned something in  
16 your statement about asking him if he was going to come  
17 the following day.  
18 A. Yes.  
19 Q. Can you explain exactly what his response was to that?  
20 A. He didn't comment, he just went to his pocket and then  
21 said "Oh, I forgot my phone" and then he just dashed.  
22 Q. Oh, I see, he was just making an excuse to go?  
23 A. Yeah, he didn't want to engage in that conversation.  
24 MS AILES: Thank you, those are my questions.  
25 MR HOUGH: Ms O'Leary, those are all the questions we have

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1 for you. You're free to go.  
 2 A. Thank you.  
 3 THE CHIEF CORONER: Ms O'Leary, just before you go, can  
 4 I simply thank you very much for coming. I appreciate  
 5 coming to help at an inquest can't be an easy task, but  
 6 thank you very much indeed for doing so.  
 7 MR HOUGH: Sir, may I suggest that we have an earlier than  
 8 usual mid-afternoon break.  
 9 THE CHIEF CORONER: Yes, because we can rearrange things for  
 10 the next witness.  
 11 MR HOUGH: Exactly.  
 12 THE CHIEF CORONER: I'm just going to pause for one minute  
 13 just whilst the ...  
 14 Just on the timetable this afternoon, we've  
 15 obviously got Mr Cawthorne.  
 16 MR HOUGH: Mr Cawthorne, and we have one short statement to  
 17 be read.  
 18 THE CHIEF CORONER: Can I thank all of you for rearranging  
 19 the witnesses. It seemed to me it was probably better,  
 20 if we could accommodate it, to take Ms O'Leary first  
 21 because I think we all appreciate it can't be very easy  
 22 for any of the witnesses to come to give evidence, but  
 23 particularly bearing in mind the circumstances that she  
 24 is personally in, it was probably a great comfort to  
 25 take her rather than delay taking her evidence until

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1 later in the day.  
 2 MR HOUGH: Sir, I think the person who particularly needs to  
 3 be thanked for that is Mr Cawthorne, who has been very  
 4 patient.  
 5 THE CHIEF CORONER: Yes, well, I was going to thank him when  
 6 he comes in if we have delayed him, but I'll do that  
 7 when he comes.  
 8 (2.59 pm)  
 9 (A short break)  
 10 (3.14 pm)  
 11 MR HOUGH: The next witness is David Cawthorne.  
 12 MR DAVID CAWTHORNE (affirmed)  
 13 THE CHIEF CORONER: Good afternoon.  
 14 A. Good afternoon, sir.  
 15 THE CHIEF CORONER: Please do take a seat if you would  
 16 prefer to sit down.  
 17 A. Sir, I'm fine standing I think.  
 18 THE CHIEF CORONER: Just before we start with your evidence,  
 19 can I thank you very much for -- we've probably  
 20 inconvenienced you by putting you back behind another  
 21 witness but you can probably understand the reasons why  
 22 we did so, but thank you very much for your forbearance.  
 23 A. No, not at all.  
 24 Questions by MR HOUGH QC  
 25 MR HOUGH: Would you please give your full name for the

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1 court.  
 2 A. David Robert Nathaniel Cawthorne.  
 3 Q. Mr Cawthorne, you appreciate that I ask you questions  
 4 first on behalf of the Coroner and you may then have  
 5 some questions from some other lawyers.  
 6 A. I do.  
 7 Q. What's your current profession?  
 8 A. I am a solicitor with the Crown Prosecution Service.  
 9 Q. When did you start work with the CPS?  
 10 A. I started there in 2003, I've been there for about 15 or  
 11 16 years.  
 12 Q. What is your current role, your title?  
 13 A. I'm a unit head in the Special Crime and Counter  
 14 Terrorism Division which is one of the central casework  
 15 divisions in the Crown Prosecution Service.  
 16 Q. You made a witness statement dated 15 April 2019. You  
 17 may refer to that as you wish.  
 18 A. Thank you.  
 19 Q. As with some other witnesses, let me make this clear: if  
 20 I or anyone else asks a question which you consider you  
 21 can't answer, or you may not be able fully to answer for  
 22 reasons of national security or for any other particular  
 23 reason, please say so.  
 24 A. I will.  
 25 Q. May I begin with the CPS. Some background matters which

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1 the lawyers in court may understand but which may be of  
 2 interest for others. Is it right to say that the CPS  
 3 consists first of all of a number of geographical areas  
 4 or divisions?  
 5 A. That is correct.  
 6 Q. Are they 14 geographical areas across England and Wales  
 7 responsible for the prosecution of cases in their  
 8 particular areas?  
 9 A. That's correct.  
 10 Q. You referred to yours being one of the central casework  
 11 divisions. Are they divisions responsible for  
 12 specialist casework across the entire country?  
 13 A. Again, that's correct.  
 14 Q. Your division, Special Crime and Counter Terrorism  
 15 Division, what is its particular role and  
 16 responsibility?  
 17 A. The Special Crime and Counter Terrorism Division  
 18 consists of three separate units. I work in one of  
 19 those units that deals with primarily terrorism-related  
 20 matters and also associated offences and other  
 21 investigations such as war crimes. There are two other  
 22 divisions, if you want me to, I can detail those.  
 23 Q. No, thank you.  
 24 Your unit's role, then, is in advising and  
 25 prosecuting cases about terrorism?

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1 A. Primarily terrorism and other related offences, yes.  
 2 Q. Decisions about prosecution, as lawyers know, are taken  
 3 in accordance with the Code for Crown Prosecutors, which  
 4 is a public document?  
 5 A. That's right.  
 6 Q. The full code test has two stages, the evidential stage  
 7 and the public interest stage about which we've already  
 8 heard.  
 9 A. It does.  
 10 Q. Can you summarise what the evidential stage is?  
 11 A. The evidential stage is the first stage of the test and  
 12 it is assessing the evidence and material and the  
 13 disclosure material in relation to any particular  
 14 investigation conducted by the police or the  
 15 investigating authorities to assess whether there is --  
 16 THE CHIEF CORONER: I'm just going to suggest you go  
 17 slightly slower because what you say is being  
 18 translated.  
 19 A. Of course.  
 20 THE CHIEF CORONER: So if you don't mind, Mr Cawthorne.  
 21 A. Apologies.  
 22 THE CHIEF CORONER: Thank you.  
 23 MR HOUGH: You were telling us about the evidential stage of  
 24 the full code test?  
 25 A. That's correct.

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1 Q. Go on, please.  
 2 A. So the test requires an assessment as to whether there  
 3 is a realistic prospect of conviction based upon the  
 4 evidence that's presented by an investigation.  
 5 Q. And is this right: that the basic legal test is whether  
 6 an objective, impartial and reasonable jury, if it is  
 7 a jury case, properly directed and acting in accordance  
 8 with the law, would be more likely than not to convict?  
 9 A. That is the test, yes.  
 10 Q. Does that test encompass considerations of whether  
 11 evidence is admissible?  
 12 A. It considers admissibility, relevance, it considers also  
 13 the defences that may be raised in a case, and obviously  
 14 any disclosure issues that might arise.  
 15 Q. Now, if the evidential stage is not passed, would there  
 16 ever be a prosecution?  
 17 A. No. That is the fundamental primary stage: if there was  
 18 deemed not to be a realistic prospect of conviction,  
 19 then there can be no prosecution.  
 20 Q. So no matter how serious the offence, no matter how  
 21 valuable the opportunity to disrupt a suspect's other  
 22 actions, there would not be a prosecution unless that  
 23 test were passed?  
 24 A. Absolutely not.  
 25 Q. The next stage, the public interest stage; can you

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1 summarise that for us, please?  
 2 A. So only if the evidential stage is met is the public  
 3 interest stage considered, and that is effectively  
 4 an assessment as to whether a prosecution is required in  
 5 the public interest, and it has long been said that just  
 6 because there is sufficient evidence will not always  
 7 mean that a prosecution must follow.  
 8 Q. However, does the Code say that the prosecution will  
 9 usually take place if the evidential stage is passed  
 10 unless there are positive public interest reasons  
 11 against prosecution?  
 12 A. It does.  
 13 Q. I think the Code contains a series of questions which  
 14 are intended to guide prosecutors in applying the public  
 15 interest test?  
 16 A. It does, yes.  
 17 Q. Is it right to say that CPS lawyers are often asked to  
 18 provide advice to police on charging decisions, whom to  
 19 charge and when?  
 20 A. So there are -- there are set guidelines that prescribe  
 21 when the police can charge certain offences, primarily  
 22 those that are deemed to be at the lower end of  
 23 criminality, and other offences that prosecutors must  
 24 authorise. Obviously the most serious and many of those  
 25 offences in the middle have to be authorised by the

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1 Crown Prosecution Service.  
 2 Q. And I think this is right: arrangements are in place for  
 3 charging advice to be given at short notice, out of  
 4 hours and so on.  
 5 A. That is correct. So, dependent on the nature of the  
 6 case will dictate which part of the Crown Prosecution  
 7 Service will deal with it and there are arrangements  
 8 across the organisation to provide advice at all times  
 9 of day.  
 10 Q. So that's one kind of assistance the CPS can provide to  
 11 police. Does the service also provide assistance in the  
 12 form of advice before charges are considered?  
 13 A. It does provide what we term as early investigative  
 14 advice, and most usually that advice will be sought and  
 15 it will be provided in the more serious types of  
 16 casework dealt with by the organisation.  
 17 Q. Is that advice which the police will decide they need  
 18 and contact the CPS to request?  
 19 A. It is.  
 20 Q. In the kind of investigative area you're concerned with,  
 21 counter terrorism investigations, is the provision of  
 22 early investigative advice more common than in many  
 23 other offences?  
 24 A. It is almost every case that is proactive, that there is  
 25 time to provide such advice, that will be brought to us

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1 for investigative advice, yes.  
 2 Q. So any counter terrorist investigation that runs for  
 3 a significant period of time, it wouldn't be unusual to  
 4 see the CPS ask for early investigative advice on one or  
 5 more occasions?  
 6 A. It would be very common.  
 7 Q. So if we see in this case a number of occasions the CPS  
 8 being asked for investigative advice, nothing unusual or  
 9 particular to this case about that?  
 10 A. Nothing at all.  
 11 Q. Now I would like to ask you about a number of occasions  
 12 where lawyers within the CPS became involved in relation  
 13 to this case. In most cases I think you will be giving  
 14 evidence based on your review of the documents and your  
 15 discussions with other individuals in the service?  
 16 A. That is correct.  
 17 Q. I think in one respect you will be talking about your  
 18 own personal involvement?  
 19 A. That is correct.  
 20 Q. First of all, may I ask you about some investigative  
 21 advice which was sought and given in 2015. Did a time  
 22 come when you were contacted by an officer from SO15  
 23 seeking early investigative advice in relation as we now  
 24 know to this case.  
 25 A. Yes, I was contacted by an officer from SO15 wanting

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1 some discrete advice around a particular issue as to the  
 2 nature and opportunities that might be presented by  
 3 certain extremist material.  
 4 Q. Were you given to understand anything about the stage  
 5 that the investigation had reached.  
 6 A. From my recollection and from the email communication,  
 7 I understood it to be a very early stage and the  
 8 information provided was (a) fairly limited and (b) also  
 9 fairly generic, so it didn't give specific details that  
 10 I can recall certainly about even the name of the  
 11 suspect or any relevant circumstances other than the  
 12 nature of the publication.  
 13 Q. So you were informed of some extremist material and  
 14 asked to give a view about it?  
 15 A. Yes, I was provided with the detail of some extremist  
 16 material and there are a number of offences that we will  
 17 often consider in relation to what can perhaps generally  
 18 be termed extremist material, and not only from our  
 19 advice work and prosecution work in relation to specific  
 20 cases, our division deals with general assessments and  
 21 quality assurance of other aspects of police work into  
 22 this type of material, so we have quite a wide knowledge  
 23 of the nature and possible offences that such material  
 24 may support.  
 25 Q. Yes are you able to say anything about what the material

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1 was that you were asked about on that occasion?  
 2 A. Suffice to say that it was an extremist material of  
 3 a type that I was familiar with, not that particular  
 4 item but a similar type that I have encountered, and  
 5 based on that I gave advice that I anticipated that  
 6 dissemination of that publication or that material may  
 7 indeed amount to an offence, subject to the  
 8 circumstances and the context in which that took place.  
 9 Q. What sort of offence did you consider and did you advise  
 10 it might constitute?  
 11 A. So, from recollection, the offence that I considered at  
 12 that time was the offence under section 2 of the  
 13 Terrorism Act of 2006, which is the dissemination of  
 14 a terrorist publication.  
 15 Q. Now, a terrorist publication, is this right, in very  
 16 brief summary, is a publication encouraging acts of  
 17 terrorism or useful in the commission of such acts.  
 18 I'm summarising.  
 19 A. You are summarising it. Perhaps, just for clarity, the  
 20 encouragement can be direct or indirect.  
 21 Q. Are you able to say what category this particular  
 22 publication fell into, whether it was encouraging  
 23 directly or indirectly acts of terrorism or useful in  
 24 the commission of acts of terrorism?  
 25 A. I anticipated from my experience of this type of

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1 occasion that it would be indirect encouragement through  
 2 the form of glorification in respect of the terrorist  
 3 activity.  
 4 Q. So it was material which you considered glorified acts  
 5 of terrorism and thereby was capable of encouraging  
 6 them?  
 7 A. Glorified it in such a way that a person would be likely  
 8 to be encouraged and emulate the activity that was being  
 9 glorified, yes.  
 10 Q. You have told us that you can't recall whether the  
 11 individual involved was named, but did you send the  
 12 officer an email giving your advice?  
 13 A. I reflected my advice in a short email and at the end of  
 14 the email I indicated to the officer that if he wanted  
 15 to seek further advice, then he should submit a document  
 16 or a report to our department and it would be allocated  
 17 to a lawyer.  
 18 I recall from my email that I did say that the name  
 19 and the name of the operation should be provided, which,  
 20 as I say, I can't recall whether I was provided with it,  
 21 but may indicate that I was not aware of the name at the  
 22 time.  
 23 Q. You now know, I think, that Khuram Butt was the subject  
 24 of the investigation?  
 25 A. I do.

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1 Q. From material you have reviewed, have you become aware  
2 that after that exchange there was a more formal request  
3 for early investigative advice in relation to the same  
4 investigation?  
5 A. That is correct.  
6 Q. Was that allocated to another lawyer in your division?  
7 A. It was.  
8 Q. Was advice sought which related to the nature and  
9 content of a particular document?  
10 A. That advice, yes, was provided in a short document.  
11 Q. Now, are you able to tell us whether the advice sought  
12 on that occasion related to the same particular document  
13 to which your advice had been directed?  
14 A. I believe it was the same document. The advice that was  
15 provided included an assessment of that document and  
16 again, provided an opinion as to the use of that  
17 document as a basis of prosecution, primarily for  
18 an offence under section 2 of the 2006 Act.  
19 Q. What was the conclusion of your colleague in his advice  
20 or her advice?  
21 A. That subject to the evidence in relation to  
22 dissemination or evidence of attribution, and subject to  
23 the context in which any dissemination took place, that  
24 this particular material could potentially lead to  
25 a prosecution under section 2. But there was no

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1 specific contextual facts or information provided and  
2 therefore the advice did not reflect any specific  
3 circumstances.  
4 Q. I think the advice was appropriately qualified that  
5 criminal liability could only exist if distributed by  
6 a person within the jurisdiction?  
7 A. That's correct.  
8 Q. Did the lawyer also note that the police had no  
9 immediate plan to make any arrest?  
10 A. I think that is correct, yes.  
11 Q. Was any further advice given in relation to this aspect  
12 of the investigation?  
13 A. Not that I'm aware of.  
14 Q. Is this a common state of affairs; that CPS may be asked  
15 about whether a particular document is prosecutable  
16 without context and without further exploration of the  
17 investigation?  
18 A. It is not an uncommon scenario.  
19 Q. May I move on, then, to the next involvement of the CPS  
20 in relation to a fraud investigation.  
21 A. Yes.  
22 Q. Have you become aware from reviewing materials that in  
23 early 2017, advice was sought from the CPS about a fraud  
24 investigation involving Khuram Butt?  
25 A. Yes, I am aware of that.

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1 Q. That advice, I think, was sought on 14 March 2017?  
2 A. Yes, I believe that is correct.  
3 Q. From your review of material, what information was  
4 provided by the police when seeking charging advice?  
5 A. So a report was provided, a document that the police  
6 system calls a MG3, that effectively sets out a summary  
7 of facts and may refer to specific evidence that the  
8 police are putting forward for consideration, and will  
9 highlight the potential offences that the police wish to  
10 be considered.  
11 Q. Can you summarise how the report explained the offence  
12 to the CPS, and please refer to your witness statement,  
13 if you wish to.  
14 A. So the report stated and explained that Khuram Butt was  
15 alleged to have defrauded three banks by withdrawing  
16 cash from ATMs and claiming someone else had withdrawn  
17 the cash.  
18 In interview he confirmed he reported the frauds and  
19 that the banks had agreed to refund him. He maintained  
20 that he had not withdrawn the cash and denied committing  
21 the offence. That is a very summarised version of  
22 a slightly longer report that was on the MG3.  
23 Q. We've heard more from the senior investigating officer  
24 of Operation Hawthorn, whose evidence I think you have  
25 heard at least in part.

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1 A. Yes. Can I -- because you asked me what was provided,  
2 and so there was additional material provided to  
3 accompany the police report, and this material is  
4 normally -- when it's provided to the CPS area, uploaded  
5 from a police system onto a CPS case management system,  
6 and therefore accessible in electronic form.  
7 Q. Would that typically include interview transcripts and  
8 pieces of evidence?  
9 A. Unlikely, perhaps, at the stage of requesting charging  
10 advice that transcripts would have been prepared, but  
11 there may be a summary or relevant portions of interview  
12 either included as a separate document. From memory, on  
13 this occasion the summary of interviews or portions of  
14 interviews were actually recorded on the report document  
15 provided by the police.  
16 But other documents that were provided included bank  
17 statements and a number of witness statements and some  
18 evidence in relation to telephone cell site.  
19 Q. We know that there were CCTV inquiries undertaken by the  
20 police from ATMs at the times that the money had been  
21 withdrawn, and other relevant CCTV footage; did that  
22 accompany the initial report?  
23 A. So that was not loaded up onto the case management  
24 system. I cannot put my hand on my heart and say that  
25 that's because of a capability issue, but I think that's

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1 quite likely , and because -- perhaps because of the  
 2 availability and the presence of CCTV, a face-to-face  
 3 appointment with a lawyer was arranged by the police .  
 4 Q. So a face-to-face appointment was arranged, and did that  
 5 give the Crown prosecutor the opportunity to review all  
 6 the evidence alongside the police?  
 7 A. It certainly would have given the opportunity. I do not  
 8 know what was -- what took place at the face-to-face  
 9 meeting.  
 10 Q. What role did the prosecutor then take, what did he or  
 11 she do in relation to the case after that request for  
 12 advice?  
 13 A. Sorry, after the?  
 14 Q. After the request for advice.  
 15 A. So after the request for advice is submitted  
 16 I understand that there was a triage process and if  
 17 a face-to-face appointment is accepted to be required,  
 18 that appointment is then made, so the appointment was  
 19 then made for a reviewing lawyer to meet with an officer  
 20 from the Operation Hawthorn team, obviously to discuss  
 21 the evidence, that evidence was already available  
 22 through the electronic system and to view any other  
 23 materials such as CCTV that could not be included on the  
 24 case management system.  
 25 Q. After that review of evidence, what was then done?

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1 A. So after the review of evidence, the lawyer at the  
 2 face-to-face meeting then produced a written document  
 3 that contained an assessment and analysis of the  
 4 evidence that had been provided, a view as to strengths  
 5 and weaknesses and identified some actions.  
 6 Q. Are you able to say what any of those actions were,  
 7 either in specific or in broad terms?  
 8 A. In broad terms, the actions related to the cell site  
 9 evidence and some banking evidence, and any other  
 10 potential CCTV opportunities.  
 11 Q. Were further inquiries pursued as a result of those  
 12 actions?  
 13 A. So as a result of those actions being set, there was  
 14 a subsequent communication from the case officer  
 15 confirming, from memory, that in relation to the  
 16 cell site evidence the view had been taken that no  
 17 further clarity could be provided, or would be of  
 18 beneficial use given the lawyer's concerns. In relation  
 19 to CCTV evidence that there was no further CCTV  
 20 evidence. And that, again, in relation to the request  
 21 for some further information from the banks, that in  
 22 light of the lawyer's concerns, that following  
 23 discussion with a more senior officer , the sergeant,  
 24 that that was not deemed a necessary inquiry, that it  
 25 would not further the position evidentially .

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1 Q. Just to deal with the chronology, according to  
 2 Witness M's statement, after that request for charging  
 3 advice on 14 March, there was a consultation between the  
 4 Operation Hawthorn officer and the CPS lawyer on 19 May.  
 5 So was that the point in time at which this review of  
 6 the evidence took place?  
 7 A. That is my understanding of what occurred.  
 8 Q. And then Witness M says that:  
 9 "Three days later , on 22 May ... the CPS informed  
 10 us, [that's the police] that only one person -- not  
 11 Butt -- could be charged at that point."  
 12 A. That is correct.  
 13 Q. And we know that it was Abdulatif who was charged.  
 14 Then he adds that:  
 15 "While the CPS file suggested further investigative  
 16 actions to be considered regarding Butt and the  
 17 remaining co-suspect, it highlighted a number of factors  
 18 that would undermine any prosecution."  
 19 Is that right?  
 20 A. That's correct.  
 21 Q. It's fair to say that there was a very limited period of  
 22 time in which any further actions could be pursued. So  
 23 if the review meeting is held on 19 May and then on  
 24 22 May the CPS say that only one person could be  
 25 charged, there wasn't a lot of time between those two

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1 meetings to pursue any further actions?  
 2 A. No, but that's not my understanding of the chronology of  
 3 events. It wasn't that that time was set for any  
 4 actions to be concluded; it was that on the -- again,  
 5 from memory, I think the 23rd, that was when the police  
 6 provided a memo as to their view of whether any actions  
 7 would bear fruit , would lead to any relevant material  
 8 that might affect the lawyer's analysis of the evidence.  
 9 Q. The witness statement of M goes on to say that there was  
 10 further advice from the reviewing lawyer at the CPS on  
 11 30 May, the CPS was most likely to take no action  
 12 against Butt and an associate on evidential grounds. Is  
 13 that right in terms of the chronology?  
 14 A. That is right and my assessment of the material that  
 15 I've read is that that was concluded on the basis of the  
 16 indication that the actions that had been requested were  
 17 not going to be progressed or were not going to bear  
 18 fruit , and so based on the earlier analysis as to the  
 19 weaknesses in the case, the lawyer said that there would  
 20 be no charges authorised.  
 21 Q. So we can take it that the actions were capable of being  
 22 attempted within quite a short period of time between 19  
 23 or 22 May and 30 May?  
 24 A. Whether or not actions could have been concluded by  
 25 30 May or not, I think probably not. Inquiries to banks

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1 may well take longer, depending on what those inquiries  
 2 are, but I think the conclusion of the reviewing lawyer  
 3 was based on the indication that either the actions such  
 4 as the CCTV had not produced any further material, or  
 5 that the other actions the police had assessed as --  
 6 that it wouldn't really advance things any further.  
 7 Q. The final charging advice I think was given on  
 8 1 June 2017, concluding that the evidential stage of the  
 9 code was not met in respect of Khuram Butt, and I'll ask  
 10 you in a moment about that evidential assessment, but is  
 11 that right as a matter of chronology?  
 12 A. That is my understanding of the chronology.  
 13 Q. So, once again, there would have been relatively little  
 14 time by 1 June to pursue and complete any inquiries that  
 15 had been discussed on 19 May or 22 May?  
 16 A. Yes, but had the indication been that those inquiries  
 17 were going to be conducted, then the reviewing lawyer  
 18 may well not have gone to that concluding point. He  
 19 would have awaited the outcome of those inquiries.  
 20 Q. Now, concerning the offences, our understanding is this  
 21 from the biographical evidence that we've had about  
 22 Khuram Butt.  
 23 The first one concerned a Nationwide account that  
 24 was opened on 19 May with £1,600 in cash, closed on  
 25 13 June after Butt had reported that he hadn't received

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1 a card, and that £1,350 had been withdrawn and the money  
 2 was then refunded; does that accord with your evidence?  
 3 A. That does, yes.  
 4 Q. The second part of the investigation we understand  
 5 concerned a Santander account opened on 11 July 2016,  
 6 with £1,700 in cash, and that some days later,  
 7 Khuram Butt claimed that the account had been subject to  
 8 fraud with £850 withdrawn without his knowledge, and  
 9 that once again he claimed in his interview with police  
 10 that he hadn't received the card and the money was  
 11 refunded.  
 12 A. That is my understanding.  
 13 Q. And the third part of the investigation concerned  
 14 a Halifax account. We understand that two debits of  
 15 £1,000 each were made to Paddy Power bookmakers on  
 16 8 July 2016, and that the money paid out of that account  
 17 was initially refunded but later clawed back by the  
 18 bank?  
 19 A. That is my understanding also.  
 20 Q. We understand that the CCTV showed that Khuram Butt was  
 21 not captured on CCTV at the ATMs at the times the money  
 22 was withdrawn?  
 23 A. I believe that to be correct.  
 24 Q. We understand that it was his account in interview that  
 25 his cards had been intercepted, probably at the communal

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1 door to his block, and that the Halifax card had been  
 2 found missing from his wallet.  
 3 A. Yes.  
 4 Q. Now, against that set of facts, are you able to say in  
 5 summary why the CPS formed the view that on the  
 6 evidential stage, the case shouldn't be prosecuted?  
 7 A. I think, did you mention the cell site evidence as well?  
 8 Q. I didn't, but please do explain it.  
 9 A. Sir, I think an additional piece of evidence that was  
 10 submitted by the police related to some cell site which,  
 11 from memory, was from 24 May, and purported to  
 12 demonstrate that a mobile phone that was attributable to  
 13 Khuram Butt had been using a cell site in the vicinity  
 14 of a cash point machine in Grays in Essex, which was  
 15 around the time that a withdrawal of cash from one of  
 16 his accounts took place, at that same cash point.  
 17 Q. But bearing in mind those background facts and that  
 18 evidence, what, in summary, was the assessment of the  
 19 CPS lawyer concerning the evidential stage of the test?  
 20 A. Sir, the CPS lawyer recognised the coincidental nature  
 21 of the circumstantial evidence, namely that at face  
 22 value, a man in a relatively short period of time  
 23 claimed to have been the victim of three very similar  
 24 fraud methodologies being activated on three different  
 25 accounts, and that that obviously was suspicious.

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1 But a number of factors led him to seek further  
 2 information from the police. He wanted some  
 3 clarification in relation to the cell site, primarily  
 4 because the defendant himself resided not a great  
 5 distance away from the Grays area albeit at a different  
 6 -- his home address would have been utilising a  
 7 different cell site. He wanted some clarification in  
 8 relation to the banks' decisions to refund monies to  
 9 Mr Butt in light of his reporting the fraudulent  
 10 activity, because he saw that that was an undermining  
 11 aspect to present to a jury when the banks had, again,  
 12 at face value, appeared to accept his claim of innocence  
 13 in respect of that fraudulent activity.  
 14 Q. That was the initial response; that he wanted this  
 15 additional evidence, or additional inquiries to pursue?  
 16 A. The third request was in relation to the CCTV footage.  
 17 Again, it was really around whether any other evidence  
 18 could place Mr Butt as being responsible for any of the  
 19 withdrawal activity.  
 20 Q. Now, what was the response from the police in that  
 21 period of a week or so between the discussions and the  
 22 final charging decision in relation to those inquiries  
 23 which the lawyer had suggested?  
 24 A. From recollection, in relation to the cell site, the  
 25 police officer concluded that little could be added to

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1 address the concerns of the lawyer about the proximity  
2 between the home address and the Grays address; that  
3 there was no further analysis of that material that  
4 could be provided that would assist, confirmed that  
5 there wouldn't be any other, or wasn't any other CCTV  
6 evidence, and in relation to the banks, again from  
7 memory, I think on discussion with the sergeant that it  
8 was unlikely that anything of any significance would be  
9 obtained from the banks to address that underlying  
10 feature of the banks' decision to refund. That's from  
11 my recollection.

12 Q. So having been told, effectively, that those concerns  
13 about the evidence that the lawyer had couldn't be  
14 allayed through further inquiries, what assessment did  
15 the lawyer then make in his or her final charging  
16 advice?

17 A. So it was, at that stage the lawyer concluded that the  
18 weaknesses in the evidence led him to conclude that  
19 there was insufficient evidence to proceed and that no  
20 further action would be advised in relation to Mr Butt.

21 Q. Did the lawyer consider that there were any other  
22 remaining investigative opportunities that lay open?

23 A. There was no further actions recommended or identified.

24 Q. Now, we've been through the chronology to determine when  
25 the CPS lawyer was first -- when the CPS was first asked

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1 for advice and when the meeting took place. As far as  
2 you're aware, was any investigative opportunity lost  
3 through the time that passed?

4 A. Not that I'm aware through the time that has been  
5 passed, no.

6 Q. Now, it may be said by some, it may be thought by some  
7 of the families in this case, that it's very unlikely  
8 that fraudsters had targeted Butt on these three  
9 separate occasions in these three different ways with  
10 three different cards and that it's very unlikely that  
11 his PIN number was obtained at least once, possibly more  
12 times. What would you say to that as a basis for  
13 challenging the ultimate charging decision?

14 A. I would say that in a case such as this, a case based on  
15 circumstantial evidence, the Code for Crown Prosecutors  
16 and the evidential stage of that Code will always be  
17 applied. There is no absolute clear-set right and wrong  
18 conclusion in many of the cases that are assessed by the  
19 Crown Prosecution Service and there are always going to  
20 be cases where different lawyers may have different  
21 views as to the strength of the evidence, as to aspects  
22 of the case and the case theory, and so in relation to  
23 this decision, it was a decision made by that lawyer  
24 that there were evidential weaknesses and that certain  
25 actions from the police may address some of those.

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1 It's not impossible that another lawyer would have  
2 come to a different conclusion, either identifying  
3 different actions or additional actions that may have  
4 created other evidential opportunities, or that there  
5 was even a realistic prospect of conviction based on the  
6 evidence that was presented at the outset.

7 Q. And you're a very senior Crown prosecutor, admittedly  
8 not dealing with low-level frauds from day-to-day  
9 nowadays. Having reviewed all the material that you  
10 have reviewed, do you agree with the advice that was  
11 given?

12 A. I would have -- I identified a number of investigative  
13 opportunities or lines of inquiry that I would have  
14 wanted explored before coming to a final decision.

15 Q. What are they?

16 A. So dealing with the various different allegations,  
17 obviously on the face of it, as you have stated, two of  
18 them allegedly involved cards and PIN numbers being  
19 intercepted from an address. I say that because my  
20 understanding is that, certainly in respect of  
21 Nationwide, I don't think there was any suggestion that  
22 the cards had been sent to a wrong address, and  
23 therefore for that interception to have taken place  
24 would require someone to have intercepted the letter  
25 either at the home address of Mr Butt or in the postal

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1 system at some point, and there was no indication that  
2 I saw as to a clear, evidential picture as to what the  
3 postal delivery mechanism at Mr Butt's home address was.

4 Q. So you would have wanted that investigated --

5 A. As a starting point.

6 Q. -- the delivery arrangements. Any other --

7 A. In relation to the Santander, it was alleged by Mr Butt  
8 that Santander had accepted entering a wrong postcode  
9 into their system and therefore this, he suggested, was  
10 probably responsible for it going to a different  
11 address, or at least for him not receiving it, and  
12 possibly being the cause of its interception.

13 Again, there's nothing that I saw -- and I wasn't  
14 present at any discussions in the face-to-face as to  
15 whether this was covered -- that showed whether any  
16 inquiry had been made indeed as to whether there had  
17 been a mistake in relation to a postcode entered on the  
18 letters that sent out a card and PIN number. If that  
19 was the case, whether the postcode that had been entered  
20 in error was a genuine postcode of another address, if  
21 that address existed, what that address was. If it  
22 didn't exist, what other information on the envelope may  
23 have led to the letter being either misdirected or not,  
24 as the case may be.

25 Q. And that inquiry would have enabled you to check out one

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1 of Mr Butt's defences?  
 2 A. Yes.  
 3 Q. It would also have enabled you to test whether, in the  
 4 interview, when he gave that explanation, he was being  
 5 honest or dishonest?  
 6 A. That's correct.  
 7 Q. Which would also be relevant and potentially valuable in  
 8 taking issue with his credibility in the context of  
 9 a prosecution?  
 10 A. That's correct. I don't know if you wish me to go on?  
 11 Q. Please go on.  
 12 A. An additional inquiry related to Mr Butt's reporting to  
 13 the banks of the fraudulent activity, and my reading of  
 14 the actions presented by the reviewing lawyer is that  
 15 his inquiry may well have identified a similar type of  
 16 material, although perhaps he didn't express it in the  
 17 same way that I express it now; that in his interview  
 18 Mr Butt actually suggested that his reporting via phone  
 19 of the fraudulent activity would have been recorded, and  
 20 therefore it is likely that his description to the bank  
 21 of his actions that -- or non-actions that led up to the  
 22 fraud may have been recorded in those phone  
 23 conversations and could then have been compared to his  
 24 subsequent accounts in police interviews to see, again,  
 25 whether there were any inconsistencies.

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1 Q. If those inquiries had been made, it's possible, isn't  
 2 it, that they would have thrown a different complexion  
 3 on the case and that's why you would have requested  
 4 them?  
 5 A. I would have requested them, yes, in order to address  
 6 issues that, you know, clearly would arise in Mr Butt's  
 7 defence that this was just simply a series of  
 8 unfortunate coincidences.  
 9 Q. You wouldn't have requested those unless you had thought  
 10 they might make a difference?  
 11 A. Yes.  
 12 Q. Therefore can we take it that it is possible that if  
 13 those inquiries had been made, a different decision  
 14 would ultimately have been taken concerning his  
 15 prosecution?  
 16 A. That is a possibility. It is dependent upon the outcome  
 17 of the inquiries.  
 18 However, there was another inquiry which I could ...  
 19 Q. Please. Please, go on.  
 20 A. Another inquiry would be in relation to the Paddy Power  
 21 deposit. It was not clear to me what form of  
 22 transaction had occurred, as to whether it was a payment  
 23 of £1,000 on two instances into a betting account of  
 24 an individual, clearly I was aware that the CCTV footage  
 25 did not show Mr Butt, and I wasn't aware, I wasn't clear

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1 on whether any inquiries had been made into that  
 2 transaction to establish what kind of transaction it  
 3 was, and if it was a transaction, into a particular  
 4 account whose account that was, and obviously that may  
 5 itself lead to an inquiry.  
 6 Q. I'll ask this, because I have no doubt that the families  
 7 would want it asked: would you accept that you've  
 8 identified some quite significant further lines of  
 9 inquiry that weren't pursued at the time?  
 10 A. The significance obviously is dependent on the outcome,  
 11 but they were lines of inquiry that struck me as being  
 12 reasonable lines of inquiry in the circumstances, yes.  
 13 Q. Struck you as being important?  
 14 A. Potentially.  
 15 Q. Now, at the time that all these investigations were  
 16 being made, Khuram Butt was on police bail; you are  
 17 aware of that. If he had been charged and, knowing  
 18 everything you know about him, would he likely have  
 19 remained on bail or would he likely have been remanded  
 20 in custody?  
 21 A. In my experience as a prosecuting and previously  
 22 a defence lawyer, given the nature of the allegations  
 23 against him, and given his limited previous record of  
 24 two cautions, I'm very -- almost certain he would be on  
 25 bail -- or bailed by the police initially and then

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1 subsequently bailed by any magistrates court.  
 2 Q. If it were your case, would you even seek a remand in  
 3 custody?  
 4 A. No.  
 5 Q. May we move, then, to the next part of your statement  
 6 and the next part of your evidence, which concerns the  
 7 footage of the Jihadis Next Door programme.  
 8 A. Yes.  
 9 Q. I think you're aware that that programme was broadcast  
 10 in January 2016. Is it right to say that before the  
 11 attack, the CPS wasn't asked to assess whether it showed  
 12 any offences being committed?  
 13 A. I can't say that we didn't consider it in relation to  
 14 other individuals on the programme, but certainly not in  
 15 relation to Khuram Butt.  
 16 Q. Thank you. After the attack, did SO15, as part of its  
 17 post-attack inquiries, ask the CPS to take a view as to  
 18 whether Khuram Butt was shown committing any offences?  
 19 A. They did.  
 20 Q. Was the documentary then considered by a lawyer in your  
 21 division?  
 22 A. It was.  
 23 Q. And what was that lawyer's conclusion?  
 24 A. The conclusion was that the footage that was viewed did  
 25 not reveal any offending or did not provide evidence of

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1 any terrorist offences.  
 2 Q. In particular, at one stage in the programme we see  
 3 a group including Butt praying in front of a black  
 4 flag --  
 5 A. That's right.  
 6 Q. -- with an Islamic symbol, a common Islamic symbol on  
 7 it, but can you explain very briefly why that didn't  
 8 constitute a criminal offence?  
 9 A. So the offence that would obviously and was considered  
 10 in relation to that short piece of footage would be the  
 11 offence contrary to section 13 of the Terrorism Act  
 12 2000, which is displaying an article in circumstances  
 13 that would lead a person to believe that somebody was  
 14 a supporter or a member of a proscribed terrorist  
 15 organisation.  
 16 The black flag in question is perhaps commonly  
 17 nowadays associated with the proscribed organisation of  
 18 Daesh or IS or Isis as they are also known. In fact, my  
 19 understanding of the actual black flag and its history  
 20 is that it is, over time, associated with a number of  
 21 extremist groups, it is quite a historic flag, which  
 22 displays the Shahada or Islamic text relating to the  
 23 five pillars and the oneness of God.  
 24 I have viewed the footage in relation to Mr Butt on  
 25 this and it was of note to me that actually the

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1 commentary made that same point during the programme  
 2 that this flag has been adopted by a number of jihadist  
 3 groups.  
 4 So the assessment in relation to any potential  
 5 offending from this flag would have to be considering  
 6 whether there was any other circumstances in addition to  
 7 the display of the flag itself that might support  
 8 a section 13 prosecution, because it cannot be said that  
 9 the flag on its own is solely a flag belonging to  
 10 a proscribed terrorist organisation.  
 11 Q. Did the rest of the documentary provide any contextual  
 12 material which would have supported a prosecution in  
 13 that way?  
 14 A. Well, of course, what I'm saying is that Mr Butt only  
 15 appeared, and so any offence in relation to Mr Butt  
 16 would be in the context and the circumstances of his  
 17 presence and what occurred when he was visible on the  
 18 screen alongside the flag.  
 19 Q. We know he was also present and visible on the screen,  
 20 albeit only slightly visible, during a rally that  
 21 preceded the prayer meeting, which involved a number of  
 22 extremist slogans being shouted and placards being held  
 23 up, although it's fair to say -- I will be corrected if  
 24 I'm wrong about this -- that those who were preaching  
 25 didn't specifically support IS; they were simply very

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1 critical of western governments in inflammatory terms,  
 2 and spoke about the sharia coming to the UK.  
 3 Given that context, that additional context of  
 4 Mr Butt being present for that, would that have  
 5 supported a charge under the section you've identified  
 6 in relation to the prayer meeting?  
 7 A. I've not seen that aspect of the footage, but from your  
 8 description, no.  
 9 Q. Moving on, then, finally, to the post-attack  
 10 investigation of an associate of Khuram Butt. Is this  
 11 right: that after the attack, a number of family members  
 12 and associates of Khuram Butt were arrested and that  
 13 only one of those was the subject of a case submission  
 14 to your division relating directly to the attack?  
 15 A. That is correct.  
 16 Q. Now, the person concerned was Irfan Saeed, a friend of  
 17 Khuram Butt; is that right?  
 18 A. That is right, yes.  
 19 Q. Had he been arrested on 9 June 2017?  
 20 A. Yes.  
 21 Q. Is it right that the Operation Dativall team were  
 22 considering the possibility that he was aware of the  
 23 prospective attack beforehand but didn't pass on  
 24 information to the authorities?  
 25 A. That was one of the primary focuses of the

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1 investigation.  
 2 Q. And, if true, would that be the basis for any particular  
 3 offence?  
 4 A. Yes, that, if there was evidence of that, then that  
 5 would be evidence of a failure to provide relevant  
 6 information to the authorities of an offence contrary to  
 7 section 38(b) of the Terrorism Act 2000.  
 8 Q. Now, the information and evidence gathered by the SO15  
 9 team, which for the lawyers present is set out in  
 10 paragraph 3.23 of Detective Superintendent Riggs'  
 11 investigation report at {DC7183/12}, is first of all  
 12 that Saeed was the last person contacted by Butt before  
 13 the attack, and the only person contacted by Khuram Butt  
 14 after hiring the van, a text at 5.10 pm on the day of  
 15 the attack.  
 16 Secondly, that Saeed made a number of unsuccessful  
 17 attempts to contact Khuram Butt that evening, the  
 18 evening of the attack.  
 19 Thirdly, that Saeed was a participant in the  
 20 WhatsApp chat, ILMA, of which Butt was a member, or had  
 21 been a member, and he was a participant in that chat at  
 22 the time of the attack. At 4.34 on 4 June 2017, he  
 23 shared concerns with the group about an inability to  
 24 contact Khuram Butt, and on 6 June 2017, he sent a text  
 25 to the chat's administrator telling him to erase

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1 everything from his phone because "They're raiding  
2 houses in the Newham area".

3 The fourth aspect of the Datival team's material was  
4 that there was evidence discovered linking Saeed to some  
5 extremist material.

6 The fifth aspect of the material was that Saeed  
7 maintained that his contacts with Butt on the evening of  
8 the attack were to try to establish where Butt was.  
9 That was the background material as we understand it to  
10 be that was presented to the lawyers afterwards.

11 Is it right to say that information and evidence was  
12 provided to the lawyer over a period of months in the  
13 latter half of 2017?

14 A. That is correct, yes.

15 Q. What was the assessment made at the end of that period  
16 of providing evidence by the CPS lawyer?

17 A. That in relation to the allegation of an offence under  
18 section 38(b), that there was insufficient evidence to  
19 provide a realistic prospect of conviction.

20 Q. In summary, why was that?

21 A. That obviously taking account of the communications that  
22 were clearly demonstrated and attributable between  
23 Mr Butt and Mr Saeed over quite a long period of time,  
24 whilst arguably suspicious in relation to some of the  
25 timings, there was insufficient because there was no

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1 content that had been identified by the police  
2 investigation. So nobody was able to say what was being  
3 said during these communications to establish to the  
4 required degree that Saeed must have known or believed  
5 that Butt was planning a terrorist attack.

6 Q. Is this right, in fairness to Mr Saeed, that there was  
7 no direct evidence to establish that he knew about the  
8 attack?

9 A. That is correct.

10 Q. Is it also fair to say that there was some evidence  
11 supporting his account that he knew nothing,  
12 particularly his inquiries about Khuram Butt, in the  
13 early hours of 4 June, inquiring as to where he was and  
14 what was happening?

15 A. That is my understanding, based on what I have read.

16 MR HOUGH: Thank you very much, Mr Cawthorne. Those are all  
17 my questions.

18 Questions by MR PATTERSON QC

19 MR PATTERSON: Mr Cawthorne, thank you for your assistance.

20 On behalf of the families of six of those who were  
21 killed in the attack, can I have your help, please, on  
22 three of the areas.

23 First of all, your report at paragraph 10, and the  
24 possibility of an offence of disseminating extremist  
25 material. As you rightly said, the offence can be made

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1 out if it is dissemination of material which indirectly  
2 encourages an act of terrorism; is that right?

3 A. Subject to the required mental element also being  
4 established.

5 Q. Yes. And you told us that in the email, and later, you  
6 were given details of the nature of the material?

7 A. Yes, that's correct.

8 Q. Which could indirectly encourage, in the sense that it  
9 could glorify and encourage somebody else, the  
10 recipient, to emulate what was found within the  
11 contents?

12 A. That was my very generic assessment, having not seen the  
13 item that the officer has mentioned to me, but having  
14 seen similar material, and that was also my colleague's  
15 subsequent conclusion having assessed the material  
16 itself, yes.

17 Q. That it could found a charge?

18 A. That it could, potentially, subject to, obviously,  
19 evidence in relation to the dissemination itself and  
20 also to the context which was -- is always going to be  
21 relevant to the mental element that needs to be  
22 established, yes.

23 But it is not just the act of dissemination that  
24 automatically creates the offence.

25 Q. No. Each element of the offence has to be made out.

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1 A. That's right.

2 Q. And in the past when we have prosecuted using section 2,  
3 we have had to bear in mind the impact on the recipient,  
4 and that need to show that they would emulate it.

5 A. Yes, but also we need to show that the sender of the  
6 terrorist publication either intended the recipient to  
7 be encouraged or was reckless as to whether they would  
8 be.

9 Q. Yes, that's right, and recklessness is an important  
10 thing to bear in mind: that you can get a conviction on  
11 that lesser mental element of recklessness?

12 A. That's correct.

13 Q. Even if there isn't sufficient for all the circumstances  
14 to allow a safe inference that he must have wanted and  
15 intended the recipient to be influenced in that way.

16 A. That's right.

17 Q. It's up to seven years' imprisonment on conviction,  
18 isn't it?

19 A. At the time of this advice that we provided it was seven  
20 years, yes, but it subsequently has been increased to  
21 15.

22 Q. Do you know why he wasn't prosecuted for disseminating  
23 this item?

24 A. The advice that we were asked to provide related to  
25 generic circumstances, we were never asked to provide

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1 an assessment or make a full code decision to authorise  
 2 charges. So no, we were not provided with any  
 3 information as to whether this information that  
 4 we provided(?).  
 5 Q. Now, I don't want you to go into details if they might  
 6 compromise or cause difficulties in relation to matters  
 7 of national security or the like, but can you help me to  
 8 this degree: did it touch upon Isis?  
 9 A. Sorry, did what?  
 10 Q. Did the contents touch upon Isis, the so-called Islamic  
 11 State?  
 12 A. Yes.  
 13 Q. Did it touch upon martyrdom or suicide or dying in the  
 14 process of the attack?  
 15 A. I can't recall.  
 16 Q. Is that because you can't remember the details or  
 17 because you can't help me to that extent for sensitivity  
 18 reasons?  
 19 A. I can't remember the details as to whether there was a  
 20 specific reference to anything such as martyrdom.  
 21 Q. Or weapons such as knives or cars or bombs?  
 22 A. I can't be specific to say yes or no. I suspect not.  
 23 From my knowledge of the nature of publications of  
 24 a similar type, I suspect there was nothing quite of  
 25 that type in there.

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1 Q. Can you help with whether it was a magazine or  
 2 a publication of that type?  
 3 MR HORWELL: Sir, for sensitivity reasons I would wish --  
 4 I appreciate, of course, Mr Patterson wishes to explore  
 5 this, but no one wants to assist the terrorists and  
 6 there are reasons for sensitivity.  
 7 MR PATTERSON: Certainly, my Lord.  
 8 THE CHIEF CORONER: And I know that Mr Patterson is anxious  
 9 not to trespass into those areas.  
 10 MR HORWELL: Of course.  
 11 MR PATTERSON: Yes, yes.  
 12 THE CHIEF CORONER: I think what used to be called a shot  
 13 across the bows is probably welcome, Mr Patterson.  
 14 MR PATTERSON: Yes, I was simply trying to find any  
 15 assistance we could get as to some of the details in  
 16 general terms, even, as to the contents.  
 17 Can you go any further than you have done so far,  
 18 Mr Cawthorne?  
 19 A. No, I don't think I can.  
 20 Q. The fraud investigation. If I suggested that far from  
 21 being a weak case, this was a strong case of fraud,  
 22 would you agree?  
 23 A. As I indicated in my previous evidence, I think there  
 24 were lines of inquiry that I would have personally  
 25 wished to be pursued to clarify aspects of the evidence.

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1 Q. My suggestion is this was a strong case of fraud; do you  
 2 agree?  
 3 A. I think it -- I think, subject to those inquiries, it  
 4 could potentially be.  
 5 Q. Yes. This wasn't a weak case of fraud by any stretch of  
 6 the imagination; would you agree?  
 7 A. I would say that there were undoubtedly evidential  
 8 weaknesses in the case as it was presented. There were  
 9 things that I would say required clarification, and to  
 10 some degree the lawyer sought some clarification, and as  
 11 I said in my evidence, I think it's the sort of case  
 12 that could have -- you could easily have seen a number  
 13 of different decisions being made in respect of this  
 14 particular case.  
 15 Q. Yes. We have seen cases like this before go to court,  
 16 haven't we?  
 17 A. I certainly wouldn't say -- I would say yes, it's likely  
 18 we have seen cases go to court; certainly there may well  
 19 have been other cases of a similar nature that have not  
 20 been prosecuted.  
 21 Q. Yes. And all that is needed to satisfy the evidential  
 22 test is -- and these precise words appear in the Code  
 23 for Crown Prosecutors -- "more likely than not", more  
 24 likely than not that a jury would convict; that's right,  
 25 isn't it?

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1 A. That is correct.  
 2 Q. And standing back and looking at the big picture, the  
 3 opening speech and the closing speech to the jury would  
 4 be along the lines of: it's inherently unlikely for  
 5 Mr Butt to have been the unfortunate victim again and  
 6 again and again of cards being intercepted, PIN numbers  
 7 being intercepted, wallets being stolen on different  
 8 occasions in different ways in relation to all of these  
 9 different bank accounts; would you agree?  
 10 A. I certainly could hear a similar opening speech being  
 11 launched at a trial, Mr Patterson, but that doesn't  
 12 change my opinion that there were aspects that I would,  
 13 personally, as an experienced lawyer, that I would have  
 14 wanted still to have clarity on.  
 15 Q. Yes, no doubt after charging there would be an advice  
 16 from counsel saying there are a few gaps that needed to  
 17 be plugged and a few lines of inquiry that need to be  
 18 pursued, some of which will make the case even stronger,  
 19 potentially; would you agree?  
 20 A. Potentially, and those inquiries could be done after  
 21 charge, but also a cautious lawyer may choose to have  
 22 those inquiries conducted prior to charge.  
 23 Q. And I make it plain that this was not a decision made by  
 24 you; this was a decision made by a different lawyer,  
 25 wasn't it?

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1 A. That's correct.  
 2 Q. And if we go, please, to {DC7985/1}, this was a police  
 3 document in which there was a reference to the decision  
 4 involving the public interest stage of the test, so not  
 5 the first limb of evidential sufficiency, but rather the  
 6 public interest being the basis for not proceeding; do  
 7 you see that in the second line of that short paragraph?  
 8 A. I do see that, yes.  
 9 Q. And I make it plain, this is a police document that --  
 10 it may be that you haven't seen or --  
 11 A. I've not previously seen this document.  
 12 MR HOUGH: I think it would be fair to make clear to the  
 13 witness that Mr Jolley has told the court that he  
 14 considers that the document is wrong.  
 15 THE CHIEF CORONER: Yes.  
 16 MR PATTERSON: Is that the lawyer who was asked to make the  
 17 decision, who is named in the penultimate line of that  
 18 short paragraph?  
 19 A. It is.  
 20 Q. And have you discussed with the lawyer whether public  
 21 interest considerations did feature in the  
 22 decision-making?  
 23 A. I have not. But there is nothing in the material that  
 24 I have read that would suggest that this was a --  
 25 applying, again, the full code test, that this was

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1 a decision made on the basis of public interest. There  
 2 is a reference --  
 3 Q. What you have seen suggests it was made on the first  
 4 limb?  
 5 A. Yes.  
 6 Q. There's a suggestion here in this police document that  
 7 the amount of work that would be involved was  
 8 a difficulty as well:  
 9 "The amount of work that would be needed to  
 10 potentially bring a charge is unrealistic ..."  
 11 Again, can you help us as to whether that featured  
 12 in the decision-making by the CPS lawyer or not?  
 13 A. Well, my reading of that is that it's a police document  
 14 and that is a police assessment. The actions were set  
 15 and there was, in a communication, some reference to the  
 16 operational picture at the time and the work that may be  
 17 required to conduct these, but, as I say, ultimately  
 18 this was a decision that was based on the evidential  
 19 picture, not public interest.  
 20 Q. Because, so that it's plain, in no way should the amount  
 21 of work required be in any way relevant at all to  
 22 whether a person should be prosecuted if there is  
 23 evidence suggesting an offence; would you agree?  
 24 A. No, in the sense that the Code does allow for  
 25 proportionality to be taken into account, and

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1 proportionate -- there may be evidence that is sought in  
 2 a case or lines of inquiry that in a particular  
 3 allegation are deemed to be disproportionate. That is  
 4 a factor that is one that can be taken into  
 5 consideration, and in relation to the police  
 6 investigation as well.  
 7 Q. Did it feature in the written advice, the final decision  
 8 of the lawyer --  
 9 A. No, I mean the lawyer --  
 10 Q. -- the amount of work required?  
 11 A. -- the lawyer's decision was based on the fact that no  
 12 further evidence had been advanced to change the initial  
 13 assessment.  
 14 Q. You mentioned a concern about cell site evidence but as  
 15 we understand it, there was a distance of some 13 miles  
 16 between the home address of Khuram Butt in Barking and  
 17 the location out at Grays in Essex beyond the M25 where  
 18 in the early hours on one date, 23 May, the suspicious  
 19 withdrawal was made from the cash point.  
 20 A. Well, I wasn't aware of the figure of 13 miles --  
 21 Q. That's our research.  
 22 A. -- but from the document that I saw there was clearly  
 23 a distance.  
 24 Q. Yes, which, again, is evidence supporting the  
 25 involvement of Butt, isn't it, in the commission of the

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1 fraud?  
 2 A. It is relevant evidence, in my view.  
 3 Q. If I suggested that this was an erroneous decision,  
 4 would you agree?  
 5 A. No.  
 6 Q. But certainly you wouldn't have decided on 1 June that  
 7 there was no realistic prospect of conviction?  
 8 A. Obviously to put yourself back in time, I, as  
 9 I indicated, would have suggested a series of actions.  
 10 Some of those were reflected by the lawyers' actions but  
 11 perhaps went further, and some were additional actions,  
 12 and subject to what came back from those further  
 13 inquiries if, indeed, those inquiries were conducted,  
 14 then I would have conducted a further review.  
 15 Q. And it's possible you would have charged him?  
 16 A. It is possible. But I think, as I indicated in my  
 17 previous evidence, the inquiries that I sought, and  
 18 I think it's right that I point this out, would probably  
 19 not have been concluded in a matter of days.  
 20 Q. No, they would take longer than a few days.  
 21 A. They would take longer than a few days.  
 22 Q. And, finally, please, the Jihadis Next Door footage. As  
 23 you rightly say, the potential charge would be  
 24 section 13 of the Terrorism Act 2000, which is the  
 25 offence of displaying an article in a public place in

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1 such a way or circumstances as to arouse the reasonable  
 2 suspicious that the person is a supporter of  
 3 a proscribed organisation. So a terrorist organisation;  
 4 correct?  
 5 A. That's right, yes.  
 6 Q. And that is an offence for which a person can be  
 7 imprisoned?  
 8 A. It is. It is a summary only offence, that is an offence  
 9 that can only be prosecuted in a magistrates court.  
 10 Q. Up to six months' imprisonment?  
 11 A. It carries six months maximum.  
 12 Q. And relevant to whether there would be reasonable  
 13 suspicion that he's supporting Isis is the fact that  
 14 that flag was, at around that time, again and again and  
 15 again, being displayed by that proscribed terrorist  
 16 organisation, Isis; would you agree?  
 17 A. I can't claim to be a flag expert, but from my  
 18 experience of the many Isis-related cases that I've  
 19 prosecuted, I would say a version of the Shahada, not  
 20 necessarily that particular version, was often seen in  
 21 Daesh-related activity.  
 22 Q. And very relevant to the circumstances and the jury  
 23 considering whether he was supporting Isis would be what  
 24 he was saying in the minutes that preceded that display  
 25 of the flag in the park area.

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1 THE CHIEF CORONER: If this is a summary only offence?  
 2 MR PATTERSON: Forgive me --  
 3 THE CHIEF CORONER: -- there wouldn't be a jury.  
 4 MR PATTERSON: -- the district judge or the magistrates.  
 5 Thank you.  
 6 THE CHIEF CORONER: It's something I know something about at  
 7 least.  
 8 MR PATTERSON: But that's right, isn't it? Highly relevant  
 9 will be what he's saying in the minutes leading up to  
 10 this display of the flag, would you agree?  
 11 A. Those would obviously be relevant circumstances to take  
 12 into account.  
 13 Q. Yes, particularly relevant.  
 14 A. Potentially.  
 15 Q. I mean, if he is talking about Isis and then five  
 16 minutes later he's displaying that black Shahada flag,  
 17 the reasonable suspicion is that he is supporting Isis?  
 18 A. If the two are so interconnected that that member of the  
 19 public would make that assessment, yes.  
 20 Q. If we can see on the screen, please [DC7185/11], what he  
 21 was saying in the minutes before this recorded on camera  
 22 was all about air strikes and the conduct of the  
 23 Government of the United Kingdom and of America and the  
 24 air strikes, as you can see from this brief transcript,  
 25 in Syria and Iraq. Do you see that?

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1 A. Sorry, I'm just reading it now. (Pause).  
 2 Yes, I have seen it.  
 3 Q. And if we all remind ourselves, that reference to David  
 4 Cameron, there's a reference to David Cameron elsewhere  
 5 in the footage, this is all in the summer of 2015 at  
 6 a time when air strikes were being launched by this  
 7 country after a parliamentary vote, all of which was  
 8 focusing on whether the United Kingdom should or  
 9 shouldn't conduct air strikes in Syria and in particular  
 10 focusing on Isis.  
 11 So in those circumstances my suggestion is this:  
 12 that there was a prima facie case, there was an offence  
 13 being committed, contrary to section 13, for which he  
 14 could be imprisoned?  
 15 A. You will appreciate I've just seen the text that you  
 16 have put in front of me. My initial assessment of it is  
 17 it represents somebody who has certainly anti-western  
 18 views, an ideology that would certainly be expressed by  
 19 one of a number of radical extremist groups who were  
 20 operating in the Syria and Iraq conflict at that time,  
 21 some of whom may be proscribed, some of whom may not be  
 22 proscribed. The anti-western sentiments, the  
 23 anti-Cameron sentiments were not solely the province of  
 24 Daesh.  
 25 Q. Yes, but in terms of the offence, one of the beneficial

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1 things from public protection perspectives is that you  
 2 don't have to prove an intention to encourage support  
 3 for a particular organisation. All that needs to be  
 4 proved is that the circumstances give rise to  
 5 a reasonable suspicion. So that element of the offence  
 6 is lower than you often find in criminal cases?  
 7 A. It is lower than an intent, yes, I agree, but in the  
 8 context of the words being said being applicable to not  
 9 just one single organisation's ideology or one single  
 10 proscribed organisation's ideology; and the flag also  
 11 not being attributable to a single proscribed  
 12 organisation, I would disagree that there was sufficient  
 13 evidence to provide a realistic prospect of a section 13  
 14 prosecution.  
 15 Q. Would you agree with this, Mr Cawthorne: if you wanted  
 16 to try to prosecute all you would need to do would be to  
 17 assemble the relevant evidence and present it to the  
 18 court that at that time, present to the court evidence  
 19 that at that time, Isis again and again and again were  
 20 displaying that particular black flag in their  
 21 activities in Syria and Iraq?  
 22 A. But similarly there may well be evidence that shows  
 23 other groups displaying the same flag at the same time.  
 24 Q. Many of which were also proscribed?  
 25 A. Some of which may well be -- would also be proscribed,

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1 maybe not all of which would be proscribed.  
 2 Q. Again, would you agree that this was another opportunity  
 3 that was missed to prosecute and potentially imprison  
 4 Khuram Butt?  
 5 A. No, I wouldn't.  
 6 MR PATTERSON: Thank you for your help.  
 7 Questions by MR HORWELL QC  
 8 MR HORWELL: I'll correct myself if I'm wrong, but the  
 9 passage you've been asked to look at wasn't actually in  
 10 the programme Jihadis Next Door. I don't know if you  
 11 understood that or not?  
 12 A. I didn't, no, but thank you for clarifying that.  
 13 Q. Mr Cawthorne, there's only one point: you were asked to  
 14 give some very tentative advice in 2015 on extremist  
 15 material.  
 16 A. I was.  
 17 Q. And you have made it clear this afternoon that for there  
 18 to have been any prosecution, you would have needed  
 19 evidence of dissemination itself.  
 20 A. Absolutely.  
 21 Q. And what M has reported is that this was tentative  
 22 advice because there was no evidence of dissemination,  
 23 and that such evidence would have had to have been  
 24 retrieved through digital media, and M has added these  
 25 words:

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1 "It should be said that retrieving material from  
 2 digital media is not inevitable and is assessed on  
 3 a case-by-case basis."  
 4 And you would agree with that?  
 5 A. From my experience, I would.  
 6 MR HORWELL: Yes. Thank you.  
 7 MR HOUGH: Mr Cawthorne, those are all the questions we have  
 8 for you. Thank you very much, and thank you again for  
 9 your patience.  
 10 THE CHIEF CORONER: Thank you very much for coming,  
 11 Mr Cawthorne.  
 12 MR HOUGH: Sir, I appreciate it's late, we have one very,  
 13 very short statement to be read.  
 14 THE CHIEF CORONER: We will certainly do that. I suspect  
 15 the disturbance from downstairs came as a consequence of  
 16 Mr Patterson talking about prison. But I hope that the  
 17 people currently in the dock are relieved that in fact  
 18 they're not coming up for them, but we will certainly  
 19 read that statement.  
 20 MR HOUGH: One sometimes hears unhappy customers.  
 21 Mr Moss will read the statement.  
 22 MR MOSS: Sir, the one statement that you are admitting  
 23 under Rule 23 of the Coroners (Inquest) Rules 2013 is  
 24 the statement of Walid Ben Arbia. The nature of the  
 25 written evidence has been communicated to interested

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1 persons through being disclosed on our electronic  
 2 disclosure platform. All interested persons have had  
 3 an opportunity to view it and, indeed, to object to its  
 4 being read, and there have been no objections.  
 5 THE CHIEF CORONER: Yes.  
 6 MR MOSS: And the statement is dated 6 March 2019.  
 7 WALID BEN ARBIA (read)  
 8 MR MOSS: "I am the above named person, and this statement  
 9 is regarding the following three people: the first one  
 10 is Rachid Redouane, the second is called Youssef, whose  
 11 surname I don't know, and another man who I know to be  
 12 of Pakistani heritage.  
 13 "I knew Rachid Redouane in October 2016, we met at  
 14 the mosque. When Rachid heard me speaking in Arabic he  
 15 asked me 'Where are you from?' I told him I was from  
 16 Tunisia and he replied saying he was Moroccan. That  
 17 took place at Barking mosque. We discussed some topics,  
 18 we had somehow almost similar domestic problems. He was  
 19 married and had one daughter. I did not know his wife,  
 20 neither in person or in a photo. However, I knew his  
 21 daughter, who used to come to the park with him.  
 22 "I do not remember his wife calling him on the phone  
 23 or the other way round while I was present. He had told  
 24 me that she was Irish. He also told me that he had  
 25 previously lived in London for approximately nine years

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1 and then went back to Morocco. He later on knew  
 2 an Irish lady who later became his wife, and that was  
 3 the reason for him returning to London and being granted  
 4 a five-year leave to remain. She used to go and stay at  
 5 her mother's most of the days of the week, together with  
 6 her daughter.  
 7 "We used to meet either at the mosque or at his  
 8 home. The visits to his home at the hostel were  
 9 regulated, and we were only allowed up to 10 o'clock at  
 10 night. The hostel was in Barking. I used to visit him  
 11 once or twice a week in the company of Djamel and  
 12 Habib ..."  
 13 And sir, we know from other evidence that Habib is  
 14 likely to be Lahbib Atebaa who we heard from.  
 15 THE CHIEF CORONER: Yes.  
 16 MR MOSS: "I visited him with Youssef only once. At the  
 17 beginning the talks were only about football and  
 18 matrimonial problems. Shortly after Rachid started  
 19 talking about the Islamic State organisation. Once  
 20 I expressed my thinking about that, which was contrary  
 21 to theirs, their approach to me became different.  
 22 I became persona non grata. We had exchanged our  
 23 telephone numbers. I have since deleted all of these  
 24 numbers following the incident.  
 25 "Rachid had a Facebook account but he closed it one

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1 or two months before the incident. After that, Rachid  
2 and his wife divorced and Rachid went and stayed at  
3 Djamel's in Barking for about one month. After that,  
4 Rachid moved to East Ham and Djamel moved to Birmingham.  
5 Rachid, Youssef and myself did meet up once they came  
6 and collected me from home in a small red car and took  
7 me to his place, and then dropped me off back home after  
8 dinner.

9 "The last communication was when Rachid phoned me,  
10 inviting me to have Ramadan dinner with them, at  
11 a restaurant together with Youssef, but I turned down  
12 that invitation. That was the day of the match between  
13 El Classico and Real Madrid. I would like to explain  
14 that when Rachid contacted me to join him at the park to  
15 then go to the restaurant on Thursday, he was with  
16 Youssef.

17 "Also, it was after it was said by BBC News that  
18 they had identified Rachid and the Pakistani that it  
19 occurred to me to phone Youssef to remind him that what  
20 I told him about my suspicions were right in relation to  
21 Rachid. However, the mobile was switched off.

22 "As far as Youssef was concerned, I knew him at the  
23 mosque. He was a good human being, always laughing,  
24 young, and didn't have much life experience. He was  
25 impressionable. I am certain that both Rachid and

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1 Youssef did not have a good education and that their  
2 knowledge of religion was little and shallow.

3 "As for the Pakistani, I did not have any  
4 relationship with him except that on one occasion I saw  
5 him at the mosque in the company of his son.

6 "As regards his religious orientations, I have no  
7 knowledge of them. He used to ignore my presence and  
8 would not talk to me, except a greeting. He did not  
9 know classical Arabic, something that his friend Rachid  
10 had told me. I do know that Rachid and the Pakistani  
11 did not share a common language, because Rachid's  
12 English was poor and the Pakistani did not speak Arabic.  
13 Maybe Youssef was the intermediary because he did speak  
14 both languages.

15 "I would like to add that the Pakistani did not  
16 personally give me his name, and that I knew it from  
17 Rachid but found his name difficult to remember. I now  
18 remember that Rachid had told me that they knew him by  
19 the name Abu Zeytun and at that time I had my suspicion  
20 that that wasn't his real name because no Muslim would  
21 call his son Zeytun. I did not know why he would not  
22 give his real name, nor do I know whether Youssef and  
23 Rachid knew his real name.

24 "Youssef was working as a waiter, but I don't know  
25 what the Pakistani was doing. I only knew what they,

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1 I mean Rachid and Djamel, used to go with him to the  
2 gym. I do not know whether Youssef went with them.  
3 I used to have the phone numbers of Youssef and Rachid.  
4 I've now deleted them.

5 "The first time I saw the Pakistani was when he was  
6 standing at a bus stop with Rachid and Djamel. I saw  
7 him from a distance. I later asked them: who was that  
8 with you at the bus stop? They told me it was  
9 a Pakistani. The first time I actually met him was at  
10 Rachid's flat as I was leaving and he was coming in.  
11 That was about a week after seeing him at the bus stop.

12 "Habib and Djamel were Rachid's friends. Djamel was  
13 here in London, then moved to Birmingham in  
14 approximately 2017.

15 "I would like to say that following the incident we  
16 took a distance from each other to avoid problems. With  
17 regard to Rachid, I first knew him and I was the one who  
18 introduced him to Djamel and Youssef. As for Habib, he  
19 knew Rachid before me. I do not remember when  
20 I introduced Youssef and Djamel to Rachid. I would also  
21 like to say that when I knew Djamel, I introduced him in  
22 the same evening after the isha prayer to Rachid who  
23 then invited us to have dinner with him at his home.  
24 This was either in September or October 2016.

25 "I can confirm that I knew Rachid, Djamel, Habib and

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1 Youssef at the mosque. After the London Bridge attack  
2 I only tried to contact Youssef because I thought that  
3 he would not be with Rachid. I would also add that the  
4 telephone number that I had was the same number I still  
5 have and that his number was and still is registered  
6 with my name and address."

7 Sir, that's the end of the statement.

8 THE CHIEF CORONER: Thank you very much indeed, Mr Moss.

9 MR HOUGH: That's all the evidence for today, sir.

10 THE CHIEF CORONER: Thank you, and tomorrow, Mr Hough, we've  
11 got various witnesses again with various special  
12 measures.

13 MR HOUGH: All of tomorrow's witnesses, I think I'm right in  
14 saying, are subject to special measures.

15 THE CHIEF CORONER: Yes.

16 MR HOUGH: And therefore we will have the same approach to  
17 them that we had to Charisse O'Leary's evidence.

18 THE CHIEF CORONER: Thank you, and I'm fairly confident,  
19 because we have not heard, that the link has worked well  
20 down to court 19.

21 10 o'clock tomorrow.

22 (4.42 pm)

23 (The court adjourned until 10.00 am on

24 Thursday, 6 June 2019)

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