

OPUS 2

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London Bridge Inquests

Day 24

June 12, 2019

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1 Wednesday, 12 June 2019
 2 (10.03 am)
 3 THE CHIEF CORONER: Good morning, Mr Hough.
 4 MR HOUGH: Good morning, sir. As I think everybody in court
 5 today knows, our witness today is Witness L --
 6 THE CHIEF CORONER: Yes.
 7 MR HOUGH: -- an officer of the Security Service. He is not
 8 presently behind the green curtain. May I run through
 9 the orders you made in your directions dated
 10 12 April 2019 about this witness. Paragraphs 6(a) to
 11 (c) say in summary that the witness is to be referred to
 12 as Witness L and no question may be asked which might
 13 lead to his identification .
 14 Subparagraph (d), he is to be screened from all in
 15 court.
 16 Subparagraph (e), he is permitted to enter and exit
 17 by a non-public route.
 18 Subparagraph (f), you made an order under section 11
 19 of the Contempt of Court Act 1981 that there should be
 20 no publication of his name or identifying information
 21 about him in connection with these Inquests or their
 22 subject matter.
 23 Then, importantly, subparagraph (g) provides that
 24 all electronic devices in court, and by that I include
 25 any annex of this court to which there is an audio link,

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1 are to be switched off, except for devices required for
 2 transcription, the official transcription, devices
 3 required for the Opus system, and laptops and tablets
 4 used by lawyers for purposes other than recording
 5 Witness L's evidence.
 6 Subparagraph (h) says that there is no recording to
 7 be made of Witness L's evidence except for the official
 8 recording of the court.
 9 Subparagraph (i), that Witness L's evidence shall
 10 not be publicly disclosed until we, as counsel to the
 11 Inquest, confirm it may be done.
 12 Subparagraphs (j) to (k) provide that while the
 13 witness enters and leaves court, any live links are to
 14 be disabled and the court is to be vacated.
 15 The effect of these orders is that nobody may make
 16 notes on computer of Witness L's evidence while it is
 17 being given, but anyone may make manuscript notes of
 18 it --
 19 THE CHIEF CORONER: Yes.
 20 MR HOUGH: -- and those rules apply equally to you
 21 yourself --
 22 THE CHIEF CORONER: Yes.
 23 MR HOUGH: -- to the lawyers, and to the press.
 24 The purpose of the order that Witness L's evidence
 25 is not to be publicly disclosed until we confirm is that

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1 if the witness were to reveal some sensitive information
 2 in error, steps could be taken to ensure that it would
 3 not be published. Therefore there is to be no live
 4 reporting during each period of evidence.
 5 We shall aim to give confirmations that reports,
 6 journalistic reports, can be filed quickly at or after
 7 each break to assist the press with early reporting.
 8 In addition, draft transcripts of evidence will be
 9 provided to the press every half-day to enable them to
 10 report, and a draft transcript of the entire day will be
 11 made available promptly at the end of each day.
 12 THE CHIEF CORONER: Yes. And certainly I know, Mr Hough,
 13 that when we went through the same process on the
 14 Westminster Bridge Inquests you were fairly swift to say
 15 when we took a break that actually there was no issue
 16 straightaway, which I know was of enormous benefit to
 17 the press, and I have no doubt we will do the same this
 18 time.
 19 MR HOUGH: Yes, and that speed on the last occasion was
 20 contributed to by the security services representatives
 21 being very helpful. I have no doubt they will again.
 22 THE CHIEF CORONER: Yes. Well I brought my laptop in with
 23 me, but as I indicated the other day, I will not be
 24 bringing it in to court and I will be using pen and
 25 paper as I did last time to make my notes. It seems to

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1 me they are very sensible precautions that are set out
 2 that are the subject of my order.
 3 MR HOUGH: Sir, I'll pause in case anybody else wants to
 4 make any observations.
 5 I see none. Therefore I understand that the next
 6 step will be for the court to be vacated.
 7 THE CHIEF CORONER: Yes. What we will do, Mr Hough, the
 8 other thing that I am going to say now relates to a
 9 break which I think we should timetable to take, because
 10 the witness will be behind closed curtains, and it
 11 seemed to me that they ought to know when there is going
 12 to be a break.
 13 Working in a building such as this, if I say we're
 14 going to rise now and resume once the witness is in
 15 place, I know that it's going to take us 10 minutes to
 16 do that as a minimum, simply for everyone to go out and
 17 come back in again, so we will aim to sit at 10.20 and
 18 what I would suggest is that we take a break at
 19 somewhere between 11.30 and 11.40, and we take a break
 20 for 15 minutes as we would do normally.
 21 MR HOUGH: Yes, sir.
 22 THE CHIEF CORONER: But at least the witness knows that --
 23 MR HOUGH: Yes.
 24 THE CHIEF CORONER: -- and we can all make the necessary
 25 arrangements.

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1 All right, I will vacate, I will take my computer
2 with me and we'll sit again in 10 minutes' time.

3 (10.09 am)

4 (A short break)

5 (10.22 am)

6 THE CHIEF CORONER: Yes.

7 MR HOUGH: Sir, I'm now addressing the witness.

8 Perhaps you could make your oath or affirmation
9 standing up.

10 WITNESS L (affirmed)

11 Questions by MR HOUGH QC

12 MR HOUGH: Please now feel free to sit down.

13 You appreciate that you are being referred to in
14 this case as "Witness L"?

15 A. Yes.

16 Q. You also understand that I'm asking you questions first
17 on behalf of the Coroner and then probably tomorrow you
18 will have some questions from other lawyers?

19 A. I do.

20 THE CHIEF CORONER: And, Witness L, I've no doubt that
21 Mr Hough has said this to you, I have scheduled that we
22 will take a break, but as applies to any witness, if
23 there is a time when you need a break, you just need to
24 let us know. Logistically it takes us a while to do it
25 but of course we will take a break.

5

1 A. Thank you, your Lordship Lord.

2 MR HOUGH: The break is scheduled to start between 11.30 and
3 11.40 and to take 15 minutes.

4 Is this right: you are an officer of the Security
5 Service, MI5?

6 A. I am.

7 Q. Do you understand that the purpose of your evidence is
8 to explain MI5's knowledge of and investigations into
9 the attackers in the years before the attack as well as
10 some contextual information?

11 A. It is.

12 Q. You appreciate that you're giving evidence to these
13 Inquests as representative of the service, and about
14 investigations in which you weren't personally involved?

15 A. That is correct.

16 Q. You made a witness statement on these matters, with our
17 reference {WS5006}, you may refer to that as you wish.
18 You will also be referring to an independent assessment
19 report of Lord Anderson QC which considered the attacks
20 in London and Manchester of 2017.

21 A. That's correct.

22 Q. In the witness box I understand you have with you your
23 witness statement and one other document, which is
24 a list of names with aliases, identifying individuals
25 you can openly confirm to be associated with ALM.

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1 A. That's correct.

2 Q. Otherwise, no other documents?

3 A. That's correct.

4 Q. To be clear, is it possible that you may respond to
5 some of my or others' questions by saying that for
6 security reasons you can't give an answer or can only
7 give a limited answer, or would need to consult others
8 before giving an answer?

9 A. Yes, it is possible.

10 Q. May there also be some questions which you cannot answer
11 for legal reasons?

12 A. Yes, that's so.

13 Q. As regards security concerns, we recognise as a general
14 proposition that you must be careful, for example, not
15 to reveal intelligence methods or to compromise
16 investigations.

17 A. That's correct.

18 Q. Is this right as a general proposition: revealing
19 methods could help potential attackers to avoid
20 detection, just as we've heard Khuram Butt apparently
21 attempted to avoid being monitored?

22 A. Yes, that is right.

23 Q. Is this also right: that it's the policy of the service
24 to respond to some types of questions by neither
25 confirming nor denying, for example, questions about

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1 whether particular persons are currently under
2 investigation?

3 A. That is correct.

4 Q. To be clear, is this right: that such an answer, neither
5 confirming nor denying, is not code for yes, or code for
6 no, but reflects established policy approved by the
7 courts?

8 A. That is correct.

9 Q. However, is this also right: that you have done a great
10 deal of work with colleagues to ensure that you can be
11 as open and helpful to this inquiry as possible, subject
12 to the overriding need not to compromise security?

13 A. Yes, that is so.

14 Q. Can you also confirm that the Service has given full
15 cooperation to the Inquests team and has provided the
16 original investigation documents to vetted members of
17 the Coroner's legal team?

18 A. Yes, it has.

19 Q. May I then turn to your personal background. When did
20 you join the Security Service?

21 A. In 1991.

22 Q. What is your current position?

23 A. I currently work in our international counter terrorist
24 branch where I'm the head of policy, strategy and
25 capability.

8

1 Q. Have you held that position since 2016?
 2 A. Yes, I have.
 3 Q. What does that role involve, in a sentence or two?
 4 A. That role is looking at the broad trends in
 5 international counter terrorism and considering what
 6 that means for MI5 in terms of our response.
 7 Q. What other relevant posts have you held within the
 8 service?
 9 A. So in my career I've done a wide range of operational,
 10 investigative and policy roles.
 11 Q. Did you give evidence in the London bombings inquests
 12 in February 2011 as Witness G?
 13 A. I did.
 14 Q. Did you give evidence last year, last September, in the
 15 Westminster Bridge attack inquests, again as Witness L?
 16 A. I did.
 17 Q. May I turn now to MI5's functions, investigative tools
 18 and the legal framework and oversight which governs you,
 19 and if it helps I'm now looking at pages 4 onwards of
 20 your witness statement.
 21 Did the Security Service Act of 1989 first put MI5
 22 on a statutory footing?
 23 A. Yes, it did.
 24 Q. Did section 1(2) of that Act specify the Service's
 25 function as the protection of national security in

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1 various particular respects?
 2 A. That's correct.
 3 Q. Is one of those respects protection against threats from
 4 espionage, terrorism and sabotage?
 5 A. Yes, it is.
 6 Q. Is MI5 in its work guided by the government's national
 7 security strategy which identifies, broadly speaking,
 8 threats to national security?
 9 A. That's correct.
 10 Q. Is one of those terrorism?
 11 A. Yes, it is.
 12 Q. May we bring up on screen, please, {WS5006/5}, and
 13 Witness L, please tell us if at any point a document
 14 does not appear on the screen after my request.
 15 A. I can see that, thank you.
 16 Q. Now, if we focus, please, upon paragraph 19, is it right
 17 to say that MI5 has a range of tools and techniques to
 18 be used in supporting its investigations?
 19 A. Yes, it is.
 20 Q. Using this paragraph as a starting point, can you run
 21 through what they are, what the main ones are?
 22 A. So, taking this paragraph as a starting point,
 23 surveillance against individuals, either through
 24 directed forms such as following a person, or intrusive
 25 surveillance, such as having eavesdropping devices

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1 in houses or cars; interception of communications,
 2 listening into people's telephone calls; equipment
 3 interference, for instance, covertly accessing
 4 a person's computer to discover what information they
 5 have on it; the use of what we refer to CHISs, covert
 6 human intelligence sources, more commonly referred to as
 7 agents, so individuals who are able to provide secret
 8 information about a target; communications data, so not
 9 the information that is actually in a communication, ie
 10 the talking between one person and another, but the data
 11 around it, ie what individual rang what other
 12 individual, and bulk personal data, broader data sets
 13 containing information about a large number of people
 14 which we can access in a targeted way to identify or to
 15 find information about a subject of interest.
 16 Q. Is this right: when we turn to the investigations, there
 17 may be times when you can't tell us what techniques were
 18 available or were being used at a particular time?
 19 A. Yes, that's correct.
 20 Q. But in broad terms, that is the toolkit of techniques
 21 which your investigators have available as the
 22 circumstances allow or require?
 23 A. A toolkit to gather intelligence, yes.
 24 Q. If I can take that off screen now, please.
 25 Looking at your paragraph 20, what is the governing

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1 principle about when to use powers and what powers to
 2 use?
 3 A. So the powers to use are clearly governed by the
 4 appropriate pieces of legislation. What particular
 5 investigative techniques we use will be governed always
 6 by the necessity and the proportionality of doing so.
 7 Q. In short, do you aim to be effective but with minimum
 8 intrusion and proportion to the threat posed?
 9 A. That's correct.
 10 Q. You referred to statutory regulation; is the use of your
 11 powers governed by the Security Service Act 1989, to
 12 which I referred, the Regulation of Investigatory Powers
 13 Act 2000, and the Investigatory Powers Act 2016
 14 principally?
 15 A. Yes, they're the key pieces of legislation.
 16 Q. Is it right that a number of your powers, in particular
 17 the more intrusive ones, to be exercised have to be
 18 authorised within MI5 with an explanation as to why the
 19 action is necessary and proportionate to the
 20 investigation?
 21 A. Yes, that's true.
 22 Q. Is it also the case that some powers, such as the
 23 interception of communications, have to be authorised
 24 under warrant by the Secretary of State pursuant to the
 25 legislation?

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1 A. Yes, that's correct.
 2 Q. Is it also the case that since relevant parts of the
 3 2016 Act came into force, judicial commissioners, led by
 4 the Investigatory Powers Commissioner, also have to
 5 approve such warrants?
 6 A. Yes, that's correct.
 7 Q. A system known as "double-lock"?
 8 A. Correct.
 9 Q. And are those internal and external approval processes
 10 in place in summary to ensure a responsible,
 11 proportionate use of powers which inevitably affect the
 12 privacy of the citizen?
 13 A. Yes, they are.
 14 Q. Is the work of MI5 subject to oversight by a number of
 15 public authorities?
 16 A. Yes, it is.
 17 Q. The Home Secretary?
 18 A. Yes.
 19 Q. Parliament?
 20 A. Yes.
 21 Q. Especially in the form of the Intelligence and Security
 22 Committee?
 23 A. Primarily through the Intelligence and Security
 24 Committee, yes.
 25 Q. And that committee makes reports, we understand, to

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1 Parliament and to the Prime Minister?
 2 A. That's correct.
 3 Q. Is there also further judicial oversight by the
 4 Investigatory Powers Tribunal which considers, for
 5 example, complaints about the conduct of the
 6 intelligence services?
 7 A. Yes, that's correct.
 8 Q. May I now turn to your investigative processes, which
 9 you address from page 7 of your witness statement.
 10 Is it right to say that changing threats from
 11 terrorism, and especially from Islamist extremism, have
 12 required the Security Service to adapt and change its
 13 investigative procedures?
 14 A. Yes, that's correct.
 15 Q. In broad terms, how would you characterise the change?
 16 A. The change is to reflect the fact that we now have a far
 17 larger number of investigations than we would have done
 18 15 or 20 years ago, and those investigations tend to be
 19 more disparate, and therefore we have to have a system
 20 which takes that into account.
 21 Q. So better systems have been required for processing huge
 22 amounts of information and prioritising action?
 23 A. That's right.
 24 Q. Lord Anderson described it as industrialising
 25 intelligence gathering; is that a fair summary?

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1 A. I think that's a very good summary.
 2 Q. We've heard from Witness M that there has been, in
 3 recent years, a growth in the number of operations,
 4 a growth in low-sophistication attacks and plots, and
 5 an increase in importance of the digital media side of
 6 investigations; is that something you would accept?
 7 A. Yes, I would share all those views.
 8 Q. When you refer, as you will in answer to some of my
 9 questions, I anticipate, to resources and prioritising
 10 the use of resources, is it right that you're not just,
 11 or perhaps primarily, referring to money?
 12 A. That's correct.
 13 Q. What else are you referring to when you refer to
 14 resources?
 15 A. So resources around the collection of intelligence, so
 16 specialist staff primarily to be engaged in surveillance
 17 and other such activities, and also resources in terms
 18 of the investigative community, those individuals who
 19 then look at all that material and try to make sense of
 20 it.
 21 Q. So is this right: even if more money is made available
 22 to any service, there will always, at least for a time,
 23 be a finite number of experienced and capable staff?
 24 A. That is correct.
 25 Q. Moving on to intelligence and investigations. Since

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1 2011, has intelligence coming into the service been
 2 subject to a triage process?
 3 A. Yes, it has.
 4 Q. In order to understand this, can you first of all
 5 explain some terms to us. What is a lead?
 6 A. A lead is when intelligence has been received by the
 7 Service and considered significant enough that we wish
 8 to begin looking at it before we reach the investigative
 9 stage.
 10 Q. What is a trace?
 11 A. A trace is a review in our own records to see whether
 12 any of the intelligence we have received resonates with
 13 any of the intelligence we already have.
 14 Q. When intelligence comes in, is it progressed initially
 15 as a lead or as a trace?
 16 A. The first stage will be a trace to see whether we have
 17 any information already, and then we will take it to
 18 a lead, should it be required.
 19 Q. Is it the case that sometimes intelligence comes in
 20 which is linked to an existing MI5 investigation?
 21 A. Yes, that's right.
 22 Q. In that situation, would the intelligence typically be
 23 passed to the relevant team?
 24 A. Yes, it will be.
 25 Q. If intelligence isn't linked to an existing

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1 investigation , is it then assessed?
 2 A. Yes, it is .
 3 Q. By what considerations?
 4 A. By considerations around whether the intelligence is
 5 significant enough, credible enough, actionable enough,
 6 that we may wish to consider taking it further and
 7 opening a lead .
 8 Q. So based on those considerations, a new investigation
 9 may be initiated ?
 10 A. Yes, it may be, but as a lead in the initial stage .
 11 Q. Next can I ask you about the system of prioritising
 12 investigations in the context of terrorist cases. At
 13 any time is it right to say that the service has
 14 a number of active investigations , both into individuals
 15 and into groups linked to or suspected of terrorist
 16 activity ?
 17 A. Yes, that's correct .
 18 Q. How many, approximately, live investigations are there
 19 at the moment?
 20 A. Around about 600 .
 21 Q. You may refer, as we go on, to multi-lead investigations
 22 and single-lead investigations , and different types of
 23 investigations . Are you able to explain the difference
 24 between multi-lead and single-lead investigations ?
 25 A. Yes, a single-lead investigation is where a person or

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1 group of persons, it doesn't necessarily have to be
 2 about one person, are all clearly working to the same
 3 aim. A multi-lead investigation reflects circumstances
 4 where we have a number of people who have some kind of
 5 thematic link but do not necessarily associate directly
 6 with one another .
 7 Q. Turning to the system of prioritisation , may we please
 8 have on screen {WS5006/106}. If we can focus on the
 9 chart, first of all, are there a set system of priority
 10 categories for investigations in the context of Islamist
 11 terrorism?
 12 A. International terrorism, yes .
 13 Q. Can you summarise the priority 1 and 2 categories for
 14 us, please?
 15 A. Yes, of course. So priority 1 are those of greatest
 16 concern to us, where we believe that there is
 17 a significant chance that the individuals are involved
 18 in direct attack planning either at a large scale, which
 19 is a P1a investigation or at a smaller scale, which is
 20 a P1b investigation .
 21 Priority 2 are also investigations of considerable
 22 concern to my service which represent a broader range of
 23 activities beyond attack planning but material which is
 24 very significant , for instance in the P2H category,
 25 these are mostly linked to attack planning, individuals

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1 who wish to travel overseas potentially to seek
 2 training, or in the P2M category, the medium category,
 3 which is one down, where they are engaged in other
 4 activity which is still of significant concern, for
 5 instance, the supply of false documents .
 6 Q. I don't propose to ask you about priority 3 and priority
 7 4 at this stage, we see what they are from the document,
 8 but you will understand why we focus on those first two
 9 categories .
 10 What's the objective of prioritising investigations
 11 in this way?
 12 A. Twofold: mostly at a strategic level it is to allow MI5
 13 to look across that 600 casework I referred to earlier
 14 and understand what the broad shape of the threat is .
 15 At a tactical level sometimes the prioritisation will be
 16 part of resource allocation , but that is not
 17 a mechanistic process based around the simple priority
 18 number .
 19 Q. We can take that document off screen now .
 20 Is this also right: that there is a category of
 21 investigations of the very highest priority which are
 22 identified weekly in a grid?
 23 A. That's correct .
 24 Q. Are they identified in a weekly meeting by the head of
 25 investigations ?

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1 A. Yes, they are .
 2 Q. Without going into any sensitive detail, is it fair to
 3 say that a significant amount of MI5's investigative
 4 resources, especially your scarcer resources, are
 5 dedicated to those investigations ?
 6 A. Yes, that's correct .
 7 Q. Without, as I say, going into anything sensitive , why is
 8 there such a focus on investigations identified in the
 9 weekly grid?
 10 A. Because these are the ones that we consider pose the
 11 most immediate and direct threat to national security .
 12 Q. I'm now moving on to the opening pursuit, suspension and
 13 closure of investigations , which you deal with from
 14 page 8 of your statement. You've told us how
 15 investigations are opened, a lead leading to
 16 an investigation being initiated , and we've heard from
 17 Witness M how counter terrorism police are or may then
 18 be involved .
 19 Is it right to say in broad terms that when
 20 an investigation is running, operational officers use
 21 their various powers to investigate the targets of the
 22 investigation ?
 23 A. Yes, that's correct .
 24 Q. Are those targets referred to as subjects of interest?
 25 A. Yes, they are .

20

1 Q. For an investigation , may there be a single subject of
 2 interest or multiple subjects of interest?
 3 A. Either could be true.
 4 Q. Are decisions made periodically within an investigation
 5 as to how resources should be used?
 6 A. Yes, they are.
 7 Q. Suspension next. Does it happen from time to time that
 8 a live investigation will be suspended?
 9 A. Yes, it does.
 10 Q. Typically in what circumstances does that happen?
 11 A. Mostly in circumstances where the pressure on the
 12 overall resourcing picture requires us to suspend them.
 13 Q. What will be the cause, again typically , of high
 14 pressure on resources?
 15 A. It would be another investigation or series of
 16 investigations which were of such priority they were
 17 drawing significant resources, particularly from the
 18 investigators , away from other investigations .
 19 Q. So in simple terms, some very high priority or high
 20 threat investigations require the diversion primarily of
 21 experienced staff .
 22 A. That's correct.
 23 Q. The next question may be obvious, but what is the
 24 purpose of a period of suspension?
 25 A. The purpose of a period of suspension is to be clear

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1 that we do not believe that a threat has been negated or
 2 resolved but to reflect the fact in overall terms that
 3 we can't pursue the investigation against that
 4 particular threat at that time.
 5 Q. How is the decision to suspend made?
 6 A. It 's made by senior managers.
 7 Q. In practical terms, is the approach that all
 8 investigations below a certain level of priority are
 9 suspended or is the process a more nuanced and
 10 contextual one?
 11 A. It 's a much more nuanced and contextual one. There is
 12 no mechanistic link between an investigation 's priority
 13 and the likelihood or otherwise of it being suspended.
 14 Q. Will it , for example, take account of what's happening
 15 in the investigations and a risk assessment of the
 16 subject of interest?
 17 A. Yes, it will .
 18 Q. Without, again, revealing anything sensitive , is
 19 suspension commonplace or only a very rare occurrence
 20 which results from exceptional demands of other
 21 investigations ?
 22 A. No, it 's a common part of the overall investigative
 23 picture .
 24 Q. In deciding whether to suspend an investigation , what
 25 sort of principal factors are taken into account?

22

1 A. So the principal driver here is the pressure on
 2 resources to be taken elsewhere, but within the context
 3 of making a decision about individual suspension, it
 4 will be how far we think that suspending the
 5 investigation will increase, maintain or just
 6 potentially , but highly unlikely , decrease the overall
 7 threat to national security that suspended investigation
 8 presents.
 9 Q. As we will hear and as we have heard with Witness M, the
 10 investigation of Khuram Butt was suspended
 11 in February 2016 when it was a P2H investigation and
 12 in March 2017 when it was a P2M investigation.
 13 A. That's correct.
 14 Q. How common or unusual is it for investigations with
 15 those priority levels to be suspended?
 16 A. It is reasonably common.
 17 Q. Is there any standard or expected period for
 18 a suspension either generally or of investigations with
 19 those levels?
 20 A. No, it will be entirely dictated by other pressures on
 21 the system.
 22 Q. Is there any rule that investigations with a particular
 23 threat or risk profile , with particular factors , will
 24 not be suspended?
 25 A. No, there is not.

23

1 Q. In the period 2015 to June 2017, were counter terrorism
 2 police who were involved with a given investigation
 3 consulted before the Service suspended that
 4 investigation from their side?
 5 A. Not in any systematic way.
 6 Q. They might be informally consulted, but it couldn't be
 7 guaranteed?
 8 A. That's so.
 9 Q. I understand that may now have changed?
 10 A. That's correct.
 11 Q. In that period up to June 2017, was it normal to record
 12 contemporaneously the rationale for the suspension of
 13 a particular investigation ?
 14 A. Yes, it was.
 15 Q. What is the effect of suspension?
 16 A. The effect of suspension is that some but not
 17 necessarily all streams of intelligence flowing in
 18 relating to that particular intelligence are suspended,
 19 and that some but not all of the intelligence that does
 20 flow in is not reviewed by an investigator .
 21 Q. Does any collection of intelligence continue during
 22 a period of suspension?
 23 A. In some cases yes, and in some cases no.
 24 Q. Does some analysis of incoming intelligence take place
 25 during a period of suspension?

24

1 A. Again, in some cases yes and in some cases no.
 2 Q. If material which is coming in, either from that
 3 investigation or from another investigation, reveals
 4 a particular threat or point of concern regarding
 5 a suspended investigation, can the investigation be
 6 unsuspended quickly?
 7 A. Yes, it can be.
 8 Q. Is it fair to say generally that during the suspension,
 9 the typical situation will be that monitoring,
 10 investigative and analytical activities will be
 11 substantially scaled back?
 12 A. Yes, that is fair.
 13 Q. May I move, then, to the prioritisation of subjects of
 14 interest, and first of all to the system of allocating
 15 them to tiers. May we put on screen, please,
 16 {WS5006/106}. This is a page we looked at before --
 17 A. So what's on my screen is still the priority system.
 18 Q. If we look towards the bottom of the page --
 19 A. Oh yes, I'm sorry.
 20 Q. -- you may see a list of tiers. If we focus on those,
 21 and using that, can you explain the system of allocating
 22 subjects of interest to tiers?
 23 A. Yes, we divide subjects of interest into three tiers,
 24 the top tier, tier 1 being those that we believe are
 25 likely to be involved in all the significant aspects of

25

1 the investigation.
 2 The middle tier, tier 2, are key contacts of the
 3 main targets, so we think they're likely to be involved
 4 in a significant portion but not all of the
 5 investigation.
 6 And the bottom one, tier 3, contacts of the tier 1
 7 and tier 2s. They may have some marginal involvement in
 8 the investigation.
 9 Q. Is it the case that all contacts of tier 1 and tier 2
 10 targets will be tier 3 targets?
 11 A. No, it is not.
 12 Q. Is there any principle for who will be regarded as
 13 a tier 3 target in those circumstances?
 14 A. This will be a matter for investigator judgment.
 15 Q. We can take that off screen now.
 16 May I ask you next about movement between tiers. Is
 17 it commonplace for subjects of interest to be moved
 18 between tiers?
 19 A. It is possible rather than commonplace.
 20 Q. Is there any practical effect in moving an individual
 21 from a higher to a lower tier or vice versa?
 22 A. So moving from a lower to a higher automatically makes
 23 that person of greater interest to the investigation and
 24 therefore probably with greater resources devoted to
 25 them. Moving from a higher to a lower is likely but not

26

1 certain to have the reverse effect, in other words, the
 2 amount of collection there is on that subject of
 3 interest will reduce.
 4 Q. Holding codes next, please. What is a holding code and
 5 what purpose does it serve?
 6 A. So a holding code is an information management tool
 7 which we use in order to keep track of the information
 8 we have on a particular subject of interest.
 9 Q. What are the principal holding codes of interest in this
 10 case?
 11 A. So holding codes are divided into non-adverse, people
 12 that we are not concerned about, and adverse holding
 13 codes. So in this case we are discussing adverse
 14 holding codes and those adverse holding codes are
 15 a number of holding codes identifying how much of
 16 a threat to national security we think the individual
 17 presents.
 18 Q. You have described a holding code as an information
 19 management tool. What does that mean in layman's terms?
 20 A. It means it's therefore our recording systems
 21 particularly taking into account retention periods that
 22 we might maintain a record on an individual subject of
 23 interest for, and also in terms of relevance to what
 24 sort of investigative techniques it would be appropriate
 25 to deploy against an individual. So for instance,

27

1 a non-adverse holding code individual, it would not be
 2 appropriate to have investigative techniques deployed
 3 against them.
 4 Q. So if a holding code on an individual is reduced, for
 5 example, from somebody assessed to pose a risk to
 6 national security, to somebody who may or to somebody
 7 who does not pose such a risk, can that limit the
 8 investigative tools open to the team?
 9 A. So no difference really between "is" and "may", but
 10 a difference between "may" and "does not" in that
 11 context.
 12 Q. Are subjects of interest recategorised between holding
 13 codes from time to time?
 14 A. Yes, they are.
 15 Q. Next may I ask you about a more recent process of your
 16 Service, but one which was in place at the time we're
 17 concerned with, the potential lone actor triage process.
 18 We have heard from others that in recent years,
 19 attack planning by individuals or by small groups has
 20 been increasingly seen; is this a development which you
 21 have seen in your investigations?
 22 A. Yes, it is.
 23 Q. Has that been prompted or is it believed to have been
 24 prompted notably by the so-called Islamic State
 25 encouraging such attacks since 2014?

28

1 A. Yes, that's true, although we began to observe it before
2 then.
3 Q. Did the Service develop processes to meet that
4 innovation?
5 A. Yes, it did.
6 Q. When was the process we're concerned with, the potential
7 lone actor triage process, introduced?
8 A. In February 2015.
9 Q. I've described it as a process; is it right to
10 distinguish it from a threshold or test?
11 A. That's absolutely right.
12 Q. What's the key distinction?
13 A. The key distinction is that we are examining information
14 in order to make a judgment around it, but there is no
15 set score or threshold which would say "This person is
16 a potential lone actor and this person is not". This
17 remains very much an art rather than a science.
18 Q. I'm looking at your paragraph 38 for the next questions.
19 What is the objective of the process?
20 A. The objective of the process is to assist the
21 investigator in judging how likely it is that the
22 individual they're investigating is a potential lone
23 actor.
24 Q. A potential lone actor, somebody who might carry out
25 an attack on their own or in a small group?

29

1 A. That's correct.
2 Q. Does the process also recognise a subset of individuals
3 described as spontaneous violent extremists?
4 A. Spontaneous volatile extremists, yes.
5 Q. I'm sorry. Spontaneous volatile extremists: what are
6 their characteristics or defining features?
7 A. So again, with the context of this being an art rather
8 than a science, spontaneous volatile extremists, or SVEs
9 as we refer to them, are individuals where the judgment
10 is made that they may mount an attack with very little
11 planning or preparation and with very little evidence
12 that there's a particular trigger to induce them to
13 mount an attack.
14 Q. Is the value of having that subset that you can identify
15 those who may not present many warning signs and who can
16 therefore be investigated and acted against accordingly?
17 A. That is exactly right.
18 Q. Looking now at your page 11, paragraphs 39 to 40, in
19 a few sentences, how are potential lone actor and
20 spontaneous volatile extremist' characteristics
21 determined?
22 A. They're determined by an examination of the intelligence
23 picture we have on an individual, that intelligence
24 picture being considered by our behavioural specialists
25 within the behavioural science unit and also the

30

1 specialists who work within the potential lone actor
2 unit.
3 Q. Is the model designed to identify indicators for
4 a number of particular types of characteristic?
5 A. Yes, that's right.
6 Q. Do they include developing intent?
7 A. Yes.
8 Q. Developing capability?
9 A. Yes.
10 Q. And planning and/or preparation?
11 A. That's correct.
12 Q. Is this right: that a cluster or constellation of types
13 of conduct may be more useful in determining potential
14 lone actor or SVE characteristics than single actions?
15 A. That has been our experience, yes.
16 Q. Is there any simple or characteristic profile of the
17 potential lone actor or the spontaneous volatile
18 extremist?
19 A. No, there is not.
20 Q. Since this process, the potential lone actor triage
21 process was introduced, has there been any review or
22 assurance work to assess its effectiveness in
23 identifying those posing a threat?
24 A. No external review, though we have engaged particularly
25 with our US, Australian and other colleagues on similar

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1 work that they are doing, and with the police.
2 Q. Have you made any assessment as to whether it's
3 effective and how effective?
4 A. At this point we are still reviewing, given it's
5 a reasonably early process -- early in the process, how
6 effective it's been.
7 Q. Turning next to how the process works in nuts and bolts
8 terms. Does it involve the assessment of subjects of
9 interest against criteria?
10 A. Yes, that's correct.
11 Q. Are those criteria used and is the assessment made to
12 determine whether the person poses a risk of carrying
13 out violent extremist acts alone or outside a network?
14 A. That's correct.
15 Q. Who is involved in carrying out the risk assessment
16 process by types, please?
17 A. So this is work for our specialist behavioural
18 scientists and also the specialists within the potential
19 lone actor group.
20 Q. Are officers who are involved in the particular
21 investigation also involved or is it kept away from
22 them?
23 A. So they answer some structured questions which are the
24 primary input to the process, but then they don't sit in
25 on the meetings where the behavioural specialists

32

1 discuss it .

2 Q. Is that deliberate that the process should be subject to

3 a fresh set of eyes?

4 A. No, it reflects more the resource constraints in the

5 system.

6 Q. Is the process subject to supervision or audit to ensure

7 that the assessments by those individuals are being made

8 in accordance with the proper process?

9 A. It is within the management chain of the units, yes.

10 Q. As we'll see in relation to Khuram Butt, the process

11 involves grading of intent and capability . May it also

12 consider indications of planning or preparation

13 characteristics or indications?

14 A. Yes, in all cases, those three should be considered.

15 Q. In this context of lone actors where attacks can be of

16 very low sophistication involving no more than a knife

17 or a car, what is meant by "capability"?

18 A. So it does mean the things that you have identified

19 there, those simple means of mounting an attack, but it

20 may mean other things as well, for instance, if

21 an individual has spent time overseas in a training

22 camp.

23 Q. In this context, does planning or preparation for

24 an attack, that third aspect, refer only to intelligence

25 of actual attack planning, or is it a broader concept,

33

1 for example, a person behaving in a manner consistent

2 with planning?

3 A. So it's a broader concept.

4 Q. Are you able to expand on that at all, and say anything

5 about what the concept includes?

6 A. Yes, I am. So a broader concept may, for instance,

7 include an individual who is researching potential

8 targets for an attack. It may well be they are

9 potential targets or it may be legitimate research, we

10 wouldn't know which, but we would consider that

11 a broader potential indicator .

12 Q. Thank you. Does the process involve risk grading?

13 A. Yes, it does.

14 Q. First of all, may it conclude that the subject of

15 interest isn't a potential lone actor at all?

16 A. That's correct, it may.

17 Q. May it conclude that the risk is unresolved?

18 A. It may.

19 Q. What does that mean?

20 A. It means that the specialists are not satisfied they

21 have enough intelligence to make a judgment.

22 Q. Does the potential lone actor process take place at

23 intervals during an investigation?

24 A. It can do. There is no set interval .

25 Q. Is all the available intelligence considered in the

34

1 round?

2 A. Yes, I believe it is .

3 Q. So it's not the case that you have a unit considering

4 each piece of intelligence when it comes in and making

5 a fresh assessment whenever it wants to?

6 A. No, that's correct.

7 Q. What determines when a potential lone actor process is

8 carried out?

9 A. So there are two primary functions here. The first is

10 on our regular quarterly review of all targets -- sorry,

11 all subjects of interest . All those subjects of

12 interest are triaged to see whether they might meet the

13 lone actor criteria . Most do not. Those that do are

14 then considered on a quarterly basis as they come up as

15 new targets.

16 Equally, an investigator may at any point seek to

17 refer his subject of interest for this kind of

18 consideration.

19 Q. Are the police consulted in the potential lone actor

20 process?

21 A. Sometimes they are and sometimes not. This is becoming

22 an increasingly close process between us and the police .

23 Q. Were they consulted either sometimes or generally

24 before June 2017?

25 A. They were consulted sometimes but not generally.

35

1 Q. Has the potential lone actor triage process been refined

2 as a result of post-attack reviews since 2017 of which

3 you will tell us?

4 A. Not the process specifically , no.

5 Q. Have any changes been made to the manner or type of

6 assessments?

7 A. Yes, they have.

8 Q. I am not seeking to get at anything which is sensitive ,

9 but is it right that any of those refinements resulted

10 from consideration of how Khuram Butt's case was

11 handled?

12 A. No, it isn't .

13 Q. Do you consider that any of the refinements in the

14 manner and type of the process would have made any

15 difference to the potential lone actor assessments made

16 of Khuram Butt?

17 A. No, I do not.

18 Q. May I now move to internal reviews which you address at

19 page 13 of your witness statement. Do a number of

20 review processes take place within MI5 each week?

21 A. Yes, they do.

22 Q. First of all, is there a weekly review of developments

23 by the head of counter terrorism informing the

24 determination of the high priority grid investigations?

25 A. That's correct.

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1 Q. Is there also a counter terrorism senior management team
2 meeting considering weekly information about resourcing?
3 A. That's correct.
4 Q. What is the purpose of that?
5 A. That is to review the overall health of the system that
6 week and to consider whether we need to move resources
7 from one area to another.
8 Q. Is the director general briefed weekly on main
9 developments and risks across the suite of
10 investigations?
11 A. Yes, he is.
12 Q. Every three months is there a review of counter
13 terrorist casework by senior investigative managers and
14 their teams?
15 A. That's correct.
16 Q. What are the subjects of discussion at those quarterly
17 reviews?
18 A. The subjects of discussion are a review of what that
19 investigation is for, whether the objectives of that
20 investigation are being met and whether any changes need
21 to be made.
22 Q. Having gone through the investigations at that quarterly
23 review, what is produced? Is there a document produced?
24 A. Yes, there is.
25 Q. What is that document?

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1 A. So that document is a summary for each investigation of
2 the consideration of the quarterly case review.
3 Q. May decisions be made about the future of investigations
4 at those reviews?
5 A. Yes, they may.
6 Q. What are the main decisions that may be made?
7 A. So the decision may well be to change the direction of
8 the investigation, to begin to consider that
9 investigation for closure, to think that investigation
10 requires more resourcing, to consider links to other
11 investigations. There is a range of things that it may
12 consider.
13 Q. Looking externally, is there a weekly briefing by MI5 to
14 the Metropolitan Police Assistant Commissioner Special
15 Operations?
16 A. Yes, there is.
17 Q. In addition to those periodic reviews, are some
18 investigations subject to oversight by a body called the
19 Executive Liaison Group?
20 A. Yes, they are.
21 Q. Of whom is that group comprised?
22 A. So the Executive Liaison Group is chaired by the senior
23 national coordinator for counter terrorism, a police
24 officer, but with representatives from both the police
25 investigative team and at senior level and more working

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1 level from the MI5 investigative team.
2 Q. What types of investigations are subject to oversight by
3 that body?
4 A. Those which we consider are -- those which present the
5 greatest degree of threat and which are likely, or at
6 least significantly possibly likely, to engage in
7 executive action by the police or other partners.
8 Q. I'll ask you about the Executive Liaison Group in the
9 context of this case a little later.
10 Are discussions also held on a monthly basis with
11 the other two intelligence services, the Secret
12 Intelligence Service and GCHQ?
13 A. That's correct.
14 Q. Did those discussions broadly cover the strategic
15 direction of the services?
16 A. Yes, they do.
17 Q. May I now ask you about MI5 and counter terrorist
18 policing. Witness M has given us some information about
19 joint working arrangements between MI5 and counter
20 terrorist police. Is it right to say in summary that
21 counter terrorist police provide support to MI5
22 investigations, including by exercising police powers
23 which they have and your staff may not have?
24 A. In the investigative phase of an investigation, yes.
25 Q. Is it also right that MI5 investigations may reveal

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1 criminal activity which isn't of a terrorist nature at
2 all?
3 A. Yes, that's correct.
4 Q. Will that then be addressed on some occasions by
5 conventional police outside the counter terrorist
6 community?
7 A. That's correct.
8 Q. As regards an MI5 priority investigation, we've heard
9 that a counter terrorism senior investigating officer
10 and a team will typically nowadays be appointed in
11 relation to the investigation to work alongside the MI5
12 team; is that broadly right?
13 A. That's almost universal for cases which are being
14 investigated within the United Kingdom.
15 Q. You have told us about the Executive Liaison Group.
16 That is a group which may be convened to consider
17 particular investigations; is that right?
18 A. That's correct.
19 Q. We've heard that there was no Executive Liaison Group
20 involvement at any point during the investigation into
21 Khuram Butt; is that also right?
22 A. That is correct.
23 Q. During the course of an investigation, is cooperation
24 between MI5 and the police established through a joint
25 operation team?

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1 A. Yes, that's correct.
 2 Q. Who sits on that team?
 3 A. So that's an intelligence -led part of the process, so
 4 that is chaired by a senior MI5 officer, but again, with
 5 representatives at working level from both the police
 6 and the MI5 investigative community.
 7 Q. During an investigation, will a joint operation team, or
 8 JOT, meet periodically for that investigation?
 9 A. Yes, it will.
 10 Q. Are there set intervals or is it determined as the
 11 exigencies of the investigation require?
 12 A. It's determined as the investigation requires.
 13 Q. What's the purpose of the meetings?
 14 A. The joint operations team meeting may be for a number of
 15 reasons. There may be a specific decision that both the
 16 police and MI5 wishes to consider together, it may
 17 simply be a useful point of reviewing where we are in
 18 the investigation, we may want to consider whether we
 19 want to change strategy. There are a range of
 20 possibilities.
 21 Q. Apart from the formal process of a JOT meeting, will
 22 there be periodic and informal communications between
 23 the MI5 officers and the police officers on the police
 24 team as the investigations proceed?
 25 A. Yes, both written and oral.

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1 Q. In prioritising their investigative work, do both the
 2 MI5 officers and the police officers use a structured
 3 model calling the intelligence handling model?
 4 A. Yes, they do.
 5 Q. Without going into all the technicality of that model,
 6 can you explain in broad terms how it works?
 7 A. Yes, so this is a joint model introduced by us and the
 8 police jointly in 2011 where a combined team of MI5 and
 9 police officers will look at the incoming intelligence
 10 and seek to prioritise it against agreed criteria.
 11 Q. In the context of a live investigation into a subject
 12 such as Khuram Butt, how regular will contact typically
 13 be between the MI5 officers and the police officers for
 14 updates and information sharing?
 15 A. So it's difficult to say because investigations vary so
 16 widely, but I'd expect in normal circumstances, there
 17 will be some conversations between the police and MI5
 18 about an investigation on at least a weekly basis.
 19 Q. Are there constraints on what information and
 20 intelligence can be shared with the counter terrorism
 21 senior investigating officer or members of his or her
 22 team?
 23 A. So there are very few constraints on what can be shared
 24 with the senior investigating officer him or herself.
 25 Sharing with the team tends to be more potentially

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1 constrained by both some legal considerations and also
 2 by some sensitivity ones.
 3 Q. Are you aware whether such constraints prevented
 4 information being shared with the senior investigating
 5 officer during the investigation into Khuram Butt?
 6 A. No, I don't believe that is so.
 7 Q. After an attack such as that on London Bridge, is the
 8 police investigation team, so a team like
 9 Operation Dativall, given access to all intelligence and
 10 documents held by MI5 in relation to the attackers?
 11 A. So, again, there may be some legal or sensitivity
 12 constraints, but all significant information will be
 13 shared with the police.
 14 Q. Has that been the case in this case so far as you're
 15 aware?
 16 A. Yes, it has.
 17 Q. May I ask you about disruptions next. We've heard about
 18 disruptive powers being used by the police. May they
 19 also be exercised sometimes by other public authorities?
 20 A. Yes, that's correct.
 21 Q. In a sentence or two, what's the purpose of using
 22 disruptive powers?
 23 A. So disruptive powers are intended to prevent the threat
 24 from continuing.
 25 Q. In particular, may disruptive powers be used where there

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1 isn't enough evidence to prosecute on a terrorism
 2 charge, but there is an opportunity to dissuade or
 3 prevent a subject from engaging in terrorist activity?
 4 A. Yes, that's correct.
 5 Q. May disruptive action, for example, include arrest or
 6 prosecution -- and prosecution on a lesser charge?
 7 A. Yes, it can.
 8 Q. Is it fair to say that when deciding whether to take
 9 disruptive action, a careful judgment is required?
 10 A. Yes, in all cases.
 11 Q. What types of factors have to be taken into account in
 12 that judgment?
 13 A. So we need to consider the likelihood of success of the
 14 disruptive action; the significance of it, for instance,
 15 if an individual was likely to go to prison for two
 16 weeks it wouldn't be worth doing; how far we would be
 17 revealing sensitive elements of the counter terrorism
 18 investigation by engaging in the disruption, and what
 19 reaction the subject of interest may themselves have to
 20 the disruption.
 21 Q. Is there, or may there be, a risk of antagonising the
 22 subject?
 23 A. Yes, that's a risk.
 24 Q. Is there, or may there be, a risk of making him or her
 25 more surveillance-aware?

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1 A. Yes, that's a risk.
 2 Q. Is this right as a general proposition, and without,
 3 again, going into anything sensitive: where intelligence
 4 reveals an intent of a subject to travel overseas for
 5 extremist purposes, are there various options available
 6 to the authorities for preventing or disrupting travel
 7 plans?
 8 A. Yes, there are.
 9 Q. Can I move on next to extremist material online. Is it
 10 the case to your knowledge, as we have heard from some
 11 others, that there is a large amount of extremist
 12 material that can be accessed online?
 13 A. Yes, I am afraid that is true.
 14 Q. Including speeches and sermons of extremist preachers,
 15 propaganda videos and photographs, some of which are
 16 very disturbing?
 17 A. Yes, all of that is correct.
 18 Q. Now, we've heard from Witness M about offences which may
 19 be charged in relation to such material, and I'm not
 20 going to go into those in detail with you. Just
 21 a couple of questions about them.
 22 At the time we're considering, mid-2017, is it right
 23 to say that it wasn't necessarily an offence to possess
 24 or view such material?
 25 A. It depends on what the extremist material is. But yes,

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1 it is not necessarily an offence to possess or view
 2 extremist material.
 3 Q. Is it right that some changes to the law have been made
 4 in an act of this year, the Counter Terrorism and Border
 5 Security Act?
 6 A. Yes, that's correct.
 7 Q. Such that it's now an offence simply to view information
 8 of a kind likely to be useful in committing or preparing
 9 an act of terrorism?
 10 A. That's correct.
 11 Q. But even after those changes, it won't necessarily be
 12 an offence to view or record extremist material which
 13 has the potential to radicalise, such as extremist
 14 sermons?
 15 A. That's correct.
 16 Q. May I now move on to reviews relevant to the attack.
 17 Following the attack, were MI5 and the police involved
 18 in a number of review processes?
 19 A. Yes, we were.
 20 Q. I'm looking at paragraph 59 onwards of your statement,
 21 if it helps. What was the general and overriding
 22 purpose of those processes?
 23 A. To see whether there was anything we should learn with
 24 the benefit of hindsight to improve our ability to
 25 prevent attacks in the future.

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1 Q. Did that involve asking why the attacks in 2017 hadn't
 2 been prevented and how they might have been prevented if
 3 that was possible?
 4 A. Yes, that is so.
 5 Q. Did those include post-attack reviews?
 6 A. That's correct.
 7 Q. An Operational Improvement Review?
 8 A. Yes.
 9 Q. And a continuing assurance process conducted by
 10 Lord Anderson?
 11 A. That's correct.
 12 Q. Dealing first with the post-attack review, did each of
 13 the police and MI5 conduct an internal review
 14 specifically into the investigation into Khuram Butt and
 15 what was known about the other attackers?
 16 A. That's correct, separate ones from the police and
 17 ourselves.
 18 Q. Were you personally involved in these reviews?
 19 A. Not the post-attack review, no, although I was aware of
 20 the findings of it as it was going along.
 21 Q. I think you're aware that the reports of both reviews
 22 have been made aware to vetted members of the Inquest
 23 team?
 24 A. Yes, I am.
 25 Q. Looking at the process for the post-attack review which

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1 you address from page 19, who oversaw that process?
 2 A. That process was overseen by a senior manager not in the
 3 investigative section.
 4 Q. Assisted, is this right, by a panel of experts from
 5 across the Service?
 6 A. That's correct.
 7 Q. Assisted also with the cooperation of the other
 8 intelligence agencies and the police?
 9 A. That is correct.
 10 Q. In short, what were the terms of reference of the
 11 review?
 12 A. So the purpose of the review was: one, to determine what
 13 knowledge we had of the three attackers; two, to
 14 consider in the context of that knowledge what decisions
 15 and assessments had been made of them; three, to look at
 16 the wider context around those decisions, and; four, to
 17 identify any lessons learned from the process.
 18 Q. In short, what was the method by which this review was
 19 carried out?
 20 A. So a reasonably intense method involving the gathering
 21 of very significant amounts of information, the review
 22 of that information by a team and, as you touched on
 23 earlier, a panel of experts, to review some of the
 24 particular points which we refer to as pause points for
 25 quite detailed discussion.

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1 Q. Did those pause point discussions look at stages of the
2 investigation and ask what had been or could have been
3 done?
4 A. They looked at particular elements of the investigation
5 in different ways, yes.
6 Q. Turning to the conclusions of the post-attack review
7 concerning London Bridge, which you address at
8 paragraph 75 of your statement, are you able to
9 summarise those in a few sentences?
10 A. So the review of the -- the post-attack review took the
11 view that the investigation into Khuram Butt had been
12 well and effectively run.
13 Q. Did it look specifically at the suspensions of the
14 investigation?
15 A. Yes, it did.
16 Q. What view did it take of those?
17 A. It took the view that both of the suspensions were
18 logical and proportionate in the circumstances.
19 Q. Did it, however, identify a number of learning points
20 for the Service?
21 A. Yes, it did.
22 Q. Turning to the Operational Improvement Review, was this
23 a review conducted jointly between the police and MI5
24 after the Westminster and Manchester attacks?
25 A. Initiated after those two, yes.

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1 Q. What was its purpose?
2 A. Its purpose was to review at that point what we had seen
3 from the two attacks and broader trends, and then as
4 other attacks occurred that year, to take into account
5 those as well, to see what we could learn from all of
6 those attacks and wider trends and to consider any
7 changes we needed to make.
8 Q. Were you personally involved in the process on behalf of
9 the Security Service?
10 A. Yes, I led the process on behalf of MI5.
11 Q. Working with an assistant chief constable of the
12 Metropolitan Police?
13 A. That's correct.
14 Q. Was that process assisted by a range of other
15 authorities, the Home Office, GCHQ and MI6?
16 A. That's correct.
17 Q. Was it overseen by a steering committee?
18 A. It was.
19 Q. Who, broadly speaking, was on that steering committee?
20 A. So the steering committee was a jointly run police and
21 MI5 steering committee but with representatives from the
22 Home Office, from other partners, from others like the
23 National Crime Agency who were relevant, and also with
24 David Anderson present.
25 Q. If we can put on screen, please, {WS5006/22}, you should

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1 see paragraph 79 of your report which identifies the
2 matters for particular consideration in the Operational
3 Improvement Review. Can you see that?
4 A. Yes, I can.
5 Q. Do we see there that it considered leads, prioritisation
6 and triage?
7 A. Yes.
8 Q. Categorisation of individuals as subjects of interest?
9 A. That's correct.
10 Q. Use of data to support the work?
11 A. That's correct.
12 Q. Joint working with partners?
13 A. Yes.
14 Q. Sharing and links with various organisations concerning
15 data?
16 A. Yes.
17 Q. Policy, legal and ethical questions?
18 A. Yes.
19 Q. And the overall level of assurance?
20 A. Yes, that's correct.
21 Q. Did the review draw on lessons learned from the
22 Westminster and Manchester attacks but also the
23 London Bridge and Finsbury Park attacks?
24 A. Yes. The reviews were all running contemporaneously so
25 it was more drawing on lessons that were being learned

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1 rather than lessons that had been learned.
2 Q. We can take that off the screen now.
3 Looking at paragraph 81, was there a particular
4 focus to the work of the review?
5 A. Yes, there was. The review was intended to report
6 quickly in order to make things -- make the greatest
7 impact that we could in as short a time as possible, and
8 in particular based on the experience of the first two
9 attacks, there was a focus on the management of future
10 risks from closed subjects of interest.
11 Q. If we could put on screen, please, {WS5006/23}, we can
12 see that there were some -- we can see from paragraph 82
13 that there were some limitations on the terms of
14 reference of the review?
15 A. Yes, that's correct.
16 Q. We see there that it wasn't required to make
17 recommendations on thresholds for an allocation of
18 intrusive resources?
19 A. Yes, that's so.
20 Q. Or to examine the suspension of priority investigations
21 where resources are required for more urgent
22 investigations?
23 A. Yes.
24 Q. To examine the balance of priority investigative
25 casework across MI5?

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1 A. Yes.
 2 Q. Or to review the processes for managing priority
 3 investigative casework?
 4 A. Yes, that's correct.
 5 Q. There were some fairly significant limitations, then, in
 6 the work of the review?
 7 A. Yes, that's correct.
 8 Q. Were they dictated by the speed with which it had to
 9 work?
 10 A. They were dictated both by the speed and also by the
 11 early sense of the review as to the areas where we
 12 thought we could make the most improvements.
 13 Q. Has MI5 nevertheless attempted to learn lessons from the
 14 attacks on subjects outside the scope of the review,
 15 including those subjects at paragraph 82?
 16 A. Yes, it has.
 17 Q. Has the service considered whether the investigation
 18 into Khuram Butt offers any learning points in relation
 19 to those subjects, particularly the suspension of
 20 investigations?
 21 A. Yes, it has.
 22 Q. Are you able to say whether there were any learning
 23 points identified by MI5 in the review which arose
 24 specifically from the investigation into Butt and which
 25 can be revealed openly?

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1 A. Less so in the context of the OIR, more in the context
 2 of the post-attack review findings for Butt which
 3 I address at the end of my statement.
 4 Q. Thank you. We can take that off screen.
 5 Is it fair to say, again without going into
 6 inappropriate detail, that this review was heavily
 7 concerned with the detail of procedures and information
 8 management which are necessarily technical subjects?
 9 A. Yes, that's fair.
 10 Q. Moving on then to the independent assurance by
 11 Lord Anderson. Lord Anderson is a former independent
 12 reviewer of terrorism legislation, and is it right that
 13 he was commissioned by the Home Secretary to carry out
 14 an independent assurance of MI5's reviews?
 15 A. Of MI5's and the police's reviews, yes.
 16 Q. Thank you. Was he given extensive access to the service
 17 and its documents?
 18 A. He was.
 19 Q. Did he receive specialist briefings and speak to staff
 20 at all levels, not just senior management?
 21 A. He did.
 22 Q. Did he read the internal documents?
 23 A. He did.
 24 Q. Did he have access to your computer systems?
 25 A. Yes, he did.

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1 Q. Did he attend the meetings in the review processes,
 2 including the pause point meetings you've told us about?
 3 A. Yes, he did.
 4 Q. Did he read and comment on drafts of the post-attack
 5 review reports?
 6 A. Yes, he did.
 7 Q. Did he attend meetings of the Operational Improvement
 8 Review steering board?
 9 A. Yes, he did.
 10 Q. We know from his work in the past that Lord Anderson has
 11 demonstrated substantial constructive criticism when
 12 required; is that a fair summary?
 13 A. That is certainly MI5's view.
 14 Q. Did he, as a result of his work, prepare a short
 15 classified assessment for the Prime Minister?
 16 A. Yes, he did.
 17 Q. Did he also prepare a report which was published online
 18 in December 2017?
 19 A. Yes, that's correct.
 20 Q. That report included a certain amount of information
 21 about the investigations preceding each attack. Was it
 22 unprecedented in providing that level of information?
 23 A. It was in a report of that kind, yes.
 24 Q. Lord Anderson concluded that the reviews carried out by
 25 the Service were "careful and trustworthy"; is that

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1 right?
 2 A. That's David's words, yes.
 3 Q. As regards the post-attack review narratives, did he
 4 describe them as "impressively thorough and fair" and
 5 say that staff were frank and open to criticism in the
 6 meetings?
 7 A. Yes, he did.
 8 Q. But did he also point out, on the balancing side, that
 9 some comments sections of reviews were defensive in
 10 tone?
 11 A. He made that view of the early drafts, yes.
 12 Q. Did he endorse as appropriate the processes followed by
 13 the review teams and praise the dedication, honesty and
 14 expertise of the reviewers?
 15 A. Yes, he did.
 16 Q. But did he also make it clear that he didn't have the
 17 operational expertise to endorse each of their
 18 conclusions?
 19 A. Yes, he did.
 20 Q. In a further report, published earlier this week, is it
 21 right that Lord Anderson provided a stock-take on the
 22 work of MI5 and counter terrorism police in implementing
 23 recommendations of the various reviews?
 24 A. Recommendations which are now described as the OIR
 25 recommendations, but are a synthesis of both those and

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1 from the PAR, yes.
 2 Q. In summary, what was his conclusion as to progress?
 3 A. He viewed progress as being very positive .
 4 Q. Did he also conclude that the measures being taken would
 5 strengthen the ability of the authorities to prevent
 6 future attacks?
 7 A. Yes, he did.
 8 Q. Did the Intelligence and Security Committee of
 9 Parliament carry out its own inquiry into the attacks of
 10 2017 --
 11 A. Yes, it did.
 12 Q. -- including that on London Bridge?
 13 A. Yes, it did.
 14 Q. Were the members of that committee given full access to
 15 classified material?
 16 A. Yes, they were.
 17 Q. Did the committee produce a full report and a redacted
 18 open report, which is publicly available ,
 19 in November 2018?
 20 A. Yes, they did.
 21 Q. And did the government provide its open response to the
 22 report in February of this year?
 23 A. Yes, the government did.
 24 MR HOUGH: I'm about to move on to a new topic, which is the
 25 context for the attack. Would that be a convenient time

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1 for our 15-minute break?
 2 THE CHIEF CORONER: It would, Mr Hough. We'll break there,
 3 thank you.
 4 (11.32 am)
 5 (A short break)
 6 (11.51 am)
 7 MR HOUGH: Sir, before I continue, may I, as promised,
 8 reiterate the rule that nobody may make notes
 9 on computer or any recording of Witness L's evidence
 10 while it is being given. Anyone may make manuscript
 11 notes.
 12 Witness L, may I now turn to the context for the
 13 attack which you deal with from page 27 of your report.
 14 Is it right that in the two years before the
 15 London Bridge attack there had been a significant
 16 increase in the number of fatal attacks in mainland
 17 Europe?
 18 A. Yes, there had been.
 19 Q. Paris, Brussels, Nice and Berlin all being examples?
 20 A. Yes, they are.
 21 Q. In the preceding months of course there had also been
 22 the Westminster Bridge attack in March 2017 and the
 23 Manchester Arena attack on 22 May?
 24 A. Yes, that's correct.
 25 Q. As at 3 June 2017, was the UK threat level at severe,

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1 meaning an attack was regarded as highly likely?
 2 A. Yes, it was.
 3 Q. Had it also been temporarily raised to critical shortly
 4 before in the period from 23 to 27 May?
 5 A. Immediately after the Manchester attack, yes.
 6 Q. Before the Westminster attack, however, had the last
 7 fatal Islamist attack in the UK been the murder of
 8 Fusilier Lee Rigby in May 2013?
 9 A. Yes, that's correct.
 10 Q. In the period since May 2013, how many major plots have
 11 been disrupted by the authorities?
 12 A. 27.
 13 Q. How many of those major plots have been disrupted
 14 since March 2017?
 15 A. 14.
 16 Q. And that's up to today, is it?
 17 A. Yes, that's current, and that's Islamist plots, not
 18 extreme right-wing plots.
 19 Q. Was there an increase in investigative work on attack
 20 planning in the period between March 2017 and June 2017?
 21 A. An increase in the threat?
 22 Q. Yes.
 23 A. Yes, there was.
 24 Q. More broadly, since March 2017, has the threat
 25 increased, decreased or remained at around the same

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1 level?
 2 A. From March?
 3 Q. March 2017 to the present day?
 4 A. From March 2017 to the present day. So some increase
 5 throughout 2017 and since then it has maintained at
 6 a very high level .
 7 Q. In the Anderson Report, the author identifies a number
 8 of attack plots resulting in convictions. If we can
 9 look at that, please, {WS5006/99}. This is a public
 10 document. Does that set out a range of attack plots
 11 involving Islamist extremism varying both in
 12 sophistication and in numbers of participants?
 13 A. Yes, that's so.
 14 Q. Some involving attempts to procure firearms, some
 15 involving more basic weaponry?
 16 A. Yes, that's so.
 17 Q. At the time of the London Bridge attack, how many
 18 investigations were being run by the service into
 19 individuals or groups linked to Islamist terrorism?
 20 A. Around about 500.
 21 Q. How many subjects of interest within that category were
 22 on your radar?
 23 A. About 3,000.
 24 Q. Was there a larger pool of subjects of interest who were
 25 closed, individuals who had previously been subjects of

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1 interest in active investigations?
 2 A. Yes, that's correct.
 3 Q. In evidence last year concerning the Westminster attack,
 4 you put the number of closed subjects of interest at
 5 20,000.
 6 A. That's correct.
 7 Q. If we can put on screen, please, {DC8296/67}, we see
 8 here a page from the Intelligence and Security Committee
 9 of Parliament's report about the attacks. Do we see in
 10 diagram form there a depiction of the levels of subjects
 11 of interest, closed subjects of interest and so on?
 12 A. The diagram, yes, that's correct.
 13 Q. So at the pinnacle of threat and focus, the top
 14 investigations within the weekly grid?
 15 A. That's so.
 16 Q. Then the 3,000 current SOIs, including Khuram Butt?
 17 A. That is so.
 18 Q. A larger pool of 20,000 closed SOIs, including the
 19 Manchester attacker Abedi and the Westminster attacker,
 20 Masood?
 21 A. That's correct.
 22 Q. And then extremists who have never been investigated by
 23 MI5, including Butt's associates, Redouane and Zaghba?
 24 A. Yes, that's correct.
 25 Q. In the period we're concerned with, was MI5 facing

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1 an unprecedented level of investigative work concerning
 2 Islamist plots?
 3 A. Yes, it was.
 4 Q. We can take that off screen now.
 5 You've already referred to one aspect of this form
 6 of extremism, namely individuals travelling to the
 7 Middle East, particularly Syria, Iraq and the
 8 surrounding area, including to fight there. Looking at
 9 your paragraph 98, how many of those were recorded or
 10 identified at the time we're concerned with?
 11 A. Around about 850.
 12 Q. In broad terms, were efforts made to track those
 13 individuals and keep tabs upon them?
 14 A. Yes, they were.
 15 Q. However, were those efforts challenging because of both
 16 their movement and assessment of their intentions?
 17 A. They are extraordinarily difficult.
 18 Q. Did the period we're concerned with, 2015 to 2017, also
 19 see an increase in what might be termed high-risk
 20 casework?
 21 A. That's correct.
 22 Q. What does that term encompass?
 23 A. So high-risk casework, if we go back to our
 24 conversations earlier about priorities, reflect those
 25 cases where we think they are most likely to be involved

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1 in activity intended to do direct violence or harm.
 2 Q. Which might include those attempting to obtain the means
 3 of carrying out an attack?
 4 A. Yes, that's just right.
 5 Q. Does high-risk casework involving monitoring that is the
 6 most intensive?
 7 A. Yes, it does.
 8 Q. Does it therefore necessarily divert resources,
 9 particularly experienced staff, away from other
 10 investigations?
 11 A. Yes, it does.
 12 Q. Some more questions, please, about the threat context
 13 generally. By early 2017, was the service aware of
 14 multiple articles in extremist publications advocating
 15 the use of vehicles as weapons in attacks on civilians?
 16 A. Yes, it was.
 17 Q. Did you consider at that time that the use of vehicles
 18 as weapons was a particularly attractive method of
 19 attack?
 20 A. It was one of the more attractive methods, yes.
 21 Q. Because simple to obtain and capable of giving rise to
 22 mass casualties?
 23 A. Yes, both simple and lethal.
 24 Q. Did MI5 have any particular investigative tools or
 25 methods for countering this method of attack which you

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1 can reveal to us?
 2 A. So MI5 would always have been in a position where if it
 3 had considered there was a particular threat in
 4 a particular case of vehicles being used as a method of
 5 attack, to monitor and seek to intervene.
 6 Q. Now, we've heard that some such attacks, including this
 7 one, involved the hiring of vehicles, including large
 8 vehicles. In the period before the attack, did you
 9 subject the hiring of vehicles, especially large
 10 vehicles, by subjects of interest to particular
 11 scrutiny?
 12 A. Again, it would depend on the context of the particular
 13 case.
 14 Q. What contextual factors were most important in that
 15 regard?
 16 A. How far the individual might have legitimate access to
 17 vehicles, how far the individual might have obvious
 18 reason to hire a vehicle even if that wasn't normal,
 19 legitimate access, and also the level of specific threat
 20 and intention that we believed the individual presented.
 21 Q. Has this approach to countering vehicle-as-weapon
 22 attacks changed? So does MI5 have additional tools or
 23 techniques now that it didn't have in June 2017?
 24 A. So I would say we were more alive to this threat, but
 25 the basic proposition that we would continue to seek to

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1 disrupt when we thought it was a particularly high risk
 2 continues to apply.
 3 Q. I'll ask you a little bit more about that subject later
 4 when we're concerned with the attack.
 5 May I now turn to Al-Muhajiroun, or ALM, which you
 6 address from paragraph 100 of your report. Was that
 7 an organisation formed in the UK in 1996 and proscribed
 8 under legislation since 2006?
 9 A. That's correct.
 10 Q. We've heard that a number of those tried in relation to
 11 serious terrorist plots have been authoritatively linked
 12 to ALM, including a number of those involved in the
 13 fertiliser bomb plot and in the murder of Lee Rigby; do
 14 you accept that?
 15 A. Yes, that's correct.
 16 Q. Has any change been seen over recent years, going back
 17 to 2014 and before, in the threat posed by ALM?
 18 A. So I think the rise of ISIL in Syria and Iraq no doubt
 19 energised ALM here in the United Kingdom, and also led
 20 to a pledge of allegiance to ISIL from ALM leaders here
 21 in the UK.
 22 Q. Considering how that had an effect on the threat, after
 23 ALM leadership had made that pledge of allegiance, and
 24 after ISIL had produced multiple publications advocating
 25 attacks in the West, did that draw a more direct

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1 connection between ALM and potential attacks?
 2 A. Not necessarily. We were concerned about ALM before and
 3 our concern rose, but that didn't necessarily mean that
 4 all of those involved in ALM were going to be the
 5 reservoir, if you like, for mounting attacks.
 6 Q. At any given time over recent years how many members of
 7 ALM have there been?
 8 A. Hundreds at any given time.
 9 Q. Hundreds rather than thousands though?
 10 A. Absolutely.
 11 Q. What extremist activities have you identified ALM
 12 members engaging in by type or category?
 13 A. So a small number of ALM members, as we've touched on,
 14 have actually been involved in terrorist attacks, though
 15 not directed by their own organisation to do so.
 16 A number have encouraged others to go to fight
 17 overseas, or have gone themselves. A greater number
 18 have been involved in raising funds or seeking to
 19 persuade others of their extremist views.
 20 Q. Is this fair: that ALM membership can be a risk factor
 21 or a sign of extremism rather than, for example,
 22 membership of a paramilitary organisation, like, in the
 23 past, the Provisional IRA, which could suggest
 24 an immediate intent and capacity to carry out attacks?
 25 A. That's just right.

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1 Q. Looking at that risk factor, then, did you regard,
 2 between 2015 and 2017, a person's membership of ALM as
 3 a particular risk factor suggesting that the person
 4 might intend violent acts?
 5 A. No, it was something of interest to us but not a direct
 6 risk factor that they might mount an attack.
 7 Q. Did you, based on all the intelligence you had seen,
 8 regard active membership or involvement with ALM
 9 leadership figures as presenting such a risk?
 10 A. So it's difficult to define even what "active
 11 membership" means in an organisation that is not very
 12 formally constituted, and thus the same also applies for
 13 engagement with ALM senior leaderships, but we would
 14 have been interested in both of those things.
 15 Q. Interested for what purpose? What might they suggest?
 16 A. Interested because they are, at the very least, a member
 17 of a proscribed organisation. They are, at the very
 18 least, engaged in seeking others to persuade -- to
 19 subscribe to their own extremist view.
 20 Q. And being a member of a proscribed organisation would
 21 itself be an unlawful act and therefore suggest that the
 22 person had broken the psychological barrier to commit
 23 a criminal offence?
 24 A. That's certainly our thinking.
 25 Q. Can I move, then, to the investigation into Khuram Butt,

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1 and begin with the period from 2014 to the end of 2015.
 2 First of all, is this right: that from mid-2015 until
 3 the time of the attack, there was a counter terrorism
 4 investigation running into Khuram Butt involving both
 5 MI5 and SO15?
 6 A. That's correct.
 7 Q. We're calling it Operation Hawthorn, I think you know,
 8 because the real name is sensitive?
 9 A. That's correct.
 10 Q. Was that operation still active on 3 June 2017?
 11 A. Yes, it was.
 12 Q. I'm now looking at your paragraph 102. When and how did
 13 Khuram Butt, either under that name or not, first come
 14 to the attention of MI5?
 15 A. So Butt not yet investigated -- sorry, not yet
 16 identified under that name, came to our attention in
 17 2014, and really there were two strands of this: both
 18 a broader coverage strand and also investigations into
 19 significant members of ALM.
 20 Q. So broader coverage and investigations into ALM led you
 21 to be aware of a person you later discovered to be
 22 Khuram Butt?
 23 A. That's correct.
 24 Q. What was known about that person in that early period?
 25 A. That they were associated with ALM and a second strand

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1 of coverage which I can't give any further details on.
 2 Q. You say in your statement that the person was identified
 3 as one of many people in contact with known extremists,
 4 including Anjem Choudary; is that right?
 5 A. That is correct.
 6 Q. Was Anjem Choudary at the time regarded in broad terms
 7 as a leadership figure within ALM?
 8 A. Yes, he was.
 9 Q. Was any view assessed at that time about the views and
 10 intentions of the unidentified person?
 11 A. No, the contact was noted and considered interesting,
 12 but we couldn't at that point understand what the
 13 particular views were.
 14 Q. In your statement at the end of paragraph 102, you say
 15 that it was assessed that the unidentified individual
 16 possibly held extremist views; was that the limit of the
 17 understanding at this stage?
 18 A. Yes, it was.
 19 Q. Are you able in this form to be any more precise about
 20 when in 2014 the intelligence came in?
 21 A. No, I am afraid I can't be.
 22 Q. What was done with that information?
 23 A. That information was referred to a multi-lead
 24 investigation into ALM.
 25 Q. So at that stage, some details of the individual later

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1 found to be Khuram Butt and the assessment of him as
 2 possibly extremist were passed on to that multi-lead
 3 investigation?
 4 A. That's correct.
 5 Q. Did the intelligence at that stage suggest that the
 6 unidentified person had any intent or capability to
 7 carry out an attack?
 8 A. No, it did not.
 9 Q. Was any attempt at that stage made to identify that
 10 individual?
 11 A. Attempts did not move very far, but some attempts were
 12 being made.
 13 Q. Are you able to say in this forum what was done and what
 14 avenues were pursued?
 15 A. So I can say that I believe that we could have
 16 successfully identified Khuram Butt at this point, but
 17 we did not.
 18 Q. Was that due to a lack of effort and energy or human
 19 error?
 20 A. Prioritisation.
 21 Q. At that stage, was association with Choudary as
 22 a leadership figure with ALM regarded as presenting
 23 a risk factor for an attack in the UK?
 24 A. So we did not fully understand that association and
 25 I would say even at the high end, which we didn't then

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1 understand, of the nature of that association, we
 2 wouldn't say it was a risk factor for attack planning
 3 rather than a risk factor for association with ALM and
 4 its associated activities.
 5 Q. Moving on to mid-2015 and onwards, and looking at your
 6 paragraph 104, is it right that in mid-2015
 7 a significant development or set of developments
 8 occurred concerning Butt?
 9 A. Yes, that's correct.
 10 Q. What happened?
 11 A. We received a single strand of intelligence suggesting
 12 that an individual had an aspiration to conduct
 13 an attack in the UK, and we were swiftly able to
 14 identify that person as Khuram Butt.
 15 Q. You say swiftly, and again, only say what you can, but
 16 are you able to say how quickly he was identified after
 17 the initial intelligence was received?
 18 A. Within a matter of a very few days.
 19 Q. Did the intelligence suggest that he had developed any
 20 particular attack plan, are you able to say?
 21 A. No, it did not suggest that.
 22 Q. Therefore can we take it that the intelligence didn't
 23 give any detail of a type of attack intended?
 24 A. It was aspirational intelligence.
 25 Q. How reliable or credible was that intelligence assessed

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1 to be?
 2 A. We took it seriously enough to immediately open
 3 an investigation.
 4 Q. Are you able to say anything more about what was learned
 5 about the aspiration or from what source?
 6 A. No, I am afraid I cannot.
 7 Q. At that stage, was the Khuram Butt associated with this
 8 strand of intelligence linked back to the person who had
 9 been the subject of the intelligence in 2014?
 10 A. Yes, he was.
 11 Q. You've told us that the intelligence was taken
 12 sufficiently seriously to open an investigation. What
 13 priority was attached to that investigation?
 14 A. This was a priority 2H investigation, so the higher of
 15 the two P2 categories.
 16 Q. Described as high-risk extremist activity linked to
 17 attack planning?
 18 A. That's correct.
 19 Q. Was Khuram Butt the principal subject of interest?
 20 A. Yes, he was.
 21 Q. Why was it not given priority 1, P1, level?
 22 A. Because at that point we couldn't be by any means
 23 certain that there was a credible attack plan rather
 24 than a possible attack plan.
 25 Q. Was a holding code given to Khuram Butt?

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1 A. Yes, it was.
 2 Q. What was that code?
 3 A. That Butt was likely to be a national security threat.
 4 Q. Without going into the investigative detail that you
 5 can't, what did you then do in practice to investigate
 6 Butt?
 7 A. We initiated a broad range of inquiries and
 8 investigative methods against him.
 9 Q. Are you able to go into any more detail about what those
 10 were?
 11 A. No, I am afraid I cannot.
 12 Q. What was learned from that coverage at that point in
 13 time?
 14 A. At that point in time, the coverage told us something
 15 about Butt as a person, but gave us no indication that
 16 he was, in fact, attack planning.
 17 Q. What did it tell you about Butt as a person?
 18 A. That he was an individual who had a number of -- I mean,
 19 clearly at this point we were gathering basic
 20 information about his lifestyle, but also gathering
 21 information about his associates, which included
 22 extremists.
 23 Q. Were inquiries made of the police to learn about his
 24 police record?
 25 A. Yes, they were.

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1 Q. We know that he had a caution for assault in 2010,
 2 assault occasioning actual bodily harm, but no other
 3 particularly significant criminal record; was all that
 4 learned?
 5 A. That was all passed to us, yes.
 6 Q. We've heard that a police counter terrorist team were
 7 engaged and a senior investigating officer, Witness M,
 8 was appointed shortly after; is that right?
 9 A. That is correct.
 10 Q. Now Witness M has told us that at the start of the
 11 investigation the risk assessment was that Butt's
 12 planning was aspirational and that he lacked capability.
 13 If I can show you the reference for that, it's
 14 {WS5025/14}, paragraph 3.10 of his witness statement.
 15 A. Yes, thank you, I can see that.
 16 Q. "The intelligence suggested that [his] attack planning
 17 was aspirational and that he lacked the capability to
 18 carry out an attack."
 19 Do you agree with that as being the initial
 20 assessment of him?
 21 A. So it was certainly aspirational. The point made
 22 earlier about if capability equates to getting a vehicle
 23 or getting a knife, clearly he could have done those
 24 things.
 25 Q. What, in this context, was then meant by him lacking

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1 capability, if you are able to say?
 2 A. That we were seeing at this stage no evidence of him
 3 engaging in any serious or indeed any planning at all
 4 around even those basic things we've discussed.
 5 Q. Despite the broad range of coverage you had been
 6 carrying out?
 7 A. Despite the broad range of coverage, yes.
 8 Q. We can take that off the screen now.
 9 Was that initial intelligence of an aspiration to
 10 carry out an attack later corroborated or supported by
 11 any information you received subsequently?
 12 A. It was supported by some subsequent information, yes.
 13 Q. Was that information which you received a number of
 14 months later but which looked back to and concerned what
 15 Butt's intentions had been in mid-2015?
 16 A. Yes, that is correct.
 17 Q. By the time that that retrospective intelligence had
 18 been received, is it right that Butt had been subject to
 19 extensive coverage for some months?
 20 A. Yes, he had been.
 21 Q. Had that coverage by that stage revealed any actual
 22 attack planning?
 23 A. No, it had not.
 24 Q. Did the additional intelligence provide any more detail
 25 about the contemplated attack, if you are able to say?

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1 A. So there was some other information in there but nothing
 2 that did more, really, than reinforce the original
 3 information.
 4 Q. Are you able to reveal any more of that further detail?
 5 A. No, I am afraid I cannot.
 6 Q. In all the circumstances, did the retrospective
 7 intelligence affect the risk or threat picture?
 8 A. It helped reinforce that our earlier judgments were
 9 correct.
 10 Q. So it made clear or clearer that the previous
 11 intelligence had been reliable, did it?
 12 A. That it -- yes, that we were right to open
 13 an investigation in these circumstances, yes.
 14 Q. Moving on to September 2015, your paragraph 106, was
 15 a potential lone actor triage process carried out in
 16 relation to Butt?
 17 A. Yes, it was.
 18 Q. Are you able to say what caused that process to be
 19 carried out?
 20 A. So the investigation had now been running for some time
 21 and therefore it was felt appropriate that there was
 22 enough intelligence to make a judgment around
 23 a potential lone actor assessment.
 24 Q. What was the outcome?
 25 A. The outcome was that Butt was considered to present

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1 a medium risk of being a potential lone actor and no
 2 risk of being a spontaneous or volatile extremist.
 3 Q. What were the conclusions as to intent and capability
 4 and planning which informed the ultimate decision that
 5 he represented a medium risk?
 6 A. So he was judged to consider that he had a strong
 7 intent, which is the highest of the three potential
 8 classifications, that he had a weak capability, which is
 9 the lowest of those, and that there was not enough
 10 intelligence to make judgments on planning and
 11 preparation.
 12 Q. Was the assessment of strong intent based solely on the
 13 original intelligence and the corroborating
 14 intelligence, or was it based on more information that
 15 you had learned in the intervening time?
 16 A. On the original only.
 17 Q. So there was nothing else that had come in which
 18 informed that view of strong intent?
 19 A. That's correct.
 20 Q. To the extent you can say, why did you, or, rather, the
 21 PLA team, conclude that Butt had a weak capability to
 22 carry out an attack?
 23 A. So, again, in the context of this being an art rather
 24 than a science, it was the lack of evidence that he was
 25 doing anything in particular and, referring to my

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1 earlier answer about what capability meant, at this
 2 stage we had no sense, and indeed still don't, that he
 3 had travelled overseas to engage in terrorist training
 4 or anything like that.
 5 Q. To the extent you can say, why did you conclude that
 6 Butt did not exhibit spontaneous volatile extremist
 7 characteristics?
 8 A. Because the particular factors that are looked for in
 9 that assessment are around particular types of violence
 10 and none of that had been observed.
 11 Q. It might be said that somebody who had a conviction or,
 12 rather, an accepted caution, for an offence of violence,
 13 and who is now associating with extremists who had
 14 praised violent acts like Choudary, and who aspired to
 15 carry out an attack, was, to a layman, a potentially
 16 spontaneous volatile extremist, what would you say?
 17 A. So for a spontaneous volatile extremist I think it's
 18 fair to say again that this process is an art, not
 19 a science, so there are no clear criteria one way or the
 20 other.
 21 I've discussed this quite extensively with the
 22 specialist team and they've explained to me that
 23 violence has to be considered on an individual basis and
 24 the understanding of Butt's violence in September 2015
 25 did not, in their judgment -- that judgment remaining

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1 an art rather than a science -- put him into the SVE
 2 characteristics.
 3 Q. Now moving on to the period between summer
 4 and October 2015, paragraph 107, what was being learned
 5 from the coverage over this period so far as you could
 6 say?
 7 A. That he was associating with members of ALM and that he
 8 was having discussions of a possible extremist nature.
 9 Q. Did you discover that the association with other members
 10 of ALM included at his home?
 11 A. That's correct.
 12 Q. Did the ALM figures with whom he was continuing to
 13 associate at this time include Choudary?
 14 A. That is so.
 15 Q. Was it also discovered that he was accessing extremist
 16 material during the course of 2015?
 17 A. Yes, that's so.
 18 Q. What did that extremist material suggest in terms of his
 19 views?
 20 A. So it gave no indication that he was engaged in attack
 21 planning, researching attack planning or indeed
 22 encouraging others for attack planning, but it did
 23 reinforce the view that he consumed and appeared to
 24 approve of Islamist extremist propaganda.
 25 Q. Specifically that he was supportive of ISIL?

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1 A. Some element of that, but a lot of the extremist
 2 propaganda it's quite difficult to say by reviewing one
 3 piece or another it shows particular support for
 4 a particular organisation.
 5 Q. Did MI5 become aware that he was sharing any such
 6 material?
 7 A. I'm not sure I can answer that question.
 8 Q. We've heard from Witness M and from Mr Cawthorne of the
 9 CPS, that early advice was taken which indicated that
 10 some material accessed by Butt in 2015 was potentially
 11 prosecutable. I'm again going to show you the reference
 12 to Witness M's statement, it's {WS5025/15},
 13 paragraph 3.14, he referred to:
 14 "At times during the operation police received
 15 information that Butt was sharing extremist material."
 16 And that:
 17 "One document was referred to the CPS for their
 18 advice."
 19 A. Yes, I confirm all that. I think the specific question
 20 you asked me was around MI5 knowledge of that
 21 information as opposed to police knowledge.
 22 Q. And you're not able to confirm whether you were aware of
 23 that exchange and the advice?
 24 A. That's so, though I am now.
 25 Q. You can take that off screen.

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1 Some other questions about this period, summer
2 to October 2015. Are you able to say over this time how
3 regularly Butt was associating with ALM figures?

4 A. On a regular basis.

5 Q. Are you able to identify any particular ALM figures with
6 whom Butt was associating other than Choudary --

7 A. Not beyond Choudary, no.

8 Q. -- or known to be?

9 We know that on 31 July 2015, Butt joined in a rally
10 at Regent's Park Mosque, which was followed by praying
11 in the park before an Islamic black flag. We also
12 understand that a number of well known extremists were
13 at the rally. If we put on screen, please, {DC7185/4},
14 we can see in the lower photograph Butt and Shakil
15 Chapra identified, and then page 14, please {DC7185/14},
16 we can see a photograph from this day showing Butt and
17 Mohammed Shamsuddin.

18 Are you able to say whether Mohammed Shamsuddin and
19 Shakil Chapra are ALM figures?

20 A. Yes, they are.

21 Q. Were they known to be at the time?

22 A. Yes, they were.

23 Q. We also know that extremist views were expressed by
24 those present including by Khuram Butt to police
25 officers present. We also know that videos showing some

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1 of those events were posted on YouTube in August 2017
2 and we can see that from Witness M's witness statement,
3 if we bring that up on screen, {WS5025/15},
4 paragraph 3.17; do you see that?

5 A. Yes, I do, thank you.

6 Q. Did MI5 become aware of this rally at the time, can you
7 say?

8 A. Yes, we did.

9 Q. Did MI5 become aware of Khuram Butt's participation in
10 the rally at that time?

11 A. Yes, we did.

12 Q. Did you become aware of the participation of other ALM
13 figures?

14 A. Yes, we did.

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

16 Did that information influence MI5's assessment of
17 Butt as posing any risk or threat, for example, because
18 he was prepared to demonstrate extremist views in a very
19 public forum?

20 A. So it certainly reinforced our view that he was
21 an active extremist. It didn't influence our view
22 around attack planning.

23 Q. May a continual reinforcement of views that somebody is
24 an extremist, though, itself play into the assessment of
25 the threat that that person might carry out an attack,

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1 putting their words into action?

2 A. It could be, but equally, regularly espousing extremist
3 views and appearing to do nothing about them could cause
4 us to conclude that they were unlikely to put their
5 plans into action.

6 Q. And is that something you see with some subjects of
7 interest?

8 A. Yes, it is.

9 Q. We know that on 30 September 2015 a call was made to the
10 Anti-Terrorism Hotline by Usman Darr, Butt's
11 brother-in-law. Now, we can see the detail of that, if
12 we go, please, to {WS5025/16}, paragraph 3.24, the call
13 is quoted -- the record of the call by SO15 is quoted
14 from as follows:

"The caller to the Anti-Terrorism Hotline states
that he has noticed radical changes in personality of
Khuram Butt. Butt has been distributing anti-western
texts, WhatsApp and links to jihadi type-sites. He has
become increasingly extreme in his views -- one such
message took the caller to a site for ..."

It says "Abu Hallmema", but I think that is
a reference to Abu Haleema, Chapra.

"His mobile telephone is [and a number ending 548]
... he resides in East London but an unknown address and
is married. His mother lives in the Plaistow area of

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1 London."

2 And it was identified as being a call by Butt's
3 brother-in-law, Usman Darr.

4 Witness M addressed this in his evidence, if we can
5 bring up the transcript, please, {Day19/74:1-25}. Now,
6 he said that the report from Usman Darr was not brought
7 to the attention of his team. He said that the
8 assessment was wrong. He said at the bottom -- he says,
9 as we see at the bottom of the page, that:

"It denied us [the police] ... the [opportunity] of
discussing [Darr's] information evidence with MI5 ..."

Over the page, please:

"... how it fitted into the bigger picture, and
denied us the [opportunity] of what action to take
subsequently to receiving that information."

But, in fairness, he went on to say he didn't think
it told him anything he [didn't know] at the time. Then
when I asked if followed up might that have given
an opportunity to get more information from Darr as time
went by, he said possibly. So do you see those answers
as the context for my questions?

22 A. Yes, I do, thank you.

23 Q. Did MI5 become aware of the report by Usman Darr at the
24 time?

25 A. No, it did not.

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1 Q. Did MI5 become aware before the attack?
 2 A. No, it did not.
 3 Q. If you had become aware, would that have added to
 4 information you had about Khuram Butt at that time?
 5 A. It would have added to information, but I don't think it
 6 would have made any difference to our assessment.
 7 Q. Wouldn't the fact that Butt was increasingly expressing
 8 his views and that a close family member was now so
 9 worried as to be prepared to make a call, wouldn't those
 10 factors have a material effect on your assessment of
 11 risk?
 12 A. So taking those two factors separately, our
 13 investigation of Butt at this time was showing he was
 14 fairly regular in expressing his views, so I don't think
 15 we'd have taken increasing as against any clear
 16 baseline.
 17 The family member point, we do see family members
 18 report on other family members. We sometimes see family
 19 members report on other family members for malicious
 20 purposes, so I wouldn't say that of itself was of great
 21 significance.
 22 Q. We can take the transcript off the screen now. Would
 23 the information about the call have provided
 24 a potentially valuable opportunity to follow up with his
 25 brother-in-law as time went by?

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1 A. Potentially so, yes.
 2 Q. And so is it unfortunate in that regard that the
 3 information didn't come through to you and that you were
 4 deprived of that opportunity to follow up with the
 5 brother-in-law?
 6 A. So I would share Witness M's view that it is unfortunate
 7 it didn't come to his team and there to ours. Whether
 8 that would actually have led to consideration of going
 9 back to Usman Darr is quite a hypothetical question.
 10 Q. Difficult to say now, but by no means impossible; is
 11 that right?
 12 A. Yes, that's so.
 13 Q. Can you say whether there were any other reports by
 14 members of the public expressing concerns about
 15 Khuram Butt?
 16 A. Yes, I can. MI5 received one such report.
 17 Q. Are you able to say at what point in the chronology that
 18 report was made?
 19 A. It was early into our interest in Butt.
 20 Q. Can you give any more detail on timing?
 21 A. It was early on before the investigation of Butt had
 22 been formally opened.
 23 Q. So before mid-2015?
 24 A. That's correct.
 25 Q. You indicated that that report came direct to MI5, did

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1 it?
 2 A. Yes, it did.
 3 Q. What did it say in broad terms?
 4 A. In broad terms it identified an individual called
 5 Khuram Butt with the right sort of age range for
 6 Khuram Butt, and said that he was an extremist.
 7 Q. Did it say anything about his intentions or any violent
 8 characteristics?
 9 A. There was no indication that he was mounting an attack
 10 from this report.
 11 Q. Given that that came through before the investigation
 12 into Butt, did it lead to consideration to opening
 13 an investigation?
 14 A. No, it did not.
 15 Q. Now, when you had opened an investigation, did that
 16 report add to your understanding?
 17 A. That report was not associated with Butt until after the
 18 attack.
 19 Q. Are you able to say why that was?
 20 A. I think that was difficulty in drawing together the
 21 records.
 22 Q. If that difficulty hadn't arisen, would you have had
 23 an opportunity to follow up with the individual who had
 24 made that report?
 25 A. No, not in this case. I think it's important for me to

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1 say that clearly MI5 needs to be extraordinarily
 2 cautious about admitting any direct contact with the
 3 public, because we must respect the public's
 4 confidentiality when they discuss with us, but I can say
 5 in this particular case the report came from
 6 an individual who was unidentified and who explicitly
 7 asked not to be contacted.
 8 Q. Do you now know who made that report?
 9 A. No, we do not.
 10 Q. Had you become aware that there had been another report
 11 from an associate, would that have added to the view of
 12 Khuram Butt and the risk he posed because it was yet
 13 another associate being sufficiently concerned to report
 14 him to the authorities?
 15 A. I think it is unlikely given the nature of the reporting
 16 was really nothing that we were not already seeing from
 17 our extensive coverage.
 18 Q. May I move on now to the period from late 2015 into
 19 early 2016, which you address from your paragraph 108.
 20 Over this period, so late 2015 into early 2016, was
 21 there any development in the intelligence picture?
 22 A. Yes, there was.
 23 Q. What was that?
 24 A. Well, we continued to see no indication that he was
 25 seeking to mount an attack, but we began to see

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1 indications that he was thinking of travelling overseas,
 2 possibly to Syria.
 3 Q. You say possibly to Syria; were other countries also
 4 potential destinations for him?
 5 A. Yes, they were.
 6 Q. Did you become aware from your coverage of what his
 7 intentions were or might be in travelling overseas?
 8 A. It certainly wasn't certain from our coverage. We
 9 considered the possibility that he might be travelling
 10 to Syria for terrorist related purposes, but it was only
 11 a possibility.
 12 Q. Did the intelligence that you had give any precision to
 13 that judgment about whether he might be travelling for
 14 extremist purposes; did it give you a confidence level,
 15 effectively?
 16 A. So I would have said at that time we would have thought
 17 the balance of probabilities was that he was going to
 18 travel for extremist purposes, but that's a low
 19 confidence balance of probabilities.
 20 Q. Was he continuing over this period to be engaging with
 21 ALM associates?
 22 A. So he began to disengage from ALM at this point.
 23 Q. Were you aware of his reasons?
 24 A. No, we weren't aware at the time and we still aren't.
 25 Q. Can disengagement itself be a matter of concern if

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1 there's no clear reason, especially in the case of
 2 a potential lone actor?
 3 A. It can be a matter of concern but, equally, it can be
 4 a reflection of the fact that the individual is moving
 5 away from extremism.
 6 Q. They may be moving away from extremism or they may be
 7 seeking to disguise their extremism?
 8 A. Yes, I am afraid both options are possible.
 9 Q. Did your team form a view as to which was the situation
 10 or more likely in this case?
 11 A. So at this point we could see no indication he was
 12 moving away from extremism, but that doesn't mean that
 13 disengagement from ALM meant we thought he was more
 14 likely to mount an attack.
 15 Q. Did you also form an assessment that Khuram Butt had
 16 links to an individual who was assessed to be a contact
 17 of others involved in Islamist extremist activity and
 18 from whom he might seek logistical assistance in
 19 facilitating travel?
 20 A. Yes, we did.
 21 Q. So this additional intelligence provided information
 22 that he might have assistance with the wherewithal to
 23 travel for extremist purposes, did it?
 24 A. Yes, that's correct.
 25 Q. When we're looking at travelling abroad, and

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1 particularly to Syria for extremist purposes at that
 2 time, would that involve, in practical terms, joining
 3 Islamic State or another extremist militia, fighting and
 4 gaining military skills?
 5 A. They are the most likely outcomes, yes.
 6 Q. Did the information that Khuram Butt have such
 7 a dramatic intention that he was contemplating leaving
 8 his ordinary life behind to fight with that brutal
 9 regime, did that affect the view of the risk he posed
 10 more generally?
 11 A. So it was a new manifestation of that risk at this time,
 12 as we touched on earlier, we were seeing significant
 13 numbers of people expressing this kind of aspiration and
 14 many of them actually doing it, so he's one of quite
 15 a significant cohort.
 16 Q. Did the prospect that he might travel to fight with
 17 these groups affect in particular the possibility that
 18 he might commit an atrocity in the UK if he was
 19 frustrated or changed his mind about travelling abroad?
 20 A. So I think changing his mind and frustrated are two
 21 different elements here. We do look very carefully at
 22 individuals who have been frustrated from travelling
 23 overseas. We don't see so much evidence that
 24 an individual who just changes his mind has changed
 25 their mind because they plan to mount an attack in their

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1 home country instead of travelling to Syria.
 2 Q. To the extent you can say, what was the MI5 and counter
 3 terrorist policing response to the possibility of Butt
 4 travelling to Syria?
 5 A. So in addition to a range of steps we'd taken earlier in
 6 the investigation to monitor his travel, we stepped up
 7 his travel monitoring and put in place appropriate
 8 measures that should he seek to travel, we would prevent
 9 it.
 10 Q. Are you able to give any more detail about the steps you
 11 took to ensure that you were informed if he sought to
 12 travel?
 13 A. I can't give any detail, but I can say I am satisfied
 14 that they would have worked.
 15 Q. You are satisfied that your team would have discovered
 16 before he travelled that he was about to?
 17 A. Yes.
 18 Q. Are you able to say what, if any, means of disruption
 19 were considered regarding his potential travel to the
 20 Middle East?
 21 A. So, again, I can't give any details but I'm satisfied
 22 that they would have been very likely to have worked.
 23 Q. Was there any concern that if disrupted, he might turn
 24 his attention to the UK?
 25 A. Yes, there has to be for us always the consideration

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1 that if the State disrupts travel then that may result
 2 in considering an attack in the United Kingdom.
 3 Q. Are you able to say whether that's a consideration that
 4 ever arose in Butt's case?
 5 A. It's only a theoretical one because of course he never
 6 travelled anywhere and therefore no travel was disrupted
 7 by the State.
 8 Q. And never attempted to travel?
 9 A. Never attempted to travel.
 10 Q. May I move on to 2016, and the investigation during
 11 2016. We know that the Jihadis Next Door programme was
 12 broadcast on 19 January 2016. We know it featured the
 13 events in Regent's Park of July 2017 and that Butt
 14 features in some segments, although not speaking much on
 15 the broadcast footage. Did MI5 become aware of the
 16 programme?
 17 A. Just to be clear, I think you said events of July 2017
 18 and this is July 2015.
 19 Q. I'm so sorry, July 2015, that was my mistake.
 20 A. And yes, we did become aware of this at the time.
 21 Q. Did it come to the notice of the team investigating
 22 Butt?
 23 A. Yes, it did.
 24 Q. Did they review the footage?
 25 A. Yes, as far as I'm aware.

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1 Q. Did they review the unbroadcast footage which showed
 2 rather more of Khuram Butt and what he was saying?
 3 A. No, I don't believe we had access to that.
 4 Q. Could you have had or obtained access to that?
 5 A. I guess it's possible.
 6 Q. Are you able to give any explanation why that wasn't
 7 sought in this case, because as we know, it did provide
 8 rather more views of him?
 9 A. I would imagine that Butt's appearance in the programme
 10 did nothing more than reinforce what we already knew
 11 about Butt, and therefore it is unlikely that
 12 investigators would have thought that there would have
 13 been significant unbroadcast footage that was relevant.
 14 Q. Did the review of the broadcast footage affect in any
 15 way the MI5 team's assessment of Butt?
 16 A. So it reinforced our view that he was an extremist. It
 17 also gave us consideration as to that he clearly wasn't
 18 that careful about hiding his extremist views in
 19 a clearly very public way.
 20 Q. Which might suggest a lack of caution but also boldness?
 21 A. It would certainly suggest a lack of caution and
 22 therefore security awareness. Boldness, or disinterest
 23 in what the State might do, I guess.
 24 Q. Now, we've heard from Witness M that his team did not
 25 review the footage. Would you like me to show the

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1 reference to the transcript for that?
 2 A. Yes, please, thank you.
 3 Q. Day 19, pages 76-77, please, starting at page 76. Do
 4 you see from {Day19/76:14} onwards I asked about the
 5 programme and the SIO said that it was looked at by a
 6 thematic investigation team concerning ALM, but that the
 7 footage did not come through to him or to his team; can
 8 you see this?
 9 A. Yes, I can, thank you.
 10 Q. And we can take that off screen now.
 11 Was there any reason why MI5 wouldn't have shared
 12 that footage which had come to their attention with the
 13 police they were working with?
 14 A. So clearly we wouldn't have shared the footage because
 15 this isn't a sensitive intelligence force, it is
 16 a Channel 4 programme.
 17 Q. Yes.
 18 A. But there is no reason why we wouldn't have discussed it
 19 in passing with the police team.
 20 Q. Are you able to say whether your team did?
 21 A. So I can see no written record of it but I think it is
 22 likely that there was some discussion.
 23 Q. Continuing in early 2016 we know that Khuram Butt
 24 undertook a course to become an accredited door
 25 supervisor with the Security Industry Authority in that

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1 period. Did MI5 become aware of that at the time?
 2 A. Yes, we did.
 3 Q. What was done as a result of that information coming
 4 through?
 5 A. So we discussed it with the police and they agreed that
 6 they would see if they could find out more about the
 7 course.
 8 Q. Were they able to find out any more?
 9 A. I don't recall seeing anything of significance.
 10 Q. Did you receive any intelligence over the investigation
 11 suggesting that Khuram Butt was taking that course in
 12 connection with any nefarious purpose?
 13 A. No, we did not.
 14 Q. Here was somebody who had been an office manager at
 15 Auriga Holdings, KFC, and he was taking a course to
 16 become a door staff member, effectively a bouncer. Did
 17 that not occur to the team as being an odd career move?
 18 A. It's certainly a change of career. We do see quite
 19 a number of our subjects of interest involved in
 20 security work so we wouldn't have thought it was
 21 particularly unusual.
 22 Q. Did it set the antenna throbbing though that somebody
 23 was taking a course that might put them into security
 24 work, for example, at venues where large numbers of the
 25 public gathered?

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1 A. So not of itself. We would be looking for any
 2 indication that Butt planned to or was seeking to
 3 exploit that particular course or the employment it gave
 4 him afterwards.
 5 Q. Would it, however, be factored into the overall
 6 assessment of him and his conduct?
 7 A. Yes, it would, and it's worth saying at least
 8 potentially it would be factored in as a positive given
 9 the potential for employment to be a stabilising factor.
 10 Q. If employment is considered to be a stabilising factor,
 11 is a prolonged period of unemployment regarded,
 12 conversely, as being a negative, or risk factor?
 13 A. So employment can be considered as a stabilising factor
 14 rather than there is any automatic link between
 15 employment and stabilisation. It's certainly fair to
 16 say that for unemployed individuals they clearly have
 17 more time to do nefarious stuff if they choose to do so,
 18 but we haven't drawn a link over our casework between
 19 unemployment and the propensity to mount a terrorist
 20 attack.
 21 Q. I'm looking now at your paragraph 110, is it right that
 22 the MI5 investigation was suspended for a first time
 23 between 26 February 2016 and 24 March 2016?
 24 A. Yes, that's correct.
 25 Q. What was the context of this suspension?

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1 A. The context was the significant broader pressure we were
 2 under, particularly in the aftermath of the Paris
 3 attacks of the previous year.
 4 Q. Were other investigations also suspended at this time?
 5 A. Yes, they were.
 6 Q. Did those include some at the P2H priority level?
 7 A. Yes, other P2Hs were suspended at this time.
 8 Q. Why were resources being devoted elsewhere, in simple
 9 terms?
 10 A. Because other investigations represented a greater
 11 threat.
 12 Q. We understand at the time the police team would not be
 13 consulted on that, but would be informed, as indeed
 14 happened; is that correct?
 15 A. So I think on this particular occasion you are correct
 16 to say they were not consulted. I think for the first
 17 suspension nor were they actually formally informed,
 18 though clearly they became aware of it.
 19 Q. Some questions following on from that, please. Do you
 20 consider that the suspension decision was appropriate?
 21 A. Yes, I do.
 22 Q. Now, we know by this stage first of all Khuram Butt had
 23 had an attack aspiration half a year or so before. He
 24 had been associating with senior ALM figures, including
 25 in a very public forum. He'd been disseminating

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1 extremist material, some of which was prosecutable, and
 2 he was considered to pose a risk, which you have
 3 suggested was at probability level of intending to go
 4 and fight with the brutal Islamic State regime.
 5 Should we be troubled, publicly troubled, that
 6 an investigation into such a person can be suspended at
 7 this point?
 8 A. So I think it reflects the level of resourcing
 9 available. Your characterisation of the investigation
 10 I would share entirely which is why I think he was
 11 properly a P2H at this time, but this and other
 12 similarly concerning investigations had to be suspended
 13 because there were even more concerning investigations
 14 above these.
 15 Q. Again, given all the factors I've indicated and the
 16 priority you've said that it had, should it be troubling
 17 to the public that the resources weren't there to
 18 maintain such an investigation?
 19 A. So I think this begins -- takes us to a wider
 20 conversation about how large the Security Service should
 21 be. It is today, and indeed it was at that time, the
 22 largest it has ever been in its 110-year history, and
 23 there is something about the size of an institution like
 24 mine in a democratic society.
 25 Q. Is this also right: that you couldn't simply have asked

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1 for more money in the wake of the Paris attacks in order
 2 to provide all the resources you needed for
 3 investigations and avoid this sort of suspension?
 4 A. Yes, as we discussed earlier, money is not the key
 5 determinant here. Even if we'd asked for more money in
 6 November 2015, its ability to translate into actual
 7 experienced investigators by early 2016 would simply not
 8 have been plausible.
 9 Q. Would the investigation have been suspended if
 10 intelligence had suggested that Butt was engaged in
 11 active attack planning?
 12 A. I can't imagine it would have been, no.
 13 Q. So far as MI5 is now aware, including from information
 14 from the post-attack investigation, did the suspension
 15 on this occasion result in any loss of intelligence
 16 which might have been valuable or changed the course of
 17 the investigation?
 18 A. No, it did not.
 19 Q. In April 2016 the investigation was unsuspected.
 20 Looking at your paragraph 111, what was the intelligence
 21 picture by this point?
 22 A. So following the unsuspending we were clearly looking
 23 again at Butt and by this point we continued to have no
 24 further evidence that he was attack planning. But we
 25 began, again on the balance of probabilities that

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1 I discussed earlier, to consider that his aspiration to
 2 travel overseas was for legitimate rather than for
 3 terrorist purposes.
 4 Q. You have said that the previous assessment was based on
 5 a weak confidence level, you couldn't be very confident
 6 that he probably intended to travel for illegitimate
 7 purposes in the past; how confident was your assessment
 8 now that he probably intended to travel for legitimate
 9 purposes?
 10 A. So, again, this is entirely probabilistic, and I would
 11 say we had now gone from the weak sense of it being most
 12 likely for extremist purposes to the weak sense it was
 13 most likely not for extremist purposes. We still
 14 certainly would not have ruled out him travelling for
 15 extremist purposes.
 16 Q. Based on all the information you now have, including
 17 from the post-attack investigation, do you still
 18 consider that his intentions at this point were probably
 19 legitimate?
 20 A. I think it's very difficult to judge. With the benefit
 21 of hindsight, knowing that in fact he never travelled
 22 anywhere or really made any serious effort to do so, it
 23 is difficult to make a judgment as to how serious his
 24 plans were to travel for any purpose, whether extremist
 25 or otherwise.

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1 Q. Did there remain at this point when the investigation
 2 was unsuspected an appreciated risk that he might travel
 3 for extremist purposes?
 4 A. Yes, absolutely.
 5 Q. Did the contingency plans for disrupting that remain in
 6 place?
 7 A. So the suite of measures were slightly different, but
 8 contingency plans were still in place.
 9 Q. Did there remain an appreciated risk that he might look
 10 to carry out an attack in the UK based on at least the
 11 original intelligence?
 12 A. Based on the original intelligence, yes, that was still
 13 very much in our mind.
 14 MR HOUGH: I am looking at the time.
 15 THE CHIEF CORONER: Yes.
 16 MR HOUGH: Would that be a convenient moment to break for
 17 the lunch break?
 18 THE CHIEF CORONER: We will break there, Mr Hough, and we
 19 will pick up where we had got to at 2 o'clock.
 20 (12.56 pm)
 21 (The Luncheon Adjournment)
 22 (2.07 pm)
 23 MR HOUGH: Sir, before I continue with questioning
 24 Witness L, who is in the witness box, may I reiterate
 25 the warning about device use: nobody may make notes

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1 on computer or any recording of Witness L's evidence
 2 while it's being given, however anyone may make
 3 manuscript notes.
 4 THE CHIEF CORONER: Thank you.
 5 MR HOUGH: Witness L, good afternoon.
 6 A. Good afternoon.
 7 Q. Before lunch I had been asking you about the
 8 intelligence picture after the unsuspension of the
 9 investigation in April 2016. May I now move
 10 to May 2016, a period of time you address on page 31,
 11 paragraph 112 of your statement.
 12 We know that from May 2016, Khuram Butt obtained
 13 employment in a customer service role at TfL for the
 14 London Underground. We know that he was placed at
 15 a number of central London stations, including
 16 Westminster. Did MI5 become aware of that employment at
 17 the time?
 18 A. Yes, we did.
 19 Q. What did you do about that information?
 20 A. We discussed it with the police.
 21 Q. What assessment did you make of this development and
 22 what it meant to the investigation?
 23 A. So at that point we had nothing to suggest that Butt was
 24 seeking to obtain employment for nefarious purposes, so
 25 we noted it as employment and, as we discussed earlier,

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1 considered the possibility it might be a stabilising
 2 factor, or the possibility that it might be for
 3 nefarious purposes.
 4 Q. As we've identified, Khuram Butt was an extremist who
 5 just -- who, less than a year before, had been assessed
 6 to have a strong intent to carry out an attack in the
 7 UK, who more recently had been thought to have a likely
 8 intent to go and fight for IS in Syria. It might be
 9 suggested that his employment at Westminster underground
 10 station of all places was a matter for serious concern?
 11 A. It was certainly a matter that we should be aware of,
 12 and we were.
 13 Q. Is there anything you, by which I mean MI5 and the
 14 police, could have done, for example, raising concerns
 15 discreetly with TfL or taking any other steps to make
 16 sure you were apprised of what he was doing while at
 17 the station?
 18 A. I think there are two levels for this. The first is to
 19 put MI5 powers in relation to employment into context.
 20 So we talked earlier about the Security Service Act
 21 1989, the principle piece of legislation which governs
 22 us. The Security Service Act is very clear in
 23 section 2(3) that MI5 should not be passing information
 24 to an employer other than in circumstances where it
 25 relates to a person's vetting status, and clearly,

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1 Khuram Butt was in a role that required no vetting.
 2 So, in a way that we often do not need to be, given
 3 Parliament's views on our engagement with employment, we
 4 do need to be cautious in terms of passing information
 5 to an employer. But, of course, I'm sure when
 6 Parliament passed the Act as it did, it wasn't assuming
 7 that MI5 would then not pass on information to
 8 an employer if it was relevant.

9 So at that point, at the very beginning of Butt's
 10 employment at TfL, we considered there would have been
 11 nothing to tell Transport for London because we had no
 12 specific evidence that he might use it for nefarious
 13 purposes. Had we seen, I think, any indication of that,
 14 we would have discussed with the police how we could
 15 sensibly pass it to TfL and what they might be able to
 16 do with it.

17 Q. May I ask you briefly about what Witness M said about
 18 this. If we can bring up the transcript for Day 19,
 19 page 87, please [Day19/87:12]. The question at line 12
 20 I asked him whether there would have been anything they,
 21 the police, could have done to stop Butt working on the
 22 London Underground. And he said yes, which would
 23 involve speaking to TfL but that would:

24 "... draw us [the police] into a potentially
 25 difficult position with ... employment law."

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1 He then went on on the following page
 2 {Day19/88:1-25} to acknowledge that it was an option to
 3 raise Khuram Butt's past and his extremism with TfL, but
 4 that's not a decision that would be taken lightly.

5 Would you agree with that or would you say that the
 6 police and MI5 were in different positions or would you
 7 disagree with it?

8 A. So we would have been less governed by the employment
 9 law and the employment tribunal point, because we're not
 10 governed by our underpinning legislation, but I would
 11 agree with what Witness M said: the possibility to
 12 engage with TfL was definitely there and I believe we
 13 would have done if there had been anything of particular
 14 concern.

15 Q. We can take that off screen.

16 Were you satisfied -- and, again, I don't want to
 17 bring out any sensitive details about coverage, but were
 18 you satisfied from the coverage that you would discover
 19 if Butt was using that employment for any nefarious
 20 purpose?

21 A. "Satisfied" would be too strong a word, because one can
 22 never be sure with intelligence, but I would have felt
 23 reasonably confident that our overall coverage would
 24 have indicated if this was likely to be so.

25 Q. Looking to the future, would there be any additional

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1 options available now if you and the police were made
 2 aware of somebody comparable to Khuram Butt who was
 3 obtaining a job on the transport infrastructure,
 4 especially in central London?

5 A. So I think the same arrangements would have applied now
 6 as applied then. Clearly the same legislation underpins
 7 our activity and we would be aware, as we were in this
 8 case, of any possibility that it might be used for
 9 nefarious purposes.

10 I think it's worth saying that in this particular
 11 case, we clearly were looking at him and the fact that
 12 within three weeks of employment he had gone off on
 13 long-term sick would in no way fit the profile of
 14 somebody who was using that employment for nefarious
 15 purposes.

16 Q. Are you able to say, are there any arrangements in place
 17 for employers in certain risk areas, including the
 18 transport infrastructure, to notify you or the police of
 19 job applicants and have the names of applicants compared
 20 against lists of subjects of interest?

21 A. So that is available in all cases where those employment
 22 applications are for people who are going for vetted
 23 positions, some way inside the security system with
 24 vetting, but not outside it.

25 Q. Do you consider it would be a good idea to expand that

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1 process, that system, to categories of job which may
 2 give rise to risk, such as jobs in the central
 3 metropolitan transport infrastructures for the future?

4 A. I think really that's a question for Parliament.
 5 Vetting is already quite a significant and major
 6 industry and knowledge we have of individuals may
 7 prevent them getting jobs that are specifically vetted.
 8 Clearly in circumstances where the vetting process was
 9 significantly extended to lots more people, that would
 10 allow more of that impact on individuals' lives through
 11 the vetting process.

12 Q. I'm going to pause. A note is being handed to you.
 13 I think it's a note asking you to speak into the
 14 microphone because you have to be interpreted.

15 A. Yes, of course.

16 Q. Thank you.

17 Moving on in time in the chronology, did the
 18 investigation, the MI5 investigation into Butt, come
 19 under internal review in June of 2016?

20 A. Yes, it did.

21 Q. What was the purpose of that internal review?

22 A. That reflected one of our regular quarterly case
 23 reviews.

24 Q. Was a range of options for the future of the
 25 investigation considered?

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1 A. Yes, they were.
 2 Q. What were they?
 3 A. So we considered whether the investigation should stay
 4 open, whether he should go back to the multi-lead
 5 investigation that he'd been part of before this
 6 investigation was opened, whether the investigation
 7 would be closed and resources deployed elsewhere.
 8 Q. What decision was made?
 9 A. So the decision was that the investigation remained open
 10 at that point, that resources continued to be devoted to
 11 it, and then clearly we would look at it again at the
 12 next quarterly case review, if not before.
 13 Q. Looking now at paragraph 114, what was the reasoning
 14 behind that decision to keep the investigation open?
 15 A. So we, at this stage, still had no further intelligence
 16 that he was engaged in attack planning, but we could not
 17 rule it out. We had no further intelligence that he was
 18 planning to travel overseas for nefarious purposes, we
 19 could not rule that out, and he clearly was still
 20 an extremist.
 21 Q. In July 2016, Khuram Butt made reports of unauthorised
 22 withdrawals from bank accounts, I think three separate
 23 bank accounts, which led to him being investigated for
 24 fraud and ultimately arrested in October 2016. Was MI5
 25 aware of that sequence of events at the time?

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1 A. Yes, we were.
 2 Q. And did MI5 play any role in approving or authorising
 3 that investigation?
 4 A. So that was a criminal investigation, so we had a role
 5 in it but I wouldn't say we were approving or
 6 authorising it.
 7 Q. Given that, as you've told us, disruptive activity can
 8 sometimes disable subjects of interest from extremist
 9 action, or act as a catalyst in grievance, is it normal
 10 for MI5 in a situation like this to express a view on
 11 whether an investigation and prosecution should be
 12 pursued?
 13 A. An investigation, yes. The prosecution I think is very
 14 much more a matter for the CPS and the police.
 15 Q. As to the investigation, what were MI5's views about it,
 16 given that you have told us just now that you would have
 17 a view about such an investigation?
 18 A. That it looked like an attractive potential option to
 19 disrupt him.
 20 Q. Why did it look attractive? What were the consequences
 21 which made it an attractive option?
 22 A. Because if he could be successfully prosecuted we would
 23 be in a position whereby he would clearly be off the
 24 streets and then therefore no longer a threat of any
 25 kind.

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1 Q. Was the process of investigation and ultimately
 2 consideration for prosecution however left to the police
 3 side of the team?
 4 A. The decision around prosecution is, yes, a matter for
 5 the police.
 6 Q. On 6 July 2016, Khuram Butt was involved in
 7 a confrontation and a fight or scuffle in Goodmayes Park
 8 with an advocate for the anti-extremist organisation,
 9 Quilliam. The fight later came to the attention of the
 10 police, a few months later, who interviewed Butt about
 11 it in January 2017. Was MI5 made aware of that fight?
 12 A. Yes, we were.
 13 Q. At what point in time; are you able to say?
 14 A. So we had some awareness at the time and we had a good
 15 deal clearer awareness in October of 2016.
 16 Q. Did you receive the police file about the incident?
 17 A. No, I don't believe we did.
 18 Q. How much did you know about it by October 2016?
 19 A. So we were aware by then of the Crimestoppers reporting
 20 and we were able to see that that related to
 21 Khuram Butt.
 22 Q. Did you appreciate that the suggestion was that Butt had
 23 engaged in an unprovoked attack?
 24 A. Yes, we did.
 25 Q. Did that information affect the assessment of the risk

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1 or threat he posed?
 2 A. It was considered as part of the second potential lone
 3 actor assessment, which I'm sure we'll come to.
 4 Q. Yes, but at the time, October 2016, which is obviously
 5 rather before the second PLA assessment, did the team
 6 consider it as part of their assessment of the
 7 intelligence picture?
 8 A. It would have been considered but I can't see any
 9 contemporaneous documentation that says yes, it was
 10 thought to be significant.
 11 Q. Autumn 2016, looking at paragraph 115, what was the
 12 overall intelligence picture which you see from the
 13 documents you've studied?
 14 A. So an individual who had, as far as we could see,
 15 certainly been aspiring to mount an attack in the middle
 16 of 2015 but appeared to have done really nothing about
 17 it, an individual who had gone on to talk about
 18 travelling overseas for extremist purposes but, again,
 19 appeared to have done nothing about it, but
 20 an individual who, undoubtedly, was an extremist.
 21 Q. Did he remain under reasonably extensive coverage at
 22 this point?
 23 A. Yes, he did.
 24 Q. Had he been exhibiting a certain amount of operational
 25 security or surveillance awareness?

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1 A. Yes, he had been.
 2 Q. Are you able to say anything about what forms that took?
 3 A. No, I can't offer any detail, I am afraid, no.
 4 Q. What was the effect of that surveillance awareness of
 5 operational security on the process of investigating
 6 him?
 7 A. So it brought some complication but not a significant
 8 degree of complication to our investigation.
 9 Q. Did the operational security shown by Khuram Butt not
 10 itself add to concerns about him and the assessment of
 11 the risk he posed; in short, that here was a person
 12 trying to avoid his activity being known to the
 13 authorities?
 14 A. Yes, that's definitely true. We see that with quite
 15 a number of our subjects of interest.
 16 Q. Was this a development that occurred at a particular
 17 time in the investigation, or was it something that had
 18 been present throughout?
 19 A. It had been present throughout.
 20 Q. Over this period, autumn 2016, did MI5 maintain coverage
 21 with a view to identifying the threat that Khuram Butt
 22 posed?
 23 A. We did.
 24 Q. Are you able to say anything more about the nature and
 25 extent of the coverage over that period?

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1 A. So it remained a similar degree from that from the
 2 beginning of the investigation, so pretty extensive.
 3 Q. Looking now at paragraph 116, over the second half of
 4 2016 generally, what assessment was made about
 5 Khuram Butt's association with ALM?
 6 A. So having dropped out of ALM in an earlier period, he
 7 now appeared to re-engage with ALM.
 8 Q. Was a view taken about his influence on fellow ALM
 9 affiliates?
 10 A. We were concerned about his potential influence. As
 11 I'm sure we'll come on to, actually, he didn't re-engage
 12 for very long, but we were concerned that he would be
 13 a potentially bad influence on other ALM members.
 14 Q. The way you have put it in your statement is that he had
 15 the potential to be an influential and inflammatory
 16 presence among them?
 17 A. That's correct.
 18 Q. Did your team form a view about why he'd re-engaged at
 19 this point?
 20 A. No, we did not. I think it's worth noting that it
 21 really isn't uncommon for individuals to drift in and
 22 out of ALM and then back in again.
 23 Q. Did the re-engagement affect the team -- your
 24 investigation team's view of the risk or threat he
 25 posed?

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1 A. No.
 2 Q. It might be suggested that this could be an indication
 3 of him turning away from travel plans to re-engaging
 4 with UK associates. It might be suggested that that
 5 posed a risk of him engaging in some sort of hostile
 6 action within the UK. What would you say to that?
 7 A. So I'd certainly agree that it would appear to be him
 8 turning away from travel plans; turning back to ALM
 9 I don't think we would have seen as by any means
 10 a strong indicator that that suggested he was going to
 11 be engaged in attack planning.
 12 Q. Did his re-engagement put him into contact with other
 13 extremists?
 14 A. Yes, it did.
 15 Q. Are you able to identify any of the ALM figures with
 16 whom he re-engaged at this time?
 17 A. No, I am afraid I can't.
 18 Q. September 2016, please. Was a review undertaken about
 19 the priority level of the investigation into
 20 Khuram Butt?
 21 A. Yes, it was.
 22 Q. What was the result of that?
 23 A. So the result of that was that Butt -- Khuram Butt was
 24 moved from being a P2H investigation to a P2M, so one
 25 down the priority stack.

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1 Q. Just reminding ourselves, that's a downgrading from
 2 high-risk extremist activity linked to attack planning
 3 to medium-risk extremist activity not directly linked to
 4 attack planning; is that right?
 5 A. That's correct.
 6 Q. What were the reasons for this downgrading, so far as
 7 you can say?
 8 A. I think this reflected the fact that we had now been
 9 investigating him for over a year with considerable
 10 resources devoted to him, and in that time, we
 11 unquestionably could see that he was an extremist moving
 12 in extremist circles, but beyond that, aspirations to
 13 either mount an attack or to travel overseas for
 14 extremist purposes didn't appear to be going anywhere.
 15 Q. Based on your experience of other investigations, would
 16 you have expected more obvious signs of attack planning
 17 given the level of coverage had Khuram Butt been engaged
 18 in any active attack planning?
 19 A. More obvious signs of attack planning or, indeed, of
 20 attempts to travel overseas for extremist purposes, both
 21 of which would have kept him in the P2H category.
 22 Q. You would have expected those signs to be picked up by
 23 the level of coverage you had had in place?
 24 A. Yes, we would have done.
 25 Q. Were the reasons for downgrading contemporaneously

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1 recorded?
 2 A. Yes, they were.
 3 Q. What was the effect of the downgrading on the level and
 4 type of intelligence -gathering?
 5 A. No effect.
 6 Q. Just to be clear, had you received any positive
 7 intelligence informing this assessment to say that
 8 Khuram Butt had actually given up an attack aspiration,
 9 or is it there was simply a lack of intelligence that
 10 he was attack planning?
 11 A. Yes, it's the absence of intelligence, not any positive
 12 intelligence he had given up.
 13 Q. October 2016, we know that Khuram Butt was arrested on
 14 fraud charges and various devices of his and his wife
 15 were seized. His devices, an HTC phone and an HP
 16 laptop, were seized and examined. We know that the HTC
 17 phone contained numerous files suggesting extremist
 18 views, images supporting or suggesting support for IS
 19 and its violent acts. So, for example, images of mass
 20 executions, an image of a man with a spade inserted into
 21 his face.
 22 Were you aware that the phone contained that sort of
 23 material at the time?
 24 A. Yes, we were.
 25 Q. The phone also contained evidence of communication

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1 between Khuram Butt and the radical preacher, Jibril .
 2 In fairness to you, I should show this on screen as
 3 I ask you about that. {DC7243/16}. This is an extract
 4 from a police DMEU report, and the substance of the
 5 message is set out at 1.3.15.6, describing communication
 6 with a person believed to be Jibril, discussing the
 7 question of whether certain people should be excused
 8 from accepting aid from non-Muslims, but also pointing
 9 out that Jibril may be uncomfortable asking certain
 10 questions due to freedom of speech restrictions .
 11 We can see a further message immediately below,
 12 referring to communications with his wider group. Then,
 13 further down the page, 1.3.15.9, a further message from
 14 Butt to Jibril . Did you become aware from this material
 15 that there had been communication between Butt and the
 16 radical preacher Jibril of this kind?
 17 A. So this material was shared with us. I think at the
 18 time we didn't note the communication with Jibril .
 19 Q. Would it have been significant that Butt had been in
 20 direct communication with a radical preacher of that
 21 kind?
 22 A. Not significant from our perspective.
 23 Q. Why not?
 24 A. Because Jibril and others like him are known to
 25 encourage a range of extremists and, as is noted here,

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1 I think in the freedom of speech point, they are by and
 2 large very careful to stay the right side of the law.
 3 Q. Page 18, please, of the same document {DC7243/18}, if
 4 you look at 1.3.20.7, the laptop -- sorry, the phone
 5 contained evidence of Butt applying for work on the
 6 railways and as a bus driver. Is that information which
 7 came to your team's attention?
 8 A. No, it did not.
 9 Q. Were you not given access to this material at the time?
 10 A. I don't know. I think we did have access to all of the
 11 material and it must just not have appeared in the
 12 report.
 13 Q. Had it been made known to you, would this have triggered
 14 any concern that Butt was again seeking work on the
 15 transport infrastructure?
 16 A. I think given what we then knew about his non-engagement
 17 with TfL, almost certainly not, no, I can't see this
 18 would have raised any concerns for us.
 19 Q. At {DC7243/19} of the same document, please. The laptop
 20 which was seized and attributed to Butt contained, as
 21 the report states at 1.4.6.1, a home video clip of Butt
 22 slicing the neck of a cow and then referring to that
 23 having been done to 600 Jewish men, and then suggesting
 24 the same thing would happen, as the blood flowed, to
 25 a man. Is that a clip which became known to your team?

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1 A. So I think that was available to us at the time, yes.
 2 Q. Thank you very much. We can take that off the screen
 3 now.
 4 Did this content which I've summarised affect your
 5 team's view of the risk that Khuram Butt posed?
 6 A. No, it did not.
 7 Q. The content showed a very strong interest in violent
 8 imagery and extremist rhetoric; would you agree?
 9 A. Yes, I would.
 10 Q. It showed direct contact with a radical preacher, as
 11 you've accepted?
 12 A. Yes, I do.
 13 Q. And it showed continued interest in working on the
 14 transport infrastructure?
 15 A. Yes, though I'm not absolutely clear we were aware of
 16 that bit at the time.
 17 Q. Surely the strong interest in violent imagery, Islamic
 18 State and extremist rhetoric, would have some influence
 19 on the overall intelligence picture?
 20 A. So I would say it was consistent with the understanding
 21 of Butt we already had.
 22 Q. Putting it in simple terms, would your team have
 23 expected to see this sort of material on devices after
 24 they'd been seized by him even before those devices were
 25 seized?

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1 A. Experience from both this case and other similar cases
 2 means that yes, they would have done.
 3 Q. Following the arrest and in the few months which
 4 followed, so November 2016 into the start of 2017, the
 5 coverage in the investigation continued; is that right?
 6 A. Yes, that's correct.
 7 Q. Looking at your paragraph 118, what was MI5's view of
 8 Butt based on intelligence over that period, so after
 9 the arrest?
 10 A. So we believed that now Butt was attempting to possibly
 11 disengage from ALM and to minimise authorities'
 12 attention of him.
 13 Q. Do you have any other understanding of what he was doing
 14 over that period?
 15 A. So we also believed that he was associating with other
 16 ALM associates from outside London.
 17 Q. Are you able to say in this forum who those were and
 18 when?
 19 A. So we were aware of a number of outside associates. I'd
 20 need to take a bit more advice on how far I can go on
 21 identifying them at this point.
 22 Q. I'll leave it there, and if you can say more we may
 23 return to it, but you will have the opportunity to
 24 consult in breaks on that issue if the Coroner is
 25 content with that?

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1 A. Thank you.
 2 THE CHIEF CORONER: It seems to me very sensible to take it
 3 that way, Mr Hough, rather than break off at this stage.
 4 MR HOUGH: Thank you, sir.
 5 What approach was taken to coverage or monitoring of
 6 Butt over this period, so November 2016 into the start
 7 of 2017?
 8 A. We increased our coverage of him.
 9 Q. Did the increased coverage reflect a heightened level of
 10 interest in or concern about him?
 11 A. No, it reflected the fact that given he had been
 12 arrested, we wanted to see how he reacted to that
 13 arrest.
 14 Q. You said that he was -- he may have been seeking to
 15 minimise police tension; was that itself a cause of
 16 concern because it may lead to more cautious and
 17 surveillance-aware conduct?
 18 A. It certainly made our investigation more challenging.
 19 This, as we touched on earlier, was, however,
 20 a reflection of the kind of activity we'd seen from him
 21 from the beginning of the investigation.
 22 Q. Had he in any sense stepped up that activity following
 23 his arrest?
 24 A. A little.
 25 Q. We know, for example, that he brought a chat group,

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1 a WhatsApp chat group to an end at that point in time.
 2 I'm not going to ask you about that specifically, but
 3 would that sort of behaviour be consistent with
 4 minimising police interest and surveillance awareness?
 5 A. Yes, it would.
 6 Q. Moving into 2017, and from page 32 of your witness
 7 statement, may I ask first of all some questions about
 8 the Ummah Fitness Centre, which we know was a gym at 316
 9 Ilford Lane. Now, we understand that Butt used that gym
 10 from some time around late summer or early autumn of
 11 2016 and that by the early months of 2017, he was going
 12 very regularly.
 13 We've also heard substantial evidence that he began
 14 working behind the counter at the gym on an informal
 15 basis in early 2017, so that's the context.
 16 Did MI5 become aware about Khuram Butt using the
 17 gym?
 18 A. Yes, with slightly different timescale to yours there.
 19 We became aware of him using the gym in late autumn
 20 2016.
 21 Q. Did MI5 appreciate that he was going very regularly?
 22 A. I think we had some awareness of that, rather than we
 23 drew a particular conclusion from it.
 24 Q. When you first became aware, were you aware that it was
 25 a relatively regular haunt?

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1 A. I think that's a fair assumption, yes.
 2 Q. Did MI5 discover that he was working there?
 3 A. Within the context of how you described working, ie
 4 an informal arrangement, yes, we became aware of that in
 5 early 2017.
 6 Q. Are you able to say whether MI5 monitored the gym even
 7 without giving me any details as to the means of
 8 monitoring, at any time before the attack?
 9 A. I can say that the Ummah Fitness Centre was not
 10 a significant investigative priority for MI5.
 11 Q. I take it from that careful answer that you're not able
 12 to go further than that?
 13 A. That's correct.
 14 Q. Shortly after the attack, press reports linked the gym
 15 to a man called Sajeel Shahid. The reports indicated
 16 that Mr Shahid had, up to 2005, been a senior figure in
 17 ALM, especially in Pakistan, and that he operated
 18 training camps there for violent extremists, and it has
 19 also been reported from UK and US proceedings that
 20 a witness, Mohammed Babar reported that Shahid was
 21 a senior figure in ALM in Pakistan. Was Sajeel Shahid
 22 known to MI5 in 2016 and early 2017?
 23 A. We were aware of him previously to that. I can't
 24 comment specifically on our awareness at that point.
 25 Q. Looking at your previous awareness of him and

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1 considering the press reporting that he had been
 2 a significant extremist in the past, somebody with
 3 a significant pedigree of extremism, how would MI5 have
 4 assessed the accuracy of that press reporting?
 5 A. So the press reporting is not entirely accurate from our
 6 perspective. I would say I would agree that
 7 Sajeel Shahid had a strong historical extremist
 8 pedigree. I think specifically on the issue of Mohammed
 9 Junaid Babar, as we commented in the 7/7 inquest,
 10 Mohammed Junaid Babar wasn't always accurate in the
 11 things he said and understood about activities in
 12 Pakistan.
 13 Q. Are you able to say whether Mr Babar's evidence in those
 14 proceedings concerning Shahid is an example of him not
 15 being entirely accurate?
 16 A. No, I'm not able to say that. Not because it's too
 17 secret, but because I haven't reviewed the detail of his
 18 evidence from then.
 19 Q. Are you able to say whether in 2016 and 2017, MI5
 20 considered Shahid to be an active extremist?
 21 A. No, I am afraid I can neither confirm nor deny that.
 22 Q. The SO15 team has recently produced a report to which
 23 Detective Superintendent Riggs will attest, saying that
 24 Mr Shahid was subject to port stops in 2012 and 2013,
 25 also at Dover on 9 May 2014, and 5 May 2017.

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1 Are you able to say whether MI5 was aware of those
 2 port stops?
 3 A. Yes, we were.
 4 Q. According to the report, on both of the latter
 5 occasions, so 9 May 2014 and 5 May 2017, Shahid told the
 6 authorities that he was the owner/manager of the Ummah
 7 Fitness Centre gym. Was that information that came
 8 through to MI5 at the time?
 9 A. Yes, it did.
 10 Q. Records also indicate that Mr Shahid had made
 11 an application for planning permission to convert
 12 premises at the address to a gym in 2011. Records
 13 indicate that Mr Shahid was liable for business rates
 14 for the gym from September 2012 to June 2014, and he was
 15 named as an emergency contact on the lease for the gym.
 16 Did any of that information come into the hands of MI5
 17 before late 2016?
 18 A. No, it did not.
 19 Q. Based upon the port stop information, by late 2016 and
 20 early 2017, was MI5 generally aware of Shahid's
 21 ownership links to the gym?
 22 A. Yes, it was.
 23 Q. Was the team investigating Khuram Butt aware of that
 24 information?
 25 A. I cannot say for certain whether that was so, but

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1 I imagine it was, given it is clearly reflected on
 2 Sajeel Shahid's record.
 3 Q. Are you able to say whether the team investigating
 4 Khuram Butt had access to and used access to that
 5 record?
 6 A. They certainly had access to it.
 7 Q. You're not able to say whether they used that access?
 8 A. I'm not able to say because I don't know rather than
 9 because it's too secret.
 10 Q. Would it have been a matter of real concern that
 11 Khuram Butt was spending a good deal of time at premises
 12 run by a person such as Shahid, accepting only for the
 13 moment that he had historically been somebody with
 14 a significant extremist pedigree as you assessed it?
 15 A. Not of itself, given the age of his historical pedigree.
 16 Q. Would it have been a significant concern that
 17 Khuram Butt was apparently working informally for such
 18 a person?
 19 A. Again, not of itself.
 20 Q. Given all that your team knew at the time, was
 21 Khuram Butt's link to the gym, given Sajeel Shahid's
 22 involvement with it, a matter of concern for the
 23 investigation team?
 24 A. It was something the investigative team were aware of
 25 but not concerned by.

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1 Q. It might be suggested, again by a layman, that knowledge
 2 of a current subject of interest was spending
 3 significant amounts of time with somebody who had been
 4 such a significant figure in the past in the extremist
 5 firmament, ought to have been a matter of real concern
 6 for the Security Service; what would you say to that?
 7 A. So I don't think today, even with the benefit of
 8 hindsight, we can say that Sajeel Shahid and Butt spent
 9 significant amounts of time together. What we can say
 10 is that Butt was the user of a gym owned by
 11 Sajeel Shahid.
 12 Q. We'll get on to the detail of some of these points in
 13 a moment, but Butt, we know, was a very regular user of
 14 a gym owned by Shahid and he subsequently got a job at
 15 a school, as he, Butt, said, through the owner of the
 16 gym; wouldn't that suggest, at least with the benefit of
 17 hindsight, some association between the two?
 18 A. So, yes, with the benefit of hindsight there was
 19 unquestionably some association, but I don't think it's
 20 clear, even today, how significant or regular it was,
 21 and if it was significant and regular, I'm surprised,
 22 with the benefit of hindsight, we have not seen more
 23 evidence of it.
 24 Q. Would you accept significant enough an association for
 25 Butt apparently to do unpaid work -- well, largely

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1 unpaid work for Shahid at both the gym and his partner's
 2 school?
 3 A. I think it's difficult to make a judgment on that with
 4 the gym, where I think at least some of Butt's
 5 relationship was with Shahid's brother, rather than with
 6 Sajeel Shahid himself. On the school, I wouldn't have
 7 thought that was terribly significant in terms of Butt's
 8 desire to teach children.
 9 Q. We'll come to the school in a moment.
 10 Witness M told us that his team did not discover the
 11 connection between Shahid and the gym. Again, we can
 12 bring up his evidence for you at Day 19, page 103-104.
 13 {Day19/103-104}. If we look at the upper page, 103, the
 14 questions begin, and on the lower page, Witness M was
 15 asked about Shahid and had only come across the name the
 16 week before giving evidence; do you see that?
 17 A. Yes, I do, thank you.
 18 Q. Is it, or should it be troubling that the counter
 19 terrorism senior investigating officer didn't know that
 20 this gym where Butt was spending time was owned by
 21 somebody with a significant extremist pedigree?
 22 A. Not in my view, no.
 23 Q. Is it troubling that the MI5 team working with the
 24 police team didn't tell him?
 25 A. Not in my view.

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1 Q. Why not?
 2 A. Because this was not seen as significant enough to
 3 discuss with the police.
 4 Q. Take that off screen now.
 5 Would you accept that as time went on, Butt was
 6 spending a significant amount of time at the gym?
 7 A. Yes, we would.
 8 Q. Should the gym, in your view, looking back, have been
 9 the subject of greater coverage than you have accepted
 10 it was?
 11 A. I don't think it should have been. We did seek to task
 12 greater coverage of the gym, but it did not come to
 13 fruition.
 14 Q. Again, I don't want to go into any sensitive details,
 15 but it's easy to conceive of coverage which could have
 16 been maintained at the gym, observation and so on,
 17 without any particular technical capacities or personal
 18 access.
 19 A. So I wouldn't describe any covert coverage as easy.
 20 Q. But with that limitation, that very fair limitation,
 21 would you accept that the gym could feasibly have been
 22 subject to greater coverage than it was, first of all?
 23 A. Yes, I would.
 24 Q. Given the regularity of Butt's attendance there, would
 25 you accept that it would have been a serious option to

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1 have more regular coverage than there was?
 2 A. Yes, and that's why I think we sought to task further
 3 coverage of the gym.
 4 Q. The evidence we have now suggests that Khuram Butt met
 5 Redouane and Zaghba on a number of occasions at the gym
 6 in the months before the attack; would you accept that?
 7 A. Yes, I would.
 8 Q. Would you accept that they may well have been regularly
 9 meeting there?
 10 A. Yes, I would.
 11 Q. Is it possible that with further coverage of the gym,
 12 MI5 would have identified Redouane and Zaghba as regular
 13 associates of Butt?
 14 A. Yes, it is possible.
 15 Q. Is it possible with that further coverage that MI5 would
 16 have investigated Redouane and/or Zaghba more than it
 17 did?
 18 A. No, that feels much less likely. Even without the gym,
 19 I think it would have been reasonably easy for us to
 20 identify Butt and Zaghba as regular contacts, but our
 21 judgment at the time would have been that those were
 22 social contacts and therefore not really worthy of
 23 greater investigation.
 24 Q. We'll come to that topic shortly.
 25 May we now move to the school. We know that from

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1 early 2017 Butt began teaching at a Koran class at
 2 a local school. We can see what Witness M said about
 3 this if we bring up the transcript for Day 19, page 108
 4 and 109. {Day19/108:1}. Witness M told us, if we look
 5 at the upper page, that his team were in possession of
 6 some information suggesting that Butt was teaching Koran
 7 classes to children in the Barking or Ilford area of
 8 London; do you see that?
 9 A. Yes, I do.
 10 Q. Was MI5 aware of that information?
 11 A. Yes, it was.
 12 Q. We understand that he was apparently teaching on a daily
 13 basis, every afternoon, some reports suggest from 2.30
 14 to 4.30 pm; was MI5 aware of that regularity of teaching
 15 at the school?
 16 A. So you're right to be uncertain about the precision of
 17 that, but yes, we were aware it was regular.
 18 Q. Aware that it was every weekday afternoon?
 19 A. Yes.
 20 Q. Would it have been a matter of concern that Khuram Butt,
 21 an extremist with a criminal record, might have access
 22 to children in this way?
 23 A. Yes, it was.
 24 Q. What was done to address that?
 25 A. So as we identified this, we discussed it with the

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1 police in order to consider what, if any, safeguarding
2 action needed to be taken.

3 Q. Now, we can see what Witness M said about this on
4 page 109, which is on the screen. He says:

5 "We followed the intelligence ... the number of
6 schools that are identified, we made discreet inquiries
7 and we conducted a check around the Disclosure and
8 Barring Service."

9 He went on to say that the Ad-Deen primary school
10 was not checked because it wasn't one of the schools
11 that was named on a list. Are you able to say how --
12 whether MI5 provided any assistance in identifying the
13 school where Butt was teaching?

14 A. Yes, I can. So as we learnt of Butt teaching we
15 attempted through open source material only, so there is
16 no intelligence involved in this, to identify local
17 schools that might possibly be candidates for that, and
18 we identified through open source research a number of
19 possible schools but that did not include Ad-Deen.

20 Q. Open source research can take many forms from a Google
21 search on schools within a particular radius to a more
22 sophisticated search with parameters derived from
23 intelligence. What type of open source research were
24 you considering here?

25 A. So I believe it was the former but I am not certain.

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1 Q. So something similar, and I don't mean to be unfair,
2 something similar to a Google search on schools within a
3 particular radius of Butt's home address?

4 A. Yes, I do not think you are being unfair; I think that's
5 what we did.

6 Q. We know that the school was in fact Ad-Deen primary
7 school, also known as the Eton Community School, as 18
8 Oxford Road, Ilford, 0.8 of a mile by foot from Butt's
9 home. Are you able to say why it wasn't identified?

10 A. So clearly, assuming this was a Google search, and
11 I myself am not certain of that, it wouldn't have shown
12 up on that basic search.

13 Q. We can take the document off screen.

14 Given that Butt was teaching there very regularly
15 and that you were aware of that fact, and not for any
16 moment trying to teach your people how to do their job,
17 but would one option have been to have a focused period
18 of surveillance on Butt for one or two weekdays since
19 anyone following him on any afternoon would have found
20 this school in half an hour?

21 A. It would have been. For reasons that we still cannot be
22 sure of, on those days where there was focused
23 surveillance on him, he did not go to Ad-Deen.

24 Q. Are you able to say whether any of those included
25 weekdays?

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1 A. Yes, they did.

2 Q. Given that there was the potential for children to be
3 radicalised by this known extremist, do you consider
4 that more should have been done to identify the school
5 by carrying on with the inquiries over a broader area?

6 A. I think the key thing here is where responsibilities
7 begin and end. We were absolutely clear that the
8 safeguarding responsibility ought to take place and
9 I think you will find Witness M would agree with me that
10 the safeguarding responsibility represented more of
11 an issue for the police than it did for MI5.

12 Q. I understand that, but knowing what you know about what
13 in fact happened, what would you say to the suggestion
14 that the attempt to protect those children was somewhat
15 wanting; that it was rather lacking in rigour and
16 energy?

17 A. So in terms of my own resources, they clearly need to be
18 focused on national security threats rather than the
19 important safeguarding issues. In terms of police
20 resources, I simply don't have enough knowledge of
21 whatever the local pressures on the Prevent system were
22 on the ground that would have made that more difficult.

23 Q. A layman might say that in practice very little was done
24 to protect these children at the time; do you have any
25 further response to that beyond what you've told us?

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1 A. So I think from an MI5 perspective, we discharged our
2 responsibilities in this safeguarding case as we do with
3 others.

4 Q. We know that the school was run by Shahid's partner,
5 Sophie Rahman, and that Shahid had been involved in
6 setting it up.

7 In late 2016 and early 2017, was MI5 aware of
8 Shahid's or his partner's links to the Ad-Deen school?

9 A. Yes, we were aware of Shahid's links to the Ad-Deen.

10 Q. There are a number of records linking Shahid and Rahman
11 to the school in the public domain, just to set them out
12 in fairness to you. Ofsted material from 2012 shows him
13 as the proprietor. Equivalent Ofsted material from 2014
14 shows her, Sophie Rahman, as the proprietor.

15 In March 2014, SO15 officers had been in correspondence
16 with Shahid about the truth of newspaper reports about
17 him and the school, and he responded by saying to the
18 police that he had established the Ad-Deen primary
19 school, and he also mentioned the school at his port
20 stop in May 2014, as well as being listed as a major
21 shareholder of Ad-Deen Limited. Would you accept that
22 there were quite a lot of public links and certainly
23 links available to the authorities between Shahid and
24 the school?

25 A. Yes, I would.

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1 Q. Did the team investigating Khuram Butt become aware of
2 Shahid's links to Ad-Deen?
3 A. So, once again, they were on his record and so the team
4 would have had access to them. Whether they were aware
5 of them, I'm not quite clear. I don't know.
6 Q. It might be suggested that it's surprising that Ad-Deen
7 school was not identified by the authorities as the
8 place Butt was teaching simply from the fact of Butt's
9 connection to Shahid at the gym and Shahid's connection
10 to the school. It might be said that it's surprising
11 that the dots weren't joined; what would you say to
12 that?
13 A. I would agree that it would have been possible to join
14 those dots.
15 Q. Would you accept that it was surprising that the dots
16 weren't joined?
17 A. So because Shahid was not of himself of great
18 significance to us and because we were not seeing
19 ourselves as the primary force on the safeguarding
20 issues, possibly not.
21 Q. We know that Youssef Zaghba was teaching with
22 Khuram Butt at the school for a time before the attack.
23 If the school had been identified, would you accept that
24 that would have given you better opportunities to
25 identify him, Zaghba, as a daily associate of Butt?

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1 A. Yes, I would.
2 Q. Would you accept that the identification of the school
3 would then have given you an opportunity potentially to
4 investigate Zaghba depending on the additional
5 information you got about him through identifying the
6 school?
7 A. Yes, I would.
8 Q. So to that extent, the failure to identify the school
9 deprived you of investigative opportunities?
10 A. Yes, I would agree with that.
11 Q. Moving on to paragraph 120 of your witness statement,
12 you say there that a further assessment was made of
13 Khuram Butt in early 2017 based on all the intelligence;
14 is that right?
15 A. Yes, that's correct.
16 Q. What was the nature of that assessment?
17 A. So that assessment, again, identified that he was still
18 an individual where we had no further information on him
19 attack planning, still had no information that we had
20 information on him planning to travel overseas, but he
21 was nonetheless clearly still an extremist, still
22 consuming extremist propaganda and, indeed, still
23 engaging in extremist rhetoric.
24 Q. You say at paragraph 120 that it was assessed there had
25 been a growth in his extremist rhetoric; is that right?

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1 A. Yes, that's right.
2 Q. Was that a recent development?
3 A. Yes, it was recent to the time and also quite short
4 term.
5 Q. Did it affect the investigation team's view of the
6 threat or risk he posed, showing signs of increasing
7 extremism?
8 A. No, it did not.
9 Q. Why was that?
10 A. Because really it was within the same sort of band of
11 stuff that we had seen from him before.
12 Q. Moving on to March 2017, and this is addressed in
13 paragraph 121 of your statement, we know that on 7 March
14 there were two meetings involving Butt and other men,
15 first at his home address from shortly after 5.00 pm,
16 and the second at the Ummah Fitness Centre gym. Was the
17 MI5 team aware of either/or both of those meetings at
18 the time?
19 A. It was aware of both of them at the time.
20 Q. Looking, then, at the first meeting at Khuram Butt's
21 house, at the time was that considered a significant
22 meeting?
23 A. No, it was not.
24 Q. Did the team have any view as to what its purpose or
25 significance was that you can tell us?

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1 A. So we could take no view on its purpose, but we were
2 confident that it was not of significance.
3 Q. What's your assessment now of that meeting based on all
4 the post-attack information as well?
5 A. That I still can't say what it was for, but I still do
6 not believe it was significant.
7 Q. We've seen CCTV images from Khuram Butt's home on that
8 date. If we look at {DC8172/3}, these are some examples
9 of CCTV stills from footage at Elizabeth Fry Apartments
10 on that date, showing Redouane at Butt's home shortly
11 after 5.00 pm.
12 Did MI5 see any of this CCTV footage at the time?
13 A. Yes, it did.
14 Q. Did MI5 identify the man we can see on these images who
15 we now know to be Redouane?
16 A. Not at the time.
17 Q. Was any view taken as to who he was?
18 A. No.
19 Q. Page 7, please, the same document. {DC8172/7}. Now,
20 the upper of the two stills shows a man outside the
21 Elizabeth Fry Apartments on that date who the police
22 team, Operation Dativat, have told us they assess to be
23 Zaghba. Does MI5 consider that the Zaghba was at the
24 meeting on 7 March 2017?
25 A. Not at the home address, no.

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1 Q. How confident are you that Zaghba was not at that
2 meeting?
3 A. So on the balance of probabilities I'm reasonably
4 confident, but by no means certain.
5 Q. Is that assessment based on intelligence that was not
6 available to the police when they assessed this
7 individual as Zaghba?
8 A. No, it's differing interpretations of the CCTV.
9 Q. Thank you very much. We can take that off screen.
10 The second meeting that day was at the Ummah Fitness
11 Centre. At the time, so March 2017, was that assessed
12 to be of significance?
13 A. Of potential significance, yes.
14 Q. Why and how?
15 A. Because there was some information relating to that
16 meeting suggesting that Butt wished to be careful about
17 the contents of that meeting.
18 Q. Are you referring to surveillance awareness or avoiding
19 information coming out or can you not say?
20 A. So I am afraid I can't go any further into detail.
21 Q. Was the man we now know to be Redouane at that second
22 meeting?
23 A. We believe so rather than we are confident that he was
24 so.
25 Q. Was Zaghba?

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1 A. It is possible that Zaghba was.
2 Q. Were there other men who had not been at the first
3 meeting, the meeting at Butt's home?
4 A. Yes, there were.
5 Q. Was any view taken at the time as to what the
6 significance and purpose of the gym meeting was?
7 A. It was difficult for us to understand the purpose, but
8 the significance appeared greater by the suggestion in
9 terms of Butt's concern about the meeting that he was
10 possibly attempting to obtain some unspecified item.
11 Q. The information that Butt was potentially seeking to
12 obtain an unspecified item, is that information that was
13 known at the time?
14 A. Yes, it was.
15 Q. At the time, was any view taken as to what that item
16 might be? So, as in March 2017?
17 A. No, it was not possible at that time to make a judgment
18 about what the item was.
19 Q. Since the attack, has any coverage or analysis enabled
20 you to form additional views about this meeting?
21 A. So new intelligence available only after the attack has
22 allowed us to look at this again, yes, and form
23 a different view.
24 Q. What is the different view that's been formed?
25 A. So the different view is the item was possibly, rather

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1 than probably or certainly, but possibly an attempt to
2 obtain a firearm.
3 Q. You have said the intelligence about that came in after
4 the attack. Knowing all you know, was that intelligence
5 obtainable with extra work or diligence before the
6 attack?
7 A. No, I don't believe it was.
8 Q. Did the information that Butt was seeking assistance
9 with obtaining an unspecified item itself give rise to
10 concerns?
11 A. It certainly was of interest to the investigative team
12 rather than concern. There would have been a number of
13 items that he might have been seeking to obtain which
14 would not have been related in any way to our
15 investigation.
16 Q. Are you able to give some examples in public?
17 A. Well, as an example, it might have been illegal --
18 getting hold of drugs that were illegal.
19 Q. We know that Butt did have a history of soft drug use;
20 is that something your team knew at the time?
21 A. Yes, they did.
22 Q. Did the information about that meeting that you just
23 told us that was available at the time lead to any
24 further investigations of the people at the meeting?
25 A. No, it did not at the time.

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1 Q. Do you consider that it should have done on the basis
2 that this was a meeting where Butt was seeking to avoid
3 attention in some way and given that he was apparently
4 attempting to obtain some article?
5 A. Yes, I think on the balance of probabilities, but seen
6 through the prism of hindsight, it could have done.
7 Q. Now, if there had been further investigation of
8 individuals, is it at least possible that more would
9 have been learned about Redouane and possibly Zaghba?
10 A. Yes, it is possible, though I think they would have been
11 unlikely to be the focus of any further work.
12 Q. Was the lack of further investigation of this meeting,
13 in view of the information you've given us, an instance
14 of an investigative opportunity lost which you, as
15 a professional, would have pursued?
16 A. It is a potential investigative opportunity. Again,
17 this is with the prism of hindsight, and I'm not clear
18 what precise other issues the investigator would have
19 been pursuing at this time.
20 Q. Can I move on now to the second suspension of the
21 investigation. Is it right to say that the
22 investigation into Butt was temporarily suspended
23 a second time from 21 March 2017 to 4 May 2017?
24 A. Yes, that's correct.
25 Q. What was the context and rationale for that suspension?

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1 A. The context was the unprecedented level of threat which
2 we were facing at that point and therefore the pressure
3 on our resources.
4 Q. In your statement you say that a large number of P1
5 investigations were taking place which were placing very
6 great demands on your resources; is that right?
7 A. Yes, that's correct. We talked earlier about the grid
8 which I sit on on a regular basis. In my 28 years, most
9 of which has been in international counter terrorism,
10 I cannot recall a time as alarming as this time.
11 Q. And this, of course, was a time which began before the
12 Westminster attack?
13 A. That's correct, and only accelerated from it.
14 Q. Once again, were these resourcing constraints primarily
15 the need to divert expert and experienced staff away
16 from some investigations?
17 A. Yes, that's correct.
18 Q. Were other investigations suspended at the same time?
19 A. Yes, they were.
20 Q. Did they include some other investigations at the same
21 level, so P2M?
22 A. Yes, they did.
23 Q. Are you able to say whether they also included some P2H
24 investigations?
25 A. My memory tells me that that is so, but I would need to

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1 check it to be precisely sure.
2 Q. In your witness statement you say that the investigation
3 into subjects of interest other than Khuram Butt, who
4 were subject to the same operation, had been scaled back
5 the previous week?
6 A. That's correct.
7 Q. Does that suggest that Khuram Butt was a higher priority
8 than them and was being treated as such?
9 A. That's correct. From the beginning to the end of this
10 investigation, Khuram Butt was the single most
11 significant investigative target.
12 Q. We understand that the police, the CTSIO, was not
13 consulted because that didn't happen at the time but he
14 was informed; is that right?
15 A. That's correct.
16 Q. Knowing all you know, and with your appreciation of the
17 demands on the service at that time, do you consider
18 that the suspension decision was appropriate?
19 A. Yes, I do.
20 Q. Do you consider that there would have been any realistic
21 alternative at the time, given the other demands on the
22 service?
23 A. No, I am afraid I don't.
24 Q. I'll ask you this anyway: we know by this stage first of
25 all Khuram Butt had originally had an aspiration to

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1 carry out an attack in the UK, intelligence which was
2 corroborated; he had later been assessed as possibly
3 intending to travel to join Islamic State, he had, in
4 fact, remained in the UK; he had a history of violence
5 and extremist rhetoric, the latter of which had
6 increased recently; he had not been working full-time
7 for some months, so giving him more free time, as we
8 discussed, and he had had a recent meeting which, as
9 you've indicated, gave proper cause for concern.

10 Against that background, can you answer this
11 question: should we, the public, not be troubled that
12 an investigation into such a person could be suspended
13 at that point in time?

14 A. So I would say the public should not be troubled because
15 we clearly needed to devote our resources to those even
16 more significant threats than the one that he presented.
17 Q. Was there a danger at that time of very high demand that
18 intelligence would be lost in other investigations not
19 as important as those of highest priority, but
20 nevertheless important?
21 A. Yes, that is definitely true, and that is the
22 consequence of the suspension process.
23 Q. That's a fact of the world in which we live?
24 A. That's correct.
25 Q. During the period of suspension, did any intelligence

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1 continue to be gathered in this investigation?
2 A. Intelligence continued to come in, yes.
3 Q. Did analysis of that intelligence continue at all?
4 A. Some analysis, yes.
5 Q. But is it fair to say that the work was substantially
6 scaled back?
7 A. Yes, it is fair to say that.
8 Q. On 18 April 2017, we know that Khuram Butt took a trip
9 to Leeds, which was, at least ostensibly, to purchase
10 a car. We know that he went in his red Corsa, a car
11 which was known to police, and that Redouane was with
12 him. The trip is confirmed by ANPR hits and by
13 cell site data, and that, of course, is while the
14 investigation was suspended. So that's the context.
15 Did MI5 become aware of the trip to Leeds at the
16 time?
17 A. Yes, it did.
18 Q. Did it become aware during the suspension period or
19 immediately after the investigation had been
20 unsuspended?
21 A. During the suspension period.
22 Q. At the time, did the investigation team take a view as
23 to the purpose of the trip?
24 A. So the Butt investigation team did not, because the
25 nature of the suspension; another team did.

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1 Q. What view did that team take?
 2 A. That it was a trip to buy a car.
 3 Q. Now, with all the information, intelligence and analysis
 4 that has followed this attack, what do you assess the
 5 purpose of the trip to be?
 6 A. To buy a car.
 7 Q. How confident are you about that?
 8 A. I am reasonably confident and I think all the post-event
 9 analysis shows that, including statements by a number of
 10 individuals who were involved.
 11 Q. Witness M has told us that he wasn't aware of this trip.
 12 We can bring up this evidence, the transcript for Day
 13 19, page 117, {Day19/117:13}. The question was asked at
 14 line 13 of 117 of whether he was aware of the trip
 15 before the attack, and he said:
 16 "I was not aware of that particular trip."
 17 Is it a matter of concern that the CTSIO was unaware
 18 of this trip when the MI5 team was aware?
 19 A. Not in my view, no.
 20 Q. Why is that?
 21 A. Because we didn't consider the trip to be significant.
 22 Q. If the operation hadn't been suspended, is it possible
 23 that the trip would have been considered or considered
 24 in more detail at the time?
 25 A. It is possible, but I think unlikely.

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1 Q. Is it possible that that would have further supported
 2 Redouane as being a significant or more significant
 3 associate of Butt?
 4 A. I think it would have helped reaffirm that Redouane was
 5 a social contact of Butt.
 6 Q. Is it the case -- I appreciate you used the phrase
 7 "social contacts" a number of times, and understandably,
 8 but is it the case that very regular social contacts of
 9 priority investigation targets can themselves attract
 10 interest and be investigated just because they are such
 11 regular associates?
 12 A. Not really of itself, no. I think if we were satisfied
 13 that they were purely social contacts, we would be
 14 unlikely to investigate further.
 15 Q. Would that require a positive determination that the
 16 person was a social associate rather than anything else?
 17 A. Yes, but that would likely be based around broad
 18 assessment rather than intrusive investigation into
 19 them.
 20 Q. We can take those pages off the screen now.
 21 The holding code, paragraph 124. During the period
 22 of suspension, was Khuram Butt's holding code
 23 reconsidered?
 24 A. Yes, it was.
 25 Q. What was the result?

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1 A. So it was downgraded from being a likely threat to
 2 national security to may be a threat to national
 3 security.
 4 Q. What was the rationale for that change?
 5 A. I think that will have reflected the length of time at
 6 which the investigation had been running and the fact
 7 that Butt had not appeared to do anything significant in
 8 that, by now, well over 18-month period.
 9 Q. Is it normal for downgrading of this type, or indeed
 10 upgrading of a holding code, to be considered during
 11 a period of suspension?
 12 A. So I can't answer that question because I haven't
 13 researched it. My instinct would be because this is
 14 an information management tool rather than
 15 an intelligence and investigation one, I can see no
 16 reason why it would not be unusual, but I do not know.
 17 Q. Did the change in holding code have any effect on the
 18 level of coverage on Butt from the time when the
 19 investigation was unsuspected on 5 May?
 20 A. No, it did not.
 21 MR HOUGH: Sir, I'm looking at the time.
 22 THE CHIEF CORONER: Yes.
 23 MR HOUGH: I'm about to move to another topic. Would this
 24 be a convenient time for a 15-minute break?
 25 THE CHIEF CORONER: It would. There were a couple of

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1 points, Mr Hough, where Witness L has indicated that he
 2 would like to check whether he can give any more
 3 information. I'm in your hands. We can either --
 4 looking at the questions you intend to ask it may well
 5 be that you don't finish what you have planned to ask
 6 today in any event, but it seemed to me that, unless
 7 anyone is going to say the contrary, the sensible time
 8 for Witness L to have that opportunity is when we finish
 9 for the day rather than taking any longer break at this
 10 stage. I'm looking across at Sir James, but I think he
 11 is content with that approach too.
 12 MR HOUGH: That is certainly my view, yes. Yes, I see he
 13 agrees.
 14 THE CHIEF CORONER: We will take a 15-minute break now,
 15 Mr Hough. What I am going to suggest is we then carry
 16 on then until about 4.30 and we will break at that stage
 17 for the day.
 18 MR HOUGH: I should either finish today, or if I do have
 19 anything in the morning, it will be very brief indeed.
 20 I'm confident, having discussed matters with a number of
 21 my colleagues, that we will finish Witness L tomorrow.
 22 THE CHIEF CORONER: Thank you. It's 3.25 by the clock
 23 behind you so I'll say we'll sit again at 3.40.
 24 (3.23 pm)
 25 (A short break)

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1 (3.41 pm)
 2 MR HOUGH: Sir, before I continue asking questions, may
 3 I reiterate the point that nobody may make notes on
 4 a computer or any recording of Witness L's evidence
 5 while it's being given, however, anyone may make
 6 manuscript notes.
 7 Witness L, I had been asking you about events during
 8 the suspension of the investigation. The suspension
 9 came to an end on 5 May 2017. Why did it come to an end
 10 at that point?
 11 A. Because resource pressures had eased.
 12 Q. So it was not the case that there was a change in the
 13 threat assessment of Khuram Butt to cause it to be
 14 unsuspended?
 15 A. No, that's correct.
 16 Q. What was decided should be done in the immediate future
 17 with the investigation?
 18 A. So in the immediate future afterwards we considered that
 19 we needed to look at our coverage again of Butt and
 20 rebuild it, but we were also turning our mind to the
 21 consideration that we might close the investigation.
 22 Q. To the extent you can say, what did and does "rebuild
 23 coverage" mean?
 24 A. So in these circumstances, because Butt had enjoyed
 25 a reasonably significant level of coverage throughout

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1 the investigation, it was mostly reviving those things
 2 that we had had on at other periods of the
 3 investigation.
 4 Q. Re-instituting forms of coverage you had had in place
 5 for some time?
 6 A. That's correct.
 7 Q. In mid-May 2017, was a closure plan drawn up in relation
 8 to this investigation?
 9 A. Yes, it was.
 10 Q. What was taken into account in making this plan?
 11 A. Taken into account at this point was whether it was
 12 getting close to the time where it would be appropriate
 13 to close the investigation into Butt but recognising
 14 that more needed to be done before that could happen.
 15 Q. Let's take those two points separately, if we may. Why
 16 was this a point in the investigation when closure was
 17 to be considered?
 18 A. So I think this reflects investigators' judgment and the
 19 considerable period of time the investigation had been
 20 open for with considerable resources devoted to it which
 21 had not really indicated that Butt's original attack
 22 planning aspirations had been developed, or Butt's later
 23 plans to travel overseas for extremist purposes had been
 24 developed.
 25 Q. Taking the second point you made, what needed to be done

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1 to determine whether there should be a closure?
 2 A. So given that the operation had been suspended,
 3 a further degree of investigative resources devoted to
 4 it to see whether there had been any change since the
 5 prior period, prior to the suspension. Also a review of
 6 his lone actor status.
 7 Q. Was a view taken about how long the coverage should
 8 continue before a decision on closure should be made?
 9 A. No specific view, no.
 10 Q. If there wasn't any substantial development, any
 11 substantial intelligence which changed the risk and
 12 threat assessment, what were the options to be
 13 considered?
 14 A. I'm sorry, can you repeat the question?
 15 Q. Yes. If no intelligence came in suggesting -- in that
 16 period of rebuilding coverage -- suggesting a change to
 17 the risk and threat picture, what were the options?
 18 A. So we could have chosen to close the investigation
 19 altogether. We could have chosen to refer him back to
 20 the multi-lead investigation that he had been
 21 previously part of, or we could have chosen to keep the
 22 investigation open.
 23 Q. If the investigation had been closed, would that have
 24 caused Khuram Butt to join those 20,000 or so closed
 25 SOIs?

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1 A. Yes, it would have done.
 2 Q. Would he then have been subject to very little coverage?
 3 A. Yes, that's correct.
 4 Q. Now, I've been through the various risk factors
 5 presented by Khuram Butt at each stage in the
 6 chronology. It might be suggested that considering
 7 closure at this point was seriously unwise given all the
 8 risk factors we've addressed. If that was suggested,
 9 what would be your response?
 10 A. My response would be that he had been subject to
 11 a considerable degree of investigation for a very long
 12 period of time. In this case, and similar ones, we
 13 cannot keep investigations open forever just to see
 14 whether something turns up.
 15 Q. Was it possible to maintain a degree of coverage,
 16 an investigation into Butt, simply because of the degree
 17 of extremism and the extremist associates he had and the
 18 various pieces of intelligence suggesting originally
 19 an attack aspiration and then travel for extremist
 20 purposes?
 21 A. Yes, it's definitely possible.
 22 Q. Are you able to say what would probably have happened to
 23 the investigation into Butt if there had not been the
 24 attack on 3 June?
 25 A. No, I really can't speculate.

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1 Q. It's not possible to say from the intelligence that you
2 did have what would have been the likely decision?
3 A. Yes, that's right. This isn't an issue that's too
4 secret for me to discuss. I think there are simply too
5 many variables which we wouldn't have had completed that
6 I can make a judgment on.
7 Q. Up to this point, and indeed through the entire
8 investigation, had there been any oversight of the
9 investigation by the Executive Liaison Group?
10 A. No, there had been no Executive Liaison Group.
11 Q. Why is that?
12 A. Because at no point had either we or the police
13 identified a need for one.
14 Q. In what circumstances, so far as you can say, would the
15 Executive Liaison Group have been required to exercise
16 oversight?
17 A. So the general circumstances, and it can be called at
18 any time when either the police or MI5 think it is
19 appropriate, but in this case I think in the
20 circumstances it would have been either a significant
21 increase in the level of risk we believed he posed, or
22 a decision to make a -- you know, a particular
23 significant executive action against him.
24 Q. Are you able to say what sorts of particularly
25 significant executive action might fall into that

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1 category?
2 A. Large-scale counter terrorist arrests I think would be
3 the most likely one.
4 Q. May we move now to a meeting which Butt had on
5 14 May 2017 at his home, which you address at
6 paragraph 127 of your report. We know that on that
7 date, Butt hosted a barbecue on a grassed area outside
8 of his block, an aqeeqah for his child's birth. We know
9 that he invited neighbours, family and friends,
10 including some in respect of whom no taint of extremism
11 has been suggested.
12 We know that Rachid Redouane was present and we can
13 see a photograph at {DC8191/1}, please, obtained after
14 the attack, which shows Redouane at the barbecue wearing
15 a distinctive red, white and blue coat.
16 Was MI5 aware of this meeting at the time?
17 A. Yes, we were.
18 Q. Can you say whether MI5 had seen any CCTV footage or
19 other imagery from outside Butt's premises on this
20 occasion?
21 A. On that particular day?
22 Q. Yes.
23 A. I think I need to seek some advice on that.
24 Q. Of course, please do.
25 We can take that image off the screen. Is there any

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1 information or intelligence that was available at the
2 time to suggest that that meeting related to or included
3 any attack planning or extremist activity?
4 A. No, there was not.
5 Q. Since the attack more information has come into your
6 hands generally, and there have been extensive
7 investigations. Is there now any information or
8 intelligence to suggest that that meeting was related to
9 attack planning?
10 A. No, there is not.
11 Q. You referred in the context of the closure plan to
12 a decision to reassess Butt's status as a potential lone
13 actor. Was a further potential lone actor exercise
14 carried out in May 2017?
15 A. Yes, it was.
16 Q. You tell us in your statement that a triage assessment
17 meeting took place on 15 May; is that right?
18 A. Yes, that's correct.
19 Q. What assessment was made in that exercise?
20 A. The assessment moved Butt's risk from being a medium
21 risk to an unresolved one. Unresolved meaning there
22 isn't enough intelligence for us to be sure to make
23 an assessment.
24 Q. What were the considerations that informed that headline
25 assessment?

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1 A. So the primary considerations were, I think, around
2 having a clearer understanding of his engagement in
3 violence, for which we now have more information than
4 we'd had the first time, and also in attempting to
5 understand whether the changes in behaviour we had seen
6 since his arrest in October 2016 were permanent ones or
7 ones that had been motivated by his arrest.
8 Q. Looking at the different aspect of the PLA process, what
9 was assessed concerning his capability?
10 A. So bearing in mind, again, that we are now at
11 an unresolved status, so no assessments of the
12 underlying factors were actually taken into account,
13 it's just that the process was intended to help the desk
14 officer by giving some guides, so these are not firm
15 assessments as they were before, the assessment of his
16 capability at this point was that his capability was now
17 moderate.
18 Q. Why had it been raised from weak to moderate?
19 A. So I think that probably reflects the fact that he had
20 been -- we hadn't really seen any significant change in
21 his behaviour overall, but we had seen circumstances in
22 which he had been continuing to engage in Islamist
23 extremist activity over a long period of time, but this
24 remains a very tentative view.
25 Q. In your statement you say that assessment was also

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1 influenced by him having broken the psychological
 2 barrier of breaking the law by his fraud offences; is
 3 that right?
 4 A. Yes, that's correct.
 5 Q. What tentative assessment of intent informed the overall
 6 assessment?
 7 A. So, again, that tentative assessment was his intent was
 8 now moderate, whereas previously it had been strong.
 9 Q. Why was it reduced in that way, albeit tentatively?
 10 A. I think this simply reflects the fact that we had been
 11 looking at him for a very long time, he had had two
 12 stated aspirations, to travel overseas and to mount
 13 an attack, and he had done neither.
 14 Q. Looking at your paragraph 129, were there, in fact,
 15 competing factors for the assessors to consider?
 16 A. Yes, there were.
 17 Q. What were they, in summary?
 18 A. So the key impact here I think was on the impact or
 19 otherwise of his arrest.
 20 Q. What was that impact and how did it influence the
 21 assessment?
 22 A. So it was difficult for us at this point to tell whether
 23 the changes in his behaviour were a temporary response
 24 to his arrest or a permanent change in his behaviour.
 25 Q. In your witness statement you say that the competing

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1 factors included that he was still espousing extremist
 2 views but had become disengaged from ALM?
 3 A. Yes.
 4 Q. And that his bail conditions were limiting his freedom
 5 of action for a time?
 6 A. Yes, also we believed.
 7 Q. But the arrest had the potential to give him a cause for
 8 grievance?
 9 A. That's correct.
 10 Q. And were all those factors taken into account based on
 11 your review of the potential lone actor documents that
 12 you have seen?
 13 A. They were.
 14 Q. May I look now more generally at Khuram Butt's
 15 association with Redouane and Zaghba, and you deal with
 16 this first of all in relation to Redouane from
 17 paragraph 133 of your witness statement. During the
 18 first half of 2017, did you receive intelligence linking
 19 Khuram Butt to somebody later discovered to be Redouane?
 20 A. Yes, we did.
 21 Q. What was the nature of that intelligence?
 22 A. The nature of that intelligence was an associate of
 23 Butt's known as Rachid.
 24 Q. Was it also indicated in that intelligence that Rachid
 25 was of Moroccan origin?

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1 A. That's correct.
 2 Q. Did the intelligence also suggest that he and Butt were
 3 known to the same individual?
 4 A. That's correct.
 5 Q. Was there also separate intelligence linking Butt and
 6 Redouane as associates who had socialised together on
 7 a number of occasions?
 8 A. That's correct.
 9 Q. Was that the limit, in broad terms, of the intelligence
 10 about Redouane that was understood before the attack?
 11 A. Yes, it was.
 12 Q. Before the attack, did MI5 identify Zaghba as
 13 an associate of Butt or of Redouane?
 14 A. No, it did not.
 15 Q. Are you able to say would the name Zaghba have meant
 16 anything to the investigation team?
 17 A. No, I don't believe it would have done.
 18 Q. The name Rachid may have meant something for the reasons
 19 you've discussed, but would the name Redouane?
 20 A. No, it wouldn't have done.
 21 Q. We now know that Butt was associating with Redouane and
 22 Zaghba in the months before the attack. First of all,
 23 we know that they were in regular phone contact,
 24 including using one of Butt's long-standing numbers. Is
 25 that something you can accept, based on all your

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1 knowledge?
 2 A. Yes, it is.
 3 Q. We know that they were meeting at the Ummah Fitness
 4 Centre gym regularly, probably from January 2017, that
 5 Butt was informally working there and Redouane may have
 6 been too. Again, is that something you can accept now?
 7 A. So I think breaking that down into bits, I don't think
 8 we can say even today we know that they were meeting
 9 regularly at the UFC, though I think it is a strong
 10 possibility. As we discussed earlier, I think we did
 11 know at the time that Butt was working there, but
 12 I think we have no evidence that we were aware that
 13 Redouane was, but given the informal nature of the
 14 employment, that would probably have been quite
 15 a difficult thing for us to be sure of.
 16 Q. We know that they were all going to the gym reasonably
 17 regularly, or at least that there is very strong
 18 evidence to that effect.
 19 A. Yes, I think that's right, which is different to them
 20 meeting regularly at the gym.
 21 Q. Certainly. And there is some direct evidence of
 22 witnesses that they met at the gym on a number of
 23 occasions?
 24 A. Yes, I'd certainly agree with that.
 25 Q. They were taking regular trips on a Sunday to go

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1 swimming together for a period of some time before the
 2 attack?
 3 A. So I think even now with the benefit of hindsight we can
 4 only be sure that Redouane and Butt were taking regular
 5 swimming trips together, though I think there is some
 6 indication that Zaghba may also have done.
 7 Q. We know that Butt was going every weekday afternoon to
 8 the Ad-Deen school, or almost every weekday afternoon,
 9 and that Zaghba, after a period of time, was going
 10 regularly at the same times?
 11 A. I'm not sure about the regularly bit for Zaghba, but
 12 I would certainly accept that he was going.
 13 Q. We know that both Redouane and Zaghba occasionally had
 14 use of Khuram Butt's red Corsa, a car that was known to
 15 the police, and that on 21 May 2017, Zaghba arrived in
 16 that car at Khuram Butt's block to collect his son for
 17 swimming?
 18 A. Yes, that's correct, though almost all of that, I think,
 19 is post-event.
 20 Q. We know that Redouane was at both meetings on 7 March
 21 and the meeting on 14 May, or was very likely?
 22 A. Very likely at the second meeting on 7 March; certainly
 23 at 14 May and the first of the 7 March meetings.
 24 Q. Now, it might be said, given all these various points of
 25 contact, that if there had been an effective

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1 investigation of Butt with all the tools at MI5's
 2 disposal which we looked at, it would or should have
 3 identified these individuals as significant associates,
 4 people worth looking into. What would you say to that?
 5 A. So I believe our investigation could certainly have
 6 fully identified Redouane and Zaghba as associates of
 7 Butt, but I believe it would only have identified them
 8 as social associates rather than significant ones.
 9 Q. Just break that down. Do you think your investigation
 10 should have identified them as significant associates,
 11 albeit social?
 12 A. No.
 13 Q. Why do you say that?
 14 A. Because they were only social contacts and therefore not
 15 really worth us investing resources in identifying.
 16 Q. If we put on screen, please, the transcript for Day 19,
 17 pages 121-122, {Day19/121-122}, and see what Witness M
 18 said in one respect.
 19 Now, from line 12 I asked whether it's possible that
 20 had the investigation not been suspended, Redouane and
 21 Zaghba might have been identified. Witness M said that
 22 that is possible, but he's not aware of information that
 23 would have identified Zaghba's particular significance.
 24 I went on to ask whether it was -- it's possible
 25 that absent the suspension, the police and MI5

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1 collectively would have identified Zaghba, and he said
 2 it was. Would you agree with those answers he gave?
 3 A. So I believe it would have been possible to identify
 4 Redouane and Zaghba before the suspension.
 5 Q. Would you agree, however, that the suspension also made
 6 it less likely that they would be identified because
 7 there was a period of relative intelligence blackout
 8 over a period of time in the run-up to the attack?
 9 A. So as we reviewed the information we have now
 10 post-attack, I cannot see anything from that period that
 11 would have done any more than reinforce the view they
 12 were social contacts.
 13 Q. Certainly, but the point about coverage over a period of
 14 time is that it reveals intelligence which may
 15 thereafter never be available; correct?
 16 A. Yes, that's certainly true.
 17 Q. So it's possible that -- and I don't ask for more than
 18 possible -- it's possible that coverage over that period
 19 might have identified them, given the degree of contact
 20 we now know Butt had with both of them generally over
 21 that period?
 22 A. It is possible, but given that I believe we could have
 23 identified them before the suspension, I don't think it
 24 would have added anything much to the process of
 25 identification.

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1 Q. We can take that off the screen.
 2 Is it also possible, given that we know Butt did
 3 ultimately plan an attack with the two of them, that
 4 some suspicious conduct would have been noted in his
 5 dealings with them, and I don't specify the type, but
 6 some suspicious conduct of the type you may see, had the
 7 investigation not been suspended over that fairly
 8 significant period?
 9 A. It is possible, but I note that we didn't identify such
 10 suspicious behaviour after 5 May.
 11 Q. Now, the evidence we have of which you're aware
 12 indicates that Redouane bought three ceramic knives
 13 which were later used in the attack on 15 May and that
 14 he bought wine bottles which were prepared as petrol
 15 bombs and he bought those on 30 May.
 16 We've also heard scientific evidence suggests that
 17 Zaghba and Redouane were involved in making the petrol
 18 bombs and suicide vests, very possibly at Redouane's
 19 flat. Are you aware of that --
 20 A. Yes, I am.
 21 Q. -- information? If you had had these individuals within
 22 your radar, is it not at least possible that some
 23 suspicious activity on their part would have been
 24 detected?
 25 A. So I think to break down the examples you give, had we

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1 been aware of either of the two purchases by Redouane,
 2 we would not have thought they were significant .
 3 I think the level of intrusive coverage we would have
 4 required to see -- and I know this remains a hypothesis,
 5 but feels a reasonable one -- the level of intrusive
 6 coverage we would have required to see him building the
 7 Molotov cocktails in his own flat would have been most
 8 unlikely to have been delivered in this timescale,
 9 irrespective of the suspension period.

10 Q. Would the purchase of three ceramic kitchen knives by
 11 Redouane have provoked suspicion in an investigator?
 12 A. No, I don't believe so of itself .

13 Q. Would the purchase of a number of bottles of wine,
 14 a dozen or so bottles of wine by Redouane, who is
 15 a devout Muslim?
 16 A. No, I don't believe so of itself .

17 Q. Why, because he might have been buying them for
 18 non-Muslim friends to drink?
 19 A. Yes, quite so.

20 Q. We know that Khuram Butt made efforts to raise funds
 21 before the attack by making loan applications on 1 June
 22 and by buying mobile phones which he later intended to
 23 sell on 30 and 31 May 2017. Was MI5 aware of any of
 24 that behaviour?
 25 A. I'm not sure that we were, no.

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1 Q. You suggest a degree of uncertainty; is that something
 2 you would like to check as well?
 3 A. I'm very happy to.

4 Q. Thank you.

5 On 29 May 2017, the Monday before the attack, and
 6 the day before Redouane bought the bottles, Khuram Butt
 7 met at night with Redouane and Zaghba outside the Ummah
 8 fitness gym in the early hours. According to footage we
 9 have, Redouane dropped his phone on some crates outside
 10 a gym and the three then went walking and talking
 11 together for 10 minutes or so down the road before the
 12 phone was collected again. Was MI5 aware of this
 13 meeting before the attack?
 14 A. No, it was not.

15 Q. Had you been aware of the phone being dropped and the
 16 three going off together, would that have been a matter
 17 of suspicion or concern?
 18 A. Yes, it would have been.

19 Q. It may be obvious, but why?
 20 A. Because this would be the first example we had seen of
 21 Butt engaging in security-conscious behaviour with other
 22 individuals where they were clearly -- well, clearly is
 23 too strong a word -- where it would have appeared
 24 strongly to us at the time that they were attempting to
 25 evade anybody listening to what they were saying.

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1 Q. Would the walk-and-talk together on the street late at
 2 night have been regarded as suspicious had the dropping
 3 of the phone not been seen?
 4 A. It would depend on how much other activity we had seen
 5 and how security conscious they appeared in the
 6 walk-and-talk.

7 Q. Have you seen the footage of the walk-and-talk?
 8 A. I have seen some of it, yes.

9 Q. Based on what you have seen of it, do you consider that
 10 it would have raised suspicions?
 11 A. I think it's possible. CCTV is quite a difficult medium
 12 to make judgments from on that kind of thing, and had we
 13 had actual surveillance of them, that would have been
 14 a better guide one way or the other.

15 Q. If you had become aware of the meeting and it had
 16 provoked any suspicions, are you able to say what, if
 17 any, action would have been taken?
 18 A. Yes, so working on the assumption that this is on the
 19 same timeline as we've seen throughout, we would have
 20 sought to identify very quickly the individuals to whom
 21 Butt was talking.

22 Q. So had there been monitoring which picked up this
 23 particular activity outside and near the gym, that would
 24 have led to focused investigation of Redouane and
 25 Zaghba, would it?

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1 A. The first thing would have been to make sure we had
 2 identified them as the individuals who Butt was in
 3 contact with, and then having identified them focused
 4 the investigation, yes.

5 Q. That was, of course, a little under a week before the
 6 attack. On the day before the attack, Friday, 2 June
 7 shortly after 10.00 pm, Redouane and Zaghba were
 8 together near the gym and Butt was in the gym, and it's
 9 possible but not certain that there was a further
 10 meeting. That's evidence we've heard, and I think
 11 you're aware of that?
 12 A. That's correct.

13 Q. Was MI5 aware of the three meeting at that time?
 14 A. No, it was not.

15 Q. If you had been aware of a night-time meeting between
 16 the three at the gym in isolation, bearing in mind that
 17 this was now Ramadan, and we've heard that evening
 18 prayers may have been held at the gym, would that have
 19 provoked any suspicions?
 20 A. No, it would not have done.

21 Q. Why, just to be clear?
 22 A. For the reasons you have just identified: late night
 23 meetings and gym sessions were quite common, in general,
 24 particularly during Ramadan.

25 Q. Moving on to the day of the attack, was live coverage

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1 being maintained over Khuram Butt on the day of the
 2 attack?
 3 A. No, it was not.
 4 Q. On the day of the attack itself, and setting aside live
 5 coverage for a moment, was MI5 aware of any of his
 6 movements or communications before the attack?
 7 A. No, it was not.
 8 Q. We now know that between 4.00 and 4.30 pm on the day of
 9 the attack, Khuram Butt was with Redouane and Zaghba
 10 outside his block, and made a series of calls using
 11 an operational phone to call hire companies; is that
 12 something you're aware of?
 13 A. I am now.
 14 Q. Now. We also now know that from around 5.15 to 6.30 pm,
 15 the three men were at B&Q collecting the hire van and
 16 while there, they purchased a large number of sacks of
 17 gravel. Is that something you are now, post-attack,
 18 aware of?
 19 A. Yes, it is.
 20 Q. If MI5 had been undertaking more intensive monitoring,
 21 is it realistically possible it would have discovered
 22 the hire and/or the collection of the hire van?
 23 A. Yes, it is.
 24 Q. Is it realistically possible that the purchase of the
 25 gravel would also have been identified?

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1 A. Yes, it is.
 2 Q. If MI5 had discovered the hire and collection of the van
 3 by Butt and two associates, would that have led to
 4 further action?
 5 A. Not at the time, no.
 6 Q. Given that Butt was hiring a large van with two
 7 associates he'd only known for a few months and who
 8 hadn't been identified by MI5 before, would that not
 9 have been suspicious in the modern climate?
 10 A. No, I think not.
 11 Q. Why is that, just to be clear?
 12 A. For the reason that, given Butt had deployed a cover
 13 story about using a van to help people move house and,
 14 indeed, had identified to Irfan Saeed that he would be
 15 doing it with two brothers who Irfan Saeed did not know,
 16 sorry, Irfan Saeed being another contact of his, there
 17 would have been a reason to assume that those two
 18 brothers were the two that were in the car -- the van,
 19 sorry.
 20 Q. If MI5 had discovered the hire of the van and the
 21 purchase of the gravel without any obvious need for Butt
 22 to have so much gravel, would that have led to further
 23 action?
 24 A. Not of itself in the timescale, no.
 25 Q. Why do you stress in the timescale?

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1 A. Because clearly in time if the cover story around him
 2 moving house began to unravel and he had kept the van
 3 for a considerable period of time, we would have
 4 wondered why there was so much gravel in the back of the
 5 van, but I think that would have been some days
 6 afterwards.
 7 Q. If we look at what Witness M told us on these matters.
 8 Transcript Day 19, page 131-132, please {Day19/131-132}.
 9 Towards the top of the page I asked Witness M what he
 10 would have done if he had become aware that Butt was
 11 trying to hire a large van or truck. He then asked for
 12 the context of the hypothetical question to be made
 13 clear, and then once that had been done, at page 132 he
 14 said because of the overarching threat picture at that
 15 time, the fact there had been a number of attacks, and
 16 the fact that Butt was an extremist:
 17 "I would have been inclined to have had him stopped
 18 in that vehicle purely because it would just be the
 19 right side of caution and there would be nothing to lose
 20 by doing that activity ... I think that would be
 21 consistent across our operational picture."
 22 Do you agree that would have been the right response
 23 to attempts by Butt to hiring the van?
 24 A. So I think Witness M also says, does he not, that he
 25 would only do this in the context of MI5 tipping him off

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1 that these particular actions were of concern, rather
 2 than the intrinsic actions of themselves would generate
 3 him to do this?
 4 THE CHIEF CORONER: I think we see on page 131 at the top.
 5 MR HOUGH: He made the point, in fairness, that if he was
 6 being told that for a reason by anybody, he would have
 7 taken that action. We can see that from lines 6 and 7
 8 on page 132.
 9 A. Yes, that's correct.
 10 Q. So what he was saying is that, as far as we can see from
 11 the transcript, that if it was MI5 that was telling him
 12 about the van hire, and that would be the likely channel
 13 of information in an intelligence-led investigation,
 14 then he would stop the -- his instinct would be to stop
 15 the van.
 16 If MI5 had become aware of the attempt to hire
 17 a van, do you think the police would have been told?
 18 A. No, I don't.
 19 Q. I then asked him, as we see towards the bottom of
 20 page 132, what he would have -- how he would have
 21 responded to the collection of the van and the purchase
 22 of a large number of sacks of gravel without the
 23 embellishment of any additional intelligence, and he
 24 said, at the bottom of page 132 that it:
 25 "... fits into some of the known threats we've seen

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1 before ..."
 2 And over the page, please {Day19/133:25} and some of
 3 the previous attacks:
 4 "... given the fact that there wasn't any
 5 overarching CT operation that would be compromised if we
 6 had it stopped, then I would lean towards the direction
 7 of getting that vehicle stopped."

8 What would your observation be on that answer by
 9 Witness M?

10 A. So I think my interpretation of the instructional
 11 material put out by Islamic State and others is subtly
 12 different to Witness M's. My view would be that that
 13 instructional material tends to emphasise the need to
 14 hire or obtain in some form a heavy vehicle, which is
 15 a different point to making the vehicle you have
 16 heavier.

17 Q. He suggests that at the time he would have been
 18 concerned about efforts to make a vehicle heavier and
 19 that that would have contributed to or supported his
 20 inclination to stop the vehicle; do you think he is
 21 wrong about that?

22 A. I think with Witness M's need to emphasise public
 23 safety, that's an entirely proper view for him to take.
 24 From my perspective in terms of looking at triggers
 25 which appear to be reflected in terms of instructional

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1 material from Islamic State and others, I haven't seen
 2 evidence that making a vehicle heavy is a tactic they
 3 have recommended.

4 Q. Now, a layman without -- we can take that document off
 5 screen -- a layman without any knowledge of the detailed
 6 background but a knowledge of the attacks which had been
 7 taking place, might say if information comes to light
 8 that a known extremist is hiring a van and along with
 9 recent associates is loading it with gravel, that should
 10 throw up enough concern to have that person stopped
 11 unless there's a positive reason not to, for example,
 12 compromising an investigation. What would you say to
 13 that view?

14 A. So any stop potentially compromises an investigation and
 15 therefore needs to be considered in that context. So we
 16 would always think about that, and stopping all
 17 individuals in those circumstances where they appear to
 18 have a strong cover story would generate an awful lot of
 19 stops.

20 Q. If MI5 had then become aware of the van being driven
 21 towards central London from just before 9 o'clock and
 22 into the City, entering the City just after 9.30, would
 23 that information have caused it to take or require any
 24 further action?

25 A. No, I don't believe it would have done.

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1 Q. Why is that, just in a sentence or two?

2 A. So though that evidence would not clearly reflect
 3 a story consistent with moving house, nor would it by
 4 any means automatically suggest that they were moving to
 5 central London in order to mount a terrorist attack in
 6 the absence of any other indicators that they were doing
 7 that.

8 Q. The suggestion might be made that the various answers
 9 you've given me show -- in the last five minutes -- show
 10 too little prudent suspicion of what an extremist might
 11 be up to in doing something unexpected. What would you
 12 say to that?

13 A. I think the important thing to remember is all of our
 14 subjects of interest lead their daily lives as well as
 15 being subjects of interest, and do many, many things
 16 which are not associated with terrorism, many of them
 17 which are not immediately explicable to us or the
 18 police, and if we sought to intervene every time we saw
 19 something that was not immediately explicable, we would
 20 be spending a lot of our time intervening.

21 Q. I now turn to Rachid Redouane, whom you deal with from
 22 page 36 of your report, or witness statement. We can
 23 deal with these questions before we finish today.

24 Was Rachid Redouane investigated by MI5 prior to
 25 this attack at all?

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1 A. No, he was not.

2 Q. You've already told us how MI5 became aware during the
 3 first half of 2017 of Butt's association with a male of
 4 Moroccan origin named Rachid. From the post-attack
 5 police investigation it appears that Butt came into
 6 contact with Redouane in or around early December 2016
 7 and a DMEU report on devices taken from an associate of
 8 Butt and Redouane, called Jamel Kasimi, during
 9 a schedule 7 examination on 9 April 2017, indicates that
 10 Kasimi probably introduced them to each other in
 11 early December 2016.

12 Based on what's now known to MI5, does it agree with
 13 that view as to when Butt and Redouane met?

14 A. So I think the timescale for when they met feels right
 15 to me based on what we now know. I think the specific
 16 question of whether Kasimi introduced them to one
 17 another is a more uncertain one, not least because of
 18 Kasimi's own statement on this matter.

19 Q. If it's correct that they met in early December 2016, is
 20 MI5 able to say how long after that first meeting it
 21 became aware of Butt associating with the Moroccan male
 22 called Rachid?

23 A. In the early part of 2017.

24 Q. In your witness statement, Redouane is described as
 25 appearing to be no more than a peripheral and social

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1 associate of Butt’s, and you have confirmed that today. 1
 2 What would you say to the suggestion that there were 2
 3 some signs to be seen of a closer association between 3
 4 the two than the word "peripheral" suggests, given 4
 5 Redouane’s attendance at the same gym, his attendance at 5
 6 the meetings on 7 March and 14 May, his visit to Leeds 6
 7 on 18 April, and the swimming trips with Butt? 7
 8 A. No, I would agree with that. I meant peripheral in the 8
 9 sense of peripheral to the nature of the investigation 9
 10 into Butt rather than peripheral in terms of the contact 10
 11 between them. 11
 12 MR HOUGH: Thank you very much. 12
 13 Sir, would that be a convenient moment? I don’t 13
 14 have a great deal more tomorrow, probably no more than 14
 15 10 or 15 minutes -- 15
 16 THE CHIEF CORONER: Yes. 16
 17 MR HOUGH: --but I appreciate it’s tiring for the witness. 17
 18 THE CHIEF CORONER: Yes. Subject, I suspect, Mr Hough, to 18
 19 I think the three or four areas which the witness has 19
 20 identified that he would like to either just check 20
 21 details that you may want to go back over. 21
 22 So I think the sensible thing is we break there and 22
 23 we will resume with Witness L tomorrow morning at 23
 24 10 o’clock. 24
 25 MR HOUGH: Yes. 25

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 WITNESS L (affirmed)5
 Questions by MR HOUGH QC5

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1 THE CHIEF CORONER: Thank you. 184
 2 Can I simply -- I appreciate Witness L has been
 3 closeted behind a curtain all day. Can I simply thank
 4 you for putting up with the conditions that we have put
 5 you in, Witness L, and I hope you have a chance to have
 6 a break when we rise.
 7 A. Thank you, my Lord.
 8 (4.24 pm)
 9 (The court adjourned until 10.00 am on
 10 Thursday, 13 June 2019)
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