

OPUS 2

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Day 25

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1 Thursday, 13 June 2019
 2 (10.08 am)
 3 THE CHIEF CORONER: Good morning, Mr Hough.
 4 MR HOUGH: Good morning, sir.
 5 THE CHIEF CORONER: And good morning to Witness L.
 6 WITNESS L (continued)
 7 Questions by MR HOUGH QC (continued)
 8 MR HOUGH: Good morning, Witness L.
 9 A. Good morning.
 10 Q. You appreciate you remain under oath?
 11 A. Indeed.
 12 Q. May I again, sir, reiterate the warning that nobody may
 13 make notes on computer or any recording of Witness L's
 14 evidence while it is being given, but anyone may make
 15 manuscript notes of it.
 16 THE CHIEF CORONER: Thank you.
 17 MR HOUGH: Witness L, may I deal first of all with some
 18 points you were going to check arising from questions
 19 yesterday and I'll deal with them in the order they
 20 arose.
 21 First of all, you told us that from November 2016 to
 22 early 2017, Butt was believed to be associating with
 23 other ALM affiliates from outside London. I asked you
 24 were you able to say who they were and when. You said
 25 you would need to take advice on how far you could go in

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1 identifying them. Is there anything more you can say?
 2 A. Yes, I have taken that advice and I cannot give any
 3 further answers for legal reasons.
 4 Q. May I, however, ask you one particular question and see
 5 if you can answer that. We understand that in the trip
 6 to Leeds on 18 April 2017, Khuram Butt associated with
 7 the Abdoullahi brothers in Leeds. Are you able to say
 8 whether that was known to MI5 at the time?
 9 A. Yes, it was known to MI5 at the time.
 10 Q. Moving on to another topic which was raised. I asked
 11 you about when Operation Hawthorn, as we're calling it,
 12 was suspended in early 2017. You told us that a number
 13 of other P2M investigations were suspended at the same
 14 time. I asked if any P2H investigations were also
 15 suspended at the same time. You said you thought the
 16 answer was yes, but you would need to check. Have you
 17 been able to?
 18 A. Yes, and I can confirm the answer was yes: P2H
 19 investigations were suspended at this time.
 20 Q. Multiple P2H investigations?
 21 A. Multiple P2H investigations.
 22 Q. Regarding the meeting at Khuram Butt's house on
 23 14 May 2017, I asked whether MI5 had access to or had
 24 seen any CCTV footage or other imagery from outside
 25 Butt's premises on that date, and you said you would

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1 need to take advice. Are you able to give any answer to
 2 that question?
 3 A. Yes, I can confirm that MI5 had access to the CCTV from
 4 14 May but did not review it at the time.
 5 Q. Or at any time before the attack?
 6 A. Or at any time before the attack.
 7 Q. Finally, I asked you whether MI5 was aware of
 8 Khuram Butt's efforts to raise funds first of all by
 9 buying phones for apparent resale on 30 and 31 May 2017,
 10 and secondly, by making loan applications around
 11 1 June 2017. You said you were not sure whether MI5
 12 were aware, but would be very happy to check. Is there
 13 any more information that you are able to give in that
 14 regard?
 15 A. So, having taken further advice, I am afraid I cannot
 16 answer that question for legal reasons.
 17 Q. Thank you very much.
 18 May we now return to the matters I was asking you
 19 about and deal next, please, with Youssef Zaghba whom
 20 you address from page 37 of your witness statement.
 21 We have heard from DCI Jolley that on 15 March 2016,
 22 Youssef Zaghba attempted to fly from Bologna to Istanbul
 23 and was stopped after he mistakenly told airport
 24 officials that he was travelling "to be a terrorist"
 25 before he corrected himself to "tourist". We've also

3

1 heard that he was then placed by the Italian authorities
 2 on the Schengen Information System but under a serious
 3 crime alert as opposed to a national security alert.
 4 We've heard that that alert was then triggered when
 5 Youssef Zaghba entered the UK on 1 May 2016,
 6 16 September 2016, and 12 January 2017, and on each
 7 occasion, the Italian authorities were accordingly
 8 notified.
 9 Are you aware of all those facts?
 10 A. I am in the context of DCI Jolley's statement, yes.
 11 Q. Are you able to answer this question: did the triggering
 12 of the alert on any of those three occasions lead the UK
 13 authorities to make any inquiries of the Italian
 14 authorities, in particular, DIGOS about the reasons for
 15 the alert?
 16 A. I do not know the answer to that question given that
 17 they were non-terrorist triggers.
 18 Q. Are you able to say whether the triggers of the alert
 19 led MI5 to make any such inquiries?
 20 A. No, because MI5 was not aware of those triggers.
 21 Q. Was there any -- at the time was there any means for MI5
 22 to be made aware of a person in this situation who had
 23 been listed under a serious crime alert but whose
 24 conduct in fact raised concerns about terrorism or
 25 extremism?

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1 A. There certainly would be a number of means should the
2 original lister choose to draw it to the attention of
3 the relevant terrorist authority in another country, in
4 this case us.
5 Q. So it would be for the Italian authorities to raise that
6 through the appropriate channels with you?
7 A. That's correct.
8 Q. Moving on in time to some matters you deal with from
9 paragraph 139 of your statement. Did a time come
10 in April 2016 when a request was made by the Italian
11 authorities of our intelligence services in relation to
12 Zaghba?
13 A. That's correct.
14 Q. Can you tell us what happened?
15 A. So on 15 April 2016, the Italian authorities approached
16 SIS with a series of questions relating to Zaghba.
17 Q. In broad terms, what were those questions about?
18 A. So it was a reflection of the 15 March stop and asking
19 the UK whether it had any further traces on Zaghba, and
20 I think drawing attention to the fact that Zaghba had
21 travelled to the UK or was believed to have had links to
22 the UK.
23 Q. Did it in particular ask about any contacts he had in
24 the UK with any individuals linked with Islamic
25 extremism and/or linked with Italy?

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1 A. No, it did not.
2 Q. What happened to that request?
3 A. That request was processed by SIS, originally having
4 been in Italian, and sent to MI5 and SIS headquarters on
5 9 June.
6 Q. Now, the period from the request on 15 April to the
7 translated note being passed to MI5 on 9 June 2016 might
8 seem quite a long time. Is there any explanation for
9 that?
10 A. I suspect this reflects the fact that it was seen,
11 correctly, at the time, as a non-priority request and
12 therefore SIS translation resources were not accorded to
13 it very quickly.
14 Q. You indicate in your statement that at the time there
15 was no dedicated full-time translation service available
16 and there were high operational demands.
17 A. That's correct.
18 Q. When the translated copy was passed on to MI5 on
19 9 June 2016, what happened to it?
20 A. No action was taken as far as I am aware.
21 Q. Why was that?
22 A. Because the request which was a request for tracing of
23 the type we discussed the other day went to an incorrect
24 addressee.
25 Q. The wrong MI5 team?

6

1 A. The wrong MI5 addressee, yes.
2 Q. How was the note filed within MI5's records?
3 A. I can find no record that it was filed in MI5 records.
4 Q. As a result of the misdirection and the non-filing, was
5 any response given?
6 A. No response was given to the Italians, as far as I am
7 aware.
8 Q. If the request had been actioned by MI5, what would have
9 happened to it?
10 A. The response would have been a no trace for we had no
11 trace of Zaghba at that time.
12 Q. So you would have made a search across MI5's systems and
13 that would have produced a nil response because Zaghba
14 was not on your records?
15 A. That's correct.
16 Q. A few follow-up questions, please. Was the delay of
17 seven or eight weeks for the note to be translated and
18 sent to MI5 a delay that was usual for the translation
19 and transmission of a request of this kind in a major
20 European language?
21 A. So I don't have full management information to say that
22 for certain, but my instinct is that that would have
23 been reasonably usual.
24 Q. The request was sent to the wrong team within MI5; are
25 you able to explain why that happened?

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1 A. So the request was sent to a number of addresses in SIS
2 and to one in MI5, and I suspect this was probably
3 a misunderstanding on behalf of the original SIS sender
4 as to where a trace request should be sent in MI5.
5 Q. Now, you've told us that the note wasn't filed in your
6 corporate system. Should it have been filed in that
7 system even though sent to the wrong address?
8 A. Yes, it should have been.
9 Q. Are you able to explain why it wasn't filed?
10 A. I suspect that the individual to whom it was sent, who
11 was sent it only as a copy addressee, did not understand
12 that they needed to take any action at all.
13 Q. Would the note, if filed, have led to a search or any
14 further action?
15 A. Not just if filed, no.
16 Q. Would the note, if filed, have provided any assistance
17 later in the investigation that was happening?
18 A. Not on the information it gave, no.
19 Q. You tell us that even if the request had been actioned
20 it would have resulted in a nil return because Zaghba
21 was not on your records. Is it possible that the
22 process of looking at this request and responding to it
23 would have caused MI5 to make inquiries about Zaghba
24 with any other authorities or more generally?
25 A. Yes, I think that is possible.

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1 Q. Is it possible that that would have caused MI5 to
2 discover Zaghba had returned to London on the various
3 occasions when he was flagged as returning?
4 A. So I think this is an interesting and inevitably
5 speculative chain of events. Had we been interested,
6 I suspect our first response would have been to return
7 to the Italian authorities and to ask for more detail
8 because the information provided, namely that he'd
9 arrived at an airport and said he was a terrorist and
10 then changed it to tourist is unusual. So our first
11 step would have been to ask the Italians for more
12 information. Had they provided information of interest,
13 I think it is possible we would consider putting him on
14 a terrorist watch list in addition to the existing
15 serious crime watch list.
16 Q. Is it possible that that would in turn have led to some
17 investigation of Zaghba or some flagging of him as
18 a person of interest?
19 A. So I think active investigation would have been
20 unlikely, but flagging as a person of interest,
21 particularly as they came in and out of the UK border,
22 feels more likely.
23 Q. From everything you know, is it possible that that
24 flagging would have increased the chance of him being
25 identified as an associate of Khuram Butt?

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1 A. It's possible but, again, it is still a quite long chain
2 of events to get there based on whatever information
3 Zaghba would have provided at the port. But it is
4 possible.
5 Q. So accepting that it's speculative, it is possible that
6 the administrative errors that occurred in connection
7 with the Italian authorities' request did deprive MI5 of
8 the opportunity of linking Zaghba to Butt?
9 A. Yes, it is possible.
10 Q. May I now move to what is now known, which you address
11 on page 39 of your witness statement. Is it right that
12 since the attack, MI5, like the police, has conducted
13 extensive inquiries to identify whether there is
14 information indicating whether anyone other than the
15 three attackers knew of the potential attack in advance
16 or were involved in planning the attack?
17 A. Yes, this is a central part of both our and the police's
18 investigations after the event.
19 Q. What was the result of those inquiries? What was the
20 answer to the question whether anyone else knew or was
21 involved?
22 A. That we have not identified anyone else who knew or was
23 involved.
24 Q. Was, however, some intelligence obtained to the effect
25 that anyone else might have been aware that Butt and

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1 others were planning some form of attack?
2 A. So there is some intelligence to suggest that somebody
3 may have some fragmentary knowledge of, I think, more
4 a general aspiration than a plan.
5 Q. Are you able to say when that individual may have
6 acquired that knowledge, either specifically or in terms
7 of a broad period.
8 A. No, I can't go any further for national security
9 reasons.
10 Q. Are you able to say whether that intelligence was
11 available or obtainable from your records before the
12 attack?
13 A. No, I can't go any further for national security
14 reasons.
15 Q. Are you able to say this, and I appreciate that you are
16 being careful, could any more have been done, knowing
17 what you know, to discover the plans for the attack?
18 A. I do not believe so.
19 Q. Even now, is there anything to indicate that that person
20 or anyone else was aware when, where or how the attack
21 would take place?
22 A. No, there is not any indication of that.
23 Q. Thank you. May I now turn to the findings of the
24 post-attack review. You have already told us that the
25 conclusion of the post-attack review was that the

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1 investigation into Butt had broadly been run well and
2 that the suspension decisions were appropriate; is that
3 right?
4 A. That's correct.
5 Q. Are those a set of conclusions with which you agree?
6 A. Yes, I do.
7 Q. Did the review team nevertheless identify a number of
8 learning points and areas where further improvements
9 could be made?
10 A. Yes, it did.
11 Q. If we could bring up on screen, please, {WS5006/40}. If
12 we look at paragraph 150, did those include the
13 following: thematic investigation management?
14 A. Yes.
15 Q. The potential lone actor triage process?
16 A. Yes.
17 Q. The suspension and reopening of live investigations?
18 A. Yes.
19 Q. Disruptions?
20 A. Yes.
21 Q. Closure planning?
22 A. Yes.
23 Q. Over the page, please {WS5006/41}. Responses to liaison
24 tracing?
25 A. Yes.

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1 Q. And vehicle hire?
 2 A. Yes.
 3 Q. At paragraph 151 of your statement, which we see on the
 4 screen, you say that the review team concluded that none
 5 of these areas represented a missed opportunity to
 6 detect and prevent the attack and you agree with their
 7 conclusion; and do you still agree with it?
 8 A. I do still agree with that conclusion.
 9 Q. We can take that off screen.
 10 So although you may not be able to go into the
 11 detail of recommendations about your processes, you're
 12 satisfied that none of those recommendations, if
 13 implemented, would have caused this attack to be
 14 prevented?
 15 A. Yes, I am.
 16 Q. May I now ask you about some reflections which Lord
 17 Anderson makes in concluding his report, and I would
 18 like to ask you for your own views on each one in the
 19 light of this case, as I did when asking you questions
 20 in the Westminster case.
 21 First of all, he says that intelligence is always
 22 imperfect, which means that tough judgments have to be
 23 made as part of your craft; would you agree with that?
 24 A. Yes, I would, and as I said at the time of the
 25 Westminster Inquest, I was particularly to see(?) Lord

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1 Anderson who understands our work but is not
 2 a practitioner of it to share that view.
 3 Q. He also concluded, perhaps obviously:
 4 "Not everything can be stopped. There is always
 5 a risk of determined attackers getting through."
 6 Is that a reflection you would agree with?
 7 A. Yes, I am afraid that is true.
 8 Q. He concluded that:
 9 "However, there is no cause for despair as most
 10 attacks are successfully disrupted."
 11 A. Yes, I would agree.
 12 Q. And that's a conclusion you would agree with, knowing of
 13 the unsung successes of the Service?
 14 A. Both the unsung successes and the number of disrupted
 15 plots that are already in the public domain.
 16 Q. And finally, that even marginal improvements are capable
 17 of paying dividends?
 18 A. Yes, absolutely true.
 19 Q. With all of those points in mind, can I ask you about
 20 a few themes which have emerged from your evidence, and
 21 just ask whether any of them is a point on which the
 22 service can learn anything for the future.
 23 First of all, suspension of investigations. Now,
 24 you accepted that if the investigation hadn't been
 25 suspended from March to May 2017, it might have

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1 identified Redouane and Zaghba and it's possible,
 2 although speculative, that it could have identified
 3 suspicious behaviour.
 4 Given what followed, and appreciating all the
 5 difficulties in this exercise, is there some basis for
 6 reconsidering thresholds for suspending investigations
 7 and whether some coverage should be maintained in
 8 suspended investigations of a certain priority level?
 9 A. So, I think as we've touched on before, the priority
 10 level is a reasonably mechanistic measure and I would be
 11 reluctant to set a particular set of criteria or
 12 thresholds around priorities.
 13 Q. That's understood, but is there some basis for
 14 reconsidering or in any way refining the process of
 15 suspension given the particular facts of this case?
 16 A. So I think refining the process of suspension,
 17 particularly in the context of ensuring that the police
 18 are aware and consulted, is something that we have moved
 19 forward on.
 20 Q. Risk and threat assessment. At each stage in my
 21 questioning you have answered my questions about risk
 22 assessment by referring to the absence of indications
 23 that Butt was planning an attack, which might include
 24 specific forms of anti-surveillance or might include
 25 other preparatory action, and you gave similar answers

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1 in the Westminster case. Is there any cause for concern
 2 that other behaviour indicative of risk, other than
 3 behaviour specifically indicating planning, isn't being
 4 picked up or given enough weight, including in the
 5 potential lone actor process?
 6 A. I don't believe so.
 7 Q. Is there any way of subjecting that process and your
 8 other procedures to assurance to check that that's not
 9 a proper concern?
 10 A. I think that's an important part of moving forward,
 11 particularly with the potential lone actor process.
 12 This remains a reasonably young process for us and we're
 13 refining it all the time.
 14 Q. Thirdly, monitoring. Without going into detail, this
 15 case raises perhaps two obvious concerns: first of all,
 16 there was extensive contact between Butt and Redouane
 17 and Zaghba over a period without them being specifically
 18 identified. Secondly, Butt's daily attendance at the
 19 school wasn't picked up and his regular attendance at
 20 the gym didn't lead to significant monitoring there.
 21 Now, while you have made the point, very fairly,
 22 that identification may have resulted in no more than
 23 confirmation that they were social associates, do the
 24 circumstances suggest to you any weakness in the
 25 monitoring at a time when coverage was substantial and

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1 therefore something from which lessons can be learned?
 2 A. I don't think there are any weaknesses. Again, we would
 3 be looking for improvements, but I can't think of any
 4 significant ones around that area.
 5 Q. Fourthly, co-working with the police. We've identified
 6 a number of instances of information not being passed to
 7 the police team, for example, because MI5 regarded it as
 8 not particularly relevant, such as the information about
 9 Sajeel Shahid owning the gym.
 10 Apart from the question of consulting the police
 11 over suspensions and so on, does this case highlight
 12 some limitations in information sharing, at least in the
 13 past?
 14 A. Yes, I believe it does.
 15 Q. Does that, when there is such a limitation, give rise to
 16 the risk that you have two teams, each working
 17 independently, and holding back what it deems irrelevant
 18 to the other?
 19 A. Yes, it does.
 20 Q. Fifthly, engagement with employers like Transport for
 21 London. Given the constraints of section 2(3) of the
 22 Security Service Act, which you drew attention to, is
 23 there a case for the police engaging with employers of
 24 known SOIs if the jobs are such as would cause public
 25 concern, such as jobs on the transport infrastructure?

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1 A. So I think Witness M's observations about the potential
 2 legal challenges that would bring for the police strike
 3 me as entirely sensible and thus I don't think there is
 4 a strong case for that.
 5 Q. Is it something worth exploring to see what can and
 6 can't be done, given the legal constraints?
 7 A. I think I have quite a lot of faith in the vetting
 8 system and therefore would not see the need for that.
 9 Q. Then is the case for monitoring of the workplace in
 10 situations where SOIs obtain work on, for example, the
 11 transport infrastructure?
 12 A. I think the monitoring of the SOI would still be the way
 13 to judge whether they were doing anything inappropriate
 14 or nefarious at their workplace.
 15 Q. Sixthly, hiring of vehicles, and this will mainly be a
 16 topic for others, which is why I haven't asked you about
 17 it in great detail, but neither MI5 nor the police was
 18 made aware on 3 June that Khuram Butt was trying to hire
 19 a van or truck. Would you, from your perspective,
 20 welcome any further work being done to ensure such
 21 attempts are, in future, notified to the authorities as
 22 a matter of course?
 23 A. I think it's worth examining what more could be done.
 24 Myself, I do not see, at this point, it proportionate
 25 for MI5 to be aware of every occasion where an SOI

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1 sought to hire a vehicle.
 2 Q. Finally, efforts to prevent radicalisation of children
 3 rather than efforts to prevent attacks. We appreciate
 4 that safeguarding is not one of MI5's many
 5 responsibilities. However, it could fairly be suggested
 6 that efforts to trace the school where Butt was working
 7 in this case were limited and ineffective. Would there
 8 be a value in the police reviewing their procedures
 9 corresponding to information which MI5 properly provides
 10 concerning possible contacts of SOIs with young or
 11 vulnerable people?
 12 A. So it's a slightly broader answer but I believe the work
 13 that we and the police are doing in terms of bringing
 14 together the Pursue strand of counter terrorist work,
 15 which is where we mostly work with the Prevent strand,
 16 is already beginning to address this sort of question.
 17 Q. Do you consider that that work would, in future, lead to
 18 a situation like this of an SOI working at a school
 19 being more rigorously investigated?
 20 A. So that work is by no means complete, but it's the sort
 21 of problem it's supposed to solve.
 22 MR HOUGH: Thank you very much. Those are all my questions.
 23 There will be others, I think first from Mr Patterson.
 24 THE CHIEF CORONER: Mr Patterson, Mr Adamson, I know that
 25 you will adopt the same process as before, there are

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1 topics which both of you want to cover, but I know that
 2 you will divide them between the two of you. All I am
 3 going to say, Mr Patterson, we will follow the same
 4 procedure as yesterday, so we will take a break at about
 5 the same time.
 6 MR PATTERSON: Yes.
 7 THE CHIEF CORONER: So in about an hour's time.
 8 MR PATTERSON: Certainly, I'm grateful.
 9 Questions by MR PATTERSON QC
 10 MR PATTERSON: L, as you may know, I ask questions for
 11 families of six of those who were killed in the attack,
 12 and can I make it plain that the families I represent
 13 recognise the work carried out by your Service in the
 14 public interest and they recognise of course the
 15 difficult task faced by your officers in trying to
 16 counter terrorism. But, can I make it plain that, as
 17 I think your director general himself has noted, after
 18 an attack of this sort it is important to ask questions
 19 in order to make improvements where necessary, and it is
 20 in that spirit that I ask these questions.
 21 A. Thank you, and can I through you express my profound
 22 personal sympathies as well as those of MI5 to the
 23 families of the victims of this terrible attack, to
 24 those who were injured in it, and to those otherwise
 25 affected by it. I think I said at the last Inquest that

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1 every member of MI5, and particularly every member of my
2 branch, comes to work every day to stop attacks like
3 this. We know that we cannot stop them all, as we
4 failed to stop this one, but it's our job to try and
5 squeeze the maximum learning out of it.

6 Q. Thank you for those comments.

7 You appreciate, L, that the families I represent are
8 anxious to understand how it was that a man who
9 continued to be under investigation right up to the day
10 of this attack could be able to both plan it over quite
11 some time, it would seem, and execute it without being
12 detected, and it's in relation to that that I ask these
13 questions.

14 Can I go back, please, to 2014. You indicated that
15 there were essentially two strands of investigative
16 information referring to Butt at a time when he hadn't
17 been identified as being Butt; is that correct?

18 A. That's correct.

19 Q. So he was believed to be in contact with known ALM
20 extremists, who included the leadership figure Anjem
21 Choudary; yes?

22 A. That's correct.

23 Q. And of course, this organisation at the time for several
24 years had been a proscribed terrorist organisation; yes?

25 A. Yes, since 2006.

21

1 Q. What was the nature of his contact with Choudary?

2 A. So I am afraid I cannot give any more details on the
3 nature of that contact.

4 Q. Whether it was more than once?

5 A. It was more than once, yes.

6 Q. Whether it involved attendance at either of their home
7 addresses?

8 A. So I am afraid I can't give any more detail at this
9 point.

10 Q. Or whether it was just the two of them on their own; can
11 you help to that extent?

12 A. So I am afraid I can't give any more detail.

13 Q. We have heard evidence that Butt did meet with him more
14 than once, not only at Butt's home address but also at
15 Choudary's home address. Is that something that MI5 was
16 aware of in those early stages?

17 A. No, I don't believe it was.

18 Q. But I think you told us that there did come a time later
19 when you did learn about such a contact?

20 A. That's correct, at a later time.

21 Q. The second thing that you told us that emerged in 2014
22 was that this person later identified as being Butt
23 himself possibly held extremist views?

24 A. That's correct.

25 Q. Now, obviously extremist views can range, can they not?

22

1 A. Yes, they can.

2 Q. From being perhaps at one end of the spectrum somebody
3 with perhaps rather fundamentalist religious views,
4 right up to the other end, where there's a belief in the
5 obligation to fight and die in your cause; you would
6 agree?

7 A. I would.

8 Q. Can you help us with where along that spectrum the
9 intelligence placed him?

10 A. So clearly we focus as far as we can on that second end
11 of the extreme and as far as we could see, Butt was not
12 in that place.

13 Q. Was there any suggestion of an interest in violence?

14 A. Not that we were aware of.

15 Q. Or an interest or support for any of the other terrorist
16 groups like Isis?

17 A. Not that we were aware of.

18 Q. Was any of this activity after Choudary was charged
19 in September 2014 along with a number of other
20 ALM-linked extremists?

21 A. Forgive me, I thought Choudary was charged in 2015 and
22 arrested in 2014, but I may be wrong.

23 Q. Forgive me, yes. He was arrested in September 2014 and
24 charged in 2015, so this activity in 2014, was it before
25 or after those arrests?

23

1 A. I'm sorry, Mr Patterson, can you just repeat the

2 question? I'm not sure I understand the time frame.

3 Q. Yes. So the arrests were in September 2014.

4 A. And the question is?

5 Q. Can you help with whether the activity in relation to
6 Butt was before or after those -- that date?

7 A. I think it was both before and after.

8 Q. So he had contact with this leadership figure of this
9 terrorist organisation after he, the leadership figure,
10 had been arrested by the police on suspicion of
11 terrorist offences?

12 A. That's correct.

13 Q. And despite all of that, he wasn't investigated in 2014;
14 is that the position?

15 A. That's correct.

16 Q. Could he have been investigated in 2014?

17 A. He could have been, yes.

18 Q. One of the themes of the evidence, I would suggest, is
19 that for several years too much leeway was given to ALM
20 suspects. You're aware of that suggestion that has been
21 made on a number of occasions in public debate?

22 A. I am.

23 Q. Do you accept that?

24 A. I do not.

25 Q. Can we see on the screen, please, {DC8239/4}. Are you

24

1 able to see this, L?
 2 A. Yes, I can, thank you.
 3 Q. This is a BBC News report, I think it was BBC Newsnight,
 4 Richard Watson, and there was a quotation from
 5 Richard Kemp, who I'm sure you will be familiar with, he
 6 was chairman of the Cobra Intelligence Group at the time
 7 of the 7/7 bombings, he was responsible for coordinating
 8 intelligence from the Security Service and the Secret
 9 Intelligence Service, MI6, he reported to the secret
 10 Cobra committee that briefs the government on national
 11 security at times of crisis. You're aware of Mr Kemp?
 12 A. So I'm aware he was a media commentator and I have no
 13 doubt that those things you say are an accurate
 14 reflection of his role, though working in counter
 15 terrorism operations at the time as I was, I did not
 16 engage with him.
 17 Q. Quote:
 18 "We've been far too tolerant of Al-Muhajiroun... it
 19 was a major failure and we've seen the consequences --
 20 we've seen Lee Rigby [murdered] by a follower of
 21 Al-Muhajiroun, we've seen numerous attacks around the
 22 world."
 23 He fought himself in Afghanistan, did Richard Kemp,
 24 and he spoke of:
 25 "... a certain amount of complacency about

25

1 Al-Muhajiroun... in the intelligence community and in
 2 successive governments. "There was a real failure
 3 politically and among the police and intelligence
 4 services to understand the way this situation was going
 5 to develop."
 6 Do you accept any of the thrust of those
 7 observations?
 8 A. No, I do not.
 9 Q. Can you help with why such a well connected and involved
 10 figure should get it wrong?
 11 A. So that was clearly Mr Kemp's opinion. I know the same
 12 article includes quotes from Peter Clarke, then the
 13 senior national coordinator, involved heavily, as I was,
 14 in operations against a range of terrorists in the
 15 United Kingdom. Mr Clarke does not share the view that
 16 Mr Kemp expresses and neither do I.
 17 Q. But in the end of 2014, when Butt was known to be
 18 associating with the recently arrested leader of ALM,
 19 and when you could have investigated Butt, you've told
 20 us that you didn't?
 21 A. That's correct.
 22 Q. Does that not make the point that Mr Kemp was making?
 23 A. Not in my judgment, no.
 24 Q. In 2015, we learned from you yesterday that a member of
 25 the public reported to MI5 Butt before you opened your

26

1 investigation?
 2 A. That's correct.
 3 Q. So you opened the investigation in the middle or in the
 4 summer of 2015 but before that there had been a member
 5 of the public who had reported him to you?
 6 A. That's correct.
 7 Q. And you said that this was a report direct to your
 8 Service?
 9 A. Yes, it was.
 10 Q. It was in his name --
 11 A. It gave his name, yes.
 12 Q. -- Khuram Butt, so it wasn't an alias, it wasn't
 13 an inaccurate name, it was his name?
 14 A. Yes, that's correct.
 15 Q. You said it was the right sort of age range?
 16 A. That's correct.
 17 Q. But this was never linked to Butt in all the months that
 18 he was under investigation after the investigation
 19 finally did begin in the summer of 2015?
 20 A. That's correct.
 21 Q. That link was never made before the London Bridge
 22 attacks?
 23 A. That's correct.
 24 Q. Would you agree that that's wholly unfortunate?
 25 A. I think it has no significance in terms of our overall

27

1 understanding of Khuram Butt by the summer of 2015.
 2 Q. But you would agree that you would always want all
 3 relevant information to come through to the
 4 investigators; yes?
 5 A. Yes, I would.
 6 Q. You would want that sort of intelligence to reach the
 7 investigators, wouldn't you?
 8 A. Yes, I would.
 9 Q. And so yesterday when Mr Hough asked you about this, you
 10 said there was a difficulty in drawing together the
 11 records.
 12 A. Yes, that's correct.
 13 Q. Can you help us to understand? Surely it was recorded
 14 or stored in your files under the name "Khuram Butt"?
 15 A. So it was recorded in our files, but as evidence has
 16 been given in other places, we open records called key
 17 information store records on identified individuals and
 18 that had not been done for Butt at this point. So it
 19 was in our records rather than a record of Butt.
 20 Q. But forgive me, surely if in your computer records you
 21 have an entry about a suspect, Khuram Butt, surely it
 22 would come to the attention of investigators some months
 23 later when they begin to investigate Khuram Butt?
 24 A. In this case it does not appear to have done so, or at
 25 least not to have been linked to his record.

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1 Q. Something went wrong with your handling of data?
 2 A. Certainly in this case it wasn't linked to his record.
 3 Q. A simple word search might have been expected to throw
 4 it up, no?
 5 A. It might have done, but clearly did not, at least in
 6 a way that was linked to his record.
 7 Q. This is very unsatisfactory, isn't it?
 8 A. This is an example of record keeping not being perfect
 9 and it is not perfect in our organisation or, I believe,
 10 any other.
 11 Q. Yes. It's unsatisfactory, isn't it?
 12 A. I believe it's not perfect.
 13 Q. Well, you're not saying it's satisfactory, is it?
 14 A. I believe it's not perfect.
 15 Q. Was this brought to the attention of David Anderson QC
 16 in the reviews after the London Bridge attack?
 17 A. Yes, it was.
 18 Q. To the ISC?
 19 A. I'm not an expert on that, but I would imagine so given
 20 they had access to the same underlying material.
 21 Q. Have steps been taken to ensure such a "drawing
 22 together" difficulty doesn't occur again?
 23 A. So we can never offer a perfect guarantee, but I believe
 24 the quality of our records, partly out of learning
 25 across the whole of 2017, is substantially better than

29

1 it was in 2015 or 2014.
 2 Q. So is it possible to this day that if a member of the
 3 public reports something about John Smith that might not
 4 reach investigators later looking into John Smith?
 5 A. It's never wholly impossible and particularly in
 6 circumstances where a member of the public may give
 7 different variations on the name which commonsensically
 8 appears the same but does not necessarily appear the
 9 same in terms of search terms. It remains a possibility
 10 that they would not be linked.
 11 Q. The investigation was begun, then, in the middle of
 12 2015, and it was a high-priority investigation, you told
 13 us?
 14 A. Yes, it was.
 15 Q. And the intelligence suggested an aspiration to conduct
 16 a UK attack, a domestic attack; yes?
 17 A. That was our understanding.
 18 Q. And at that stage it was identified that this was the
 19 person who back in 2014 had been in contact with
 20 Choudary?
 21 A. That's correct.
 22 Q. And other known extremists linked to the proscribed
 23 terrorist organisation ALM?
 24 A. That's correct.
 25 Q. As for that intelligence that came in in the middle of

30

1 2015, did it specify in any detail the location, whether
 2 it was a London attack, for example?
 3 A. I am afraid I can't give any further detail on what it
 4 said.
 5 Q. Or the intended victims, whether it was members of the
 6 public, for example?
 7 A. So I am afraid I can't give you any more detail on what
 8 it said.
 9 Q. Or, perhaps, the timing, whether it was an unspecified
 10 time or a specified time; can you help to that extent?
 11 A. Yes, I am afraid I can't give you any more detail on
 12 what it said.
 13 Q. What about this, L: can you help with whether there was
 14 mention of a particular type of attack such as, for
 15 example, bomb-making or poison or anything of that
 16 specific type of allegation?
 17 A. So I am afraid I can't give any more detail on what it
 18 said.
 19 Q. I mean, obviously we know that what he ultimately went
 20 on to do, a group attack without any particularly
 21 esoteric type of modus operandi such as bomb-making or
 22 poisoning or anything like that; yes?
 23 A. Yes, that's true.
 24 Q. Was there anything in that early intelligence that was
 25 inconsistent with what he went on ultimately to do?

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1 A. Neither consistent nor inconsistent.
 2 Q. You said that his associates were known to be
 3 extremists.
 4 A. Which associates?
 5 Q. So when this investigation was opened in the summer of
 6 2015, there were others who were put under investigation
 7 as well?
 8 A. As part of this investigation, yes, that's correct.
 9 Q. And so he, Butt, was the principal subject of interest?
 10 A. Yes, he was from the beginning to the end of the
 11 investigation.
 12 Q. To use your speak, a tier 1 SOI.
 13 A. He was a tier 1 SOI.
 14 Q. But others around him, or associated with him, were also
 15 being investigated as part of this new investigation; is
 16 that correct?
 17 A. Yes, they were.
 18 Q. And we heard from M, the senior officer in charge of the
 19 police side of things, that it wasn't just him being
 20 investigated but others around him?
 21 A. Yes, that's correct.
 22 Q. So at that early stage, L, it was possible, was it, that
 23 he might attack as one of a group?
 24 A. Yes, that's certainly a possibility.
 25 Q. As, indeed, he ultimately did?

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1 A. As, indeed, he did.
 2 Q. So that issue or topic of group attack was at the
 3 forefront of your minds from the very word go?
 4 A. It certainly couldn't have been excluded.
 5 Q. And when we look at issues as to associates and
 6 contacts, we should bear that in mind, shouldn't we?
 7 A. Indeed, as we did at the time.
 8 Q. I'll come back to that later.
 9 You obviously took the intelligence seriously in
 10 that first of all he was categorised as high risk?
 11 A. He was.
 12 Q. And significant resources were allocated to
 13 investigating him?
 14 A. They were.
 15 Q. And you told us that later intelligence supported the
 16 reliability of the earlier intelligence?
 17 A. I'm not sure I would say reliability is the term I'd
 18 pick, but it certainly supported it.
 19 Q. Can you help with this: this later intelligence which
 20 came in a few months later, was this from a different
 21 source?
 22 A. Yes, it was.
 23 Q. So that reinforced the reliability of the earlier
 24 information, did it not?
 25 A. So not necessarily the reliability, but it was

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1 nonetheless an effective reflection of the first
 2 information.
 3 Q. So a second strand of information suggesting this was
 4 somebody who aspired to carry out a domestic UK
 5 terrorist attack?
 6 A. Yes, that's correct.
 7 Q. So by the time we get to the autumn of 2015, there had
 8 been the -- a growing picture which involved first of
 9 all the contact with Choudary and others in 2014; yes?
 10 A. Yes.
 11 Q. The other information from 2014 which you described
 12 as broader coverage, referring to him?
 13 A. Yes.
 14 Q. There was the middle of 2015 intelligence about aspiring
 15 to conduct a terror attack?
 16 A. Yes, that's correct.
 17 Q. And that later fed into the strong intent assessment in
 18 the PLA exercise?
 19 A. Yes, it did.
 20 Q. Fourthly, there was the later intelligence, later in
 21 2015, again, about carrying out a terror attack.
 22 A. So I think in my statement I'm quite careful here,
 23 I describe that as some months later rather than
 24 specifically picking out a time frame.
 25 Q. Yes, but that was a fourth thing that had fed into this

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1 growing picture, wasn't it?
 2 A. Yes, it was.
 3 Q. And fifthly, even in these early stages, he was
 4 exhibiting a degree of operational security?
 5 A. Yes, he was.
 6 Q. Or anti-surveillance techniques?
 7 A. Operational security.
 8 Q. Suggesting he may have something to hide?
 9 A. Indeed so.
 10 Q. And you agreed yesterday that that of itself would add
 11 to the concerns, so that's a fifth strand of information
 12 adding to the risk picture?
 13 A. Yes, I would agree with that.
 14 Q. Operational security: can you help us to any degree as
 15 to whether that related to what he was saying when in
 16 given locations?
 17 A. At what point? Are we discussing this in general terms
 18 or specifically --
 19 Q. In general terms. You say in your statement that
 20 throughout your investigation he displayed this?
 21 A. Yes, so I would say there were a number of
 22 manifestations of operational security throughout his
 23 investigation.
 24 Q. So did it at any stage include, for example, care as to
 25 what he said when in his house or when in his car or

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1 when on his telephone?
 2 A. So I am afraid I can't offer any more precise detail.
 3 Q. Or his manoeuvres when he was walking or driving?
 4 A. So I can't offer any more precise detail.
 5 Q. But would you agree with this as a general proposition:
 6 that when you're faced with that kind of
 7 anti-surveillance or operational security behaviour, you
 8 have to think: well, how can I counter that? How can
 9 I try harder to get the information that I need in my
 10 investigation?
 11 A. Yes, I would.
 12 Q. So it's not good enough to say: well, there's no
 13 intelligence of attack planning if you know that he has
 14 been particularly careful to give nothing away?
 15 A. That will depend on what you were doing to counter his
 16 operational security.
 17 Q. I think you've been provided, officer, with a press
 18 report about a suggestion that there was information
 19 from Jesse Morton, a former AQ recruiter, who gave
 20 information about Butt, and I can display it on the
 21 screen if necessary but it may be you have had a chance
 22 to look at this in advance?
 23 A. I would be grateful. I think I have seen reference
 24 rather than I have actually read the report, though
 25 I may have done.

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1 Q. {DC8234/3}, please. Shortly after the attacks there was
 2 a report in the press that featured in several of the
 3 reports that this individual -- if you look at the
 4 bottom of the screen:
 5 "... a former Al-Qaeda recruiter ... became an FBI
 6 aide ... described Butt as [an] 'administrator' for
 7 renamed factions of [ALM] on an online chat platform
 8 that was used by extremists.
 9 "... 'expanding his influence' inside the network
 10 ... named in an intelligence report."
 11 Can you help, L: at any stage did information come
 12 to you along the lines of him having a leading role in
 13 such an online platform used by extremists?
 14 A. No, I do not believe it did.
 15 Q. So you don't recognise or you can't help us with ...?
 16 A. I don't recognise it.
 17 Q. Yes.
 18 Regent's Park, please. On 31 July of that year, so
 19 shortly after the investigation began, you told us that
 20 you were aware of his presence at Regent's Park?
 21 A. Yes, we were.
 22 Q. And you were aware also that other ALM figures were
 23 present?
 24 A. I imagine that to be so rather than I'm absolutely
 25 confident.

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1 Q. Were you aware that he and others were lined up praying
 2 behind that black flag which, again and again we see
 3 being used by Isis fighters in Syria and elsewhere
 4 around the world?
 5 A. So, no, that detail wasn't -- we weren't aware of that
 6 until the programme aired the next year, in early 2016.
 7 Q. Even though police officers stopped them on the street
 8 and spoke to them about a suggestion from the public
 9 that they had been seen with a flag?
 10 A. That's correct.
 11 Q. And everything was played out in public view in
 12 a central London park?
 13 A. That's correct.
 14 Q. But I think you agree that this incident showed that he
 15 was acting with confidence and you knew that at the
 16 time? Acting in public?
 17 A. Confidence in what sense?
 18 Q. Well, he is voicing extremist views alongside ALM
 19 extremists, isn't he?
 20 A. So I think the programme shows very little of him
 21 actually voicing extremist views, but yes, certainly
 22 happy to associate with other ALM members in what would
 23 clearly end up being a public forum.
 24 Q. In the presence, on occasions, of police officers?
 25 A. Yes.

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1 Q. Was it known then that Siddhartha Dhar was also linked
 2 to these individuals?
 3 A. We do not believe that Dhar was linked to Butt.
 4 Q. But you know who I am talking about, Abu Rumaysah,
 5 Jihadi Sid as he's sometimes been referred to?
 6 A. Yes, indeed.
 7 Q. A notorious figure, yes?
 8 A. Yes, absolutely.
 9 Q. He had been arrested with Choudary the previous 2014,
 10 hadn't he?
 11 A. That's correct.
 12 Q. He fled while on police bail and ended up in Syria
 13 fighting with Isis it is believed?
 14 A. That's correct.
 15 Q. There were press reports suggesting that he may be one
 16 of the notorious executioners when videos were uploaded
 17 onto the internet?
 18 A. There were certainly press reports to that effect.
 19 Q. Were you aware that he published on the internet
 20 a document called "The Brief Guide to the Islamic State"
 21 which spoke about bringing their caliphate to the
 22 capitals of Europe?
 23 A. So that is not something I'm personally aware of but
 24 I'm sure the investigators looking at him were.
 25 Q. In terms of Butt, was consideration given to the fact

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1 that Butt was associating with a group of highly extreme
 2 radicals?
 3 A. Yes, it was.
 4 Q. That included people like Siddhartha Dhar?
 5 A. So, as I noted, we don't believe there was any
 6 connection between Butt and Dhar.
 7 Q. Dhar was also close to Choudary, wasn't he?
 8 A. I believe so.
 9 Q. Just so that we put all of this in context, this is all
 10 in the summer and autumn of 2015, and if we just remind
 11 ourselves, by that stage it was well known, wasn't it,
 12 that the extreme violence being carried out by Isis was
 13 in the press and on our television screens on a very
 14 frequent basis?
 15 A. Yes, it was.
 16 Q. Beginning with the beheading of the journalist James
 17 Foley, back in August 2014.
 18 A. So it certainly included the terrible beheading of James
 19 Foley, yes.
 20 Q. And it was in 2014 that Choudary and other senior
 21 figures had declared their allegiance to Baghdadi, the
 22 Isis leader?
 23 A. That's correct.
 24 Q. And as the autumn of 2014 progressed, we had the
 25 beheadings of the British aid workers, David Haines and

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1 Alan Henning?
 2 A. That's correct.
 3 Q. And the posting of unspeakable videos on the internet?
 4 A. Yes, that is true.
 5 Q. We had in February 2015 the burning alive in a cage of
 6 the captured Jordanian pilot; yes?
 7 A. Yes, that's true.
 8 Q. So it's in this context that we need to judge, would you
 9 agree, Butt when we consider extremist material showing
 10 an interest or support for Isis and him associating with
 11 figures like Choudary, who by this stage were declaring
 12 Baghdadi and Isis as being the real deal?
 13 A. Yes, I would agree.
 14 Q. There are associations and there are associations; would
 15 you agree?
 16 A. I'm sure that's true.
 17 Q. And this association was a very significant one; would
 18 you accept that?
 19 A. Association between Butt and Choudary?
 20 Q. Yes.
 21 A. Yes, I think it was significant.
 22 Q. I mean, to put it bluntly, if Butt month-in and
 23 month-out is associating with people like Choudary and
 24 other extremists at a time when there is support for
 25 Isis, at a time when their brutality is off the scale,

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1 that tells you an awful lot about Butt's potential
 2 intentions, doesn't it?
 3 A. It does, but of course we're already investigating Butt
 4 for being a potential attack planner, so we are already
 5 treating him extraordinarily seriously.
 6 Q. Witness M told us that the activity at Regent's Park
 7 came to the attention of his team and that all of that
 8 added to the threat picture in relation to Butt; would
 9 you agree?
 10 A. I think it helped reinforce the fact that Butt was
 11 willing to associate with such individuals publicly.
 12 I don't think it said anything about his attack planning
 13 intentions.
 14 Q. Yes, but it certainly didn't reduce the risk in any way,
 15 did it?
 16 A. No, I absolutely agree.
 17 Q. Can I have your help, please, with trying to understand
 18 these PLA assessments, because I think, was it
 19 in September that the first of them was carried out?
 20 A. 4 September, yes.
 21 Q. We've been trying, L, to understand the relevance of
 22 them; do they feed into resources or coverage?
 23 A. They are intended to assist the investigator in thinking
 24 about the overall approach to a
 25 particular investigation. So they might do, but only

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1 secondarily through the judgments the investigator makes
 2 on the back of them and other information.
 3 Q. So to take, perhaps, an extreme example, if somebody is
 4 categorised as having a weak capability, and I'll come
 5 to that in a moment, might that lead to them being
 6 monitored to a reduced level than they might otherwise
 7 be?
 8 A. It might be if that accorded with the other judgments
 9 the investigator was making, yes.
 10 Q. Now, I want to examine whether errors were made in these
 11 assessments, but help me with this: did any of these PLA
 12 assessments reduce in any reduction at either of the
 13 stages --
 14 THE CHIEF CORONER: Result in?
 15 MR PATTERSON: -- in the monitoring of Butt?
 16 THE CHIEF CORONER: I think it was "result in any
 17 reduction".
 18 MR PATTERSON: Result in any reduction?
 19 A. No, they did not.
 20 Q. So in any event it's a slightly academic exercise to
 21 analyse them because you're saying that even if there
 22 were errors, it didn't have any affect.
 23 A. So I wouldn't accept there were errors. As I've
 24 observed a number of times, this is an art, not
 25 a science, it is not a mechanistic process, this is also

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1 quite early in the process of developing these, we'd
 2 only been running it for less than a year, but yes,
 3 you're absolutely right: in neither case did the
 4 judgments of the PLA result in an increase or
 5 a reduction or indeed any change in the resourcing
 6 devoted to Butt.
 7 Q. We've looked at it to a degree yesterday, but since it's
 8 before the court, I will just ask a few questions about
 9 it if I may.
 10 In your statement you say that this relates to
 11 a particular type of attack, either a lone attack or
 12 a person attacking in a pair; is that correct?
 13 A. That's correct.
 14 Q. And, secondly, that it relates to a particular type of
 15 attack where there's little or no planning?
 16 A. That's spontaneous and volatile extremist attack rather
 17 than the overall potential lone actor attack, the SVE
 18 being a subset of the PLA, I'm sorry that's so many
 19 acronyms.
 20 Q. That's all right. Butt's attack ultimately was in
 21 a group, it wasn't lone or in a pair; correct?
 22 A. That's correct.
 23 Q. Butt's attack did have planning over, I would suggest,
 24 several months --
 25 A. Yes, that's correct.

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1 Q. -- rather than just spontaneous?
 2 A. Yes, we don't believe it was spontaneous.
 3 Q. So this doesn't replace the overall risk assessment; is
 4 that right?
 5 A. That's absolutely right. It's an aid for the
 6 investigator.
 7 Q. Right, it's a subset or an aid, yes.
 8 So capability. The suggestion that his capability
 9 to mount an attack was assessed to be weak, obviously if
 10 the intelligence was that he was going to carry out
 11 a bomb attack or a poisoning attack or something like
 12 that, and if he had no skills, one can see why there
 13 might be a weak capability, but was it that sort of
 14 assessment?
 15 A. So the assessment was based on the intelligence
 16 available at the time. As I observed yesterday, measure
 17 of capability here is not simply sophisticated
 18 techniques like how to build a bomb, it can be stuff
 19 like has this individual travelled overseas to have
 20 terrorist training.
 21 Q. Because if the intelligence didn't specify something
 22 like that, then given that you can lift a knife at the
 23 drop of a hat from a kitchen, you couldn't possibly say
 24 that his capability was weak?
 25 A. I think that's correct.

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1 Q. And equally we know that he had a car
 2 from September 2015, it was registered to him that very
 3 month that the assessment was carried out.
 4 A. Yes, I would agree.
 5 Q. You told us that behavioural scientists and specialists
 6 are involved in this exercise.
 7 A. That's correct.
 8 Q. Are there any other means employed or is it simply their
 9 analysis with some information fed through from the
 10 investigators?
 11 A. So the primary source of information is from the
 12 investigator and then the behavioural scientist and the
 13 potential lone actor team will sit and discuss that.
 14 Q. If it was identified that there was insufficient
 15 intelligence to assess his planning and his preparation,
 16 how could you confidently make an assessment?
 17 A. So I think in no case would we describe these as
 18 confident assessments. This is where they are only
 19 aids.
 20 Q. But isn't it dangerous? Might it not give a degree of
 21 false comfort if you've got very little to go on yet
 22 somebody still asserts that he's got, for example,
 23 a weak capability?
 24 A. It could be dangerous. I think, back to my observation
 25 that this is quite early in the process and we are

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1 learning as we continue to learn, but I'm satisfied that
 2 no desk officer would respond in a mechanistic way to
 3 a potential lone actor assessment.
 4 Q. Did they take into account that he was displaying
 5 operational security?
 6 A. That was part -- that was fed in as part of the
 7 intelligence picture, yes.
 8 Q. Was it reviewed by anyone or was it simply a decision by
 9 this particular team?
 10 A. So it's by this team, but clearly reviewed where
 11 appropriate by their own management.
 12 Q. And was that done?
 13 A. In this particular case I'm not sure.
 14 Q. Because at this stage he has been categorised as high
 15 risk, P2H?
 16 A. Yes, he has.
 17 Q. Does it not seem rather odd that on the one hand he's
 18 regarded as P2H, high risk, yet somebody else is
 19 suggesting that he's got weak capability?
 20 A. So I think for me it's the P2H classification which is
 21 the important one, that's the one that is driving our
 22 assessment, and back to my earlier observation, this is
 23 an aide-memoire rather than any kind of dictating
 24 function.
 25 Q. We saw in your statement, L, that after the attack, the

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1 PAR identified a learning point around these
 2 assessments, these PLA assessments, and David Anderson
 3 found this to be well founded. What was the learning
 4 point?
 5 A. So the learning in this area is about making sure that
 6 we do this in as joined up way as possible. So we are
 7 seeking to use this work not just for the traditional
 8 area of Islamist extremism which MI5 looks at, but some
 9 of the domestic extremism work that the police have
 10 done. I think this is back to the point that this is
 11 a developing process rather than a fully defined or
 12 complete one, and we're seeking to just learn all the
 13 time in what is a new area for us and the police.
 14 Q. When we hear the words "it's an art rather than
 15 a science", some of us might think that that suggests
 16 that perhaps it isn't as rigorous as it might be or as
 17 evidence-based as it might be. Would that be a fair
 18 observation?
 19 A. No, I wouldn't say that was true. As much evidence as
 20 we had, we would be introducing into this process, but
 21 we, MI5, and other western agencies, are still learning
 22 about how we engage behavioural science work in our own
 23 work, and this is certainly not a rigorous or
 24 mechanistic process.
 25 Q. In relation to this case, the assessment for Butt, that

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1 first PLA assessment, have others in the Service
 2 questioned that assessment?
 3 A. No, not at the time or subsequently.
 4 Q. Might another specialist have decided it differently?
 5 A. My experience with specialists is almost certainly
 6 another one might have decided it differently, yes.
 7 Q. Right. Does that not highlight the questionable nature
 8 of this and the dangers of relying on these sorts of
 9 behavioural science analyses?
 10 A. So I don't believe we were relying on it; we were using
 11 it as an aide-memoire.
 12 Q. Would it not have helped to have perhaps the police
 13 involved or the investigators involved, who would have
 14 known the whole picture of this person and all of the
 15 intelligence?
 16 A. So I believe that is so, I think it would have been
 17 desirable. I understand that there are resource
 18 constraints around delivering these which would not make
 19 that feasible in all cases.
 20 Q. Was the violence taken into account, the previous
 21 offence of assault occasioning actual bodily harm?
 22 A. Yes, it was.
 23 Q. And yet despite this his intent was strong?
 24 A. Yes, that's correct.
 25 Q. So that's an intent to do what: to carry out a UK terror

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1 attack?
 2 A. So the potential lone actor assessment is not looking
 3 specifically about where the attack might be, it's the
 4 intent to carry out an attack more generally, so yes.
 5 Q. Then the second thing, the SVE, spontaneous volatile
 6 extremist assessment. Was it factored in that he had
 7 lost his temper when he had assaulted the security guard
 8 in that previous offence of violence?
 9 A. So I think the full details of the ABH offence were not
 10 known or considered at the time of the first assessment.
 11 Q. That rather reduces its reliability, doesn't it?
 12 A. Yes, it does.
 13 Q. You were asked yesterday by Mr Hough why this judgment
 14 was reached that he did not exhibit spontaneous volatile
 15 extremist characteristics given the ABH, given the
 16 intelligence about aspiring to carry out a UK terror
 17 attack, given the association with extremists like
 18 Choudary who were praising Isis at a very violent stage
 19 in that organisation's conduct, and what you said was
 20 "It's an art, not a science", the specialists told you
 21 that you have to consider this on an individual basis
 22 and that it was their judgment. Is that ...?
 23 A. That's correct, yes.
 24 Q. So was there any actual evidential justification for
 25 that assessment?

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1 A. So there was what they knew at the time about the nature
 2 of the violence.
 3 Q. But, as you've agreed, the ultimate violence was not
 4 spontaneous, it was preplanned over months?
 5 A. Yes, it's an unusual form of planning and I'm sure we'll
 6 talk about that later, but I certainly would not
 7 describe it as spontaneous.
 8 Q. That includes, it would appear, a number of strands of
 9 evidence drive you to the conclusion, I suggest, that
 10 there was actual training going on in the gym where they
 11 were meeting over many months?
 12 A. No, I don't believe there's evidence to indicate that.
 13 Q. I'll come back to that later.
 14 I asked you already about the report from a member
 15 of the public that didn't reach the investigators. Last
 16 week we heard likewise from the police side of the
 17 investigation that there was another member of the
 18 public who made a report which didn't reach the police
 19 investigators, Mr Usman Darr, and you confirmed that
 20 that never reached you either, your investigators
 21 either?
 22 A. That's correct.
 23 Q. And, again, you would always want to receive any
 24 material that's of potential relevance, wouldn't you?
 25 A. Yes, we would.

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1 Q. The families were told that there was a fault in the
 2 police systems or procedures in that there was
 3 inadequate supervision to pick this up and to cause it
 4 to be brought to the attention of the investigators, but
 5 we heard from Darr himself who said that if he had
 6 received a follow-up call, there's no reason why he
 7 wouldn't have passed on further information, first, that
 8 he believed that Butt possibly wanted to fight for Isis
 9 in Syria; secondly, that he learned that Butt used to
 10 teach people in a gym how to fight, and, furthermore,
 11 that there were a number of quarrels that he had with
 12 Butt about the views that Butt was expressing
 13 increasingly around that period of time. Would you
 14 agree with this, L, that all of those pieces of
 15 information would be of relevance to your investigation?
 16 A. Yes, I would.
 17 Q. M said that it was very unsatisfactory that the
 18 information didn't reach his team; would you agree?
 19 A. For M clearly to judge himself as to how
 20 satisfactory /unsatisfactory it was within the police.
 21 For me because I think the information provided by
 22 Mr Darr, which I have now seen, really added very little
 23 to the picture we already had, I don't think I would
 24 describe it as very unsatisfactory, but I would agree
 25 with you that it would have been better had we had it.

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1 Q. But you would have attached significance to the fact
2 that his extremism was such as to lead to a family
3 member going to the lengths to lift the anti-terrorist
4 hotline?
5 A. No, as I said yesterday, I don't think we would take the
6 fact that it was a family member as necessarily
7 an indicator of its reliability or seriousness.
8 Q. Well, you raised the possibility that it was malicious.
9 There's no evidence whatsoever that he engaged in any
10 kind of malicious reporting of Butt, is there?
11 A. So I'm not suggesting Mr Darr was engaged in malicious
12 reporting --
13 Q. No.
14 A. -- I'm saying in general we wouldn't see the fact that
15 it was a family member automatically makes it more
16 important.
17 Q. Wouldn't you?
18 A. No.
19 Q. If a close family member in circumstances where, as he
20 himself said, very few people in his community do
21 report, is driven to the state where they inform on
22 their sister's husband, you wouldn't regard that as
23 significant?
24 A. So when we're talking about this at a general level
25 rather than Mr Darr specifically, we have seen

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1 individuals maliciously reporting on family members.
2 Q. Yes, but that's not the case here, is it?
3 A. No, indeed, and I'm not suggesting it was.
4 Q. M agreed that this did tell us something about the
5 concern that Butt was generating in those around him;
6 would you agree with that?
7 A. Yes, I would.
8 Q. And I think you agreed yesterday with Mr Hough that
9 a source of possible further intelligence was lost?
10 A. A potential source, yes.
11 Q. In particular, that Butt is teaching people to fight at
12 a gym?
13 A. Yes.
14 Q. If that had reached you, you would have had to
15 investigate it, you would have wanted to investigate it,
16 wouldn't you?
17 A. Well, Butt was clearly already under investigation for
18 attack planning and that would have been another strand
19 of the investigation.
20 Q. Yes, but we will be coming later, L, to whether or not
21 there was a failure properly to investigate what was
22 going on at the gym, but here was a failed opportunity
23 to learn from his brother-in-law that there came a time
24 when he started to teach people to fight in a gym?
25 A. Yes, clearly Mr Darr could have produced this

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1 information anyway.
2 Q. Yes.
3 A. But without having been pursued by the police, he could
4 have pursued it initially.
5 Q. Yes. If it had reached you, you would have investigated
6 that, wouldn't you?
7 A. Yes, we would have done.
8 Q. Of course you would have.
9 In the autumn of 2015 I think you told us that the
10 association with Choudary included at Butt's home
11 address, so that's where that fits into the picture,
12 from summer through to October, I think, of 2015?
13 A. So my statement is quite careful on precisely who met
14 whom at which places.
15 Q. It's at paragraph 107, if you need to check.
16 A. Yes, it would be useful to call it up.
17 Q. {WS5006/30}, paragraph 107:
18 "... Summer [to] October ... continued to associate
19 with other members of ALM, including at his home ...
20 discussions of a possibly Islamist extremist nature ...
21 continued to associate with senior ALM figures,
22 including ... Choudary at this time."
23 Was that the occasion when Choudary was at Butt's
24 home address?
25 A. I don't know.

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1 Q. But there was at least one occasion?
2 A. I'm not aware that I can confirm or deny that from
3 covert coverage.
4 Q. As for the timetable with what's going on with Choudary
5 it was, as we discussed earlier, it was 2015 that he was
6 charged, August 2015. So it's in this context that he
7 is meeting with Choudary after he has been charged in
8 a blaze of publicity and accused of inviting support for
9 Isis; that's right, isn't it?
10 A. Yes, that's correct.
11 Q. Is there any record in the files as to what weight was
12 being given to Butt's association with Choudary at this
13 important stage?
14 A. So not a particular contemporaneous record of that on
15 a week-by-week or month-by-month basis, but no doubt we
16 were still interested in his continuing engagement with
17 Choudary.
18 Q. And the home address is important, isn't it, because
19 he's having these significant meetings at the home
20 address.
21 A. So I'm not sure that it is true he was having any
22 significant meetings at his home address.
23 Q. He is certainly, according to 107, associating with
24 these people at his home address.
25 A. Indeed, but not Choudary specifically.

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1 Q. And it was at the home address that he later met with
2 Redouane and Zagbba; yes?
3 A. We'll come on to discuss that later. I'm not sure of
4 that for Zagbba.
5 Q. And that reference to discussions of a possible Islamist
6 extremist nature, can you help us, again, obviously
7 there's a spectrum of things, isn't there? What sort of
8 things were being discussed?
9 A. So there is, indeed, a spectrum of things. I can say no
10 more than nothing triggered us to take further immediate
11 action.
12 Q. Obviously an absence of attack planning is one thing,
13 but if there's support for Isis, if there's support for
14 violence, if there's an anti-UK agenda that emerges,
15 that too would be a stepping stone when considering
16 risk, wouldn't it?
17 A. Not necessarily. It might be.
18 Q. You see, again and again in your evidence both you and
19 Witness M spoke about an absence of attack planning,
20 an absence of attack planning. But would you agree with
21 this, officer, and I think you and I debated this in the
22 Westminster Inquests, that there needs to be a more
23 nuanced weighting of intelligence where it might be on
24 the spectrum, as I've put it, evidence that a person is
25 willing to die.

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1 A. So I believe that we already have a more nuanced review
2 of that. As I think we did discuss last time, it is
3 extraordinary how many people are consuming that kind of
4 material and then go on to do nothing on the basis of
5 it.
6 Q. But that doesn't mean that it isn't necessary to analyse
7 it and weigh it; would you agree?
8 A. Yes, I would.
9 Q. And the support for Isis is mentioned there at the end
10 of paragraph 107?
11 A. Yes, indeed.
12 Q. Support of Isis, so this is late 2015 in the context
13 that I've touched upon, the extreme barbarity of their
14 conduct; yes?
15 A. Yes.
16 Q. And of course the infamous fatwa by Adnani back
17 in September 2014 which was essentially advocating
18 attacking the kuffar in their homeland; yes?
19 A. Yes, that's correct.
20 Q. "Kill the disbelievers wherever you find them"; that was
21 the message coming out of Isis back in 2014?
22 A. Yes, it was.
23 Q. So it's in that context that Choudary was declaring
24 allegiance to their leader and Butt is associating with
25 Choudary; yes?

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1 A. Yes, that's true.
2 Q. There comes the time, then, when he wants to travel, or
3 you said it was more likely than not that he would have
4 wanted to travel to Syria to fight?
5 A. That's my belief on the balance of probabilities, yes.
6 Q. There was links to somebody who themselves was involved
7 with extremists?
8 A. In facilitation for extremists, yes.
9 Q. So that would be helping him to travel overseas; is that
10 right?
11 A. That's correct.
12 Q. And the greatest likelihood is that it was for Isis that
13 he would be fighting overseas; is that your assessment?
14 A. That would be my judgment, yes.
15 Q. And so in terms of risk and how this now feeds into the
16 overall picture, you said that this would be -- I think
17 the words you used yesterday were "a new manifestation"
18 of the risk?
19 A. I can't remember if they were the precise words I used
20 yesterday, but yes, quite so: this is a change in the
21 original investigative strategy, really.
22 Q. But there's still a willingness to engage in significant
23 terrorist activity; yes?
24 A. Oh yes, this is still very serious, it's just
25 a different sort of serious activity.

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1 Q. I mean it's a significant step to be contemplating going
2 and fighting for Isis in Syria which is very probably
3 going to result in your death, isn't it?
4 A. That's certainly not what individuals seemed to believe
5 at the time.
6 Q. Well, at the very least he would have thought it would
7 possibly result in his death, wouldn't he?
8 A. He may well have thought that, yes.
9 Q. So, again, a troubling additional piece of the jigsaw;
10 would you agree?
11 A. Yes, I would.
12 Q. And still he is high risk, it's still P2H?
13 A. Yes, he is.
14 Q. The Jihadis Next Door, the documentary about the
15 previous July's events, that was January 2016,
16 19 January 2016.
17 A. That's correct.
18 Q. With hindsight, do you not think the investigators
19 showed a degree of lack of curiosity in not trying to
20 get the unbroadcast bits of the footage?
21 A. So it's a pretty unusual position for MI5 investigators
22 to be watching their subjects of interest on television
23 espousing their views.
24 Q. Yes.
25 A. So I wouldn't say it was a lack of curiosity; I would

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1 say it was a lack of experience.
 2 Q. I mean, this is a pretty unprecedented thing, a national
 3 television documentary, a fly-on-the-wall documentary
 4 that follows around for several months some notorious
 5 extremists; would you agree?
 6 A. Yes, I would.
 7 Q. An excellent piece of reporting, I would suggest, by
 8 Jamie Roberts, the filmmaker, would you agree?
 9 A. I just don't have enough experience of these things to
 10 say.
 11 Q. In any event, are there records as to what weight was
 12 attached to all of this in terms of Butt and his risk?
 13 A. So for us I think it was interesting in terms of Butt's
 14 willingness to publicly declare his views in terms of
 15 the sorts of views with which he was associating, or the
 16 individuals with whom he was associating. None of that
 17 was not already known.
 18 Q. {DC7185/16}, please. That still at the bottom shows the
 19 line-up of these men praying behind that flag; are you
 20 able to see that?
 21 A. Yes, I am, thank you.
 22 Q. How many of them were subjected in one way or another to
 23 legal action or investigation; can you help?
 24 A. I cannot comment specifically on the investigation.
 25 I do not know the answer for legal action.

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1 Q. I mean, one of them, Shamsuddin, at the front, who was
 2 acting essentially as a leader throughout much of the
 3 events filmed, in press reports it's suggested that he
 4 was a deputy to Choudary; can you help with that?
 5 A. I'm aware of those reports and I would describe him as
 6 a senior ALM figure.
 7 Q. Has he been arrested himself numerous times on suspicion
 8 of terrorist offences?
 9 A. I believe that is so, but I would want a police
 10 colleague to confirm at what times and for what
 11 purposes.
 12 Q. Another example. Over towards the right, Taha Hussain.
 13 Can we see on the screen, please, {DC8237/1}. This is
 14 someone who was later imprisoned for disseminating
 15 terrorist propaganda involving drive-by videos of
 16 potential targets such as Windsor Castle and the like.
 17 That's right, isn't it?
 18 A. Sir, I'm not an expert on Taha Hussain, but I have no
 19 reason to assume that these press reports are wrong.
 20 Q. Can we go to the next page, please {DC8237/2}, a picture
 21 of him there at the top of the screen next to Butt, and
 22 then the next page, please {DC8237/3}. Some summaries
 23 of the evidence that emerged about this individual in
 24 his trial:
 25 "... an Isis guide to joining the fighting in Syria,

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1 [advising] followers to launch an attack in their own
 2 countries if they were preventing from making the
 3 journey".
 4 And spreading terrorist propaganda which said that
 5 politicians, police and soldiers were the "best of all
 6 people to kill" and most chillingly, as the judge
 7 reported in the light of recent events, and this was
 8 after the London Bridge attack that he was sentenced,
 9 advice to those who couldn't go to Syria to:
 10 "... steal from the kuffars and most pertinently to
 11 the events we have endured this year, kill local kuffar
 12 in their own land."
 13 It's that same agenda, isn't it, that you have
 14 agreed was coming from Isis in the period following the
 15 2014 fatwa?
 16 A. Yes, it was one of Isis' agendas.
 17 MR PATTERSON: My Lord, I see the time. Would that be
 18 a convenient moment?
 19 THE CHIEF CORONER: We will take a break there,
 20 Mr Patterson, and we will sit again in 15 minutes' time.
 21 (11.34 am)
 22 (A short break)
 23 (11.55 am)
 24 MR PATTERSON: May it please your Lordship.
 25 L, can I turn to the topic of suspensions, and the

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1 first of these was early in 2016 between 26 February and
 2 24 March, and you told us that that was for reasons of
 3 resources.
 4 A. That's correct.
 5 Q. This is even though the Paris attack, the Bataclan and
 6 the bars and restaurants and the different locations
 7 within that city, had recently taken place, highlighting
 8 the danger posed to members of the public in our capital
 9 cities.
 10 A. Yes, I wouldn't say that was even though, I would say it
 11 was because of. It was the pressure coming out of that
 12 that caused us the need to suspend this operation.
 13 Q. But surely at a time of heightened risk to the public,
 14 rather than doing anything that might reduce coverage,
 15 the Service, acting as it does in our public interest,
 16 needs to be increasing coverage?
 17 A. So coverage was finite and it needed to be devoted to
 18 those areas where we thought the highest possible risk
 19 and threat were.
 20 Q. Did the Service ask for additional resources in order to
 21 try to maintain the coverage of Butt?
 22 A. So that would be a more general request for resources,
 23 but no, it did not.
 24 THE CHIEF CORONER: I think part of the answers you gave
 25 yesterday related to the fact that resources didn't just

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1 turn on financial resources, but in terms of having
 2 skilled people available, as it were, who could simply
 3 pick up on an ongoing investigation?
 4 A. That's just right, my Lord.
 5 MR PATTERSON: But the problem with that is this: you told
 6 us and M told us that this happens all the time. You
 7 told us that it's reasonably common. M told us that it
 8 happens day-in and day-out in these sort of
 9 investigations; those were his words. So yes, we may
 10 recognise the problem if there's a one-off and
 11 unexpected problem and you can't overnight train up
 12 additional staff, but if it's happening all the time,
 13 and many high-risk investigations are being suspended --
 14 you told Mr Hough this morning some of them were P2Hs --
 15 there's a real problem, isn't there?
 16 A. It presents a continual challenge for us and it is back
 17 to my wide answer yesterday around how large the
 18 Security Service should be in a democratic society.
 19 Q. Yes, but nobody is suggesting we want a police state and
 20 nobody is suggesting that it's an all-or-nothing
 21 situation: all that is being suggested is don't
 22 politicians need to allocate greater funding to the
 23 Service?
 24 A. So of course it's not an all-or-nothing situation. It's
 25 not a situation purely about Butt. It would be

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1 a situation about many other operations of that size
 2 which would make MI5 a substantially larger organisation
 3 than it is today when it is already at a historical size
 4 it's never been that before.
 5 Q. Was the director general asked to approve those
 6 investigations which were suspended?
 7 A. Not those specific ones, no.
 8 Q. Or can I take it that the Home Secretary wouldn't have
 9 been made aware of this?
 10 A. He would have been made aware in general terms --
 11 actually she at this point -- she would have been made
 12 aware in general terms.
 13 Q. Do you know whether there was a request to the Treasury
 14 in 2015 or 2016 or 2017 to sort out the funding so that
 15 this suspension issue ceases?
 16 A. I don't believe there was such a request.
 17 Q. And so to this day does this suspension issue continue?
 18 A. Yes, and as I say in my statement, it is likely to do so
 19 for years to come.
 20 Q. M, in his evidence, agreed that one attack can inspire
 21 copycat attacks; would you agree?
 22 A. Yes, I would.
 23 Q. And yet it's at those very times when the risks increase
 24 that this scaling back is taking place?
 25 A. Because we are looking for where those copycat attacks

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1 might most likely coming from.
 2 Q. You can see why the public might think that this is
 3 unsatisfactory; yes?
 4 A. I can see why the public might want to be involved in
 5 the debate about how large MI5 should be.
 6 Q. And I appreciate that that's obviously a debate that
 7 will need to be resolved at a very senior level; yes?
 8 A. Yes.
 9 Q. Multiple P2Hs, multiple high-risk investigations linked
 10 to attack planning were suspended at, I think, this
 11 first of the two occasions, you told Mr Hough; have
 12 I got that right?
 13 A. That's correct.
 14 Q. Now, after that suspension, it was resumed on 24 March,
 15 he was still a high-risk P2H suspect; is that correct?
 16 A. Yes, he was a P2H operation and he was the tier 1 target
 17 of that operation.
 18 Q. And at that stage we heard from one of the officers who
 19 was involved in the police team, a senior officer,
 20 Mr Jolley, that as a matter of principle, you would
 21 always want after a period of suspension to revisit
 22 things and to consider what your suspect had been doing
 23 in the intervening period. Would you agree with that as
 24 a general proposition?
 25 A. Yes, I would.

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1 Q. Who they'd been seeing, where they'd been going, what
 2 they'd been doing?
 3 A. We would be looking for matters of significant
 4 difference.
 5 Q. And were there such retrospective investigations that
 6 were carried out after the suspension?
 7 A. Yes, there were.
 8 Q. Now, it was around then that Butt began working for
 9 Transport for London, 16 May, and you told us that you
 10 became aware of this?
 11 A. That's correct.
 12 Q. And you knew that there was also a time when he was
 13 seeking to do work in door security, or bouncer work?
 14 A. Yes, we're going backwards a bit now.
 15 Q. Yes, I'm dealing with both of these at the same time.
 16 A. Okay.
 17 Q. So on two occasions these were matters that came to your
 18 attention?
 19 A. That's correct.
 20 Q. And you indicated that there was no intelligence at any
 21 stage that any of these jobs were for nefarious
 22 purposes?
 23 A. That's correct.
 24 Q. But you agree that you can't always be certain with
 25 intelligence?

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1 A. Absolutely, in all the circumstances.
 2 Q. And would you agree with this: that risks are being
 3 taken if terror suspects are permitted to hold down jobs
 4 in locations where the transport infrastructure, for
 5 example, is vulnerable?
 6 A. Yes, I would agree with that.
 7 Q. So one of the examples we have is Westminster
 8 underground station right next to the
 9 Palace of Westminster. He's working there at the time
 10 he's a high-risk suspect, isn't he?
 11 A. Yes, he is.
 12 Q. And M told the court that he wasn't aware of any
 13 arrangements that were in place for counter terrorism
 14 police to be notified of these sorts of applications,
 15 and I think your evidence is the same: that you are
 16 unaware of any such arrangements?
 17 A. That's correct.
 18 Q. And so outside of the less commonly encountered types of
 19 specialist jobs that need vetting, outside of that, is
 20 the position that to this day, people can still be
 21 terror suspects and start working at these sorts of
 22 locations without you or the counter terrorism police
 23 being notified of it?
 24 A. Yes, it is.
 25 Q. Heathrow Airport? Major railway stations?

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1 A. So clearly both of those will have a number of vetted
 2 posts, but individuals who do not have a vetted post and
 3 who are potentially suspects could work at those
 4 locations, yes.
 5 Q. And the risk is obvious, isn't it: you will, as
 6 an employee, have keys, have access to places to which
 7 the public don't have access, and so there are clearly
 8 risks, aren't there?
 9 A. Yes, but that's the nature of the vetting system,
 10 whereby the individual airports and other places will
 11 make judgments as to how great the risks are.
 12 Q. This was one of the things raised by Mr Hough this
 13 morning with you: do you not agree that it would be
 14 possible to fashion a procedure for your systems to be
 15 provided with the names of applicants such that a name
 16 would flash up if one of the applicants was one of your
 17 terror suspects?
 18 A. Yes, I agree it would be possible.
 19 Q. And there would be two benefits to that, I suggest: one,
 20 the possibility of intervening to protect the public,
 21 and two, you would get further intelligence about one of
 22 your suspects?
 23 A. So we have the opportunity to intervene on behalf of the
 24 public in circumstances where we're aware of it, as we
 25 were in this case. In terms of the flow of intelligence

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1 in, yes, that would benefit.
 2 Q. But, to use your own words, one can never be sure with
 3 intelligence and you may not have the intelligence
 4 saying to you that this person is up to no good?
 5 A. No, I would agree.
 6 Q. Moving forward, please. From the middle of 2016 onwards
 7 Butt began attending the Ummah Fitness Centre. That was
 8 the evidence we had from his wife. I don't know if
 9 you're aware of that evidence?
 10 A. Yes, I've seen that, thank you.
 11 Q. From Zahrah Rehman.
 12 A. Yes, I have.
 13 Q. And it got to the stage, she told the court, that he
 14 would go there virtually every evening, and the
 15 attendance there, it seems, particularly picked up
 16 around the time when he was on sick leave in the summer
 17 and into the autumn of 2016, so when he had a lot of
 18 time on his hands?
 19 A. Yes, indeed.
 20 Q. Now, you've told us that although you were monitoring
 21 him throughout this period, you weren't aware of his
 22 regular attendance at that gym in that early period?
 23 A. That's correct.
 24 Q. So I appreciate you can't go into the details of what
 25 surveillance or monitoring was taking place, but it

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1 looks as though you missed these evening attendances
 2 through something like August, September, October,
 3 November?
 4 A. So that's a possibility.
 5 Q. And so there were real limits, weren't there, in the
 6 extent of your coverage of Khuram Butt?
 7 A. Yes, there were limits to our coverage.
 8 Q. To put it bluntly, if he's going to a gym every night
 9 and you're not aware of it for many months, there's
 10 a whole range of activity that is happening without your
 11 knowledge?
 12 A. Yes, that may be so.
 13 Q. Would you agree with this: that previous investigations
 14 and previous prosecutions have shown that gyms can be,
 15 not always, obviously, but can be hot beds of jihadi
 16 activity?
 17 A. Not the gyms themselves, no.
 18 Q. If we look, please, at {DC8305/65}, going back to 7/7
 19 and Mohammad Sidique Khan, we can see on the screen
 20 there a press report going --
 21 THE CHIEF CORONER: Do you know where this was from? I know
 22 you have chosen a number of different outlets --
 23 MR PATTERSON: We don't have it at the top, I am afraid not,
 24 we can find out.
 25 THE CHIEF CORONER: It's July 2005.

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1 MR PATTERSON: Yes, The Telegraph. This is a Telegraph
 2 report from July 2005, so a few weeks after the 7/7
 3 attacks, all about Mohammad Sidique Khan, the leader of
 4 the four bombers, using local gyms to recruit British
 5 teenage Muslims as potential suicide bombers; do you see
 6 that?
 7 A. I do.
 8 Q. And if we just scan our eye down the details of the
 9 report, there was material suggesting that he was
 10 involved with two gyms in Beeston, the area of Leeds
 11 where he grew up, one was at the Hamara Youth Access
 12 Point, another was in the basement of a mosque in Hardy
 13 Street. There was a suggestion that he had met some of
 14 his accomplices, Shehzad Tanweer and has Hasib Hussain
 15 and enlisted them, and further down the page, about six
 16 or seven paragraphs from the bottom, a reference to one
 17 of the other accomplices, Germaine Lindsay, who was
 18 a regular at gyms when he lived in Huddersfield. So
 19 it's not a new thing, is it, for terror suspects to be
 20 engaged in suspicious activities at gyms?
 21 A. So you will forgive me, it's a long time since I've been
 22 looking at 7/7. My recollection is, of course, he went
 23 to the gym, as did others, but I do not recall any
 24 suggestion that he was recruiting people there rather
 25 than that he was using the gym.

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1 Q. Can we see in the same document, please, at page 55
 2 {DC8305/55}, this is a report into a -- again, it's
 3 a Telegraph report, a Birmingham plot, a leader of
 4 suicide gang used gyms and a charity shop to recruit,
 5 a report by Duncan Gardham, February 2013, the Sparkhill
 6 area of Birmingham, we can see reference to Irfan
 7 Naseer, the first meeting with his two co-defendants at
 8 a premises known as the 24/7 Gym and then switching
 9 allegiance to a different place, which was attended by
 10 four young men that he sent overseas for terrorist
 11 training. Both gyms have moved around the inner city
 12 area of Sparkhill. Fundamentalists seek out the gyms.
 13 There's references further down to the Lime Grove
 14 area and a boxing ring, a cage fighting arena. Towards
 15 the bottom of the page, references to Jimmy's Gym,
 16 a boxing and martial arts area, the walls with
 17 inscriptions in Arabic, nasheeds playing on the PA
 18 system, and so on and so forth.
 19 Again, would you agree that this is an example where
 20 these sorts of locations have been used for furthering
 21 terrorist activity?
 22 A. No, I would not. Again, I would say this was an example
 23 of individuals using the gym. We do see many of our
 24 subjects of interest, who are often young men, using
 25 gyms, but of course, we see many young men using gyms.

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1 Q. At {DC8305/62}, a Guardian report, Shiv Malik and
 2 Sandra Laville, 2014, talking about recruitment
 3 locations in this sort of context.
 4 If we go over, please, to the next page {DC8305/63},
 5 halfway down, there's a reference to Birmingham, just
 6 below the halfway point:
 7 "In Birmingham a leaked police report published this
 8 week reveals that extremists are providing support and
 9 facilitation for those wishing to travel abroad to
 10 fight. The report, written by former assistant chief
 11 constable Sharon Rowe in 2013 ... says: 'Influential
 12 extremists continue to operate in Birmingham. promoting
 13 extremist ideologies.' Rowe said they were operating
 14 from locations including gyms, restaurants and cafés ...
 15 'used to facilitate extremist activity by allowing key
 16 figures to operate and promulgate their message.'
 17 Would you agree that this is further evidence
 18 suggesting that gyms can frequently be used to further
 19 terrorist activity?
 20 A. So I would observe from this report, which I am not
 21 familiar with, that the description of gyms, restaurants
 22 and cafés identifies a very broad range of social
 23 locations where young people might meet.
 24 Q. How was his attendance throughout those months in the
 25 second half of 2016 at the gym, how was that missed?

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1 A. So it was -- do you mean how were we not aware of it in
 2 the initial phase?
 3 Q. Yes.
 4 A. I'm not clear.
 5 Q. The downgrading took place in September, you told us, so
 6 from then on he was medium risk rather than high risk;
 7 is that correct?
 8 A. The operation of which he was part was, yes.
 9 Q. Yes. But you said that this had no effect on the level
 10 and type of intelligence gathering; is that correct?
 11 A. That's correct.
 12 Q. Did that downgrading have any effect on the monitoring
 13 in the period between then, so between September 2016
 14 and the attack?
 15 A. No, it did not.
 16 Q. If he had remained a P2H rather than a P2M, would that
 17 have had any effect on the decision to suspend him?
 18 A. So as I gave evidence this morning, P2Hs were suspended
 19 the second suspension time. So though that's clearly
 20 a hypothetical question, my judgment is that he would
 21 have probably been suspended as a P2H.
 22 Q. This decision to downgrade, this was made, was it not,
 23 despite the fact that he was continuing to engage in
 24 anti-surveillance, or operational security techniques?
 25 A. Operational security, yes. We continued to see that, as

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1 we had from the beginning of the operation.
 2 Q. And it happens despite the fact that for large parts of
 3 the day you don't know what he's doing?
 4 A. That's correct.
 5 Q. And despite the fact that the passage of time by itself
 6 doesn't exclude the possibility of an attack?
 7 A. It certainly doesn't exclude the possibility, but it's
 8 an indicator that no active planning is going on.
 9 Q. We heard from M that there have been many notable
 10 examples of extremists who have carried out a terrorist
 11 attack after a lengthy period of no attacks. Khalid
 12 Masood, the Westminster attacker, is a good example,
 13 isn't he?
 14 A. Masood is, to my mind, an extraordinarily unusual
 15 example.
 16 Q. But there have been other examples, M told us. You
 17 wouldn't disagree with that, would you?
 18 A. Sir, I can't think of any.
 19 Q. But this period in late 2016 when he was downgraded, or,
 20 rather, the investigation was downgraded, he was
 21 re-engaging, you told us, with ALM at this time?
 22 A. Yes, he was.
 23 Q. Did that not heighten the risks?
 24 A. No, because, as I think I touched on before, we had seen
 25 individuals, not just him, drift in and out and then in

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1 again to ALM, so this was not particularly unusual
 2 behaviour.
 3 Q. But you told Mr Hough that there was no positive
 4 evidence that he had abandoned his aspiration --
 5 A. Yes, that's absolutely so.
 6 Q. -- to carry out an attack?
 7 A. That's absolutely so.
 8 Q. And you learned about the Goodmayes incident in October,
 9 you told us?
 10 A. Yes, we did.
 11 Q. Was there any weight attached to that, that he had
 12 engaged in an unprovoked attack?
 13 A. So I think it was interesting.
 14 Q. It showed that he was prepared to use violence, didn't
 15 it?
 16 A. Yes, it did.
 17 Q. And there were suggestions that he was regarded as
 18 an influential and inflammatory figure?
 19 A. So that was our assessment that he was potentially to be
 20 so within ALM.
 21 Q. M told us that that re-engagement was of concern; would
 22 you agree with that? The re-engagement after the
 23 downgrading was of concern?
 24 A. The re-engagement with ALM?
 25 Q. Yes.

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1 A. Yes, it was of concern because of our view that he was
 2 potentially going to be a very bad influence within ALM.
 3 Q. But you didn't revisit the decision to downgrade --
 4 A. In actual fact we didn't really need to because about
 5 the time he re-engaged very soon after he of course
 6 disengages again.
 7 Q. Around this time you discovered all that material on his
 8 devices, didn't you?
 9 A. Following his arrest, yes.
 10 Q. This is in the autumn of 2016; is that correct?
 11 A. That's correct.
 12 Q. We can go through it all if necessary, we looked,
 13 I think, at some of it with Mr Hough, but there was
 14 an obsession with martyrdom that was clearly disclosed
 15 by all of those items on his devices; would you agree?
 16 A. No, I would not.
 17 Q. Again and again and again he was accessing web pages all
 18 about people fighting and dying, wasn't he?
 19 A. So he was certainly accessing ISIL web pages which,
 20 inevitably, given what ISIL was doing at that time, were
 21 about people fighting and dying. I do not consider that
 22 an obsession with martyrdom.
 23 Q. Again and again, it was ISIL material including
 24 executions; yes?
 25 A. Yes, I would agree.

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1 Q. There was contact with Jibril?
 2 A. Yes, I would agree.
 3 Q. But you didn't notice that at the time; is that right?
 4 A. Yes, that's correct.
 5 Q. How did you miss that?
 6 A. I would imagine in terms of the assessment reports we
 7 ran, contact with Jibril was not considered significant.
 8 Q. Why was that? Jibril was saying he was looking forward
 9 to meeting him in paradise.
 10 A. That's a fairly common sort of phrase from clerics like
 11 Jibril. That of itself would not have excited much
 12 interest from us. We see a great deal of this kind of
 13 material.
 14 Q. You told us earlier that you did carry out nuanced
 15 assessments of this type of material. If that's right,
 16 how did you miss this?
 17 A. Because that would not have been considered significant
 18 by us.
 19 Q. What else did you miss?
 20 A. So having reviewed the material, clearly not personally
 21 all of it, I cannot see anything significant that we
 22 missed.
 23 Q. Did you appreciate the video of the cutting of the
 24 throat of the cows and the comments at the end of that?
 25 A. No, we did not.

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1 Q. Right, so that's a second thing you missed. How did you
2 miss that?
3 A. Because again, I wouldn't have thought that was
4 significant .
5 Q. Really?
6 A. Yes.
7 Q. Appearing to take pleasure in celebrating the cutting of
8 throats of 600 Jewish men?
9 A. So I think that's a very strong interpretation of that
10 particular piece of video.
11 Q. Butt speaking in a voice message about wanting to be
12 amongst the Shahada, the martyrs, in paradise, seated
13 under Mohammed; did you miss that?
14 A. I'm not sure which one that is, sir. I can't say for
15 certain whether we did or whether we didn't.
16 Q. Or the references to wala and bara, the positive
17 obligation to hate; did you appreciate that?
18 A. Again, I'm not sure.
19 Q. But all of this material, even the stuff that you did
20 pick up on, it was concerning, wasn't it?
21 A. Yes, it was.
22 Q. M told us that he simply passed this over to you without
23 any assessment by the police other than no offence was
24 disclosed in terms of disseminating and there was no
25 attack planning, in other words, there doesn't appear to

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1 have been any nuanced assessment of it by the police .
2 Can you help with that?
3 A. So there are different sorts of assessments. M, as he
4 rightly picked out, was looking at this material one to
5 see whether it gave us prosecution opportunities, and
6 two, to see whether it indicated attack planning, or
7 I would suggest that this would be a matter for M
8 whether it showed any particular and significant change
9 in his behaviour.
10 We, of course, were also looking for those things,
11 though not really the prosecution side, we would look
12 for the police to do that, but we were also looking to
13 see whether there were any more subtle changes in his
14 behaviour that we could see from it .
15 Q. Are there records on the files that show there was
16 a careful assessment and analysis of what his devices
17 contained?
18 A. Yes, there's a number of reports on it .
19 Q. You said that there were ALM figures outside London that
20 he began to associate with; is that correct?
21 A. That's correct .
22 Q. And this is after the period of Choudary's imprisonment?
23 A. Yes, because I think that's the summer of 2016.
24 Q. Summer of 2016.
25 A. Yes, that's correct .

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1 Q. Then you told us there was a period after he, Butt, was
2 arrested when he withdrew from ALM and he was possibly
3 trying to minimise police attention .
4 A. Yes, that's correct .
5 Q. David Anderson in his report says that he increased his
6 operational security around that time; is that right?
7 A. Yes, he did .
8 Q. We heard from Witness M about this, who stated as
9 follows:
10 "If we started seeing an individual change in their
11 behaviour, change operational security, that would be
12 a red flag ."
13 Would you agree with that?
14 A. It would depend on what the nature of the change and
15 why .
16 Q. But he said that this increase in his operational
17 security was not something that was ever shared with him
18 by your Service?
19 A. Yes, I believe that to be so .
20 Q. Why weren't you sharing with your fellow investigator
21 this change in operational security?
22 A. Because this was a reasonably short-term phenomenon .
23 Making judgments about this is always hard and therefore
24 we would have needed to be in a position where we were
25 more confident we were seeing a significant change for

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1 an inexplicable reason before we shared this with
2 police .
3 Q. You agree that on more than one occasion a parliamentary
4 committee has highlighted concerns about perceived
5 inadequacies in information sharing between the police
6 and the Service?
7 A. Yes, I would .
8 Q. After 7/7, and more recently after the Lee Rigby murder?
9 A. Yes, I would .
10 Q. And as you, I think, conceded with Mr Hough this
11 morning, there were examples in the Butt investigation
12 when things weren't shared .
13 A. Yes, I agree .
14 Q. Would you agree that as a general principle it is
15 important that you have as much sharing as possible of
16 information?
17 A. Yes, I would strongly agree with that .
18 Q. Would it assist if the teams had a degree of co-location
19 or working together alongside each other in the same
20 physical offices ?
21 A. That's what I believe .
22 Q. Or secondments and things like that, so that each team
23 can understand better the working patterns of the other
24 team?
25 A. So those kind of secondments already go on and there is

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1 a degree of co-location around the country, but I think
 2 we could go further on the co-location.
 3 Q. In early 2017, you did learn that he was working at the
 4 Ummah gym?
 5 A. We did.
 6 Q. And you deal with this in your report at paragraph 119.
 7 So not just regularly frequenting but actually working
 8 there and, as we know, it was regular but unpaid
 9 voluntary work.
 10 A. Yes, so working in, as you would characterise it,
 11 a rather unusual sense. I'm not sure it was voluntary
 12 work, I think that might have been just how he described
 13 it, but it certainly wasn't a normal employment
 14 contract.
 15 Q. You think he might have received some payment?
 16 A. That's speculation, but I believe that's possible.
 17 Q. And in that section of your report at 119, you say:
 18 "We also identified that he was teaching a Koran
 19 class to young people, prompting us to work with the
 20 police in order to build the intelligence picture and
 21 identify and disrupt this activity to address the risk
 22 he might use the classes to radicalise."
 23 I'm just quoting from that part of your report.
 24 A. Yes, I'm reading it. So, yes, I agree.
 25 Q. Witness M, from the police, told us that they would be

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1 interested in where he was being employed. Would you
 2 agree with that: that you would want to know about the
 3 location that one of your terrorist suspects was working
 4 in?
 5 A. Yes.
 6 Q. And he told us that in recent years Prevent issues are
 7 of real concern, and indeed that was one of his
 8 investigative strategies or aims, to look at issues
 9 about Prevent?
 10 A. Yes, that's correct.
 11 Q. And so these two locations, the gym and the primary
 12 school, they were never properly investigated at all in
 13 the months leading up to this attack, were they?
 14 A. So, as you have drawn a difference there between
 15 a Pursue investigation, which is to look to see whether
 16 a place is potentially being used for attack planning
 17 and a Prevent one, I can see to this day no reason why
 18 that fitness centre should have been pursued in
 19 a Prevent context, and I believe it was investigated in
 20 a Pursue context. I think that the school clearly did
 21 need investigation in the Prevent context.
 22 Q. As we saw earlier, had there been a follow-up call to
 23 Usman Darr, he told the Coroner that he had no reason
 24 not to share the fact that he learned that Butt was
 25 teaching people how to fight.

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1 A. No, he had no reason not to share it, but he hadn't
 2 shared it.
 3 Q. But you've agreed that that was a missed opportunity to
 4 follow up on that line of intelligence?
 5 A. Yes, but Mr Darr could have shared it unsolicitedly if
 6 he was concerned.
 7 Q. Yes. The obligation to investigate was with you, wasn't
 8 it, L?
 9 A. The obligation for the covert investigation, yes.
 10 Q. Yes. And at this stage, as we've heard, virtually every
 11 evening he was at this gym, wasn't he?
 12 A. So I can't confirm even today whether he was there every
 13 evening, but I'm sure he went regularly.
 14 Q. I mean, you're not suggesting, are you, that to this day
 15 if you had a terrorist subject who was going regularly
 16 to a gym you wouldn't be particularly interested to
 17 investigate it?
 18 A. So my earlier observation applies: many of our subjects
 19 of interest go to gyms. They are young men who are
 20 interested in gym work.
 21 Q. You told us that MI5 was aware of that intelligence from
 22 the port stops that featured the stopping of
 23 Sajeel Shahid.
 24 A. That's correct.
 25 Q. {DC8306/6}, please.

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1 THE CHIEF CORONER: Just to put this into context, this
 2 document, because we're looking at one page, very much
 3 for the benefit of the witness.
 4 MR PATTERSON: Yes, of course. L, just so you understand,
 5 the recent report into Sajeel Shahid has been prepared
 6 and disclosed by the Counter Terrorism Command looking
 7 into Sajeel Shahid and we know that the information
 8 about the port stops was shared by the police with MI5,
 9 and that was before the attacks, wasn't it?
 10 A. That's correct.
 11 Q. So, for example, at paragraph 5.2 we know that in 2014
 12 he was stopped at Dover and he revealed that he and
 13 Sophie Rahman ran the primary school at Ad-Deen, he'd
 14 recently opened a gym called UFC at 316 Ilford Lane, the
 15 address of which you knew in relation to Butt; yes?
 16 A. Yes.
 17 Q. He'd become involved with ALM at university, and
 18 references to spending time in Pakistan.
 19 Then more recently, on 5 May, so about a month
 20 before the attack, intelligence that we're told was
 21 shared with you on 8 May, three days after the stop,
 22 again he revealed when stopped that he was the
 23 owner/manager of this same gym, and that he'd owned it
 24 for five years, and a reference again to having been the
 25 headteacher of a primary school. He was asked about

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1 open source media reports linking him to terrorism. He
 2 said it was fake stories .
 3 So your Service was aware that the gym that Butt was
 4 going to on a regular basis and working at was a gym in
 5 respect of which there were these links with somebody
 6 who in the media had been alleged to have been
 7 facilitating terrorist training overseas in Pakistan for
 8 Mohammad Sidique Khan and others?
 9 A. Yes, we were.
 10 Q. And so, just help us, despite that, in the weeks that
 11 followed the investigators into Butt still didn't
 12 inquire further into the gym?
 13 A. So as I noted yesterday, we had initiated some further
 14 inquiries into the gym, in fact, prior to these
 15 reports -- sorry, not prior to these reports, prior to
 16 the report at 5.3.
 17 Q. You said that that was unsuccessful.
 18 A. They did not complete rather than they were
 19 unsuccessful.
 20 Q. Right. Can you tell us what line of inquiry it was?
 21 A. I can tell you it was multiple lines of inquiry but
 22 I can't go any further .
 23 Q. And so did you identify that also working behind the
 24 desk, as well as Butt, was Redouane?
 25 A. No, we did not.

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1 Q. And so when the investigations that you did try to carry
 2 out, when they came to an end, did you continue to try
 3 to learn more about the activities at the gym?
 4 A. Sir, they did not come to an end: they were still live
 5 at the time of the attack, but nor did they come to
 6 fruition .
 7 Q. But you hadn't learned that, for example, Redouane was
 8 working there regularly?
 9 A. So I have seen that in reports afterwards. I still
 10 can't confirm that from any of our own covert coverage,
 11 even retrospectively examining it.
 12 Q. Butt, to be working there, was obviously somebody who
 13 would have been asked to work there, wouldn't he?
 14 A. I imagine that is so.
 15 Q. It again of itself suggests a link with this character,
 16 this suspicious character, Sajeel Shahid?
 17 A. Not necessarily, for there are others who were involved
 18 in the management of the gym as we understood it at the
 19 time.
 20 Q. If we could just see on the screen some of the open
 21 source material that is available, you'll appreciate
 22 that obviously research today is hampered because of the
 23 passage of time compared to research back in May 2017,
 24 but if we go, please, to {DC8305/25}, a web page from
 25 the Ummah Directory, it contains a photograph suggesting

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1 that at one stage there was what appears to be a Samurai
 2 sword displayed on the wall; do you see that?
 3 A. So I see what looks to me to be a scabbard rather than
 4 a sword; is that what you are referring to?
 5 Q. Well, it's a sword that we see in all of the extremist
 6 propaganda, isn't it?
 7 A. Well, you see scabbards in quite a lot of things,
 8 including in gyms.
 9 Q. Yes, but they are symbols, they are pretty potent
 10 symbols of jihadi propaganda, aren't they?
 11 A. Well, they may also be symbols of martial arts .
 12 Q. Are you aware of that sort of thing being on the wall
 13 prior to the London Bridge attack?
 14 A. No.
 15 Q. The same document, please, at {DC8305/35}. Shortly
 16 after the attacks a reporter in something that was
 17 broadcast on the World At One on the BBC 8 June, we
 18 provided the audio recording and a transcript has been
 19 made, this journalist indicates that when she first
 20 visited the gym earlier in the week, so in the days
 21 following the attack, there were huge black banners with
 22 Islamic scripture hanging on the walls, but "Now,
 23 they've been taken down."
 24 Did you learn that before the attack?
 25 A. No, but I can't imagine how in any circumstances Islamic

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1 scripture of itself would be considered by us a risk
 2 factor .
 3 Q. Yes, but these are pieces of the jigsaw that build to
 4 suggest this is no ordinary gym, is it, L?
 5 A. No, I don't accept that.
 6 Q. And at {DC8305/40}, please, in the days following the
 7 attack, this one from the Financial Times, this
 8 journalist, when they went down to carry out
 9 investigations, spoke to someone called Wahid Askar who
 10 worked at the shop next door who identified Mr Shahid
 11 from a picture and said he regularly comes and goes from
 12 the gym; do you see that, in the penultimate paragraph?
 13 A. Yes, I do.
 14 Q. And {DC8305/43}, again, another report from the days
 15 following the attack, a gentleman called Wilson
 16 Chowdhry, a chairman of the local Pakistani Christian
 17 organisation, spoke about how he had reported a man who
 18 ran classes at the gym, this was some years ago, who had
 19 boasted about training jihadists :
 20 "He tried to convert me by showing off his strength.
 21 He grabbed my wrist and twisted it and told me about his
 22 classes. This included weapons training and knives.
 23 The moves he showed me were very aggressive... 'look,
 24 I'm training jihadists '"
 25 There were grounds to think there was really

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1 suspicious activity going on in that gym, would you
 2 agree?
 3 A. No, I would not.
 4 Q. At {DC8305/44}, halfway down.
 5 THE CHIEF CORONER: Mr Patterson -- we started looking at
 6 some of this material, Mr Patterson, on the basis of
 7 open source material.
 8 MR PATTERSON: Yes, this is again a press report.
 9 THE CHIEF CORONER: But what we don't have here is a date,
 10 and I don't know if you could just help me and help the
 11 witness with the date of this report?
 12 MR PATTERSON: Yes, this is 9 June 2017, so six days after
 13 the attack, it's The Times newspaper, Gibbons, Simpson,
 14 Keate and Johnston. Perhaps if we just show {DC8305/42}
 15 at the start of this article so we can all see where
 16 this comes from. Thank you.
 17 Then if we go to {DC8305/44}, halfway down, L, your
 18 investigations before the attack, did you look at the
 19 Facebook page to see that there were images of classes
 20 in which the black flag taken by Isis as its own could
 21 be seen?
 22 A. Sir, I know that this is a press report rather than
 23 any confirmation of any such a thing appearing on the
 24 website. I can't see whether we in fact did look at
 25 their open website at the time. It strikes me as

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1 extraordinarily unlikely that that would have displayed
 2 the Isis flag openly.
 3 Q. Is the truth that there was insufficient investigation
 4 into this gym? Do you accept that?
 5 A. We were interested in the gym in the context of Butt and
 6 I do not accept that.
 7 Q. Witness after witness told the court that the care and
 8 discipline and well drilled regularity of the attackers'
 9 behaviour as they knifed person after person, usually to
 10 the neck, or to dangerous parts of the upper body,
 11 suggested that they had been drilled or trained; are you
 12 aware of that theme in a lot of the evidence?
 13 A. I am aware that witnesses have said that.
 14 Q. Where do you think they did their training?
 15 A. I'm not convinced they did any such training, or at
 16 least in a systematic way.
 17 Q. What, that they managed to stick together for 9 minutes,
 18 guarding each others' backs and acting like a well
 19 drilled military team without any actual training?
 20 A. So I think we need to know other things that they didn't
 21 do successfully, for instance, the preparation of
 22 Molotov cocktails which I would have thought to have
 23 been highly lethal, which they then forgot to get out of
 24 the van.
 25 Q. Isn't that a well recognised technique that the

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1 propaganda suggests you do simply to cause confusion in
 2 the minutes following the attack?
 3 A. The use of Molotov cocktails?
 4 Q. No, just sort of -- something that isn't intended to be
 5 used, but it is to scare and frighten and confuse?
 6 A. Well, only if you have them with you.
 7 Q. They were left in the van as the propaganda suggests
 8 they should be left?
 9 A. Sir, I don't see it that way. It's a possibility.
 10 Q. And the school. Although you had reports of
 11 radicalisation, you didn't identify that school, less
 12 than a mile from Butt's home address?
 13 A. We had reports that Butt was teaching at it rather than
 14 we knew he was radicalising at it. We feared he might
 15 be, which is why we sought investigate it.
 16 Q. Yes. I mean, concerns that young children are being
 17 radicalised are taken very seriously, aren't they?
 18 A. Yes, they are.
 19 Q. {DC8298/1}, please. This school, less than a mile from
 20 his home address, back in 2014 had been the subject of
 21 headlines in the Daily Mail, hadn't it, as we can see on
 22 the screen?
 23 A. So I imagine that the stuff relating to the Ad-Deen
 24 school must be on the next page, which I can't see. As
 25 I look at the bullet points it simply says that Shahid

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1 had set up the Ad-Deen, which of course we would agree
 2 with, rather than there was radicalisation going on
 3 there, but this article may say that later.
 4 Q. Yes, but this is a press report that focuses on
 5 Sajeel Shahid and the suggestions that he had been
 6 training terrorists overseas, including Mohammad Sidique
 7 Khan; yes?
 8 A. Yes.
 9 Q. Over on to page 2, please {DC8298/2}. It goes on to
 10 focus on this school, a photograph of it in the middle
 11 of page 2; yes?
 12 A. Yes.
 13 Q. Where he is registered, as the caption tells us, as
 14 being the director and the proprietor; yes?
 15 A. Yes, indeed.
 16 Q. The Department for Education is urgently looking into
 17 his case. Lord Carlile expresses in a quotation his
 18 concern that he is running a school, there was
 19 substantial concern about his activities; yes?
 20 A. Yes, indeed.
 21 Q. Keith Vaz, a quotation from him, "extremely worrying",
 22 documents seen by the newspaper he is registered as the
 23 director and the proprietor.
 24 Over on to {DC8298/3}, third paragraph, a cursory
 25 internet check reveals his past as a terror suspect. He

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1 is on Wikipedia, references to Al-Muhajiroun and so
 2 forth.
 3 Further down the page, Babar, the witness who was
 4 called in several prosecution trials, Crevice, the
 5 fertiliser plot, and those links to 7/7, the Theseus
 6 trials, where he gave evidence for the prosecution
 7 suggesting that Mohammad Sidiq Khan attended
 8 a training camp.
 9 Over, please, to {DC8298/4}, below the image of the
 10 bus from 7/7, security sources report that he was on
 11 MI5's radar after he was expelled from Pakistan and
 12 returned to the UK. Then electronic records sent to
 13 Companies House about him having resigned.
 14 So would you agree with this: that school and the
 15 link to Sajeel Shahid was there to be identified, wasn't
 16 it?
 17 A. So we had identified the link between Sajeel Shahid and
 18 the school, so yes, I would.
 19 Q. M told us that he drew a blank. He checked a few
 20 schools and then that was as far as he could go and they
 21 were unable to do anything to protect the children who
 22 were potentially being radicalised.
 23 A. But that is a different question, that was the question
 24 of what school Butt was teaching at, rather than whether
 25 it was known that Sajeel Shahid was responsible for the

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1 Ad-Deen school.
 2 Q. Let's take it in stages. The identification of the
 3 school as being the Ad-Deen school, it was there to be
 4 identified, wasn't it?
 5 A. I don't quite understand the question; can you repeat
 6 it?
 7 Q. It was easy to identify, that's the point I'm making.
 8 A. Identify as a school?
 9 Q. Well, it's the local -- it's the local school which is
 10 suspected to be a radical school, isn't it? A school
 11 where radicalisation --
 12 A. So I can't speak for the second part, that would have
 13 been an issue that local Prevent officers would have had
 14 a sense of.
 15 Q. Would you agree with this: something clearly went wrong
 16 in the failure to identify it?
 17 A. I think it is unfortunate that collectively we did not
 18 identify the school that Butt was teaching at.
 19 Q. Any reasonable investigator would have identified the
 20 school at which he was teaching; would you accept that?
 21 A. I think this was more a matter for the police
 22 investigators than our own.
 23 Q. It was not difficult to join the dots, was it?
 24 A. I believe that the dots could have been joined.
 25 Q. Are there any records held on the file suggesting that

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1 there was discussion with the police about this
 2 character, Sajeel Shahid?
 3 A. No.
 4 Q. Or the port stop intelligence?
 5 A. Sir, the port stop intelligence was shared with both the
 6 police and MI5.
 7 Q. But was it discussed? I mean, was this something that
 8 was at the forefront of the minds of those who were
 9 investigating Butt?
 10 A. No, they were aware of it, but I don't think it was at
 11 the forefront of their minds.
 12 Q. Does that not show a remarkable lack of curiosity?
 13 A. No, I don't believe so.
 14 Q. You see the point I'm driving at, L: the suspicion must
 15 be that he's now at a gym being run by somebody who,
 16 some years earlier, had, in an ALM context, been running
 17 training for people overseas?
 18 A. So as I noted yesterday, I think, the press reporting is
 19 not necessarily entirely accurate, nor is Mohammed
 20 Junaid Babar's account, in my experience. However,
 21 I would accept that he has a strong extremist pedigree.
 22 But that was a historical pedigree, mostly before 2005,
 23 and we are now in 2016/2017 when we're having these
 24 conversations.
 25 Q. If these sorts of facts arose tomorrow, you would hope

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1 that the links were drawn; would you agree?
 2 A. Yes.
 3 Q. And if the school had been identified prior to the
 4 attack, it's possible, isn't it, that you could have
 5 identified Zaghba who was also teaching there from
 6 around March?
 7 A. Yes, I think it's possible we could have identified
 8 Zaghba. I'm still not clear about quite when he was
 9 teaching there, but I believe that we could have
 10 identified him.
 11 Q. Well, a witness called Boulal suggested that it was some
 12 time around March, or thereabouts?
 13 A. Yes, and it may not have been for a long period of time,
 14 but I believe we could have identified him.
 15 Q. And if the gym had been properly investigated, you might
 16 have discovered that Redouane was working there behind
 17 the counter as well as Butt?
 18 A. If that is what the facts were, yes, that's possible.
 19 Q. And once you begin to look more closely at Redouane, the
 20 possibility is that the attack planning could have been
 21 detected; would you agree?
 22 A. I think that's a significantly -- I think if we'd looked
 23 more closely at Redouane, we would still have seen him
 24 as a social contact.
 25 Q. Well, you say social contact, but he's meeting again and

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1 again and again, isn't he, with Butt?
 2 A. Yes, in no way would that suggest he couldn't be
 3 a social contact.
 4 Q. No, but the telephone links show that on occasions it's
 5 multiple contacts on any given day.
 6 A. That's still no reason why it couldn't be a social
 7 contact.
 8 Q. He's going to the home address of Butt where you knew
 9 that extremists would occasionally meet.
 10 A. As did other social contacts.
 11 Q. He's using Butt's car --
 12 A. He certainly -- yes, he's using Butt's car.
 13 Q. Travelling all the way to Leeds; yes?
 14 A. Not -- I'm not disputing it, I'm just not sure of the
 15 facts of who was using the car at that point, because
 16 I thought Butt was also in the car.
 17 Q. Yes, Butt and Redouane together for, presumably, the
 18 best part of four or five hours, driving all the way up
 19 to Leeds.
 20 A. Butt and Redouane together with another individual who
 21 we don't believe was an extremist.
 22 Q. Those people that you told us today that they met with
 23 in Leeds, do they have any links to ALM?
 24 A. I can't go beyond the confirmation of who they are.
 25 Q. And the swimming, the three men we know from a witness

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1 called Usman were going swimming together on regular
 2 Sundays?
 3 A. So as I think I said yesterday, as far as we can see,
 4 even retrospectively, there were regular swimming trips
 5 including Redouane and Butt and others who were not of
 6 extremist concern. But not Zaghba on a regular basis.
 7 Q. Well, Mr Usman saw Zaghba there more than once and
 8 identified him after the attack.
 9 A. I'm not even sure that more than once counts as regular
 10 and, as I note, we can't see that from our own coverage.
 11 Q. And the telephone contacts, if you had identified who is
 12 using these numbers that appear again and again and
 13 again, they were registered in these two men's real
 14 names, registered in the name of Redouane and the name
 15 of Zaghba -- or Zaghda, with a d -- to be precise, plus
 16 their home addresses were held by the service providers.
 17 A. Yes, I believe we could have identified both Redouane
 18 and Zaghba.
 19 Q. And at this stage, in early 2017, Butt was accessing
 20 extremist material online and engaging in extremist
 21 rhetoric --
 22 A. Yes, he was.
 23 Q. -- you told us. Can you help us with what sort of
 24 rhetoric he was coming out with at that stage?
 25 A. So nothing significantly different to that which he'd

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1 done before. I think I said yesterday it was the same
 2 sort of material and the same sort of banding.
 3 Q. More material that you didn't share with the police,
 4 we learned from Witness M.
 5 A. Yes, that's correct. We didn't consider this
 6 significant enough as a change in his behaviour to share
 7 with the police.
 8 Q. And at the home address we have 7 March when we have
 9 those two meetings at the home address and at the gym,
 10 which you were aware of at the time; yes?
 11 A. Yes, we were.
 12 Q. And Mr Hough asked you about Zaghba and, is it right,
 13 you questioned whether that's Zaghba visible coming to
 14 the home address on that date?
 15 A. At the first meeting. Yes.
 16 Q. So let's just look at the stills. It's {DC8172/7}. So
 17 that's the figure, top right, who the police have
 18 assessed as being Zaghba; yes?
 19 A. So I think it's fair to say the police consider it may
 20 be Zaghba rather than they have assessed it is Zaghba.
 21 Q. Then if we go, please, if we just keep that image in
 22 mind, and the hooded jacket in particular and the shape
 23 of the jacket, if we then go to 3 July, when we know it
 24 is Zaghba at the same location. {DC7181/157}, please.
 25 THE CHIEF CORONER: You said 3 July.

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1 MR PATTERSON: Sorry, 3 June, thank you.
 2 There, and on to the next page, please {DC7181/158}.
 3 There. And the next page, please {DC7181/159}, and the
 4 next page, please {DC7181/160}. It was Zaghba, wasn't
 5 it, back on 7 March?
 6 A. So we judge on the balance of probabilities that it was
 7 not, as do the professional analysts in the police who
 8 do image analysis. It is the SIO and the deputy SIO who
 9 think it might be Zaghba, and for me it is a balance of
 10 probabilities issues, and I think it is for them too.
 11 Q. But you agree that within minutes or an hour or two,
 12 certainly Zaghba was with the other two at the gym?
 13 A. No. For the second meeting we think it is likely
 14 Redouane is there but we still can't be sure, and we
 15 think it is possible that Zaghba was there but we still
 16 can't be sure.
 17 Q. Which would support the possibility that he had been
 18 with the others earlier back at the home address?
 19 A. It's certainly a possibility, but for both meetings
 20 I am certain that Redouane was at the first. I'm not
 21 certain about Zaghba at either or Redouane at the
 22 second.
 23 Q. But these events on 7 March, these were significant,
 24 weren't they, for two reasons: first, you knew at the
 25 time Butt was trying to be careful about this meeting at

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1 the gym?
 2 A. Yes, you're right, at the meeting at the gym, not the
 3 meeting at the home address.
 4 Q. And secondly, still at the gym, Butt is potentially
 5 seeking to obtain an item?
 6 A. Yes, that's correct.
 7 Q. And given his desire for secrecy, this is suspicious
 8 activity, isn't it?
 9 A. So we considered the second meeting of interest at the
 10 time for the reasons you've given.
 11 Q. And you floated the suggestion that it might be related
 12 to drugs, but he, at this stage in his life, there's
 13 little evidence that he was using drugs; that's right,
 14 isn't it?
 15 A. So I'm really not clear on his drug usage at all the
 16 different points of our investigation. Drugs are only
 17 a possibility.
 18 Q. Surely these two features, the secrecy and the trying to
 19 get hold of something, should have rung alarm bells at
 20 the time?
 21 A. This was a significant meeting of interest to us at the
 22 time.
 23 Q. But you made no further investigations of the people at
 24 that meeting?
 25 A. So we attempted to determine who was there.

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1 Q. But you made no further investigation of the people who
 2 were there or were believed to be there?
 3 A. Well, we were seeking to attempt to identify who was
 4 there.
 5 Q. And you had stills? Those stills were available, were
 6 they, from 7 March?
 7 A. So they are from the first meeting, not the second
 8 meeting.
 9 Q. Yes, but that would have assisted you in your
 10 investigation?
 11 A. Well, we were reasonably satisfied that the people at
 12 the first were not all the same as the people at the
 13 second.
 14 Q. You conceded yesterday, as you put it, on the balance of
 15 probabilities, that these features could have led to
 16 further investigation into these events; yes?
 17 A. Yes, I agree.
 18 Q. And, as you've told us, the original intelligence was
 19 that he was aspiring, Butt was, to carry out a UK attack
 20 and that included the possibility that it would be
 21 an attack in a group?
 22 A. Yes.
 23 Q. Isn't the truth that there should have been a lot more
 24 investigation done around this time that should have
 25 identified Redouane and Zaghba fully?

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1 A. So I believe that we could have identified Redouane and
 2 Zaghba even, actually in one case, before this, but in
 3 the other case shortly afterwards.
 4 Q. And we know that it was around this time, the middle
 5 of March, that the operational phone was purchased by
 6 Zaghba, wasn't it?
 7 A. We might want to discuss what "operational phone" means,
 8 but that phone that was later used, yes.
 9 Q. Yes, the phone that was later used in the attack and
 10 that was, broadly speaking, apart from a little bit of
 11 activity, broadly speaking it was kept clean and unused?
 12 A. So I wouldn't agree with the second.
 13 Q. Well, the evidence we had from Detective Sergeant Ager
 14 was that there was a little bit of activity; other than
 15 that, it wasn't used?
 16 A. So I think it's the clean point and the Islamic material
 17 that's on the phone which makes me question that.
 18 Q. When do you say there was Islamic material put onto that
 19 phone?
 20 A. So my understanding, but this is from the DMEU report,
 21 so if I'm wrong I'm happy to be corrected, was that that
 22 material went on on 27 March.
 23 Q. Yes, that's right, but no telephone calls were made in
 24 all the weeks thereafter leading up to the attack?
 25 A. No, indeed, but I don't think that makes it a clean

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1 phone.
 2 Q. And Mr Jolley, who was one of the officers involved in
 3 the police investigation, agreed that it is likely that
 4 there would have been, with hindsight, that there would
 5 have been discussions between the attackers about
 6 getting hold of that phone.
 7 A. Yes, that must be a possibility.
 8 Q. And so the discussions about the planned attack were
 9 there to be picked up at the time, weren't they?
 10 A. Well, that's discussion about the acquisition of
 11 a phone, not about a planned attack.
 12 Q. Let's be realistic: it's likely, isn't it, that they
 13 will have discussed the need for a phone that will be
 14 kept specifically for the use of them during the attack?
 15 A. So that's what I think, again, back to my point about
 16 this being an operational phone, that's what makes this
 17 phone so peculiar. The early contacts make no sense in
 18 that way, nor does the downloading of the Islamist
 19 material, nor, even, does the mixed use of phones on the
 20 day of the attack.
 21 THE CHIEF CORONER: I think, if my memory is right,
 22 Mr Patterson, DS Ager spoke about the phone, he thought,
 23 being acquired to assist a friend who wanted to move or
 24 was looking --
 25 MR PATTERSON: Used in relation to assisting a friend.

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1 THE CHIEF CORONER: -- used in relation to a move in
 2 Manchester, I seem to recollect, with the estate agents
 3 there.
 4 MR PATTERSON: Yes, towards the end of March, yes.
 5 Officer, the second suspension, that then took
 6 place, I think, on 21 March, the day before the
 7 Westminster attack?
 8 A. That's correct.
 9 Q. At that stage, had there still not been any intelligence
 10 to suggest that he no longer held extremist views?
 11 A. No, we would assume that he did still hold extremist
 12 views.
 13 THE CHIEF CORONER: I think we're coming on to the second
 14 suspension, might that be a good point to break?
 15 MR PATTERSON: Sir, yes, certainly.
 16 THE CHIEF CORONER: Just before we do, Mr Patterson, just in
 17 terms of timing. I have, I think, perhaps an earlier
 18 version of the sort of note that you have very properly
 19 prepared as to the topics you are going to cover. Just
 20 in terms of the timing, just so I have an idea as to how
 21 much longer you think you might be?
 22 MR PATTERSON: I shall try to conclude within about 30
 23 minutes.
 24 THE CHIEF CORONER: Thank you.
 25 Sir James, you may or may not have questions for the

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1 witness, but what I would hope we can do, we will take
 2 a mid-afternoon break this afternoon, but what I would
 3 like us to do if we possibly can is to finish
 4 Witness L's evidence today, because I'm acutely aware
 5 that apart from anything else, being closeted behind
 6 four curtains can be slightly claustrophobic, but also
 7 there's quite a lot of material that we have covered.
 8 If we can't conclude today, well then we can't, but we
 9 will do our best to do that if we can.
 10 SIR JAMES EADIE: It would be extremely helpful if we do,
 11 sir.
 12 MR HOUGH: If it helps my understanding is my learned friend
 13 Mr Adamson requires between 30 and 45 minutes.
 14 MR ADAMSON: I think it will be at the lower end of that
 15 range.
 16 MR HOUGH: On that basis, even assuming 20 or 30 minutes for
 17 Sir James and perhaps one or two questions from others,
 18 we should comfortably finish this afternoon. We're keen
 19 to do so not least because the process of Witness L
 20 coming to and from court is something of a security
 21 operation.
 22 THE CHIEF CORONER: Absolutely. Equally I want to make sure
 23 that between them Mr Patterson and Mr Adamson don't feel
 24 that there is any topic that they have not been able to
 25 properly covered with witness L, at the same time

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1 bearing in mind my responsibility, as always, to make
 2 sure it is not too onerous giving any evidence for a
 3 lengthy period of time. 2 o'clock.
 4 (12.59 pm)
 5 (The Luncheon Adjournment)
 6 (2.03 pm)
 7 THE CHIEF CORONER: Mr Patterson.
 8 MR PATTERSON: L, I was about to ask you about the second
 9 period of suspension which began on 21 March, which was
 10 the day before the Westminster Bridge attack.
 11 A. It was.
 12 Q. And I think you confirmed that still at that stage there
 13 had been no intelligence received that reliably
 14 suggested that Butt had abandoned his extremism?
 15 A. Yes, that's correct.
 16 Q. And again, I think you have made it plain that this was
 17 an occasion when the police weren't asked for their
 18 input to the decision as to suspension?
 19 A. That's correct, but they were informed.
 20 Q. That was after the decision was made, was it?
 21 A. Yes, and even as we move forward this will always be an
 22 MI5 decision, but I think it is important the police
 23 play more of a role in that.
 24 Q. And on that occasion, again, there were other
 25 investigations that were suspended?

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1 A. That's correct.
 2 Q. At any stage, was consideration given to some sort of
 3 halfway house scenario whereby the investigation could
 4 continue, albeit scaled back to a degree?
 5 A. So that had already been so. In the case of this
 6 particular investigation, the week before it was fully
 7 suspended, all the investigative targets other than Butt
 8 had already been suspended.
 9 Q. But as for Butt himself, on 21 March, was consideration
 10 given to whether he could continue to be under some form
 11 of investigation, albeit reduced?
 12 A. No.
 13 Q. You told Mr Hough that as a general rule when suspension
 14 takes place, monitoring and investigative and analytical
 15 facilities will be substantially scaled back?
 16 A. Yes, that's correct.
 17 Q. And is that what happened?
 18 A. Yes, it is.
 19 Q. Now, we know that an individual called Jamel Kasimi had
 20 a device that was seized at St Pancras station
 21 in April 2017 on which was found a message from him to
 22 Khuram Butt.
 23 A. That's correct.
 24 Q. And I think that's a device that was passed to you by
 25 the police in May, we were told; is that correct?

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1 A. On 26 May.
 2 Q. One of the messages on it was a message from Kasimi to
 3 Butt back on 24 January, which stated as follows:
 4 "May Allah bless you, make you die as ...
 5 "And then a word which when translated from Arabic
 6 means "believer":
 7 "... and give you ..."
 8 And then words plural which translate as "the
 9 highest level of paradise".
 10 Were you aware of that message prior to the attacks?
 11 A. No, we weren't.
 12 Q. You had had the device for several weeks --
 13 A. We hadn't, no. We received -- downloaded the data on
 14 26 May.
 15 Q. 26 May. Was there a reason why the message hadn't been
 16 identified before 3 June?
 17 A. So from the narrow position between 26 May and 3 June,
 18 material takes some time to ingest into security
 19 services systems and that was only completed on 2 June.
 20 Q. If the police had themselves conducted an analysis of
 21 it, it may be that that had been brought to your
 22 attention prior to the attack?
 23 A. It is possible, but if you look at what we were
 24 discussing earlier for why the police would look at
 25 digital downloads of this type, they would have been

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1 looking for evidence of attack planning or significant
 2 changes and I don't think they'd have seen either in
 3 that particular message.
 4 Q. Would this suggest that Butt was somebody who was
 5 considering, as a young man, meeting his death at a very
 6 early stage?
 7 A. No.
 8 Q. Talking about paradise when he was young and healthy?
 9 A. No.
 10 Q. You agree that's what the message refers to?
 11 A. That's certainly what the message refers to, but it
 12 would sound to us, even with the benefit of hindsight,
 13 as a kind of Islamic honorific rather than any
 14 particular message about martyrdom.
 15 Q. When read in context with the Jibril messages it does
 16 suggest, doesn't it, that this was somebody who was
 17 considering martyrdom?
 18 A. No.
 19 Q. Especially when read in the context of all of that
 20 interest in martyrdom operations and Islamic State
 21 activity?
 22 A. Not in my view.
 23 Q. The second PLA assessment took place on 15 May.
 24 A. That's correct.
 25 Q. At that stage, I think you've told us that his extremist

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1 rhetoric was continuing?
 2 A. Yes, it was continuing.
 3 Q. Was that taken into account in that assessment on
 4 15 May?
 5 A. Yes, it was.
 6 Q. Was account taken of the fact that there had been
 7 reduced coverage recently?
 8 A. Yes, and also the changes in his behaviour.
 9 Q. But it was identified that there was a need for further
 10 investigation?
 11 A. That's correct.
 12 Q. Why was his intent revised downwards from strong to
 13 moderate given those features, namely extremist rhetoric
 14 continuing and limited recent coverage?
 15 A. So, as I observed yesterday, in actual fact, the overall
 16 assessment was that this was now an unresolved case. In
 17 other words, we could not make any assessment. But
 18 those involved in assessment nonetheless did consider
 19 the sub categories and provide some indicative
 20 indication, but it is only indicative.
 21 Q. Was it identified that there was a need for further
 22 investigation to resolve these issues?
 23 A. Yes, it was.
 24 Q. Why, then, at around the same time, mid-May, was
 25 consideration being given to closing the investigation?

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1 A. So the two were by no means mutually exclusive, though
 2 we clearly did not close the investigation before the
 3 3 June attack I think that the considerations in the PLA
 4 would have needed to have been resolved before we closed
 5 the investigation.
 6 Q. You were asked by Mr Hough about whether you would have
 7 attached any significance if you had been aware of
 8 Redouane buying three identical knives on 15 May.
 9 A. I was.
 10 Q. I think you indicated that you wouldn't have attached
 11 any significance to that?
 12 A. That's correct.
 13 Q. Surely, however, it would have been a cause for concern
 14 that somebody was buying three large identical knives at
 15 the same time in circumstances where there was nothing
 16 to provide any kind of innocent explanation?
 17 A. So, again, this is a reasonably hypothetical set of
 18 questions given that we had not identified Redouane at
 19 that point, and we certainly had no indication he was
 20 involved in attack planning, but buying knives is not
 21 that unusual. He bought other items at the same time.
 22 His whole demeanour appeared completely normal. It
 23 would not itself, had we been aware of it, which we were
 24 not, have been of significant concern.
 25 Q. You will agree, no doubt, though, that it is possible

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1 that consideration would have been given to that and
 2 questions asked as to why he was buying three large
 3 identical knives?
 4 A. It might have been in circumstances where there was
 5 enough coverage to consider such an issue.
 6 Q. And it's possible that it would have been something that
 7 you would want to investigate further?
 8 A. I think there would have been a broader investigation if
 9 that was the case, rather than round the specific
 10 purchase of three knives.
 11 Q. But it would certainly feature in your investigation?
 12 A. Conceivably, but conceivably not, given that it is a not
 13 that unusual domestic purchase.
 14 Q. This, of course, was one day after the 14 May meeting.
 15 You told us that you were aware at the time of the
 16 14 May meeting, the barbecue?
 17 A. That's correct.
 18 Q. And, of course, this was something which did have CCTV
 19 covering the area; is that right?
 20 A. Not the area of the barbecue, no.
 21 Q. Which area?
 22 A. The front door to his home address.
 23 Q. And so it's possible, is it, that the arrival of
 24 Redouane would have been picked up on that?
 25 A. It is possible, yes.

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1 Q. Can you help us with whether it was picked up or not?
 2 A. So we didn't review that coverage.
 3 Q. So it was available?
 4 A. It was available, yes.
 5 Q. I've asked you already about the 7 March meetings, both
 6 at the home address and then a little later at the gym,
 7 and those two suspicious features. Is it possible that
 8 if you had identified Redouane, you would have been able
 9 to identify his attendance on 14 May?
 10 A. Yes, it is.
 11 Q. And at around about that time, given the purchase of the
 12 three knives, it's possible, is it not, if not probable,
 13 that the men would have been discussing at some stage
 14 details of the planned attack?
 15 A. It's possible, and I would agree with you it might well
 16 be probable by this stage.
 17 Q. 29 May, you agreed that if there had been coverage at
 18 the time of the events in the early hours, the placing
 19 of the phone by Redouane on the ground would have been
 20 regarded as suspicious?
 21 A. Yes, there was not coverage, but if there had been it
 22 would have been of significant interest to us.
 23 Q. But I think your evidence was the other features of what
 24 happened would not necessarily have been suspicious; is
 25 that right?

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1 A. Can you identify for me which features you mean?
 2 Q. Yes, the fact that these three men in the dead of night,
 3 a little after midnight, were going into a public place
 4 in the street, walking along on the pavement, talking,
 5 and then after a time, turning around and coming back to
 6 where they had set off from.
 7 A. No, I would also have considered that suspicious.
 8 Q. Because it's classic anti-surveillance, isn't it?
 9 A. Yes, absolutely. I would have definitely considered
 10 that suspicious.
 11 Q. And it's consistent with men discussing something
 12 nefarious that they don't want to be picked up by
 13 anybody engaged in eavesdropping.
 14 A. Yes, I agree.
 15 Q. On the day, you said there was no coverage.
 16 A. No live coverage.
 17 Q. We know that at one stage when trying to get hold of the
 18 van, Butt used another number which was registered in
 19 his own name, another telephone number --
 20 A. That's correct.
 21 Q. -- to ring a hire company. If there had been coverage
 22 on the day, might that have been something that could be
 23 picked up?
 24 A. Sir, I do not think I can answer that question for legal
 25 reasons.

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1 Q. We know that at around about the same time he applied
 2 for and successfully booked a 7.5-tonne lorry, so much
 3 bigger than the lorry that in fact he collected, and the
 4 evidence is that this was booked online and that
 5 identifying details of Butt were provided, including his
 6 genuine name, an email address with his details, and
 7 other identifying details for Butt. Is it possible that
 8 that might have been picked up on the day if there had
 9 been live coverage?
 10 A. Sir, I do not think I can answer that question for legal
 11 reasons.
 12 Q. If you had, through coverage, picked up the hiring and
 13 obtaining of the vehicle, of course it may not be the
 14 case that you would have been aware of any cover story;
 15 would you agree?
 16 A. Which vehicle?
 17 Q. Well, the actual vehicle that was collected and used for
 18 the attack, the Renault van?
 19 A. So my memory, but possibly incorrectly, is when he is in
 20 conversation with the hirers, he says he's using it for
 21 moving house.
 22 Q. In terms of any cover story, for that to be a feature
 23 that would prevent you from having any suspicion, you
 24 would have to be aware of that cover story, weren't you?
 25 A. Yes, we would have to be aware of it.

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1 Q. And so it's a matter for speculation as to whether you
2 would or wouldn't have been aware of him saying to
3 anybody that he was helping some brothers to move house,
4 or words to that effect?

5 A. Yes.

6 Q. It's possible that you wouldn't have heard any cover
7 story?

8 A. It's possible.

9 Q. And in those circumstances, what you would have in front
10 of you would be a terror suspect renting a vehicle,
11 collecting the vehicle, accompanied by two others, and
12 the weight of the vehicle being significantly increased
13 by the use of those bags of gravel?

14 A. Yes, that's so.

15 Q. That of itself would ring alarm bells, wouldn't it?

16 A. No, it would not.

17 Q. The period we were focusing on was shortly after the
18 Westminster Bridge attack when a rental vehicle was
19 obtained and used to carry out an attack in this same
20 city, wasn't it?

21 A. Yes, it was.

22 Q. And again and again, terror attacks had involved the use
23 of powerful vehicles?

24 A. Sir, that was less true of Westminster.

25 Q. Well, it was a powerful 4x4, wasn't it?

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1 A. Well, it was a 4x4.

2 Q. But again and again, attacks had used vehicles, whether
3 cars or lorries or vans; yes?

4 A. Across Europe, yes.

5 Q. Yes. And in many cases rental vehicles; yes?

6 A. In some cases.

7 Q. Yes. So are you suggesting that tomorrow if such
8 circumstances repeated themselves MI5 would do nothing
9 if they were aware of that?

10 A. It would depend on the context. Many of our subjects of
11 interest hire vehicles for entirely non-nefarious
12 purposes.

13 Q. The weight of the vehicle is something specifically
14 mentioned in the propaganda, isn't it?

15 A. The obtaining of a heavy vehicle, yes.

16 Q. But it's a matter of common sense, isn't it? Adding to
17 the weight of the vehicle increases its weight and its
18 lethal potential?

19 A. I think you may find it decreases its lethal potential.

20 Q. Well, whether the terrorists would know that or not is
21 obviously a moot point, isn't it?

22 A. Clearly so, but no terrorist instruction talks about
23 weighing down a vehicle rather than obtaining a heavy
24 vehicle.

25 Q. And of course all of this is just days after the

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1 Manchester terror attack, isn't it?

2 A. It is, indeed.

3 Q. When the threat level had been raised from -- was it
4 from severe to critical?

5 A. For a brief time, yes.

6 Q. And as they drove into the city centre you've indicated
7 that you would have concerns at that stage that it was
8 less likely to have anything to do with moving house?

9 A. Certainly that wouldn't have been obviously consistent
10 with that story.

11 Q. And you've already agreed that you may not even be aware
12 that there was a so-called cover story?

13 A. No, that's possible.

14 Q. And so when M in his evidence said at a number of these
15 stages of events that he would have had the vehicle
16 stopped, isn't it possible that MI5 likewise, in such
17 circumstances, would have had the vehicle stopped?

18 A. So that would always have been a decision for the police
19 rather than for us. I think, as M said in his own
20 evidence, he would likely to be doing so only in
21 circumstances where we recommended it.

22 Q. So you agree that it is possible that the decision would
23 be made in such circumstances to stop it?

24 A. It is possible, but it feels to me if M was basing it on
25 advice from us highly unlikely that we would have given

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1 such advice.

2 Q. And the possibility is heightened if you are unaware of
3 any cover story?

4 A. No, I don't think that's true, because of the fact that
5 so many subjects of interest hire vehicles for
6 non-nefarious purposes.

7 Q. In relation to rental, recently legislation has been
8 introduced in Italy, I think, suggesting that hire
9 companies should provide data about rentals to the
10 police at the time of hire and prior to the delivery of
11 the vehicle. So this is legislation which has been
12 enacted in Italy, we understand it, but which isn't yet
13 in force.

14 It's possible, isn't it, officer, that in this
15 jurisdiction likewise a procedure could be fashioned
16 that would provide for notification of those who were
17 applying for rentals and then when the information
18 reaches police or MI5 databases, a name will flash up if
19 one of those applicants is one of your terror suspects?

20 A. It's certainly technically possible. I think it would
21 require new legislation.

22 Q. And no doubt you would be eager to see anything that can
23 be done to protect the public in terms of terrorists
24 getting their hands on lethal vehicles?

25 A. Where it is necessary and proportionate. My

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1 understanding is there are something like 15 million
 2 vehicle hires in the United Kingdom in a year. I would
 3 not want a system where MI5 needed to opine on all of
 4 those.
 5 Q. But, equally, if a workable procedure could be
 6 fashioned, you would be keen to see anything done that
 7 would protect the public?
 8 A. If a workable one could be found, but I don't think the
 9 practical difficulties here should be underestimated.
 10 Q. But nevertheless, you're not suggesting that we
 11 shouldn't at least try, are you?
 12 A. I think it's really important and much work is being
 13 done to consider what more needs to be done in terms of
 14 vehicle hire.
 15 Q. A different point, please. At any stage was
 16 consideration given to applying for a TPIM in relation
 17 to Butt?
 18 A. Yes, it was.
 19 Q. We heard from Witness M that that procedure can be
 20 problematic; would you agree?
 21 A. I would need to understand what M meant by "procedure"
 22 and "problematic".
 23 Q. What he spoke about was the limitations of the
 24 procedure. Can you help to this extent: it is
 25 a procedure which is intended to cover people in respect

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1 of whom there's insufficient evidence to prosecute, but
 2 in respect of whom there are risks and concerns about
 3 their activities?
 4 A. Yes, I would recognise that as a description of TPIM.
 5 Q. And again, is this an area where if improvements can be
 6 made, you would welcome them if they can help the
 7 authorities for those sorts of individuals?
 8 A. So my sense, from an MI5 perspective, is the TPIM system
 9 works reasonably well, but I'm sure there are more
 10 improvements that can be made.
 11 Q. It certainly wasn't a procedure that was able to prevent
 12 Butt from carrying out this attack, was it?
 13 A. So I don't believe, even with the benefit of hindsight,
 14 that the intelligence we had on Butt would have met the
 15 legal threshold for TPIM.
 16 Q. It sounds as though it's a procedure that can and should
 17 be strengthened, would you agree?
 18 A. So again, I think this is where I am uncertain by what
 19 "procedure" means. I think it's very important, given
 20 how significant a power that TPIM is, that there is
 21 a degree of legal oversight and automatic appeal as
 22 there is, and I think this case would probably not have
 23 met the threshold so unless we were proposing reducing
 24 the threshold, I don't think there are procedural
 25 changes that would help.

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1 MR PATTERSON: Would your Lordship just give me a moment,
 2 please?
 3 THE CHIEF CORONER: Of course.
 4 MR PATTERSON: Yes, thank you very much L, those are all my
 5 questions.
 6 A. Thank you.
 7 THE CHIEF CORONER: Thank you.
 8 Questions by MR ADAMSON
 9 MR ADAMSON: L, my name is Dominic Adamson, I ask questions
 10 on behalf of the parents of Xavier Thomas and his
 11 partner, Christine Delcros.
 12 L, can I start by acknowledging the work that you
 13 and your Service do. You explained yesterday that since
 14 2013, 27 plots have been thwarted and since 2017, 14 of
 15 those have been thwarted; is that right?
 16 A. That's correct.
 17 Q. So that represents enormous success in counter terrorism
 18 work.
 19 A. That's so.
 20 Q. Yes. But you also acknowledge that your investigation
 21 and that of the counter terrorism police force did not
 22 prevent this attack?
 23 A. That is correct.
 24 Q. And you will understand that my clients wish to know why
 25 that was so and to question whether there were

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1 opportunities which were missed?
 2 A. I do understand that, and I'm anxious to assist within
 3 the constraints of what I can say without damaging
 4 national security and potentially facilitating further
 5 attacks.
 6 Q. You told this court yesterday that somebody, who is
 7 unidentified, contacted MI5 with concerns about
 8 Khuram Butt and his extremism.
 9 A. That's correct.
 10 Q. And that information came as a surprise to those whom
 11 I represent because it was not addressed in your
 12 statement; do you accept that?
 13 A. I do.
 14 Q. Nor is it identified in Lord Anderson's report.
 15 A. Yes, I'm sure that's so.
 16 Q. And are you able to assist as to why that is so?
 17 A. So Lord Anderson was aware of this information.
 18 I imagine at the time of my witness statement we did not
 19 foresee quite how much interest there would be in public
 20 messages to us and the police.
 21 Q. Can I ask you to look at paragraph 60 of your statement?
 22 A. I'm sorry, Mr Adamson, did you say 16 or 60?
 23 Q. 60.
 24 A. 6-0?
 25 Q. 6-0.

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1 THE CHIEF CORONER: Would it be sensible to put it on the
 2 screen?
 3 MR ADAMSON: Yes, by all means, {WS5006/17}.
 4 A. Yes, I can see that, thank you.
 5 Q. There you describe the purpose of the post-attack
 6 review, and that included identifying what was known
 7 about Butt as well as Redouane and Zaghba prior to the
 8 attack; yes?
 9 A. Yes.
 10 Q. And then when one looks further in your report to your
 11 discussion of Butt specifically, we find no mention of
 12 that call, and if you need to remind yourself of the
 13 relevant section, it begins at paragraph 102 on
 14 {WS5006/28}.
 15 A. No, that's correct.
 16 Q. And you can understand, can't you, the concern that the
 17 family of Xavier have about the fact that Khuram Butt
 18 was reported to your organisation and that information
 19 in fact never reached the team responsible for
 20 investigating Khuram Butt?
 21 A. I can understand that concern.
 22 Q. Yes. Added to that, we discovered through Witness M
 23 that a report made by Usman Darr, the brother-in-law of
 24 Khuram Butt, did not reach the team investigating
 25 Khuram Butt within that organisation.

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1 A. That's correct.
 2 Q. And you can understand the concern of the people that
 3 I represent that that information wasn't shared with
 4 that investigation?
 5 A. I can.
 6 Q. And so we have two reports made by members of the
 7 public, one whom we can identify and one whom we can't,
 8 and neither of those reports reached the teams
 9 investigating the person whom they were expressing
 10 concern about.
 11 A. That's correct.
 12 Q. Now, it might be regarded as misfortune to lose one
 13 piece of information, but to lose two looks like
 14 carelessness, doesn't it?
 15 A. Not in this case, no.
 16 Q. What assurance can you give that members of the public
 17 reporting concerns about people that they know will now
 18 have their concerns reported to the relevant
 19 investigatory teams?
 20 A. So clearly I cannot speak for the Anti-Terrorist
 21 Hotline, which is a police responsibility. For our own
 22 reporting mechanisms, as I noted earlier, I believe that
 23 our record-keeping has improved significantly since this
 24 period, so although I would never wish to offer
 25 a guarantee, I believe the chances are greater than they

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1 were then.
 2 Q. Because it would appear that these pieces of
 3 information, which I suggest are important pieces of
 4 information, have effectively been consigned to virtual
 5 dustbins?
 6 A. So I don't believe they are terribly important for they
 7 simply reflect material that was already known about
 8 Butt, but I would accept that they did not reach the
 9 appropriate teams in both cases.
 10 Q. Well, that was a similar view expressed by Witness M,
 11 although he accepted that the fact that people were so
 12 concerned that they were driven to report Butt was
 13 itself a relevant piece of information, because they are
 14 likely to know Butt better than you are; do you agree
 15 with that?
 16 A. It's certainly possible, particularly in the piece of
 17 information we received, because we were not able to
 18 identify who the individual was and they explicitly
 19 asked us not to contact them. I think that's quite
 20 a large leap.
 21 Q. It would surely be relevant to any assessment of Butt
 22 that not one but two individuals had seen fit to report
 23 him to the authorities; do you agree?
 24 A. It's possibly relevant, yes.
 25 Q. Two individuals who had identified his extremism, one

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1 who had certainly identified the fact that he was
 2 sharing extremist material, and yet neither of those
 3 reports, none of that information fed into any
 4 assessment that was ever made of Khuram Butt, was it?
 5 A. That's correct.
 6 Q. And I suggest to you that that must be a significant
 7 failing.
 8 A. Sir, I would not share that view, given that the
 9 information really simply reinforced that which we
 10 already knew about Butt.
 11 Q. You can understand, can't you, the scepticism that
 12 a family member might feel about that answer?
 13 A. I can.
 14 THE CHIEF CORONER: Earlier on you mentioned about the
 15 concern of a report from a family member being
 16 malicious, and obviously that was one of the comments
 17 you made about it. Just picking up on the theme of
 18 Mr Adamson's question, I mean, where you've got two
 19 independent, or seemingly independent reports, might
 20 that not suggest that it's not a malicious complaint
 21 made by a family member?
 22 A. It might. As I noted earlier, I'm not suggesting
 23 Mr Darr or the anonymous complaint were malicious. It's
 24 only a general consideration.
 25 MR ADAMSON: And one which we can be reasonably confident

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1 did not apply here?
 2 A. What, Mr Adamson?
 3 Q. That they were malicious reports?
 4 A. So, as I gave in my previous answer, I'm not suggesting
 5 that they were; I'm saying that's a general
 6 consideration.
 7 Q. But presumably the mindset is not to approach reports on
 8 the basis that they are malicious?
 9 A. No, indeed.
 10 Q. The mindset must be, surely, that you approach a report
 11 on the basis that it's genuine and it comes from
 12 a right-thinking member of society?
 13 A. Indeed, the proposition earlier put to me is the mere
 14 fact it was from a family member in the case of Mr Darr
 15 automatically gave it more weight, and I said I did not
 16 consider that to be so because family members might also
 17 report maliciously, and indeed, we have evidence of
 18 that, although I say again, not in the case of Mr Darr
 19 and I'm not suggesting that for either of these reports.
 20 Q. Now, you've already been asked detailed questions about
 21 the potential lone actor assessments by Mr Hough and
 22 Mr Patterson, so I will limit my questions on that
 23 topic. You have explained that behavioural scientists
 24 have some input into that process; is that right?
 25 A. That's correct.

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1 Q. Would behavioural scientists within your organisation
 2 consider it relevant that two individuals had seen fit
 3 to report Mr Butt to the authorities?
 4 A. So that's a question which I don't feel well qualified
 5 to answer, because I am not one, but I would say that
 6 the focus of our process is around the mindset and
 7 behaviour of the individual themselves, not the mindset
 8 and behaviour of others who interact with them.
 9 Q. But it's likely to inform their assessment, isn't it?
 10 A. It may do. I don't feel confident in making any
 11 judgment as to what detailed considerations they would
 12 have in this area.
 13 Q. You are aware, I believe, of Witness M's statement where
 14 he set out in relation to their investigation
 15 a reference to some red lines that they would
 16 identify -- that they identified in relation to his --
 17 to Butt, ie red lines that he might cross which would
 18 result in them taking action?
 19 A. Yes, I am.
 20 Q. Now, he identified in questions from Mr Hough, page 66
 21 of Day 19 is the relevant reference, what those red
 22 lines might have included.
 23 A. Sir, I'm waiting for that reference to come up. It just
 24 has, thank you. {Day19/66:1-25}.
 25 Q. And he said that:

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1 "... if I deal with the knife, so yes, that would be
 2 a red line for us, if we started to see acquiring
 3 a knife. The vehicle side of it as well, if it came
 4 with contextual intelligence or any kind of intelligence
 5 to suggest that was to be used in an attack, that would
 6 be a red line for us to move forward, or to move
 7 definitely in the direction of an ELG."
 8 Do you agree with that assessment?
 9 A. So for me the key part there is Witness M's observation
 10 about contextual intelligence.
 11 Q. Do you agree with that assessment?
 12 A. That in circumstances where we saw such things and there
 13 was relevant contextual intelligence, yes.
 14 Q. Were these red lines agreed with you or your team?
 15 A. In general terms, but these are -- and, again, you would
 16 need to take Witness M's views on this -- I would say
 17 these were more public safety red lines than they were
 18 investigation ones.
 19 Q. What's the difference?
 20 A. The difference is that the police may take judgments
 21 around public safety, which we would always accept would
 22 override our investigative considerations.
 23 Q. A different topic. We know that Butt undertook a door
 24 supervisor course to become accredited within the
 25 security industry; yes?

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1 A. Yes, that's correct.
 2 Q. Would that be regarded as a concern to your
 3 organisation?
 4 A. Not of itself.
 5 Q. The role of a security guard is both obvious and
 6 important. It might concern many that a person in such
 7 a position who was a threat to national security would
 8 not register concern in and of itself by reason of his
 9 attempts to obtain such work.
 10 A. So it's possible that such work would be a stabilising
 11 factor, would reflect a person moving away from
 12 extremism, but in this case and in others, we would
 13 clearly be looking to see whether there was any
 14 indication that the individual planned to or was using
 15 their employment to exploit it for terrorist purposes.
 16 Q. And in relation to information about work of that
 17 nature, do I understand your evidence that it's vitally
 18 important that information such as where somebody is
 19 working is shared between the relevant agencies?
 20 A. I think it's highly desirable.
 21 Q. And so that would apply to the work at TFL?
 22 A. Yes.
 23 Q. And, as Mr Patterson has explored with you, the work,
 24 unpaid or paid, formal or informal, at the gym?
 25 A. Yes, it would.

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1 Q. What assurances can you give that relevant information
2 of that sort will now be shared?
3 A. Between us and the police and vice versa?
4 Q. Yes?
5 A. So we will always aim to share relevant information, as
6 we touched on earlier, as we move closer and closer, as
7 our working relationship gets nearer and nearer, as we
8 engage in more co-location, the physical sitting
9 together of MI5 and police teams, this will improve yet
10 further.
11 I can never give a guarantee that it will be true in
12 all cases, but that is the aim that we and the police
13 are both working for.
14 Q. Because it's right, isn't it, that you want as much
15 information as possible about the people that you're
16 investigating?
17 A. Yes, it is.
18 Q. And so that would include where they work, what their
19 travel plans were?
20 A. Yes, it would.
21 Q. You have explained that you became aware that Butt
22 aspired to travel to the Middle East at some stage.
23 A. That's correct.
24 Q. And is it right that you suspected that that was travel
25 to Syria?

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1 A. So, as you will note, his travel plans and our
2 assessment of him changed, but our initial assessment
3 was the most likely destination was Syria.
4 Q. Yes. Are you aware that Butt's family thwarted what
5 they regarded as an attempt to travel to Syria?
6 A. So I have seen the subsequent reports that Butt's family
7 destroyed his passport.
8 Q. And ripped up an airline ticket?
9 A. I've seen those reports.
10 Q. And do you have any reason to doubt those reports?
11 A. No.
12 Q. So you were not aware at that time that those plans had
13 been thwarted?
14 A. So I don't think I accept that they had been thwarted on
15 the grounds that throughout this period he retained
16 a Pakistani passport, as far as we understand.
17 Q. Well, you would agree that the family seizing a passport
18 or tearing up a passport or tearing up a plane ticket is
19 an attempt to thwart travel plans?
20 A. I would agree with that, yes.
21 Q. And it also indicates that Butt's intentions to travel
22 were more than just fanciful.
23 A. If he obtained a plane ticket, yes.
24 Q. And so that is information which you would have liked to
25 have known?

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1 A. Yes, it was.
2 Q. One of the reasons why it's important for all relevant
3 information to be provided to investigators such as
4 yourselves and the police, is that it can feed into your
5 overall assessment --
6 A. Yes, that's so.
7 Q. -- of the risk that they pose?
8 A. Yes, that's so.
9 Q. And not just to the risk that they pose to people in
10 this country, but the risk that they pose to people in
11 other countries too.
12 A. Yes, that's so.
13 Q. Now, I'm not aware that those facts were ever reported
14 to you; is that correct?
15 A. That's so.
16 Q. But do you agree with me that had the two reports that
17 were made about Butt been properly filed, properly
18 considered, there would have been an opportunity for you
19 and the police to consider whether or not it was
20 appropriate to approach Usman Darr, for example?
21 A. Not for the two reports, no.
22 Q. Well, for the one report that Usman Darr made, you make
23 a fair point.
24 A. Yes, I agree with that.
25 Q. And had you done so, that would have been an opportunity

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1 for you to find out relevant information like this,
2 would it not?
3 A. It would have been.
4 Q. But those inquiries were never made?
5 A. They were not.
6 Q. Let us assume for a moment that you knew that his plans
7 had reached -- plans to travel had reached an advanced
8 stage of buying a ticket, and they were considered
9 sufficiently real by his family that they seized the
10 ticket and passport and destroyed them. Would that have
11 increased your concern about Butt, left it the same, or
12 reduced it?
13 A. So as you rightly know, that is an assumption. It
14 really would depend on when we learned that. In the
15 latter part of 2015, our own assessment was that his
16 most likely activity was to be to travel to Syria so we
17 already knew that.
18 Q. But there's a difference, isn't there, between
19 suspecting that somebody would travel and somebody
20 actually making proper plans to travel?
21 A. There is, indeed, a difference.
22 Q. And so this would be a significant escalation in terms
23 of your concerns about the person we're talking about,
24 would it not?
25 A. I think it would be further reinforcement of that which

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1 we already thought.

2 Q. There's a common narrative here, L, isn't there: that

3 anything that wasn't discovered or wasn't known would

4 simply reinforce what you already knew?

5 A. Yes, I think that's true.

6 Q. And can you understand why the families might view that

7 with some suspicion?

8 A. Yes, I can.

9 Q. Because we reach the same sort of conclusion in relation

10 to Sajeel Shahid, don't we? The dots weren't joined

11 with him, but you say it wouldn't have made

12 a difference?

13 A. I think you're going to have to unpick for me a bit

14 where you think I'm saying that.

15 Q. Well, we know that Sajeel Shahid ran -- set up the gym.

16 We know that Sajeel Shahid ran the Ad-Deen school, set

17 up the Ad-Deen school. We know that Khuram Butt

18 attended both of those institutions, seemingly worked in

19 both of those institutions in different capacities. We

20 know that Sajeel Shahid is suspected or reported to have

21 been involved in running a terrorist training camp in

22 Pakistan in 2005, some connections to terrorist

23 activities in 2005.

24 None of this was identified as being of significance

25 to your investigation?

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1 A. We were aware of all of that, yes.

2 Q. Well, was it significant to your investigation?

3 A. So one needs to break that down into different bits.

4 The ownership and the gym and the ad-Deen school were

5 not of themselves significant to the investigation.

6 Sajeel Shahid's long historical pedigree was of

7 interest, but not of terrible significance.

8 Q. A layperson might think -- reasonably, I suggest to

9 you -- that somebody who has a historical pedigree of

10 links to terrorism would be a very important fact for

11 you to be aware of and to investigate thoroughly?

12 A. So we were, indeed, aware of it. We were investigating

13 Butt and had that given any indication that

14 Sajeel Shahid was involved, that would also have been

15 investigated.

16 Q. Was he at any of the meetings that you were aware of

17 between Butt and Redouane and Zaghba?

18 A. No.

19 Q. You can say that for certain?

20 A. I can say I was not aware of it.

21 THE CHIEF CORONER: Which was the question. So he has

22 answered your question, Mr Adamson.

23 MR ADAMSON: Thank you, sir.

24 Thank you, L. Those are my questions.

25 THE CHIEF CORONER: Sir James, I think it is your next.

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1 Questions by SIR JAMES EADIE QC

2 SIR JAMES EADIE: It is. Witness L, it is James Eadie. You

3 were asked a series of questions yesterday and today,

4 the central thrust of which was to put to you all of the

5 things that we now know about the three attackers, their

6 associates, the links between them and their actions,

7 and the questions have by and large -- I summarise, but

8 just to give you the context of the questions to come:

9 if you had known this, is it possible that that might

10 have happened, that that assessment might have been

11 made. Is that your understanding of at least the

12 central thrust of the questions you've been asked?

13 A. Yes.

14 Q. And I'm quite keen to get your expert and experienced

15 judgment how things work in real time, so the first set

16 of questions are about how your job actually works in

17 real time, and if they seem obvious, you will have to

18 forgive me. In real time how often is it that either

19 the intelligence picture or the future intentions of

20 those on your radar are clear?

21 A. Almost never.

22 Q. And if you look back with the benefit of hindsight and

23 incidents such as this terrible attack having happened;

24 how does that affect the picture?

25 A. Very, very radically, both in terms of our ability to

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1 look back through the prism of knowing what has happened

2 and also without the pressure of time upon us.

3 Q. Because, is this right, that the significance of links

4 between people and the significance of one piece of

5 intelligence when placed alongside another might be

6 affected if you look backwards?

7 A. Absolutely.

8 Q. And so in real time, the picture that you have described

9 is in part caused, is it, by the very nature of

10 intelligence, and if that is right, can you explain why?

11 A. Yes, it is in part caused by the very nature of

12 intelligence. It is rare, even with very good levels of

13 coverage, as we had in this case, that we can perfectly

14 understand what an individual is going to do and why

15 they're going to do it.

16 Q. And to what extent, again in real time, does the job

17 that you and your colleagues do involve a set of

18 judgments?

19 A. That, I think, is our central function.

20 Q. So can we again identify in real time the key areas in

21 which you're trying to make judgments. Do they include

22 what the intelligence that you have at any particular

23 time actually shows?

24 A. Yes, they do.

25 Q. Who is really a threat?

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1 A. Yes, that's so.
 2 Q. What to do about that threat if you've identified it?
 3 A. Yes, that's so.
 4 Q. And to what extent do those judgments involve future
 5 prediction?
 6 A. So we're always trying to judge what might happen but it
 7 is an uncertain future in all cases.
 8 Q. I want to take three examples which you've been
 9 particularly focused on in relation to this and to see
 10 if we can how that real time picture works, and I want
 11 first to focus on the position in relation to the
 12 Ad-Deen school in early 2017; you understand?
 13 A. Yes.
 14 Q. Did you view, or did MI5 view Butt's role as a teacher
 15 at the Ad-Deen school with concern?
 16 A. Yes, we did.
 17 Q. At that time?
 18 A. Yes, we did.
 19 Q. Why?
 20 A. Because we were concerned about the safeguarding risk he
 21 posed to children.
 22 Q. And is that why you passed the information regarding
 23 that teaching activity to the police?
 24 A. Yes, it was.
 25 Q. Because, what, they have a different role to yours?

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1 A. Because the police would, and I think Witness M accepted
 2 this, have the primary role in safeguarding.
 3 Q. At the time, did you consider that that intelligence,
 4 his teaching at the Ad-Deen school, have any
 5 significance beyond the safeguarding of children?
 6 A. No, we did not.
 7 Q. Did it indicate anything to indicate a concern about
 8 attack planning?
 9 A. No, it did not.
 10 Q. Does the totality of the evidence now assembled indicate
 11 that any attack planning occurred at the school?
 12 A. No, it does not.
 13 Q. Or that his activity there had any bearing on attack
 14 planning?
 15 A. No, it does not.
 16 Q. And is there, perhaps the school is an indication of
 17 that, is there a more general point emerging here, which
 18 is a possible distinction between your interest in
 19 someone as an extremist and your interest in someone as
 20 an extremist who is attack planning?
 21 A. Yes, that's absolutely so.
 22 Q. Have I understood your evidence correctly in answer to
 23 the questions that everyone has been asking you, that
 24 that distinction lies absolutely at the heart of MI5's
 25 analysis of the intelligence in real time?

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1 A. Yes, it is central to our functions.
 2 Q. And you were focused on attack planning?
 3 A. Yes, we were.
 4 Q. Does the fact that that was your focus indicate in some
 5 way a lack of weight being given to or a lack of focus
 6 on or consideration of the other extremist aspects which
 7 have been put to you?
 8 A. So those areas would always have been less significant
 9 to us.
 10 Q. Can I turn to the gym as the second of the examples
 11 I wanted to explore with you, and I wanted to focus in
 12 particular on the matter that Mr Hough put to you
 13 yesterday, involving the early hours, shortly after
 14 midnight meeting, between the three attackers on
 15 29 May 2017, the so-called walk-and-talk meeting.
 16 A. Yes.
 17 Q. And that meeting, as I understand it, involved, if
 18 I understood your evidence correctly, just to get this
 19 clear, it involved two features which would have been of
 20 particular interest to the Service: firstly, that there
 21 were here three people meeting late at night and leaving
 22 a building to walk down the street to discuss things?
 23 A. Yes, that's correct.
 24 Q. And secondly, Redouane, I think it was Redouane, putting
 25 his phone down?

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1 A. It was Redouane, and yes, he did.
 2 Q. And why would those two things have been of interest to
 3 you?
 4 A. So both give the indication that they are attempting to
 5 evade any type of surveillance or eavesdropping that
 6 might be seeking to cover the meeting, suggesting to us
 7 strongly that they don't want the authorities to know
 8 what they're talking about.
 9 Q. And it was for those two reasons, was it, that you said
 10 in answer to Mr Hough, I think again this morning, that
 11 you would have regarded that fact or those facts, if you
 12 had known them, as being significant or suspicious?
 13 A. Yes, we would have done.
 14 Q. Did you know about that meeting?
 15 A. No, we did not.
 16 Q. How do we now know about that meeting?
 17 A. So my understanding is that the -- a media outlet,
 18 I'm not sure which one, approached a number of different
 19 organisations on the road on which the Ummah Fitness
 20 Centre was and asked them whether they had CCTV in the
 21 immediate aftermath of the attack.
 22 Q. So we know this now, do we, from private CCTV?
 23 A. Yes, that's correct.
 24 Q. And as I understand it, that's private CCTV from
 25 a restaurant in the vicinity?

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1 A. That's also my understanding.
 2 Q. In real time, was there any realistic possibility of the
 3 Service having had access to that CCTV material?
 4 A. No, there was not.
 5 Q. Even if you had had access to that CCTV material, how
 6 realistic is it that you could have or would have picked
 7 up this walk-and-talk?
 8 A. Only if we had access to very large volumes of CCTV
 9 material from that premises.
 10 Q. And had been prepared to devote the time and resource to
 11 reviewing large quantities of that material?
 12 A. That's correct.
 13 Q. On a chance?
 14 A. That's correct.
 15 Q. Is that something that you could or would realistically
 16 have done at the time?
 17 A. No, it isn't.
 18 Q. You mentioned the possibility yesterday, I think, of
 19 additional surveillance, or the possibility of some form
 20 of additional surveillance. I don't invite you to go
 21 into the types of surveillance that might have been
 22 involved, but some form of additional surveillance,
 23 perhaps. Are you able to offer any view as to whether
 24 even if there had been some other form of surveillance,
 25 that that would have picked up either this meeting

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1 between these three, or the putting down of Redouane's
 2 phone?
 3 A. I think it very unlikely that it would have done.
 4 Q. I want to broaden the gym questions out a bit, if I may,
 5 and I ask a general question to start off with. In the
 6 light of everything that is now known about the planning
 7 of this attack, do you have any reason to suppose that
 8 additional coverage of the Ummah Fitness Centre is
 9 likely to have revealed intelligence of attack planning?
 10 A. No, I do not.
 11 Q. This was a gym, was it, used, I think you gave evidence
 12 to the effect that this was a gym, like all others, used
 13 predominantly by young people?
 14 A. That's my understanding.
 15 Q. And, as I understand it from the press reporting, these
 16 are young people not simply of one faith?
 17 A. That's also my understanding.
 18 Q. I think Mr Patterson put to you in relation to the gym
 19 that Usman Darr's evidence was that Butt had been
 20 teaching people to fight in the gym. Was that your
 21 understanding of what was being put to you?
 22 A. Yes, it is.
 23 Q. When was Usman Darr's report?
 24 A. I'm not entirely sure when Usman Darr's report was.
 25 I think it's in mid-2015.

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1 Q. September 2015?
 2 A. Yes, that sounds familiar to me.
 3 Q. Do you know when Butt started attending the gym?
 4 A. So our judgment is that was -- we know of this in late
 5 2016 and where the family has reported that he started
 6 going there in the summer of 2016.
 7 Q. So pretty nearly a year afterwards?
 8 A. Yes, correct.
 9 Q. So what is being put to you in relation to Usman Darr
 10 involves, does it, the proposition that he would still
 11 have had to have been talking to MI5 over a year later?
 12 A. Yes, that's correct.
 13 Q. It was also put to you that Butt was in the gym training
 14 people to fight, I think was the way it was put.
 15 A. It was put that way.
 16 Q. Can I ask for a transcript to be put up on screen. This
 17 may not be feasible or possible, but I'm after Day 21,
 18 page 237 {Day21/237:1-25}. Is that possible to get it
 19 up on screen?
 20 THE CHIEF CORONER: It's not only possible, it's happened.
 21 SIR JAMES EADIE: It's happened. Amazing, thank you.
 22 This, as I understand it, is Mr Hough's questioning
 23 of Usman Darr. Can you just read between lines 2 and 9
 24 on that top page.
 25 A. Yes, I can.

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1 Q. Just read them to yourself.
 2 A. Yes, I've read those, thank you.
 3 Q. So the answer to the question that Mr Hough was asking
 4 Usman Darr was that there was a little gym and that he
 5 taught kids how to box.
 6 A. Yes, that's what it says.
 7 Q. I think in fairness you should also see Mr Patterson's
 8 questioning of this witness. So could we go to
 9 {Day21/246:9-17}, just cast an eye down that, because
 10 I think in fairness to Mr Patterson, this is where the
 11 words "Teach people how to fight" comes from, do you see
 12 that between lines 16 and 17. Have you got that?
 13 A. Yes, thank you, I've seen that and read that.
 14 Q. I think I'm -- I don't want to start construing answers,
 15 but do you see that that phraseology is used in the
 16 answer, and Mr Patterson having accurately summarised
 17 the questioning and the answers that we've just seen on
 18 the earlier version. In other words:
 19 "I think you used the word 'kids' to box."
 20 Do you see that?
 21 A. Yes, I do.
 22 Q. The question is this: let's assume for the sake of
 23 argument that you had gone back to Darr, and let's
 24 assume for the sake of argument that you had done so the
 25 year afterwards, see the previous question and answer

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1 that you gave. If Darr had told you that Butt was in
 2 the gym teaching kids to box, would that have been of
 3 any real interest to the Security Service?
 4 A. It might potentially again have been a safeguarding
 5 interest but not of great interest to us.
 6 Q. The third of the examples I wanted to go to relates to
 7 the van, and that is the van used on the day of the
 8 attack. Was there surveillance on Butt on the day of
 9 the attack?
 10 A. No, there was not.
 11 Q. At that time, in real time and on the basis of what you
 12 then knew about Butt, the totality of it, in your
 13 judgment, was there any realistic case for having Butt
 14 under continuous surveillance on 3 June?
 15 A. No, there was not.
 16 Q. We know that the van was hired at 5.30 on that day; is
 17 that right?
 18 A. That's correct.
 19 Q. And as I understand it, he didn't gain access to it
 20 until some time after that because of difficulties with
 21 an access code; is that your understanding?
 22 A. That's also correct.
 23 Q. And so the period between even collecting the van and
 24 the attack was a period measured as a matter of hours;
 25 is that right?

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1 A. Yes, that's correct.
 2 Q. Did the Security Service know that Butt had hired the
 3 van?
 4 A. No, it did not.
 5 Q. Assume that you had known that he'd hired the van at
 6 5.30 on that day, and can I ask you to assume that you
 7 knew of his explanation for doing so, which, as we now
 8 know was for the purpose of helping a friend to move
 9 house. Can you indicate what the likely reaction of MI5
 10 in real time would have been?
 11 A. That we would have been likely to take that story at
 12 face value.
 13 Q. And would that reaction have been affected by the
 14 results of the prolonged coverage that you had had over
 15 Butt over the last few years?
 16 A. Yes, it would.
 17 Q. And the significance of that prolonged coverage, if
 18 I understood your evidence correctly, and you confirm,
 19 is that there had been, since 2015, no indications, no
 20 intelligence of attack planning?
 21 A. That is correct, despite our extensive coverage.
 22 THE CHIEF CORONER: Just on that scenario, Sir James,
 23 I wonder whether one should add in the additional fact
 24 of the acquisition of the ballast.
 25 SIR JAMES EADIE: I'm going to come to that in a moment, if

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1 I may.
 2 Would that MI5 or Security Service reaction have
 3 been affected by the fact that even those who MI5 has
 4 under surveillance lead ordinary lives?
 5 A. They do indeed.
 6 Q. And is there on that basis, and again putting yourself
 7 back into real time if you would, is there any realistic
 8 prospect that the Security Service, even if it had known
 9 about the hiring of the van, would have immediately
 10 alerted the police and invited them to take steps?
 11 A. No, I do not believe that we would have done so.
 12 Q. It's been suggested, I think, that the mere hiring of
 13 a van is an indicator of attack planning. Is it likely
 14 at the time it would have been viewed as such?
 15 A. No, it would not have done.
 16 Q. In your experience, and again, at the time, how many
 17 different ways are there in relation to the past
 18 incidents that were most recent at that time of vehicle
 19 attack?
 20 A. So we've seen examples of individuals hiring vehicles,
 21 we've seen examples of individuals stealing vehicles,
 22 including stealing vehicles and killing their occupants,
 23 we've seen examples of people using their own vehicles,
 24 and we've seen examples of people thinking about
 25 part-purchasing vehicles. So a significant range of

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1 different ways to access vehicles.
 2 Q. Can I come to the ballast which the Coroner has
 3 expressed an interest in. We now know that after
 4 collecting the van, the attackers purchased a number of
 5 sacks of gravel and loaded them into the back of the
 6 van?
 7 A. We do, indeed.
 8 Q. In practical terms, what level of coverage would the
 9 Security Service have needed to have been operating at
 10 the time in order to identify that activity?
 11 A. Quite significant and resource-intensive coverage.
 12 Q. Which, I think in answer to an earlier question, you've
 13 indicated there was no justification for; is that right?
 14 A. That's correct.
 15 Q. Just put us in the place, if you would, as briefly as
 16 possible, put us in the operational environment in that
 17 latter part of the first half of 2017, and if you could,
 18 compare it to any other period in your 28-year career in
 19 counter terrorism?
 20 A. So in my judgment, I have never seen a time as alarming
 21 and with such a disparate range of threats as that time.
 22 Q. Were you attending grid meetings in the first half of
 23 2017?
 24 A. Yes, I was.
 25 Q. And the scale of that threat was unprecedented?

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1 A. Yes, it was.
 2 Q. What are the resource implications of maintaining
 3 a continuous level of coverage over a subject of
 4 interest?
 5 A. They're extraordinarily draining on our overall
 6 resources.
 7 Q. So even those who are at the higher level of a P grid,
 8 if I can call it that, and even those who are the
 9 subjects of active, unsuspended investigation, would it
 10 automatically follow that they would all be under
 11 continuous surveillance?
 12 A. No, it would not.
 13 Q. Did MI5 have any intelligence at the time to indicate
 14 that the two men with him on the evening of 3 June were
 15 themselves involved in attack planning?
 16 A. No, we had no such intelligence.
 17 Q. Had either of them ever expressed any aspiration to
 18 conduct attack planning to your knowledge?
 19 A. None that we are aware of.
 20 Q. I come back, therefore, with the ballast in mind, to
 21 the question I asked earlier, to alerting the police.
 22 Even assuming that you had known about the van hire and
 23 the gravel purchase, is there, in your expert and
 24 experienced judgment, any realistic prospect that MI5
 25 would immediately have alerted the police and asked them

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1 to stop the van in the hours between hiring, picking up,
 2 loading the gravel and the attack?
 3 A. No, there is not.
 4 Q. You were involved or had an understanding of the
 5 post-attack review and the operational improvement
 6 review; is that right?
 7 A. That is correct.
 8 Q. And those, if I can take them together, is this right,
 9 were examining two things: the first of the things that
 10 they were examining, is this right, is the question did
 11 things go wrong? Were there failures by MI5 at the time
 12 judged in real time?
 13 A. Yes, that's true of the post-attack reviews, not of the
 14 operation improvement review.
 15 Q. And the context, I should explain, for these concluding
 16 questions, is the thing I put to you at the beginning,
 17 which are the series of questions that have been put to
 18 you: if you had known X, is this possible. Is that
 19 question, that first question, were there failures at
 20 the time, is that a question that when that review was
 21 conducted were asked excluding hindsight and by
 22 reference to action and reaction in real time?
 23 A. That's correct.
 24 Q. And does it follow from that that for that purpose, at
 25 least, you were not asking the question constantly

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1 repeated in the questioning of you yesterday and today,
 2 "if you had known what you now know", you simply were
 3 not asking that question?
 4 A. No, we would consider the broad context later in the PAR
 5 but the initial questions were: what did we know at the
 6 time and what did we do with it.
 7 Q. Are you also asking the question whether different
 8 action or different assessment should have been made or
 9 should have been taken?
 10 A. Yes, that's so.
 11 Q. And does it follow from that that for that purpose, you
 12 are not simply asking whether a course of action or
 13 a different judgment is possible?
 14 A. Yes, that's so.
 15 Q. So that, as I understand it from your evidence, was the
 16 focus of the post-attack review process; is that right?
 17 A. That's correct.
 18 Q. The second thing that was being examined, and as
 19 I understand it this is the focus of the operational
 20 improvement review, is to do the very thing which the
 21 director general has said in public MI5 is absolutely
 22 committed to doing; is that right?
 23 A. Yes, that's so.
 24 Q. And that, as I understand it, is to squeeze every last
 25 drop of learning out of the attacks of 2017, including

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1 London Bridge; is that your understanding of the purpose
 2 of that second review?
 3 A. Yes, that's what Andrew has said both publicly and in
 4 instruction to me.
 5 Q. So you are not looking for this purpose, are you -- or
 6 are you -- at failings or things that should have been
 7 done differently, you are looking for every piece of
 8 learning that can be extracted even when the lamp of
 9 hindsight is turned onto the events that happened?
 10 A. Yes, that's correct.
 11 Q. And are you satisfied that that process has been
 12 properly done and that every last drop of learning has
 13 indeed been squeezed out of that process?
 14 A. Yes, I am.
 15 SIR JAMES EADIE: Witness L, thank you. That is all I have
 16 for you.
 17 Further questions by MR HOUGH QC
 18 MR HOUGH: Witness L, finally from me, you've been in the
 19 witness box nearly two days, a claustrophobic witness
 20 box at that. My final few points are not searching or
 21 intended to be searching, but to put in context the
 22 evidence that you've given. Is it right to say that in
 23 the long process of review which produced your witness
 24 statement and led to your evidence, the Inquest team was
 25 given complete access to the Service's intelligence

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1 documents from the investigation with a view to ensuring
2 that as much could be put into the public domain as
3 possible?
4 A. Yes, it is right to say that.
5 Q. Is it right to say that in this case, an unprecedented
6 or near unprecedented amount of material about live
7 priority investigations has been put into the public
8 domain?
9 A. So I believe unprecedented.
10 Q. And is it also the case that in this procedure there has
11 been unprecedented or near unprecedented scrutiny of
12 your Service’s work through the extensive questioning of
13 you over the last nearly two days?
14 A. So I believe again unprecedented in the context of live
15 investigations .
16 MR HOUGH: Thank you very much for your evidence. Those are
17 all my questions.
18 THE CHIEF CORONER: Witness L, can I thank you very much
19 indeed for answering all of the questions that have been
20 asked of you, as you’ve quite often said, in the context
21 of what you’re able to say publicly, it’s been extremely
22 helpful for me. Thank you very much indeed.
23 A. Thank you, my Lord.
24 MR HOUGH: Sir, there is no other evidence for today.
25 THE CHIEF CORONER: No. What I’m going to suggest is we’ll

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1 break there, Mr Hough, and we’ll pick up on things
2 tomorrow morning at 10 o’clock.
3 (3.18 pm)
4 (The court adjourned until 10.00 am on
5 Friday, 14 June 2019)
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