

OPUS2

Manchester Arena Inquiry

Day 164

October 20, 2021

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1 Wednesday, 20 October 2021
 2 (9.30 am)
 3 (Delay in proceedings)
 4 (9.46 am)
 5 MR SHAUN HIPGRAVE (recalled)
 6 Questions from MR DE LA POER
 7 SIR JOHN SAUNDERS: Good morning.
 8 MR DE LA POER: Sir, good morning. We are joined today by
 9 Shaun Hipgrave, who is the sitting in the witness box.
 10 Mr Hipgrave gave evidence on 12 November 2020, which was
 11 Day 35 of the oral evidence hearing, and in just
 12 a moment I'm going to provide a very short summary of
 13 what he said on the last occasion. It'll take me
 14 a minute only to do so before I turn to his evidence.
 15 Before we get to that, so that everybody understands
 16 the shape of today, sir. As you and those who have
 17 followed the timetable closely will know, in addition to
 18 Mr Hipgrave, the inquiry is expecting to hear from
 19 Abdalraouf Abdallah, subject to an application to
 20 adjourn that he will make later this morning.
 21 Mr Hipgrave understands that, at a convenient moment,
 22 his evidence will be broken off in order for that
 23 application to be made.
 24 SIR JOHN SAUNDERS: Thank you for coming back, Mr Hipgrave.
 25 MR DE LA POER: I should publicly acknowledge the inquiry

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1 legal team's appreciation to Mr Hipgrave for making
 2 himself available even in these circumstances.
 3 SIR JOHN SAUNDERS: Thank you.
 4 MR DE LA POER: On 12 November 2020, Mr Hipgrave, the
 5 director of Protect and Prepare for the Office for
 6 Security and Counter-terrorism, explained that the UK's
 7 counter-terrorism strategy, CONTEST, has four strands;
 8 Protect and Prepare, which Mr Hipgrave covers, are two
 9 of those four strands. As Mr Greaney Queen's Counsel,
 10 who asked the questions on 12 November made clear,
 11 Mr Hipgrave's evidence before the inquiry was to be
 12 taken in two parts.
 13 On that occasion, Mr Hipgrave spoke to the Protect
 14 strand of the CONTEST strategy. He kindly returns to us
 15 today to assist you, sir, in the first part of my
 16 questioning with him, as to a third strand of CONTEST,
 17 namely Prevent.
 18 His evidence is intended as an introduction to
 19 Prevent. We anticipate that Detective Chief
 20 Superintendent Scally of Greater Manchester Police will
 21 be able to assist further with Prevent as it relates to
 22 Salman Abedi and we will hear from the detective chief
 23 superintendent next week.
 24 Finally by way of introduction, in the second part
 25 of my questioning, I will ask for Mr Hipgrave's

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1 assistance in relation to the control of materials which
 2 may be used in the manufacture of explosives, often
 3 referred to as precursor materials. So that is the
 4 shape of my questioning for Mr Hipgrave today.
 5 SIR JOHN SAUNDERS: Thank you. Can I mention this, an
 6 article has appeared in the Daily Telegraph dealing
 7 generally with the question of Prevent, mainly arising
 8 out of recent events, but it does say in that, that
 9 Salman Abedi was referred to Prevent. I am unaware of
 10 any evidence of that. If the Telegraph is aware of some
 11 evidence that he was referred to Prevent then I would
 12 wish to know and I also -- I'm sure that if it is an
 13 inaccurate reference by the Telegraph, they would wish
 14 to correct it at some stage. So as I say, if I'm wrong
 15 about that, because I've overlooked it, then I would
 16 obviously like to know.
 17 MR DE LA POER: Sir, your understanding accords with mine
 18 and I hope that a message will be passed to the
 19 Telegraph to see if they can assist you.
 20 Mr Hipgrave, part 1 of my questioning, Prevent.
 21 When you appeared on the last occasion, you provided
 22 this short summary of Prevent and I'll just quote you
 23 back:
 24 "Prevent is the area of CONTEST where we prevent
 25 people from being radicalised and entering into

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1 terrorism. We have a programme that has different
 2 aspects to it that will prevent people from getting
 3 involved in terrorism."
 4 You went on to confirm that it was about the
 5 identification of those who are vulnerable to
 6 radicalisation. Do you recall saying that?
 7 A. I do.
 8 Q. What we are going to do together for the first part of
 9 your evidence is seek to develop that and give everybody
 10 a clear understanding, I hope, of how Prevent should
 11 work. I'm going to begin by reviewing briefly with you
 12 the evolution of the Prevent programme. I'm looking at
 13 what I'm going to describe as your third witness
 14 statement, the one you have given most recently, and I'm
 15 going to look at paragraph 4. So if you want to have
 16 that open, please feel free to do so.
 17 It's on page 2 {INQ100076/2} of that document.
 18 Do you have that?
 19 A. Yes.
 20 Q. What you say in that statement is that in 2003, Prevent
 21 was identified as a central pillar of the government's
 22 counter-terrorism strategy; is that right?
 23 A. Yes.
 24 Q. So that is where this programme has its origin, is it?
 25 A. That's correct.

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1 Q. Was a Prevent strategy published following the 7/7
 2 attacks in 2005?
 3 A. That's correct.
 4 Q. In 2011, to use a word you use in your statement, was
 5 the Prevent strategy recast?
 6 A. Yes.
 7 Q. At that stage, were the three key objectives identified
 8 as follows: (1) to respond to the ideological challenge
 9 of terrorism and the threat we face from those who
 10 promote it; (2) to prevent people from being drawn into
 11 terrorism and ensure that they are given appropriate
 12 advice and support; (3) to work with sectors and
 13 institutions where there are risks of radicalisation
 14 that we need to address?
 15 A. That's correct.
 16 Q. So that is the position in 2011.
 17 In 2015, was there a key piece of legislation which
 18 again drove the Prevent strategy forward?
 19 A. That's correct, yes, the Counter—terrorism and Security
 20 Act.
 21 Q. Dated 2015. What was the evolutionary change that that
 22 piece of legislation brought about?
 23 A. That created the Prevent duty and brought in guidance to
 24 support that duty.
 25 Q. We're going to have a look at that Prevent duty in just

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1 a moment, but we're just giving an overview of the
 2 development of the concept of Prevent. We started in
 3 2003, 2011 and then through to 2015.
 4 Was the position in 2017 effectively governed by the
 5 changes that were made 2 years earlier?
 6 A. That's correct, yes.
 7 Q. What was the next stage in evolution of Prevent, please?
 8 Paragraph 8, I think, of your statement deals with this.
 9 A. There was a further refresh of CONTEST in 2018, which
 10 further described the Prevent strategies.
 11 Q. So we'll look again in the course of your evidence as to
 12 what changes were made. But that CONTEST 3.0, as
 13 I think it's sometimes referred to, was 2018 and there
 14 was, as you say, a refresh of the Prevent strategy at
 15 that stage, no doubt influenced by the terrible events,
 16 including the Manchester Arena attack, of 2017?
 17 A. That's right, yes.
 18 Q. So with that overview in mind, let's focus in on the
 19 period that we are particularly interested in. We are
 20 looking at the period of 2015 to 2017, although that's
 21 not to say that the strategy before that was
 22 unimportant.
 23 The policy aims at that stage -- I'm here looking at
 24 your amended first statement, and in particular I'm
 25 starting at paragraph 33, page 11 {INQ037088/11}.

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1 You gave us the key objectives in 2011. At
 2 paragraph 33 of your statement, you give us three
 3 objectives which are slightly differently framed;
 4 is that correct?
 5 A. That's correct, yes.
 6 Q. I'll read them out and you can confirm them:
 7 "To tackle the causes of radicalisation and respond
 8 to the ideological challenge of terrorism. Safeguard
 9 and support those most at risk of radicalisation through
 10 early intervention, identifying them and offering
 11 support. Enable those who have already engaged in
 12 terrorism to disengage and rehabilitate."
 13 Would you agree that third policy objective appears
 14 to be a substantial development over the position in
 15 2011?
 16 A. That's the difference, yes.
 17 Q. But otherwise, although slightly different language is
 18 concerned, in terms of the objectives of getting people
 19 into Prevent before they become extremists, they remain
 20 broadly the same?
 21 A. Yes. Just to be clear, that third change was the change
 22 post—2017.
 23 Q. That was post—2017. That was going to be my next
 24 question. So the first two represent the policy
 25 objectives in 2015 through to 2017?

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1 A. Yes.
 2 Q. The third one, that only arises afterwards?
 3 A. From the CONTEST refresh, yes.
 4 SIR JOHN SAUNDERS: Just repeat so everyone knows what the
 5 third --
 6 MR DE LA POER: The third one is:
 7 "Enable those who have already engaged in terrorism
 8 to disengage and rehabilitate."
 9 So although, no doubt, an extremely important
 10 development in the Prevent strategy, not one that
 11 applies on our facts.
 12 How in 2015 to 2017 was Prevent to be delivered on
 13 the ground?
 14 A. By then, the Prevent duty was in effect.
 15 Q. Yes.
 16 A. And the programme was dependent then on regions and
 17 working with local authorities and partners to deliver
 18 Prevent on the ground, mainly based on referring people
 19 into Prevent.
 20 Q. Let's just have a look, paragraph 34 of your statement
 21 deals with this. The Prevent strategy, is this right,
 22 depends upon, as you describe them, a network of
 23 partners?
 24 A. Yes.
 25 Q. Let's identify who these partners are. Educational

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1 institutes ?
 2 A. Yes.
 3 Q. Health organisations?
 4 A. Yes.
 5 Q. The police?
 6 A. Yes.
 7 Q. Prisons and probation?
 8 A. Yes.
 9 Q. Civil society organisations?
 10 A. Yes.
 11 Q. And the community at large?
 12 A. That's correct, yes.
 13 Q. This may fall under civil society organisations or the
 14 community, but were religious institutions expected to
 15 be one of the partners that were delivering Prevent on
 16 the ground?
 17 A. That's correct, yes.
 18 Q. We're going to look now, please, at how the Prevent duty
 19 came to be and what guidance was issued. You deal with
 20 this at your paragraph 36.
 21 SIR JOHN SAUNDERS: Just before you go on, do you mind if
 22 I go back to paragraph 33 and the third of the
 23 objectives of Prevent?
 24 "To enable those who have already engaged in
 25 terrorism to disengage and rehabilitate."

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1 I understand that came in as an objective after 2017
 2 is your evidence; is that right?
 3 A. That's correct, yes.
 4 SIR JOHN SAUNDERS: But does it in any way mean that those
 5 people were excluded from Prevent prior to 2017 or they
 6 just weren't specified as an objective?
 7 A. They weren't excluded. That's correct.
 8 SIR JOHN SAUNDERS: Thank you.
 9 MR DE LA POER: So in practice that meant that if somebody
 10 had exhibited terrorist behaviour, Prevent could still
 11 be an available route for them?
 12 A. Yes.
 13 SIR JOHN SAUNDERS: Thank you. I assumed that to be
 14 correct.
 15 A. Yes.
 16 SIR JOHN SAUNDERS: It wouldn't make sense otherwise.
 17 MR DE LA POER: So section 26 of the Counter-terrorism and
 18 Security Act created what is known as the Prevent duty;
 19 is that right?
 20 A. Yes.
 21 Q. That's in 2015. That duty, as specified in the statute,
 22 is a duty to have due regard to the need to prevent
 23 people from being drawn into terrorism?
 24 A. That's correct.
 25 Q. Under section 29 there was a duty to have regard to the

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1 statutory guidance?
 2 A. Yes.
 3 Q. Just to help -- I appreciate you're not a lawyer, but
 4 just to help people with what is anticipated by the
 5 phrase "duty to have due regard"? What does that mean
 6 in ordinary language?
 7 A. So the organisations that were subject to the duty,
 8 mainly public -- we class them as public authority
 9 organisations -- had to consider some of the
 10 characteristics that would provide them with an
 11 assessment that someone was vulnerable, was subject to
 12 possibly being drawn into terrorism, and have an ability
 13 to be able to assess that and then make referrals based
 14 on that.
 15 Q. And to help them do that, the statutory guidance was put
 16 in place?
 17 A. That's correct.
 18 Q. We're just going to bring that up, please. Mr Lopez,
 19 INQ029823/13. I've plainly got my reference wrong.
 20 I beg your pardon. Can you take that down, please?
 21 Let's see if I can deal with it another way and I'll
 22 find that reference at the next break.
 23 Is it right that it was issued in March of 2015?
 24 A. That's correct.
 25 Q. And it was then revised in July of 2015?

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1 A. Yes.
 2 Q. Can you just pause for one moment with me, Mr Hipgrave?
 3 I'll see if I can identify exactly where I've gone wrong
 4 with my reference.
 5 (Pause)
 6 Mr Lopez, INQ029823. I think that was the reference
 7 I gave you previously.
 8 (Pause)
 9 Something has clearly gone wrong here because
 10 that is certainly not how it appears on my system.
 11 (Pause)
 12 We have a different one here, so we'll try
 13 {INQ035276/1}. Thank you very much indeed, Ms Leslie.
 14 Can we go to {INQ035276/13}, please.
 15 So we can see there the dates of that and if we move
 16 forward to {INQ035276/15}, we're not going to go through
 17 this in exhaustive detail by any means, but at
 18 paragraph 4 here, do you see, Mr Hipgrave:
 19 "The duty does not confer new functions on any
 20 specified authority. The term 'due regard' as used in
 21 the Act means that the authorities should place an
 22 appropriate amount of weight on the need to prevent
 23 people being drawn into terrorism when they consider all
 24 the other factors relevant to how they carry out their
 25 usual functions. The purpose of this guidance is to

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1 assist authorities to decide what this means in
 2 practice."
 3 At paragraph 7 there is an important definition,
 4 which is the definition of extremism. So can you see
 5 that five or so lines down, starting with "the
 6 government":
 7 "The government has defined extremism in the Prevent
 8 strategy as 'vocal or active opposition to fundamental
 9 British values, including democracy, the rule of law,
 10 individual liberty and mutual respect and tolerance of
 11 different faiths and beliefs'. We also include in our
 12 definition of extremism calls for death of members of
 13 our armed forces."
 14 That was the definition of extremism in the
 15 statutory guidance. Does it continue to be the
 16 definition of extremism even post-2017 or has that been
 17 revised?
 18 A. I believe it still continues to be the case.
 19 Q. Are you aware of any debate which exists about whether
 20 or not that definition suffers from a lack of clarity?
 21 A. I think there continues to be a debate between
 22 practitioners, thinkers, organised groups in this area,
 23 yes.
 24 Q. So one document which I hope to be able to ask you about
 25 at the end of my questions, but I know that you are not

1 in a position to deal with the detail of right at this
 2 moment, is a document called "Operating with Impunity".
 3 That contains a definition of hateful extremism and when
 4 we come back to that document, just so that you're aware
 5 of the need to just look at that, I'm going to read out
 6 that definition and perhaps we'll have a look at how
 7 that compares to this.
 8 SIR JOHN SAUNDERS: Where does that document come from?
 9 MR DE LA POER: "Operating with Impunity" is a document
 10 dated February of this year. It was authored by the
 11 Commission for Countering Extremism and its particular
 12 focus is on the proposal of a new offence. I'm going to
 13 deal with that with Mr Hipgrave, but it's really only
 14 arisen overnight in terms of an issue for him to deal
 15 with and I'm very conscious that he's not yet had
 16 sufficient time.
 17 SIR JOHN SAUNDERS: You must obviously have an opportunity
 18 to see things before you comment.
 19 MR DE LA POER: I'm planning to park that until the end of
 20 my questioning and hopefully Mr Hipgrave will be in a
 21 position then.
 22 SIR JOHN SAUNDERS: The car park is getting quite big by
 23 now!
 24 MR DE LA POER: I shall very much bear that in mind and try
 25 not to add to it further.

1 SIR JOHN SAUNDERS: Okay, thank you.
 2 MR DE LA POER: Just returning to our statutory guidance,
 3 we can see that section C is headed "A risk-based
 4 approach to the Prevent duty". I'm not planning to take
 5 you to any particular part of it. Can you help us to
 6 understand what this guidance is telling those who are
 7 subject to the duty they should be doing?
 8 A. So through training and guidance provided to the
 9 authorities, which can be in different contexts, so
 10 a health authority is very different to an educational
 11 authority, they should be understanding the signs for
 12 the risks of being drawn into radicalisation in their
 13 specific area and then having an ability to identify
 14 that or identify the signs for that and have the means
 15 to then refer that to Prevent.
 16 SIR JOHN SAUNDERS: I'm well aware that drafting acts of
 17 Parliament is an extremely skilled activity and one
 18 I would not like to be involved in, however I just
 19 wonder whether the wording of this, attaching "due
 20 regard on the need to prevent people being drawn into
 21 terrorism", which leaves it to the individual
 22 organisation to decide how much regard they should give
 23 to it, what weight they should give to it, as you go on
 24 to explain. I wonder whether there are -- it all seems
 25 a bit weak.

1 A. It's not meant to require extra functional capabilities
 2 on authorities and the balance is between making it
 3 onerous against their ultimate purpose, whether it be
 4 education or health or compliance in prisons. The
 5 guidance and the support and the training is meant to
 6 assist them as much as possible to identify subjectively
 7 what that due regard is.
 8 SIR JOHN SAUNDERS: Okay.
 9 A. But it is very difficult to create, you know,
 10 legislation that is bespoke for every situation because
 11 each of the public authorities are in a different
 12 context, so much of the responsibility is put on to the
 13 institution itself with as much guidance as possible.
 14 SIR JOHN SAUNDERS: Thank you.
 15 MR DE LA POER: We need to be clearer, I perhaps need to
 16 help you to be clearer, and it's my fault, about exactly
 17 who this duty is going to bite on. You've used the
 18 phrase "public authorities" as a sort of blanket term to
 19 capture a number of particular organisations within our
 20 society. Earlier in your answers, you explained that
 21 Prevent was going to be delivered on the ground by
 22 a wide range of different parts of our community,
 23 ranging from the police on one hand, education on the
 24 other, and then you indicated that the community at
 25 large, religious institutions -- the Prevent duty

1 doesn't bite on all of those who are expected to deliver
 2 on the ground; is that right?
 3 A. That's correct.
 4 Q. Although this will help educational establishments, for
 5 example, understand what their responsibility is,
 6 bearing in mind that they are under that statutory
 7 Prevent duty, in the case of a religious organisation,
 8 for example, they wouldn't be required to read and
 9 consider this and they are not subject of the Prevent
 10 duty; is that right?
 11 A. That's correct.
 12 Q. Although they are expected to play their part?
 13 A. That's correct, yes, and they are provided with an
 14 opportunity to be able to refer to Prevent.
 15 Q. Again, if this is beyond what you're able to answer
 16 immediately, just help us to understand why the duty
 17 didn't fall more widely than public authorities.
 18 A. Actually, I can't answer originally how that legislation
 19 came about. I don't actually have the answer for that.
 20 I can come back and provide that in a further statement.
 21 SIR JOHN SAUNDERS: Do that. I don't want you having to
 22 guess or anything like that.
 23 MR DE LA POER: Thank you very much indeed.
 24 Mr Lopez, we can take that down.
 25 Perhaps you can take it from me and confirm that, so

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1 far as prisons and probation are concerned, there's
 2 a specific part of that guidance document which relates
 3 to how they deliver the Prevent duty; is that right?
 4 A. That's correct, yes.
 5 Q. And so that everybody understands why I'm not asking you
 6 more questions about that, bearing in mind that Prevent
 7 and prisons is an area for exploration for the inquiry,
 8 you know, don't you, that Mr Paul Mott is going to
 9 return later in chapter 13 in order to assist us with
 10 prisons and how the Prevent duty works?
 11 A. Yes.
 12 Q. Returning, please, to your statement, let's just address
 13 the notion of a Prevent referral. Who can refer
 14 a person to Prevent?
 15 A. Anybody.
 16 Q. So whether or not you are subject to the Prevent duty,
 17 a person or an organisation can make a referral?
 18 A. That's correct, yes.
 19 Q. In practice, is that sending an email or making
 20 a telephone call, as identified presumably through the
 21 government website, and saying, "I want to refer X
 22 person to Prevent"?
 23 A. Yes, or through the police or through the local
 24 authority. So if a member of the public or a community
 25 has concerns that someone is being drawn into

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1 radicalisation, you can go through the government
 2 website, the police, the terrorist hotline, or the local
 3 authority. There's lots of openly public information
 4 available for routes to refer to Prevent.
 5 Q. And it is as straightforward as saying, "I have concerns
 6 about this individual, please can you investigate
 7 whether they could benefit from Prevent"?
 8 A. Yes.
 9 Q. At that point, obviously there will need to be an
 10 investigation into that referral, will there?
 11 A. Yes.
 12 Q. Whose responsibility is it to investigate that referral?
 13 A. That referral will then go into something called the
 14 Channel programme, which is part of the Prevent
 15 strategy, and that initial referral would be triaged by
 16 an early panel.
 17 Q. An early panel?
 18 A. Yes.
 19 Q. So we have the concept of intervention coming into the
 20 police, local authority or government website, and that
 21 ends up in front of a panel of people, an early panel,
 22 as you've described it, under the banner of the
 23 Channel programme?
 24 A. That's correct, yes.
 25 Q. Who sits on the Channel programme panel, please? Not

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1 the individual identities, but —
 2 A. A series of multi-agency partners, such as local
 3 authorities, police, educational authorities.
 4 Q. Does that panel have within its remit the opportunity to
 5 go back to the person who made the referral to ask for
 6 more information?
 7 A. If available, yes. That isn't always the case,
 8 obviously. Not always are people providing all the
 9 information to allow you to go back and further
 10 investigate that.
 11 Q. Absolutely. So they need to build a picture before they
 12 can decide what they should do; is that right?
 13 A. Yes, that's correct.
 14 Q. So plainly, the police will have access to the National
 15 Police Computer?
 16 A. Yes.
 17 Q. Local authorities will also have access to records?
 18 A. Yes.
 19 Q. If the identity of the person who made the original
 20 referral is known, that person can be contacted?
 21 A. Yes.
 22 Q. At that early stage, will the panel make any other
 23 investigations into the person, asking questions of the
 24 community in any way, or will it simply confine itself
 25 to the records it has access to?

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1 A. So it's an early triage to understand -- Prevent is
 2 a safeguarding strategy and if someone is referred in to
 3 Channel, there's obviously a serious amount of due
 4 consideration on what the next step that should be
 5 taken. So they will use the information available from
 6 public authorities or available information to assess
 7 what the correct next step is. So there are different
 8 options, but to get as much of the data that they have
 9 available within their authorities, whether it be police
 10 or educational or local authority, to make the best
 11 assessment and decision.
 12 Q. Is the Channel multi-agency panel supported by guidance?
 13 A. Yes.
 14 Q. We're not going to bring that up, we merely need to
 15 identify its existence.
 16 As the chairman has already indicated, as far as the
 17 inquiry is currently aware, Salman Abedi did not reach
 18 that stage, so we don't need to look at the detail of
 19 the Channel guidance.
 20 Is Channel the programme through which the
 21 interventions for the individual is delivered?
 22 A. Yes.
 23 Q. We'll come back to what I mean by interventions in just
 24 a moment, but is it right that participation in
 25 a Channel programme intervention is voluntary?

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1 A. That's correct.
 2 Q. So there are no coercive powers at all attached to this
 3 to require an individual to participate in whatever is
 4 being recommended as the right thing for them?
 5 A. In Channel, yes.
 6 Q. Can you help me, why have you been specific about in
 7 Channel? Do you have in mind other programmes that may
 8 be more coercive?
 9 A. Yes. Yes, and that is the third leg of the latest
 10 objective of Prevent with a different programme, which
 11 I think we'll come on to and discuss.
 12 Q. Is that the deradicalising programme that --
 13 A. The assistance and disengagement programme.
 14 Q. Exactly. But here we are concerned with an individual
 15 who is displaying worrying signs but who has not, so far
 16 as the authorities are aware, actually actively engaged
 17 in terrorism?
 18 A. Yes.
 19 Q. So it's voluntary, so there must come a point, if that's
 20 right, where a representative of Channel reaches out to
 21 the individual to invite them to participate?
 22 A. That's correct, yes.
 23 Q. Does that usually occur following that early
 24 multi-agency meeting or will a bigger picture be
 25 developed before that first contact is made?

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1 A. It will occur after the panel agree that the person
 2 should be approached to go on to the programme.
 3 Q. Are there criteria that need to be met before a Channel
 4 multi-agency panel will conclude that the
 5 Channel programme is right for a particular individual?
 6 A. Yes. So not everybody who's referred goes on to go on
 7 to the Channel programme.
 8 Q. Again, we'll take a step back to the start of the
 9 process. The referral comes in in one of a number of
 10 ways. That referral ends up in front of that early
 11 multi-agency panel within Channel. They inform
 12 themselves as much as they can from records. They try
 13 to get the clearest possible picture at the earliest
 14 stage and then make a decision about whether or not, on
 15 the information they have, the individual in question is
 16 appropriate for the Channel programme?
 17 A. Yes.
 18 Q. Have I reflected that back to you accurately?
 19 A. Yes.
 20 Q. And if they conclude that the individual is appropriate
 21 for the Channel programme, we then come to the range of
 22 interventions that the Channel programme has available;
 23 is that right?
 24 A. Yes.
 25 Q. Before we come to that, can I take you to paragraph 39

23

1 just so that everybody can understand what sort of
 2 things, no doubt in accordance with the guidance that
 3 exists -- it's over the page, the back end of your
 4 paragraph 39. What are the considerations, please,
 5 Mr Hipgrave, that the panel will have in mind when
 6 deciding whether or not interventions are appropriate?
 7 A. The individual must be a referred individual from
 8 someone who has an awareness to make that referral as
 9 being vulnerable to being drawn into terrorism. The
 10 person identifying them as vulnerable needs to make
 11 a Prevent referral in a timely manner. It must pass all
 12 the Counter-terrorism Policing checks on the suitability
 13 of the referral and that comes back to the point whether
 14 they are already involved in terrorism or not.
 15 Q. Yes.
 16 A. And the support interventions can be designed after the
 17 information-gathering exercise has been agreed and
 18 a vulnerability assessment has been completed.
 19 Q. As to the first two, in a sense they're baked into
 20 somebody making the referral. If it has ended up in
 21 front of then panel, it must be because an individual
 22 has been identified as being potentially vulnerable,
 23 assuming that is the vulnerability that has been
 24 correctly identified, and provided they haven't yet
 25 engaged in terrorism so far as the state is aware, then

24

1 that next criterion appears to be met; is that right?
 2 A. Yes.
 3 Q. Then we just come down to the vulnerability assessment
 4 and what would be right for that individual; is that
 5 right?
 6 A. Yes.
 7 Q. Who conducts the vulnerability assessment, please?
 8 A. The Channel panel.
 9 Q. And do they do that with the individual or do they
 10 simply do that by reference to the information that they
 11 have available?
 12 A. By information that they have available.
 13 SIR JOHN SAUNDERS: I'm sorry, I'm just looking at the
 14 second bullet point. I just wonder why the referral
 15 needs to be made in a timely manner. If you actually
 16 have genuine concerns that they are -- may be being
 17 influenced to become terrorists, why does it matter that
 18 the referral has been done in a timely manner?
 19 A. So if the referral is to the police, for example, and
 20 the police would then be the referring body into
 21 Channel, if that referral was dated, so a year old ...
 22 So not all referrals are referred into the Channel
 23 panel, there will be some work done by the police, for
 24 example, about the person being referred. If that
 25 behaviour is dated and is not timely, then there is

25

1 a possibility that that wouldn't be referred in to the
 2 panel. But that's -- you know...
 3 MR DE LA POER: So you're envisaging a circumstance where
 4 information comes in to the police which may include,
 5 "I think this individual would benefit from some
 6 assistance"?
 7 A. Yes.
 8 Q. But that there is other work surrounding the information
 9 that's been given that the police need to do, which may
 10 cause time to pass before the police have completed that
 11 work, and they think the priority then needs to be
 12 Channel?
 13 A. Or the referral is very historic, as in it's talking
 14 about behaviour that is a year or 2 or 3 years old.
 15 Q. I understand. So let's then just run through together,
 16 please, the interventions that are available. In your
 17 paragraph 39, the earlier part, you describe them as
 18 Prevent interventions. Are they in fact in this context
 19 properly described as Channel interventions?
 20 A. Yes.
 21 Q. So they are mentoring support?
 22 A. Correct.
 23 Q. We'll come back to a little more detail around some of
 24 these. Life skill engagement?
 25 A. Yes.

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1 Q. Anger management sessions?
 2 A. Yes.
 3 Q. Cognitive behavioural contact?
 4 A. Yes.
 5 Q. Appropriate constructive pursuits?
 6 A. Yes.
 7 Q. Education skills contact?
 8 A. Yes.
 9 Q. Careers contact?
 10 A. Yes.
 11 Q. And potential family support?
 12 A. Yes.
 13 Q. Then in fact some additional ones. Health awareness
 14 contact?
 15 A. Yes.
 16 Q. Housing support contact?
 17 A. Yes.
 18 Q. Two more. Drugs and alcohol awareness interventions?
 19 A. Yes.
 20 Q. And support of Home Office approved intervention
 21 provider?
 22 A. Yes.
 23 Q. Is that last one -- that's quite generic. Is that just
 24 a catch-all category which is looking to tailor some
 25 support specific to the individual that is perhaps not

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1 captured by any of those other headings?
 2 A. Yes, by a specific person who's the intervention
 3 provider, who could coordinate all of that.
 4 Q. That leads me on to my next question, which is: who, and
 5 it may be more than one possible organisation, who
 6 delivers those interventions?
 7 A. It is more than one organisation and you can see, from
 8 the evidence we've just described, that is a very
 9 comprehensive package from one-to-one support to group
 10 support to housing support and health awareness support.
 11 So it's delivered by multiple parts of the system to
 12 help support that person stop being drawn into
 13 radicalisation or terrorism.
 14 Q. At any point in this process, you've described how the
 15 panel makes its decision to this point based on the
 16 information, is the individual themselves consulted and
 17 interviewed in order to establish from them what they
 18 think they might need by way of support?
 19 A. Yes. It is a totally voluntary programme, so it is all
 20 with the individual themselves.
 21 Q. So there will be a dialogue, will there, with the
 22 individual?
 23 A. Yes.
 24 Q. Who will that dialogue initially be conducted with?
 25 A. With Channel providers, who are funded through the

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1 Home Office, but it may be through to the local
 2 authority ultimately for that funding.
 3 Q. So a person will sit down with the individual, discuss
 4 with them what their thoughts are around why they
 5 volunteered and what they need by way of support, and
 6 are they then diverted from that point into the relevant
 7 intervention provider?
 8 A. Yes.
 9 Q. Those intervention providers, are they accredited in any
 10 way?
 11 A. Yes.
 12 Q. Do they need to demonstrate to the Home Office that they
 13 are capable of providing the intervention that is
 14 necessary?
 15 A. They do, yes.
 16 Q. I'll just read a passage from your third statement, you
 17 can turn it up, but it's very short so it may just be
 18 quicker for you to listen to me. What you say at
 19 paragraph 18 is:
 20 "Intervention providers are ideological and
 21 theological specialists who possess high levels of
 22 understanding of extremist narratives and counters to
 23 those narratives."
 24 Does that capture your understanding of the sort of
 25 threshold that the Home Office requires to be

1 demonstrated?
 2 A. Yes, that's correct.
 3 Q. Are you aware of suggestions in some quarters that some
 4 intervention providers are ill-equipped to provide the
 5 specialist support that is necessary?
 6 A. Um...
 7 Q. Please understand I'm not suggesting that as a fact,
 8 merely to seek your comment, if you can, on what we
 9 understand to be a suggestion that is floating around.
 10 A. I understand there have been challenges, there are
 11 challenges to the Prevent programme, but the
 12 intervention providers that we train and support are
 13 considered to be the most qualified with the special
 14 expertise to deal with this programme.
 15 Q. Do those providers receive support from the Home Office?
 16 A. Yes.
 17 Q. And does that support include financial support?
 18 A. Yes.
 19 Q. We're just going to help everybody understand through
 20 some numbers the scale of this programme and you deal
 21 with this in your third statement at paragraph 13. So
 22 if I can invite you to go back to that, because
 23 I wouldn't for a moment expect you to hold these numbers
 24 in your head.
 25 I'll read the introduction and then we'll come to

1 the numbers. What you say at paragraph 13 is:
 2 "Sadly, there continues to be significant numbers of
 3 people, including young persons and vulnerable adults
 4 who are subject to radicalising influences in the home
 5 and other places including online. It is not possible
 6 to identify all cases or to counter the radicalisation
 7 of all people. However, increasing awareness and trust
 8 in Prevent has led to an increase in referrals and, as
 9 a result, a significant impact in preventing people from
 10 being drawn into terrorism."
 11 So is your central message there that as many people
 12 as possible need to have an awareness of what Prevent is
 13 and how easy it is to refer people?
 14 A. Yes.
 15 Q. Because the data shows that the greater the awareness,
 16 the more referrals there are, and the more referrals
 17 there are, the more successful interventions there are?
 18 A. That's correct, yes.
 19 SIR JOHN SAUNDERS: Right. Mr de la Poer, we are going into
 20 it on a very superficial basis, and I want it retained
 21 that way, into whether or not Prevent works.
 22 MR DE LA POER: Yes.
 23 SIR JOHN SAUNDERS: That really is not a matter for this
 24 inquiry, as I understand it. It's being dealt with by
 25 another inquiry.

1 MR DE LA POER: Absolutely.
 2 SIR JOHN SAUNDERS: I'm quite happy for it to be dealt with
 3 on a superficial basis, but I really don't want to go
 4 into the detail. It would seem to be I'm entirely
 5 cutting across what William Shawcross is doing in his
 6 report, but of course I am open to argument if people
 7 think that I should, but it may be we just go down two
 8 different lines.
 9 MR DE LA POER: Absolutely. It certainly has not been my
 10 intention to do more than a superficial review of it.
 11 I am not through my questions inviting Mr Hipgrave to
 12 express a view on whether or not he thinks Prevent is
 13 a successful programme or not. I think he has
 14 acknowledged there are challenges and I didn't intend to
 15 go beyond that.
 16 SIR JOHN SAUNDERS: The basis on which I intend to proceed
 17 at the moment, subject to argument, is to look into the
 18 question of whether there should have been a referral to
 19 Prevent by somebody. I will assume that, as it is
 20 a government programme, that if that were to happen
 21 there was at least a prospect that it would have
 22 succeeded in deradicalising Salman Abedi. That may or
 23 may not be true and it's obviously speculative. It's
 24 equally speculative whether he would have agreed to go
 25 into it. But if there was an opportunity to do it and

1 if I decide it should have been done, then that does
 2 seem to me to be a relevant factor in deciding whether
 3 or not this attack could have been avoided.
 4 If people disagree with that, I'm absolutely not
 5 stopping people making submissions about it, but it
 6 seems to me really the way that we can properly deal
 7 with this.
 8 MR DE LA POER: I did have in mind to just adduce the
 9 numbers that appear in Mr Hipgrave's — which are
 10 absolutely at a macro level. Would that assist you just
 11 to —
 12 SIR JOHN SAUNDERS: I'm quite happy to have the numbers.
 13 Apart from anything else, it helps people have accurate
 14 figures. Are these up-to-date figures?
 15 A. Yes, they are, sir.
 16 SIR JOHN SAUNDERS: Thank you.
 17 MR DE LA POER: I think the statement was dated a few days
 18 ago.
 19 A. 13 October.
 20 Q. Firstly, can you confirm that since the introduction of
 21 the Prevent duty in 2015, 2,352 referrals have resulted
 22 in individuals identified as vulnerable to
 23 radicalisation receiving Channel support?
 24 A. Yes.
 25 Q. That in the year ending 31 March 2020, and obviously

1 that postdates CONTEST 3.0 that we're going to come back
 2 to, there were a total of 6,287 referrals of individuals
 3 to Prevent, and that was an increase of 10% compared to
 4 the previous year?
 5 A. Yes.
 6 Q. Of those 6,287 referrals, 1,424 were discussed at a
 7 Channel panel with a further 97 being adopted for
 8 support?
 9 A. Yes.
 10 Q. So that appears to be, using very gross figures, about
 11 10% of the people who were referred ended up in Channel?
 12 A. Yes.
 13 Q. Just to help us with the disparity between the high
 14 number of referrals and the lesser number of discussions
 15 at a Channel panel, what reasons would there be for why
 16 over 4,000 of those people were not discussed at
 17 a Channel panel?
 18 A. So there may be a referral to the police that the police
 19 don't take forward because they've done their own
 20 investigation and so it never reaches a full discussion
 21 at the Channel panel or the police with other partners
 22 have taken that forward. And then at the Channel panel,
 23 with a full discussion, it may be decided that they are
 24 not appropriate to go on to the programme itself and
 25 there may be cases where people don't accept to go on to

1 the programme. So even though it's been discussed
 2 at the Channel panel, because it's a voluntary
 3 programme, not everybody will accept that, coming back
 4 to your point earlier, chair.
 5 Q. So just following those numbers through from 2020, of
 6 the 697 adopted as a Channel case, have 550 now left the
 7 programme as at the date of your statement?
 8 A. Yes.
 9 Q. Again I'm just looking to comment on what the internal
 10 data shows in terms of what is recorded. Were 82% of
 11 those 550 recorded as leaving with no further
 12 radicalisation concerns?
 13 A. Yes.
 14 Q. So the balance, namely about 18%, were they primarily
 15 withdrawals from the Channel programme?
 16 A. Yes.
 17 Q. So in other words, those that stuck with it and to the
 18 end are recorded within the measures that are applied
 19 within the Home Office as being no longer a concern?
 20 A. Yes.
 21 SIR JOHN SAUNDERS: I'm just interested in the no more
 22 radicalisation concerns. It's notoriously difficult,
 23 and viewed at the moment to be impossible, I think,
 24 conclusively to decide whether someone has been
 25 deradicalised.

1 A. So these figures that we agreed are by no means
 2 a picture that this creates a 100% ability to stop
 3 people being drawn into terrorism and being a terrorist
 4 and a terrorist attack. These are figures that we're
 5 accountable for, like any government programme, to
 6 identify progression or not and how we're developing the
 7 programme. Prevent is one part of the terrorism
 8 strategy, it is the safeguarding part, it's a very
 9 mature programme. And whilst it will have some of its
 10 challenges and detractors, it is one part of a four-P
 11 programme that is well respected throughout the world
 12 and is much maturer than many other Prevent or
 13 deradicalisation programmes.
 14 But saying we have no further radicalisation
 15 concerns, you have to have some ability, otherwise
 16 everyone would be on Channel forever more, to be able to
 17 move people off.
 18 SIR JOHN SAUNDERS: I understand that. It's just one does
 19 need to understand that particular figure within its
 20 context. I can understand you saying there is no point
 21 in them being on Prevent any more because, as far as
 22 we're concerned, there are no radicalisation concerns,
 23 but one does need to understand that is an extremely
 24 difficult thing to assess and know that you've got the
 25 assessment right.

1 A. Yes, and it is an extremely complex and difficult area
 2 that the government invests in significantly, not just
 3 financially but also in theoretically and in
 4 strengthening year after year with different academic
 5 support and thinking. But it is a clear point, based on
 6 recent attacks, that you can't categorically say that a
 7 person will no longer be drawn into terrorism.
 8 SIR JOHN SAUNDERS: No. I want to make it absolutely clear
 9 that there is obviously a great deal in the press
 10 recently about the most recent attack that has taken
 11 place. I do not wish to discuss or have any discussion
 12 about that. It seems to me to be inappropriate at
 13 a time when someone may end up, for all I know, being
 14 charged and being caught and there being a court case
 15 and we want to be very careful, as I think we have been
 16 so far, not to say anything which might influence people
 17 in relation to that court case if it were to happen.
 18 MR DE LA POER: Your final statistic, Mr Hipgrave, relates
 19 to another aspect which I think comes under the Prevent
 20 banner, which is the Online Policy Unit. What is the
 21 Online Policy Unit and how do they fit into the Prevent
 22 picture?
 23 A. The three parts of Prevent, the overall strategy is --
 24 and I think it's earlier in the statement, the Prevent
 25 bit in the middle, the extremism from prisons bit that

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1 Paul Mott will talk about, and the online work as well,
 2 where they will look online and support communities
 3 where there is an understanding that there is terrorist
 4 material online and they'll work with internet service
 5 providers to take that down, so try and reduce the
 6 radicalising effect of online content. They wouldn't
 7 just do that on their own, they'd do that working with
 8 local communities and local organisations as well.
 9 Q. In numbers, and obviously this isn't the only way in
 10 which terrorist material or radicalising material is
 11 taken down from the internet, but in terms of the Online
 12 Policy Unit, is it right that that unit has helped to
 13 remove 310,000 pieces of terrorist material from the
 14 internet since 2010?
 15 A. That's correct, yes.
 16 SIR JOHN SAUNDERS: We did hear evidence from Dr Wilkinson
 17 yesterday, I don't know if you heard any of it, but
 18 he was indicating just how difficult that is to do
 19 effectively: if you take it down in one place, it comes
 20 back in another, and various coding messages are used
 21 within it which may hide the fact of what it really is,
 22 as I understood his evidence.
 23 MR DE LA POER: Absolutely, and he mentioned the dark web as
 24 well, which is an even harder place to regulate.
 25 A. Again, an extremely challenging area, multiple platforms

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1 with -- one item of terrorist content can quickly
 2 proliferate across many platforms and it's very
 3 difficult to take those platforms down and not all of
 4 them will work with governments to help support that.
 5 Q. Finally, just to help everybody understand in numerical
 6 terms Prevent, is it right that in 2020 to 2021, Prevent
 7 supported 225 community-based projects?
 8 A. Yes.
 9 Q. Which reached just over 133,000 participants?
 10 A. That's correct.
 11 Q. What is meant by participants, please?
 12 A. People who are in the community who received messaging
 13 around Prevent.
 14 Q. So that might be schools, that might be religious
 15 institutions?
 16 A. Faith communities, schools, different health
 17 communities, yes.
 18 Q. And presumably, individuals who receive that will be
 19 encouraged to disseminate that information more
 20 widely --
 21 A. Correct.
 22 Q. -- as part of their working in partnership to support
 23 the programme?
 24 A. Yes.
 25 Q. I just want to focus briefly, please, on education. Are

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1 you aware, Mr Hipgrave, that the inquiry will hear in
 2 due course from Professor Lynn Davies? She's an expert
 3 instructed by the inquiry in relation to a review of
 4 Salman Abedi's educational history.
 5 A. Yes, I am.
 6 Q. I hope you've had an opportunity to understand what she
 7 says about Prevent.
 8 A. Yes.
 9 Q. Is there anything about her analysis of how the scheme
 10 should work in practice that you would disagree with or
 11 you would wish to draw to our attention?
 12 A. Um... I may caveat my answer. On the face of it, no,
 13 but I gather she hasn't provided -- given evidence yet.
 14 Q. No.
 15 A. But based on the report, nothing.
 16 Q. Well, no doubt those supporting you and potentially you
 17 will listen with interest to her evidence and tell us
 18 if, from the point of view that you are approaching this
 19 from, she's said anything different to what you expect
 20 government policy to be.
 21 A. Yes.
 22 Q. We're going to turn to look briefly at Manchester
 23 specifically. You deal with that in your amended
 24 statement at paragraph 40. Is it right that Manchester
 25 was identified as a priority area for the Prevent

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1 programme?
 2 A. Yes.
 3 Q. And that identification was first in 2012; is that
 4 right?
 5 A. That's correct, yes.
 6 Q. Did it continue from 2012 through to 2017 as a priority
 7 area?
 8 A. Yes.
 9 Q. Firstly, to the degree that you're able to explain this,
 10 why was it a priority area?
 11 A. It will be based on multiple factors around threat and
 12 risk and community. I think I'll leave it at that.
 13 There are others who will give more detailed evidence
 14 in that area.
 15 Q. Absolutely, and of course there are sensitivities as
 16 well around how that needs to be expressed.
 17 A. Yes.
 18 Q. But at all events, it was a priority area. What in
 19 practice did the fact that it was a priority area mean?
 20 A. It would receive additional funding, Home Office
 21 funding.
 22 Q. Is funding generally allocated on a per head of
 23 population basis?
 24 A. No. It's mainly based on priority areas with the
 25 remainder of the country responding to the normal

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1 communications and support that the Home Office would
 2 provide, but not additional funding.
 3 Q. I suppose additional to what is really what my question
 4 is driving at. So there is a base level of funding
 5 provided across the country, is there, with priority
 6 areas receiving additional sums?
 7 A. This is in 2017?
 8 Q. Yes, please.
 9 A. So there is no specific funding for a baseline for the
 10 whole of the country. Training for local authorities to
 11 identify risk is online. It's all accessible through
 12 the Home Office. But there are multiple priority areas
 13 that are funded additionally. Since 2017 we have
 14 created a regional network that covers the whole of the
 15 country with regional coordinators.
 16 Q. How is Prevent — how was, in 2017, Prevent on the
 17 ground principally delivered?
 18 A. It's delivered by funding for programmes and people who
 19 will provide more one-to-one training or one-to-group
 20 training. So for Manchester as an example, it's about
 21 creating greater awareness of the Prevent capabilities
 22 but also the signs that people should be looking for
 23 when looking to refer to Prevent.
 24 Q. So in that sense, is it a campaign of spreading the
 25 word?

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1 A. Yes.
 2 Q. That people should be aware of Prevent?
 3 A. Yes.
 4 Q. And that this is what people should be looking for when
 5 thinking about Prevent?
 6 A. Yes.
 7 Q. And is that principally where the money went on that
 8 campaign of information or was it also spent on
 9 additional resources by way of intervention providers?
 10 A. So it would be spent mainly on providing greater
 11 awareness, but rather than the general awareness, there
 12 would be more training sessions with health authorities,
 13 educational authorities, different organisations, more
 14 bespoke training to provide them with better knowledge
 15 around Prevent.
 16 Q. Was that training focused on those bodies which were
 17 subject to the Prevent duty, as you have described them,
 18 public authorities, or did it also extend to other
 19 community-based organisations to train them on how they
 20 should be identifying signs of radicalisation?
 21 A. It was mainly focused on public authorities, but there
 22 was an availability to deal with faith organisations and
 23 communities, for example, as well.
 24 Q. Mr Hipgrave, we're going to have to break off in just
 25 a few moments, as we envisaged we would. I just want to

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1 deal briefly, please, with post-2017. You deal at
 2 paragraph 41 and following with activities since 2017
 3 and Manchester in particular.
 4 What, if anything, was the government's response,
 5 focused on Manchester as a result of the attack?
 6 A. More engagement events, more training and briefing,
 7 reflecting the new knowledge from the Manchester event
 8 and an understanding of the risk and threat. And
 9 post-2017, other areas of Manchester were regarded as
 10 priority areas, for example, Salford.
 11 Q. So Salford got drawn into what was defined as the
 12 Manchester priority area?
 13 A. Yes. There were two other areas as well, Bury and
 14 Bolton.
 15 Q. Help us, please, with two specific aspects of post-2017
 16 behaviour. Firstly, at 43, you speak about the Peace
 17 Foundation. What is that and in what way did it benefit
 18 from government support?
 19 A. It's a charity. It's actually based here in the
 20 north-west but works wider than the north-west, and
 21 it is a charity that delivers community projects, and at
 22 that time it was funded to deliver projects within the
 23 Libyan community in Manchester.
 24 Q. Tell us also, please, about a new programme entitled
 25 "Dovetail".

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1 A. So Dovetail was at that time a pilot into nine sites
 2 around the UK, which was directing Home Office funding
 3 into the local authority to lead the Prevent programme
 4 in local areas.
 5 Q. Was Manchester one of those nine sites?
 6 A. Yes.
 7 Q. So additional money to the local authority intended to
 8 support the local authority's Prevent work?
 9 A. Yes, which would provide funding for Channel
 10 coordinators and local supervisors, people.
 11 Q. Has the government been able to identify whether the
 12 additional funding that went into Prevent post—2017,
 13 whether that has had any effect on the numbers?
 14 A. It has increased the referrals into Channel.
 15 Q. You mentioned CONTEST 3.0. Before we break, just tell
 16 us what CONTEST 3.0 is and how that impacts upon
 17 Prevent. If we remind ourselves that CONTEST is the
 18 overall strategy name for the response to terrorism.
 19 A. So there is increase in different areas of Prevent, so
 20 in response there was something called the MACs,
 21 multi—agency centres, where there is closer working
 22 between CT Police, the intelligence agencies, for better
 23 data sharing, which came out of the operational
 24 improvement review and various reviews that have
 25 happened since the attacks.

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1 Then also there's been a creation of the desistance
 2 and disengagement programme, which is a specific
 3 programme that is more of a rehabilitation programme,
 4 similar to prisoners coming out on to parole. DDP is
 5 one where you don't have to be — it isn't a voluntary
 6 access to it, DDP can be put upon a prisoner for, as an
 7 example, if it was a terrorist prisoner or a TACT
 8 offender who has to go through DDP as part of the
 9 conditions of release.
 10 Q. Just before we break, I would like to show a diagram
 11 that you have included in your statement. I hope I've
 12 got this reference right. {INQ100076/4}, please, just
 13 the top half of the page.
 14 It's really just to put this in evidence. This is
 15 framed "The Prevent Delivery Model". Does that diagram
 16 represent the position in 2015 to 2017 or is this
 17 a CONTEST 3.0, in other words a 2018, development?
 18 A. CONTEST 3.0.
 19 SIR JOHN SAUNDERS: And we can tell that because it has
 20 "rehabilitation" on the top?
 21 A. Yes, sir.
 22 MR DE LA POER: So this, in a graphic, shows how the
 23 government envisages this working: tackling the causes
 24 of radicalisation, early intervention and, at the top,
 25 rehabilitation.

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1 A. Yes. I think for assistance, the Prevent team in the
 2 Home Office is made up of three specific units: one
 3 that's around prisoners and the release of prisoners,
 4 terrorist offenders, which you can see is the
 5 rehabilitation one; one around Prevent and Channel; and
 6 then one around online, tackling the causes of
 7 radicalisation. That is the model for Prevent and the
 8 specific efforts and work that goes into each of those
 9 areas.
 10 Q. Prevent is currently the subject of a review; is that
 11 right?
 12 A. Yes.
 13 Q. That is an independent review being undertaken by
 14 William Shawcross?
 15 A. That's correct.
 16 Q. When is William Shawcross' report expected?
 17 A. It is expected imminently.
 18 Q. Does the government have a plan as to when it will
 19 respond to that report?
 20 A. Yes, the government plan is that the response to that
 21 review will be laid in Parliament by the end of this
 22 calendar year.
 23 SIR JOHN SAUNDERS: I think it's fair to say that the last
 24 Lord Chancellor has already indicated that he thinks
 25 it's in need of reform. I think that's in the public

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1 domain. You can answer yes to the fact he said it, but
 2 it doesn't mean that's necessarily government policy,
 3 I agree.
 4 A. Yes, I think he has said that, sir.
 5 SIR JOHN SAUNDERS: You can't believe everything you read in
 6 the papers, I do understand, but I did read that in the
 7 papers.
 8 A. This has been a tricky week for reading the papers, sir.
 9 SIR JOHN SAUNDERS: You don't need to comment on it.
 10 A. The Home Secretary has asked for a review specifically
 11 for the reason that we want to really challenge
 12 ourselves and look at Prevent and see if it's working
 13 well, what needs to be changed, what recommendations are
 14 needed. In response to that review, we will work at
 15 pace to be able to provide that publicly by the end
 16 of December.
 17 MR DE LA POER: Mr Hipgrave, we need to break off now. That
 18 concludes part 1 of my questioning. When you return, as
 19 I hope you will later today, we will consider precursor
 20 materials and deal also with that document "Operating
 21 with Impunity", but that is also for later.
 22 I wonder, sir, if you might rise while we
 23 re—organise ourselves for the adjournment application.
 24 SIR JOHN SAUNDERS: Can I just say something before we do
 25 that? We will obviously be involving CPs and inviting

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1 comments on the application. Can I just say this: this
 2 is, as you all know, an inquisitorial system, I want to
 3 get information and I don't want anything, if we can
 4 avoid it, which might discourage the provision of that
 5 information. And you will all also be aware, and I'm
 6 really — it's just so easy to say things which may
 7 discourage people from actually cooperating. You also
 8 know that I have to, and would wish to in any event, act
 9 fairly and in accordance with the rules.

10 So absolutely, please help me with submissions, but
 11 please let's understand the aim of all this is to get
 12 the information and the material.

13 MR COOPER: Sir, I think I said as much yesterday in the
 14 short intervention I made.

15 SIR JOHN SAUNDERS: I'm sure you did, absolutely.

16 Thank you. I hope you don't mind me saying it, but
 17 recent events have obviously caused considerable concern
 18 and difficulties for the inquiry, but also for others,
 19 and clearly people have reacted in a way to be somewhat
 20 angry at what's going on and I well understand, but
 21 I hope they will also understand what my response has to
 22 be and how I need to react.

23 MR COOPER: Of course.

24 SIR JOHN SAUNDERS: Thank you.
 25 (10.57 am)

1 (A short break)

2 (11.30 am)

3 SIR JOHN SAUNDERS: Mr Cooper, I owe you a bit of an
 4 apology. I'm afraid I hadn't read your submissions in
 5 writing when I addressed everybody beforehand, so if
 6 I looked a bit blank, you will know why.

7 MR COOPER: Not at all, sir. You have seen them now?

8 SIR JOHN SAUNDERS: Yes.

9 MR COOPER: I'm grateful.

10 Application to adjourn

11 Submissions by MR GREANEY

12 MR GREANEY: The person in the witness box is
 13 Abdalraouf Abdallah and we are not going to ask that he
 14 be sworn immediately because we don't propose to begin
 15 to ask our questions straightaway.

16 Sir, as you know, last Thursday you heard and
 17 refused an application on behalf of Mr Abdallah to
 18 revoke a Section 21 notice requiring him to give
 19 evidence to this inquiry today.

20 Later that same day, 15 October, his solicitors
 21 wrote to the inquiry legal team explaining that for what
 22 were described as practical reasons relating to the
 23 availability of his lawyers, and access to Mr Abdallah,
 24 they considered that the hearing could not go ahead
 25 today.

1 On 17 October, the inquiry legal team wrote to
 2 Mr Abdallah's solicitors setting out a series of
 3 significant measures that it, the inquiry legal team,
 4 was prepared to facilitate in order to deal with the
 5 expressed practical problems.

6 The following day, 18 October, those representing
 7 Mr Abdallah replied to acknowledge the assistance of the
 8 inquiry legal team.

9 Yesterday, Mr Abdallah's solicitors wrote again to
 10 your team, once again acknowledging the assistance that
 11 had been given, but saying that Mr Abdallah required
 12 disclosure and in that letter they therefore sought an
 13 adjournment of his evidence today.

14 It is necessary for me to refer just to one passage
 15 in that letter. It reads as follows:

16 "Specifically, we require disclosure of the phone
 17 data of an illicit phone referred to in Dr Wilkinson's
 18 report at paragraph 10.5.15 and raised in question 33 of
 19 the questions that the inquiry wished to put to
 20 Mr Abdallah, which focuses upon communication from that
 21 phone.

22 "Mr Abdallah emphasises that being provided with the
 23 traffic from that phone would assist him in providing an
 24 understanding of the significance or otherwise of any
 25 communication with Salman Abedi."

1 The letter added:

2 "A similar point relates to the provision of prison
 3 visiting records."

4 Sir, the position of the inquiry legal team is that
 5 those two issues raised specifically can be dealt with
 6 so as to enable Mr Abdallah to give evidence today.

7 First of all, our proposal would be that the illicit
 8 phone issue can be ring-fenced so that Mr Abdallah would
 9 not be asked about it, either at all or save in the most
 10 general terms with his evidence not being challenged
 11 upon it, and then that issue could be returned to,
 12 either in writing or by Mr Abdallah coming back to this
 13 hearing room in due course, once further disclosure, if
 14 appropriate, is given to him and his team.

15 As for the issue in relation to the prison visits,
 16 for our part we would be prepared to proceed, sir, on
 17 the basis that Mr Abdallah, whilst in custody, was
 18 visited by some people for entirely social reasons and
 19 we would not be suggesting that it was a safe inference
 20 that he was engaged in grooming people on each of the
 21 occasions that he was visited.

22 So sir, in our submission those proposals would deal
 23 with the difficulties which have been raised so that on
 24 the face of the letter, there is no impediment,
 25 certainly a significant one, to proceeding with

1 Mr Abdallah's evidence today.
 2 However, sir, we would acknowledge that if those
 3 arrangements do not provide for a fair outcome — and
 4 Mr Abdallah, of course, is entitled to fairness as we
 5 are certain all will recognise — so if those
 6 arrangements do not provide for a fair outcome and if in
 7 turn that necessitates an adjournment, we would submit
 8 that in that situation there does need to be absolute
 9 clarity about what is going to happen in the future.
 10 In particular, that means that there needs to be
 11 clarity in relation to, first, whether there is an
 12 expectation on the part of his lawyers, based on their
 13 instructions, that if Mr Abdallah returns to give
 14 evidence after further disclosure that he will answer
 15 our questions and those of the core participants.
 16 Secondly, there needs to be absolute clarity about
 17 when that will occur and it needs, we would submit, to
 18 be soon, whilst of course bearing in mind that, from
 19 a practical point of view, next week we turn to
 20 chapter 14 in open and following that for 3 weeks in
 21 closed. But nonetheless, our submission would be that
 22 very shortly after the end of that three-week period,
 23 Mr Abdallah, if we cannot for any reason today, would
 24 need to return.
 25 So sir, those are our submissions at this stage,

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1 although we anticipate we will need to reply. May we
 2 turn, first of all, to invite Ms Maragh to make her
 3 submissions in support of an application to adjourn, if
 4 still made, and can we acknowledge that she has made
 5 arrangements in difficult circumstances in order to
 6 address you, sir, on this issue today.
 7 SIR JOHN SAUNDERS: Thank you.
 8 Good morning.
 9 MS MARAGH: Good morning, sir.
 10 SIR JOHN SAUNDERS: Sorry, we've got a huge amount of echo
 11 that is occurring. It's making life very difficult for
 12 us.
 13 (Pause)
 14 MR GREANEY: We are told by the technical experts here that
 15 the problem is not at our end, it's at the other end,
 16 and we're wondering whether Ms Maragh has two devices
 17 on, which is causing feedback. It may be that that may
 18 be the problem. If you are able to switch one of them
 19 off, that might solve the problem.
 20 (Pause)
 21 MS MARAGH: Is it any better now?
 22 SIR JOHN SAUNDERS: We're still getting you twice over,
 23 things are being repeated, but it's getting a bit
 24 better.
 25 MS MARAGH: I'm hearing you now, sir.

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1 SIR JOHN SAUNDERS: I'll rise. I'm sorry about this to
 2 everybody.
 3 (11.38 am)
 4 (A short break)
 5 (11.45 am)
 6 MR GREANEY: Sir, we are very grateful to Mr Dunlay. We
 7 believe that the problem has been resolved.
 8 SIR JOHN SAUNDERS: Thank you.
 9 Ms Maragh.
 10 Submissions by MS MARAGH
 11 MS MARAGH: Thank you, sir. Is it any better now?
 12 SIR JOHN SAUNDERS: Yes, it's no problem at all, so
 13 thank you very much.
 14 MS MARAGH: Thank you and I'm grateful to your technical
 15 team for their assistance.
 16 I'm also grateful to Mr Greaney for very helpfully
 17 outlining the position that he has. That has provided
 18 us with some amount of clarity as to the trajectory or
 19 proposed trajectory of the inquiry today in relation to
 20 our client.
 21 I do, however, proceed with my application on behalf
 22 of Mr Abdallah for today's hearing to be adjourned on
 23 the ground that to proceed to question Mr Abdallah today
 24 pursuant to the Section 21 notice would be unfair.
 25 I rely and refer to section 17(3) of the Inquiries Act,

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1 which provides that you, sir, must act with fairness in
 2 making any decision as to procedure and conduct of the
 3 inquiry.
 4 We respectfully submit, sir, that to question
 5 Mr Abdallah today would be unfair on two grounds:
 6 firstly, the inadequacy of disclosure and, secondly,
 7 that Mr Abdallah and his legal team have not had
 8 sufficient time to review and to consider the material
 9 disclosed together in order to take his instructions and
 10 for him to be advised by us.
 11 In relation to disclosure, sir, I note the
 12 observations made very helpfully, as I have indicated,
 13 by Mr Greaney this morning. However, sir,
 14 I respectfully submit that that would not be sufficient,
 15 even if disclosure were to be made today or if matters
 16 were to be ring-fenced and Mr Abdallah were not to be
 17 asked questions relating to the specifics of the phone
 18 evidence.
 19 Turning specifically to disclosure, sir, you may
 20 recall that back in February of this year, we made
 21 written submissions to the inquiry in relation to
 22 Dr Wilkinson's report because until then, although we
 23 had been in communication with your team around the
 24 issue of questioning Mr Abdallah, we were not aware of
 25 the specifics or indeed that Dr Wilkinson had been

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1 instructed to provide the inquiry with a report on the
2 question of the radicalisation of Mr Abedi.
3 Now, stepping back from that, if I may, sir, it is
4 as a result of the specific issue raised by your counsel
5 in correspondence to us that raised the issue of the
6 instructions of Dr Wilkinson and in response we
7 specifically requested disclosure of Dr Wilkinson's
8 report in full and all underlying material, including
9 the letters of instruction provided to him.

10 To date, sir, we have not had full disclosure of
11 either Dr Wilkinson's report nor the underlying material
12 to which he has referred in the preparation of his
13 report.

14 In short, I respectfully submit that fairness
15 dictates that we be provided with full disclosure of his
16 report and the underlying material in order to properly
17 assess what he concludes in his report in relation to
18 our client in order to advise him as to the consequences
19 of his conclusions, of Dr Wilkinson's conclusions.

20 So in the round, sir, I respectfully submit that
21 partial disclosure today would not address the aspect of
22 unfairness that arises from lack of disclosure.

23 If I may turn to the second point and the second
24 limb, rather, on which I basis my submissions that
25 it would be unfair to proceed today, that is the

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1 inadequacy of time which we've had to consult with our
2 client on the material disclosed to date.

3 We acknowledge the assistance provided by the
4 inquiry in ensuring that our client was provided with
5 the bundle of documents, a 195-page-bundle, over the
6 weekend. As our client is in custody, it therefore
7 limits our access to him and, again, we are grateful for
8 the assistance provided in ensuring that those
9 instructing me, my instructing solicitor Ms Middleton,
10 was able to have an hour and a half conference with our
11 client yesterday.

12 Neither myself nor Mr Menon have been able to have
13 any conference at all in a substantive way on the
14 material which has been disclosed. And as
15 a consequence, Mr Abdallah has not had the benefit of
16 counsels' consideration of the material with him, nor
17 has he been able to provide us with his instructions as
18 to what is contained in the material, nor as
19 a consequence has he been advised on the material.

20 SIR JOHN SAUNDERS: Let me interrupt you for a moment, if
21 you don't mind. If you don't mind me saying so, you're
22 putting your case rather higher than you're really
23 entitled to. We did not know until last Thursday,
24 towards the end of Mr Menon's submissions to us, that
25 although your team had known of the date of the

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1 Section 21 notice and when Mr Abdallah was due to
2 attend, it was the first time that I was given any
3 information that Mr Menon was in the course of a trial
4 and therefore would not be able to attend, that you were
5 out of the jurisdiction, for what I understand are
6 perfectly understandable reasons, and that your
7 solicitor was due to do a parole hearing.

8 So we were told at that time, and it looked as if
9 none of you had any intention of attending whatsoever.
10 So it's not really terribly relevant to me that you
11 hadn't had the opportunity to speak to Mr Abdallah
12 because you had no intention of actually attending the
13 hearing whatsoever.

14 MS MARAGH: Thank you for that contextualisation, sir. I'm
15 grateful. However --

16 SIR JOHN SAUNDERS: I did it because you were actually
17 putting your case in a way that, to me, seemed rather
18 too high.

19 MS MARAGH: May I take a step back, please, sir? Because
20 the insufficiency of time relates specifically to the
21 narrow issue of the disclosure which we received last
22 Thursday or the impossibility in the circumstances of
23 consulting with Mr Abdallah on the material disclosed.

24 SIR JOHN SAUNDERS: Okay. Ms Maragh, if any of you had any
25 intention of coming, then you could have made early

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1 preparations for having conferences and speaking to your
2 client, dealing with that material, on the basis that it
3 was going to go ahead today as you had been told. But
4 no preparation has been made. The solicitors did ask
5 the prison, when they had the material on Thursday, for
6 a date. They didn't ask us to assist them in getting
7 a date. So we were told, "Oh, we can't get a date
8 before the end of November, quite impossible", when
9 anybody knows, and I include your experienced solicitor
10 and leading counsel, that you can always ask the
11 tribunal for assistance in getting earlier dates for
12 conferences and that is almost invariably successful, as
13 it was in this case.

14 So I'm afraid the idea of you not having any time to
15 do it when you had no intention of coming in the first
16 place is really, as I say, not a very compelling
17 argument at the moment.

18 MS MARAGH: Sir, may I just clarify -- my name is actually
19 Maragh.

20 SIR JOHN SAUNDERS: I am so sorry, I do apologise for not
21 getting your name correct. I'm very sorry.

22 MS MARAGH: Thank you.

23 However, sir, I also -- it's apparent that the issue
24 of disclosure, it has to be -- it's inextricably linked,
25 rather, to the insufficiency of time that we have not

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1 had, if I may say so, to consult with and advise our
2 client. So whilst it is correct that we would have had
3 access to Mr Abdallah between — over the period since
4 the notice was served, although, sir, we specifically
5 requested disclosure of Dr Wilkinson's report and all
6 underlying material considered by him and referred to in
7 his report in our detailed submissions on the issue on
8 8 February of this year, we did not receive disclosure
9 of any material until we got Dr Wilkinson's report,
10 I believe last week, Monday, and then more detailed
11 disclosure last week, Thursday.

12 So, sir, the issue of having a conference with our
13 client to consider the material and advise him must,
14 I respectfully submit, be contextualised within the time
15 limit that we have been given disclosure by your team.

16 So I hope that that contextualises it, sir, because
17 it is not related to my unavailability, Mr Menon's
18 unavailability and Ms Middleton's initial unavailability
19 for today. The issue of access to see our client and to
20 advise him is narrowed to the point at which we got
21 disclosure last week, Thursday. I hope that is clear,
22 sir.

23 SIR JOHN SAUNDERS: Ms Maragh, I wonder if you'd mind
24 telling me when, at what stage, you knew that you would
25 not be available to be here today to assist your client,

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1 which is what I was told last Thursday.
2 MS MARAGH: Sir, my personal circumstances that require me
3 to be outside of the jurisdiction have been extended.
4 I'm not being disingenuous, and I hope —
5 MR GREANEY: Could I interrupt, sir, for a moment to
6 indicate that I'm sure that is an appropriate question
7 to ask of Mr Menon. I'm aware of circumstances relating
8 to Ms Maragh which make her position explicable, in my
9 view.
10 SIR JOHN SAUNDERS: Okay. I will not pursue that with you.
11 I just want you to know, Ms Maragh, that a concern has
12 been arrived at by the inquiry and the families who are
13 here that this whole procedure might be being
14 manipulated. Let me indicate why.

15 First of all, in the submissions which were made
16 in February, Mr Menon and you, because you were
17 a signatory no doubt to the submissions, indicated that
18 Mr Abdallah had had nothing to do with the attack
19 in May 2017, he was entirely innocent of anything to do
20 with it, but that nevertheless he would be saying
21 nothing on the basis that his answers might incriminate
22 him. Those two matters appeared to be completely
23 inconsistent.

24 We were also told by Mr Menon that advice had been
25 given by you, the legal team, that he should not answer

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1 any questions, and when asked last Thursday how that
2 advice could be given, Mr Menon asked what would I do if
3 I was in a police station with someone who may be
4 charged with 22 murders. It was then pointed out to
5 Mr Menon that this was rather a different legal
6 situation.

7 So either a misunderstanding of the law by Mr Menon
8 or what appears to be a manipulation of this inquiry's
9 processes. This inquiry is seeking to get to the truth.
10 We believe that Mr Abdallah may be able to give me
11 helpful evidence to help me get to the truth, and it
12 appears, and there is an inference that may be given,
13 that actually what is being done is trying to prevent me
14 getting to the truth by preventing Mr Abdallah giving
15 evidence.

16 Now, let's see where we go, can we? Mr Greaney has
17 asked for certain assurances to be given in pursuance of
18 this application. Are you able to give them?

19 MS MARAGH: I'm again grateful for that indication, sir.
20 May I indicate in response that from where I sit,
21 without the disclosure that we have sought in our
22 submissions in February, and without being in a position
23 to consider that material, assess it and take
24 Mr Abdallah's instructions and advise him — and this
25 is, sir, in discharge of our professional duties as his

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1 lawyers.

2 There is absolutely no intent, intention, on our
3 part as his lawyers — may I give you that assurance
4 clearly, I know the families are following the
5 proceedings — there is no intent on our part to
6 manipulate the proceedings. So whilst I cannot give you
7 the assurance that Mr Abdallah will answer questions at
8 a later date, which is simply because we've not had all
9 the material to review it and advise him.

10 As Mr Menon indicated last week in submissions to
11 you, although our initial position was he will say
12 nothing, once we've had disclosure and we've been able
13 to assess the material and properly advise him on the
14 issues arising, our position may very well change.

15 Sir, I think that that is only fair and that is the
16 best discharge of my professional duty in the
17 circumstances.

18 SIR JOHN SAUNDERS: No one is suggesting you shouldn't do
19 your professional duty. What I would like to know is,
20 is there at present an intention to cooperate with the
21 inquiry to help it get to the truth, subject to any
22 privilege against incrimination? Can you tell me
23 whether there is a genuine intention to assist the
24 inquiry and give the families the reassurance that
25 Mr Menon indicated to me that Mr Abdallah wished to

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1 give?
2 MS MARAGH: The position has not changed from when Mr Menon
3 gave that indication, sir. May I just reiterate, we are
4 not seeking to obstruct the process or to manipulate the
5 process in any way, but our position must be a qualified
6 one, taking into account our professional obligations to
7 our client.
8 SIR JOHN SAUNDERS: I quite understand you have
9 a professional obligation to advise your client that
10 he is not obliged to answer questions if they may
11 incriminate him. Your professional duty, I think -- and
12 it's, of course, for you to decide what is the legal
13 advice you give -- is not to give a blanket advice that
14 he needn't answer any questions because there were
15 22 people killed, but you need on a question-by-question
16 basis to decide whether any answer that would be given
17 might incriminate him.
18 Now, subject to that -- and, of course, I'm not
19 saying you can't give that advice if that is the genuine
20 position -- at the moment, is there, on your behalf and
21 on your client's behalf, an intention to cooperate with
22 the inquiry?
23 MS MARAGH: There is an intention on my part. My client is
24 at court, sir, and my client has cooperated with the
25 proceedings.

1 SIR JOHN SAUNDERS: Do you mind me asking Mr Abdallah then
2 whether he has an intention to cooperate with the
3 inquiry?
4 MS MARAGH: Sir, putting it that way and he's sitting in
5 court, I certainly know that we have co-operated with
6 the proceedings thus far and so --
7 SIR JOHN SAUNDERS: You've co-operated with the inquiry so
8 far?
9 MS MARAGH: Yes, sir.
10 SIR JOHN SAUNDERS: By telling him that he need answer no
11 questions, not on the basis they may incriminate him,
12 but just on the same basis as the right to silence in
13 a police station? Is that what you're saying is your
14 cooperation with the inquiry?
15 MS MARAGH: Sir, again, putting it in that way, sir, does
16 not contextualise the circumstances in which the
17 questions were initially put to him back in 2020. They
18 followed on and mirrored in some respects, as we had
19 outlined in our submissions, questions that were put to
20 him by the police in interview previously. So again,
21 sir, without disclosure at that point at all -- I mean
22 bearing in mind we had not been aware the inquiry's
23 interest in Mr Abdallah to the extent that it had
24 instructed an expert to advise on the issue of
25 radicalisation and so it was not -- Mr Abdallah's

1 response, sir, was not obstructing and certainly we were
2 not seeking to obstruct the process.
3 SIR JOHN SAUNDERS: I go back to my question. You said
4 Mr Abdallah is here, which indeed he is: do you have any
5 objection to me asking him whether it is presently his
6 intention, subject to reading the disclosure and having
7 conferences, to assist the inquiry as much as he can?
8 MS MARAGH: Sir, I'm remote, I'm his counsel. In ordinary
9 circumstances, I would be there with him, I would have
10 had a conference with him before. My solicitors are
11 sitting in court. We've not had the opportunity to have
12 a full discussion about the proceedings. I know
13 Mr Abdallah is unwell. I also know that he is on
14 medication, including painkillers, and he's not been
15 able to travel with the medication this morning. So
16 whilst ordinarily, sir, I would have no issue with
17 Mr Abdallah answering questions from you, sir, I would
18 respectfully ask that I be permitted to answer the
19 questions on his behalf.
20 That, sir -- please do not take it as obstructing
21 the process in any way, but you do appreciate that the
22 circumstances which cause me to be separate don't allow
23 him to have the protection and the assurance of his
24 counsel physically in the same room.
25 SIR JOHN SAUNDERS: I am going to ask him about his physical

1 condition. I trust you have no objection to me asking
2 him that?
3 MS MARAGH: About his physical condition?
4 SIR JOHN SAUNDERS: [REDACTED]
5 [REDACTED]. I wish to ask him about that.
6 Do you have any problem with me asking him that? Do you
7 want to give him legal advice about that?
8 MS MARAGH: No, sir, but I have communicated --
9 SIR JOHN SAUNDERS: Mr Abdulrahman, I am just making sure
10 you are --
11 A. You can ask me -- it's like I'm not even in the court,
12 innit? You can talk to me, whatever you want to ask me,
13 you can ask me directly.
14 SIR JOHN SAUNDERS: You have a lawyer and that's my
15 obligation --
16 A. I know, but you're talking as if I'm some sort of third
17 person that's not even here. You want to ask me
18 a question, go ahead.
19 SIR JOHN SAUNDERS: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 SIR JOHN SAUNDERS: That's the information I wanted.
 11 I'm not ignoring you. It's just that I'm required
 12 by my procedure to talk through your lawyer and make
 13 sure she has no problem with me asking certain questions
 14 of you, do you understand?
 15 A. Yeah.
 16 SIR JOHN SAUNDERS: I'm not disregarding you being here in
 17 any way or being disrespectful.
 18 A. No problem.
 19 SIR JOHN SAUNDERS: [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]?

1 A. [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 Have you completed your submissions now, Ms Maragh?
 9 MS MARAGH: In the round, sir, I would respectfully invite
 10 you to grant the application for the adjournment sought
 11 and to make directions for disclosure of the
 12 underlying -- well, Dr Wilkinson's full report and the
 13 underlying material referred to and relied on by him in
 14 his report, as we have sought in our submissions of
 15 8 February earlier this year.
 16 SIR JOHN SAUNDERS: Can you just indicate to me, the
 17 suggestion, as I understand it, is that we should
 18 proceed but ignore that part of it, the underlying
 19 material from Dr Wilkinson's report. What problem
 20 do you have with dealing with those other matters today?
 21 MS MARAGH: Sir, insufficiency of time to consult with
 22 Mr Abdallah. We've not had an opportunity to speak to
 23 him in any way in a detailed manner about the disclosure
 24 which we received last Thursday and which he received on
 25 Friday, which includes phone evidence.

1 SIR JOHN SAUNDERS: He's been here this morning and, as
 2 I understand it, your solicitor has been able to see him
 3 this morning.
 4 MS MARAGH: Briefly, sir.
 5 A. Ten minutes.
 6 SIR JOHN SAUNDERS: That's all you've had with her, okay.
 7 Can we not link you up remotely to talk to him?
 8 MS MARAGH: Yes, sir, that is possible, but given his
 9 medical condition, sir, which -- we would need to have
 10 a very detailed and lengthy conference with sufficient
 11 breaks. And in the circumstances, even if I were to be
 12 linked and we use the morning or the rest of the morning
 13 as conference time, it wouldn't be sufficient, I would
 14 respectfully submit, to deal with all the matters that
 15 would be necessary in order to proceed to have him
 16 answer questions over questions put to him today.
 17 SIR JOHN SAUNDERS: Okay, thank you.
 18 Mr Greaney, you are aware of my proposal that
 19 I shall ask Mr Abdallah directly. He rather found it
 20 quite difficult that I'm talking as if he's not here at
 21 all. Is there any difficulty with me asking whether his
 22 intention at present is to cooperate with the inquiry?
 23 MR GREANEY: I don't myself, sir, consider there is any
 24 difficulty with you framing the question directly to him
 25 in that way.

1 SIR JOHN SAUNDERS: Does anybody -- any other lawyer here
 2 see any problem with that?
 3 MR COOPER: No problem at all, sir.
 4 SIR JOHN SAUNDERS: Mr Abdallah, this is a request for an
 5 adjournment. That's only of any purpose to us at all if
 6 we're going to achieve something by having the
 7 adjournment; do you understand? Is it your present
 8 intention to cooperate with the inquiry, subject to your
 9 right, of course, not to answer questions if they would
 10 incriminate you? But that has to be a genuine reason.
 11 Is it your intention to cooperate with the inquiry?
 12 A. You mean today?
 13 SIR JOHN SAUNDERS: No, if we adjourned the matter, would
 14 you cooperate with the inquiry?
 15 A. If I'm treated fairly. That's what I mean. If I'm
 16 treated fairly, because, to be honest, it doesn't feel
 17 like it's an inquiry to me, it feels like -- with the
 18 paperwork that's been given to me on Thursday and
 19 everything, I'm getting prosecuted. The fact is that
 20 you already claimed that I'm behind it and everything.
 21 So for me, I need the disclosure of everything they've
 22 got from A to Z and that's what -- if this is a court of
 23 fair and just (sic) then... I'm just getting a bit of
 24 a spasm, sorry.
 25 SIR JOHN SAUNDERS: Okay.

1 A. Yes, I mean, disclosure of the phone calls, that has
 2 been mentioned in 2017, because all we've been given is
 3 just like bits and bobs and narrowed -- so we need
 4 disclosure of everything and Dr Wilkinson, whatever his
 5 name is, and then we'll go from there of course. Then
 6 I'll be prepared, my legal team will prepare me.
 7 I don't understand all this law and everything,
 8 I can't focus for a long time and everything, so I need
 9 time with my lawyers to be advised of everything and
 10 then we'll go ahead, of course.
 11 SIR JOHN SAUNDERS: Okay. Obviously it's for me to decide
 12 what disclosure is relevant. And I am very concerned --
 13 and I hope you're listening to this as well,
 14 Ms Maragh -- I'm well aware that people can manipulate
 15 a disclosure procedure to virtually make it impossible
 16 for courts to proceed. Do you understand? I'm not
 17 saying you're doing that, but there is a risk of that.
 18 So there's always a risk that we will give you the
 19 disclosure which is necessary, then someone will come
 20 back and say, "We're not happy, we need this disclosure,
 21 we need that disclosure, and we can't do it until we've
 22 got that".
 23 So I will ensure that you have all the proper
 24 disclosure you need. That's my decision, do you
 25 understand?

1 A. I'm a man of my word, you know. Where I come from,
 2 a man doesn't lie. Do you understand? So if I say
 3 something to you, it means it's true. I'm not
 4 manipulating or doing anything. If you treat me fairly,
 5 as I said, and we're given disclosure and everything,
 6 we're not here to manipulate anything.
 7 The fact is for time we've been asking for
 8 everything, papers, disclosure, everything. They're the
 9 ones that have not been given to us. To me, the fact is
 10 they are the ones who are manipulate -- it is
 11 manipulation by putting me in a spot to just basically
 12 accuse me and put me on the spot that I'm behind
 13 everything. That's the way it feels like to me.
 14 If I was given all the papers and everything and
 15 understand what's been there, why they think this and
 16 that, then of course I'll have time to defend myself and
 17 to go ahead with the inquiry.
 18 SIR JOHN SAUNDERS: Okay. You're not defending yourself.
 19 I'm trying to find the truth of what happened and what
 20 led to Salman Abedi killing 22 people in a bomb attack.
 21 A. To be honest, the whole Libyan community is trying to
 22 find the truth --
 23 SIR JOHN SAUNDERS: That's good.
 24 A. -- and the community back home as well because we don't
 25 know what happened.

1 SIR JOHN SAUNDERS: I just want your assistance. I have not
 2 reached any conclusions. It is my whole job to be fair
 3 and I assure you that I will be. Do you understand?
 4 A. Yes.
 5 SIR JOHN SAUNDERS: Right. Thank you.
 6 Reply submissions by MR GREANEY
 7 MR GREANEY: Sir, could I just make some very short
 8 submissions and then I'll invite Mr Weatherby on behalf
 9 of the families he represents to make his submissions.
 10 Sir, can we seek, at any rate, to reassure
 11 Mr Abdallah that everyone in this courtroom is
 12 determined that he should be treated fairly and, if
 13 possible, that he should feel that he is being treated
 14 fairly. What is important in what is happening today is
 15 to achieve a situation in which Mr Abdallah gives
 16 evidence. It rather sounds as if that situation is not
 17 going to be achieved if we proceed today, but there is
 18 a greater prospect if there is an adjournment.
 19 That said, we do need to engage head on with some of
 20 what has been said. First of all, we are satisfied that
 21 the relevant part, by which we mean the parts of the
 22 report of Dr Wilkinson that are relevant to Mr Abdallah,
 23 have been disclosed to his team.
 24 Secondly, so far as there is concern about the
 25 underlying phone material, and that of course is the

1 point that Mr Abdallah has made --
 2 SIR JOHN SAUNDERS: Are you all right?
 3 A. Yeah, yeah.
 4 SIR JOHN SAUNDERS: Okay.
 5 MR GREANEY: We have identified a solution which creates
 6 entire fairness to him.
 7 Thirdly, in relation to the second request that was
 8 made in the letter of 19 October, so the prison visits
 9 information, we now believe that we will be in
 10 a position to resolve that today. It's just a very
 11 small number of pieces of paper which can be considered
 12 quickly.
 13 And fourthly, there is a small amount of additional
 14 material that, pursuant to requests that have been made
 15 by core participants, we do propose to provide today to
 16 Mr Abdallah's team.
 17 Again, we do not think it will take long for him and
 18 his team to get on top of that material.
 19 So insofar as there are concerns about disclosure,
 20 and there plainly are, those concerns, we submit, are
 21 not real or at any rate are not substantial. What is or
 22 may be of greater concern is the submission that has
 23 been made that Mr Abdallah's legal team have not had
 24 sufficient time to prepare and to advise him about his
 25 position.

1 If we may be entirely frank, it seems to the inquiry
 2 legal team that that position may be the creation of
 3 those who represent Mr Abdallah, but that doesn't remove
 4 the fact that it doesn't seem to be the fault of
 5 Mr Abdallah himself, and sir, we are certain that
 6 you will have regard to that.

7 SIR JOHN SAUNDERS: Ms Maragh is looking rather puzzled at
 8 this suggestion that it might be the legal team which
 9 has led to it, so perhaps you might like to elaborate on
 10 that so she understands why you are saying it.

11 MR GREANEY: We would have expected the legal team to ensure
 12 that they had adequate consultations with Mr Abdallah,
 13 both before they received the disclosure, bearing in
 14 mind that Mr Abdallah will have been entirely clear
 15 since he was questioned on behalf of the inquiry legal
 16 team about the areas that we are interested in, which
 17 was many months ago now, so there was an opportunity,
 18 even before the limited disclosure that has been given,
 19 to explore those issues.

20 And since the disclosure that it is necessary for
 21 Mr Abdallah to have to answer his questions in this
 22 hearing has been given, there has been ample time,
 23 we would submit, for his team to obtain the instructions
 24 that they need, including, sir, you being prepared to
 25 sit later with this evidence today and finding other

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1 evidence to fit in in the morning.

2 SIR JOHN SAUNDERS: And of course I think what everybody
 3 finds extraordinary is the failure of the legal team to
 4 notify us at all until last Thursday that none of them
 5 were available for this, so they weren't preparing
 6 themselves for it because they never expected to be able
 7 to do it.

8 What is more, Mr Menon's judge in the trial he's
 9 doing had not been notified of any particular difficulty
 10 and it wasn't until I notified him about it that he knew
 11 about it.

12 MR GREANEY: Sir, there is, without seeking to cast blame,
 13 no doubt that we are in a most unfortunate situation,
 14 which could probably have been avoided. But that
 15 doesn't disguise the fact that it is difficult to
 16 attribute that to Mr Abdallah himself, which in our
 17 submission is an important point.

18 Having made those, we hope, fair submissions, may we
 19 return to where we started in this reply, which is what
 20 is important to everyone is that Mr Abdallah should give
 21 evidence and answer questions, of course subject to any
 22 privilege that he has not to do so, which we know you
 23 will scrutinise. That is in the interests of this
 24 inquiry, it is in the interests of the public, it is in
 25 the interests of the families of those murdered in the

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1 attack on 22 May 2017. It is also, if we may say so,
 2 in the interests of Mr Abdallah, bearing in mind the
 3 suspicion which currently exists in relation to him.
 4 Giving evidence is his opportunity to answer the
 5 concerns that exist about his conduct.

6 So sir, the point is what provides the best
 7 opportunity for that evidence to be given: is it today
 8 or is it to have a short adjournment to provide any
 9 further disclosure which properly needs to be given, to
 10 give his lawyers the time that they claim they need to
 11 take instructions and then to return? That is, we
 12 submit, the issue.

13 SIR JOHN SAUNDERS: Thank you.

14 MR GREANEY: May I ask Mr Weatherby to address you, please.

15 Submissions by MR WEATHERBY

16 MR WEATHERBY: Very briefly because I don't want to make
 17 a situation worse. There is an air of palpable
 18 frustration around the hearing. That is frustration
 19 which, as you may well imagine, is very real for the
 20 families. Indeed, this is evidence that the families
 21 view as being extremely important.

22 Having said that, we share the views that have been
 23 put forward on all sides, I think, that in order to get
 24 best evidence, Mr Abdallah has to be treated with
 25 fairness. Nobody at any point has suggested otherwise.

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1 And part of fairness is proper disclosure, whatever that
 2 term actually means. Indeed, what that term actually
 3 means in this context is fairness under section 17, as
 4 Ms Maragh has said, under the common law. There's no
 5 Convention point. As you, sir, have already noted this
 6 morning, Mr Abdallah is not on trial here. He is being
 7 called to assist.

8 Therefore the decision that has to be made is
 9 whether best evidence is best achieved today with what
 10 we are told is the risk of it being very one-sided
 11 in that you are likely to hear a lot of questions but no
 12 answers or whether best evidence will be achieved by
 13 going off to another date, where hopefully there would
 14 be answers. That really is the objective point here.
 15 Whether the process is being manipulated is something
 16 that adds to the frustration, but it may not be
 17 ultimately the most important point for the objective
 18 reality of seeking the best evidence.

19 So trying to take some of the heat out of the
 20 situation --

21 SIR JOHN SAUNDERS: I'm sorry if I'm the one generating it
 22 for a change.

23 MR WEATHERBY: As I say as I started, the frustration is all
 24 around --

25 SIR JOHN SAUNDERS: Yes.

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1 MR WEATHERBY: -- and therefore my submission is the
 2 decision that has to be made is whether there is
 3 a greater likelihood of best evidence being achieved
 4 today or at some point in the future.
 5 Can I say, because I'm on my feet, if it's the
 6 latter, that clear thinking needs to be undertaken by
 7 all sides today -- that includes from the families' side
 8 from where I stand -- to resolve any further issues and
 9 a clear date needs to be found and we need to stick to
 10 that and that, of course, we all know about -- we know
 11 to some extent, we should know, about Mr Abdallah's
 12 physical position and therefore the further matters that
 13 have been alluded to today can also be had regard to.
 14 If it does go off to a different date, could I urge
 15 that we do whatever we can to have a clear start at the
 16 beginning of the day?
 17 One of the matters I raised last week was a concern
 18 about only starting in the afternoon.
 19 SIR JOHN SAUNDERS: I'm aware of that, Mr Weatherby.
 20 I think the thinking was that it would actually give
 21 Mr Abdallah's team a chance to talk to him this morning.
 22 MR WEATHERBY: Yes, indeed. Well, as I say, we are ready
 23 and able to ask our questions this afternoon. There
 24 will be quite a lot of them. We are able to do that.
 25 We are able to do that if it goes off. But if it goes

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1 off, we do urge that the most careful attention is given
 2 to directions.
 3 SIR JOHN SAUNDERS: As I have said to you just now, I think
 4 what is going to be the quibble, if it is one, is
 5 whether the disclosure which is given is adequate
 6 because I do have concerns about us coming back for
 7 a next hearing on a date and then the question being
 8 raised about there being adequate disclosure. So it
 9 seems to me, and I'd be grateful for counsels' help,
 10 that what we need to do is to make sure that those
 11 matters, if there are any arguments about disclosure,
 12 are settled well before that due date so there can be no
 13 argument on the date that there has been inadequate
 14 disclosure. So a timetable for that seems to me to be
 15 essential.
 16 If there are other matters that counsel think should
 17 be dealt with by way of directions today, then I will be
 18 helped by that.
 19 MR WEATHERBY: Yes. In terms of disclosure, I think we've
 20 all had a considerable amount of time to consider it.
 21 There will always inevitably be matters that arise and
 22 odd documents will have been either overlooked or will
 23 arise in the moment. We are all experienced and can
 24 deal with that.
 25 But if a direction, a clear direction, was made that

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1 all of us had to sort that out today --
 2 SIR JOHN SAUNDERS: Can I make clear, we are all, or most of
 3 us here, are probably more familiar with the criminal
 4 procedure and one is well aware of, from time to time,
 5 occasions coming when more and more and different bits
 6 of disclosure are asked for in the knowledge that if
 7 disclosure is ordered, at the end of the day it may be
 8 that the whole trial gets abandoned, all of which we've
 9 known. That is not this situation and we need to
 10 understand that that is not this situation.
 11 MR WEATHERBY: Yes, indeed.
 12 SIR JOHN SAUNDERS: So we will set a timetable for that.
 13 Thank you very much for your help, Mr Weatherby.
 14 MR GREANEY: Could I thank Mr Weatherby for those balanced
 15 submissions, with which we agree, and also acknowledge
 16 that it must be extremely difficult for the families to
 17 acknowledge the possibility that Mr Abdallah is not
 18 going to give his evidence today. We are particularly
 19 grateful that they've been prepared to do so.
 20 So could we next invite Mr Cooper to make the
 21 submissions that he wishes to make? Just before he does
 22 so, there has been reference to the health of
 23 Mr Abdallah. Can we assure him that there is not going
 24 to be any broadcast of any details of his health.
 25 SIR JOHN SAUNDERS: Thank you. Mr Cooper.

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1 Submissions by MR COOPER
 2 MR COOPER: Can I endorse all the submissions made, both by
 3 Mr Greaney and Mr Weatherby on this matter. These are
 4 subsidiary submissions to that. Let me emphasise again
 5 that it is important that the ultimate fairness be
 6 extended to Mr Abdallah and we'll all, let me reassure
 7 him, as he hears me, have that as one of our priorities.
 8 But in terms of the disclosure point, can
 9 I respectfully suggest that my learned friend seems to
 10 misunderstand in her submissions the purpose of these
 11 proceedings compared to criminal proceedings when it
 12 comes to disclosure.
 13 As you emphasised, sir, quite rightly, many of us
 14 have significant experience in criminal proceedings.
 15 It is not, in our respectful submission, for
 16 Mr Abdallah's legal team to advise Mr Abdallah on the
 17 evidence and its implications. That's a role to be
 18 undertaken during the course of criminal proceedings and
 19 criminal advice. Indeed, my learned friend in her
 20 submissions a little earlier on said this, that she
 21 wishes to advise Mr Abdallah on the consequences of
 22 Dr Wilkinson's evidence, the consequences. In our
 23 submission, that is misconceiving the purpose of these
 24 proceedings and the advice that those advising
 25 Mr Abdallah are to undertake.

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1 It is not for them in the purpose of this proceeding
 2 to advise on the evidence and its implications. It is
 3 not relevant when it comes to disclosure and the time
 4 taken to advise, and therefore the time delay in hearing
 5 from Mr Abdallah, for my learned friend and her
 6 colleagues to be advising Mr Abdallah, for instance, on
 7 the conclusions of Dr Wilkinson's evidence. That's not,
 8 in our respectful submission, the stage that we are at
 9 here.

10 Instead, it is for them, we respectfully submit, to
 11 advise Mr Abdallah on the answers that he is to be
 12 giving, if he wishes to give them, and the implications
 13 of those answers, and that is it. What we are concerned
 14 about here, sir, in listening to the submissions made by
 15 my learned friend is that it has been predicated on the
 16 fact that they are advising Mr Abdallah on criminal
 17 proceedings as if this is a criminal trial and that
 18 there should be a full advice on evidence, and not only
 19 that there be full disclosure to the criminal standard
 20 of evidence but their advice and time they need should
 21 be employed as if they were advising in a criminal
 22 trial, which would be far longer, we submit, than the
 23 role that their duty demands as far as this inquiry is
 24 concerned.

25 The purpose of our submission on that is to

1 emphasise that the time needed to apply fairness to
 2 Mr Abdallah for the advice that he requires and the
 3 disclosure that he requires is far shorter than that
 4 which would be needed in a criminal situation. My
 5 learned friend's concerns as to the time required to
 6 give advice and to receive disclosure is predicated upon
 7 the criminal expectation, not the role of this inquiry.

8 Can I finally just emphasise again what Mr Weatherby
 9 has said, and indeed what Mr Greaney has endorsed, about
 10 the families' perspective as far as this is concerned.
 11 The clear position as far as they are concerned is that
 12 they entirely understand the role of the inquiry to
 13 apply fairness to all witnesses, and Mr Abdallah is no
 14 different there and deserves that same application of
 15 fairness.

16 But if it is to be applied, we respectfully ask for
 17 a strict timetable and a timetable which sets a degree
 18 of expedition as far as his return is concerned.
 19 Certainly before his parole hearing, we submit, he
 20 should be back here and hopefully, we take him at his
 21 word, he will hopefully assist you with your enquiries.
 22 But certainly there should be an imminent and
 23 expeditious timetable set for his return and this should
 24 not be an excuse, if I can be as clear as that, for this
 25 to be pushed into the long grass.

1 So the families' position as far as we are --

2 SIR JOHN SAUNDERS: No long grass here.

3 MR COOPER: Thank you, sir, that's reassuring.

4 The families' position is simply this: we must be
 5 fair to Mr Abdallah. That is the process that this
 6 inquiry has assiduously applied itself to for the last
 7 year and a half or so. But in applying that fairness to
 8 him, it should not be taken by him or anyone else
 9 listening who may also be considering avoiding answering
 10 questions that this inquiry will tolerate or be
 11 manipulated.

12 SIR JOHN SAUNDERS: Thank you.

13 MR GREANEY: I think the public can be well assured given
 14 the events of the last 5 days and the steps, sir, that
 15 you have taken in the High Court that we will not be
 16 messed about by witnesses.

17 SIR JOHN SAUNDERS: Did you want to say anything,
 18 Mr Atkinson?

19 MR GREANEY: I'm so sorry, Mr Atkinson.

20 Submissions by MR ATKINSON

21 MR ATKINSON: Very briefly. Can I echo Mr Weatherby's
 22 observations as to the feelings of frustration. There
 23 are other words.

24 SIR JOHN SAUNDERS: I think they're not the only ones who
 25 feel the frustration, as may be apparent.

1 MR ATKINSON: Frustration has not been the word used to me,
 2 but it is a better word to use on my feet now, and
 3 a sense of being manipulated. Of course, everyone,
 4 including the families, want these proceedings to be
 5 fair. In fact, particularly the families want these
 6 proceedings to be fair. That includes absolutely
 7 fairness to every witness, whoever they are, wherever
 8 they come from, because what the families want is the
 9 answers to questions and to get to the answers.

10 They have heard from others what Mr Abdallah may say
 11 about things, they have heard others say things about
 12 Mr Abdallah, but what they want is to hear from
 13 Mr Abdallah himself.

14 If we were in a position where we had made a start
 15 on his evidence today and then a problem arose, we would
 16 have more confidence perhaps that we would come back to
 17 carry on where we had left off. There is still perhaps
 18 merit in that. But if the alternative is that we must
 19 wait, it must be understood, in fairness to everyone,
 20 especially Mr Abdallah on the one hand and the families
 21 on the other, that this process is not further derailed
 22 by further requests for disclosure in relation to phone
 23 records which were touched on in an interview a year and
 24 a half ago when Mr de la Poer sought to ask Mr Abdallah
 25 about this and matters of that sort.

1 We would endorse getting on with it, but if not,
 2 getting on with it, as soon as we can.
 3 Thank you, sir.
 4 SIR JOHN SAUNDERS: Thank you.
 5 MR GREANEY: I'll just make sure that no one else has any
 6 submissions to make. They don't.
 7 It seems to us that Ms Maragh ought to be given an
 8 opportunity to respond.
 9 SIR JOHN SAUNDERS: Absolutely. Ms Maragh.
 10 Reply submissions by MS MARAGH
 11 MS MARAGH: Thank you, sir. May I turn in brief to the
 12 issue of disclosure of Dr Wilkinson's report. It's your
 13 counsel's position that it is not necessary,
 14 essentially, for there to be disclosure -- full
 15 disclosure of Dr Wilkinson's entire report and the
 16 underlying material. And Mr Cooper in his submissions
 17 has touched on this in some respect in his reference to
 18 my submission that our client needs to be fully advised
 19 as to the consequences, or words to that effect, of
 20 Dr Wilkinson's report.
 21 I renew my request for disclosure of the full report
 22 and the underlying material and highlight your counsel's
 23 submissions of 3 February of this year when it was
 24 communicated to us that Dr Wilkinson had been instructed
 25 to provide an opinion on Mr Abdallah's role, possible

1 role, in the radicalisation of Salman Abedi. And
 2 respectfully, sir, that goes to the heart of the
 3 inquiry's interest in Mr Abdallah.
 4 How can we properly understand the issues being
 5 raised by the inquiry with our client in order to
 6 properly advise him on any implication or any issue of
 7 privilege which may arise pursuant to Section 22
 8 if we do not have the full material, the full report and
 9 the underlying material upon which to consider and
 10 advise him?
 11 I respectfully submit that fairness dictates that we
 12 ought to have the report and the underlying material
 13 because it is the report that forms or properly informs
 14 the basis, as we understand it, for the inquiry's
 15 interest in Mr Abdallah.
 16 SIR JOHN SAUNDERS: Ms Maragh, can I just cut you off for
 17 a moment? Assuming the matter is going to go off, which
 18 looks overwhelmingly likely from where we've got to at
 19 the moment, initially questions of disclosure will be
 20 discussed between your team and counsel to the inquiry's
 21 team. If agreement is not reached then the matter will
 22 come back to me for a decision. I am going to apply
 23 a strict timetable to that so that if there is not
 24 agreement within a limited time, and I will allow you to
 25 discuss what the appropriate time is for that before

1 I make my final orders in relation to this, if agreement
 2 is not reached within a certain time the matter will
 3 come back to me for a decision and I will make the
 4 decision on what disclosure is appropriate.
 5 Mr Cooper is correct in that the sort of disclosure
 6 required to assist a witness at an inquiry to give their
 7 evidence is not the same as disclosure in a criminal
 8 trial and I hope that will be borne in mind. I'm sure
 9 you will, but some of Mr Menon's submissions last
 10 Thursday tended to indicate that he was thinking of this
 11 as a criminal trial with Mr Abdallah as the defendant.
 12 He is not on trial, he is here to assist us, so the
 13 disclosure process is different, but it has to be fair,
 14 I readily understand that. I hope that agreement will
 15 be reached, but if it won't then it will come back to
 16 me.
 17 As I say, I'm going to give a limited time for that
 18 and it will not be appropriate for anyone at a later
 19 stage to come back and say, "Well, we now want further
 20 disclosure". It's got to be absolutely time limited.
 21 So I'll allow you to discuss that with counsel to the
 22 inquiry after I've risen, but that needs to be decided
 23 today.
 24 Further, a hearing date will be decided today. Your
 25 team are to be available on that day. I will not allow

1 any other requests for an adjournment, and if instructed
 2 counsel are not available, alternative counsel must be
 3 made available. We've had one time when we gave a date,
 4 no one told us that none of you were available.
 5 I understand that in your case there may be a reason for
 6 that, but I'm afraid you are here bearing the brunt for
 7 everybody, which I'm afraid does happen from time to
 8 time.
 9 So that has to take place. It will take place on
 10 that date whatever and counsel needs to be ready.
 11 Funding has been granted, so there is absolutely no
 12 reason why not.
 13 I also want to say this: that if advice was given to
 14 Mr Abdallah that he could simply be told as a blanket
 15 reason, "Don't answer any questions, don't worry whether
 16 they will incriminate you or not, you can simply
 17 exercise your right to silence as if you were in
 18 a police station", that appears to me to be incorrect
 19 legal advice and I would urge the legal team to review
 20 that.
 21 What will happen is that any objection made on the
 22 basis that the answer will incriminate the witness will
 23 be taken on a question-by-question basis and it will be
 24 asked to be justified. And if there is no
 25 justification, or the justification does not satisfy me

1 as being adequate, then further steps can be taken.
 2 Of course it's up to you to make your own mind up what
 3 is the correct legal advice to give to your client, but
 4 can I say that at the moment, and everyone appears to
 5 agree, except for some of the advice given by Mr Menon
 6 at an earlier stage, that that is the correct legal
 7 position. So I urge for that to be established. This
 8 is not a criminal trial.
 9 I hope all those matters will be borne in mind.
 10 That is the way in which a fair hearing will be given to
 11 everybody.
 12 Are there further submissions which you wish to
 13 make, bearing in mind that I am going to grant your
 14 application?
 15 MS MARAGH: I'm grateful, sir. No, nothing further.
 16 SIR JOHN SAUNDERS: Thank you very much.
 17 MS MARAGH: May I just have a moment, please, to consult?
 18 SIR JOHN SAUNDERS: Please do, absolutely.
 19 (Pause)
 20 MR GREANEY: Once Ms Maragh has made any further submissions
 21 to you that she wishes to make, we're going to suggest
 22 that we take a slightly early lunch and then
 23 Mr de la Poer will resume his questioning of
 24 Mr Hipgrave.
 25 SIR JOHN SAUNDERS: Yes.

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1 MS MARAGH: Thank you, sir. I have confirmation from my
 2 instructing solicitor that there is nothing further.
 3 Thank you.
 4 SIR JOHN SAUNDERS: I'm grateful for that.
 5 Mr Greaney, can I just ask you and anybody else
 6 who's been listening, obviously what I've been saying is
 7 off—the—cuff. If there are matters which I've said
 8 which are wrong, then I would be grateful for being
 9 advised about that now.
 10 MR GREANEY: I am not aware that you have said anything
 11 which can be characterised as wrong.
 12 SIR JOHN SAUNDERS: Okay, thank you.
 13 I will now rise and I will allow people then to deal
 14 with directions which I will need to give.
 15 MR GREANEY: Yes.
 16 SIR JOHN SAUNDERS: Mr Abdallah, you will be treated
 17 absolutely fairly. I know you think you haven't been so
 18 far. What we are doing is putting the questions which
 19 seem to arise. The importance is not the questions, the
 20 importance are your answers, and you are being given the
 21 opportunity to do that and to get rid of any suspicion
 22 which may attach. Do you understand?
 23 A. No, I understand. I'm actually here for the families
 24 and my sympathy goes for them as well because of — the
 25 fact is, as a community in Manchester, we are trying to

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1 understand what really, actually, really, really
 2 happened. And I don't understand the law or anything
 3 like that, but in terms of disclosure, you said it's not
 4 a criminal trial, so therefore full disclosure cannot be
 5 given. To me, I just — my mind is logic, understanding
 6 logically, basically. I believe you're a fair and just
 7 man, so basically for me to comment, to give evidence
 8 and answers — not evidence, it's actually answers,
 9 because evidence means that I've got something to give.
 10 The reason being, I'm saying I need everything, all
 11 disclosure, because the way I've been treated by the
 12 inquiry for the last 2 or 3 years is as if I'm behind it
 13 and I'm the one who's assisted it and I am the one who
 14 has been behind everything and then this and that, and
 15 the inquiry and the secret service and everything. And
 16 that's why I'm saying all we need is full disclosure of
 17 everything and that is what I believe is fair and we can
 18 go ahead straightaway.
 19 SIR JOHN SAUNDERS: Mr Abdallah, you've expressed your
 20 feelings for the families. The best way you can do
 21 that is by assisting this inquiry. Thank you. I will
 22 now rise.
 23 (12.45 pm)
 24 (The lunch adjournment)
 25 (2.05 pm)

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1 MR SHAUN HIPGRAVE (continued)
 2 Questions from MR DE LA POER (continued)
 3 SIR JOHN SAUNDERS: I'm very sorry for the rather lengthy
 4 delay in your evidence.
 5 MR DE LA POER: Sir, I'm going to try and empty the car
 6 park.
 7 SIR JOHN SAUNDERS: Good.
 8 MR DE LA POER: Mr Hipgrave, we had two matters left over
 9 from before lunch. The first is a question that I asked
 10 you about the Prevent duty and the thought process
 11 behind imposing that duty only on public authorities.
 12 There's no mystery about this, you're supported by
 13 a team of people who are following our proceedings and
 14 who have been able to provide you with some information
 15 in the time that we've had. What further light can you
 16 shed on that issue, please?
 17 A. So it was considered at that time that it would be more
 18 straightforward and a quicker process to provide the
 19 legislative duty just on public authorities and then
 20 provide a greater communication and awareness campaign
 21 for the rest of the community, so generally the public,
 22 so that they would refer voluntarily.
 23 Q. Given the review that is shortly to report and the
 24 government's response to that, whether or not that duty
 25 should have been more widely cast then or should now be

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1 more widely cast is something I will leave to others
 2 outside of our process. So thank you very much with
 3 assisting us with confirmation that that was
 4 specifically considered back in 2015.
 5 The second matter relates to the document "Operating
 6 with Impunity", and Mr Hipgrave, again that was
 7 something which I flagged to you. It has arisen
 8 recently in terms of your awareness and I know that
 9 you've received some assistance over the course of
 10 today. So let's just take it nice and slowly to help
 11 everybody follow what we're talking about.
 12 The Commission for Countering Extremism was founded
 13 in 2017; is that right?
 14 A. Yes.
 15 Q. And it is at arm's length from Her Majesty's Government,
 16 an independent body; is that correct?
 17 A. Yes.
 18 Q. Their first publication, I'm not going to ask you about
 19 the detail of it, was in 2019, entitled "Challenging
 20 Hateful Extremism"; does that accord with your
 21 understanding again?
 22 A. That's correct, yes.
 23 Q. And more recently, that is to say in February of 2021,
 24 the document which I've referred to, "Operating with
 25 Impunity", was published by them; is that also correct?

1 A. Yes.
 2 Q. Contained within that document is a definition of
 3 "hateful extremism"; does that accord with your
 4 understanding?
 5 A. Yes.
 6 Q. I'll just read it out directly from it. It is:
 7 "Activity or materials directed at an out-group who
 8 are perceived as a threat to an in-group, motivated by
 9 or intending to advance a political, religious or racial
 10 supremacist ideology."
 11 Again, does that accord with your understanding of
 12 the definition provided in that document?
 13 A. Yes, that's right.
 14 SIR JOHN SAUNDERS: Do you have access to the document, if
 15 you want to, there?
 16 A. I have. I have read that and I have read that
 17 definition over lunchtime.
 18 SIR JOHN SAUNDERS: Thank you for doing that.
 19 MR DE LA POER: As I indicated to Mr Hipgrave, that was one
 20 of the matters and I'm very grateful to him for
 21 occupying his time with just assisting us as far as he
 22 can.
 23 Mr Hipgrave, were you aware that that definition was
 24 in fact proposed in the 2019 document? So it wasn't
 25 brand new, February 2021?

1 A. I wasn't aware of that.
 2 Q. All right. Perhaps others will deal with that. But at
 3 all events, it is a different, do you agree, definition
 4 to the definition of extremism contained within the
 5 statutory guidance for Prevent?
 6 A. That's correct, yes.
 7 Q. Are you aware that, so far as the Prevent definition is
 8 concerned, so that in the guidance, that there has been
 9 particular criticism about the lack of clarity around
 10 the notion of British values, that there have been
 11 comments about that?
 12 A. No.
 13 Q. That issue aside, are you able to confirm that the
 14 government have yet to respond to the report of
 15 February 2021?
 16 A. The report has been received and noted by the Home
 17 Secretary and within the department that report is still
 18 under consideration.
 19 SIR JOHN SAUNDERS: Would you be expected to respond to an
 20 independent report or is it a matter for you to decide
 21 whether you do or not?
 22 A. In the area of policy development, it isn't automatic
 23 that there's an independent report, oh, we change
 24 policy. It doesn't automatically work like that unless
 25 some previous commitment — so with the Prevent review,

1 there has been a commitment to respond to that Prevent
 2 review. So not automatically, no.
 3 SIR JOHN SAUNDERS: But you would to this one, would you, or
 4 is there no decision on that one at the moment? Please
 5 don't say anything if you don't know the answer.
 6 A. It's still under consideration, sir.
 7 SIR JOHN SAUNDERS: As I understood it from reading the
 8 document, and I don't claim to have read it absolutely
 9 word for word all the way through, the reason for
 10 putting in that definition was not to do with the
 11 guidance for Prevent, as I understood it, but was
 12 because the failure to be able to agree a definition of
 13 hateful extremism meant that nothing was included in the
 14 2015 Act dealing with it because the government
 15 couldn't, or Parliament couldn't, agree on a definition;
 16 is that right?
 17 A. I think it's right that it ... So the 2015
 18 Counter-terrorism Act, where the definition is included,
 19 is easier and clearer to respond to and hateful
 20 extremism, which quite often falls below that legal
 21 threshold, is a lot more difficult to define and it's
 22 still under consideration.
 23 SIR JOHN SAUNDERS: Right. I think the theme of that report
 24 is really to say: we haven't been doing enough about
 25 hateful extremism and more could be done?

1 A. Um, so... As I only got informed about the report last
 2 night ...
 3 SIR JOHN SAUNDERS: We're going to ask you to comment on
 4 a number of things on paper. It may be something we
 5 don't deal with, I simply don't know, but as it's
 6 recently been in the news, that report, and comments
 7 about it and whether they've been taken any notice of,
 8 it seemed appropriate to ask you about it now. By all
 9 means answer that, the last question I've just asked
 10 you, on paper some time later if you wouldn't mind.
 11 A. Yes, sir .
 12 MR DE LA POER: In those circumstances, and perhaps we can
 13 help Mr Hipgrave and the people who support him in
 14 understanding clearly what we want by posing questions
 15 about it which can be considered in slower time and
 16 everybody can understand --
 17 SIR JOHN SAUNDERS: Again, I'm sorry to throw this at you
 18 at the last minute. We do try to avoid it if we can.
 19 MR DE LA POER: If I may say so, I started it.
 20 SIR JOHN SAUNDERS: So it's your problem!
 21 MR DE LA POER: I agree.
 22 Mr Hipgrave, we're going to move to part 2, please,
 23 precursor materials, as they're termed.
 24 In this, are we moving very much back to your
 25 day-to-day activity so far as your responsibility for

1 the Protect limb of CONTEST?
 2 A. Yes.
 3 Q. So we're moving away from Prevent now, which, as we have
 4 established, is one of the four Ps under CONTEST, we're
 5 moving back to Protect, very much your day-to-day area.
 6 You and I, and I hope everyone who follows me who
 7 may ask questions about this, are going to take
 8 particular care not to adduce anything that will assist
 9 terrorists and for that reason what you and I will do
 10 will be a relatively high-level summary of the
 11 structures in place around this.
 12 So can I invite you, please, to turn to your amended
 13 statement to page 18 of that statement. For anyone who
 14 doesn't have the reference to hand, {INQ037080/18}, and
 15 we'll just run through, to help everyone understand the
 16 structures around this, what you say in your statement
 17 about it.
 18 The first subtitle is that of:
 19 "Chemical, Biological, Radiological, Nuclear,
 20 Explosives/Science & Technology... Unit..."
 21 There is such a unit; is that right?
 22 A. Yes.
 23 Q. What is that unit's role?
 24 A. Its role covers both Protect and Prepare, so it has
 25 responsibilities to Protect: to close down the

1 vulnerabilities for people, obtaining any of those
 2 materials, whether it be chemical, biological,
 3 radiological or nuclear, that can cause harm; being able
 4 to detect those material; being able to run technology
 5 programmes to identify better ways to protect and find
 6 those materials; and to close down any ability for
 7 terrorists to purchase any of those materials and to
 8 bring them into the UK.
 9 Q. I think in your paragraph 54, you list the key
 10 responsibilities, which I'll just read into the record
 11 and invite you to confirm:
 12 "Oversight of the Cyclamen programme, which detects
 13 and deters radiological and nuclear material at the
 14 border;
 15 "Ensuring that the emergency services are trained
 16 and equipped to deal with CBRN emergencies;
 17 "Denying terrorists access to explosives, their
 18 precursors or other materials that might cause harm
 19 (including chemical and biological materials);
 20 "Running a science and technology programme which
 21 supports and pushes forward counter-terrorism and
 22 serious and organised crime policy development and keeps
 23 pace with wider developments;
 24 "Ensuring the provision of necessary capabilities to
 25 analyse evidence associated with a chemical, biological,

1 radiological, nuclear or explosive (CBRNE) event;
 2 "Direct work to enhance our explosives detection
 3 capabilities, such as explosives detection dogs and
 4 screening technologies."
 5 Your next heading is:
 6 "CBRE Protect team role and policy aims."
 7 Can you please just talk us through the summary of
 8 that?
 9 A. That is a team that will create policies and implement
 10 capabilities to stop terrorists buying those materials
 11 or obtaining those materials or materials that could be
 12 parts of making explosives.
 13 Q. Would, for example, events in Manchester in 2017 feed
 14 into that policy team's consideration?
 15 A. Yes.
 16 Q. And did that in fact happen?
 17 A. Yes.
 18 Q. Is there legislation in place regulating what are termed
 19 explosive precursors?
 20 A. Yes. There is EU regulation in place, which, when
 21 we were in the EU we were subject to, and there is also
 22 UK legislation in place, the Poisons Act.
 23 Q. Because it's a relatively contemporary topic, has the
 24 departure from the EU rendered that legislation entirely
 25 obsolete or is there a holding position, ensuring that

1 the objectives of that legislation are still within the
 2 UK legislative framework?
 3 A. The UK legislative framework was wholly compatible with
 4 the EU legislation and it still is. The EU regulation
 5 had changed in February of this year, so since we've
 6 departed the EU, and we are now moving towards further
 7 Poisons Act legislation to enhance our legislation and
 8 also improve, in fact, on the EU legislation.
 9 SIR JOHN SAUNDERS: Can I just clarify that: "compatible
 10 with", is that the same as "the same as"?
 11 A. Same as, yes, sir.
 12 MR DE LA POER: So there was alignment until February of
 13 this year, because the EU changed their regulation in
 14 circumstances where alignment was no longer mandated
 15 within the UK, there is currently a divergence to the
 16 extent that that change creates. But the Poisons Act,
 17 as you've told us, is going to be the UK vehicle through
 18 which further change is made and, you say, in fact
 19 improves upon the change that the EU has made?
 20 A. That's correct, yes.
 21 SIR JOHN SAUNDERS: But they might not agree!
 22 You don't need to answer that, as you're clearly not
 23 going to.
 24 MR DE LA POER: Mr Hipgrave, we're not going to put this
 25 table up on screen or indeed speak to the detail of it,

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1 although it isn't in fact in the form that I have it
 2 redacted as being operationally sensitive, but can you
 3 just confirm in headline form that there are a number of
 4 specified chemicals which, by reference to their weight
 5 or concentration, are the subject of the requirement to
 6 have a licence?
 7 A. That's correct, yes.
 8 Q. So there are a variety of thresholds set within the
 9 legislation, which says if you are to purchase
 10 X chemical at Y concentration, you will require
 11 a licence to do so?
 12 A. Yes.
 13 Q. Is there a statutory obligation on those who sell such
 14 chemicals to ensure that they are only sold to licensed
 15 individuals?
 16 A. Yes.
 17 Q. Is there also a scheme, again which I'm not going to
 18 invite you to go into any detail of, which places upon
 19 those who sell named chemicals that they must report
 20 suspicious activity if they perceive it?
 21 A. Yes.
 22 Q. Was that system in place during the period of late 2016
 23 until May 2017?
 24 A. Yes, it was.
 25 Q. We're not going to go into exactly how that would have

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1 worked in practice. Have there been any changes,
 2 without specifying those changes, to that scheme since
 3 May 2017?
 4 A. Yes, there have.
 5 Q. Do those changes represent further tightening of the
 6 restrictions?
 7 A. It strengthens the restrictions in that it adds another
 8 chemical to it and it also — there's a series of policy
 9 strengthening around engagement and awareness with
 10 industry around their responsibilities for reporting
 11 suspicious activity. It also, in line with other
 12 operational improvement reviews from 2017, creates
 13 a greater collaboration between Home Office and agencies
 14 and partners around the handling of that data and it
 15 also improved the technology that we use to respond to
 16 that data and how we deal with it.
 17 Q. As you will anticipate, I don't seek any detail around
 18 how that will work in practice.
 19 SIR JOHN SAUNDERS: Just before you turn over the pages,
 20 do you have the page where we have this chart?
 21 A. Yes.
 22 SIR JOHN SAUNDERS: Apparently we're not putting that in the
 23 public domain. But if we look at the last one of those
 24 items, which I actually wouldn't spell that way, but
 25 that no doubt is correct.

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1 A. I think you're correct, sir.
 2 SIR JOHN SAUNDERS: Anyway, we are concerned with that in
 3 this case.
 4 A. Yes.
 5 SIR JOHN SAUNDERS: That means, as I understand it, that had
 6 someone attempted to buy that now, it could only come
 7 from a licensed operator; is that right?
 8 A. A purchaser must have a licence to buy that now.
 9 SIR JOHN SAUNDERS: Okay, thank you.
 10 MR DE LA POER: But that wasn't the position then?
 11 SIR JOHN SAUNDERS: No, that has changed from then.
 12 A. Yes, although it was an item that should have been
 13 reported as a suspicious activity report, and it's on
 14 that list.
 15 SIR JOHN SAUNDERS: Thank you.
 16 A. And I think just to be clear, without talking about the
 17 list, the lists aren't exactly identical. Those that
 18 should be reported as suspicious is a much larger list
 19 than those where you need a licence to purchase it as
 20 a member of the public.
 21 MR DE LA POER: Thank you very much indeed, Mr Hipgrave.
 22 Those conclude the questions that I had for you.
 23 Sir, unless you have any further questions at this
 24 stage.
 25 SIR JOHN SAUNDERS: No, thank you.

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1 MR DE LA POER: I do wish to acknowledge that I have taken
 2 that very important topic very shortly. There is more
 3 detail even in your statement than I have adduced from
 4 you, but I hope that it at least provides the public and
 5 anyone else who's watching with a broad understanding of
 6 the various safeguards that are in place. Obviously
 7 you're not here to answer the question directly whether
 8 they were adequate then, but we know that change has
 9 occurred since.

10 A. In this particular area, it is quite right that the
 11 government takes every opportunity and precaution to
 12 regulate the purchase of these materials. But these
 13 materials, some of these materials, are everyday use
 14 materials, and in certain cases we've been able to drive
 15 regulation to distil the percentage purity of them,
 16 which again is work that we do in this area. And in
 17 other cases, because we've made it licensable, we've
 18 driven down the general purchase of these materials, so
 19 there is not as much of that in the public, in sheds and
 20 in different places. But we constantly try and drive
 21 this very important area and we, with the EU, have been
 22 working very much in continuing to strengthen this.

23 I just want to sort of reflect that whilst it feels
 24 that it's a burden on the public in some cases, it is
 25 a really important part of the work we do around

1 Protect, and this inquiry is a very specific reason why
 2 we do that.

3 SIR JOHN SAUNDERS: Can I just -- this is off that
 4 particular topic, but same thing. We know that within
 5 this bomb and what caused most of the damage was large
 6 quantities of bolts packed within there. Is anything
 7 done about that to specifically warn the sellers of
 8 bolts? So if you can't answer it or it's not
 9 appropriate to answer, please do just not answer it.
 10 But we know that Abedi went in and bought very large
 11 quantities simply of bolts, which on the face of it is
 12 quite an unusual purchase, without the screws. Is
 13 anything done to warn people who are selling things like
 14 that to be on the lookout for those sort of suspicious
 15 purchases?

16 A. On one angle, it wouldn't be appropriate for me to talk
 17 about it, but on the point --

18 SIR JOHN SAUNDERS: Please don't say anything that's not
 19 appropriate because you haven't been warned about it.

20 A. On the point that you're talking about, we do have an
 21 anti-terrorist hotline and we are very clear that we are
 22 looking to members of the public to be alert on anything
 23 that is suspicious, so even though we've got regulation
 24 in these chemicals for suspicious activity reports,
 25 it is clear that the police will take any information

1 that people feel alerts them as suspicious. So there
 2 isn't anything necessarily specific in legislation but,
 3 to your point, there is an avenue to report that.

4 SIR JOHN SAUNDERS: Okay, thank you.

5 MR DE LA POER: Thank you very much indeed.

6 Mr Hipgrave, I'm going to turn, please, to Mr Butt
 7 Queen's Counsel on behalf of Counter-terrorism Policing
 8 Headquarters just to see whether he has any questions
 9 arising.

10 (Pause)

11 Sir, can I propose that we leave Mr Butt for the
 12 time being and, no doubt, if he's having technology
 13 difficulties he'll let us know.

14 Can I then please to Mr Atkinson Queen's Counsel on
 15 behalf of the bereaved families.

16 Questions from MR ATKINSON

17 MR ATKINSON: Mr Hipgrave, would it be fair to say that the
 18 areas you've covered, both in fact on your last visit
 19 and this, really have the aim of identifying those who
 20 may be on a path towards terrorism, deflecting them from
 21 that path, and making it harder for them to reach the
 22 end of it?

23 A. Yes, that's one characterisation, yes.

24 Q. So to look at a number of the areas that you've covered
 25 against that background, and starting if I may where

1 Mr de la Poer has left off on the topic of precursors,
 2 as you rightly say, the chemicals that are on both the
 3 list of reportable precursors and regulated precursors
 4 are chemicals that have any number of perfectly
 5 legitimate purposes?

6 A. Yes.

7 Q. So you can't just ban them?

8 A. Yes.

9 Q. So the aim therefore has to be to make it as hard as it
 10 can be for them to get into the wrong hands?

11 A. That's correct, yes.

12 Q. If you have, Mr Hipgrave, that table of substances in
 13 front of you, because it will make it easier for me to
 14 ask you questions without naming chemicals, however
 15 spelt.

16 A. Page 20?

17 Q. Yes. Paragraph 58 {INQ037080/20} if that helps you.

18 The rationale, is this right, is that it's making it
 19 very difficult for people without a legitimate reason to
 20 have those chemical above a certain percentage?

21 A. Yes.

22 Q. The corollary of that is they can get them without
 23 a licence below those percentages?

24 A. Yes.

25 Q. And in those situations, you are dependent on the

1 backstop of reportable explosive precursors and
 2 suppliers identifying a potential suspicion in relation
 3 to a transaction?
 4 A. Yes, but just to be clear around those percentages, and
 5 we continually do this work with the manufacturers,
 6 those percentages are very clear to them. So there
 7 aren't — when they are sold for public consumption,
 8 they are sold for those percentages because it has been
 9 agreed with the manufacturer that they are sufficient
 10 for the legitimate use of those materials. And many of
 11 these are used in certain cleaning materials that
 12 we have worked with the manufacturers to clarify where
 13 are the dangerous levels and what can it still be used
 14 as in its normal daily use below that.
 15 Q. But just following that through, in relation to the
 16 first chemical on the list, you, I'm sure, will be aware
 17 that that chemical was purchased at a percentage not
 18 very far off the one you see on the piece of paper in
 19 front of you. Quite, on the face of it, legitimately
 20 because there was no need for anyone to have a licence
 21 to do it. Isn't there, therefore, scope for there being
 22 a middle category between that which you need a licence
 23 for and that which you don't, where suppliers ought to
 24 be asking more questions before they sell it, that when
 25 it's getting near the licensable level, more care needs

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1 to be taken?
 2 A. It's still reportable at the levels and the
 3 responsibility sits with the retailer to report that if
 4 it has come to the suspicion — and we work with
 5 retailers and engage with them on educating them, with
 6 them, actually, because they are more expert in the
 7 retail of them than we are in that area.
 8 Again, it is quite a difficult area to then create,
 9 "This is an absolute no level, this is an absolutely
 10 reportable and licensable level", and then the middle
 11 bit in between. So I can understand your question
 12 because I think you're looking for opportunities to
 13 close the vulnerabilities, but it is something that we
 14 do look at all the time.
 15 Q. Because if it is in one sense as simple as a yes or no,
 16 "Is it above this level?", therefore you need a licence,
 17 "Is it below that level?", you don't, what potentially
 18 it creates is particular types or brands of that
 19 chemical that are near but not at where you are entirely
 20 dependent on the supplier spotting the suspicious
 21 customer from the non-suspicious one, whereas if there
 22 was that middle category of, "These are the ones where
 23 you need to ask extra questions", it almost flashes up
 24 on their computer, they are more likely to spot it?
 25 A. I'm being quite careful around how these concentrations

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1 have been worked out. In relation to the
 2 concentrations, this is — working with the
 3 manufacturers and our scientists, this is where we've
 4 considered the threshold is. And if it was different,
 5 we would have put them at a different threshold.
 6 In relation to the retailers, we will continue to
 7 work with them to make it a lot clearer and easier for
 8 them to understand and acknowledge what is suspicious
 9 and what isn't suspicious.
 10 Q. We'll hear next week from Mr Scally on this topic,
 11 amongst others, and he in his statement identifies the
 12 kind of indicators that the Home Office guidance
 13 in relation to the Poisons Act flag up for retailers and
 14 suppliers, including things such as whether the customer
 15 has tried to buy things like this and been refused
 16 before. Clearly, unless they've tried to buy those
 17 things from that particular supplier before, they may
 18 not know.
 19 A. Yes.
 20 Q. But if they are dealing with somebody who's tried to buy
 21 something that's near but not quite at a licensable
 22 level, the more questions they could ask, such as, "Have
 23 you tried to buy this before?", they may not get the
 24 right answer, but...
 25 A. Mr Scally will mention this. In our engagement and

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1 sessions with retailers, we do promote more questioning,
 2 reasonable questioning like that and around the purchase
 3 of any of these chemicals.
 4 Q. The last chemical on the list that you have in front of
 5 you, the one with the interesting spelling, at the time
 6 that we are concerned with was not on the regulated
 7 list, was it?
 8 A. No.
 9 Q. Hindsight is a wonderful thing, but do you agree that it
 10 should have been?
 11 A. Well...
 12 Q. Given the development of the kinds of explosives that
 13 we are now having to grapple with, was it not beyond
 14 time that it should have been?
 15 A. In hindsight, yes, because we amended that in 2018 and
 16 put it on the list.
 17 Q. You may recall that the Intelligence Security Committee
 18 of Parliament, when they considered the events of 2017,
 19 received evidence from Counter-terror Policing that the
 20 precursor regulation at that time was still very much
 21 based on the experiences this country had during
 22 the Troubles in Northern Ireland —
 23 A. Yes.
 24 Q. — the type of explosives then being used and how you
 25 regulated those, rather than how things had moved on,

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1 both in terms of where threats were coming from and also
 2 what was being used to carry out those threats since.
 3 Do you agree there's a need for these lists to be
 4 reviewed against that background more often?
 5 A. Yes, and that's accurate and people would know with
 6 those memories that the threat from explosives was
 7 a different type of explosive back then and these are
 8 more chemically made explosives. That is why we are
 9 just about to go out and consult for a new Poisons Act,
 10 which will include additional chemicals that we would
 11 consult on, amongst other things as well, for new
 12 legislation in this area.
 13 Q. Will consideration also be given there to how frequently
 14 the lists should be reviewed to ensure that they are
 15 keeping up to date with the explosives of choice of
 16 those who want to use them?
 17 SIR JOHN SAUNDERS: It needs to be, doesn't it, proactive
 18 rather than reactive?
 19 A. Yes.
 20 SIR JOHN SAUNDERS: So we shouldn't be waiting for them to
 21 be used and putting them on list, we should be
 22 anticipating they may be used?
 23 A. Yes, and the way the policy works is we are constantly
 24 doing that, but balancing the everyday use of certain
 25 materials against the regulated — the regulation of

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1 them and within the consultation that is certainly one
 2 of the areas that could be responded to about the
 3 regular review of which chemicals, when and how.
 4 Additionally, in the consultation, we are looking to
 5 create greater conformity around how manufacturers and
 6 retailers comply with the regulation.
 7 MR ATKINSON: Is one of the challenges in relation to that,
 8 again looking at how things have moved on since
 9 the Troubles, that a good many of the retailers we are
 10 now talking about are not someone standing behind
 11 a counter, they are a computer system dealing with
 12 orders over the internet?
 13 A. Yes.
 14 Q. And there's, if anything, more need for people to be
 15 able to give the right answers to the right questions
 16 before they buy things online if that system is to work,
 17 would you not agree?
 18 A. And again, as retail has developed, we have — there is
 19 still a physical entity, in this country anyway, that we
 20 work with around the selling of this material, even
 21 online or in person. They still have to adhere to the
 22 same regulations. In addition, in the consultation,
 23 we will be consulting more on marketplaces. So
 24 historically, you would buy your material directly from
 25 a retailer but now there are different marketplaces that

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1 actually act as a market and they buy from the retailer,
 2 so we are also considering those as well.
 3 Q. Because effectively, if you're buying things from
 4 a well-known online supplier of almost anything, that
 5 could be delivered from anywhere in the world to you in
 6 next to no time and therefore from a country which may
 7 have a completely different approach to precursors to
 8 that which we are trying to maintain here. Isn't there
 9 always the risk that that makes our system vulnerable?
 10 A. And we are looking to strengthen that, yes.
 11 Q. Staying with borders, but moving on to a different
 12 topic, and that's of travel monitoring and powers of
 13 restriction. Clearly, schedule 7 of the Terrorism Act
 14 is designed to empower those dealing with those coming
 15 in and out of the country to question those in relation
 16 to whom there is a suspicion as to their terrorist
 17 inclinations.
 18 SIR JOHN SAUNDERS: Are you happy to deal with this?
 19 A. Yes, this is my area and I was informed about this, sir.
 20 SIR JOHN SAUNDERS: Good. Sorry, I should not have doubted
 21 that.
 22 A. Could I just qualify that it's whether it's necessary to
 23 use those port powers. I think you used the words "if
 24 there is reasonable suspicion".
 25 MR ATKINSON: Yes, in fact it's a lower test than I think

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1 I summarised it as. You are quite right. But the
 2 purpose of that, just so we understand, it's not to just
 3 randomly stop anyone because you're having a dull
 4 afternoon, it's to check in relation to people where you
 5 consider it necessary to do so, where they're going,
 6 what they're doing, but also to see what they have with
 7 them?
 8 A. Yes.
 9 Q. And that, particularly in this day and age, includes any
 10 devices, such as phones, they are carrying with them,
 11 which can hold a multitude of information?
 12 A. That's correct.
 13 Q. And that power does exist?
 14 A. Yes.
 15 Q. And is used?
 16 A. Yes.
 17 Q. Would you agree that for that system to have real value,
 18 it needs not to be an end in itself but a stage in
 19 a process of informing those who are trying to keep us
 20 safe about those who may be posing a risk to our safety?
 21 A. Yes.
 22 Q. So it is not enough to note that someone has material on
 23 their phone that might suggest a terrorist ideology,
 24 something needs to be done with that?
 25 A. To get clearer answers on that and that process, I think

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1 Mr Scally would be the better person to speak to, and
 2 I think it's in his statement about port powers anyway,
 3 because it is approved CT police officers who actually
 4 do those port powers.
 5 Q. But certainly would you agree, because certainly it's in
 6 your statement and you deal with this as a topic, that
 7 a rationale surely for the value of such significant
 8 powers existing is that they are not an end in
 9 themselves, they are a way of protecting people, using
 10 information that's gained as a result of stopping
 11 someone?
 12 A. Yes, absolutely, yes.
 13 Q. We will await Mr Scally further in relation to that --
 14 SIR JOHN SAUNDERS: Before you leave the topic, I may have
 15 got this wrong but my reading indicated to me that the
 16 use of a Schedule 7 port stop has decreased
 17 significantly .
 18 A. From the latest statistics that have been released, yes,
 19 because travel has decreased.
 20 SIR JOHN SAUNDERS: Okay. That's the only reason why it
 21 appears to have gone down, is it?
 22 A. Certainly on the latest figures. Air travel -- well,
 23 travel writ large (overspeaking) --
 24 SIR JOHN SAUNDERS: I can see that, yes, thank you.
 25 MR ATKINSON: Staying with things on people's phones,

1 clearly there are real challenges in relation to any
 2 project that is designed to steer people away from
 3 radicalisation, that there is this huge library of
 4 potential radicalisation accessible from any phone or
 5 any laptop on the internet, and that is recognised, for
 6 example, in the Prevent review, which identified the
 7 challenges that the internet poses to the Prevent
 8 process.
 9 There are offences under the Terrorism Act that
 10 criminalise the possession of material likely to be
 11 useful to a person committing or preparing an act of
 12 terrorism, but not a comparable offence simply for
 13 having that material in their possession. That's
 14 something that the Commission for Countering Extremism
 15 deals with in its report, it's something that the
 16 independent reviewer of terrorism legislation has
 17 recently dealt with in his most recent report.
 18 Is that something that government is looking at,
 19 whether there should be an offence of possessing
 20 material that glorifies or promotes terrorism?
 21 A. So both reports have been published and both are with
 22 the department. We have the Online Harms Bill, which is
 23 currently in pre-scrutiny stage in Parliament, where
 24 much of this is being looked at. Whether that specific
 25 piece of legislation is about to happen, I don't think

1 I can answer that, actually.
 2 Q. Because for example, what the Commission for Countering
 3 Extremism is suggesting, and this is something that was
 4 flagged up by the Chief Coroner in the context of the
 5 London Bridge Inquests, was an offence of possessing
 6 matter which glorifies or encourages terrorism along the
 7 same lines as comparable offences in relation to
 8 indecent images of children and matters of that sort.
 9 Clearly, there would need to be exceptions built
 10 into that in the same way that there are with other
 11 comparable things, but is that not a way of addressing
 12 people getting their hands on and keeping radicalising
 13 material?
 14 A. Online radicalisation and radicalising material
 15 certainly is a significant challenge and there are
 16 different thresholds currently under terrorism
 17 legislation on how we and where we can prosecute that.
 18 I can't answer specifically whether that will or won't
 19 happen. It will be under consideration.
 20 SIR JOHN SAUNDERS: Can I just in relation to the question
 21 you asked there -- I am not convinced at the moment,
 22 while not saying about whether the offence would be
 23 a good idea or not, that's not a matter I'm likely to
 24 deal with, but I don't think it is analogous to
 25 possessing indecent images on a phone, but we can

1 discuss that at a later stage if need be. Possessing
 2 indecent images indicates an offence has already been
 3 committed, so I think there is a difference there. It
 4 obviously does raise problems with freedom of speech and
 5 things like that.
 6 MR ATKINSON: Clearly, sir, you'll be aware, for example, of
 7 Ismail Abedi's phone, what was found on that, and so the
 8 families are keen to --
 9 SIR JOHN SAUNDERS: I understand that and I understand the
 10 justification for such legislation .
 11 MR ATKINSON: Can I move on again in relation to
 12 legislation, and this is the definition of extremism.
 13 We at the inquiry have a number, now, of different
 14 definitions. There's the government's one, which is:
 15 "Vocal or active opposition to fundamental British
 16 values, including democracy, the rule of law, individual
 17 liberty and mutual respect and tolerance of different
 18 faiths and beliefs."
 19 We have that which was read by Mr de la Poer earlier
 20 from the Commission for Countering Extremism, which was
 21 more of an in-group and out-group -- Matthew Wilkinson,
 22 the expert on radicalisation, in his report talks about
 23 the difference between us and them and hostility towards
 24 them and dehumanising of them.
 25 So both his approach and that of the Commission is

1 very much focusing not on the values of any particular
 2 country but of a hostility of one group and the
 3 dehumanising of another. Again, is that an area that is
 4 kept under review as to whether the definition of
 5 extremism actually works?
 6 A. The whole of hate crime policy area is constantly under
 7 review and that is why the Home Secretary set up the
 8 Countering Extremism Commission, which is still in place
 9 now and a new chair of that is being recruited. So it
 10 will continually be under review and those reports that
 11 you described have been noted by the Home Secretary and
 12 are being considered by the department as we move
 13 forward with that policy area.
 14 Q. So then to Prevent. And the objectives of Prevent as
 15 a strategy are to identify those sources of ideology
 16 that are leading people towards extremism, to prevent
 17 the vulnerable from being led there by them, and
 18 crucially to those two, the third objective, which is to
 19 ensure a multi-agency response to those problems?
 20 A. Yes, it is one of the means to achieve those objectives,
 21 a multi-agency response, yes, and that's why the
 22 multi-agency centres were set up post-2017.
 23 Q. An important role in that process is played by local
 24 authorities and do we understand from your evidence this
 25 morning that really a good deal of the responsibility

1 for managing the Prevent process is put on, in terms of
 2 a coordinating role, on local authorities?
 3 A. So in the Dovetail pilot, which is being rolled out,
 4 more responsibility is put on to the local authorities,
 5 yes.
 6 Q. In the pre-Dovetail and therefore also pre-arena attack
 7 period of time, was that the case in relation to those
 8 areas that were priority areas for Prevent, that there
 9 was more responsibility on local authorities?
 10 A. Manchester was a pilot area or the north-west was
 11 a pilot area. The local authorities have responsibility
 12 under the Prevent duty as a statutory authority and are
 13 a key partner in the Prevent aspect, as in the voluntary
 14 referrals through to Channel, part of the Channel panel,
 15 aspect of it. So Manchester did have a focus as
 16 a priority area with funding for the local authority
 17 through Prevent.
 18 Q. Manchester had been identified as an area that should be
 19 a priority area when the Prevent review took place in
 20 2011 and it became a priority area in 2012; is that
 21 right?
 22 A. Yes.
 23 Q. We understand from Witness X, now J's, statement that
 24 Manchester's security profile under the general banner
 25 of the severe level identification of the risk of

1 terrorism by JTAC had last been addressed in 2010. Is
 2 there any connection between that JTAC assessment of the
 3 risks posed in Manchester to its prioritisation under
 4 Prevent?
 5 A. Manchester wasn't the only prioritised area in 2017.
 6 There were several priority areas. I do not know the
 7 answer if there was a relation between that JTAC report
 8 in 2010, no. I do know that there are a variety of
 9 metrics around threat and risk that the teams will work
 10 with to identify priority areas.
 11 Q. In answer to a question from Mr de la Poer this morning,
 12 you indicated that which is clearly right, which is that
 13 anyone can refer someone to Prevent, and do we
 14 understand that the process is that anyone can start
 15 that process off and there are then the processes in
 16 place, the assessments in place within the
 17 Channel programme to identify whether this is someone we
 18 need to be dealing with or not?
 19 A. Yes. So it would go to the police who provide a gateway
 20 review on whether that then goes on to a Channel panel
 21 and then the process of the panel on whether then
 22 someone goes into Channel.
 23 Q. So the role of the police at that early stage in that
 24 process is what?
 25 A. To review the referral and then based on information

1 they hold or they collect from the partners, whether
 2 that referral then goes towards the Channel panel.
 3 Q. Firstly, it's not just that they can review what is sent
 4 to them as a result of a member of the public, for
 5 example, or a school saying, "We think this person needs
 6 looking at", it's not just considering what they've been
 7 given, it's looking at what they also know about that
 8 person to feed that in?
 9 A. Yes, and I think Mr Scally would be the best person to
 10 be able to describe the processes and systems of how
 11 that happens.
 12 Q. In terms of being able to use that wider pool of
 13 potential intelligence, would that not also apply to the
 14 security service, being able to put what they know more
 15 generally into whether someone ought to be referred to
 16 Prevent or not?
 17 A. In which contexts? So the multi-agency centres, which
 18 have since been set up, have been a closer hub where the
 19 security services and the police can share information
 20 around taking forwards Prevent work. Exactly where
 21 in the process --
 22 Q. Let's take a couple of potential scenarios and see if
 23 this is something that's part of how Prevent should have
 24 worked then, taking account of what changes there have
 25 been since.

1 If someone is referred to the Prevent process by
 2 their school, the police will become involved to
 3 indicate whether they know anything more about that
 4 person that may inform that process. Is there any
 5 reason why the security service should not become
 6 involved at that stage as well?
 7 A. In pre-2017? I think it's clear from many of the
 8 reviews post-2017 that there needs to be a strengthening
 9 of the data sharing between the police and the security
 10 services. In regards to 2017, how much that happened in
 11 how many cases, I can't answer that. That's probably
 12 questions for both Witness J and Mr Scally.
 13 Q. But certainly in principle, where an investigative
 14 agency, an agency in possession of intelligence, has
 15 information about someone that might influence whether
 16 they be referred to Prevent or not, it's of value that
 17 that's shared?
 18 A. And it's key that, where possible, information is shared
 19 to make a better and better informed decision about
 20 progressing a particular line like that, a Prevent
 21 referral. And I think that came out in lots of the
 22 reviews afterwards.
 23 Q. Just this, and of course we will ask Messrs J and Scally
 24 about this as well, no good reason why they shouldn't
 25 share that to help the Prevent process work in general?

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1 There may be particular cases where there are particular
 2 sensitivities, but in general, information sharing ought
 3 to happen?
 4 A. And we've been very careful around sharing between
 5 CT Police and the intelligence services. There are
 6 sensitivities that we all should be aware of that
 7 sometimes make sharing not as easy. So it's clear,
 8 post-2017, and the lessons we've learned, that where
 9 possible, data sharing should happen around Prevent.
 10 Q. Is that process at the early stage, starting someone on
 11 the path towards Prevent as opposed to the path towards
 12 terrorism, is it possible for there to be controls over
 13 what use is made of the information that starts that
 14 process off? Do you have to give the person who is
 15 being referred to Prevent chapter and verse as to why
 16 they are there?
 17 A. That's more an operational decision and process. From
 18 a policy point of view, I would prefer that the
 19 operational witnesses answer those questions.
 20 SIR JOHN SAUNDERS: Would all the people on the committee
 21 which deals with the reference have the necessary
 22 security clearance to deal with information coming from
 23 the security service?
 24 A. On the Channel panel?
 25 SIR JOHN SAUNDERS: Yes.

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1 A. I don't know exactly, sir. I would doubt it.
 2 SIR JOHN SAUNDERS: Thank you.
 3 MR ATKINSON: Can you have Channel panels that have a level
 4 of clearance that other Channel panels don't?
 5 SIR JOHN SAUNDERS: It must be possible.
 6 MR ATKINSON: Or is that an operational decision that we
 7 should ask others about?
 8 A. It will be an operational decision.
 9 Q. Then we will ask them.
 10 A. And the Channel panels are locally engaged, so it's
 11 relevant to areas, not that there's a national
 12 Channel panel that can cover the whole of the country.
 13 Channel panels are generally located in the regions and
 14 areas.
 15 Q. So the input would come from police within that local
 16 area?
 17 A. Yes.
 18 Q. And the police would have their own methods of control
 19 over information and protection of information, which
 20 they could consider?
 21 A. Yes.
 22 Q. In terms of other sources of referrals, the Prevent
 23 revised strategy post-review addresses in terms the role
 24 of schools and universities in relation to that process,
 25 and, in relation to schools, identifies that just as

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1 schools have to be aware to risks from drugs, from
 2 alcohol, from gangs, so they should be aware of the risk
 3 of radicalisation. What is the expectation from that,
 4 that teachers will be trained in how to spot these
 5 things or there will be people in schools more
 6 specifically that will do that?
 7 A. So it's a cascading of awareness and training down to
 8 all the public authorities, but to schools, there would
 9 be, dependent on the school, a safeguarding officer in
 10 some cases. Teachers would do Prevent training -- my
 11 wife is a teacher, she's just done her Prevent training
 12 in a primary school, so it would cascade down to lots of
 13 different levels.
 14 Q. And presumably, equally, at university level, the
 15 cascading of awareness and an easy route so that anyone
 16 who becomes aware can take to alert the necessary
 17 authorities to what needs to happen in relation to
 18 someone?
 19 A. Yes, so primary, secondary and higher education, yes.
 20 Q. And as with tackling problems such as abuse, gangs and
 21 the like, there is a very real role, is there not, for
 22 any such educational establishment in spotting early
 23 problems and taking the necessary steps to address them?
 24 A. Certainly in relation to terrorism there is
 25 a safeguarding role, but there's a Prevent duty as well.

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1 In relation to other areas, I'm not sure there is
 2 a similar duty, but there is certainly a responsibility .
 3 Q. I wonder, Mr Lopez, if we could go to {INQ023874/12}.
 4 It's the first paragraph at the top left .
 5 This is the Channel process and paragraph 36. Do we
 6 understand that once someone has been referred to
 7 Prevent, the first stage of the Channel process
 8 in relation to them is identifying whether they are the
 9 kind of vulnerable individual that the Channel process
 10 is there to help?
 11 A. One of the stages, yes.
 12 Q. Certainly in the Channel process description within the
 13 guidance, it's the first part of it . It says at
 14 paragraph 36:
 15 "There is no single way of identifying who is likely
 16 to be vulnerable to being drawn into terrorism. Factors
 17 that may have a bearing on someone becoming vulnerable
 18 may include peer pressure, influence from other people
 19 or via the internet, bullying, crime against them or
 20 their involvement in crime, anti-social behaviour,
 21 family tensions, race/hate crime, lack of self-esteem or
 22 identity and personal or political grievances."
 23 Those are clearly factors that it's identified
 24 Channel will have in their minds in identifying people.
 25 Are they also factors that those other institutions

1 we've just been talking about should have in their minds
 2 as potential triggers that they see someone who is
 3 vulnerable in these ways expressing themselves in terms
 4 that suggest an affinity with terrorism or associating
 5 with people who have that affinity coming to their
 6 attention therefore as someone who ought to be looked
 7 at?
 8 A. So the guidance is there to support, in this case,
 9 educational establishments and provide some criteria or
 10 support or help. It is very different how that
 11 manifests itself . For educational professionals , for
 12 someone to identify a vulnerability of being drawn into
 13 radicalisation , and there is no perfect single way of
 14 doing that.
 15 Similarly , policing , in the same way as other
 16 authorities , has a responsibility to identify anyone
 17 they believe are vulnerable to being drawn into
 18 radicalisation , and one of the routes to respond to
 19 that is to refer them to Prevent.
 20 Q. Thank you, Mr Lopez, that can come down.
 21 So would you agree that it's always something, to
 22 use a word we have heard a lot in recent times in this
 23 inquiry, a question of mosaics, of looking at the
 24 different pieces of information that you have about
 25 someone and what those could indicate about them and

1 what steps could therefore be necessary to help them?
 2 That's what Prevent and that process is designed to do,
 3 is it not?
 4 A. In relation to that, yes. Channel — coming back to my
 5 earlier evidence — is a voluntary programme. So in
 6 steps terms, someone first of all has to identify
 7 behaviour that they believe that that person has been
 8 drawn into terrorism or radicalisation . Then the
 9 process starts and they refer that into the system. So
 10 there is no one single route that is consistently , "This
 11 is a standard Channel referral, stick to all these
 12 criteria and that person should go into Channel", it is
 13 complex and it's challenging and it's difficult .
 14 MS MCGAHEY: I'm so sorry to interrupt the evidence. There
 15 is a concern about something that has been said as to
 16 whether it may engage sensitivity, so I wonder whether
 17 I could ask you to rise for a few moments so we have
 18 a chance to consider it . Thank you.
 19 SIR JOHN SAUNDERS: Certainly, absolutely.
 20 MS MCGAHEY: I'm grateful.
 21 (3.11 pm)
 22 (A short break)
 23 (3.42 pm)
 24 MR GREANEY: Sir, there are some issues that it was
 25 necessary for me to deal with. The first one is that,

1 sir , as you know, two issues have been raised today
 2 about matters that potentially ought not to be reported.
 3 We are very grateful to Ms McGahey and her client for
 4 considering the issue so carefully . Nothing that has
 5 been said so far today cannot be reported.
 6 SIR JOHN SAUNDERS: You're doing well, Mr Hipgrave!
 7 MR GREANEY: I know Mr Atkinson has just one or two
 8 additional issues to deal with.
 9 MR ATKINSON: Two final things. First, Mr Hipgrave, clearly
 10 another area of the Prevent process that has real
 11 importance is in terms of tackling potential
 12 radicalisation within the prison system. That's not
 13 something I'm going to ask you about because Mr Mott is
 14 coming to deal with that, but that is an important area
 15 of the process, would you agree?
 16 A. Yes.
 17 Q. Finally, in relation to the Channel process, having gone
 18 beyond the stages of identifying whether someone is
 19 a vulnerable individual who ought to be helped by the
 20 Channel process and them agreeing to participate in the
 21 process, at the other end of it there are then the range
 22 of supports that can be put in place as a way of helping
 23 them and helping, if appropriate, not just them but
 24 their families as well because there are the family
 25 support contact processes that can be put in place?

1 A. Yes.
 2 Q. And thereafter monitoring them, so having contact with
 3 them, seeing how they're getting on every 3 months, or
 4 whatever is deemed to be appropriate, thereafter to see
 5 if the support is working?
 6 A. Yes, but it ... I mean, within... So there's a 6-month
 7 review and a 12-month review. I mean, don't be under
 8 any impression Prevent is, "Here's a load of things
 9 you're doing, go away and do them". Within that
 10 programme there is engagement with the intervention
 11 providers, not at set times but just periodically, yes.
 12 Q. Because clearly, it is not enough to identify a risk of
 13 someone heading off down the wrong path, but even if --
 14 and my metaphors will no doubt get confused -- but even
 15 if you need to make sure thereafter that they're still
 16 going the right way rather than turning off again?
 17 A. Yes.
 18 Q. And the Channel process is designed to help with that?
 19 A. Yes, but as explained in my evidence--in--chief, there are
 20 times when you have completed the Channel programme and
 21 you are out of the Channel programme.
 22 Q. So that may not a quick fix?
 23 A. No.
 24 Q. And often presumably will not be?
 25 A. No, there is no set time period per person.

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1 Q. And presumably, as with many of these things, the
 2 earlier in their journey that you pick them up, the more
 3 likely you are to get them back on to the straight and
 4 narrow?
 5 A. I don't know definitively, but that sounds like common
 6 sense.
 7 MR ATKINSON: I shall quit while I'm ahead on that.
 8 Thank you very much, Mr Hipgrave?
 9 MR GREANEY: Next, Mr Cooper, please.
 10 SIR JOHN SAUNDERS: Just before you do that, just looking on
 11 my telephone on the BBC News coverage at the moment,
 12 there's a great deal going on at the moment in relation
 13 to online material. I think that's been discussed in
 14 the House of Commons this afternoon and a promise that
 15 a new bill will go through by Christmas, so you could be
 16 busy.
 17 A. The Online Harms Bill, sir?
 18 SIR JOHN SAUNDERS: Yes, and cooperation between both main
 19 political parties on that. And also clearly there was
 20 going to be an intense discussion on Prevent now, which
 21 will no doubt go on for several months. So your
 22 evidence could have changed within minutes of leaving
 23 here, but thank you.
 24 A. Thank you.
 25 SIR JOHN SAUNDERS: Mr Cooper.

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1 Questions from MR COOPER
 2 MR COOPER: Thank you, sir. I just want to get some
 3 clarification, please, on the Prevent duty or the lack
 4 of it in relation to religious institutions. That's
 5 really what I'm focusing on. I think you told us
 6 earlier that, for instance, religious institutions and
 7 mosques, for instance, are not subject to the Prevent
 8 duty; is that right?
 9 A. That's correct.
 10 Q. Why is that?
 11 A. Because when the Prevent duty was legislated it was
 12 considered it would be more straightforward to legislate
 13 for statutory authorities, public authorities, local
 14 authorities, education, health, et cetera, and then
 15 provide additional awareness and support training. For
 16 those that fall outside that, it is a voluntary referral
 17 system under Prevent.
 18 Q. One of the matters I know that the chair is always
 19 vigilant about is lessons learned and ideas for the
 20 future to do what we can to make sure atrocities such as
 21 this don't happen again. Is there a case for
 22 consideration perhaps for bringing in religious
 23 institutions, not just focusing on mosques, but
 24 obviously it's relevant as far as this inquiry is
 25 concerned, bringing religious institutions within the

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1 Prevent duty?
 2 A. I'm sure that the Prevent review has considered all
 3 aspects of Prevent, including those that are subject to
 4 the duty.
 5 Q. Good. And do you know whether there is ongoing
 6 consideration or whether there might be -- might it be
 7 a good idea for further consideration? What's your
 8 view? Do you think perhaps we should be looking
 9 a little more closely about including religious
 10 institutions, including mosques --
 11 SIR JOHN SAUNDERS: Sorry, Mr Cooper. First of all, would
 12 you be prepared to mention to your counterpart in the
 13 Home Office, whoever is dealing with that review going
 14 on, what has been raised about the consideration of
 15 religious institutions being brought into it?
 16 A. Yes, sir. They are listening in to this.
 17 SIR JOHN SAUNDERS: Right. I think in those circumstances,
 18 it may be a bit unfair to the witness to ask him to
 19 express a personal view about it unless you really want
 20 him to do so. He might be reluctant to do that.
 21 MR COOPER: I don't want to press him if he's reluctant. My
 22 main objective is to --
 23 SIR JOHN SAUNDERS: That was me, he hasn't said he's
 24 reluctant yet, but I am just offering him the
 25 opportunity if he thinks someone else is going to be

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1 dealing with it at the Home Office.
 2 A. I just don't think it's appropriate that responding as
 3 a corporate witness, that I put my opinion on whether
 4 religious institutions should be subject to the Prevent
 5 duty.
 6 SIR JOHN SAUNDERS: Okay, fair enough. But it's being
 7 looked at, so --
 8 MR COOPER: Thank you, sir.
 9 Religious groups certainly sit on multi-agency
 10 panels, don't they?
 11 A. In relation to Prevent?
 12 Q. Yes. To deal with whether a case is sent to Channel.
 13 A. I am not sure.
 14 Q. Can I suggest to you that they do. Religious groups sit
 15 on multi-agency panels which determine whether a case is
 16 sent to Channel, along with the AHS(?) and the police.
 17 Do you know --
 18 SIR JOHN SAUNDERS: You're obviously reading that from
 19 somewhere. Could I know where the quote comes from?
 20 MR COOPER: It's not so much a quote, it's just that I've
 21 been given. I can get it clarified from my instructing
 22 solicitor from whom the instruction comes.
 23 SIR JOHN SAUNDERS: Do you know?
 24 A. I don't, sir.
 25 MR COOPER: Could it be something you might, subject to the

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1 chair's view on the matter -- could you perhaps try and
 2 find out for us why it might be that religious groups
 3 sit on multi-agency panels which determine whether
 4 a case is sent to Channel but are outside of the Prevent
 5 duty?
 6 A. We will certainly provide you information on, first of
 7 all, whether that is actually a fact and then the
 8 reasons for that, yes.
 9 SIR JOHN SAUNDERS: Thank you.
 10 MR COOPER: Do you know of the existence of multi-agency
 11 panels? Have you heard of them before?
 12 A. In relation to Prevent?
 13 Q. Yes.
 14 A. Yes.
 15 Q. And is there a criticism of them, perhaps, that they
 16 might be, my words, too soft and don't refer enough
 17 cases? Do you know of any criticism in that respect
 18 in relation to them?
 19 SIR JOHN SAUNDERS: Mr Cooper, again I think this may be
 20 a matter for the other -- I'm sorry to be difficult
 21 about it. Mr Shawcross is looking into it and
 22 apparently this is being heard by them as well, so
 23 having heard it from you, no doubt they'll look into it.
 24 Is that the answer you might have given?
 25 A. The truthful answer is (overspeaking) the front page of

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1 The Times 2 days ago, I can see that there is criticism
 2 of it. But whether -- I am not answering
 3 (overspeaking).
 4 SIR JOHN SAUNDERS: You can't!
 5 MR COOPER: I only ask the question now, sir, because if
 6 I don't it may be said, fairly perhaps, that I should
 7 have put it to this witness.
 8 SIR JOHN SAUNDERS: They're being picked up so that's
 9 absolutely fine and there is more criticism from the BBC
 10 today of the Prevent duty.
 11 MR COOPER: I'll move on from there.
 12 On the subject, though, of those that are not
 13 subject to the Prevent duty, such as religious
 14 institutions and indeed members of the public, we rely
 15 on them to recognise individuals who are radicalised; is
 16 that right?
 17 A. For a referral or recognise ... or they have some
 18 concerns about people who they feel are being drawn into
 19 terrorism.
 20 Q. Mr Atkinson took you through a document which guides
 21 educational establishments, for instance, who are within
 22 the duty to refer, as to what they should look for. And
 23 you'll remember things like peer pressure, bullying,
 24 crimes against them, anti-social behaviour, family
 25 tensions and that sort of thing, sensible things to

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1 guide educational establishments. But is any guidance
 2 at all given, for instance, to those outside the Prevent
 3 duty who can still refer, such as religious institutions
 4 or members of the public?
 5 A. There is awareness on the dot gov website around
 6 Prevent. There is support from some of the intervention
 7 providers, especially in the priority areas where they
 8 can provide workshops. Granted, it may be that many of
 9 those are dealing with public authorities, but there is
 10 general communication and awareness. But there is
 11 generally the common sense attitude that people have the
 12 opportunity to feel concerned, that they are seeing
 13 someone that is behaving in a way that concerns them,
 14 and then there is this route through to the police or
 15 local authority where they can address that concern and
 16 refer.
 17 Q. Don't you think that might be a little bit too woolly,
 18 if I can put it that way? Should there not be guidance
 19 to people outside the Prevent duty, I'm not criticising
 20 the guidance within it, but those outside the Prevent
 21 duty, like religious establishments, like members of the
 22 public, such as to what look for and what to spot?
 23 A. As previously explained, for religious establishments
 24 there are regional coordinators and intervention
 25 providers who are able to provide workshops and advice

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1 to religious establishments and other community groups.
 2 That is available and that communication is available.
 3 Q. I want to press you a little further on this. Should
 4 there not be more of a proactive attitude to religious
 5 establishments, not simply saying there are workshops
 6 available, but simply direct communications with elders
 7 or imams, with priests, I'll widen the religious
 8 perspective, saying, "Watch out for these things, you're
 9 not within the Prevent duty, so you may be out of the
 10 loop, watch out for these things"? Why can't that be
 11 done?
 12 A. There are those mechanisms in place.
 13 Q. Oh right.
 14 A. I think your question is, is it sufficient, do they need
 15 strengthening, and we would always support challenge and
 16 areas where we could provide greater communications and
 17 strengthen those communications. We'd absolutely strive
 18 to do that.
 19 Q. Good. And is this an area where you think you should?
 20 A. I don't specifically have an answer for that.
 21 I wouldn't say necessarily that there is only one sector
 22 where we should work harder. I think generally, for
 23 those people who are not under the duty, we should be
 24 providing as much support, communication and awareness
 25 as possible for the signs that would make them concerned

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1 and showing them the routes for referral.
 2 Q. I've danced around this too long. Not enough help is
 3 being given, for instance, to religious institutions to
 4 spot people that may well be of concern, is it?
 5 A. I wouldn't agree with that, Mr Cooper.
 6 Q. Right. There it is. I'm putting it to you now --
 7 SIR JOHN SAUNDERS: Again, and again, no doubt if this is
 8 being listened to by people who are actually looking at
 9 the Prevent duty, it's something no doubt they will
 10 consider as well.
 11 MR COOPER: Radicalisation, for instance, in the document
 12 that we've seen, {INQ035276/24}, is simply described as:
 13 "The process by which a person comes to support
 14 terrorism and extremist ideologies associated with
 15 terrorist groups."
 16 It's a pretty general description of radicalisation,
 17 isn't it? That's the definition, that's it:
 18 "The process by which a person comes to support
 19 terrorism and extremist ideologies associated with
 20 terrorist groups."
 21 There's no definition of the process. What is the
 22 process? Perhaps that should be explained in this
 23 document. What do you think?
 24 A. Which document, sorry?
 25 Q. Let's have a look at it. {INQ035276/1}, please. This

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1 was produced with your statement at {INQ029823/1}.
 2 If we go to {INQ035276/24}.
 3 A. So the Prevent duty guidance?
 4 Q. Yes. All I can say is my document appears to be
 5 different here. There it is, I see it, sorry, sir, it's
 6 the third column, glossary of terms. Radicalisation,
 7 the penultimate definition.
 8 A. So that is the definition and you're asking where is the
 9 description of the process to radicalisation?
 10 Q. Yes.
 11 A. Okay.
 12 Q. Can you help me?
 13 A. I can't help on this document. What that process is...
 14 I think the document, the Prevent duty guidance, is
 15 about identifying those signs and helping support those
 16 people who are under the duty, those signs for someone
 17 who is vulnerable to radicalisation.
 18 SIR JOHN SAUNDERS: Okay, so this is a glossary of terms, so
 19 it's the meaning of what radicalisation means within
 20 this document and all we will need to do, and no doubt
 21 someone can do, is look through the whole document to
 22 find out whether the process by which that occurs is
 23 actually set out somewhere in it. I'm not a person who
 24 can answer that.
 25 MR COOPER: All I'm trying to do, sir, is trying to make

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1 sure there's information to assist those that are not
 2 under the duty that's available to them, that's all.
 3 SIR JOHN SAUNDERS: I understand but it may be if you look
 4 in the glossary of terms, that's what you'd expect under
 5 a definition of radicalisation. The process, one would
 6 hope, would be somewhere in the body of the document.
 7 MR COOPER: That may be so. I'll move on from the point.
 8 I think I've taken it as far as I can and obviously any
 9 assistance Mr Hipgrave can give you, that would help.
 10 As far as the school duty to report is concerned,
 11 you have helped us describing that. Who is under the
 12 ultimate referral responsibility in schools? For
 13 instance, when there's a duty to refer, for instance,
 14 for money laundering with lawyers and solicitors,
 15 there's a named person who must refer it. In relation
 16 to schools, reporting to Prevent, is there a named
 17 officer at the school or a named individual that has
 18 that duty?
 19 A. So the education authority for the local authority is
 20 under that duty and the staff within it. It's different
 21 depending on the school. Some schools have safeguarding
 22 officers who would have that responsibility and for
 23 others it may be a different person. I don't know
 24 whether certain local authorities have identified a name
 25 from every educational establishment to be the point of

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1 contact to do that.
 2 Q. Is the duty to report policed in any way or checked in
 3 any way as far as institutions are concerned as to
 4 whether they are properly undertaking their duties?
 5 A. So there is no compliance model in Prevent. It is
 6 a guidance, support and awareness model with help to
 7 refer. As I mentioned in my earlier evidence, not every
 8 terrorist will be identified through Prevent and it is
 9 a challenging area to identify people who are vulnerable
 10 of being drawn into terrorism.
 11 Q. One last question, I've checked, sir, that what I'm
 12 about to ask is not in any way causing any security or
 13 otherwise sensibilities.
 14 SIR JOHN SAUNDERS: Thanks for doing that.
 15 MR COOPER: I'm going to mention hydrogen peroxide, as we
 16 know, as one of the constituents of this appalling
 17 device. Without going into too much detail, is there
 18 a case, for instance, for putting it on the banned list?
 19 For instance, we know of certain substances which were
 20 put on the banned list in relation, I'm not going to
 21 mention them, to IRA atrocities that they used in their
 22 devices and they were banned.
 23 Hydrogen peroxide, I know it may cause a problem for
 24 those who wish to dye their hair, but that's about it as
 25 far as hydrogen peroxide is concerned. I don't speak

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1 from personal experience, I should add.
 2 SIR JOHN SAUNDERS: There might be a number of people who
 3 are. If that's the only way of dyeing one's hair,
 4 I have no idea.
 5 MR COOPER: It might be. But my question is simply this: is
 6 there any consideration as to whether the substance
 7 should be put on the banned list?
 8 A. So as mentioned earlier, we will be consulting before
 9 the end of the year around the Poisons Act over
 10 a multiple array of areas, including chemicals and how
 11 they should be dealt with under the Poisons Act. And
 12 I'm sure there are those people who will respond to that
 13 consultation who may well put your points forward, sir.
 14 MR COOPER: I'm grateful, sir, thank you for that. I have
 15 no further questions.
 16 SIR JOHN SAUNDERS: Thank you, Mr Cooper.
 17 MR GREANEY: Thank you, Mr Cooper. I'm going to check
 18 whether Ms McGahey has any questions. Thank you very
 19 much indeed.
 20 Sir, subject to any questions that you have, that
 21 will complete the evidence for Mr Hipgrave.
 22 SIR JOHN SAUNDERS: We are, I'm afraid, going to come back
 23 to you for some written answers at some stage. Just for
 24 forewarning, one of the matters which has come up is the
 25 provision of medical assistance at places like the

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1 arena.
 2 A. Yes.
 3 SIR JOHN SAUNDERS: Whether it was adequate and, if it
 4 wasn't adequate, whether there should have been better
 5 controls over it. I think this comes, again, in your
 6 general responsibility.
 7 A. It does, yes, sir.
 8 SIR JOHN SAUNDERS: I don't know whether you're familiar
 9 with what's been going on, but we have gone to the
 10 Health and Safety Executive, who have said basically
 11 it's not their responsibility and they don't have
 12 anything to do with that control. I'm afraid again the
 13 answer is they say it comes under the licensing
 14 authority. I just wonder, and I am trying to make
 15 enquiries, as to whether the licensing authorities are
 16 aware of this. So it's done by conditions on the
 17 licence. But I just wonder whether there is enough
 18 going out by guidance to some licensing authorities
 19 about that. I'm afraid I haven't looked at the guidance
 20 to see whether there's anything in it about that, but
 21 it is an area that I am looking at and I think it's
 22 a general matter of concern as to the provision, in
 23 places like the arena, of medical assistance.
 24 I just ask at some stage if you could give me some
 25 assistance. I'm not asking you to do it now, but to

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1 look into it and see whether you agree that it's
 2 basically their responsibility and, if so, whether you
 3 think they are adequately placed to do that.
 4 A. Yes. Some work has been done already on trauma packs
 5 and medical assistance at events like this, which we can
 6 update you on. On that specific point about the
 7 responsibility of arenas, for example, we will come back
 8 to you on that.
 9 Housekeeping
 10 SIR JOHN SAUNDERS: Okay, thank you.
 11 MR GREANEY: I'm going to ask if Mr Hipgrave would just bear
 12 with me for a few moments whilst I update you, sir, and
 13 indeed the core participants about —
 14 SIR JOHN SAUNDERS: Is that all right?
 15 MR GREANEY: — about the timetable, sir, that you directed
 16 should be put in place in relation to the return to the
 17 hearing of Abdalraouf Abdallah.
 18 Sir, Ms Middleton, the solicitor for
 19 Abdalraouf Abdallah, was in fact present in court this
 20 morning together with a colleague, as you know, and she
 21 remained in order to see Abdalraouf Abdallah and also to
 22 consult with the inquiry legal team about the
 23 directions. May we say, we are very grateful to her for
 24 doing so.
 25 The upshot is that there is, between the inquiry

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1 legal team and those representing Abdalraouf Abdallah,
 2 an agreed timetable, although of course, sir, this is
 3 subject to your sanction.
 4 The timetable that is proposed is as follows, that
 5 by 10 am on Friday, 22 October, so this Friday, core
 6 participants should make any request to the inquiry for
 7 any further disclosure that they wish to be made to
 8 Mr Abdallah, that is to say material that they may wish
 9 to ask him about in due course.
 10 By 10 am on Monday, 25 October, as necessary, any
 11 further disclosure is to be provided by the inquiry to
 12 Mr Abdallah's legal team as a result of the core
 13 participant requests and any further reflection that
 14 we have on that issue.
 15 By 10 am on Friday, 29 October, any final requests
 16 for additional disclosure by Mr Abdallah are to be made
 17 to the inquiry.
 18 By 10 am on Friday, 5 November, the inquiry will
 19 respond to any such request made by Mr Abdallah, by
 20 which I mean we'll respond by making disclosure or by
 21 making plain there is no disclosure to give, as may be
 22 the case. Forgive me, that will just be our response to
 23 Mr Abdallah.
 24 By 12 pm on Monday, 8 November, any additional
 25 disclosure as necessary will be provided by the inquiry

1 to Mr Abdallah. During the afternoon of Friday,
 2 19 November, if necessary, a directions hearing will be
 3 held before you, sir, in order to resolve any
 4 outstanding dispute about disclosure. That will be, if
 5 it has to take place, a remote hearing.
 6 Then finally, at 9.30 am on Thursday, 25 November,
 7 Mr Abdallah is to give evidence to the inquiry. So I'll
 8 repeat that final date because I know it will be of
 9 importance to all in this hearing room. He will return
 10 to give evidence at 9.30 am on Thursday, 25 November.
 11 SIR JOHN SAUNDERS: Thank you. Does anyone have any
 12 comments to make on those?
 13 MR COOPER: Do we know how that fits into the Parole Board
 14 hearing in terms of any dates there?
 15 MR GREANEY: Sir, I'm going to be cautious about what I say,
 16 but I do not believe there is any cause to be concerned
 17 that the Parole Board hearing will take place before
 18 25 November.
 19 SIR JOHN SAUNDERS: Obviously I don't have any control about
 20 that.
 21 MR GREANEY: I've expressed myself carefully. I wouldn't
 22 have said that, however, unless there were a basis for
 23 saying it. I hope that gives some comfort.
 24 SIR JOHN SAUNDERS: Has anyone else got any observation to
 25 make?

1 Can I just say that obviously no timetable is
 2 completely written in stone because you can't predict
 3 what may happen. But so far as possible, this is
 4 written in stone and I am aware as well for core
 5 participants that, for perfectly good reason, things
 6 come to their attention late in the day, which they
 7 weren't aware of, and they ask for permission to put
 8 those matters, despite the necessary minimum time
 9 warning not having been given to the witness. Can you
 10 absolutely try and avoid that in this particular case?
 11 MR GREANEY: That happens to everyone: it even happens to
 12 your team from time to time.
 13 SIR JOHN SAUNDERS: I wasn't not including you.
 14 MR GREANEY: I'm sure you weren't, sir. It is particularly
 15 important that Mr Abdallah should know what material
 16 he's going to be asked about in advance of giving
 17 evidence, for reasons that I don't need to go into.
 18 SIR JOHN SAUNDERS: Yes. Thank you very much for everyone
 19 for their assistance. It's been an interesting day.
 20 MR GREANEY: Thank you, sir.
 21 (4.11 pm)
 22 (The inquiry adjourned until 9.30 am
 23 on Thursday, 21 October 2021)
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