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Monday, 25 October 2021

1

2 (9.30 am)

3 MR GREANEY: Sir, good morning. The witness in the witness  
4 box is Witness J and in a moment I will introduce  
5 chapter 14 and explain along the way of that in general  
6 terms who Witness J is.

7 But first it's important that I should make plain  
8 that on Friday of last week, you made a restriction  
9 order relating to the evidence of Witness J. It  
10 contains 12 separate paragraphs and is in the following  
11 terms.

12 It is ordered, you said, sir, that 1 the name and  
13 identifying details of Witness J shall be withheld from  
14 all and any disclosure given by the inquiry. 2. The  
15 name and identifying details of Witness J shall be  
16 withheld from all inquiry personnel save to the extent  
17 that the individual concerned holds developed, vetted  
18 security clearance and requires the information for the  
19 effective discharge of their functions on behalf of the  
20 inquiry.

21 3. The pseudonym "Witness J" shall be used to  
22 identify the witness for the purposes for the inquiry.

23 4. When Witness J is giving evidence to the inquiry in  
24 open session, so that is to say in this session today

25 and tomorrow, no question may be asked which might lead

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1 to his identification.

2 5. When Witness J is giving evidence to the inquiry  
3 in open session, he shall be screened in such a manner  
4 that he may be seen only by the chairman, counsel to the  
5 inquiry, the solicitor to the inquiry, when questioning  
6 Witness J, the four lead advocates asking questions on  
7 behalf of the families, Mr Atkinson, Mr Cooper,  
8 Mr Weatherby and Mr Welch, and counsel for the  
9 Secretary of State for the Home Department,  
10 Sir James Eadie. Sir, pausing for a moment, that is  
11 what has led to this new arrangement in court today.

12 Paragraph 6 of your order, there shall be no live  
13 audio or video streaming or live transcription of the  
14 evidence Witness J gives to the inquiry in open session,  
15 save by way of a sufficiently secure live feed to the  
16 specified locations provided by the inquiry for those  
17 unable to attend the main hearing room. The usual  
18 BlueJeans live feed is not sufficiently secure and  
19 will not be used for the evidence of Witness J.

20 7. When Witness J attends the inquiry to give  
21 evidence in open session, he shall enter and exit the  
22 main hearing room by an appropriate non-public route and

23 the main hearing room shall be cleared and the secure  
24 feed switched off whilst he enters and exits. Sir,  
25 I can confirm that that was done.

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1 8. During Witness J's evidence, all electronic  
2 devices in the main hearing room and any other location  
3 to which the evidence is streamed or broadcast shall be  
4 turned off save for the devices required for official  
5 transcription of Witness J's evidence and the devices  
6 required for the inquiry's document management system.  
7 Mr Suter made an announcement to that effect just before  
8 you came in, sir.

9 9. There shall be no recording of any of  
10 Witness J's evidence save for the official inquiry  
11 recording for the purposes of transcription. 10. The  
12 official transcription will be provided to core  
13 participants and the media as soon as possible once  
14 approved by the chairman to allow for the press and  
15 others to report publicly on the proceedings.  
16 Handwritten notes may be taken by those present in the  
17 room with a secure live feed. Paragraphs 11 and 12 of  
18 your order were appeal notice 11 if any person fails to  
19 comply with or act in breach of the terms of this  
20 restriction order, the chairman will certify the matter

21 to the appropriate court pursuant to section 36 of the  
22 Inquiries Act 2005 and, 12, the High Court and Court of  
23 Session have power to imprison or fine for any breach of  
24 this order.

25 Sir, that completes my reading of the restriction



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1 order that you made in respect of Witness J's evidence  
2 last Friday.

3 Next, as I indicated, it's my intention to give  
4 a short introduction to chapter 14.

5 SIR JOHN SAUNDERS: Before you do, I am well aware that some  
6 of these arrangements disappoint members of the  
7 families, I'm well aware of it and I am sorry. But I am  
8 also satisfied that it is the most open way of giving  
9 evidence that we can achieve, certainly at present, so  
10 I hope you will all bear with us.

11 MR COOPER: We do understand, thank you, sir.

12 SIR JOHN SAUNDERS: I think it is an identical procedure to  
13 that adopted at the inquests of London Bridge and  
14 Westminster.

15 MR GREANEY: It's materially identical, save during the  
16 course of those inquiries the witness couldn't be seen  
17 by the advocate or coroner.

18 Today we start chapter 14 of the oral evidence

19 hearing. This chapter addresses the linked questions of  
20 whether the arena attack should and should have been  
21 prevented by the authorities.

22 SIR JOHN SAUNDERS: Sir James, I notice a degree of  
23 consternation at some of the restriction order that was  
24 read out. Are you happy with it.

25 SIR JAMES EADIE: It was only to confirm that the reporting

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1 can only happen once you have cleared, as it were, the  
2 transcript. I wanted to make sure that everyone  
3 understood that, so even if you are allowed to take  
4 notes during this part of the hearing, there can be no  
5 publication until you have acknowledged and said that  
6 there can be publication.

7 SIR JOHN SAUNDERS: There is concern from Mr Gardham at the  
8 back about that.

9 MR GARDHAM: Not clearing the transcript, we are quite happy  
10 with the arrangement where it's agreed between the  
11 parties that our notes can be used rather than the  
12 transcript. That was our understanding.

13 SIR JAMES EADIE: It's about the opportunity to say in live  
14 time, as it were, or at each break, which is what we did  
15 in other inquiries of this kind, there's an opportunity  
16 for any slip to be picked up, any difficulty to be

17 picked up, so we'll try and do that as soon as humanly  
18 possible, but it does require clearance from you before  
19 there can be any reporting even in relation to the notes  
20 that can be taken during the live hearing.

21 SIR JOHN SAUNDERS: Mr Gardham, if there's any query about  
22 it, I invite you to discuss that with sir James and  
23 counsel to the inquiry at the first break.

24 MR GREANEY: Thank you very much. So at regular stages  
25 during the day, once there has been appropriate

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1 consideration given to the evidence that has been  
2 received, we will indicate, sir, or rather you will  
3 indicate whether reporting can then occur.

4 This chapter addresses the linked questions of  
5 whether the arena attack could and should have been  
6 prevented by the authorities. In order to answer these  
7 questions, the inquiry will examine what intelligence or  
8 information was or should have been available to the  
9 security service and/or counter-terrorism policing about  
10 Salman Abedi prior to his plan to carry out the arena  
11 attack.

12 We will look at how the intelligence organisation  
13 information was assessed, investigated and shared and  
14 what steps were taken as a result. We will consider

15 whether what was done was reasonable in all of the  
16 circumstances and whether the systems, policies and  
17 procedures in place were working as they should have  
18 done.

19 We will also look at whether additional intelligence  
20 and information could have been made available and  
21 whether that might have made a difference to the  
22 approach that was taken. In short, therefore, the  
23 inquiry will look at whether the authorities missed any  
24 opportunity or opportunities to prevent the attack and  
25 will seek to make recommendations that might help the

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1 authorities stop anyone doing anything similar in the  
2 future.

3 As is known, we'll hear evidence today and moreover  
4 tomorrow from Witness J, a senior officer of MI5 and on  
5 Wednesday and Thursday we will hear from Dominic Scally  
6 current head of north-west Counter-terrorism Policing.  
7 Insofar as it is possible to do so in public, this  
8 evidence will cover the following topics. The context  
9 of the broader terrorism threat in May 2017. The  
10 procedures and processes which were in place at that  
11 time to investigate and disrupt potential terrorist  
12 attacks, including how MI5 and CTP work together and

13 share information.

14 A description of how persons are designated as  
15 subjects of interest by MI5. That is to say as one  
16 should to be investigated as a possible threat to  
17 national security and how and why persons cease being  
18 SOIs.

19 How previous or closed SOIs are monitored to see if  
20 the investigation into them should be re-opened,  
21 including through a process codename Clematis. The  
22 Prevent strand of the government's counter-terrorism  
23 CONTEST strategy, how it works and how referrals are  
24 made. The history of Salman Abedi's past interactions  
25 with police and those of his family. What MI5 and CTP

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1 knew about Salman Abedi before the attack and why  
2 further steps to investigate him were not taken at the  
3 time. And what lessons have been learned by the  
4 security service and CTP as a result of the post-attack  
5 review process and what changes have been implemented in  
6 response.

7 Everyone should understand that what Witness J and  
8 DCS Scally are able to say in this open hearing is  
9 constrained by the requirements of national security.  
10 The parts of their evidence which would damage national



11 security if they were to be given publicly are the  
12 subject sir of your restriction order. It is important  
13 that we should say that that does not mean that the  
14 authorities are able on the basis of inconvenience or  
15 embarrassment to conceal things from public view because  
16 this inquiry would not allow that to occur.

17 What it means is that witnesses are not permitted to  
18 reveal anything sensitive about the techniques,  
19 procedures or processes that are used in the fight  
20 against terrorism because if such matters were made  
21 public, it would enable terrorists to modify their  
22 behaviour and avoid detection. So it would give rise to  
23 the risk that attacks that might otherwise be detected  
24 would in fact occur.

25 For similar reasons, the witnesses are not permitted

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1 to reveal sensitive information about ongoing  
2 investigations or those who are or were subjects of  
3 interest. Again that would enable the terrorists to  
4 modify their behaviour and would give rise to the risk  
5 of more or more deadly attacks.

6 Witness J and DCS Scally have worked with colleagues  
7 to ensure that as much as they consider can be open  
8 without compromising national security will be given in

9 open this week. Your team, the inquiry legal team, sir,  
10 has been part of that process and has had access not  
11 only to the reviews to which we'll turn but also to the  
12 underlying material and furthermore many, many questions  
13 that we have asked have been answered.

14 But notwithstanding that the inquiry legal team  
15 considers that what brings us to this week of evidence  
16 has been a careful process and one that has been marked  
17 by cooperation with the inquiry by MI5 and by CTP, it is  
18 only right, as we are certain everyone will agree, that  
19 in a free and democratic society the evidence the  
20 authorities consider can be given in open should be  
21 scrutinised. Important that that evidence should be  
22 scrutinised.

23 That scrutiny will happen in two ways. First, core  
24 participants will be able to question both witnesses in  
25 accordance with the inquiry's Rule 10 procedure and



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1 that, may we say, certainly does not happen at every  
2 inquiry. We know that the questions of core  
3 participants will be responsible, however from time to  
4 time it is inevitable that each witness will answer  
5 a question in this way: I cannot answer that question  
6 for national security reasons.

7 Usually, that answer will be the result of very  
8 close consideration as a result of anticipation that the  
9 question will be asked. And if so, that will be an end  
10 of it in open, although not of course in closed.  
11 Sometimes, however, the witness will wish to consult  
12 with colleagues in order to see whether more can be said  
13 in open. Furthermore, from time to time, each witness  
14 may say that he can neither confirm nor deny  
15 a proposition that is put to him. It is a well  
16 recognised policy, as most know, to respond to certain  
17 questions such as whether a particular person is or was  
18 a subject of interest in this way and NCMD is a code  
19 that means neither yes or no.

20 The second way in which the process of the evidence  
21 will be scrutinised is there that will be, as everyone  
22 is aware, a closed hearing. The purpose of that hearing  
23 is to ensure that the material which the security  
24 service and CTP have concluded cannot be considered in  
25 public is scrutinised by the inquiry. as we have said



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1 and said repeatedly two things will undoubtedly happen  
2 at that closed hearing which will start next Monday.

3 1. The conduct of the security service and CTP will  
4 be the subject of intense scrutiny. 2. We the inquiry

5 legal team will be considering closely whether anything  
6 can be broken out from closed into open because this  
7 inquiry is committed to the maximum transparency  
8 consistent with not creating the very outcome that  
9 everyone in this room is determined to avoid, namely  
10 more or more deadly attacks by terrorists.

11 Sir, before turning briefly to identify some of the  
12 key facts and issues that we'll be exploring in chapter  
13 14, it is relevant to say something about a number of  
14 reviews that have occurred already. Whether terrorists  
15 attacks can be prevented is of course of strong interest  
16 to the authorities themselves. Efforts have already  
17 been made to understand whether there is anything to be  
18 learned from the attack in Manchester, which could  
19 strengthen and improve the work of the security service,  
20 CTP and other authorities in the future.

21 The Intelligence and Security Committee of  
22 Parliament published a report entitled "the 2017 attacks  
23 what needs to change", in November 2018 to I with the  
24 government responded in January 2019. To which.

25 The security service and CTP also conducted their



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1 own internal reviews known, as we have said, as the  
2 post-attack reviews or PARs. These reviews were

3 overseen by David Anderson QC now Baron Anderson of  
4 Ipswich who was the independent reviewer of terrorism  
5 legislation between 2011 and 2017. He published  
6 a report setting out his own assessment of the  
7 post-attack reviews in December 2017. He concluded that  
8 it is conceivable that the Manchester Arena attack might  
9 have been averted "had the cards fallen differently".

10 Although he emphasised that there is a high degree  
11 of inherent uncertainty in speculating as to what might  
12 or might not have been discovered had MI5 and CTP  
13 investigated Salman Abedi in early 2017.

14 Sir, we know that the inquiry will have regard to  
15 the findings and conclusions of all of these previous  
16 pieces of work. But we wish to emphasise that the  
17 inquiry will conduct its own independent investigation,  
18 taking into account all the information that is  
19 available to it now. The inquiry will make its own  
20 findings as a result of the careful process that's  
21 undertaken and will be bound by no one.

22 We will turn next to set out a number of key facts  
23 on the issues of preventability that we will be  
24 investigating. We'll hear from Witness J and DCS Scally  
25 about how Salman Abedi was known to MI5 and CTP prior to



1 the attack and indeed was due to be considered for  
2 further investigation when the attack took place.

3 We'll hear, we anticipate, how information about  
4 Salman Abedi was first passed to the security service by  
5 North-west Counter-terrorism Unit, as it was then  
6 called, in December 2010, because his details were  
7 linked to another subject of interest. It was assessed  
8 that there was nothing suspicious at that time and so  
9 there was no further investigation. However, on  
10 18 March 2014, Salman Abedi was designated as an SOI and  
11 began to be investigated by MI5.

12 That was because he was a frequent contact of  
13 another SOI, SOI A, as that person will be known, that  
14 person thought to be involved in planning travel to  
15 Syria for extremist purposes and it was thought he,  
16 Salman Abedi, might be an unidentified individual  
17 engaged in suspicious activity with SOI A, although  
18 in the result it was established he was not that person.

19 That investigation ceased on 21 July 2014 as  
20 Salman Abedi was assessed not to be a national security  
21 risk. Salman Abedi was identified as having met with or  
22 been in telephone contact with two other SOIs in 2015,  
23 SOI B and SOI C. He was also identified as a second  
24 level contact, that's to say a contact of a contact, of  
25 SOIs in 2016 and 2017.



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1           On two occasions between 2011 and 2016 MI5 and CTP  
2           made checks due to information received about  
3           Salman Abedi's travel overseas as there were concerns he  
4           may be travelling to Syria. However, it was determined  
5           that he had in fact gone to Europe on the first occasion  
6           and Libya on the second so it was assessed there was  
7           nothing to indicate that he posed a risk at that time.

8           MI5 also held information that indicated  
9           Salman Abedi had visited a known extremist in prison on  
10          more than one occasion. But after further information  
11          was sought, it was assessed that this did not justify  
12          re-opening Abedi as an SOI, probably of most interest  
13          and importance is we'll hear how on two separate  
14          occasions in the months prior to the attack MI5 received  
15          intelligence about Salman Abedi, the significance of  
16          which was not fully appreciated at the time but which in  
17          retrospect to the planned attack.

18          We'll also hear that on 3 March 2017, Salman Abedi  
19          was one of 685 closed SOIs who hit a priority indicator  
20          under the Clematis process. Following triage on  
21          1 May 2017, Salman Abedi was assessed as meeting the  
22          threshold to be considered for further investigation.  
23          He was due to be considered for referral at a meeting  
24          that was scheduled for 31 May 2017 but tragically, this  
25          was overtaken by the events of 22 May.

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1 Sir, it is not possible to describe the additional  
2 evidence to be heard in the closed hearing in any detail  
3 for reasons that are obvious. However, we will explore  
4 the evidence given by Witness J and DCS Scally as  
5 corporate witnesses fully, including the information  
6 contained in the underlying documentation. We'll also  
7 hear factual evidence from those in MI5 and CTP who were  
8 directly involved in the relevant decision-making.  
9 Moreover, the inquiry will additionally hear expert  
10 evidence about whether the assessments and decisions  
11 made by MI5 and CTP were reasonable given what was known  
12 at the time, whether those would have been different had  
13 other information been available, and what actions would  
14 have been taken had different assessments or decisions  
15 been made.

16 That evidence will necessarily need to be given in  
17 closed.

18 The issues for consideration by the inquiry, both in  
19 open and closed, in relation to preventability therefore  
20 seem to be inquiry legal team to be as follows.

21 A. Why the decision was taken to close Salman Abedi  
22 as an SOI in July 2014 and whether that decision was  
23 reasonable given the information available. B. Why



24 Salman Abedi was not re-opened as an SOI  
25 after October 2015 and whether that was reasonable given

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1 the information available. C. Whether there was other  
2 information or intelligence which could or should have  
3 been made available to MI5 or CTP that would have led to  
4 Salman Abedi being re-opened as an SOI. D. Whether any  
5 further disruptive action would or should have been  
6 taken in relation to Salman Abedi if a different  
7 assessment had been made, in particular whether  
8 Salman Abedi should have been referred to the Prevent  
9 programme at any stage and what difference this might  
10 have made and whether travel monitoring and travel  
11 restriction capabilities should have been utilised  
12 in relation to Salman Abedi in 2017.

13 E. Whether Salman Abedi's visits to a known  
14 extremist prisoner should have led to any further  
15 investigation. F. Why the intelligence received on  
16 those two occasions in the months prior to the attack  
17 was not assessed as being more significant at the time.  
18 G. What other actions could have been taken in response  
19 to that intelligence and whether it could have stopped  
20 the attack.

21 Sir, first, we'll hear evidence from Witness J. As

22 is obvious to everyone, as a result of what they can see  
23 and as a result of the restriction order I read out  
24 earlier, the circumstances in which he gives his  
25 evidence will be highly circumscribed. That is the

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1 result of the restriction order, sir, that you made,  
2 which in turn is the result of a careful analysis of the  
3 risks to which Witness J would be put if he were to give  
4 evidence completely in open and visible to the public.

5 In short, the risks to Witness J would be at the  
6 upper end of the Article 2 spectrum if he were to give  
7 evidence in any other way. Having said all of that, and  
8 unless there is anything else you would wish to be dealt  
9 with at this stage, I am going to ask that Witness J,  
10 who has been kind enough to be seated patiently as  
11 I have read out that introduction be sworn.

12 SIR JOHN SAUNDERS: We will certainly be considering whether  
13 at any stage Salman Abedi should have been referred to  
14 Prevent. At the moment, I am not inclined to be looking  
15 into whether it would have made a difference because  
16 that seems to me to be entirely speculative and would be  
17 quite difficult to do. But for my purpose, I am at the  
18 moment prepared to assume it being a government policy  
19 that people should be referred to Prevent, that it may

20 at least possibly have made a difference. But I will  
21 hear argument about that later. At the moment I regard  
22 it as rather speculative to know whether it could have  
23 made a difference.

24 MR GREANEY: Point taken, sir.

25 MR COOPER: The concerns that Mr Greaney has emphasised, the

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1 protections that need to be offered, are obviously  
2 endorsed by the families, they want to do nothing to  
3 prejudice any steps taken to protect this country and  
4 will adhere to those guidelines.

5 SIR JOHN SAUNDERS: Thank you. Can I say I am well aware of  
6 that, but I am also well aware that when people have  
7 suffered the sort of losses that they have suffered  
8 don't get to hear everything it of course creates  
9 frustration, which I know the legal teams will help to  
10 explain why it is necessary. Thank you for that,  
11 Mr Cooper.

12 MR GREANEY: Thank you, Mr Cooper.

13 So could I ask, please, that Witness J be sworn.

14 Witness J has stood.

15 Witness J (sworn)

16 Questions from MR GREANEY

17 MR GREANEY: Are you the witness who will be known as

18 Witness J during the course of these proceedings?  
19 A. Yes, I am.  
20 Q. Have you been employed by MI5 for a period of now nearly  
21 30 years?  
22 A. Yes, I have.  
23 Q. During that period have you held a number of different  
24 roles?  
25 A. Yes, I have.

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1 Q. Including being the director of a number of branches of  
2 MI5, spanning operational policy and work of analysis?  
3 A. Yes.  
4 Q. Prior to those managerial roles, did you have  
5 considerable operational experience?  
6 A. Yes, I did.  
7 Q. At the time that you made your own witness statement  
8 in May of 2020, were you the acting director-general of  
9 strategy for MI5?  
10 A. Yes.  
11 Q. In that capacity were you one of three director-generals  
12 working to support the overall director-general?  
13 A. Yes.  
14 Q. Since May 2020, have you moved roles?  
15 A. Yes.

16 Q. What is your current role, please?

17 A. I'm shortly to be director in the counter-terrorism  
18 business.

19 Q. I'm just going, before we carry on, to check that  
20 everyone is able to hear Witness J. There are no  
21 indications that anyone cannot.

22 SIR JOHN SAUNDERS: I understand there was an indication  
23 from somebody.

24 MR GREANEY: I think Witness J is going to move closer to  
25 the microphone. Any problems, please raise a hand.

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1 SIR JOHN SAUNDERS: Can I assure everyone that I can see  
2 Witness J and so can Mr Greaney.

3 MR GREANEY: So can we confirm before we go any further that  
4 you had no involvement in any of the pre-attack  
5 investigations into Salman Abedi?

6 A. That's correct.

7 Q. And that you had no involvement in the chain of command  
8 for those investigations?

9 A. That's right.

10 Q. In a moment we are going to be referring to a witness,  
11 Witness X. Can you confirm that as is the position with  
12 you, Witness X had no involvement in any of the  
13 pre-attack investigations into Abedi?

14 A. That's right.

15 Q. And no involvement in the chain of command for those

16 investigations?

17 A. That's right.

18 Q. In summary is it your role today and tomorrow to give

19 evidence as a representative of MI5?

20 A. It is.

21 Q. To deal with matters of context?

22 A. Yes.

23 Q. And to explain MI5's knowledge of and investigations

24 into Salman Abedi in the period before 22 May 2017?

25 A. Yes.

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1 Q. I can see that, entirely properly, you have some

2 documentation in the witness box. We'll confirm what

3 that is. Do you have the witness statement of Witness X

4 dated 15 July 2019?

5 A. Yes.

6 Q. The exhibits to the witness statement of Witness X?

7 A. Yes.

8 Q. Your own short witness statement of 29 May 2020 in which

9 you adopt Witness X's statement?

10 A. Yes.

11 Q. And you also have one other document, I believe, which

12 is a list of names of those individuals whom you can  
13 openly identify as being involved in terrorist activity?

14 A. That's right.

15 Q. That's just to avoid any delays in which you seek  
16 information about whether you can or cannot identify  
17 particular persons.

18 A. Yes.

19 Q. I believe that usually you will be able to identify  
20 a person as having been involved in terrorist related  
21 activity where they are either convicted of such an  
22 offence?

23 A. Yes.

24 Q. Or have been convicted?

25 A. That's right.

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1 Q. Let's deal next with something I --

2 SIR JOHN SAUNDERS: Sorry, I think you'll have to explain  
3 that question. It was being convicted of an offence or  
4 convicted.

5 MR GREANEY: Are you able to explain that?

6 A. Yes. It's just a list of the individuals who may be  
7 referred to in questions, in this inquiry, that I am  
8 able to describe any of them who have had some form of  
9 terrorist convictions so that I can talk about them in

10 this court.

11 Q. So to explain that in a little further detail, you  
12 anticipate that not during my questions, which will be  
13 limited to the four corners of your witness statement,  
14 you anticipate you'll be asked questions based upon open  
15 source material during the questions of core  
16 participants, is that correct?

17 A. That's right.

18 Q. And the names of certain individuals will be put to you?

19 A. Yes.

20 Q. You obviously are aware of certain individuals on the  
21 basis of material that's in the public domain, but  
22 necessarily given your role you are aware of the names  
23 of other individuals with those names not being in the  
24 public domain?

25 A. That's right.

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1 Q. The list that you have in front of you is just an  
2 aide-memoire for you that identifies those that you can  
3 publicly name without causing any damage to ongoing  
4 investigations or otherwise to national security?

5 A. That's right.

6 Q. Have I accurately summarised the position?

7 A. Yes, you have.



8 Q. I was next going to deal with the limits of your  
9 evidence, something I touched upon in my introduction.  
10 At the risk of stating the blindingly obvious, in giving  
11 your evidence do you have in mind the importance of not  
12 damaging national security?  
13 A. I do.  
14 Q. And as a result, do you anticipate that it will be  
15 necessary for you to answer some questions by saying  
16 that you cannot answer for a national security reason?  
17 A. Yes.  
18 Q. Will that generally be as the result of anticipating the  
19 questions that are coming?  
20 A. Yes.  
21 Q. And therefore having given consideration to what is the  
22 most that can be said in open?  
23 A. Yes. Careful consideration of that.  
24 Q. But I think you are aware or you anticipate that there  
25 may be some occasions upon which you think to yourself



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1 that there may be value in further consultation with  
2 your colleagues to see if more can be said in open?  
3 A. That's right.  
4 Q. And if that's the position will you say so?  
5 A. Yes, I will.

6 Q. Is there a possibility that you will answer some  
7 questions by saying that you can neither confirm nor  
8 deny propositions put to you?  
9 A. Yes.  
10 Q. And is that a code that should not be understood as  
11 meaning either yes or no?  
12 A. Yes.  
13 Q. Next, just dealing with what might be described as  
14 procedural issues before we get into the substance of  
15 your evidence, you are going to be giving evidence  
16 principally by reference to the witness statement of X  
17 dated 15 July 2019?  
18 A. Yes.  
19 Q. INQ022846. Is it the position that Witness X was unable  
20 to give the corporate evidence that you are giving due  
21 to scheduling and operational issues?  
22 A. That's right.  
23 Q. As a result, you have stepped into that breach and  
24 adopted the evidence of Witness X by your statement  
25 dated 29 May 2020.

24

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1 A. Yes.  
2 Q. INQ032867. Are you able to confirm that notwithstanding  
3 much underlying material will not be referred to by you

4 in your evidence the inquiry legal team has been given  
5 access to all underlying material?

6 A. Yes, I can confirm that.

7 Q. And that many questions and requests for additional  
8 information and documentation by the inquiry legal team  
9 have been answered or responded to?

10 A. Yes, that's right.

11 Q. That takes us therefore to the statement of Witness X.  
12 As we go through the statement I will identify where  
13 we are, I am not going to deal with every single  
14 paragraph, some paragraphs we will deal with more  
15 swiftly than others so as to ensure I finish within the  
16 time allocated to me.

17 Paragraph 6, page 2 of the statement. In deciding  
18 what matters should be addressed in the statement of  
19 Witness X, what did Witness X and MI5 in particular have  
20 regard to?

21 A. My aim was to be as transparent as possible in this  
22 statement and I had to give careful and detailed  
23 consideration in adopting this statement as to what  
24 I could address in open evidence.

25 Q. Did you have and X have available a list of issues that



2 A. Yes. This was prepared following review by the legal  
3 team of the closed disclosure made by MI5 GCHQ and SIS.  
4 Q. And what the statement that was prepared, prepared not  
5 just by X on the basis of his researches but as the  
6 result of consultation by X and later you with several  
7 colleagues within MI5?  
8 A. Yes, that's right.  
9 Q. Those being colleagues with particular expertise in the  
10 operations of MI5?  
11 A. That's right.  
12 Q. And was there also consultation with others within the  
13 UK intelligence community?  
14 A. Yes, there was.  
15 Q. You said that your aim, and X's aim, was to be as  
16 transparent as possible. In expressing that view have  
17 you had to have regard to a number of competing public  
18 interests?  
19 A. Yes, I have.  
20 Q. You address those in paragraph 7. What are the  
21 competing public interests to which regard has been had?  
22 A. There's a strong public interest in it being generally  
23 known what powers may lawfully be used by the  
24 authorities such as MI5 and the extent to which such use  
25 is liable to impinge on people's rights and freedoms.

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1 Equally there's a strong public interest in transparency  
2 in legal proceedings such as these.

3 Q. Obviously there's also a strong public interest as  
4 Mr Cooper just identified, in preventing terrorist  
5 attacks?

6 A. That's right.

7 Q. In the preparation of the statement did MI5 seek to  
8 achieve a balance between those particular interests?

9 A. Yes. We looked extremely carefully at trying to strike  
10 that balance so that we were able to address those  
11 issues.

12 Q. In the witness statement X drew attention to particular  
13 statistics relating to the need to protect the public.  
14 He stated as of July 2019:

15 "The reality of the situation is clear from these  
16 headline facts. 1 the four Islamist extremist attacks  
17 that tragically took place in 2017, one of course being  
18 the Manchester attack. 2. 14 the major Islamist  
19 terrorist plots which had been disrupted  
20 since March 2017 and 3, MI5 is currently running  
21 approximately 600 live investigations into Islamist  
22 terrorism."

23 Obviously that was the position in 2019. Has the  
24 position materially changed since then?

25 A. It's not changed that significantly. The



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1 director-general recently described the fact that over  
2 the past 4 years we and CTP policing and other partners  
3 had disrupted 31 late stage terrorist attacks over the  
4 past 4 years. We are running approximately the same  
5 number of live investigations in 2021 as we were in  
6 2019.

7 Q. So the very real public interest in preventing attacks  
8 is very much in existence?

9 A. That's right.

10 Q. Over the page, paragraph 9. An important issue that  
11 needs to be understood is dealt with. A number of  
12 difficulties arise where detail is put into the public  
13 domain which relates to how MI5's capabilities have been  
14 used both generally and in specific operations; is that  
15 correct?

16 A. That's right.

17 Q. Why is that so?

18 A. I think the core challenge we have in terms of what we  
19 put into the public domain is that the more that we are  
20 describing how we operate against terrorists, the easier  
21 it is for them to hide their activities from us, and  
22 clearly as an organisation seeking to protect the public  
23 working alongside the police, we want to do our absolute  
24 best to disrupt terrorist activities without giving them

25 opportunities to understand how we work against them.

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DRAFT TRANSCRIPT

- 1 Q. In the report of the intelligence and security  
2 committee, examples of categories of information that  
3 would or might be withheld for that reason are  
4 identified. Is that correct?
- 5 A. That's right.
- 6 Q. Without confirming whether they are or are not relevant  
7 in this particular case, can we identify what those are?  
8 First of all, material that relates to a member of the  
9 public providing the intelligence community with  
10 intelligence; is that right?
- 11 A. That's right.
- 12 Q. Is such a person known within MI5 as an agent?
- 13 A. That's correct, yes.
- 14 Q. If there were to be public disclosure of the use of an  
15 agent, what might be the outcome?
- 16 A. In those circumstances it's possible that it could  
17 endanger the agent's life and at the same time also make  
18 it less likely that members of the public would come  
19 forward to act as agents.
- 20 Q. The second category of information that might be  
21 withheld, sensitive intelligence collection  
22 capabilities?

23 A. That's right.  
24 Q. About which we should probably say no more. C.  
25 Intelligence gained from intercepted communications?

29



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1 A. That's right.  
2 Q. D. Material that relates to how MI5 conducts  
3 operations?  
4 A. Yes.  
5 Q. So revealing the techniques that are used would enable  
6 the individuals who are the targets to change their  
7 behaviour in order to avoid detection?  
8 A. That's right.  
9 Q. And E. Intelligence provided by overseas agencies?  
10 A. Yes.  
11 Q. For what reason might such information be withheld?  
12 A. So we have trusted relationships with overseas agencies  
13 across the world to disclose that or the intelligence  
14 from it would breach the terms of that contract under  
15 which it was provided.  
16 Q. And might or indeed is it likely would that result in  
17 the UK no longer being a trusted partner?  
18 A. Yes it would.  
19 Q. And would that have an impact upon the preparedness of  
20 agencies overseas to supply information to MI5?



21 A. Yes.  
22 Q. So I believe it's the position that the list that  
23 we have just provided is not an exhaustive list of the  
24 issues that may jeopardise national security if  
25 published?

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1 A. That's right.  
2 Q. But does serve to illustrate why there is a limit to  
3 what safely you are able to address in open?  
4 A. Yes.  
5 Q. Next I want to deal, please, with the other reviews to  
6 which I referred in my introduction that have been  
7 conducted after the Manchester Arena attack. First,  
8 following the attack was something called the  
9 post-attack review prepared?  
10 A. Yes, it was.  
11 Q. Both by MI5 and by Counter-terrorism Policing?  
12 A. Yes.  
13 Q. Were you personally involved in the post attack review  
14 of MI5?  
15 A. No, I wasn't.  
16 Q. But are you aware whether X was or was not involved?  
17 A. Yes, X was involved.  
18 Q. Did X have a significant role in the preparation of the

19 post-attack review?

20 A. Yes, X was responsible for leading the team which  
21 conducted the post attack review.

22 Q. What was the purpose of the Manchester post-attack  
23 review?

24 A. There were three purposes. Firstly to identify what was  
25 known about Salman Abedi and his alleged co-conspirator

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1 Hashem Abedi prior to the attack. Second to review  
2 assessments and decisions made prior to the attack  
3 in relation to any intelligence held on Salman Abedi and  
4 Hashem Abedi. And thirdly to identify learning points  
5 arising out of this case.

6 Q. So when we talk about the post-attack review, that's  
7 what we're speaking of?

8 A. Yes.

9 Q. Secondly, following the Westminster and Manchester  
10 attacks in March and May 2017, was consideration given  
11 to an examination of joint working between MI5 and the  
12 police?

13 A. Yes.

14 Q. What was the result of that consideration?

15 A. Well, it was part of a piece of work called the  
16 operational improvement review that was commissioned

17 after Westminster and Manchester to look at improvements  
18 in processes and capabilities for managing terrorism  
19 investigations.

20 Q. Am I correct in my understanding that after those two  
21 attacks, the director-general of MI5 and the  
22 Commissioner of the Metropolitan Police commissioned  
23 a joint review to identify and take forward improvements  
24 in processes and capabilities for managing terrorism  
25 investigations?

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1 A. That's correct.

2 Q. That led to what you have just described as the  
3 operational improvement review?

4 A. Yes.

5 Q. Top of page 5. What were the aims of the operation  
6 improvement review?

7 A. This was a broader piece of work with two aims, firstly  
8 to further improve operational effectiveness, building  
9 on the strong counter-terrorism machinery that has been  
10 built in the UK over a decade and then secondly to  
11 provide MI5 and CTP policing's input on this issue into  
12 any wider reviews of the UK's counter-terrorism and  
13 counter extremism systems.

14 Q. Thirdly, was David Anderson QC also commissioned to do

15 a piece of work?

16 A. Yes, he was.

17 Q. Are you able to summarise in a few sentences what that  
18 piece of work was?

19 A. He was appointed by the Home Secretary to provide  
20 independent assurance to the various reviews that we've  
21 just talked about, including post-attack review and the  
22 operational improvement review. And his role was to  
23 assess the reviews in order to assure the Home Secretary  
24 and the National Security Council that all the relevant  
25 questions had been addressed and appropriate conclusions

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1 drawn.

2 Q. I've no doubt that you will be asked questions,  
3 including by me, about Lord Anderson's open report. But  
4 the statement of X draws attention to the fact that at  
5 paragraph 1.14, Lord Anderson described the combination  
6 of the post-attack reviews and the operational review as  
7 "one of the most detailed examinations ever conducted of  
8 the UK's counter-terrorism machine and its operation".

9 A. Yes.

10 Q. And in light of your experience, is that a view that you  
11 agree or disagree with?

12 A. I agree with that.

13 Q. Fourthly and still dealing with reviews, did the  
14 Intelligence and Security Committee of Parliament also  
15 undertake its own independent review?

16 A. Yes, it did.

17 Q. What is your understanding of what the purpose of their  
18 review was?

19 A. The ISC sought to establish whether mistakes were made  
20 and so ensure all the changes and improvements required  
21 had been identified. (and to).

22 Q. And when one looks at those four reviews overall, I am  
23 now at paragraph 20, what would you describe the overall  
24 approach of MI5 to the attack at Manchester and  
25 elsewhere as having been?

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1 A. I think as an organisation, following Manchester attack  
2 and the other attacks in 2017, we used these reviews to  
3 find out as much as we could about what we had done and  
4 how we had operated and then using the harsh light of  
5 hindsight, as my director-general says, squeeze every  
6 last drop of learning from it so we can be as good as  
7 we can in the future, so this is about searching to  
8 identify lessons learned from all of these events.

9 Q. Obviously this inquiry is a further review starting  
10 today into the issue of preventability and that may lead

11 to further recommendations for MI5 and Counter-terrorism  
12 Policing, is that something you recognise?  
13 A. Yes. It's something that we welcome so that we may  
14 continue to improve our system together.  
15 Q. Next topic, page 6. What is described as threat  
16 context. The inquiry already knows that assessments of  
17 the level and nature of the threat from international  
18 terrorism are made by JTAC, the Joint Terrorism Analysis  
19 Centre. Is that correct?  
20 A. That's correct yes.  
21 Q. Does JTAC issue a threat level?  
22 A. Yes, it does.  
23 Q. What does that threat level represent in real terms?  
24 A. Threat levels are designed to give a broad indication of  
25 the likelihood of a terrorist attack.

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1 Q. Are they based on the assessment of a range of factors?  
2 A. Yes, they are, they are based on current intelligence,  
3 recent events and what is known about terrorist  
4 intentions and capabilities.  
5 Q. Is it recognised within the intelligence community that  
6 the information may well be incomplete?  
7 A. Yes.  
8 Q. And is it the position therefore that decisions about

9 appropriate security response should be made with that  
10 fact well in mind?

11 A. Yes, that's right.

12 Q. Is the JTAC threat level intended to be used only within  
13 the intelligence community or more broadly?

14 A. The threat levels are designed to be used across  
15 government, not just in the intelligence community but  
16 also as a tool for security practitioners working across  
17 different sectors of what we call the critical national  
18 infrastructure and the police to use in determining what  
19 protective security response may be required.

20 Q. The inquiry is aware already that there are different  
21 threat levels which inform the decisions that you have  
22 just spoken about. We'll identify what those are.  
23 First, low.

24 A. Yes.

25 Q. Meaning what?

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1 A. A attack an unlikely.

2 Q. Next, moderate.

3 A. Which means that an attack is possible but not likely.

4 Q. Then substantial?

5 A. Which means an attack is a strong possibility.

6 Q. Severe?

7 A. Meaning that an attack is highly likely.

8 Q. And finally, critical.

9 A. Which means an attack is expected imminently.

10 Q. In terms of the recent history of threat levels, can you

11 confirm that on 29 August 2014, the risk was raised from

12 substantial to severe?

13 A. Yes, the threat level changed at that point.

14 Q. And as of 22 May, as we well know, the threat level was

15 severe?

16 A. Yes.

17 Q. Was the threat level raised to critical the day after

18 the arena attack, 23 May?

19 A. Yes.

20 Q. Reduced from critical to severe on 27 May?

21 A. Yes.

22 Q. Raised again to critical on 15 September 2017 as

23 a result of the Parsons Green bombing?

24 A. Yes.

25 Q. And then reduced again to severe on 17 September 2017?



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1 A. Yes.

2 Q. Over the page, page 17. In the two years prior to the

3 Manchester Arena attack, what was the profile of

4 terrorism around Europe like?



5 A. We had started to see a significant increase in the  
6 threat, as you described, the threat level going up in  
7 2014, in large part because of the increase in the  
8 activities and development of Islamic State and we saw  
9 a number of fatal terrorist attacks in Europe in 2015  
10 and 16, including attacks in Paris, Brussels, Nice and  
11 Berlin.

12 Q. So there was, would it be fair to say, a very troubling  
13 picture around Europe over those years from 2014?

14 A. That's correct, yes.

15 Q. We had just to identify some terrible milestones, on  
16 24 May 2014 the Brussels Jewish museum attack.

17 A. I don't have the dates in front of me.

18 Q. Maybe take these from me.

19 A. Yes.

20 Q. I should have alerted you to the fact I was going to  
21 identify these. They're dealt with in general terms in  
22 the report. Then a little later in 2014 the declaration  
23 of the caliphate by Islamic State?

24 A. Yes.

25 Q. 29 June which is the rising problems of Islamic State



3 A. Yes.

4 Q. On 7 January 2015, the Charlie Hebdo attack?

5 A. Yes.

6 Q. In November 15, the multi-site attacks in Paris?

7 A. Yes.

8 Q. On 14 July 16, the attack in Nice in which a lorry was  
9 utilised to kill many, many people?

10 A. Yes.

11 Q. And then of course a few months before the Manchester  
12 attack on 22 March 2017 the attack in Westminster.

13 A. Yes.

14 Q. During that period of time, as the Islamic State and its  
15 activities became increasingly prominent, was MI5  
16 disrupting Islamic terrorist plots?

17 A. Yes, we were. Alongside the police when the statement  
18 was written we had disrupted 27 major Islamist terrorist  
19 plots since May 2013.

20 Q. I believe it is the position that MI5 wasn't just having  
21 to deal with violent extremist Islamist terrorist plots  
22 but also right and left wing terrorist plots?

23 A. Yes, in addition to those there were five right and left  
24 wing terrorist plots disrupted since March 2017.

25 Q. Within MI5 is the concept of the pace of a threat



1 recognised?

2 A. Yes, it is.

3 Q. In the years leading up to 2017, what was the pace of

4 threat?

5 A. I think we saw in the years leading up to 2017 a pace of

6 threat that MI5 had not experienced before and then we

7 saw another step change during 2017.

8 Q. The way in which it is put in the statement,

9 paragraph 27, is:

10 "The scale was unprecedented in terms of the number

11 of current investigations and number of subjects of

12 interest."

13 A. That's right, yes.

14 Q. At that stage, we're told MI5 was running about 500

15 investigations into individuals or groups associated

16 with Islamist terrorism?

17 A. Yes.

18 Q. At the time of the arena attack MI5 had around 3,000

19 active SOIs on its radar?

20 A. Yes.

21 Q. And was that on top of a larger pool of closed SOIs?

22 A. Yes, there were approximately at that time 20,000 closed

23 SOIs.

24 Q. At the time of the arena attack, was there a particular

25 threat that was regarded as significant?



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1 A. Yes. A significant threat for MI5 to address was posed  
2 by UK based individuals of national security concern who  
3 were thought to have travelled to Syria, Iraq and the  
4 surrounding region.

5 Q. Were there assessed at that stage to be more than 850  
6 such individuals?

7 A. Yes, that's right.

8 Q. Were some of those believed to have returned to the  
9 United Kingdom?

10 A. Yes.

11 Q. Approximately how many?

12 A. Somewhere around half of those 850 had, we believed,  
13 come back to the UK.

14 Q. Was effort and resource required from MI5 to mitigate  
15 that threat?

16 A. Yes, significant effort and resource was required to  
17 deal with those 850, wherever they should located.

18 SIR JOHN SAUNDERS: It is because not necessarily  
19 straightforward, is it, because the returning people may  
20 maintain, I have now seen what the Islamic State is like  
21 and I want nothing to do with it at all, and others you  
22 would consider were here to come out and carry out  
23 terrorist attacks. But determining to which group they  
24 come is perhaps quite a difficult thing to do?

25 A. Yes, it was very difficult seeing that number of

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- 1 individuals travelling to Syria and Iraq at the time.
- 2 Generally speaking, travelling to Syria at that time,
- 3 significant number of those individuals were either
- 4 engaging with Islamic State or seeking to join them and
- 5 then coming back, as you say, determining how many of
- 6 those individuals were then going to continue to engage
- 7 with Islamic State was difficult to ascertain
- 8 particularly because it was sometimes quite difficult to
- 9 know what they'd been doing while they were overseas.
- 10 MR GREANEY: So over those years, 3, 4, 5 years before the
- 11 arena attack, we have this unprecedented increase in the
- 12 pace of the threat, we have the specific issue with
- 13 having to deal with those who were going to Syria and
- 14 then coming back. What was the impact of that upon
- 15 casework within MI5?
- 16 A. It led to a significant increase in high risk casework
- 17 involving individuals who had received terrorist
- 18 training or were attempting to procure the means to
- 19 carry out an attack.
- 20 Q. Is high risk casework by its very nature work requiring
- 21 more resource intensive monitoring than lower risk
- 22 casework?
- 23 A. Yes, that's right.

24 Q. So in simple terms, did the burden upon MI5 increase  
25 substantially?

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1 A. It did.

2 Q. And as you will appreciate, it's important I should ask  
3 this question if you need time to consider the answer  
4 tell me. Was MI5 able to cope with that increase in its  
5 burden?

6 A. Yes, we were. We were under pressure, as were other  
7 agencies particularly the police and other partners,  
8 because it was a pace and scale that I hadn't seen in my  
9 career and that MI5 hadn't seen more broadly. But we  
10 had to make our decisions about priorities at that time  
11 in order to make sure we were absolutely getting on to  
12 the most concerning threats.

13 Q. This concept of priorities is one that we'll turn to.  
14 But in short, the answer to my question is yes, at that  
15 time, MI5 was coping, notwithstanding the increase in  
16 its burden?

17 A. Yes.

18 Q. Next, I want to focus in this threat context more  
19 specifically to Manchester, so I'm now at page 8 of your  
20 statement or X's statement, paragraph 31.

21 Is the inquiry correct in MI5's judgement to

22 understand that both Salman Abedi and Hashem Abedi spent  
23 much of their formative years in Manchester?

24 A. Yes.

25 Q. In 2010 did JTAC conduct a regional assessment of



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1 Manchester?

2 A. Yes, it did.

3 Q. In summary terms what did JTAC conclude?

4 A. The assessment examined the Islamist extremist and  
5 terrorist threat in the area and noted that there were  
6 indications of high level of discontentment within some  
7 Muslims across the city, which can influence an area's  
8 susceptibility to extremism.

9 Q. In short there was identified to be an issue in  
10 Manchester with Islamist extremism?

11 A. Yes.

12 Q. And did the JTAC report discuss how radicalisation  
13 within the Libyan community of Manchester might be  
14 influenced by the elder generations' historical links to  
15 extremist group such as the LIFG, the Libyan Islamic  
16 Fighting Group?

17 A. Yes.

18 Q. What did the report note in this regard?

19 A. The report noted how this could lead to the exposure of

20 Libya linked individuals to extremist viewpoints during  
21 young adulthood, for example through their parents and  
22 their connections.

23 Q. Is this view of JTAC of any relevance to understanding  
24 the radicalisation of Salman Abedi in MI5's view?

25 A. I think in the case of Salman Abedi, it is assessed to

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1 be likely that his extremist views were influenced by  
2 his father, Ramadan Abedi.

3 Q. Are you able to say in open whether MI5 judges that  
4 Ramadan Abedi, Salman's father, was or was not connected  
5 with the LIFG?

6 A. I'm afraid I'm not able to get into that in open.

7 Q. The report of JTAC was in 2010 and a concern had been  
8 raised. The attack was 7 years later and as you know,  
9 one of the issues that the families are concerned with  
10 and that you'll no doubt be asked about is whether there  
11 should have been some review by JTAC of that situation  
12 between 2010 and 2017 in order to see whether there had  
13 been any development in it or worsening of it. Are you  
14 able to express a view about that?

15 A. Yes, I have looked at this and sought to understand what  
16 JTAC did in response to the 2010 assessment on  
17 Manchester. This was during a period that they were



18 conducting reasonable assessments across the country in  
19 a number of cities and towns. In many cases those  
20 assessments were not repeated, so there were no  
21 follow-up assessments, and from 2014/15 onwards, they  
22 were focused on ISIL and on Syria and on more national  
23 threat assessments rather than on the individual city  
24 ones. So there wasn't a further report beyond 2010 from  
25 JTAC.

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1 Q. Was there in MI5's view a missed opportunity over those  
2 years to discover more about how this particular issue  
3 identified in 2010 was developing?

4 A. I don't think so, that's not my judgement of what that  
5 2010 report was designed to do. It wasn't a report that  
6 would have been something that would have informed our  
7 day-to-day investigative strategies or our work against  
8 individuals who could pose a threat in Manchester. It  
9 was a useful baseline document at the time, but as  
10 I said it wasn't an exercise that was repeated across  
11 the country once those individual assessments were done  
12 in that one off period.

13 SIR JOHN SAUNDERS: Presumably the report was obtained in  
14 order to decide whether having read it, anything needed  
15 doing to try and counter it. Again are you able to

16 answer whether anything was done as a result of the 2010  
17 report?

18 A. It was a really useful baseline document that CT police  
19 and MI5 and others had access to. It was  
20 a comprehensive at that time assessment of a range of  
21 extremism, terrorist and criminality issues in  
22 Manchester. It would have informed at that time the  
23 teams who were engaged in work in Manchester and  
24 elsewhere, but beyond that it wouldn't have been  
25 something that would have been looked at day-to-day in

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1 terms of how we then conducted our investigative  
2 strategies.

3 MR GREANEY: You say it wouldn't have been something. Do  
4 you think it is something that should have been taken  
5 into account even if only in Manchester in terms of  
6 investigative strategies?

7 A. Again, I don't think so because a whole range of JTAC  
8 products which investigators and police officers would  
9 rely on to ensure that they were having the best context  
10 to be able to operate. And we also have internally in  
11 MI5 our strategic intelligence group that looks very  
12 specifically at the threat context in which our  
13 investigators operate. So I don't think that's a gap.

14 SIR JOHN SAUNDERS: Okay. What I was more looking at was  
15 whether steps were taken to try and deal with the  
16 threat, not necessarily by MI5 on investigation but are  
17 you aware of whether as a result of that report anything  
18 was done to try and look at the threat and try and deal  
19 with it whether by reference to Prevent or otherwise?  
20 Something constructive to deal with it.

21 A. I'm very confident that MI5 and CT police at the time  
22 when they read their report and we were heavily involved  
23 in the construction of it would have then used the  
24 material from it to inform our overall strategies, but  
25 in terms of the point I was just getting to was the

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1 specific investigative strategies in relation to  
2 individuals would not have used that report. In terms  
3 of general context for those investigators I think  
4 it would have been valuable. In terms of the material  
5 that was in there pointing to different parts of the  
6 community that may have had some links to extremism,  
7 those parts of it would definitely have been taken on  
8 board by leaders in MI5 and CTP.

9 SIR JOHN SAUNDERS: Thank you.

10 MR GREANEY: In addition to identifying this radicalising  
11 link in the Libyan community, did the 2010 JTAC report

12 also highlight the prominence of crime and gangs in  
13 Manchester?

14 A. Yes, it did.

15 Q. What was the overall crime rate at that stage within  
16 this city?

17 A. The report identified that the overall crime rate was  
18 more than double that of the national average at that  
19 time.

20 Q. In line with that, did JTAC assess that in certain parts  
21 of South Manchester it was the norm for young  
22 individuals to join a gang because that culture was so  
23 entrenched and accessible to them?

24 A. Yes, that's right.

25 Q. Did JTAC on go on to express a concern not just about

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1 that fact, that criminality was more pronounced in  
2 Manchester, but about the impact it might have on  
3 extremism?

4 A. Yes.

5 Q. What conclusion did JTAC reach or concern did they  
6 express?

7 A. They highlighted a potential risk posed by the close  
8 proximity between violent extremists and criminal gangs  
9 in the area.

10 Q. Is it recognised that there may be a crossover in  
11 relationships and activity between those involved in  
12 crime and those involved in extremism?

13 A. Yes, that's right.

14 Q. And may that present a difficulty for MI5 and indeed  
15 CTP?

16 A. Yes, it did then and it does now. There's a challenge  
17 for us when we're investigating individuals who may be  
18 involved in terrorism or criminality that some of the  
19 behaviours and activities can look the same and there  
20 can be difficulties in distinguishing between activities  
21 such as drug dealing and fraud from that of national  
22 security interest.

23 Q. So the JTAC report, as you've informed us, when we look  
24 back, resonates because it identified a risk that those  
25 within the Libyan community in Manchester might be



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1 radicalised by their elders, that resonates in the case  
2 of Salman Abedi. Does this link between criminal gangs  
3 and extremism and crossover, when we look back does that  
4 also resonate when we consider what happened to  
5 Salman Abedi?

6 A. Yes. I think we judge that Salman Abedi was part of  
7 a group of individuals in South Manchester which had

8 links to a serious crime gang.

9 Q. So as of 2017, anyone looking at the situation of  
10 Salman Abedi and laying on top of his path and his  
11 activities the JTAC report, would they have identified  
12 any particular issues? It's a rather clumsy question.

13 A. Would you mind repeating it?

14 Q. As of 2017 because of the 2010 report, it was known that  
15 there were two problems in Manchester. Probably more,  
16 but two problems were identified. One, the risk of  
17 young Libyans being radicalised by their elders, and 2,  
18 the risk that those involved in crime might cross over  
19 into extremism?

20 A. Yes.

21 Q. And what I was inviting you to consider was whether  
22 anyone in 2017, reading back into that report and  
23 considering the situation of Salman Abedi, would have  
24 recognised those things.

25 A. Yes, they would.



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1 SIR JOHN SAUNDERS: It may be something we need to ask  
2 Dr Wilkinson as our expert, but has any work within been  
3 done on why there is this link between people being  
4 involved in crime and then in terrorism? It could be  
5 looked at as a general disregard for the law,

6 I understand that, but actually that doesn't fit with  
7 all terrorists, does it?  
8 A. No. It's certainly not always the case that terrorists  
9 are also involved in criminality and some terrorists  
10 work very hard to avoid being anywhere near criminality,  
11 lest they come under the spotlight as a result of that  
12 association. This report, I think, highlighted the  
13 crossover that was in existence at the time, it wouldn't  
14 have been the case for all terrorists and all criminals  
15 engaged in extremism.

16 MR GREANEY: Thank you. Witness J, we're going to turn next  
17 to deal with a separate topic, namely MI5's functions,  
18 investigatory tools, legal framework and oversight,  
19 although as you'll appreciate we're going to come back  
20 strongly to the topic of Salman Abedi and what was  
21 known. We'll deal with this subject and then take  
22 a break, I expect.

23 Is MI5 governed by a strict framework of legislation  
24 and oversight, so as to ensure that its powers are only  
25 used for its functions?



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- 1 A. That's right.  
2 Q. Where necessary, and proportionate to do so?  
3 A. Yes.

4 Q. And is MI5's legal framework and oversight arrangements  
5 ones that were updated by the introduction of the  
6 Investigatory Powers Act 2016?

7 A. Yes.

8 Q. Which I think some parts came into force in late 2016  
9 and others later still. Does the Security Service Act  
10 1989 set out the functions of MI5?

11 A. Yes.

12 Q. And give examples of the threats for which MI5 is  
13 responsible for countering?

14 A. Yes.

15 Q. What are the functions of MI5 under that Act?

16 A. MI5 protects national security against threats from  
17 terrorism, espionage, sabotage, the activities of agents  
18 of foreign powers and actions intended to overthrow or  
19 undermine parliamentary democracy (^).

20 Q. Do its functions also include safeguarding the economic  
21 well-being of the United Kingdom against threats posed  
22 by the actions or intentions of persons outside of the  
23 British islands?

24 A. Yes.

25 Q. And acting in support of the activities of the police





2 prevention and detection of serious crime?

3 A. Yes.

4 Q. In carrying out its functions is MI5 guided by the  
5 government's national security strategy?

6 A. Yes.

7 Q. And in X's statement at paragraph 37 he identifies what  
8 were currently the main threats to national security in  
9 the United Kingdom. We'll list what those are, are they  
10 any different now from what they were in 2019.

11 A. No, they are broadly the same. Terrorism, espionage,  
12 cyber threats from a wide of hostile actors (^)  
13 including foreign states, terrorists, criminals and  
14 activist groups and weapons of mass destruction where  
15 a number of countries continue to develop weapons of  
16 mass destruction programmes posing a potential threat to  
17 the UK.

18 Q. Is MI5 required to comply with the European Convention  
19 of Human Rights?

20 A. Yes.

21 Q. Including Article 8, which provides a right to respect  
22 for private and family life?

23 A. Yes.

24 Q. Are there circumstances in which it is permissible  
25 legally for MI5 to interfere with that right to privacy?

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1 A. Yes.

2 Q. What are the circumstances in which that is or may be  
3 permissible?

4 A. Where there is a clear legal basis, where the necessary  
5 authorisations for any intrusions are in place, and  
6 where the relevant procedures and processes are  
7 followed.

8 Q. Does MI5 operate within a legal framework which on the  
9 one hand provides it with powers to achieve its  
10 functions, but which also imposes restrictions and  
11 limitations on what MI5 can do and why?

12 A. Yes.

13 Q. Does MI5 have a number of principal techniques for  
14 gathering intelligence?

15 A. Yes.

16 Q. And are they used in accordance with the legal  
17 requirements under the relevant acts of Parliament?

18 A. They are.

19 Q. What are those principal techniques for gathering  
20 intelligence?

21 A. Surveillance, this is either directed surveillance such  
22 as following or observing targets, or intrusive  
23 surveillance such as the use of eavesdropping devices,  
24 the monitoring of phone calls or emails, equipment  
25 interference such as covertly accessing computers or



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1 other devices, covert human sources or agents who are  
2 the people able to provide secret information about the  
3 target of an investigation. Communications data,  
4 including the use of bulk communications data, which is  
5 information about communications such as how and when  
6 they were made, which is usually obtained from  
7 communication service providers. And then finally, bulk  
8 personal data or data sets containing information about  
9 a large number of people which can be accessed in  
10 targeted way to find information about subjects of  
11 interest.

12 Q. As will be obvious, all of those techniques will or  
13 capable of interfering with the citizen's right to  
14 privacy. When gathering intelligence in one or more of  
15 those ways, what is the underlying aim of MI5?

16 A. It is always to be effective with the minimum amount of  
17 intrusion and in proportion to the threat assessed to be  
18 posed.

19 Q. Where the activities are governed by the acts of  
20 Parliament we've referred to, must they be authorised  
21 internally?

22 A. Yes.

23 Q. When seeking authorisation, what must an officer of MI5  
24 do?

25 A. The authorisation must explain from a MI5 officer why

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1 the action is necessary and proportionate to the aims of  
2 the investigation and that the information cannot be  
3 obtained using less intrusive means.

4 Q. Is it the position that all forms of intelligence  
5 gathering may be authorised internally or is there some  
6 further supervision in relation to some of those  
7 techniques?

8 A. When we are using our most intrusive intelligence  
9 gathering methods we must also have a warrant authorised  
10 by the Secretary of State.

11 Q. To make an application for a warrant which is  
12 successful, is it necessary for MI5 to justify to  
13 a Secretary of State that what MI5 proposes to do is  
14 necessary for one of its statutory functions?

15 A. Yes.

16 Q. That it is proportionate to what it seeks to achieve?

17 A. Yes.

18 Q. Meaning that the intelligence gained from the use of  
19 that technique will be sufficiently great as to justify  
20 the intrusion?

21 A. Yes.

22 Q. Are MI5's activities subject to a number of other levels

23 of oversight, including by the Home Secretary?

24 A. Yes.

25 Q. Parliament?

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1 A. Yes.

2 Q. The Intelligence and Security Committee?

3 A. Yes.

4 Q. The investigatory powers commissioner?

5 A. Yes.

6 Q. And the investigatory powers tribunal?

7 A. Yes.

8 Q. Is it the position that the Home Secretary is  
9 accountable to Parliament for the activities of MI5?

10 A. Yes.

11 Q. Finally before I invite the chairman to take a break,  
12 would it be right to say that in any investigation, MI5  
13 can only use intelligence gathering powers that have  
14 a sound justification and clear legal basis?

15 A. Yes.

16 Q. And that you cannot and must not seek to obtain  
17 intelligence unless the relevant tests and thresholds  
18 are met in the particular circumstances of each  
19 investigation?

20 A. Yes.

21 Q. Witness J, after the break, we are going to turn to deal  
22 with investigative processes and operational tools and  
23 here we'll understand more about subjects of interest  
24 and prioritisation before turning to look more  
25 specifically about the situation of Salman Abedi.

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1 Sir, we've been going for an hour and a half.  
2 That's the point at which I'm told we ought to break.  
3 SIR JOHN SAUNDERS: We should take a break. The logistics  
4 of all getting out and all coming back are now  
5 complicated, so we have been somewhat flexible about the  
6 time we take for our breaks in the past and I blame  
7 no one for that. But can we actually fix a time when we  
8 know we're all going to be back?  
9 SIR JAMES EADIE: There is no objection to the reporting of  
10 anything said so far by Witness J.  
11 SIR JOHN SAUNDERS: I'm grateful for that. And for the  
12 speedy response too.  
13 (11.08 am)  
14 (A short break)  
15 (11.25 am)  
16 MR GREANEY: Just before we move on to look at some of those  
17 terms that we need to understand in order to follow what  
18 happened with Salman Abedi, and to complete off the

19 position in relation to my phrase checks and balances,  
20 you told us that in relation to the most intrusive  
21 intelligence gathering methods that MI5 uses what must  
22 be obtained is a warrant from a Secretary of State.

23 Just to understand what the position is now, is the  
24 situation that having obtained a warrant from the  
25 Secretary of State, there is something called the double

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1 lock?

2 A. Yes, that's right.

3 Q. What is the double lock?

4 A. This is under the investigative powers Act 2016 where  
5 warrant is authorised by a Secretary of State are also  
6 (warrants) subject to approval by independent judicial  
7 Commissioners.

8 Q. So that's the double lock, it is an extra check upon MI5  
9 where it wishes to use its most intrusive techniques?

10 A. That's right.

11 Q. For my purposes, that deals with the topic of checks and  
12 balances. We will move on next to deal at a high level  
13 with certain aspects of MI5's processes and operational  
14 tools, which will be of relevance when we turn to the  
15 case of Salman Abedi.

16 First of all, a phrase we've already used a number

17 of times. Subjects of interest or SOIs. I'm at the top  
18 of page 12 of your statement. What is an SOI?

19 A. An SOI is someone who is or has been investigated  
20 because they are suspected of being a threat to national  
21 security.

22 Q. For each SOI, does MI5 create and maintain a record?

23 A. Yes, at the we do, for each SOI we create something  
24 called a key information store record, which is a file  
25 on that individual.

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1 Q. Obviously, during the course of an investigation,  
2 sometimes a person about whom there is such a concern  
3 will be identified, sometimes they presumably may not be  
4 identified, at least initially, is that correct?

5 A. That's right.

6 Q. Does the creation of a (inaudible) record and the  
7 designation of someone as an SOI require that person to  
8 have been identified?

9 A. You can create a KIS record before a person of interest  
10 has been interested and for an active SOI the same is  
11 the case.

12 Q. For each active, and we'll underline the word active for  
13 the time being, SOI is there an assigned lead  
14 investigator?



15 A. Yes, there is.

16 Q. What are in very simple terms the responsibilities of  
17 the lead investigator?

18 A. The lead investigator is responsible for reviewing  
19 incoming intelligence and maintaining the record.

20 Q. As of July 2019, when X prepared the statement, were  
21 there around 3,000 SOIs in active investigations?

22 A. There were.

23 Q. Were they persons who were either associated with MI5  
24 priority investigations, a term we'll come to, or those  
25 who had come to MI5's attention as part of a lead,

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1 another term we'll look at, generated through new  
2 intelligence, not part of an existing investigation?

3 A. That's right.

4 Q. So that was the position in 2019. Is the position in  
5 terms of numbers of SOIs materially different now?

6 A. No. It's about the same.

7 Q. In addition, as of 2019, was there a pool of 20,000  
8 closed SOIs?

9 A. Yes, there were.

10 Q. A closed SOI being?

11 A. This is an SOI who is no longer assessed to represent  
12 a threat to national security.

13 SIR JOHN SAUNDERS: Can I ask whether the number of SOIs is  
14 in any way, active SOIs, governed by resources?

15 A. Um ...

16 SIR JOHN SAUNDERS: It's that a question you don't want to  
17 answer until you can discuss it with someone else, by  
18 all means. I don't mind when I hear the answer.

19 A. I think that might be something I can describe in more  
20 detail in closed.

21 SIR JOHN SAUNDERS: Okay. If there is any sort of answer  
22 which could be given in open, perhaps you'd discuss it.  
23 But I well understand if it can't be.

24 A. Yes.

25 MR GREANEY: I do have in a few moments my own question

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1 about resources and it may be the answer is the same  
2 that you need to reflect with colleagues.

3 As of July 2019, 20,000 closed SOIs. Again, please  
4 don't answer this question if it's not appropriate to do  
5 so, but do closed SOIs eventually fall off the edge, so  
6 that they are no longer even a closed SOI, or is  
7 a person for all times a closed SOI?

8 A. No, we have a responsibility to ensure that we are  
9 considering that pool of closed SOIs as well as that  
10 pool of live SOIs. We now have, if it's helpful,

11 somewhere in the region of just over 40,000 closed SOIs,  
12 so that number has grown. But we also take steps to try  
13 and manage that pool so that someone may no longer be  
14 a closed SOI but that's ongoing.

15 Q. The number of closed SOIs has quite literally doubled  
16 over the course of the last 2 years or so?

17 A. Yes. To be clear, there are slightly different ways  
18 that we define what a closed SOI is these days, so  
19 I wouldn't be able to say that those two numbers are  
20 directly relevant to each other, but certainly the  
21 number has grown substantially.

22 SIR JOHN SAUNDERS: Is that increase connected in any way to  
23 the changes made after the 2017 reviews?

24 A. I think it's primarily -- it's a pot that's been growing  
25 for a number of years as we continue to investigate

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1 terrorism, particularly Islamist terrorism. So I think  
2 that number will continue to grow. There is a small  
3 part of it, I think, which is a post-2017 factor which  
4 we can get into at a later stage.

5 SIR JOHN SAUNDERS: Thank you.

6 MR GREANEY: So in short therefore, a closed SOI is a person  
7 who has been given a holding code because they are no  
8 longer assessed to represent a threat to national

9 security?

10 A. That's right.

11 Q. I'm going to turn next to ask you about the issue of

12 prioritisation. In addition to operating within the

13 legal limits that you've explained to us, does MI5 have

14 to operate within financial limits?

15 A. Yes, it does.

16 Q. Could you explain, please, what the consequence of

17 operating within financial limits means or finite

18 resources might be a better term?

19 A. So the consequence of that is that with our finite

20 resources we must use prioritisation systems to ensure

21 that we are focusing our effort on the SOIs that are

22 most deserving of our attention.

23 Q. So a question that I know was posed to, I think, witness

24 L during the course of the Westminster and London Bridge

25 inquests was: why not simply have more people within MI5

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1 able to do the job and therefore focus on a greater

2 number of SOIs? Is it as simple as that?

3 A. Well, it is partly about finite resources of course and

4 we need to make sure that we are using those resources

5 appropriately. We also have to consider the resources

6 of our partners as well and we need to consider the fact

7           that we have finite resources not just in investigation  
8           but also across our different elements of collection.

9   SIR JOHN SAUNDERS:  Prioritisation is inevitable, isn't it?  
10          Even with limitless resources you would still have to  
11          prioritise those you think are the most serious and the  
12          most deadly?

13   A.  Yes.

14   MR GREANEY:  But all at events, as of 2017 and from what  
15          you have said as of now, the resources available meant  
16          that there had to be prioritisation against a large  
17          number of SOIs?

18   A.  Yes.

19   Q.  Since 2011, has there been a process in place to enable  
20          effective prioritisation to occur?

21   A.  Yes, there has.

22   Q.  What is that process?

23   A.  This is a formal triage process for all incoming threat  
24          intelligence.

25   Q.  So on receipt, what is done with intelligence?



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1   A.  First of all, it's assessed before either being rejected  
2          or progressed as a trace or a lead.

3   Q.  And those terms, trace and lead, what does trace mean,  
4          please?

5 A. Trace is essentially a check against our records, so it  
6 describes a check that's run across our databases to  
7 establish whether we hold adverse information or whether  
8 an individual is known to MI5 already.

9 Q. And lead?

10 A. This is the term we use to describe all intelligence or  
11 information that's not linked to an ongoing  
12 investigation, that after some initial assessment  
13 suggests activities that require investigation by MI5  
14 and CT police.

15 Q. So we are in a situation in which there is new  
16 counter-terrorism lead intelligence. What process is  
17 adopted in relation to that? What model is used?

18 A. This is a model that we in the police have called the  
19 intelligence handling model, which is joint between us  
20 and provides a single point of entry for intelligence  
21 and ensures that new leads benefit where appropriate  
22 from a coordinated response from not just CT police and  
23 us, but also GCHQ and JTAC.

24 Q. Is that coordination between interested organisations  
25 carried out by dedicated teams within MI5?



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1 A. Yes, it is.

2 Q. Is it MI5's view that that model of intelligence

3 handling provides a robust framework or otherwise?

4 A. Yes, it is a robust framework in my view. It ensures  
5 that that finite covert investigative resource that  
6 we were talking about is directed against the most  
7 credible new leads and at the same time leads lacking  
8 credibility are resolved in the most appropriate way  
9 without us having to use significant investigative  
10 covert resource.

11 Q. A little more detail then in relation to the  
12 prioritisation of investigations. We're going to be  
13 dealing with a topic that's explained at paragraph 1.22  
14 of the independent assessment. Is it right that that  
15 assessment identifies the relevant MI5 process for  
16 prioritising investigations according to the risk they  
17 are assessed to pose as follows.

18 First of all, P1?

19 A. Yes.

20 Q. And what are P1 individuals or networks described as?

21 A. Individuals or network where there is a credible and  
22 actionable intelligence of significant or smaller scale  
23 attack planning.

24 Q. Next, P2 H. How is that individual or network to be  
25 described?

1 A. This is high risk extremist activity linked to attack  
2 planning such as a serious intent to travel overseas to  
3 undertake fighting with an extremist group or large  
4 scale fund-raising.

5 Q. So the H in P2 H standing for high?

6 A. Yes.

7 Q. P2 M?

8 A. This is a level of priority of investigation that is  
9 medium risk extremist activity, not directly linked to  
10 attack planning, such as supply of false documents or  
11 smaller scale fund-raising.

12 Q. P3?

13 A. Individuals or networks that require further action to  
14 determine whether they pose a threat.

15 Q. P4?

16 A. Individual such as released terrorist prisoners who have  
17 previously posed a serious threat to national security  
18 and where there's judged to be a risk of re-engagement.

19 Q. And at the risk of inviting you to state the obvious,  
20 where is the majority of MI5's investigative effort  
21 focused?

22 A. The majority of effort is focused towards those  
23 investigations at P1 and P2.

24 Q. Is there a mechanism for identifying where those  
25 resources should be focused? I'm at paragraph 53.





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1 A. On a weekly basis, we and CT police sit down together to  
2 look at where we might focus our investigative effort  
3 and the highest priority investigations that we have  
4 at the time.

5 Q. Are those priority investigations identified in  
6 something called a weekly grid?

7 A. Yes.

8 Q. As X observed in his witness statement, in the  
9 independent assessment did Lord Anderson having reviewed  
10 the then recent weekly grids and the volume of  
11 intelligence indicating credible attack planning, say  
12 that they made for a sobering read?

13 A. Yes, he did.

14 Q. Over the page to 14, please. Is it the position that  
15 there are no strict rules as to what resources should be  
16 allocated to a particular investigation?

17 A. It is.

18 Q. But that actions are taken based on what is judged to be  
19 necessary and proportionate and on the balance of risk  
20 as against other investigations?

21 A. Yes.

22 Q. Are priority levels tested regularly at senior  
23 management level within MI5?

24 A. Yes, they are.

25 Q. Can they be altered at any time in the investigation as



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- 1 changes are recognised in the activities or aspirations  
2 of the SOIs or networks under investigation?
- 3 A. Yes.
- 4 Q. So does that in simple terms recognise that someone may  
5 be education on at a particular level for a period of  
6 time but then all of a sudden their activities may  
7 escalate?
- 8 A. Yes, we have a weekly process which is the grid that  
9 enables us to prioritise our highest priority  
10 investigations but that doesn't stop us as an  
11 organisation at any moment changing the priority of an  
12 investigation as dictated by the intelligence at the  
13 time.
- 14 Q. That doesn't need to wait for the weekly grid meeting?
- 15 A. No.
- 16 Q. Are SOIs within most investigations also prioritised?
- 17 A. Yes, they are.
- 18 Q. Are they prioritised by tier?
- 19 A. Yes.
- 20 Q. Reflecting the importance of that particular SOI within  
21 that investigation at any one time?
- 22 A. Yes.
- 23 Q. What are Tier 1 SOIs?

24 A. Tier 1 SOIs are the main targets of an investigation and  
25 these are SOIs who are likely involved in all aspects of

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1 the activities under investigation.

2 Q. Tier 2 SOIs?

3 A. Tier 2 SOIs are the key contacts of the main targets, so  
4 SOIs will likely be involved in a significant proportion  
5 of the activities under investigation.

6 Q. And is the final tier, Tier 3?

7 A. Yes.

8 Q. Tier 3 SOI being?

9 A. Someone who's in contact with a Tier 1 and/or a Tier 2  
10 SOI. Say a Tier 3 SOI is likely to be involved only in  
11 marginal aspects of activities under investigation.

12 Q. Is it the position that it wouldn't be necessary or  
13 proportionate to make each and every contact of a Tier 1  
14 or Tier 2 SOI a Tier 3 SOI?

15 A. That's right.

16 Q. Why is it not necessary or proportionate to make every  
17 contact a Tier 3 SOI?

18 A. Many of the contacts of our SOIs will be in no way  
19 associated or even potentially associated with the  
20 activity under investigation.

21 Q. So does it follow from that that there's an element of

22           investigative judgement involved in deciding whether  
23           a particular contact should be a Tier 3 SOI?  
24    A.   That's right.  
25    Q.   Once an SOI is given a position on the tiers, do they

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1           stick at that level or may it change?  
2    A.   It can change, it can change quite regularly depending  
3           on the importance of that individual. Tiers allow us to  
4           look across the whole range of investigations and see  
5           how many people of the highest level of concern we have  
6           at any one time. They assist us with resources of the  
7           (inaudible) necessary and proportionate to take.  
8    Q.   Does the term holding codes mean anything in this  
9           context?  
10   A.   Yes. They are used to categorise the threat that each  
11           SOI is assessed to pose to national security.  
12   Q.   Are they an information management tool rather than  
13           threat management tool?  
14   A.   Yes. They help us manage our information and comply  
15           with our legal obligations not to interfere with  
16           a person's right to privacy any more than is necessary  
17           for our statutory functions and proportionate.  
18   Q.   And in X's statement, it says they, the holding codes,  
19           provide (check) review, retention and disposal policies.

20 A. Yes.

21 Q. Does this take us back to something you told us about  
22 a little earlier, namely there are mechanisms in place  
23 to seek to ensure that someone who becomes a closed SOI  
24 does not necessarily remain one for all time?

25 A. That's right.

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1 Q. Shall we turn next to the closure of SOIs, which as  
2 you're going to explain is of some relevance to  
3 Salman Abedi. When are subjects of interest closed?

4 A. They are closed when they no longer meet the threshold  
5 for investigation such as where it's assessed that they  
6 are not or no longer engaged in activity of national  
7 security concern.

8 Q. We are going to turn in a moment to look at the closure  
9 process that applied in July 2014 when Salman Abedi was  
10 closed as an SOI. Before we do so, is it right to  
11 acknowledge that there have been some changes and  
12 updates to the process of closing an SOI?

13 A. Yes, there have.

14 Q. When did those changes take effect?

15 A. This is an area of our work that we look at very  
16 regularly and we made some changes since September 2018  
17 as well as more recent changes. But nothing that

18 changes the broad principles of risk assessment and  
19 joint working that I describe in my evidence.  
20 SIR JOHN SAUNDERS: You're doing regular reassessments now.  
21 Was that true prior to 2017?  
22 A. Yes. It's an area of our work that we know needs pretty  
23 serious attention on a regular basis and we're  
24 constantly learning about this quite challenging pool of  
25 risk.

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1 SIR JOHN SAUNDERS: Can you give me, if you can't you can't,  
2 but is there any rough assessment of back in 2017 on  
3 a monthly basis how many SOIs you'd likely be making  
4 closed rather than active?  
5 A. I could get the figures for you. I don't have it in  
6 front of me.  
7 SIR JOHN SAUNDERS: Okay. If at a later stage I could be  
8 told to have some idea of the numbers we're talking  
9 about.  
10 MR GREANEY: I know a note is being made of issues that the  
11 witness may be able to answer and I'm sure therefore  
12 that if an answer can be given, it will be.  
13 SIR JOHN SAUNDERS: It may be so different between each  
14 month that an average is meaningless.  
15 MR GREANEY: We'll see.

16                   What does the closure process require of a MI5  
17           investigator?  
18    A.   The investigator is required to consider and assess the  
19           residual risk that the closed SOI poses.  
20    Q.   Sometimes, am I right, an investigation will be a joint  
21           investigation with Counter-terrorism Policing?  
22    A.   Yes.  
23    Q.   So where consideration is being given to the closure of  
24           an SOI in such a situation, are the police involved or  
25           not?

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1    A.   Yes, they are involved in the closure process.  
2    Q.   When assessing the residual risk posed by the closed  
3           SOI, what is an investigator expected to consider?  
4    A.   The investigator should consider the likelihood of  
5           reengagement by that SOI and at the same time the  
6           potential impact, if that re-engagement occurs.  
7    Q.   On the basis of that assessment, is a decision then made  
8           as to whether the closed SOI poses a high, medium, low  
9           or no risk?  
10   A.   Yes.  
11   Q.   What is the consequence of a designation of high,  
12           medium, low or no in general terms?  
13   A.   This to some extent determines what happens in the

14 future handling of that closed SOI record. In respect  
15 of closed SOIs assessed to be of low or no risk, no  
16 further action will be taken by MI5.

17 Q. Is that category, low or no risk, the one that was given  
18 to Salman Abedi in July 2014?

19 A. Yes.

20 Q. Is it the position that in that situation, low or no  
21 risk, notwithstanding consideration will be given as to  
22 whether the police would wish to investigate those  
23 individuals for non-counter-terrorism reasons?

24 A. Yes, that's right.

25 Q. So we therefore have a situation in which an SOI is now

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1 closed. If further intelligence were to be received  
2 about that now closed SOI, what happens?

3 A. If we get further intelligence in respect of the now  
4 closed SOI, we would consider it for progression as  
5 a trace or a lead. Depending on the assessments made on  
6 this new intelligence, the closed SOI may then be  
7 re-opened as an SOI.

8 Q. Who has the responsibility for the management of the  
9 record for a closed SOI who has been assessed to be low  
10 or no risk?

11 A. The responsibility was the investigator to whom the SOI



12 was assigned prior to closure at that time.

13 Q. So that's the position as of 2017. It's the  
14 investigator to whom he or she was assigned prior to  
15 closure. What if that investigator were to move roles  
16 within MI5 or indeed leave MI5?

17 A. Responsibility would pass on to their successor.

18 Q. So that's the position as of 2017 and am I right, 2014?

19 A. Yes.

20 Q. But is this one area in which changes have been made to  
21 the process since September 2018?

22 A. That's right, yes.

23 Q. In broad terms what do those changes mean for whose  
24 responsibility it is to manage the record for such  
25 a closed SOI?

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1 A. Two things. Firstly, the responsibility for closed SOIs  
2 assessed to be of lower risk is assigned to the relevant  
3 regional station. And secondly, new intelligence on  
4 closed SOIs will also route to a regional triage area  
5 for assessment.

6 Q. What are those changes designed to achieve?

7 A. This is designed to mitigate the risk that due to  
8 competing and higher priority demands on their time,  
9 intelligence on closed SOIs could remain unassessed by

10 the previous investigator or their successor responsible  
11 for that closed SOI.

12 Q. So it's designed to mitigate the risk arising in such  
13 a situation. Did any such issue arise in the case of  
14 Salman Abedi?

15 A. Not in the case of Salman Abedi, no, because all the  
16 intelligence was considered and assessed by those  
17 responsible for his closed SOI record prior to the  
18 attack.

19 Q. Obviously there exists in relation to any SOI the  
20 possibility that they might sooner or later reengage in  
21 activity of concern.

22 A. Yes.

23 Q. And there are a large number of closed SOIs. Is MI5  
24 conscious of that risk?

25 A. Yes. We are acutely conscious of that risk. We know as



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1 an organisation that we need to be focusing our effort  
2 on live SOIs because we have determined for assessment  
3 that they are the ones who pose the greatest threat, but  
4 we also recognise that that pool of closed SOIs within  
5 which there will be some risk that some will reengage.

6 Q. Conscious in the period also of 2014 to 2017?

7 A. Yes.

8 Q. As a result has MI5 developed a process for identifying  
9 closed SOIs who are potentially worthy of renewed  
10 investigation?  
11 A. Yes.  
12 Q. In the report of the intelligence and security  
13 committee, was that process code named Clematis?  
14 A. Yes, it was.  
15 Q. How does that process operate?  
16 A. Clematis is a process which we introduced to identify  
17 specific indicators to highlight closed SOIs for further  
18 consideration. Closed SOIs who hit specific triggers  
19 are then referred to a separate process to consider the  
20 use of limited investigative tools to look into that  
21 individual further.  
22 Q. Does that further process subsequent to Clematis have  
23 its own codename in the ISC report?  
24 A. Yes, it does, it's called Daffodil.  
25 Q. SOIs, is this the position, referred to Daffodil who are



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1 assessed to have reengaged in Islamist extremist  
2 activity are referred to a separate team for leads  
3 triage?  
4 A. Yes, they are.  
5 Q. Does MI5 now and did it in 2017 have a process for

6           investigatory reviews?

7    A.   Yes.

8    Q.   Is that process one that was explained in

9           Lord Anderson's independent assessment at annex 5?

10   A.   Yes.

11   Q.   So can we look through what he explained in relation to

12           it? Each week, does something in particular occur?

13   A.   Yes. Every week, the head of counter-terrorism

14           investigations at MI5 reviews intelligence developments

15           in a formal meeting, incorporating updates from those

16           leading individual operations, input from police and

17           UKIC colleagues and an analytical feed from JTAC. This

18           results in the production of the highest risk

19           investigations, the apportion of resources accordingly

20           and the weekly letter we send to the Home Secretary.

21   Q.   In addition, every week does the CT senior management

22           team consider a weekly dashboard, as it is called?

23   A.   Yes, this is a dashboard of wider resourcing issues such

24           as total number of investigations staffing levels, the

25           processing of leads and any backlog this allows for the



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1           flexible reinforcement of staff and other resources

2           where needed (^).

3    Q.   The director-general as is widely known is the head of

4 MI5?

5 A. Yes.

6 Q. And what part does he play in the process of

7 investigatory reviews?

8 A. He receives a weekly brief regarding the main

9 developments and risks and at the same time his deputy

10 has oversight of the proposed use of intrusive

11 investigative measures before they are sent to the Home

12 Secretary for investigation.

13 Q. Those are things occurring on a weekly basis. Each

14 quarter, is there a particular process undertaken?

15 A. Yes. Each quarter, there's a thorough review of our CT

16 casework by MI5 senior investigative managers and the

17 teams for which they are responsible. Levels of

18 coverage and assurance, prioritisation and gaps across

19 each of the team's investigation are discussed.

20 Q. And as a result of that quarterly process, what happens

21 or may happen?

22 A. That review leads to some investigations being closed,

23 others re-prioritised or achieving increased resource.

24 Q. (^ the creation of an internal report on the CT threat

25 picture?



1 A. Yes, it does.

2 Q. And does that in turn inform a strategic review of your  
3 investigations?

4 A. Yes.

5 Q. X and X's statement indicates that the CT business feeds  
6 into MI5's quarterly performance report at this point.  
7 Are you able to explain what that means?

8 A. That's a report that looks across MI5 and looks at all  
9 of our work and our resources that enables us to  
10 understand our strategic risks and our prioritisation  
11 and is then shared externally with the Home Secretary.

12 Q. At an earlier stage in the inquiry's oral evidence, we  
13 heard about the role within CT policing of the assistant  
14 commissioner specialist operations, as part of the  
15 process of investigatory reviews is the ACSO involved?

16 A. Yes, we brief ACSO on key developments in our  
17 investigations.

18 Q. Does the executive liaison group process exist you to  
19 jointly agree with police the management of risk where  
20 you identify risk to the public from your  
21 investigations?

22 A. Yes.

23 Q. An at working level how does that happen?

24 A. At a working level that means that a senior police  
25 investigator is appointed to major MI5 investigations

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- 1 and is an integral part of the team involved in  
2 resourcing and priorities.
- 3 Q. MI5 of course is just one part of the UK intelligence  
4 community. Each month, does the director of  
5 counter-terrorism agree with counterparts in SIS and  
6 GCHQ any strategic shifts required to improve your  
7 collective response to developments in the threat?
- 8 A. Yes.
- 9 Q. Does the head of JTAC also sit on that body?
- 10 A. That's right, yes.
- 11 Q. Within your investigative structure is there also  
12 a strategic intelligence group?
- 13 A. Yes.
- 14 Q. What is that, please?
- 15 A. It's specifically designed to provide assessments which  
16 inform resource allocation decisions, but also to  
17 challenge the assumption of investigators.
- 18 Q. Next the relationship in more detail between MI5 and CT  
19 policing. As you, I'm certain, will be well aware,  
20 reviews in the past have identified some issues with  
21 such working, have they not?
- 22 A. Yes, they have.
- 23 Q. Particularly perhaps post-7/7. Do MI5 and CT policing  
24 have different roles and expertise?
- 25 A. Yes, they do.



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- 1 Q. But is it nonetheless important that they work closely  
2 together in the common goal of countering the terrorism  
3 threat?
- 4 A. Yes.
- 5 Q. Predominantly how is that liaison achieved?
- 6 A. We work very closely together across the UK. We do this  
7 through -- on the police side, national  
8 counter-terrorism police networks. The Metropolitan  
9 Police service, Police Service of Northern Ireland and  
10 local force Special Branches, and we receive assistance  
11 from them and other law enforcement agencies in many  
12 areas of our work, (inaudible) intelligence assessments  
13 on current threats.
- 14 Q. Do you collaborate closely on investigations that may  
15 result in criminal proceedings?
- 16 A. Yes.
- 17 Q. So the role of CT policing includes gathering  
18 intelligence and evidence to help prevent, disrupt and  
19 prosecute terrorist activities, carrying out arrests and  
20 other executive action?
- 21 A. Yes.
- 22 Q. Is it the position, as the chairman identified with you  
23 earlier, that many MI5 SOIs are actively involved in  
24 other criminality does that not pose a threat to



25 national security?

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1 A. Yes.

2 Q. And what else needs to be said about that particular  
3 topic? I'm at paragraph 72.

4 A. Involvement in criminality is not always an indicator of  
5 extremist activity. And as we and the police only have  
6 limited resources, we have to be sure that we are  
7 identifying whether an SOI's activity, criminal or  
8 otherwise, poses a threat to national security.

9 Responsibility for investigating activity that is not of  
10 national security concern lies with the police outside  
11 of CT policing.

12 Q. I referred to the review following 7/7, similarly the  
13 review following the Woolwich attacks identified issues.  
14 Since that time have improvements in MI5's judgment been  
15 made in relation to how you operate together and in how  
16 you review yourselves jointly?

17 A. Yes I think that's fair, I think we are continually  
18 improving. I should say though from my experience  
19 we have a fantastically strong relationship and  
20 partnership and we work very well together, but that  
21 doesn't stop us continually working for ways to work  
22 closely and better together.

- 23 Q. Since the Woolwich attack what have you worked to  
24 provide the police with?  
25 A. We've sought to provide the police with greater

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- 1 visibility of our investigations and earlier involvement  
2 in those investigations so that that partnership can  
3 truly benefit from that shared understanding of the  
4 picture.  
5 Q. Do there now exist a number of protocols supported  
6 through a range of learning and development informations  
7 govern how intelligence information is shared between  
8 police and MI5?  
9 A. Yes.  
10 Q. Do priority operations, paragraph 75, involve a series  
11 of structures in which MI5 and CT policing work closely  
12 together?  
13 A. Yes.  
14 Q. We'll just identify what those are in headline form.  
15 The executive liaison group that you have identified  
16 already.  
17 A. Yes.  
18 Q. So a group that involves senior representatives of both  
19 MI5 and Counter-terrorism Policing.  
20 A. Yes.

21 Q. Secondly, a joint operations team that develops the  
22 ERG's strategy into a practical plan to achieve the  
23 objectives?  
24 A. Yes.  
25 Q. Again, involving members of the two organisations at

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1 a high level. And thirdly, do there occur informal,  
2 albeit recorded, intelligence updates and exchanges  
3 between MI5 and CT policing across the network of both  
4 support and complement the more formal framework?  
5 A. That's right, yes.  
6 SIR JOHN SAUNDERS: Just stopping there for a moment,  
7 I think it's fair to say that the Intelligence and  
8 Security Committee were not completely satisfied that  
9 there was even by that time, 2017, satisfactory liaison  
10 going on between you. Of the three things mentioned in  
11 paragraph 75 can you tell me how many post-date 2017?  
12 A. Those three, the ERG, the joint operation team and  
13 informal intelligence updates all pre-date 2017. They  
14 are well-established.  
15 SIR JOHN SAUNDERS: Thank you.  
16 MR GREANEY: You have told us already that the intelligence  
17 handling model is a process used jointly by MI5 and  
18 Counter-terrorism Policing.

19 A. Yes.

20 Q. Is that a model that is under constant review and  
21 updating?

22 A. Yes, it's something which we ensure we are continually  
23 improving using learning from both disrupted and  
24 successful plots.

25 Q. Is the operational improvement review carried out

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1 jointly by MI5 and your police colleagues, a further  
2 example of seeking to work closely together?

3 A. Yes.

4 Q. Is there a programme called CT step-up?

5 A. Yes, there is.

6 Q. I'm now at the top of page 20. What is that, please?

7 A. This is a programme, not just between MI5 and CT  
8 policing, but alongside SIS and GCHQ designed to ensure  
9 that we are sharing knowledge within the UK  
10 counter-terrorism community to enable a single shared  
11 understanding of subjects of interest, capabilities and  
12 objectives.

13 Q. Are MI5 and Counter-terrorism Policing on a daily basis  
14 seeking to ensure that they work closely together?

15 A. Yes.

16 Q. Along the way of explaining what Counter-terrorism

17 Policing was able to bring to counter-terrorism, you  
18 described, I think, disruptions. What does the term  
19 disruptions mean in this context?

20 A. MI5 CT police and other government departments use  
21 a range of disruptive powers to dissuade or prevent  
22 subjects of interest from engaging in terrorist related  
23 activities, where it's necessary and proportionate to do  
24 so.

25 Q. So one may have a situation in which there is concern

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1 that a person is engaged in terrorist activity but for  
2 any number of reasons a prosecution in the courts may  
3 not be possible. Is that a situation in which  
4 disruptive powers may be particularly useful?

5 A. Yes, these judgments are made on a case-by-case basis,  
6 whether a particular disruptive action can be used  
7 in relation to a particular SOI.

8 Q. Because presumably, investigators need to bear in mind  
9 the risk that any form of disruptive action might  
10 provoke a heightened level of operational security  
11 awareness in an SOI?

12 A. That's right.

13 Q. So as no doubt with many of the decisions being made by  
14 MI5 about subjects of interest, it requires a balance of

15 factors?

16 A. Yes.

17 Q. So just to provide perhaps some examples, where  
18 intelligence indicates that a subject of interest might  
19 travel abroad for extremist purposes, what might be the  
20 options?

21 A. A range of options would be considered by MI5 and other  
22 government departments in relation to travel monitoring  
23 and restrictions. So MI5, CT police and other  
24 government departments can disrupt an SOI's travel if  
25 it's deemed necessary and proportionate to do so in the

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1 circumstances.

2 Q. Let's turn to travel monitoring and restrictions.  
3 Something that the inquiry will be particularly  
4 concerned to investigate in the context of Salman Abedi  
5 is what is described as the ports and travel toolkit.  
6 Would you please, paragraph 80, explain to us what this  
7 means?

8 A. With our partners, MI5 has access to a well-established  
9 toolkit to enable identification and disruption of  
10 travel conducted by SOIs.

11 Q. In particular, does MI5 have a close relationship with  
12 police at UK ports?

- 13 A. Yes.
- 14 Q. Entailing the exchange of intelligence?
- 15 A. Yes.
- 16 Q. What does that partnership permit MI5 to do or at any  
17 rate request?
- 18 A. It allows us to request that the police undertake  
19 specific actions in relation to individuals arriving at  
20 or leaving the UK, this can involve requests to be  
21 notified of an SOI's travel as well as requests for  
22 consideration to be given to stop a subject of interest  
23 under the (inaudible) Act 2000.
- 24 Q. A schedule 7 stop obviously again there may be a balance  
25 of factors to take into account. But do you agree that

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- 1 that may be a most useful technique?
- 2 A. Yes, it can be.
- 3 Q. Because I hope I'm not going to get the legal position  
4 wrong, it can enable a person to be detained for  
5 a period of up to 6 hours, although with checks?
- 6 A. Yes.
- 7 Q. Can enable them to be interviewed?
- 8 A. Yes.
- 9 Q. It can enable them and their belongings to be searched?
- 10 A. Yes.

11 Q. It can enable the requirement for a password for strong  
12 devices to be provided?

13 A. Yes.

14 Q. And those devices searched for any concerning material  
15 that may be on there?

16 A. Yes, and need to make sure those powers are not ours,  
17 they are the police's powers.

18 Q. And indeed X makes that plain at paragraph 81, the  
19 decision whether to exercise those powers or any of them  
20 under schedule 7 lies with the police?

21 A. Yes.

22 Q. But certainly MI5 can make a request that in any  
23 particular case they should be exercised?

24 A. That is right.

25 Q. Is there a term, a collective term, used within



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1 counter-terrorism to describe the ports and travel  
2 toolkit?

3 A. Yes, we refer to it as putting a subject of interest on  
4 ports action.

5 Q. Witness J, thank you very much for --

6 SIR JOHN SAUNDERS: I just want to deal with something  
7 related to that if you don't mind.

8 I can well understand that if you think that someone



9 is travelling abroad for terrorist action using the stop  
10 and search powers may provide evidence to support that  
11 suggestion and you can effectively stop the person from  
12 going abroad if that's their reason. I can also  
13 understand that you could use that action in order to  
14 use your -- for the police to use their powers to search  
15 to look on electronic devices, to find whether there's  
16 evidence on those, which actually supports the fact that  
17 they may be acting in a terrorist way, have a terrorist  
18 mindset, whatever.

19 Is it also seen or considered that a port stop  
20 itself can be a disruptive action? In other words using  
21 a port stop on someone could actually prevent them going  
22 ahead with whatever they might have been intending to,  
23 simply by the fact of stopping them and therefore  
24 perhaps coming to their attention that MI5, the police,  
25 whatever, know something about them? Is it used as

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1 a disruptive action purely the fact of stopping them?

2 A. Yes, it can be. As I say, I defer to the police in  
3 terms of how they use their powers. From a MI5  
4 perspective what we're seeking to achieve from ports  
5 action is probably quite a wide-ranging set of potential  
6 requirements to be met.

7 SIR JOHN SAUNDERS: I take your point that it's police  
8 decision what they do. But no doubt, MI5 can have  
9 a significant influence. They have to set out the case,  
10 of course, because an interference with someone's  
11 private life -- and therefore it needs to be necessary  
12 and proportionate. Providing you can satisfy that with  
13 the police, they are likely to listen to MI5, at least  
14 aren't they.

15 A. Yes, I think that's right. As a request to the police  
16 to say we are interested in this person, I think there  
17 is a question about whether or not that power can then  
18 be properly exercised purely by disrupting someone's  
19 travel. I'd be looking for MI5 investigators to be  
20 clear on what action they wanted on that because it can  
21 be an opportunity to gather intelligence of course as  
22 well.

23 MR GREANEY: So schedule 7 stop might have any number of or  
24 might generate any number of reactions on the part of  
25 the person who is stopped. It might have an adverse



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1 impact in terms of what they are provoked into doing or  
2 it may put them off because they begin to suspect that  
3 they are suspected of something.

4 Is it the position that those are factors that will

5 need to be taken into account in deciding whether on  
6 MI5's part to make a request for such a stop and on the  
7 part of CT policing or policing more generally to carry  
8 out such a stop?

9 A. Yes, I think all of those things would be considered and  
10 just to be clear, to be helpful to the inquiry, the  
11 powers under schedule 7 of TACT used by the police  
12 exercised by the police are not the only ports action  
13 available.

14 Q. No.

15 A. Other travel monitoring tools which I don't go into any  
16 detail here on, are available, which means that somebody  
17 isn't stopped but you might still be able to gather  
18 intelligence through those means. So the investigator  
19 will be weighing those judgements up as well in terms of  
20 the impact of the SOI by any overt or covert action.

21 SIR JOHN SAUNDERS: Am I right in thinking a port stop is  
22 not something which requires the approval of  
23 a Secretary of State or indeed the double lock  
24 procedure?

25 A. No, it's internally authorised.



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1 MR GREANEY: Thank you, sir.

2 So Witness J, thank you very much for helping us

3 with those matters of background and process which it  
4 was necessary for us to go through in detail. We are  
5 going to turn next to deal with matters which, as you  
6 understand, will be of the greatest concern to the  
7 public and in particular the bereaved families, namely  
8 MI5's investigation and knowledge of Salman Abedi.

9 Before I do that, I'm going to ask that eye be taken  
10 off the camera. I'm going to ask Mr Suter to join me  
11 for one moment. I just want to check on something.

12 (Pause).

13 SIR JOHN SAUNDERS: What is the date of birth of  
14 Salman Abedi? If someone could provide that to me  
15 I would be grateful because it may be relevant to how  
16 old he was at particular stages.

17 MR GREANEY: I don't have that information immediately.

18 SIR JOHN SAUNDERS: I'm sure I'll be told within minutes.

19 MR GREANEY: It might not be until after lunch.

20 MR COOPER: It might be the year 1994.

21 SIR JOHN SAUNDERS: We'll check. Just so I have some idea.

22 A. I think it's 31 December 94.

23 SIR JOHN SAUNDERS: Thank you, 31 December 94. Thank you.

24 It wasn't a trick question, I assure you. I genuinely  
25 wanted to know the answer.

1 MR GREANEY: So just before we go into the detail to the  
2 extent that it can be open about Salman Abedi, I want to  
3 invite you to confirm something which, to use a phrase,  
4 is being broken out into open, that the security  
5 services' general assessment based on the intelligence  
6 picture as it stands and without prejudice to the  
7 ongoing police investigation and any further evidence  
8 that the police may obtain is that no one other than  
9 Salman Abedi and Hashem Abedi was knowingly involved  
10 in the attack plot?

11 A. That's right.

12 Q. I'm now at page 21, paragraph 83 of your statement.

13 When was it that MI5 first received information  
14 about Salman Abedi?

15 A. We first received information on Salman Abedi on  
16 30 December 2010.

17 SIR JOHN SAUNDERS: So the day before his 16th birthday.

18 MR GREANEY: I was just about to show my skills in maths as  
19 well, sir.

20 From where was that information received?

21 A. We received this from the North-west Counter-terrorism  
22 Unit, which is a unit within counter-terrorism policing.

23 Q. Was that information received in response to anything?

24 A. That was in response to a trace request made by MI5 to  
25 the North-west CTU for information on a separate



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1 individual, who was an SOI.

2 Q. So an SOI who was not Salman Abedi, and is it the  
3 position that due to the fact that Salman Abedi was  
4 linked to one of the addresses relevant to the trace  
5 request, North-west CTU's response included  
6 Salman Abedi's address, his date of birth, and  
7 information that he had been stopped and searched by  
8 police on two occasions in 2010, with nothing suspicious  
9 being found?

10 A. Yes, that's right.

11 Q. Did anything about that response from North-west CTU  
12 indicate that Abedi posed any threat to national  
13 security?

14 A. No.

15 Q. Was he put on any investigative scrutiny as a result of  
16 the information at that stage?

17 A. No, he wasn't subjected to any investigative scrutiny.  
18 This was a faint link, caused as a result of him having  
19 an address that was shared with in some way the subject  
20 of interest we were seeking the trace request on.

21 Q. In December 2013, did Salman Abedi come back on to the  
22 radar of MI5?

23 A. Yes.

24 Q. In what circumstances?

25 A. He was identified by MI5 as a possible candidate for an



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- 1 unknown individual observing to have been acting  
2 suspiciously with an SOI.
- 3 Q. And that is an SOI described in the statement as SOI A;  
4 is that correct?
- 5 A. Yes.
- 6 Q. Has MI5 judged on national security grounds that SOI A  
7 cannot be named publicly?
- 8 A. Yes.
- 9 Q. I won't ask you the same question in relation to each  
10 SOI. Is that also the position in relation to SOI B and  
11 C?
- 12 A. Yes.
- 13 Q. So he was a candidate for having acted suspiciously with  
14 SOI A. Was SOI A under investigation by MI5?
- 15 A. Yes, he was under investigation within a P2 M  
16 investigation, so a medium priority P2 operation.
- 17 Q. Was that due to SOI A's suspected links with involvement  
18 in planning travel to Syria for extremist purposes?
- 19 A. Yes.
- 20 Q. Why was Salman Abedi considered by MI5 as a candidate  
21 for this unknown individual?
- 22 A. This is because he was a -- a telephone number  
23 registered to Salman Abedi was in contact with this

24 subject of interest prior to the suspicious activity  
25 that had been observed.

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1 Q. As a result, did MI5 seek to confirm if the unidentified  
2 individual was Salman Abedi and seek to obtain  
3 information to ascertain the relationship between Abedi  
4 and SOI A?

5 A. Yes.

6 Q. On 18 March 2014 was a decision made that Salman Abedi  
7 met the threshold to be opened as an SOI?

8 A. Yes.

9 Q. Did that mean, as you've explained to us, that a KIS  
10 record was opened for him?

11 A. Yes.

12 Q. And also that he was given a MI5 nickname?

13 A. Yes.

14 Q. Was that decision made because it was still thought that  
15 he was a candidate for the unidentified male?

16 A. The decision was made after we had determined that  
17 he was no longer the candidate for that unidentified  
18 male but on the basis that he was in frequent contact  
19 with the SOI.

20 SIR JOHN SAUNDERS: And he's 19 at this time? I think it  
21 follows. 3 years after the first one.



22 A. Yes.

23 SIR JOHN SAUNDERS: Just 19.

24 MR GREANEY: Yes. So the investigation had moved on and the  
25 reason for designating him an SOI was the contact that

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1 he had been having with SOI A?

2 A. Yes.

3 Q. Did that include contact between the two, just prior to  
4 SOI A acting in the suspicious way that you have  
5 described?

6 A. Yes.

7 Q. As a result, was MI5 seeking still to ascertain the  
8 nature of the relationship between the two?

9 A. Yes.

10 Q. And whether or not Salman Abedi posed a threat to the  
11 national security of this country?

12 A. Yes.

13 Q. Was he given a holding code on the same day, 18 March?

14 A. Yes.

15 Q. What holding code was he given?

16 A. The holding code that he was given was that he was  
17 assessed as an individual who might pose a threat to  
18 national security.

19 Q. In terms of the tiering, what tier SOI was he?

20 A. He was made a Tier 3 SOI under this operation, ie he was  
21 a contact of a Tier 1 SOI who was the SOI A, who we've  
22 discussed, who was the focus of that operation.

23 Q. In seeking to identify, first of all, whether  
24 Salman Abedi had been the identified individual and then  
25 the nature of his relationship with SOI A, did MI5

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1 undertake a number of investigative actions?

2 A. Yes.

3 Q. Did those include informing North-west CTU that  
4 Salman Abedi was a candidate for that person?

5 A. Yes.

6 Q. In July 2014, 21st of that month, was a decision made to  
7 cease investigation into Salman Abedi?

8 A. Yes.

9 Q. To use the language we are now familiar with, was  
10 a decision made to close him as an SOI?

11 A. Yes.

12 Q. At that stage, was he given a holding code?

13 A. Yes, he was given a new holding code that represented  
14 that he was assessed not to pose a threat to national  
15 security.

16 Q. What was that decision based upon?

17 A. This was based on Salman Abedi's lack of engagement with

18 individuals of interest, including SOI A.  
19 Q. Was an officer from North-west CTU involved in that  
20 closure process?  
21 A. Yes.  
22 Q. Did that include the please of what's called a residual  
23 SOI form?  
24 A. Yes.  
25 Q. In that form was Salman Abedi's residual risk assessed

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1 to be low?  
2 A. Yes.  
3 Q. Was any reason recorded in the form for that assessment?  
4 A. The reason recorded in the form for this decision was  
5 since Salman Abedi was opened as an SOI we've seen no  
6 adverse intelligence relating to him, he was a candidate  
7 for an individual site associated with SOI however this  
8 individual was later identified to be somebody else.  
9 Q. So there we have it. On 21 July 2014, he is closed as  
10 an SOI and became part of that large group that you've  
11 described to us earlier.  
12 A. Yes.  
13 Q. Aside from a time that you are going to explain to us in  
14 due course, subsequently when Salman Abedi was opened  
15 and closed as an SOI on the same day, is that the only

16 period during which Salman Abedi was open as an SOI for  
17 MI5?

18 A. Yes, that's right.

19 SIR JOHN SAUNDERS: This relates to telephone numbers and  
20 you may well not be able to answer this, so if someone  
21 could just look at it and if they're able to tell me,  
22 that would be helpful. Paragraph 83. You were talking  
23 about the trace on 30 December 2010, which was MI5's  
24 first contact of any sort with Salman Abedi and it deals  
25 with his address, date of birth and information that

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1 he'd been stopped and searched by police on two  
2 occasions on 2010. Do you happen to know, were you  
3 given a phone number as well? It may be you don't.

4 A. I have seen all the material relating to this, sir, and  
5 I don't believe we were given a phone number. But  
6 I will ask my team to check.

7 SIR JOHN SAUNDERS: Thank you. So just connecting that up,  
8 he was connected up with SOI A in December 2013 because  
9 a telephone number registered to Salman Abedi was in  
10 contact with SOI A. When you say registered, does this  
11 mean that it's in some public registry of telephone  
12 numbers or does it mean that it's registered so far as  
13 you are concerned to Salman Abedi or the police

14 concerned? I'm asking this because most terrorists  
15 perhaps involved in terrorist activity may not be using  
16 registered telephones on a public directory.

17 A. I can't describe exactly how we came to know that it was  
18 Salman Abedi's number that was in contact, but this  
19 would have been research that we did in conjunction with  
20 the police to determine the contacts of this SOI A.

21 SIR JOHN SAUNDERS: It's the use of the word "registered".

22 If you could find out where that comes from that would  
23 be a help if I'm allowed to know.

24 A. Yes.

25 MR GREANEY: So it's really a question of whether it's

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1 a phone which is formally registered in the sense of  
2 being a contract phone in his name or whether it's a pay  
3 as you go phone that's attributed to him through the  
4 usual mechanisms that we are all familiar with.

5 A. Yes.

6 Q. Let's move on in time to the following year, 2015. In  
7 2015 did Salman Abedi again come to the attention of  
8 MI5?

9 A. Yes.

10 Q. In what circumstances?

11 A. He was identified as being the owner of a telephone

12 number which had been seen previously in contact with  
13 a subject of interest, SOI B, on a number of occasions.

14 Q. Did you also have information that indicated that  
15 Salman Abedi had met with SOI B in person on a number of  
16 occasions?

17 A. Yes.

18 Q. Was SOI B someone previously linked to Al-Qaeda?

19 A. Yes.

20 Q. And investigated in connection with his facilitation of  
21 the travel of others to Syria?

22 A. Yes.

23 Q. Was there anything within that information in 2015,  
24 either alone or in combination with the other  
25 information held from 2010 and 2013, that was considered

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1 by MI5 as sufficient to justify opening Salman Abedi as  
2 an SOI?

3 A. No, nothing within the information held in connection  
4 with Salman Abedi's contact and association with SOI B  
5 was considered sufficient to justify opening him as  
6 an SOI. We didn't consider he showed -- that it showed  
7 that he posed a threat or may pose a threat to national  
8 security.

9 SIR JOHN SAUNDERS: Can I just ask for the same information

10 on the telephone number in relation to that? Thank you.

11 MR GREANEY: On the chairman's point about telephone numbers

12 we've heard about the KIS record that is kept

13 in relation to all SOIs and sometimes I think called

14 a KIS record?

15 A. Yes.

16 Q. Where a telephone number is attributed or believed to be

17 attributed to an SOI, should such information be

18 recorded on the KIS record?

19 A. Yes, if it's confirmed that it's the telephone number of

20 that SOI then it should be on the KIS record.

21 Q. Again, stop me if I'm trespassing into closed territory.

22 Does that apply whether the SOI is an open active SOI or

23 a closed SOI?

24 A. I think certainly in the case of live or opened SOIs,

25 then there would be very regular updating of the KIS to

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1 ensure that the telephone numbers of that individual

2 were on the corporate record. For closed SOIs who are

3 not under live investigation, then I think it's less

4 likely that you will always see the telephone number

5 being associated from week-to-week if it changes.

6 Q. We were dealing with SOI B. In its post-attack

7 assessment based on a review of both pre-attack and

8 post-attack intelligence, has MI5 reached any conclusion  
9 about SOI B and his involvement or potential involvement  
10 in the events of or that led to 22 May?

11 A. Yes. In our post- attack assessment, so this is  
12 a review of both pre-attack and postattack intelligence,  
13 our judgment is that Salman Abedi's extremist ideology  
14 is likely to have been influenced by his contact with  
15 SOI B. But also that it's unlikely that SOI B was  
16 involved in or otherwise knew about the planned attack.

17 SIR JOHN SAUNDERS: That's post. Benefit of hindsight,  
18 I well understand. But the fact of a 19 year-old being  
19 in contact with somebody who was previously linked to  
20 Al-Qaeda. Would that not give some concerns about the  
21 possibility that radicalisation is happening?

22 A. So at that time we didn't have intelligence to indicate  
23 that. As with SOI B, where we actually had three or  
24 four months' worth of investigation, we are seeking to  
25 determine whether somebody in contact with someone is



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1 more than just that, and in the case of SOI B's contact  
2 with Abedi we saw nothing to justify opening him as  
3 an SOI.

4 SIR JOHN SAUNDERS: We'll come to this later, but all this  
5 may be relevant, may it not, to whether a referral to



6 Prevent should have taken place?

7 A. Yes, potentially.

8 SIR JOHN SAUNDERS: Thank you.

9 MR GREANEY: Is the fact that by 2015 Salman Abedi has been  
10 in contact with two SOIs, SOI A and B, is that relevant  
11 to the assessments that are or should be being made  
12 about whether to redesignate him as an active SOI and/or  
13 to take some other action such as a Prevent referral?

14 A. Yes, I think an investigator looking at an individual  
15 who's in contact with an SOI and then another SOI would  
16 be taking that into account when making judgements about  
17 whether or not that individual may pose a threat to  
18 national security. But I'd add at that point, if I may,  
19 that we are talking here about thousands of people who  
20 are in contact with individuals on a day-to-day basis  
21 who are SOIs. We have to make very fine judgements  
22 about whether somebody reaches a threshold for  
23 investigation and it can't just be on the basis of  
24 contact. It has to be on the basis of more than that to  
25 ensure that we are making good decisions about how we



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1 use our resources, but also to ensure that we are  
2 absolutely focusing on those individuals who may pose  
3 a threat.

4 Q. Is it fair to observe, perhaps only as a no more than  
5 a matter of common sense, that the more persons of an  
6 extremist mindset I am in contact with, the greater the  
7 concern that I might share their mindset?

8 A. Potentially, but in the case of Salman Abedi in relation  
9 to these two SOIs, the investigator was looking at the  
10 contact and the association and making judgements that  
11 I consider to be reasonable in not opening an  
12 investigation. It doesn't necessarily follow, I would  
13 suggest, that having contact with a number of SOIs is  
14 a cumulative risk. It can be, but it doesn't  
15 necessarily follow that way.

16 SIR JOHN SAUNDERS: So you'd be looking presumably, and it's  
17 going to be, we can't do it in open, I think, but you'd  
18 be looking at whether there were legitimate contacts  
19 between him and the SOIs, so explanations for him being  
20 in contact which had nothing to do with terrorism?

21 A. Yes, sir, I think it is for us as an organisation in  
22 seeking to understand whether somebody is engaging --  
23 in the case of, if I may just say a little bit about  
24 this to be helpful.

25 SIR JOHN SAUNDERS: Thank you.



1 A. SOI A was under investigation due to a suspected link

2 with involvement in planning travel to Syria for  
3 extremist purposes.

4 MR GREANEY: Yes.

5 A. The individuals who were investigating at that time,  
6 there would have been some who we opened as  
7 investigation subjects because we could see that they  
8 were potentially engaging in activity that looked like  
9 it was connected to that. With SOI B, similarly, the  
10 fact that he was investigated for connection with his  
11 facilitation of the travel of others to Syria, again  
12 amongst his contacts were individuals who intelligence  
13 suggested were involved in engaging in activities that  
14 looked like they were about potential travel to Syria.

15 And then there were a range of other contacts who  
16 were not engaged in terrorism, some of whom had  
17 extremist mindsets, no doubt, some of whom were engaged  
18 in activities that looked extreme in nature, but we have  
19 to be really clear about where we want to focus our  
20 effort and who we want to investigate. So those are the  
21 sorts of judgments that I would be looking to make if  
22 I was the investigator and I think those are the  
23 judgements that we did make.

24 Q. Can I clear that in my questions I'm not intending to  
25 suggest for one moment that these decisions do not

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- 1 involve fine judgements and difficult considerations.
- 2 But let's move on in time, still in 2015. Did MI5
- 3 receive other information about Salman Abedi in contact
- 4 with another subject of interest?
- 5 A. Yes, we did.
- 6 Q. Is that person known within the statement as SOI C?
- 7 A. Yes.
- 8 Q. What can be said publicly about SOI C?
- 9 A. SOI C was a long-standing subject of interest due to his
- 10 previous affiliation with an extremist group in Libya.
- 11 Q. And I asked you about MI5's post-attack assessment
- 12 in relation to any role of SOI B. Has MI5 also made
- 13 such an assessment in relation to SOI C?
- 14 A. Yes. In our post-attack assessment, we judged that
- 15 SOI C may have had some radicalising influence on
- 16 Salman Abedi. At the same time we hold no information
- 17 to suggest that SOI C was involved in or otherwise knew
- 18 about the planned attack.
- 19 Q. We maybe could have dealt with this earlier. As you've
- 20 explained, in 2015 Salman Abedi was identified as being
- 21 the owner or user of a particular telephone number. Had
- 22 something occurred in 2013 that is relevant to that
- 23 issue?
- 24 A. Are you talking about paragraph 99?
- 25 Q. I am, yes.



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1 A. This is in 2013, a telephone number almost identical to  
2 that of the telephone number referred to already was  
3 seen in connection with another individual suspected of  
4 having possible links to extremists.

5 Q. Is that someone other than SOI A, B or C?

6 A. Yes.

7 Q. Is it the position that the information held by MI5, and  
8 are you talking about there 2013 or some later stage?

9 A. 2013.

10 Q. So is the position that the information held by MI5 in  
11 2013 would have enabled that number to be connected to  
12 an unknown Salman?

13 A. Yes.

14 Q. But no investigative steps were taken to identify the  
15 particular Salman in question?

16 A. That's right.

17 Q. But after the attack, that information was connected to  
18 Salman Abedi?

19 A. Yes.

20 SIR JOHN SAUNDERS: Just so we know, the number referred to  
21 in paragraph 92 was the number in contact with SOI B?

22 A. That's right.

23 SIR JOHN SAUNDERS: I'm saying that because we don't yet  
24 know whether they're the same numbers that were in

25 contact with SOI A or indeed the number which may have

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1 been identified in 2010. Hopefully we'll be able to tie  
2 all these numbers up at some later stage.

3 A. Can I just offer on that 2013 number, this was research  
4 that we did when we were looking through all our records  
5 quite properly after the attack to identify any numbers  
6 that may have been connected to Salman Abedi. So the  
7 search terms we used, I might just say that, were not  
8 just any particular telephone numbers but also versions  
9 of those telephone numbers, including ones that were  
10 almost identical. So in 2013, this came up in  
11 connection with somebody who wasn't an SOI, in contact  
12 with Salman, an unknown Salman, who at that time wasn't  
13 being investigated. So it's very unlikely that we would  
14 have ever connected this number had we not done the  
15 review post-attack.

16 SIR JOHN SAUNDERS: So you are specifically saying that  
17 should not have been obvious in 2015 for example?  
18 Because 2015 is when the contact is made with B and  
19 you are saying there's no way you should have linked  
20 that up in your view with the number, the slightly  
21 different number, in 2013?

22 A. In my view.

23 SIR JOHN SAUNDERS: Thank you.

24 MR GREANEY: The chairman plainly is clear about this,

25 I just want to make sure that I am also clear. In 2013,

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1 a particular telephone number came to the attention of  
2 MI5 because it had been in contact with an individual  
3 suspected of having links to extremists.

4 A. Yes.

5 Q. It would have been possible to have connected that  
6 number in 2013 to an unknown Salman?

7 A. Yes.

8 Q. But you don't consider that the work that would have  
9 been necessary to do that was reasonable to expect at  
10 that stage?

11 A. No.

12 Q. And then in 2015, the slightly different number is  
13 attributed to Salman Abedi and is identified as in  
14 contact with SOI B?

15 A. Yes.

16 Q. Next I'm going to ask for your help in relation to  
17 a topic under X's heading "Second level contacts". You  
18 mentioned earlier that there was a day when Salman Abedi  
19 was reopened but then closed as an SOI within a single  
20 day. Was that day in October 2015?

21 A. Yes.

22 Q. Are you able to explain how it came about that he was  
23 re-opened and closed within such a short period?

24 A. This was based on a misunderstanding of information held  
25 by MI5 that indicated Salman Abedi's links to a senior

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1 IS, Islamic State, figure in Libya. The information  
2 indicated that Salman Abedi was a second level contact  
3 of this individual, ie as you have said a contact of  
4 a contact, but he was opened as an SOI on the basis that  
5 this was a first level contact, so a direct contact.

6 Q. So there had been a misunderstanding that caused him to  
7 be re-opened, that misunderstanding was quickly  
8 identified and he was then closed?

9 A. Yes.

10 Q. So whatever the reaction ought to have been to the  
11 information about SOI A and B, is it your position that  
12 nothing that actually happened in October 2015 was  
13 capable of making any real reassessment of Salman Abedi  
14 and the risk that he presented?

15 A. No, not in my judgement.

16 Q. In April 2016, just to move events along, did further  
17 information come to MI5 about Salman Abedi?

18 A. Yes. In April 2016 MI5 identified Salman Abedi as



19 a second level contact of an SOI. This SOI was  
20 investigated by MI5 on the basis that he provided  
21 financial support to a member of ISIL in Syria.  
22 Q. Should we proceed on the basis or not that this SOI is  
23 a different SOI from A, B and C?  
24 A. Yes.  
25 Q. We should proceed on that basis?

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1 A. We should, yes.  
2 Q. In January 2017, did further information come to the  
3 attention of MI5 about Salman Abedi?  
4 A. Yes, in January 2017 MI5 identified Salman Abedi as  
5 a second level contact of an SOI. This SOI was of  
6 interest to MI5 because he was linked to ISIL and  
7 information held by MI5 indicated that he had previously  
8 travelled to Syria.  
9 Q. Is that a different SOI from A, B and C and also  
10 different from the SOI in respect of whom information  
11 was received in April 2016?  
12 A. Yes.  
13 Q. In April of 2017, so a month before the attack, did  
14 further information about Salman Abedi come to the  
15 attention of MI5?  
16 A. Yes, in April 2017 MI5 identified Salman Abedi as

17 a second level contact of another SOI. This SOI was  
18 investigated by MI5 based on his links to a recruiter  
19 and facilitator for ISIL in Libya.

20 Q. Again is this a sixth SOI and so a different SOI from  
21 the others that I have previously mentioned?

22 A. Yes.

23 SIR JOHN SAUNDERS: Does it have a cumulative effect, all  
24 this?

25 A. I think the first thing to say, if I say, second level

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1 contact is a contact of a contact, so there are going to  
2 be occasions where a second level contact of an SOI is  
3 interesting to MI5 and important in determining whether  
4 that person poses a threat. But it is not usual for  
5 that to be the case, it can draw out, for example, an  
6 interesting middle man between two individuals or  
7 somebody who's not previously come to our attention.  
8 But a second level contact is just that, it's a contact  
9 of a contact, and I'm not sure that to me that indicates  
10 a cumulative risk developing.

11 SIR JOHN SAUNDERS: Should someone be applying their minds  
12 to that and did they apply their minds to it?

13 A. I think this would be incorporated into the assessments  
14 we were making. I don't look at that information and

15 consider it to be significant in terms of determining  
16 whether or not Salman Abedi was posing a threat.  
17 I think it's something that will be taken into  
18 consideration, but this is not direct contact. You can  
19 see from the mistake that we made about opening  
20 Salman Abedi as an SOI for one day on October, we are  
21 acutely aware of when somebody is in direct contact with  
22 significant somebody. Somebody second level it's very  
23 rare for us to regard that as someone showing a more  
24 concerning picture.

25 SIR JOHN SAUNDERS: I'm not being critical, I'm wondering

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1 whether you know or not whether someone did look at the  
2 cumulative effect and decided that it needed action.

3 A. I will have to --

4 SIR JOHN SAUNDERS: If you wouldn't mind.

5 A. Yes.

6 SIR JOHN SAUNDERS: We are all aware, as well, that  
7 necessity and proportionality are always a requirement,  
8 which I think comes from the European Convention as  
9 really the wording that's used always for these  
10 invasions of privacy of any sort.

11 A. My answer is that it would have been considered, but

12 I want to make sure I'm really clear about that to avoid

13 misleading --

14 SIR JOHN SAUNDERS: That would be helpful, thank you.

15 MR GREANEY: So you will understand why the inquiry and the  
16 public will be concerned about this because over the  
17 period between December of 2013 and January 2017, so  
18 just over a 3-year period, there were three instances of  
19 Salman Abedi being in direct contact with subjects of  
20 interest and persons of an extremist mindset, and  
21 by January two examples of him being a secondary --  
22 a second level contact of a subject of interest, again  
23 a person with an extremist mindset and it's really  
24 a question of should someone have joined all of those  
25 dots, did they, and if so should it have resulted in

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1 Salman Abedi becoming again an active subject of  
2 interest? It may be that there are other issues that  
3 fell to be considered in such a decision, and let's turn  
4 to some of them.

5 I'm now at paragraph 104 of the statement under  
6 a heading "Travel". From 2011, did MI5 receive  
7 information about Salman Abedi's travel?

8 A. Yes, we received information on Salman Abedi's travel to  
9 Libya on a number of occasions.

10 Q. What was the reaction in general terms of MI5 to that

11 information?

12 A. We knew that he had familial links to Libya and we also  
13 received information in relation to him travelling to  
14 Saudi Arabia during the Hajj.

15 Q. On two separate occasions of those occasions you've told  
16 us about, did the nature of the information received  
17 about Salman Abedi's overseas travel give any cause for  
18 concern, either to MI5 or to North-west CTU?

19 A. Yes, the nature of the information on two separate  
20 occasions gave cause for us to consider that he may be  
21 travelling to Syria.

22 Q. Were further checks made to establish whether that was  
23 or was not correct?

24 A. Yes. We conducted checks to identify that he had not  
25 travelled to Syria. On the first occasion he travelled

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1 to Europe briefly, and then back to the UK, on the  
2 second occasion he travelled onwards to Libya.

3 Q. In respect of the first occasion, did MI5 consider that  
4 any further action was necessary?

5 A. No, no further action was taken because we didn't  
6 consider that this information showed that Salman Abedi  
7 posed a risk to national security.

8 Q. Did the second occasion relate to Salman Abedi's flight

9 to Istanbul on 25 May 2016?

10 A. Yes.

11 Q. How was that identified?

12 A. This was identified by north-west counter-terrorism unit  
13 following enquiries with Manchester Airport, which  
14 followed a notification to north-west counter-terrorism  
15 unit linked to another individual.

16 Q. Did that trip in the result cause any concern to MI5?

17 A. As Salman Abedi's travel was onwards to Libya, we did  
18 not consider this information showed that Salman Abedi  
19 posed a risk to national security and we liaised with  
20 North-west CTU accordingly.

21 Q. The next topic, and one which is a sort of public  
22 concern --

23 SIR JOHN SAUNDERS: Before we leave that, paragraph 106, the  
24 travel to Europe briefly, is it possible to be told  
25 which country in Europe? I think I probably know the

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1 answer and it may be entirely innocuous. If it is,  
2 it would be helpful to know if we can.

3 A. Um ...

4 SIR JOHN SAUNDERS: Don't answer if --

5 A. I'm sure we can provide it. There must be a reason why  
6 it's not there.

7 SIR JOHN SAUNDERS: Consider the reason and then if we can  
8 be told, then do. I will enquire at some stage whether  
9 more information can be given about paragraph 107, but  
10 we don't need to deal with that at the moment.

11 MR GREANEY: As I was indicating, in terms of what was known  
12 about Salman Abedi and what the reaction to that was and  
13 what it should have been, which may or may not be the  
14 same, I'm moving now to deal with a topic that, as  
15 I said, is of public concern.

16 SIR JOHN SAUNDERS: And you would like to keep going,  
17 presumably, would you?

18 MR GREANEY: Yes, I'd like to finish this. I know we're  
19 nearly at 1 o'clock.

20 SIR JOHN SAUNDERS: It's very helpful having our  
21 stenographer here, who we haven't had in the past.

22 MR GREANEY: I've introduced this topic twice already,  
23 I won't do it again. Is it correct that MI5 held  
24 information that indicated that Salman Abedi had visited  
25 a known extremist prisoner who more than one occasion?



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1 A. Yes, it is.

2 Q. In respect of the first visit, did MI5 and North-west  
3 CTU actively seek information on the nature of Abedi's  
4 visit to that prisoner?

5 A. Yes.

6 Q. As a matter of fact, did that result in any intelligence  
7 which was assessed as justifying opening Salman Abedi as  
8 an SOI for investigation?

9 A. That's right.

10 Q. So it didn't result in any such intelligence?

11 A. It didn't result in any such intelligence, yes.

12 Q. Have you and your colleagues considered closely whether  
13 any further information can be given in open about this  
14 particular topic?

15 A. Yes. We have thought very carefully, as you'd expect,  
16 around this because of the nature of this. If I can  
17 offer as much as I can in relation to this. So we did  
18 get some information on subsequent visits and we again  
19 concluded, looking at that, that it wouldn't have  
20 justified opening Salman Abedi as a subject of interest  
21 for investigation.

22 We haven't seen anything, even post-attack, to  
23 suggest that Salman Abedi was visiting this prisoner for  
24 the purposes of engaging in conversations about attack  
25 planning, and I think that's probably about as far as



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1 I'm able to go. I do really want to be helpful around

2 this and I'm just conscious that some of it is just more



3 detailed and better discussed in closed.

4 Q. Then certainly I won't press you any further on the  
5 detail. What I will ask is this: we know that in the  
6 result, that information did not cause Salman Abedi to  
7 be re-opened as an SOI. Is it MI5's assessment that  
8 whether on its own or in combination with the other  
9 information that we've been through, it should have  
10 done?

11 A. I think it was a reasonable judgement to not open him as  
12 an SOI at the time on the basis of the contact with an  
13 extremist prisoner. There wasn't intelligence to  
14 indicate that that contact was related to Salman posing  
15 a threat to national security. So on the basis of the  
16 information we had at the time, which of course is what  
17 these judgements must be made on, the decision to not  
18 open him as an investigation was a reasonable one in my  
19 view.

20 Q. From the middle of 2015 onwards, did MI5 receive other  
21 information about Salman Abedi on several occasions?

22 A. Yes, we did.

23 Q. Did that include conflicting information as to his  
24 espousal of pro-Islamic State views?

25 A. Yes.

1 Q. On two separate occasions in the months prior to the  
2 attack, was intelligence received by MI5 about  
3 Salman Abedi?

4 A. Yes.

5 Q. Was the significance of that intelligence not fully  
6 appreciated by MI5 at the time?

7 A. Yes, it wasn't.

8 Q. At the time, what was it assessed to relate to?

9 A. At the time it was assessed to relate not to terrorism  
10 but to possible non-nefarious activity or to  
11 non-terrorist criminality on the part of Salman Abedi.

12 Q. But does MI5 accept that in retrospect, the intelligence  
13 can be seen to have been highly relevant to the planned  
14 attack?

15 A. Yes.

16 Q. And again, you will understand the public concern to  
17 know as much about that as is possible. Should we  
18 understand that the closest consideration has been given  
19 to whether more can be said, and it cannot?

20 A. Yes. Obviously this relates to intelligence received on  
21 two separate occasions in the months prior to the  
22 attack. In closed, I can share in full detail the  
23 nature of that intelligence and the decisions that were  
24 made in response to it. This was fragments of the  
25 picture that we had at the time, but in the post-attack



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1 working looking back, we can see that it was  
2 intelligence that was highly relevant to the planned  
3 attack.

4 Q. At the time, so not applying hindsight, not making the  
5 judgement in retrospect, is it the view of MI5 that the  
6 decision that was made not on the basis of that  
7 information to re-open Salman Abedi was whether that  
8 information was taken on its own or in combination with  
9 the other factors a reasonable judgement to make?

10 A. Yes, I think it was reasonable to make the judgement  
11 that this was assessed not to relate to terrorism and it  
12 was reasonable to not open an investigation in response.

13 MR COOPER: I missed that last sentence. Reasonable?

14 MR GREANEY: I'm sure that we can obtain the exact clip of  
15 that for you, Mr Cooper.

16 (Pause).

17 Let's bring this section of your evidence and the  
18 chronology to an end with the events on 3 March 2017.

19 I'm now at page 26, paragraph 112 of X's statement.

20 What happened on 3 March 2017?

21 A. On 3 March 2017, Salman Abedi was one of 685 closed  
22 SOIs, priority indicator under Clematis.

23 Q. And on what basis did he hit a priority indicator?

24 A. It was on the basis of information we received in  
25 mid-2016. This was an indicator that did not relate to



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1 any intelligence connected to the attack.

2 Q. We've identified two dates there, mid-2016 and  
3 then March 2017. So a period of time had passed between  
4 the existence of the matters that made him a priority  
5 indicator and him becoming a priority indicator. In the  
6 view of MI5, is that period one that should be  
7 concerning?

8 A. This was a process that we'd started the previous year  
9 to, as I've said, look at whether there were closed SOIs  
10 who were showing signs of reengagement. Clematis was  
11 designed to look across a load of indicators, including  
12 data sets, to identify if somebody was showing signs of  
13 reengagement. The Clematis process that ran on 3 March  
14 covered several months previous to that of indicators,  
15 so it was being run at that point not very regularly.  
16 Somewhere in the region of between 6 and 9 to 12 months  
17 apart.

18 SIR JOHN SAUNDERS: I think it has been accepted by MI5  
19 that, again with the benefit of hindsight no doubt, it  
20 should be run more frequently.

21 A. Yes.

22 SIR JOHN SAUNDERS: That's one of the recommendations.  
23 Should it have been realised at the time that it ought

24 to have been run more frequently?

25 A. It was a relatively new process. I think it was

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1 a growing tool at the time, designed to spot that risk  
2 amongst a set of individuals who were not being  
3 investigated. I think we were still learning about its  
4 use at that point and determining whether or not it was  
5 actually giving us a benefit. But running it too  
6 frequently at that point would have potentially been  
7 desperate in terms of the use of resource against our  
8 closed SOI pot where we were quite rightly at that time  
9 focused on 500 priority investigations and 3,000 live  
10 SOIs.

11 SIR JOHN SAUNDERS: Just putting the counter argument for  
12 a moment, this is to identify people who have or there's  
13 a risk will have returned to terrorist activity and  
14 identifying indicators of that. If you have an  
15 indication that someone may have returned to terrorist  
16 activity it might be said you actually need to do  
17 something about it pretty quickly.

18 A. I think if it's helpful for me to just describe the  
19 process here. So when we're looking across that closed  
20 pool of 20,000, and narrowing it down to the 685 who hit  
21 a priority indicator, the next step is then to conduct

22 some low level investigative enquiries before we  
23 determine whether somebody is actually moving towards  
24 something that we need to start thinking about  
25 investigating. So it is initially a fairly low level

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1 process. The indicator doesn't say this person has  
2 reengaged, the indicator is the first step.  
3 SIR JOHN SAUNDERS: It's a possibility?  
4 A. It's a possibility. So it's a valuable tool I think  
5 that we use and were starting to use then, but it's  
6 a process that takes time and it's a process that starts  
7 with low level work. So it will necessarily take some  
8 time to deliver results and only a very small proportion  
9 of those individuals who hit a priority indicator become  
10 leads or investigations subsequently.  
11 SIR JOHN SAUNDERS: Again you may not be able to answer  
12 this, but apart from Salman Abedi, is there any other  
13 occasion when this has happened, ie they've been  
14 identified as a priority but have not been -- nothing's  
15 happened before a terrorist act is committed by the  
16 person who's been identified? That's a clumsy question  
17 too, but I hope you follow what I'm talking about.  
18 Would you look into it.  
19 A. Yes.

20 SIR JOHN SAUNDERS: And then no doubt someone will tell me  
21 what the answer is and whether it's all right for me to  
22 hear about it in open.

23 A. Yes.

24 MR GREANEY: So earlier, you explained to us the Clematis  
25 process and how it may develop into the Daffodil

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1 process. So we know that where a priority indicator has  
2 been hit, there will be a process of triage in relation  
3 to the person that is the trigger. Did that process of  
4 triage happen in the case of Salman Abedi?

5 A. Yes. On 1 May, the indicator that was hit under  
6 Clematis for Salman Abedi was triaged and it was  
7 assessed that he met the threshold for further  
8 investigation.

9 Q. Did the Clematis team then undertake further checks  
10 which enabled them to assess that Salman Abedi was  
11 overseas, probably in Libya?

12 A. Yes.

13 Q. On 8 May 2017, so exactly two weeks before the attack,  
14 did the Clematis team assess that Salman Abedi should be  
15 referred to the Daffodil process?

16 A. Yes.

17 Q. Was the purpose of that process for further low level





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1 (2.15 pm)

2 MR GREANEY: I'm now going to deal with the various reviews  
3 which were carried out into Manchester and on occasion  
4 in relation to other attacks as well. It's important  
5 that I should conclude my questions of you as near to  
6 3 o'clock as possible so that the questions of the first  
7 family group can both start and conclude today and that  
8 they should have the minutes that have been allocated to  
9 them.

10 So I mean no disrespect to you or to the authors of  
11 the various reviews if I deal with the reviews in rather  
12 shorter detail than is contained within the statement of  
13 X. If I miss anything that you regard as being of  
14 considerable importance, please draw that to my  
15 attention and in any event others will pick up on  
16 anything I miss that is important.

17 The post-attack review, paragraph 115, page 26 of  
18 X's witness statement. Was the post-attack review  
19 a tri-agency review involving MI5, SIS and GCHQ?

20 A. Yes, it was.

21 Q. Was there also collaboration of a close nature with CTP?

22 A. Yes.

23 Q. But was that process led by MI5?

24 A. Yes, it was.

25 Q. Was it conducted by a review team overseen by a panel of

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1 senior experts drawn from a range of specialisms across  
2 MI5?

3 A. Yes.

4 Q. Known as the expert panel?

5 A. Yes.

6 Q. Was the first stage of the review process to identify  
7 the relevant material held by the intelligence agencies?

8 A. Yes.

9 Q. At the second stage of the review process, did the  
10 review team under management supervision sift and  
11 analyse all of the documents that had been found by  
12 a careful search?

13 A. Yes.

14 Q. And did they then prepare a factual narrative of the  
15 assessments, actions and decisions made prior to the  
16 attack in relation to any intelligence held on  
17 Salman Abedi and Hashem Abedi?

18 A. Yes.

19 Q. Paragraph 119. In a few sentences, what was the third  
20 stage of the review process?

21 A. The review team evaluated any assessments, decisions  
22 made and actions taken in relation to Salman and

23 Hashem Abedi. They examined contextual material such as  
24 policies and prioritisation at the time of the  
25 investigation as well. This stage of the process

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1 involved pause point meetings, where the review team and  
2 the expert panel critically assessed the decision-making  
3 at each stage of the investigation and identified  
4 learning points to be drawn.

5 Q. Was the final classified report the PAR provided to the  
6 Prime Minister in October 2017?

7 A. Yes.

8 Q. Do we find a convenient and in MI5's judgement accurate  
9 summary of the review team's findings in Lord Anderson's  
10 independent assessment?

11 A. Yes.

12 Q. I'm going to read that summary out without then going to  
13 the detail of the findings and ask you some questions  
14 about it.

15 He stated at page 27:

16 "The review team concluded that the investigative  
17 actions taken in relation to Salman Abedi in 2014 and  
18 the subsequent decision to close him as an SOI were  
19 sound on the basis of the information available at the  
20 time. It identified several further examples of good

21 practice."

22 Detailed consideration was given to the way in which  
23 MI5 in early 2017 handled the intelligence, whose true  
24 significance was not appreciated at that time. On this,  
25 the review team concluded in summary that (a) the



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1 decision not to re-open an investigation was "finely  
2 balanced and understandable in the circumstances". (b)  
3 there is a degree of inherent uncertainty in speculating  
4 as to what might or might not have been discovered if an  
5 investigation had been opened on the basis of the new  
6 intelligence, but that (c) on the clear balance of  
7 professional opinion a successful pre-emption of the  
8 gathering plot would have been unlikely. It was also  
9 noted that despite his status as a closed SOI, an  
10 opportunity was missed by MI5 to place Salman Abedi on  
11 ports action following his travel to Libya  
12 in April 2017.

13 This would have triggered an alert when he returned  
14 shortly after the attack, which could have enabled him  
15 to be questioned and searched at the airport by CT  
16 policing under schedule 7 to the Terrorism Act of 2000.  
17 A number of learning points and recommendations were  
18 identified, these concerned the handling of closed SOIs,

19 triaging intelligence and the leads processing system,  
20 handling potential high risk intelligence with an  
21 indeterminate terrorist threat, key investigative  
22 judgements, the use of travel notification monitoring  
23 tools, record keeping, including considerations of  
24 automation, and the process surrounding certain types of  
25 information gathering.

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1 In his statement, X indicated that he agreed with  
2 the findings and recommendations of the review team.  
3 Do you?  
4 A. Yes, I do.  
5 Q. One of the conclusions of the review team was that on  
6 the clear balance of professional opinion, a successful  
7 pre-emption of the gathering plot would have been  
8 unlikely. Does it follow that you agree with that  
9 conclusion?  
10 A. Yes, it does. I will probably say a bit more on my  
11 judgement on that in due course if you wish, but yes,  
12 I agree.  
13 Q. Am I right that in making that decision or reaching that  
14 conclusion, the review panel was assuming that  
15 Salman Abedi had become an active SOI at some stage in  
16 the earlier part of 2017?

17 A. Yes, so it follows from the line above, saying what we  
18 could have discovered if an investigation had been  
19 opened on the basis of the intelligence we received in  
20 the months prior to the attack.

21 Q. And do you agree with me, so that it should be publicly  
22 understood, that in closed we will need to consider not  
23 only whether an investigation could and should have been  
24 started in early 2017, but also whether an investigation  
25 could and should have been started at some earlier

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1 point?

2 A. Yes.

3 Q. The second point arising out of the conclusions.

4 Obviously, the conclusions of the review panel were  
5 based upon the materials and information available to  
6 them. Do you agree?

7 A. Yes.

8 Q. Is it important, therefore, to make clear that in the  
9 closed hearing we will consider the nature and extent of  
10 the materials and information available to the review  
11 team?

12 A. Yes.

13 Q. And we will need to see whether all that is known now  
14 was known then and taken into account?

15 A. Yes.

16 Q. Without in any way seeking to identify or suggest what  
17 the answer to that question will be.

18 Do you, thirdly, agree with the review panel that an  
19 opportunity was missed by MI5 to place Salman Abedi on  
20 ports action following his travel to Libya  
21 in April 2017?

22 A. Yes, I think that would have been the better course of  
23 action based on the information we had at the time.

24 Q. Fourth and finally in relation to the PAR, would you go  
25 to page 31, paragraph 133, please? Did the review team

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1 identify a number of learning points as Lord Anderson  
2 described?

3 A. Yes.

4 Q. And areas where further improvements could be made to  
5 the processes of MI5?

6 A. Yes, that's right.

7 Q. I'm going to list them now and ask you in relation to  
8 each one whether the improvement has been made and, if  
9 made, whether the need for it could and should have been  
10 identified before the Manchester attack. Does that make  
11 sense as an approach?

12 A. Yes.



13 SIR JOHN SAUNDERS: Could you go back on one thing that --  
14 the summary of what the experts said. At (c), the  
15 experts say on the clear balance of professional  
16 opinion, a successful pre-emption of the gathering plot  
17 would have been unlikely. Just let me ask you what  
18 seems to be a perfectly straightforward question about  
19 that. One of the things that is agreed could and  
20 perhaps should have been done was a port stop. You're  
21 nodding, so you're agreeing. People can't see you  
22 nodding.

23 A. Yes.

24 SIR JOHN SAUNDERS: One thing which is clear is that if you  
25 do do a port stop and search the person for material or

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1 download things off their phone, you actually have no  
2 idea what you may have found. So had there been a port  
3 stop there is no way the panel of experts could have any  
4 idea of what they would have found on Salman Abedi's  
5 phone.

6 A. Yes, that's right.

7 SIR JOHN SAUNDERS: So it is pure speculation, isn't it, to  
8 say on the balance of probabilities a successful  
9 pre-emption of the gathering plot would have been  
10 unlikely in that they have no idea what if anything

11 could have been found on a port stop which should have  
12 taken place? Your answer?  
13 A. Yes. I think the review team acknowledged, as  
14 Mr Greaney has said, that there was a high degree of  
15 inherent uncertainty in speculating as to what might or  
16 might not have been discovered. I think what the review  
17 team was trying to do was introduce its understanding of  
18 what would have been possible in relation to MI5's tools  
19 and capabilities and those of the police to -- and then  
20 to connect that to what we knew about Salman Abedi's  
21 behaviour and making some judgements about the extent to  
22 which we would have been able to identify further  
23 intelligence, for example from a port stop. But I do  
24 agree, there's a high degree of speculation in that.  
25 SIR JOHN SAUNDERS: I have no problem at the moment, subject

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1 to questions, with (b). I just do have a problem  
2 with (c) as it stands because suppose you'd looked at  
3 Salman Abedi's phone and you'd found detailed  
4 instructions on how to make a bomb and that he had  
5 recently been looking at it, you might have taken  
6 immediate action which may have stopped it happening.  
7 A. Yes, I do understand that. In relation to a port stop  
8 in circumstances where we had requested a port stop of

9 the police on Salman Abedi's return from Libya in  
10 mid-May, then if they had chosen to act on that,  
11 it would not at that stage, given the information that  
12 we had at the time, been treated as a priority by us or  
13 by them because we wouldn't have been requesting  
14 immediate action at that point. The information we had  
15 wouldn't have justified that.

16 SIR JOHN SAUNDERS: That doesn't pre-empt having a download  
17 of the phone, does it?

18 A. It doesn't. And of course, as we've described earlier,  
19 the police have the powers to do that. But what  
20 it would have some sort of impact on is the time it  
21 would have taken for any successful download of any  
22 phone he may or may not have been carrying at that stage  
23 to reach CTP and MI5 to then enable us to consider how  
24 we would then put that into our priority system and  
25 determine whether or not it was something that we wanted



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1 to take further action on.

2 So my answer to that question really is primarily  
3 about how we would have prioritised that at the time,  
4 given that we wouldn't have been asking the police, even  
5 if we had chosen to ask for a port stop, to have been  
6 treating it as some sort of priority because he was

7 a closed SOI, someone who we didn't have indications of  
8 attack planning.

9 SIR JOHN SAUNDERS: Thank you. So that's the basis, as  
10 I understand it, of the conclusion reached by the  
11 experts?

12 A. Yes.

13 SIR JOHN SAUNDERS: Thank you.

14 MR GREANEY: Moreover, I'm very keen I don't pass over  
15 things too quickly that are of concern to you.

16 SIR JOHN SAUNDERS: It was just to give the witness a chance  
17 to set out for others to hear his response to that,  
18 having said he agreed with that opinion.

19 MR GREANEY: I will just take, sir, if I may, you to  
20 paragraph 127.

21 SIR JOHN SAUNDERS: Please.

22 MR GREANEY: Page 29 of your report -- of the statement of  
23 X, rather, where this issue is dealt with. As I have  
24 understood it, the review team came to its conclusion  
25 about what you might describe as causation on the



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1 hypothesis that there had been an investigation started  
2 at some stage earlier in 2017(?). As you have noted  
3 there was nonetheless a high degree of uncertainty in  
4 speculating as to what might or might not have been

5 discovered if an investigation had been opened into  
6 Salman Abedi at that point.

7 A. Yes.

8 Q. But they went on to identify a series of considerations,  
9 which perhaps out of fairness to MI5 we ought to  
10 identify. What was consideration (a)?

11 A. That in any scenario coverage of Salman Abedi would have  
12 taken some time to build up. The case would have been  
13 prioritised against the other priority investigations  
14 opened at that time, across which finite resources must  
15 be allocated, in particular in May 2017 there were  
16 a substantial number of live investigations (^) and the  
17 team that would have been responsible for investigating  
18 Salman Abedi. Accordingly, it was unclear as to when  
19 Salman Abedi's case may have progressed into an open  
20 investigation and at what level of priority, given the  
21 large number of suspended investigations at this time.

22 Q. Consideration (b), is the term depth of coverage one  
23 which has meaning within MI5?

24 A. Yes.

25 Q. What in the most general or high level terms does it



1 mean?

2 A. Depth of coverage means acquiring coverage that enables

3 us to understand someone's terrorist activities. So  
4 using increasingly intrusive powers in order to collect  
5 information on someone's activity.

6 Q. So does it follow from the evidence you have given  
7 earlier that establishing a depth of coverage may well  
8 require authorisations, both internal and external?

9 A. Yes.

10 Q. In the period following Salman Abedi's return to the  
11 United Kingdom on 18 May 2017, how and before the  
12 attack -- how straightforward would it have been to have  
13 established a sufficient depth of coverage?

14 A. I think it would have been extremely challenging with  
15 just 4 days between his return and the attack taking  
16 place.

17 Q. And consideration (c) was what, please?

18 A. The manner in which Salman Abedi took steps to avoid  
19 detection of his activity.

20 Q. And (d)?

21 A. The increased difficulty in obtaining intelligence on  
22 Salman Abedi whilst in Libya.

23 Q. Can we now turn to paragraph 133 and the issue of  
24 learning points and improvements. These are the  
25 recommendations of the review panel of MI5. Optimising

1 Clematis, the Clematis process, to provide the best  
2 chance of identifying closed SOIs who may need to be  
3 further investigated.

4 A. That's a recommendation that we have taken forward and  
5 Clematis is a more comprehensive system than it was  
6 then, run more frequently, and including a wider range  
7 of data sets and indicators that enable us to identify  
8 closed SOIs who may need to be further investigated.

9 Q. Is that a change or are those changes which could have  
10 been foreseen before 22 May 2017 in MI5's judgement?

11 A. Not in our judgement. Of course we wish that we were  
12 running this faster at that time in March, April  
13 and May. But it was a relatively new process and  
14 I don't think at the time that we were looking at it  
15 that it was looking back, something that we could have  
16 predicted would have required much faster or more  
17 regular running.

18 Q. Ensuring that consistent standards are adhered to for  
19 record keeping on all SOIs that are closed or due to be  
20 closed, has that been done?

21 A. Yes, it has. As a point of fact, it wasn't the case in  
22 respect of Salman Abedi and us closing him as an SOI in  
23 2014 that record keeping was poor. The record keeping  
24 existed and was there. But that consistency wouldn't  
25 have been present across MI5 at that time and there



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1 would have been other closed records that may not have  
2 had that level of attention. So we have now instigated  
3 stronger processes around record keeping so that any  
4 closed SOI who is closed, there is a clear record and  
5 there are consistent standards.

6 Q. Notwithstanding that that didn't play a part in the  
7 events concerning Salman Abedi, is that a change which  
8 ought to have been identified before May of 2017?

9 A. As I say, we did that with, I think we did some clear  
10 record keeping with Salman Abedi in the closure,  
11 arguably yes you could say we should have been doing  
12 that before then across all of our closed records. But  
13 this has always been a challenge for us and will  
14 continue to be, making sure that our investigators are  
15 focused on the live SOIs and on the record keeping  
16 around them.

17 Q. Consideration of improvements to the leads and triage  
18 process. First, has that now been done?

19 A. Yes, we have more consistency around that, particularly  
20 in terms of how we and CT police work together and  
21 ensuring that we have much more clear and consistent  
22 processes around the leads and triage process.

23 Q. If that change had been made before 22 May, does MI5  
24 consider it would have been made a difference?

25 A. Not in our judgement, no.





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- 1 Q. Nonetheless, should that change in MI5's view have been  
2 made before that date?
- 3 A. When we did the reviews, I think it was an area where we  
4 knew we'd been doing some good work since 2011, but yes  
5 I think it's an area where we could have done more to  
6 improve our processes. But again it's continuous  
7 improvement in that area, particularly around working  
8 with the CTP police officers and ourselves.
- 9 Q. Consideration of new processes to ensure that better  
10 handling of intelligence relating to closed SOIs? Has  
11 that change been made?
- 12 A. Yes, in particular, ensuring that they arrive in the  
13 same triage area as intelligence that's new, that is  
14 unsolicited.
- 15 Q. If that change had been made before 22 May, would it in  
16 MI5's view have made a difference?
- 17 A. Not in this case, no.
- 18 Q. Nonetheless, should those changes have been foreseen as  
19 necessary before that date?
- 20 A. Again, potentially, I think this is an area where we are  
21 continuously learning around how we might handle the  
22 intelligence in relation to them. This is something  
23 we'll need to continue to improve.

24 Q. Consideration to the approach taken to intelligence that  
25 indicates an indeterminate threat of potential high

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1 risk. Has that change now been made?

2 A. Yes, it has. This is some improvements that have been  
3 done to ensure that where we receive that type of  
4 intelligence, there are clearer processes around what to  
5 do when we receive it and who to consult when it's  
6 received.

7 Q. If made before 22 May, would that change in MI5's  
8 judgement have made a difference?

9 A. No.

10 Q. Nonetheless, is that a change which ought to have been  
11 made before that date?

12 A. I think the events of 2017 brought that into sharp  
13 focus. It wasn't something that at the time, before  
14 then, looked like a particularly significant issue for  
15 us. But we made those changes since and I think that's  
16 right.

17 Q. F is a recommendation that takes us back to the  
18 questions a short time ago of the chairman. A review of  
19 the current internal guidance relating to the use of  
20 travel notification tools. Has that change now been  
21 made?

- 22 A. Yes. There's more standardisation around which  
23 categories of SOI we refer for use of travel  
24 notification tools.
- 25 Q. Is the answer to the question whether it would have made

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- 1 a difference if that change had been made before 22 May  
2 that it is impossible to know?
- 3 A. Yes.
- 4 Q. Is that a change that ought to have been made before  
5 22 May?
- 6 A. Yes, I think you can argue that we were relying on  
7 investigators to make judgements about who should go on  
8 to some form of ports action in that large pool of SOIs,  
9 and we've since then standardised the approach so that  
10 there's clear indications and clear process around which  
11 are referred. So I think that would have been  
12 a stronger process had we introduced it before then.
- 13 Q. G. A review of policy and guidance for investigating  
14 aspirant travellers to theatres of jihad. Has that  
15 change now been made?
- 16 A. Yes, it has. There's new policy and guidance  
17 in relation to these types of investigations of SOIs  
18 going overseas.
- 19 Q. Obviously, the problem in this case was not Salman Abedi

20 travelling abroad to a theatre of jihad but committing  
21 his terrible offence here. So the answer to this  
22 question may be obvious. If the change had been made  
23 before May 17 would it have made a difference?  
24 A. Not in respect of Salman Abedi. This was work we did  
25 more broadly around the post-attack review to look at

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1 all of the individuals who may in some way have been  
2 travelling overseas.  
3 Q. Nonetheless should that change have been made in MI5's  
4 assessment before the day of the attack?  
5 A. Yes, I can see value in that being guidance that was  
6 available before 2017 to investigators.  
7 Q. H, a exploration of how automation of process may assist  
8 with record keeping, that is has that change been made?  
9 A. There's further automation now that relies less on the  
10 investigator inputting information into our core systems  
11 to update them. There's much more automation to ensure  
12 they are able to see connections between a piece of  
13 information we receive on SOIs. There's more work to do  
14 on that I think in terms of automation. I don't think  
15 that MI5 is at the point where it is confident all of  
16 its processes are properly and fully automated, so that  
17 will be an ongoing area for us to focus on over the next

18 few years.

19 Q. Bearing in mind that there were a number of different  
20 occasions and a number of different ways in which  
21 Salman Abedi came to the attention of MI5, if the change  
22 that has been made to automation had been made before  
23 the day of the attack, does MI5 judge it would have made  
24 a difference?

25 A. No, we don't. We looked at all the intelligence that

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1 was coming in on Salman Abedi and I'm confident that the  
2 assessments were made in relation to it. Automation  
3 would have helped, but would not have made a material  
4 difference in terms of the judgements that were  
5 eventually made.

6 Q. Nonetheless, in MI5's assessment, is that a change which  
7 ought to have been made before the day of the attack?

8 A. Yes, I think automation across our core investigative  
9 systems is something that we've been trying to do  
10 consistently for many years, so yes, pre-2017 that would  
11 have been a better system, but this is really  
12 challenging.

13 Q. L, an exploration of whether new systems can be  
14 developed to assist investigators in assessing  
15 intelligence. Has that change now been made?

16 A. We have made some progress on that in providing  
17 investigators with new systems to enable them to make  
18 judgements around the intelligence they're receiving.  
19 There have been some new pieces that have been  
20 implemented as part of that. Again it's one of those  
21 areas where I think we've got more work to do to ensure  
22 that we are giving investigators the fullest possible  
23 advice and assistance on the intelligence they receive.  
24 Q. Would that change, if made before the attack, have made  
25 a difference?

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1 A. No, not in our judgement.  
2 Q. Nonetheless, should it have been made before 22 May?  
3 A. I think this is again one of those areas where MI5 needs  
4 to continually learn in relation to equipping its  
5 investigators to be able to assess the intelligence that  
6 they receive on a daily basis.  
7 Q. And J. Production of further guidance relating to the  
8 recording of assigned responsibility and critical  
9 decisions. First of all, can you explain in a few  
10 sentences what that recommendation involved to the  
11 extent that it can be referred to in open?  
12 A. This is about ensuring that when an SOI is open or  
13 closed or when intelligence is coming in on an SOI that

14 it's clear in all of our systems who is the person  
15 responsible for receiving and then assessing that  
16 intelligence and who is the person responsible for  
17 making decisions in relation to that intelligence. So  
18 this is about producing guidance or further guidance to  
19 ensure that investigators know exactly what to do in  
20 every circumstance.

21 Q. Has that change now been made?

22 A. Yes.

23 Q. If it had been made before the attack, would it have  
24 made a difference?

25 A. Not in our judgement, no, because there was clear

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1 responsibility for Salman Abedi as an open SOI and then  
2 as a closed SOI. The recommendation was around the fact  
3 that there would have been inconsistency across MI5  
4 at the time, even though in this case there wasn't.

5 Q. Nonetheless, should that change in MI5's assessment have  
6 been made before the date of the arena attack?

7 A. Yes, I think we accept that information management is an  
8 area where we need to continuously improve.

9 Q. That's all I propose to ask you about the post-attack  
10 review and we will now pick up some speed. Secondly,  
11 the operational improvement review, as we've understood

12 it, this was the joint review by MI5 and  
13 Counter-terrorism Policing?

14 A. Yes.

15 Q. Was it finalised after what might be described as  
16 a quick turn around in October 2017?

17 A. Yes, it was.

18 Q. And I'm now at paragraph 141, page 34. Did the  
19 operational improvement review make a series of  
20 recommendations?

21 A. Yes, it did.

22 Q. I'm going to ask you just about, I think, three of them.  
23 First of all, (a), a step change, as it is put by X, to  
24 improve the exploitation of data by MI5 and the police,  
25 including a better strategy for acquiring, analysing and

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1 sharing data across intelligence and policing, for  
2 example through wider use of bulk personal databases and  
3 by enhancement of tools such as the Clematis process,  
4 and 2, increasing cooperation with the private sector,  
5 for example to improve the detectability and  
6 preventability of purchasers of potential explosive  
7 precursors by would be terrorists.

8 Does the use of the term "a step change" indicate  
9 that it was acknowledged that significant change needed



10 to occur?

11 A. Yes.

12 Q. Has that change now been made?

13 A. I think some significant changes have been made but  
14 I think there's still more for us and the police to do  
15 together.

16 Q. Had the changes which have been made been made  
17 before May 2017, would it have made a difference?

18 A. No, not in our judgement.

19 Q. Nonetheless, should that step change have occurred  
20 before that date?

21 A. I think to some extent it took the events of 2017 for us  
22 to accelerate the work that we were doing on data  
23 together. We've known for many years that we need to do  
24 far more with data. You could argue that we could have  
25 done some of it earlier, but some is incredibly



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1 challenging and relies of course on cooperation from the  
2 private sector and other parts of government.

3 Q. Recommendation B, a step change to create a multi-agency  
4 engagement process to enable the widest range of  
5 partners to play their part in the risk of closed SOIs.  
6 This involves a commitment by MI5 to allow knowledge  
7 derived from intelligence to be shared more widely

8 beyond intelligence circles. Again, should we  
9 understand from the use of that term step change that it  
10 was acknowledged by this review that significant change  
11 was needed in that regard?

12 A. Yes.

13 Q. Has that change now been made?

14 A. Yes. We have made significant changes in that area,  
15 including through the creation of multi-agency centres  
16 to enable, as you described, the widest range of  
17 partners to play their part in managing the risk of  
18 engagement by closed SOIs.

19 Q. Had those changes been made before May 2017, would it  
20 have made a difference in MI5's judgement?

21 A. I'm afraid that might be back into the realms of  
22 speculation again.

23 Q. So impossible to say?

24 A. I think so.

25 Q. Thirdly, notwithstanding that uncertainty, should the



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1 changes which have been made have been made

2 before May 2017?

3 A. I think that's finely balanced. I think the impetus  
4 from 2017 to take a new approach to take a bit more risk  
5 with intelligence, to build a wider set of partnerships

6 to counter-terrorism I think was clear. It's not clear  
7 to me that there were clear signs that that was  
8 something that needed to be done before then.

9 Q. Then I said there were three of these recommendations.  
10 The others are all there to be read in the statement of  
11 X and for you to be asked about if necessary. I'm just  
12 going to ask you thirdly about F. The reinforcement of  
13 Prevent referrals to ensure that all suitable candidates  
14 are referred and to ensure consistency in processing of  
15 referrals.

16 Before I ask you the three questions in relation to  
17 that particular recommendation, I'm just going to refer  
18 to some passages from the open report of the  
19 Intelligence and Security Committee of Parliament. I'm  
20 sorry, I don't know behind which divider you have that.  
21 I'm looking at, first of all, paragraph 247 of that  
22 report, page 92 in my version.

23 SIR JOHN SAUNDERS: That's the internal numbering?

24 MR GREANEY: Yes.

25 A. Yes.



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1 Q. Do you have "however in the case of Salman Abedi" at  
2 247?

3 A. Yes.

4 Q. So the intelligence and security committee, which had  
5 access to all of the classified material and heard some  
6 evidence, did it not?

7 A. Yes.

8 Q. It observed:

9 "However, in the case of Salman Abedi, MI5 noted  
10 that Prevent had not been actively considered."

11 And the committee then quoted from the witness who  
12 gave evidence on behalf of MI5:

13 "The interventions that were made around or the  
14 action that was taken in respect of Salman Abedi was the  
15 fact that he was investigated for two periods. As far  
16 as we can determine from the records, there was not  
17 a decision, a conscious decision, made around the  
18 Prevent referral."

19 And obviously, that report was some time ago now.  
20 Can the inquiry still proceed on the basis that within  
21 MI5, there was not a decision, a conscious decision,  
22 made around the Prevent referral?

23 A. Yes. I've looked at this too, as you would expect, and  
24 I can't find any basis for concluding that Prevent -- on  
25 consideration at the time we closed or any other time.



1 Q. Whose role is it to make a Prevent referral in general

2 terms, is it MI5's or some different organisation or  
3 both or more?

4 A. So normally when we close an SOI, it will be a part of  
5 a joint conversation between MI5 and the police, and  
6 that's normally the most suitable point for us to be  
7 considering a Prevent referral. And it would normally  
8 then be for the police to take forward that referral.  
9 That was the case in 2014 to 16.

10 Q. If you go over the page to the conclusion just below  
11 paragraph 249:

12 "Salman Abedi should have been considered for  
13 a Prevent referral after his closure as an SOI  
14 in July 2014. It is concerning that there is no  
15 evidence of a discussion between CTP and MI5 as to  
16 a potential referral."

17 Do you, by which I mean MI5, accept that conclusion?

18 A. When we closed him as an SOI in July 14, it wasn't  
19 a policy that the investigator was required to consider  
20 a Prevent referral, it was more a common practice.  
21 Therefore it would have been more the investigator to  
22 determine whether or not in that closure conversation  
23 with the police that he should consider a Prevent  
24 referral.

25 Q. So whether a referral should have been made obviously is

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- 1 an issue that the inquiry will be looking at, but does  
2 MI5 accept that stage in July 2014, at least there ought  
3 to have been consideration for such a Prevent referral?
- 4 A. As I said, it wasn't the policy at the time for  
5 a referral to be considered at that point of closure.  
6 It would have been down to the investigator. So in  
7 policy terms the investigator was not required to make  
8 that consideration of a referral in closure.  
9 Subsequently, we've addressed that and put this place  
10 measures to ensure that Prevent is considered at that  
11 stage, but at the time it wasn't. So I think in terms  
12 of the investigator judgement at that point, I don't  
13 have any criticism of them. In terms of the process,  
14 looking back, you can see that it would have been better  
15 for us to have had a policy to make it clear that  
16 a decision should be made on closure.
- 17 Q. So judging this, the investigator concerned did not go  
18 contrary to policy?
- 19 A. That's right.
- 20 Q. But I may have misunderstood, were you indicating that  
21 he did not act in accordance with what was common  
22 practice?
- 23 A. It would have been down to him to make that judgement.
- 24 Q. But is the narrow answer to my question that he was not,  
25 in not considering a Prevent referral, acting in



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1 accordance with common practice?

2 A. You could argue that. I've looked at the closure very  
3 carefully, I have looked at the decision made by the  
4 investigator and the police at the time to close and the  
5 circumstances. I think the decision not to refer at  
6 that time based on the policy we had was reasonable.

7 Q. At all events, what you acknowledge is that there should  
8 have been a policy in place which required consideration  
9 of a referral to be undertaken?

10 A. I think it would have been better. It would have given  
11 investigators clearer guidance on what they should  
12 consider at that point and we have rectified that. But  
13 yes, I think it would have been better.

14 Q. So has change now been made in that regard? I think  
15 from what you have told us, it has been?

16 A. Yes.

17 Q. As for whether it would have made a difference, we must  
18 bear in mind the approach that the chairman has  
19 indicated he proposes to make. But I think you will  
20 accept that whatever the position in terms of causation,  
21 the change which has now been made ought to have been  
22 made before May of 2017 and perhaps I can explain why on  
23 this occasion I'm putting the proposition in more  
24 forceful terms. Would you go to paragraph 242?



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1 its 2014 report on the murder of Fusilier Lee Rigby and  
2 they concluded:

3 "A referral to the Prevent programme may in many  
4 cases be the best outcome for a vulnerable and  
5 impressionable individual. A more holistic approach  
6 should therefore be taken when deciding whether to refer  
7 subjects of interest to Prevent or whether to take  
8 a different route to ensure ...(reading to the words)...  
9 considered."

10 That's why I asked you whether you acknowledge the  
11 change ought to have been made before May 2017?

12 A. Yes. I wouldn't want to mislead in any way here. So  
13 just to be really clear from my analysis of this  
14 material, we investigated Salman Abedi for a few months  
15 and made a judgement with the police that he didn't pose  
16 a risk, he was determined to be a low residual risk and  
17 we closed him.

18 Q. Yes.

19 A. We are talking here about whether or not in closing, the  
20 investigator and the police at any point considered  
21 a referral to Prevent. I can't find the record of that  
22 consideration, concluding therefore that it didn't



23       happen.

24   Q.   I understand.

25   A.   I think in not considering that, that is of course



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1       a completely different question to should we have  
2       referred him to Prevent at that point or any other  
3       point. If I understand it, this is a point about  
4       whether or not the policy was correct to not enforce on  
5       closure somebody being referred or being considered for  
6       referral I should say.

7   Q.   Consideration, yes. I entirely acknowledge whether the  
8       decision is to refer following consideration is  
9       different from the question of whether there should be  
10      consideration in the first place.

11   A.   Okay.

12   Q.   And I'm inviting you to tell us whether you agree or  
13      disagree that the policy now in force that mandates  
14      consideration should have been implemented before 2017,  
15      particularly in light of the committee's findings in  
16      2014.

17   A.   Yes, I understand that, and I think that's reasonable.

18   SIR JOHN SAUNDERS: At the risk of Mr Greaney's time going  
19      over even more, I'm finding some of this difficult.

20      There is a statutory duty on certain people to refer to

21 Prevent people they think are at risk of going to  
22 radicalisation. I'm unable to say whether that  
23 statutory duty falls on MI5 and/or CT police. But it  
24 seems reasonable that if schools and universities are  
25 required to consider when they fear that someone is

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1 being radicalised that they should refer to the  
2 organisation to decide whether they go to Prevent,  
3 it would seem reasonable that MI5, who have the primary  
4 duty to deal with terrorism, would also have that well  
5 in mind.  
6 A. And we do. Primarily, as you know, sir, we are an  
7 agency that's focused on pursue in the CONTEST strand.  
8 SIR JOHN SAUNDERS: Okay.  
9 A. And that's where we must focus our effort. But we  
10 also --  
11 SIR JOHN SAUNDERS: Prevent comes into it too?  
12 A. We also see the enormous value of Prevent in seeking to  
13 move people away from terrorism and working in  
14 combination, those two strands of CONTEST are powerful.  
15 So we have a responsibility, a clear responsibility, to  
16 consider people for referral to Prevent and that's  
17 something which over the years in conjunction with  
18 police we've been doing.

19 SIR JOHN SAUNDERS: But even at the time, you knew that  
20 since the age of 15 he had been in contact with people  
21 who may radicalise. So from a fairly young age when  
22 he was an SOI, when he was 19 or 18 or 19, you knew that  
23 he had been in contact with some fairly serious people  
24 within terrorism. You knew about his father having been  
25 involved in terrorist activity in Libya. Doesn't he

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1 just look like an obvious candidate for somebody who  
2 might be being dragged into terrorism, so if you're  
3 closing him as an SOI, surely it must have been the  
4 first thought that anyone ought to have had at the time?  
5 Whether this is the fault of MI5's instruction,  
6 teaching, policy, or the individual people, I don't  
7 know. But can you just, looking at those basic facts --  
8 he ought to have been referred to Prevent. I can't say  
9 it would have made any difference, nor can you, it's  
10 speculation, but this was a government programme  
11 designed to prevent radicalisation and MI5 didn't take  
12 advantage of it.

13 A. I have seen the real value of Prevent in cases in the  
14 past where somebody has those risk factors that you're  
15 referring to. From a MI5 perspective, when we closed  
16 Salman Abedi in 2014, he was one of a group of 20,000

17 closed SOIs, so there needs to be some clear judgements  
18 around which of those, were you to refer someone, who  
19 you would refer and why. In 2014 when we closed him,  
20 I see very little basis for us referring him to Prevent  
21 based on the intelligence picture we had at the time in  
22 2014.

23 SIR JOHN SAUNDERS: Okay.

24 A. He was somebody who we opened as an investigation  
25 because we thought that he might have some concerning

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1 links to an SOI in a P2 operation, but we closed because  
2 we judged after some investigation that he didn't. So  
3 in closing, I think I would have needed more  
4 justification as the investigator, had I considered  
5 Prevent, to refer him, because I think on the basis of  
6 what we had at the time, I'm not sure that would have  
7 been justified.

8 SIR JOHN SAUNDERS: I'll stop in a minute because you'll be  
9 asked no doubt other questions. These people he was in  
10 contact with, A, B, C and D, I think, were they all  
11 older than him?

12 A. Um ... I'm not sure I can go into that.

13 SIR JOHN SAUNDERS: Right. Thank you.

14 MR GREANEY: Just to finalise the position in relation to

15 the PAR and the OIR. Is it the position, I'm now at  
16 paragraph 162, page 40 of your report, that  
17 Lord Anderson was asked by the Home Secretary to carry  
18 out an implementation stocktake in relation to the PAR  
19 and OIR?

20 A. Yes.

21 Q. And at paragraph 166, Witness X tells us that as  
22 of July 2019, Lord Anderson had noted that 85% of all  
23 recommendations across both MI5 and CT policing had been  
24 completed by January 2019, with the great majority of  
25 the MI5 owned recommendations completed.

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1 A. Yes.

2 Q. Are you in a position, either now or tomorrow, to  
3 provide us with an updated percentage of the  
4 recommendations completed?

5 A. The updated picture is that 100 out of 104 of the  
6 recommendations have been completed.

7 Q. I'm going to turn thirdly in the reviews to Lord  
8 Anderson's independent assessment. That, of course, is  
9 there for all to see and read the open version. I'm  
10 going to take you therefore to just two paragraphs in  
11 X's statement.

12 SIR JOHN SAUNDERS: Are we doing the stocktake bit or the

13 original report?

14 MR GREANEY: I'm doing the original independent assessment.

15 SIR JOHN SAUNDERS: Thank you very much.

16 MR GREANEY: Again, sir, if I'm going over this took  
17 quickly, you must let me know. The independent  
18 assessment. I'm simply going to draw your attention to  
19 two passages in the statement. First of all,  
20 paragraph 145, it's important, you would no doubt agree,  
21 to make plain that Lord Anderson's assessment was that  
22 the reviews had been conducted in a careful and  
23 trustworthy manner.

24 A. Yes.

25 Q. Over the page, 151. He went on to observe that there

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1 was no cause for despair in respect of the UK's  
2 counter-terrorism defences, noting that substantial  
3 coverage was in place, working as intended?

4 A. Yes.

5 Q. He concluded that MI5 and CT policing got a great deal  
6 right?

7 A. Yes.

8 Q. Particularly in the case of Manchester, they could have  
9 succeeded, he found, had, to use his phrase, the cards  
10 fallen differently.

11 A. Yes.

12 Q. Again, an observation that you I think will agree with,  
13 given you agreed with it in relation to the PAR.

14 Obviously, Lord Anderson's conclusions were based upon  
15 the materials and information that he had?

16 A. Yes.

17 Q. Although I emphasise that he was clear he was given  
18 access to anything that he wanted.

19 A. Yes.

20 Q. But again, do you agree that in closed we will need to  
21 consider whether everything now available to the inquiry  
22 was available to him?

23 A. Yes.

24 Q. That's all I propose to ask you about Lord Anderson's  
25 independent assessment.

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1 Fourthly and finally, the report of the Intelligence  
2 and Security Committee, to which I've already made  
3 reference. In its report, did the ISC reach a number of  
4 conclusions and make a number of recommendations?

5 A. Yes.

6 Q. At paragraph 157, page 39 of X's statement, are there  
7 listed the conclusions and recommendations that seem to  
8 MI5 to be the most relevant to the Manchester Arena

9 attack?

10 A. Yes.

11 Q. I'm going to ask you about two of them. First of all,  
12 (a), recommendations for improvements to the approved  
13 visitor scheme and monitoring of extremist prisoners and  
14 their visitors.

15 A. Yes.

16 Q. Has that change now been made?

17 A. I think properly, that recommendation needs to be,  
18 I think, directed more to others who are giving  
19 evidence, such as Paul Mott, when he does give evidence,  
20 so that MI5 is obviously supporting in this area rather  
21 than leading in respect of extremist prisoners and their  
22 visitors.

23 Q. I understand that answer and I won't press you further.  
24 It may be that your answer is the same in relation  
25 to this, but by reference to a different individual. (b)

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1 conclusions on the system for regulating and monitoring  
2 the purchase of precursor chemicals for the manufacture  
3 of explosives and regulation of the work undertaken to  
4 improve the system.

5 A. Yes. Again, the lead for that sits with the Home Office  
6 and MI5 plays a key role, a supporting role, in ensuring



7 that we make progress in that area alongside the area  
8 you mentioned on the 15 7(a).

9 Q. In X's statement it is made clear that MI5 has  
10 a commitment to improve further and that there are  
11 a number of initiatives that are in place; is that  
12 correct?

13 A. Yes

14 Q. Some of which we have looked at, such as the CT step-up.  
15 That was the position in July 2019. Does it remain the  
16 position today?

17 A. Yes. As an organisation, we are continually learning  
18 alongside CT policing and our other partners, seeking to  
19 look at all of our machine to ensure we're doing what  
20 we can to continue to change and improve. Over the next  
21 couple of years we are as an organisation with a number  
22 of other partners seeking to build the counter-terrorism  
23 operation centre that will seek to produce the most  
24 effective model we can provide to enable us across  
25 a range of partners to respond to the terrorist threat.



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1 So that's a significant uplift in how we work together,  
2 particularly with CT police and how we share our  
3 intelligence and our data.

4 Q. Finally, Witness J, in terms of --

5 SIR JOHN SAUNDERS: Sorry, just one thing. It's  
6 an important detail if someone can help me. Looking at  
7 the ISC report, could you look at page 33, which is in  
8 their internal numbering. This may be something I've  
9 simply misunderstood. At paragraph 70, at the risk of  
10 being in contempt of Parliament, can you actually tell  
11 me whether categorisation of the prisoner is correct  
12 there? If you don't know, then we can check, you may  
13 not be the right person to ask. I don't think I should  
14 be challenging something which appears in a committee  
15 report from Parliament, but hopefully they'll forgive me  
16 as I'm simply asking a question.

17 A. Yes, I do have the answer to that, but it might be  
18 something that I need to share in a different form.

19 SIR JOHN SAUNDERS: Right.

20 MR GREANEY: We do know the answer to that and we will look  
21 closely as to whether that can be put into open, if not  
22 today then tomorrow.

23 SIR JOHN SAUNDERS: Thank you.

24 MR GREANEY: Witness J, I was going to take you finally in  
25 terms of my questions to the concluding remarks of



3 that you agree with?

4 A. Yes, they are.

5 Q. It may therefore be that you'd find it helpful and fair  
6 to read those out. I will invite you to do that.

7 SIR JOHN SAUNDERS:

8 A. [Reading not checked] "Countering threats to the UK's  
9 national security including identifying and disrupting  
10 terrorist plots is a complex and increasingly high  
11 volume business. It is not unexpected that the thorough  
12 review of MI5's processes and actions undertaken in the  
13 reviews detailed above identified areas in which  
14 processes, practices and guidance could be further  
15 developed.

16 I do not consider and nor did the review teams for  
17 the post-attack review or the operational improvement  
18 review that any of the identified developments reflected  
19 any systemic failings by MI5. They simply reflect the  
20 reality of the challenging work faced by MI5 and its  
21 staff and that there will always be ways in which MI5  
22 can seek to develop and improve. I agree with Lord  
23 Anderson's conclusion that even marginal improvements  
24 are capable of paying dividends, the work undertaken on  
25 the recommendations from the post-attack reviews into



1 the 2017 attacks, the operational improvement review and  
2 the ISC cannot guarantee that future plots will be  
3 disrupted but these improvements ...(reading to the  
4 words)... try to evade the attention of the authorities.  
5 MI5 and counter-terrorism partners are continually  
6 developing techniques to enable us to gain the necessary  
7 coverage ...(reading to the words)... these are the  
8 finally balanced judgements that MI5 officers have to  
9 make on a daily basis."

10 Q. Thank you, Witness J.

11 Sir, just before I finish, can I make clear that, as  
12 will be apparent to all present in the courtroom and  
13 watching remotely, I have in large part simply adduced  
14 the evidence of Witness J as set out in the witness  
15 statement of Witness X, with little press and no  
16 challenge. And that I anticipate will also be the  
17 approach that Mr de la Poer will take when he calls DCS  
18 Scally. As will be apparent to everybody, that is not  
19 the usual approach to counsel to the inquiry in this  
20 inquiry. The approach we have taken to Witness J and  
21 that will be taken to DCS Scally is because the press  
22 will come for perfectly obvious reasons in closed,  
23 during which also consideration, as I indicated at the  
24 beginning of today, will be given to what can be broken  
25 out from closed into open.







DRAFT TRANSCRIPT  
Questions from MR COOPER

1

2 MR COOPER: Witness J, as you know, I represent a proportion  
3 of the families today and one of a number of advocates  
4 who will be asking you questions.

5 Getting to the crux of this, we'll go into some more  
6 detail in a moment, would you accept for all the caveats  
7 that you have given us, that MI5 failed to identify  
8 a bomber who went on to kill 22 people on 22 May 2017?

9 A. Mr Cooper, before I answer that question, which I will  
10 do, can I just through you express my personal  
11 condolences on behalf of myself and MI5 (^).

12 Q. I'm grateful. Had I known you were going to say that,  
13 I'd have given you the opportunity straightaway to say  
14 that. You will understand that anything I have to ask  
15 you on their behalf is certainly not meant to prejudice  
16 any operations or future operations or personnel that  
17 are doing a good job for all of us in keeping us safe.  
18 But you'll understand it is my duty today to press you  
19 on this matter, on behalf of the families, who have  
20 waited a long time for this opportunity and of course,  
21 given that much of the evidence is going to be heard in  
22 closed sessions, for reasons we do understand, this is  
23 our opportunity. So please bear with me during the

24 course of this process.

25 The question I opened with is would you accept that

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1 MI5 failed to identify a bomber who went on to kill 22  
2 people on 22 May 2017?

3 A. Yes, so we exist to protect the public and to keep this  
4 country safe and so when an attack like this happens,  
5 of course we're acknowledging that we haven't been able  
6 to do that. As an organisation, and personally, I'm so  
7 sorry that we didn't stop this. My job over the past  
8 few months has been to identify whether or not there  
9 were moments where we did fail in your language, moments  
10 where we should have done things that would have  
11 prevented this attack. But I haven't detected failure  
12 in my analysis of this. I've detected areas where,  
13 looking back, of course with the benefit of hindsight,  
14 there were different decisions that could have been  
15 made.

16 SIR JOHN SAUNDERS: Witness J, I hope you don't mind me  
17 saying so, there may be all good reasons for it, but  
18 I think the answer to the question has to be yes,  
19 doesn't it? MI5 did not identify Salman Abedi before  
20 the attack took place. There may be perfectly good  
21 reasons for that.

22 A. Yes. So we failed to identify in that language that  
23 he was going to conduct this attack.  
24 MR COOPER: I might use the word you, please don't take it  
25 personally. MI5. In this instance for reasons we'll

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1 examine, and I know others will as well, you failed to  
2 protect these families and the public from a bomber,  
3 didn't you? As a general principle. We'll work on why.  
4 But as a general proposition, surely it's one of the  
5 most straightforward questions I'm going to ask you  
6 today. MI5 failed to protect these families from  
7 a bomber? Failed.  
8 A. So we live in a society where unfortunately, despite our  
9 work and the work of others, terrorist attacks do  
10 happen. And it's a very uncomfortable and horrible  
11 thing to say that but that is the case. And in the  
12 circumstances, yes, we didn't identify that he was  
13 planning this attack and we didn't stop him, quite  
14 self-evidently. So yes, MI5 didn't --  
15 Q. Come on, say it. Failed?  
16 SIR JOHN SAUNDERS: I think he has already answered that.  
17 The second question was the same as the first put  
18 slightly differently.  
19 MR COOPER: I will move on.



20 I'm going to ask you, the crux of all my questions  
21 this afternoon is going to be suggesting to you that the  
22 cumulative effect or the cumulative information that MI5  
23 had at the time was sufficient for Salman Abedi to have  
24 been identified and neutralised from doing this by  
25 arrest, apprehension, even with Prevent, as others will

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1 deal with later. And let me develop that with you now  
2 starting from the very, very beginning.

3 We know, and as you have told us, that round about  
4 the time of this atrocity, the level of concern was  
5 severe, meaning that an attack was highly likely?

6 A. Yes.

7 Q. And that you told us this morning the threat level is  
8 a tool for all intelligence practitioners to determine  
9 what protection might be required. So it's central for  
10 an interpretation, effectively, as to how to act and  
11 what to do, would that be right?

12 A. It gives a guide, yes.

13 Q. You've been taken through a number of steps, which  
14 I will look at some of them in a moment. You have  
15 indicated that MI5 was under a considerable amount of  
16 pressure at the time.

17 A. Yes.

18 Q. Were you overworked?  
19 A. As you say, considerable amount of pressure, I think it  
20 was pretty stretched at the time across MI5.  
21 Q. Were you underfunded?  
22 A. No, I don't think so. I think we had funds from  
23 government to do the job we were doing.  
24 Q. So this is not a matter, I ask the question, as you'll  
25 understand, often pressed as I am by the concerns of

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1 those I represent, and one of the concerns from the  
2 families is whether MI5 needed more money at the time  
3 and were not being provided with enough money to do  
4 their job. If that's the case, you can probably do your  
5 colleagues a great service now by saying so and perhaps  
6 putting some pressure on government to help you. So one  
7 more time: were you underfunded at the time and might  
8 that have been a reason why some steps were not taken as  
9 far as Salman Abedi was concerned?  
10 A. In the reviews and in my work in preparation for this,  
11 I haven't detected a link between the level of funding  
12 of MI5 and Salman Abedi and our work in regard to him.  
13 SIR JOHN SAUNDERS: Mr Cooper, I'm going to take that a bit  
14 further. Obviously, resources are supplied to you  
15 against your workload. You've told us, and we've heard,

16 and the director-general has said it, that 2017 brought  
17 an unprecedented number of actual attacks and attacks  
18 which you thwarted. Resources tend to follow on demand  
19 rather than meet demand, so do you think in the light of  
20 the increase during 2017 that you were properly funded,  
21 bearing in mind that perhaps the funding comes  
22 retrospectively to the demand?

23 A. As a organisation we had been growing for a number of  
24 years, particularly CT, since 2005 (^) enable us to grow  
25 our capabilities and grow in size. 2017 was a very

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1 significant year in terms of the pressure that we were  
2 under. But I don't think there was a funding question  
3 here for us at the time in relation to this case.

4 SIR JOHN SAUNDERS: Thank you.

5 MR COOPER: So therefore, any, and I'll use the emotive  
6 word, you won't accept it, any mistakes made are not  
7 down to a lack of resources, it's not down to a lack of  
8 funding, the mistakes are down to straightforward and  
9 simply decision-making if there are mistakes?

10 A. If there are mistakes, yes.

11 Q. Yes. I'm just trying to remove all the obstacles to  
12 finding, if it is necessary, accountability for what  
13 happened here.

14 A. Mr Cooper, just to add to that in terms of the  
15 resourcing picture, as I have already said, the  
16 organisation from 2014 was increasingly stretched. So  
17 whilst I'm not highlighting here a lack of funding,  
18 I would highlight some very serious prioritisation  
19 choices that we were making internally over those years  
20 and specifically in 2017 in terms of where we would  
21 focus our effort.

22 So that stretch translated into hard decisions about  
23 what to and what to not investigate.

24 Q. The last thing I'm going to do is go into the precise  
25 issues of what resources were or were not needed,

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1 I wouldn't dream of asking that. But would you accept  
2 then that this, on that last answer, is potentially an  
3 under-resourcing issue? You simply didn't have enough  
4 resources given the pressure of work in 2017 to properly  
5 and thoroughly address the people you needed to, would  
6 you accept that?

7 A. I do not consider that that is a factor in respect of  
8 this case.

9 Q. The cumulative effect. Let's start with the Libyan  
10 community and let me make very clear indeed that the  
11 majority of people that live in the Libyan community in

12 Manchester are law abiding, decent people, and nothing  
13 that I have to say, or you have to say, takes away from  
14 that general principle. I wouldn't want to be  
15 misinterpreted in the tenor of the questions I'm asking  
16 you.

17 We are dealing with the cumulative effect now as to  
18 what might have flagged Salman Abedi. He lived in the  
19 Libyan community in Manchester, didn't he?

20 A. Yes, he was connected to Libyans in South Manchester and  
21 had links to Libya.

22 Q. In fact he lived in Fallowfield in South Manchester.  
23 Were you aware it had the nickname "Little Tripoli"?

24 A. Yes, I have heard that described.

25 Q. So we start from the basis of Salman Abedi living in

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1 a place in Manchester called Little Tripoli, so-called  
2 because of the high density of its Libyan population.

3 Would you agree with that?

4 A. Yes, I have heard it described that way.

5 Q. When did you hear it described that way?

6 A. Several years ago when I was working alongside Greater  
7 Manchester Police.

8 Q. Thank you. So before 22 May 2017?

9 A. Yes.

10 Q. So there we have Salman Abedi and his murderous partner  
11 Hashem Abedi, living in that area. And you have already  
12 highlighted today, Witness J, the JTAC advice, I won't  
13 repeat it for time purposes, which emphasises on a view  
14 being taken on particular locations and particular areas  
15 that may have indicator signs that there may well be  
16 issues there. I will put it as neutrally as possible.  
17 Would that be right?

18 A. Yes.

19 Q. I want to take you to an expression you used this  
20 morning on this point relating to that JTAC report on  
21 that and a number of matters raised within it. When you  
22 said this: it would have informed the teams who were  
23 engaged to work in Manchester. Your evidence. You went  
24 on to say: I'm very confident that MI5 and  
25 counter-terrorism police would have used the material



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1 from it to perform our overall strategy. on what do you  
2 base that confidence?

3 A. JTAC reports are produced very regularly and are shared  
4 with investigators and investigative team leaders and  
5 their seniors and are used to inform their work.

6 Q. Yes, we've heard a lot of evidence in this case, not  
7 relating to MI5 but other organisations, about reports

8 that are made, with helpful observations in them, that  
9 are neither seen nor referred to people who should see  
10 and understand them. Who would see the JTAC report as  
11 far as MI5 is concerned? Whose desk would it land on?  
12 A. That 2010 report from JTAC would have been seen by those  
13 people who were engaged in work that was relevant to  
14 terrorism relating to Manchester.  
15 Q. At what level, and again if I'm asking questions, I'm  
16 trying to ask generalised questions here. At what level  
17 of officer would see this report? Because I want to  
18 understand and the families want to understand as to who  
19 would see and who would activate the advice given within  
20 it.  
21 A. So it would be available to members of MI5 of a range of  
22 grades, including investigators who were looking at  
23 subjects of interest in Manchester through to their  
24 managers. So it would be a fairly wide range.  
25 Q. When you say it would be available, again if I can pin



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1 you down in the nicest possible way. When you say  
2 available, would they be directed to read it, would be  
3 it on their desks, would they be told it's here if you  
4 want to see it? What level of direction would be given  
5 to individuals to read an important report like this?

6 A. I don't think there would be a direction. I think there  
7 would be, as there are with all JTAC reports at that  
8 time, a distribution list of people who it would be  
9 shared with, that would be determined to be the most  
10 appropriate list of people to see that type of report.

11 Q. Because also within this report, as we know, there's  
12 references to issues relating to crime, the crime rate  
13 in Manchester, double the national average, and JTAC  
14 highlighted this, it's again an important indicator as  
15 to possible radicalisation. This report, would you  
16 agree, is a vital report for those needing to assess  
17 potential radicalised or vulnerable to radicalisation  
18 individuals?

19 A. I'd say it was one of the reports available at the time  
20 that would have been used by an investigator to inform  
21 their work.

22 Q. From that answer, one of the reports, more than one  
23 report, highlighting the problem in Manchester?

24 A. I think there would be a wide range of assessment  
25 documents available to investigators who were looking at



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1 SOIs.

2 Q. If one looked at the JTAC report and any other report  
3 that was available to your colleagues at the time, and



4           they went through all the tick lists and then compared  
5           it hypothetically to Salman Abedi, hypothetically,  
6           Salman Abedi would be number 1 on the list, wouldn't he  
7           if that -- I'm not saying the exercise should have been  
8           done or was done. But Salman Abedi ticked every box on  
9           the JTAC report, didn't he?

10    A. During the period, of course, we were investigating  
11           a number of individuals, SOIs, and had priority  
12           investigations into individuals who would also have  
13           been, based on that JTAC report and other reports, would  
14           have met some of the criteria that were described by the  
15           JTAC report as being relevant in terms of terrorism.

16    Q. I'm sure there were, but my question was: Salman Abedi  
17           ticked every box on that JTAC report, didn't he?

18    A. Looking back, knowing what we know now, there are  
19           significant correlations between Salman Abedi and his  
20           path as much as we know it and some of the indicators  
21           in that report.

22    SIR JOHN SAUNDERS: Can I understand a bit more about the  
23           JTAC report. Did it have -- is it official secrets,  
24           what is its category?

25    A. I believe it's a secret document.



2 authorities, would for example the Mayor of Manchester  
3 see it?

4 A. Some JTAC reports are broken out at a lower  
5 classification to enable the wider readership to be able  
6 to access it. But the report in its full form would  
7 contain intelligence and assessments on intelligence  
8 that would make it hard for it in full to be shared  
9 in that way.

10 SIR JOHN SAUNDERS: Mr Cooper is pursuing the question of  
11 the identification of Salman Abedi as being a possible  
12 high risk suspect from looking at that report. I'm also  
13 concerned about whether that report having been done, it  
14 was distributed to people who could perhaps make  
15 a difference, could look at the conditions there and  
16 perhaps try and take action to prevent it. Do you know  
17 who it went to?

18 A. My understanding from my reading around this is that it  
19 did get a wide distribution and the purpose of the  
20 report was to try and not only draw from a wide range of  
21 sources but also then to share the conclusions with --

22 SIR JOHN SAUNDERS: Highlight the problems?

23 A. Yes, how far it went in terms of the distribution I am  
24 not sure.

25 SIR JOHN SAUNDERS: We might make some enquiries.

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1 A. One of JTAC's purposes of course is to share their  
2 assessment as widely as possible so the broadest range  
3 of partners can access their assessment. If I might  
4 add, I wouldn't want to mislead this inquiry by  
5 suggesting that this report is somehow sitting on its  
6 own as a document. I refer to it of course in the  
7 statement, in the statement I adopt it as a way into  
8 understanding the community context, but I wouldn't want  
9 in any way to suggest that this was the report on which  
10 everybody was then making their decisions. There were,  
11 as I've said, a wide range of reports and this was one  
12 that was written at the time.

13 MR COOPER: Let me follow through on that. Was there any  
14 report as far as you are aware that disagreed with the  
15 JTAC report?

16 A. I haven't read all of the reports from the time.

17 Q. Give me one if there was. Have you read any that you  
18 can recall that disagreed with the JTAC analysis of  
19 Manchester? If so, may we see it?

20 A. I don't think it was repeated as an assessment, I think  
21 it was an authoritative report at the time.

22 Q. Thank you. So your evidence a minute ago about there  
23 are other reports -- and of course not wanting to  
24 mislead this inquiry. The issue is the JTAC report,  
25 isn't it, as far as Manchester is concerned and what it



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1 was saying about Manchester?

2 A. Perhaps we're talking at slightly cross-purposes,  
3 Mr Cooper. When I'm thinking about investigators and  
4 judgements made by investigative teams on individual  
5 subjects of interest, I would expect them to refer to  
6 a wide range of reports. This may well be a very strong  
7 document in relation to Manchester in 2010, but that  
8 doesn't necessarily translate into it being the core  
9 document for an investigator making judgements about  
10 their decisions.

11 Q. I totally understand that. This is a cumulative effect  
12 I'm putting to you and only part of the story I think  
13 I said. Nonetheless it would be right to say that when  
14 we get to 2017 in short order, it will be so short we'll  
15 get the bends it being so quick. When we get to 2017  
16 the findings of the JTAC report in 2010 are still  
17 relevant, aren't they far as Salman Abedi is concerned?

18 A. Yes, in terms of the broad themes drawn out by that  
19 report a lot of them were still relevant in 2017.

20 Q. Were MI5 keeping abreast of the conflict in Libya and  
21 how it was developing?

22 A. Insofar as it was relevant to our purpose, yes.

23 Q. It seems, and you'll correct me if I'm wrong, that MI5  
24 were focusing almost primarily on Syria and travel to

25 Syria. Is that right?

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1 A. That was a key concern for us, yes. But not  
2 exclusively.

3 Q. Libya was a war zone, wasn't it?

4 A. Yes, at the time, from 2014 and for years before that.

5 Q. And a hotbed of terrorism, wasn't it? A significant  
6 part of the world where terrorist activity was either  
7 propagated or encouraged.

8 A. Yes, there was terrorism in Libya.

9 Q. And were you aware, were you not, that during the course  
10 of the war in Libya, terrorists, potentially, could come  
11 back to Britain or to Britain for the -- UK for the  
12 first time? There was a risk?

13 A. Yes.

14 Q. Within the confines of what you can or cannot say in  
15 open session, why was Syria focused on other than Libya?  
16 Or to a degree, more so than Libya? Is that a question  
17 you can answer here?

18 A. I could try. Since the establishment of the caliphate  
19 by Islamic State in 2014 we started to see a growing  
20 threat from Syria and the surrounding region. And we  
21 started to see individuals from the UK travel out to  
22 Syria for the purpose of joining Islamic State and some

23 of them returning and seeking to engage in terrorism  
24 in the UK and overseas and more broadly in Western  
25 Europe we started to see either directed or inspired

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1 plots by Islamic State being conducted from 2014  
2 onwards. So it was right in my view that MI5 and CT  
3 policing were spending more time focusing on Syria as an  
4 area where we were seeing much more threat emanating and  
5 much more concerning attack plots.

6 Q. MI5 took their eye off the ball, didn't they, as far as  
7 Libya is concerned?

8 A. No, I don't think that's the case.

9 Q. Let's look a little further in my next series of  
10 questions to what else was going on in Libya that causes  
11 me to put that to you. Again, as part of the cumulative  
12 effect of Salman Abedi, I want to go now to

13 Salman Abedi's associates and contacts. Because you  
14 referred so far to subjects of interest A, B and C. And  
15 incidentally, as far as Salman Abedi is concerned, how  
16 far up the alphabet do we go as far as he's concerned on  
17 subjects of interest?

18 A. I've detailed in my statement his contact with SOI A, B  
19 and C, and an extremist prisoner and his second level  
20 contacts with four others.

21 Q. So we've got subject of interests A to, what, N? A, B  
22 and C. How many other subjects of interest were MI5  
23 aware of, just in terms of the number, or their  
24 alphabetical designation, Salman Abedi was in contact  
25 with, either in a primary or secondary way?

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1 A. In the primary way, as you describe it, SOI A, B and C  
2 and an extremist prisoner. Then in a secondary way,  
3 four further contacts.  
4 Q. With four different people?  
5 A. Yes.  
6 Q. So we've got subjects of interest A to H then, that  
7 would be about right, would it, if I'm putting it that  
8 way?  
9 A. Yes.  
10 Q. Over a period of what time do we have subjects of  
11 interest A to H?  
12 A. That starting with the contact with SOI A  
13 in December 2013, going through to 2017.  
14 Q. So from 2013 to 2017, when this atrocity took place, MI5  
15 were aware of Salman Abedi's contacts, either primary or  
16 secondary, with eight subjects of interest?  
17 A. Yes.  
18 Q. So let's add that into the cumulative effect basket if

19 I may put it that way. Let's ask you about some names  
20 you have not been asked about.  
21 A. If I might just -- if it's helpful -- offer something in  
22 respect of contact with subjects of interest. The  
23 nature of the contact of course is very important. So  
24 the mere fact of somebody being in contact with  
25 a subject of interest of itself is not something that

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1 MI5 would necessarily seek to investigate. So I don't  
2 think it can be assumed that contact with more than one  
3 SOI or a series of SOIs is something that would  
4 necessarily be of concern.  
5 Q. But you say that and I wasn't going to ask you this, but  
6 I think I'm able to now given that answer. Would you  
7 agree with this proposition from the Fusilier Rigby  
8 report that MI5 should consider attaching more  
9 significance to the fact that two SOIs being in regular  
10 contact even when contact is merely social -- that's  
11 what Rigby recommended, that MI5 should consider  
12 attaching more significance to the fact that two SOIs  
13 being in regular contact, even when contact seems merely  
14 social -- do you disagree with Rigby?  
15 SIR JOHN SAUNDERS: Can I just understand? I'm afraid I'm  
16 not familiar with the report as you are. Are we talking



17 about the two SOIs being the two killers?  
18 MR COOPER: Not necessarily. It was a general -- page 124.  
19 It's a general proposition that simply social contact  
20 doesn't necessarily have to exclude concern.  
21 SIR JOHN SAUNDERS: Right.  
22 MR COOPER: Would you agree with the general proposition  
23 that social contact doesn't necessarily mean that one  
24 should exclude concern?  
25 A. Yes, so I think it's possible that social contact

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1 between an individual and an SOI is something that might  
2 be concerning, but I think it's quite unlikely that MI5  
3 on the basis of social contact between an individual and  
4 an SOI would see that as intelligence that would be  
5 assessed to represent some form of threat. We have to  
6 be really clear about how we use our powers, we have to  
7 be really clear about where we put our effort. And when  
8 looking at Salman Abedi and his contact with SOIs, when  
9 we receive intelligence on the nature of that contact  
10 we were making judgements about whether or not there was  
11 a threat. So it doesn't necessarily follow that there  
12 is a cumulative impact in every case.  
13 Q. Let's look at some social and family contacts.  
14 Obviously his father, Ramadan Abedi. He was a member of

15 the Libyan Islamic Fighting Group, wasn't he?  
16 A. I'm afraid I can't confirm that in open.  
17 Q. All right. I'm going to suggest it to you and then  
18 maybe it can be dealt with in closed, that he was  
19 a member of the Libyan Islamic Fighting Group, a group  
20 who sought to overthrow Gaddafi and impose Islamic  
21 government. If that was something that was available  
22 for people to know, would you have known that?  
23 A. Mr Cooper, could you repeat that question?  
24 Q. I'm trying to dance around it. You can't tell me  
25 whether you knew that, but I'm -- I'm going to suggest

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1 to you -- (overspeaking).  
2 SIR JOHN SAUNDERS: If it was a fact, would you have known  
3 it?  
4 A. If ...  
5 SIR JOHN SAUNDERS: If it's a fact that Ramadan Abedi was  
6 confirmed with LIFG and the overthrow of Gaddafi,  
7 is that a fact, you can't confirm or deny, but if it  
8 were a fact, is it something you would know and MI5  
9 would know?  
10 A. Not necessarily.  
11 MR COOPER: Really?  
12 A. Just to be clear on the question, if I may, if there

13 were to be somebody who was connected to or a member of  
14 a group that was involved in terrorism, would MI5 know  
15 about it? The answer to that is no, not necessarily.

16 Q. That's not my question. If Ramadan Abedi was a member  
17 of the Libyan Islamic Fighting Group, would MI5 have  
18 known about that?

19 SIR JOHN SAUNDERS: I think the answer is going to no still.  
20 We will look at it in closed, I can assure you of that.

21 MR COOPER: Thank you, sir. In many respects some of the  
22 questions (overspeaking).

23 SIR JOHN SAUNDERS: I can understand the difficult for  
24 Witness J in answering that.

25 MR COOPER: I understand.

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1 A. I am trying to be helpful, I do apologise.

2 Q. We both have different roles here and none of it is  
3 intended to be disrespectful to you.

4 Ramadan Abedi, though, was a man surely MI5 knew was  
5 potentially deeply involved in terrorism, wasn't he?  
6 Surely MI5 knew that?

7 A. I can't comment on that in open.

8 Q. What I'm putting to you is before we go through a few  
9 other names, when it comes to being concerned about  
10 Salman Abedi, we've dealt with the Libyan community and

11 other issues. I'm now dealing with his family. MI5  
12 would have known, I suggest to you, the deeply  
13 disturbing background of his father and that should have  
14 put them on alert as far as Salman Abedi is concerned,  
15 shouldn't it?

16 A. I think all I can say about Ramadan Abedi is that, as  
17 I mentioned to Mr Greaney earlier, it's assessed likely  
18 that his extremist views, Salman Abedi's, were  
19 influenced by his father.

20 Q. Almost definitely, I would suggest to you, and that MI5  
21 knew that and knew that well before 2017, didn't they?  
22 Surely you can answer that question?

23 A. Again, Mr Cooper, I can't in open.

24 Q. You are trying to help us here, Witness J?

25 SIR JOHN SAUNDERS: He has told you. It may be justified or

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1 not, the question of national security, but that's  
2 something I will look at. If it's not, I will make sure  
3 it's broken out at the end of closed.

4 MR COOPER: Let me leave it this way and I know Mr Greaney  
5 is listening. If he at any stage feels that the  
6 national security observation from what he knows is  
7 inappropriate, he'll indicate and then I can press the  
8 witness a little further on the witness using that. But

9 I'll move on because there were TIE reports and police  
10 reports about Salman Abedi that the police could see.  
11 So I suggest to you that purely on the available police  
12 reports, it was obvious.

13 But let's move on to something else. Ismail Abedi;  
14 Salman Abedi's elder brother. On his Facebook account,  
15 extremist material including Ismail sitting behind  
16 a senior Al-Qaeda figure on a gun holding a rocket  
17 grenade launcher, interviewed 22 times by  
18 Counter-terrorism Policing and not charged. Were you  
19 aware of Ismail Abedi's alleged involvement in things  
20 like this when you were looking at Salman Abedi?

21 A. I have seen all of the material that you've referred to,  
22 but as with Ramadan, I can't confirm in open whether MI5  
23 was aware of it at the time or was investigating.

24 Q. Again I'm going to suggest to you, given the position  
25 that I'm put in, that MI5 surely would have known about

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1 this. If they didn't, I make the counter critical  
2 submission they should have been. Let me put this to  
3 you. Either MI5 knew about it and really ignored it as  
4 far as Salman Abedi is concerned or they didn't know  
5 about it and they should have known about it. Either  
6 way, would you accept any of those propositions, one way

7 or the other?

8 SIR JOHN SAUNDERS: I'm sorry, there was one comment there  
9 which I don't think helped the question if you don't  
10 mind me saying.

11 What do you say?

12 A. So trying to be helpful and just to be really clear,  
13 when I don't talk about individuals who we may or may  
14 not have been investigating, as you have said, sir,  
15 I can cover that fully in closed and fully intend to do  
16 so as far as you want to go. There isn't any part of  
17 this that I won't share, of course, as you know.

18 SIR JOHN SAUNDERS: Okay, as we know, you can only justify  
19 that on the basis of national security.

20 A. Yes.

21 SIR JOHN SAUNDERS: So I need to make sure that that is  
22 a proper justification.

23 A. And I understand. From my perspective, I am trying to  
24 avoid providing details in open to individuals who we  
25 are investigating and I'm not in any way confirming or



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1 denying whether or not Ramadan Abedi or Ismail Abedi  
2 were being investigated. But trying to avoid giving  
3 details of who we are and who we are not investigating  
4 is important so that we can continue to do our job.

5           So I just wanted to say that in terms of the reason  
6           why I am not able to say more. In respect of your  
7           question, Mr Cooper, around Ismail Abedi and material  
8           that you have discussed, I don't think it would  
9           necessarily be the case that MI5 would be aware of all  
10          intelligence that we now subsequently have. We had  
11          a partial picture of what Salman Abedi was engaged with  
12          and we will always have a partial picture of others too.  
13          So I wouldn't necessarily say that MI5 has a full and  
14          complete picture of any individual who may be engaged in  
15          terrorism.

16       SIR JOHN SAUNDERS: Okay. In the case of Ismail Abedi, we  
17          know he was port stopped and we know that certain  
18          information was taken down from his telephone.

19       A. Yes.

20       SIR JOHN SAUNDERS: As a matter of practice, is that  
21          something that CT police would share with MI5 or it  
22          depends on the situation? What is the situation?

23       A. I think if the port stop had been requested by us, and  
24          again I'm not saying in these specific circumstances,  
25          it's an established practice that the material would



1           then be shared with us, as a result of the port stop.

2           If the port stop had not been requested by us, if

3 a reached a threshold of sharing from the police to MI5,  
4 even if it had been another agency referring, then  
5 we would probably see it too.

6 MR COOPER: With the inquiry's indulgence, I'm going to  
7 press you a bit on this national security point.  
8 You have just given an explanation as to why you don't  
9 want to speak further on Ismail Abedi. I quite  
10 understand. Maybe or maybe not, ongoing enquiries. But  
11 all I'm asking you about is what you knew on  
12 Ismail Abedi, 2014 to 2017. Can I suggest to you, and  
13 the families have this concern, you are using national  
14 security as an excuse not to answer legitimate  
15 questions. And that's a classic example of it. I'm  
16 only asking about what you knew of Ismail Abedi up to  
17 2017, not what you know about him now. I wouldn't dream  
18 of asking that. So one more time and then I'll move on.

19 SIR JOHN SAUNDERS: Are you covering things up by asserting  
20 national security of questions you don't want to answer?

21 A. No. From my perspective, I'm sitting here giving  
22 evidence, trying as hard as I can to share in open what  
23 we as an organisation did in the run-up to 2017. I'm  
24 also trying to balance in giving this evidence the need  
25 for us to preserve ongoing investigations. And that



1 does include years before, material that we may or may  
2 not have received, capabilities we may or may not have  
3 deployed, so that if we find ourselves in a position  
4 where I share in this inquiry material that then makes  
5 it less likely that we are going to detect terrorism,  
6 then I won't be doing my job.

7 MR COOPER: I'm just referring to his Facebook account.

8 That's all. Can I suggest to you MI5, if they're going  
9 to say here and now they weren't even aware of his  
10 Facebook account, that would be a surprising answer.  
11 Were you aware of his Facebook account?

12 A. As I said, I can't start to get into the details of the  
13 investigations we may or may not have been running on  
14 individuals.

15 Q. All right. You understand when I put the suggestion  
16 that the impression you're giving to some listening to  
17 you is that you're avoiding answering my questions. You  
18 understand that, don't you?

19 A. Yes, I can appreciate how frustrating that is. As I've  
20 said, all of this material will be available in closed.  
21 From my perspective, if I feel that by answering  
22 a question I'm going to damage MI5's ability to continue  
23 to counter terrorism, it will be difficult to answer.

24 Q. And if I felt by asking the questions I wouldn't dream  
25 of asking them as well?

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1 SIR JOHN SAUNDERS: Can I just say what's been said by the  
2 courts many times. The security service are the experts  
3 at knowing what can be got out of information, so we do  
4 have to defer to them to a degree about that. I'm not  
5 allowing people to say national security I'm not  
6 answering. That will not happen. But on the other hand  
7 they're the people do know how terrorists will use  
8 information.

9 MR COOPER: Sir, I'm not going to have that interchange  
10 every time I ask a question. I needed to have it once  
11 for the families.

12 SIR JOHN SAUNDERS: I understand the frustration of the  
13 families too.

14 MR COOPER: Hashem Abedi, we all know about him. I presume  
15 MI5 did as well, didn't they?

16 A. Again, I'm not able to answer that.

17 Q. All right. Ahmed Taghdi. We looked graphically last  
18 week at some of the photographs on his electronic  
19 devices of people holding guns and striking  
20 revolutionary and potentially terrorist poses. You're  
21 probably aware of that, as well, weren't you?

22 SIR JOHN SAUNDERS: Are you aware of it now?

23 A. Yes.

24 SIR JOHN SAUNDERS: Were you aware of it in 2017?

25 A. Again --

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1 SIR JOHN SAUNDERS: You can't answer that, all right.

2 MR COOPER: Abderahman Benhammedi. A childhood friend of  
3 Salman Abedi. At Trafford College, he and Salman Abedi  
4 were good friends, we're told. Benhammedi was remanded  
5 into Belmarsh in November 2014 for terrorism offences  
6 and acquitted, to be fair to him, in 2015. I'll ask the  
7 question, you'll give the answer and I'll move on. Were  
8 you aware before this atrocity of Salman Abedi's  
9 associations with that individual?

10 A. I was aware of this -- we were aware of this individual  
11 as a result of the actions that the police took that you  
12 just described, but in relation to his connection or  
13 otherwise to Salman Abedi, I can't disclose in open the  
14 nature if there was any contact.

15 Q. Abdalraouf Abdallah. You're obviously aware of  
16 the associations of Salman Abedi and I know that  
17 Mr Atkinson will be dealing with aspects of prison  
18 contacts, so I won't transgress. You were going to  
19 accept surely that you were aware, certainly in 2015,  
20 when the first visit took place of Salman Abedi's  
21 association with a known terrorist in Belmarsh prison  
22 and Liverpool prison, you knew that, didn't you,  
23 of course?

24 A. So we're aware of Abdalraouf Abdallah and his TACT  
25 offence, but again I can't talk about in open any

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1 connection with Salman Abedi.

2 Q. It's there in the evidence. Elyas Elmehdi.

3 A Manchester gang based associate allegedly of  
4 Salman Abedi, who allowed Salman Abedi to park his  
5 Nissan Micra, containing bomb parts for the arena  
6 attack, in Devell House. Were you aware of  
7 Salman Abedi's association with Elmehdi?

8 A. I'm afraid I can't talk about that.

9 Q. What I'm building here is a list of cumulative reasons  
10 over and above the other matters you've already been  
11 asked about, from the Libyan community, from  
12 Salman Abedi's family background, from his criminal  
13 background, and now from the associates which we suggest  
14 to you MI5 did know about, to surely scream out  
15 Salman Abedi is a potentially dangerous, dangerous man.  
16 Would you agree?

17 A. As I have said, I haven't confirmed any of those  
18 connections.

19 Q. I know.

20 A. So I don't think it would be right to say that all of  
21 those individuals that you have mentioned and their

22 connections to Salman Abedi should be factored into any  
23 cumulative picture.

24 Q. Just so the closed session understands, we would suggest  
25 that if you're going to say to the closed session you

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1 didn't know about these individuals or didn't know about  
2 some of them, the question we would have liked to have  
3 asked you is: why on earth not? But I can't ask that,  
4 but hopefully you'll be tasked on that in the closed  
5 session.

6 Would you describe Salman Abedi as a self-starting  
7 terrorist?

8 A. Mr Cooper --

9 SIR JOHN SAUNDERS: Is that a term of art?

10 MR COOPER: It is in fact, yes.

11 SIR JOHN SAUNDERS: What does it mean, self starting?

12 A. Self-initiating, self-starting. What used to be  
13 described as lone actor. Someone who operates and  
14 conducts an act of terrorism or terrorist activities  
15 largely by themselves or without that much connection to  
16 others.

17 MR COOPER: And would you describe Salman Abedi as  
18 a self-starting terrorist?

19 A. Even now with all of the information available to us,

20 I don't think we can properly judge exactly how he came  
21 to be on the path and who he was engaged with on that  
22 path.

23 Q. All right. MI5 has a behavioural science unit, doesn't  
24 it?

25 A. Yes.

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1 Q. What is the behavioural science unit, can you say?

2 A. A group of experts who provide advice on behaviours  
3 in relation to all of our work, including terrorism,  
4 such that our investigators and other members of MI5 can  
5 learn from that advice in order that they make better  
6 decisions.

7 Q. Effectively, I don't know -- have you seen Dr  
8 Wilkinson's report?

9 A. Yes.

10 Q. To do the sort of thing Dr Wilkinson's done, look at an  
11 individual's background, behaviours and associations and  
12 perhaps come to a view as to whether they are a risk?

13 A. Yes.

14 Q. Was Salman Abedi ever referred to MI5's behavioural  
15 science unit?

16 A. No.

17 Q. What causes a referral to the behavioural science unit?

18 A. They do a range of reports and there are general reports  
19 on terrorism, you talked about self-starting terrorism,  
20 so there would be general reports from them to enable  
21 investigators and others to understand what to look for  
22 in terms of behaviours that might be concerning and then  
23 there are specific reports that might be commissioned  
24 for an individual subject of interest. So I would  
25 expect from time to time that's quite a high threshold

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1 so somebody who is a live case more likely.

2 Q. Should Salman Abedi have been referred to the  
3 behavioural science unit?

4 A. Based on the intelligence picture we had at the time,  
5 no, I don't think that would have been a judgement that  
6 anyone would have made.

7 Q. Despite the fact that we've gone over the evidence of  
8 the Libyan community, not singularly, it's a cumulative  
9 basket I'm putting together here, despite the fact of  
10 the Libya community evidence, despite the fact of his  
11 family background, despite the fact potentially of his  
12 associates that he mixes with, despite his criminality  
13 and a number of other matters I haven't started to ask  
14 you questions about that, despite all of that, none of  
15 that triggered referral to the behavioural unit?

16 A. No. If I may, Mr Cooper, that has to be seen in the  
17 context of what I've already described about the fact  
18 that we're talking here about someone who was a closed  
19 SOI in a pool of 20,000 closed SOIs, above which there  
20 were 500 priority investigations with 3,000 live SOIs.  
21 So in terms of the sort of resource that we're talking  
22 about in terms of behavioural science assessment,  
23 I would expect to see that being used against subjects  
24 of interest who, from the intelligence, are posing  
25 a threat.

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1 SIR JOHN SAUNDERS: This is looking forward, so picking out  
2 lone actors is incredibly difficult. Have your  
3 behavioural science unit looked at Salman Abedi's case  
4 to try and identify what are those traits which might  
5 give a hint in the future that the person they are then  
6 considering might be about to act as lone actor? So  
7 there are lessons learned, has that happened?  
8 A. Yes, they've been part of the lessons learned work and  
9 have since 2017 introduced a new framework that --  
10 drawing on the lessons of 2017 that gives investigators  
11 in MI5 indicators of what to look for.  
12 SIR JOHN SAUNDERS: And looking at the characteristics of  
13 Salman Abedi in particular.



14 A. Yes, and other attackers from 2017 and from previous  
15 attacks.

16 MR COOPER: Can I suggest to you this on an analysis of  
17 behaviour? Just floating this with you to see if it  
18 helps. Wouldn't it be better, for instance, for more  
19 marginal considerations of individuals to be highlighted  
20 by something like the behavioural science unit where,  
21 not quite sure, than simply passing over those who are  
22 obviously dangerous individuals, so when it comes to  
23 dealing with resources, is there not more sense, when  
24 you have perhaps marginal individuals such as Abedi, you  
25 might say, or individuals such as you might say, I don't

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1 agree with you, we know little about, isn't that just  
2 the sort of individual that should go to something like  
3 the behavioural science unit rather than those you  
4 already know are dangerous people?

5 A. Yes, I would agree, it's not necessarily blanket, we're  
6 going to take the top 50 subjects of interest and ask  
7 for a behavioural science assessment of those. It is  
8 much broader than that and where there is a specific  
9 challenge in a particular case, behavioural science  
10 might actually provide a very important assessment. But  
11 it's got to be seen in the context of the numbers of

12 closed and live SOIs we have at any one time and there  
13 would need to be specific reasons for making that  
14 referral.

15 Q. Again this may be a question you can't answer here, but  
16 when one considers closed and open SOIs, how is that  
17 decision taken? Who makes those decisions? Can you  
18 help us with that? What's the criteria or is that  
19 question which may cause you difficulty?

20 SIR JOHN SAUNDERS: First of all who makes the decision and  
21 then, if you can, the criteria?

22 A. So in 2014, 15, 16, the decision was made between the  
23 investigator and MI5 and a police officer, if the police  
24 were involved in the case.

25 MR COOPER: In relation to all SOIs?

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1 A. When an investigation was closed, so if there was  
2 a priority investigation and there was either no longer  
3 a threat or the threat had been disrupted it may be that  
4 the investigative manager, group leader, would make the  
5 decision to close the investigation, but in consequence  
6 all of the SOIs would be closed as a result or  
7 transferred to another investigation.

8 Q. Who decides to open the investigation, to instigate an  
9 individual to be an SOI, how is that decided?

10 A. Again that's usually the investigator looking at the  
11 intelligence picture, sometimes in consultation with  
12 a manager but sometimes making the decision to open  
13 a lead.

14 Q. What's the criteria for opening an SOI?

15 A. There's no set threshold. There's no set formula that  
16 says: if you receive this intelligence then do this.  
17 There's a high degree of judgement involved where  
18 somebody, as I've described, the intelligence handling  
19 model would look at the intelligence as it comes in to  
20 determine what the level of risk is, credibility of the  
21 intelligence, whether or not it could be actioned and  
22 taken forward and whether opening an investigation would  
23 be proportionate.

24 SIR JOHN SAUNDERS: Closing an SOI may be a very difficult  
25 decision to make. Is it in the hands of let's say CT



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1 police are out of it, just MI5. Is it just in the hands  
2 of one person?

3 A. Yes, at that time, yes. I think that's true. I think  
4 there would be occasions where you would refer it to  
5 a manager, particularly when you were looking to close  
6 an investigation.

7 SIR JOHN SAUNDERS: Does anyone quality control those

8 decisions?

9 A. Yes, there were elements of quality control in that  
10 process, so that somebody would be able to, in the case  
11 of 2014, certain categories of closed SOI would be  
12 closed and put into a general pot where others would be  
13 able to then assess that set of closed SOIs.

14 SIR JOHN SAUNDERS: Thank you.

15 MR COOPER: On the same theme that the chair's raised with  
16 you, let me deal with overseeing the opening of SOIs.  
17 There are a lot of SOIs at the time that you were  
18 investigating Salman Abedi, obviously, you have already  
19 established that point and I'm asking questions based on  
20 the period 2014 to 2017. Let me put the counter  
21 suggestion to you. Were there too many SOIs, taking the  
22 eye off the ball again and should there have been more  
23 of a rigorous assessment of who would be an SOI to save  
24 causing an overburdening amount of work for you and your  
25 colleagues, which resulted, as far as we know, in this



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1 case, of you potentially missing Salman Abedi? I'll put  
2 the question now, I wanted to give you the context to  
3 the question. Were people being assessed as SOIs  
4 a little bit too easily at the time and that caused the  
5 overburdening, the proliferation of SOIs?

6 A. The focus of resources are the investigations and the  
7 SOIs are within the investigations. So in the  
8 overburdening you describe or the resource -- is  
9 directed towards the investigations of which SOIs are  
10 part. In some circumstances, and it happened in 2017,  
11 we were suspending some investigations, which means that  
12 you might still have a live SOI, but you are not  
13 committing investigative resource or any other type of  
14 resource to them. So the number of SOIs in those  
15 circumstances is probably less important than the number  
16 of investigations.

17 SIR JOHN SAUNDERS: Am I right in thinking, you have told us  
18 that the number of live SOIs, active ones, has remained  
19 pretty constant?

20 A. Yes.

21 SIR JOHN SAUNDERS: That might suggest a resource problem.  
22 If it's constant it means you're dealing with as many as  
23 you can, even though the level of activity we know went  
24 up in 2017?

25 A. Within investigation there are tiers of SOI and in some



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1 cases, individuals for example in Tier 3, might not get  
2 any investigative resource or just very limited. The  
3 focus might be on the Tier 1 and Tier 2s. It's just

4 difficult to be able to say, to answer your question in  
5 respect of how that translates into whether or not that  
6 leads to a conclusion that there are too many or that  
7 the system isn't working as well as it should.

8 I should say, sir, that this is an area that we are  
9 currently looking at again to ask ourselves similar  
10 questions around how do we best investigate open and  
11 closed SOIs so that we can absolutely surface the most  
12 pressing risks and then allocate accordingly. So it  
13 will be an ongoing question for us to answer.

14 SIR JOHN SAUNDERS: The present system and the historic  
15 system has been: SOI at an relevant time becomes  
16 a closed SOI but you're keeping an eye on them and at  
17 some stage they drop out of it completely. I wonder if  
18 actually two tier would be better, just open or  
19 completely closed, so you'd keep -- you know much better  
20 than I do. It's just looking at the possibility. You  
21 keep people who are now closed within the general SOI  
22 field and you don't get them off that until you're  
23 absolutely satisfied they've dropped out. Is that an  
24 option or do you prefer the system you have at the  
25 moment?



2 SIR JOHN SAUNDERS: Either open but you are out and you  
3 don't have the closed SOI system which is a sort of  
4 amalgam where we're sort of keeping an eye on them, we  
5 might refer them back to the system, but it would take  
6 quite a long time if there's a danger of them coming  
7 back again.

8 A. You're absolutely right in that when we determine that  
9 somebody should be closed, we need to find a way to move  
10 them off investigative status so we can focus our effort  
11 on open. Because we know that in that closed pot, and  
12 there are some individuals who when we close, we're  
13 saying we just don't know whether at some point in the  
14 future they are going to reengage, it could be a few  
15 years or many years. We have to find a way somehow to  
16 ensure we have some triggers to alert us to that  
17 reengagement. I described Clematis and Daffodil as two  
18 process that we use to do that.

19 If we were to just close people once we had finished  
20 an investigation of them, I think we would be running  
21 the risk that closed SOIs would reengage and we wouldn't  
22 spot it and of course that's a risk already, but we  
23 always seek to find the best system to do that.

24 SIR JOHN SAUNDERS: The ISC (inaudible) Lord Anderson has it  
25 as an ongoing problem.

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1 A. Yes.

2 SIR JOHN SAUNDERS: So I know you have made changes around  
3 the edges but I just wonder whether some more  
4 fundamental change might help. You are the expert, so  
5 I'm not suggesting I know better on my very superficial  
6 knowledge.

7 A. It is another area that we are currently looking at in  
8 terms of how we might do what we can to look across the  
9 risk of our open and closed SOIs and to think about  
10 individuals who we subsequently move off that closed  
11 list. But it's something that we are coming back to, so  
12 yes, it might be something we talk further about.

13 SIR JOHN SAUNDERS: I'm not making a recommendation, believe  
14 me, I'm just enquiring and looking at the possibilities.

15 MR COOPER: On the material that's collected on an open SOI,  
16 and then that SOI is closed, what happens to the  
17 material that's been collected, is it kept, logged,  
18 available for referral in the future?

19 A. Yes, if we collect intelligence on a live SOI, it goes  
20 into our corporate system and it's available to others  
21 to use.

22 Q. On the subject matter the learned chair raised a moment  
23 ago, can I take you, and you've been given advance  
24 notice of it, to a section in the Rigby report,  
25 Intelligence and Security Committee report by sir



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1 Malcolm Rifkind. Page 53. Shall I read the observation  
2 within it? INQ042262/8.

3 This is a report made in 2014 in relation to the  
4 tragic death of Fusilier Lee Rigby. If you look at the  
5 bottom observation there:

6 "MI5 does not currently have a strategy for dealing  
7 with subjects of interest who occur on the periphery of  
8 several investigations. This is a key issue which has  
9 arisen during the course of our inquiry, which must be  
10 addressed by MI5. The committee recommends that where  
11 individuals repeatedly come to MI5's attention, through  
12 their connections with a wide range of subjects of  
13 interest, MI5 must take this 'cumulative effect' into  
14 account. They should ensure that interactions between  
15 subjects of interest are highlighted when making  
16 investigative decisions."

17 This was an observation by the report in 2014. Was  
18 that taken -- I'll ask you the detail in a moment. Was  
19 that taken into account by MI5?

20 A. Yes, it was.

21 Q. In terms of its direct application to Salman Abedi, who  
22 clearly occurs at the very least on the periphery of  
23 several investigations can I suggest to you that the  
24 proper import, the proper seriousness of the cumulative

25 effect of his associations was not taken into account by

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1 MI5? What do you say to that?

2 A. As I say in my statement, all intelligence was  
3 considered and assessed by those responsible for his  
4 closed SOI record prior to the attack.

5 SIR JOHN SAUNDERS: Can I just have a few dates if at all  
6 possible? Sorry for my ignorance but I have forgotten  
7 the date of the Rigby attack.

8 MR COOPER: 2013, sir. I can get the exact date.

9 SIR JOHN SAUNDERS: Don't worry about that.

10 MR GREANEY: 22 May.

11 SIR JOHN SAUNDERS: I now do remember.

12 MR COOPER: This report, 25 November 2014.

13 SIR JOHN SAUNDERS: Thank you.

14 MR COOPER: Again if I can take you to page 24 of the same  
15 report, again you been given notice of INQ042262/5.

16 At the bottom:

17 "Clearly, MI5 must focus primarily on the highest  
18 priority individuals. However, that leaves a large  
19 group of individuals who may also pose a risk to  
20 national security, but who are not under active  
21 investigation. Previous attempts by MI5 and the police  
22 to manage this group have failed. We have not yet seen

23 any evidence that the new programme, established in late  
24 2013, will be any better. This is an important issue  
25 and the committee will continue to take a close interest

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1 in it in order to ensure that the necessary improvements  
2 are made."

3 Can I put directly to you, Witness J, despite that  
4 being highlighted by Sir Malcolm in 2014 as a problem,  
5 it seems from looking at Salman Abedi and his  
6 atrocities, nothing much was done by MI5, was it?

7 A. This is an area that we've spent a lot of time on and  
8 taken very close note of ISC reports in relation to  
9 this. This is a really challenging issue for us and for  
10 the police. As you know, we introduced in 2015 two  
11 processes, Clematis and Daffodil, to seek to try and  
12 understand where there might be risk in that part of  
13 closed SOIs as a response to us recognising that it was  
14 possible that any of those closed SOIs could reengage in  
15 terrorism. So that was one process. At the same time  
16 we continued after the attack in 2013 to develop our  
17 processes to ensure that we were, whilst at the same  
18 time focusing on highest priority individuals, trying to  
19 ensure that our investigators had information in front  
20 of them that gave the fullest possible picture of the

21 closed SOIs they were responsible for.

22 Q. Sir Malcolm Rifkind highlighted in 2014 the very risk  
23 that you have spoken of in relation to Salman Abedi,  
24 that is focusing on high priority individuals and, my  
25 words, not his, taking your eye off those other

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1 individuals and that's exactly what happened with  
2 Salman Abedi, isn't it?

3 SIR JOHN SAUNDERS: Okay, I think you have given your answer  
4 to that and you have made the point that you're trying  
5 to make.

6 Just help me about this. Are you saying that after  
7 that report, some changes were made to how you dealt  
8 with closed SOIs?

9 A. I think it's fair to say, sir, that we've been looking  
10 at this set of closed SOIs for many years before that  
11 report and then the report produced further impetus for  
12 us to -- and recommendations for us to take forward. So  
13 there were adjustments after that and then, when we  
14 started to see the emerging Syria problem and closed  
15 SOIs travelling to Syria and coming back from Syria.

16 SIR JOHN SAUNDERS: So more changes then. But after the  
17 Salman Abedi attack, you made -- the problem is  
18 highlighted how to deal with closed SOIs and further

19 changes have been made as a result of that?

20 A. Yes.

21 SIR JOHN SAUNDERS: I just wonder whether, when you were  
22 putting in processes, the Clematis and Daffodil  
23 processes, which was I think you're telling me a direct  
24 result of the Rigby report by the ISC?

25 A. Informed by it, but it was also informed by the growing

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1 Syria threat.

2 SIR JOHN SAUNDERS: I wonder why it didn't occur to MI5 that  
3 actually a process like that, looking again at a closed  
4 SOI, could be something like the incident happens in the  
5 middle of 2016 and it takes over a year for it to be  
6 considered further. Do you really expect terrorists to  
7 act that slowly? Sorry, that's a facile comment.

8 A. There were other processes in place at the time that the  
9 ISC report refers to that were seeking to help us to  
10 understand where risk might emerge in that pot.

11 Clematis and Daffodil are one of the things, but --

12 SIR JOHN SAUNDERS: They would have revealed Salman Abedi?

13 A. If we had been running Clematis and Daffodil from 2014  
14 onwards, we may have through those processes had, once  
15 he was closed, highlighted Salman Abedi as somebody who  
16 could potentially be reinvestigated. There's a second

17 question about whether or not having done those  
18 processes we would have done anything further in respect  
19 of him and I think that's not at all certain based on  
20 the intelligence we had.

21 SIR JOHN SAUNDERS: That's inevitably the result, but at  
22 least there's an opportunity there to look at it.  
23 Mr Cooper, I can assure you, we will be looking at this  
24 in closed and particularly what was the trigger that  
25 actually made the reference to Clematis.

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1 MR COOPER: I'm grateful, sir.

2 And you are aware, Witness J, topping and tailing  
3 this, of the frustration that has been expressed in  
4 Parliament by Sir Malcolm Rifkind and Dominic Grieve  
5 that MI5 do not seem to be paying enough attention to  
6 this sort of thing despite what's been mentioned in  
7 their reports? You know they are frustrated?

8 A. Yes.

9 Q. And they continue to express their frustration?

10 A. Yes and I do understand that. All I would offer on  
11 that, Mr Cooper, is that we and CT police have even  
12 today a very significant challenge in respect of closed  
13 SOIs, as I said earlier, we are dealing with over 40,000  
14 now. In that pot of closed SOIs we are determined that

15 those individuals no longer pose a threat but there is  
16 a risk in some cases of reengagement. We have to find  
17 a way of prioritising as an organisation that pot of  
18 closed SOIs will generally speaking necessarily be of  
19 much lower priority to us, but we do our best to  
20 determine whether there is a risk in any of that pot of  
21 reengagement.

22 SIR JOHN SAUNDERS: Leave aside the fact that he was  
23 a closed SOI. Would the information and the knowledge  
24 that triggered the Clematis referral have triggered an  
25 inquiry into Salman Abedi even if he hadn't been

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1 a closed SOI? Is that clear, the question? So he is  
2 not a closed SOI, never been an SOI, this event happens  
3 in 2016. Would that have triggered an investigation by  
4 MI5 in any event?

5 A. No.

6 SIR JOHN SAUNDERS: Okay, thank you.

7 MR COOPER: At the risk of exacerbating the chair's  
8 patience, I am going to ask you the question. Given  
9 what we know about Salman Abedi, in the short period of  
10 time I have left, what on earth does it take to become  
11 an SOI as far as MI5 are concerned? It seems to be  
12 easier to get a membership in the Garrick. What does it

13 take for MI5 to give an association of "subject of  
14 interest" because it seems, I put it to you, very  
15 difficult indeed. If Salman Abedi wasn't one, who on  
16 earth was? And what we know and what we see, not  
17 hindsight, on material that was there at the time. It  
18 seems -- and this is the question -- it seems to me, and  
19 do you agree, that to those listening it seems almost  
20 impossible to get on the list if Salman Abedi can't be  
21 on it? Would you agree with that perception at least?

22 A. As you'd expect, Mr Cooper, I have looked very carefully  
23 at the specifics relating to this case in 2014, 15, 16,  
24 when he was opened and then closed. I think the  
25 judgements that were made and the review teams looked at

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1 this too, were sound on the basis of the information  
2 that we had at the time. As an organisation, we have to  
3 make careful judgements about whether or not somebody  
4 poses a risk or a threat to national security. We open  
5 an SOI after ensuring that we are assessing that  
6 intelligence and then making those judgements. If  
7 he had met that threshold for investigation at that  
8 time, I would be describing that to you now.

9 SIR JOHN SAUNDERS: Can I just assure you, and everybody  
10 here, that we will be looking extremely carefully at



11 whether Salman Abedi should have been an SOI before this  
12 attack took place and if so when. And obviously that's  
13 in a way the most fundamental issue that we will be  
14 looking at in closed. I hope you don't think I've been  
15 showing impatience, Mr Cooper.

16 MR COOPER: It wasn't meant to be that way. I was conscious  
17 I was pushing the boundary of that.

18 SIR JOHN SAUNDERS: I'm concerned whether the Garrick will  
19 like this headline or not.

20 MR COOPER: I probably have 10 minutes to go before my  
21 colleagues get on my back. Let me try and hurry some of  
22 this along. I would like to have spent more time with  
23 you, I'm sure you'll be disappointed that I won't be.

24 Port stops. I know Mr Atkinson is going to lead  
25 substantially on port stops, but he has very kindly

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1 delegated one to me and that's the port stop of [REDACTED]  
2 [REDACTED]. You are aware of that port stop, aren't you?

3 A. Yes.

4 Q. On 23 March, [REDACTED]--

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 MR COOPER: [REDACTED], 23 March 2017. He was port  
23 stopped or port action taken against him. His phone was  
24 seized and it was downloaded on that same day, 23 March  
25 to 2017. The decision to port stop him, you have



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1 already told us was the police (^) 2017, but MI5 can  
2 request it. In terms of the [REDACTED] port stop,  
3 whose initiative was that?  
4 A. I can't share that in open.  
5 Q. But you know and could help in closed I presume?  
6 A. Yes.

7 Q. When that stop occurred, [REDACTED]'s phone, as  
8 I say, was seized and downloaded and the download showed  
9 that he purchased sulphuric acid, destined for  
10 Hashem Abedi. Also, there were text messages on the  
11 handset which said, "Oil arrived to your delight". That  
12 was [REDACTED] to Hashem Abedi. And, "God bless  
13 you in the end and in salvation".

14 Now, that download, as I've indicated, was  
15 undertaken on 23 March 2017. What was done with it?  
16 Who was told about it?

17 A. Again, this is material I can discuss in closed but not  
18 in open.

19 Q. Because it seems on the evidence that we've got, nothing  
20 was done about it whatsoever for at least two months,  
21 for one month apparently it sits in storage. Is there  
22 an explanation you can give the families now as to why  
23 information as critical as that, that was downloaded on  
24 23 March 2017, from an individual who purchased  
25 sulphuric acid destined for Hashem Abedi, was, I put it



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1 to you, sat on for at least a month in storage and  
2 potentially not even seen? Any explanation for the  
3 families?

4 A. Sir, I appreciate it's frustrating that I can't get into

5 that in open, but I can in closed.

6 Q. I'm asking you on the basis that I'm putting to you that  
7 on the face of it, that was overlooked and negligently  
8 overlooked. I'm not asking you about national security.  
9 I'm asking you why action wasn't taken, not what action  
10 was taken, but why was nothing done on the face of the  
11 evidence that we've seen? Are you saying that's  
12 national security?

13 A. It's a difficult area to share in open to talk about  
14 whether or not we were investigating [REDACTED].  
15 In trying to be helpful to respond to the question  
16 around whether or not we received that at the time,  
17 again it's difficult for me to describe whether or not  
18 we did. But I can talk about what we would have done if  
19 we had received that material, but not going into --

20 Q. Let me invite you -- I'm not being rude, it's just time.  
21 What would you have done if you'd received the material  
22 that was downloaded from [REDACTED]'s phone on  
23 23 March 2017, indicating that sulphuric acid had been  
24 purchased on behalf of Hashem Abedi and with those text  
25 references in it? If MI5 had been aware of that, what



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1 would they have done?

2 A. It would have been received by us. If it was a port

3 report, it would have arrived with us and we would have  
4 assessed it, first of all to determine whether or not it  
5 connected to anybody who was currently a subject of  
6 interest or subject to a live investigation. We would  
7 have looked at the intelligence that was contained in it  
8 to determine whether there was anything that constituted  
9 a threat to national security and, if we determined that  
10 it did, then we would have considered opening a lead, as  
11 I've described already, or progressing some form of  
12 action with the police.

13 SIR JOHN SAUNDERS: We do know that sulphuric acid can be  
14 used in making bombs. I think we've already had that in  
15 open.

16 MR GREANEY: I'm sure we have, sir.

17 SIR JOHN SAUNDERS: So if you get a reference to sulphuric  
18 acid, does that immediately start bells tolling or  
19 should it start bells tolling?

20 A. On its own, no, not necessarily.

21 SIR JOHN SAUNDERS: I know not necessarily, but does it --  
22 I'm well aware that you can use sulphuric acid for  
23 perfectly innocent reasons. But depending on the  
24 circumstances in which you receive it, and any other  
25 information on the download, is it something that ought



1 to at least get some sort of investigation as to whether  
2 it has been innocently acquired or may be connected with  
3 bomb making?

4 A. I think on its own, it wouldn't prompt an investigation  
5 to be opened.

6 SIR JOHN SAUNDERS: Irrelevant of a quantity?

7 A. Having consulted with experts on this, yes. I think if  
8 it was a very, very substantial quantity, potentially,  
9 but I think on its own, sulphuric acid, without the  
10 presence of other indicators such as other precursors or  
11 an indication that the acid was going to be used for  
12 something other than an innocent purpose.

13 SIR JOHN SAUNDERS: Would concentration be relevant?

14 A. Yes. Again, there are other people such as in the  
15 Home Office who can talk in more depth about that.

16 SIR JOHN SAUNDERS: We've had some discussion.

17 A. If it's of a concentration caught by one of the regimes,  
18 yes, that would be more interesting.

19 MR COOPER: The learned chair asked you about the sulphuric  
20 acid and you said maybe, maybe not, but what about if  
21 the sulphuric acid is mentioned in the download along  
22 with "the oil arrived to your delight" and that is  
23 [REDACTED] to Hashem Abedi, "The oil arrived to  
24 your delight. God bless you in the end and in  
25 salvation". Might that, in addition to the sulphuric



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1 acid, make you think, there might be a problem here?

2 A. My judgement of those words, Mr Cooper, if it was  
3 sulphuric acid and those words alongside it, again,  
4 wouldn't get me across the threshold of opening an  
5 investigation unless there was other intelligence.

6 Q. The oil arrived to your relief. And there's no oil  
7 there, it's clearly referring to sulphuric acid, it's  
8 clearly associated with Hashem Abedi, I'm going to  
9 assume for the purposes of this question on  
10 23 March 2017, you knew who Hashem Abedi was or at least  
11 that he was the brother of Salman Abedi. And if it is  
12 your answer then those that hear it will take it as  
13 it is and I suggest to you will be very worried about  
14 it. Are you saying that putting all that together, you  
15 would not on behalf of the public step in and do  
16 something about it?

17 A. So it would depend. As I have said, I can't confirm  
18 whether [REDACTED] or Hashem Abedi was a subject  
19 of interest at the time or ever in the run-up to the  
20 attack. It would be an important consideration if one  
21 of them were subject to an investigation, and of course  
22 the context that you're describing would be important  
23 too. But on its own, without confirming who the  
24 individuals, the nature of the investigation if any was  
25 conducted against them on its own the purchase of

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1 sulphuric acid with those words, in my judgement  
2 wouldn't take me to the point where we would be opening  
3 an investigation. This is also about ensuring we factor  
4 in the very necessary considerations that MI5 need to  
5 make in these considerations. We have to be really  
6 clear about, if we receive intelligence, whether or not  
7 it poses a threat. And we can't investigate or start an  
8 investigation just in case. We can't start an  
9 investigation if we don't have sufficient grounds. And  
10 we are working here on the basis of the information we  
11 knew at the time. Of course with the benefit of  
12 hindsight, we would take radically different actions.

13 Q. I'm not asking you questions on the basis of hindsight,  
14 which is a curtain a number of witness have attempted to  
15 hide behind.

16 SIR JOHN SAUNDERS: He can't be responsible for a number of  
17 other witnesses.

18 MR COOPER: Forgive me, sir.

19 The cumulative effect, as I wind up where I started,  
20 of all the matters I put to you -- and there's much more  
21 to come -- the cumulative effect of all this on top of  
22 finding someone who at a port stop has sulphuric acid  
23 and is referring to Hashem Abedi, a future murderer, now



24 serving 55 years at least, saying the oil's arrived,  
25 what more do you want, Witness J, a written invitation

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1 from Salman Abedi to investigate him? What more does  
2 MI5 need or want? Do you understand how the families  
3 listening to this must be incredulous about what you're  
4 saying?

5 A. I do understand that it's difficult to get this across  
6 in open. I can't share all of the intelligence and all  
7 of the investigations that we were running at the time.

8 SIR JOHN SAUNDERS: I think it may be one of those  
9 situations where the import is in the question rather  
10 than the answer. Would that be right, Mr Cooper?

11 MR COOPER: It's really flagging so far as we can.

12 SIR JOHN SAUNDERS: Do you want to say anything else about  
13 it, Witness J, in response to what Mr Cooper's been  
14 suggesting?

15 A. I think only that, just responding to this, I think the  
16 view that this was a cumulative picture that MI5 was not  
17 spotting and not taking account of -- we looked at the  
18 intelligence as it came in, we had fragments of this  
19 picture before the attack, we made judgements on the  
20 basis of that intelligence, and intelligence is not  
21 fact, intelligence is not always reliable, so we made

22 judgements. On the basis of what I've seen the  
23 judgements were good.  
24 SIR JOHN SAUNDERS: And we will, I assure you, be looking at  
25 this in great detail in closed, and I also assure you it

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1 can only be dealt with in closed.  
2 MR COOPER: Last question. There was a meeting flagged  
3 in relation to Salman Abedi for 31 May, based upon  
4 information you'd held for how long?  
5 A. This is the Clematis and Daffodil process.  
6 Q. Yes.  
7 A. He was one of a number of closed SOIs, hitting  
8 a priority indicator on 3 March.  
9 Q. Why did it take so long if he was a priority, so at  
10 least he's gone up the scale now to a priority, and yet  
11 still MI5 took nearly a month to have a meeting about  
12 him? Why was that?  
13 A. Just to confirm, he hit a priority indicator, to the  
14 indicator was one of the ones we had put into our  
15 Clematis process to determine whether somebody was  
16 reengaging. So I wasn't saying that Salman was  
17 a priority at that point, he was still a closed SOI who  
18 we were seeking to detect signs of reengagement on.  
19 SIR JOHN SAUNDERS: You may be overestimating your case on

20 that, Mr Cooper. The actual event that led to Clematis  
21 is much more than a month, isn't it?  
22 MR COOPER: Yes, I see.  
23 A. Yes, the event that was flagged in early March was in  
24 mid-16.  
25 SIR JOHN SAUNDERS: Yes.

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1 MR COOPER: Thank you, sir.  
2 SIR JOHN SAUNDERS: So about a year.  
3 A. Yes, 9 months.  
4 MR COOPER: Well, we've heard other bodies having tea and  
5 biscuits three days after the Manchester Arena atrocity  
6 and putting something in place. This does, can  
7 I suggest to you, take the biscuit, that it's taken over  
8 a year to have a meeting, which never happened because  
9 the man the subject of the meeting in between time had  
10 murdered 22 people. Is that the top and bottom of it?  
11 A. Yes, so of course I regret the fact that this wasn't  
12 faster at the time, but I would also say, because I do  
13 want to be clear to the inquiry, that in implementing  
14 this process for Salman Abedi and other closed SOIs,  
15 it would have triggered the start of some low level  
16 investigative inquiries.  
17 SIR JOHN SAUNDERS: Of course it may not have led to

18 something, but even --  
19 A. I would add, sir, even if it had been something that was  
20 run earlier, and I do completely accept the point you're  
21 making, Mr Cooper, about that, I wouldn't want it to be  
22 the case that you thought that this was going to be  
23 something that triggered a whole range of intrusive  
24 actions at a high priority because the process was more  
25 about developing initial understanding of people's

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1 engagement.  
2 SIR JOHN SAUNDERS: I understand that, but it would start an  
3 investigation and you don't know (^) and we can't  
4 speculate where that investigation would have led.  
5 A. It may have sparked an investigation.  
6 SIR JOHN SAUNDERS: No one's suggesting if it had been done  
7 earlier and closer to the time of the offence that  
8 necessarily the attack would have been prevented. It's  
9 just an opportunity to look at it more carefully.  
10 A. I completely accept that, yes.  
11 MR COOPER: Those are my questions, but I was asked by the  
12 family if I could read on their behalf a short statement  
13 to the inquiry. I can show it to you in advance.  
14 SIR JOHN SAUNDERS: Would you mind?  
15 MR COOPER: Not at all. It was given to me just before

16 I got on my feet.

17 (Pause).

18 This comes direct from the family rather than legal  
19 advice.

20 SIR JOHN SAUNDERS: Do you want to have a look at it?

21 MR COOPER: I'm sorry, Mr Greaney, it came to me as I was  
22 literally standing up.

23 SIR JOHN SAUNDERS: It's as one would expect it to be, an  
24 emotive plea, and I well understand why there is that  
25 emotive plea.

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1 (Pause).

2 MR GREANEY: Yes, it is understandable, but obviously  
3 emotive.

4 SIR JOHN SAUNDERS: Do you mind if we consider it and you do  
5 it tomorrow?

6 MR COOPER: By all means. Should I leave it with you?

7 SIR JOHN SAUNDERS: Yes. We just need to be very careful.

8 MR COOPER: I would have given you more notice.

9 SIR JOHN SAUNDERS: We're not suggesting it won't happen.

10 MR GREANEY: That was to be my suggestion, that all of us  
11 reflect on the best way to deal with an understandable  
12 request and ensure that we deal with it in the best way  
13 possible tomorrow morning or at some stage tomorrow.

14 MR COOPER: Of course.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

MR GREANEY: 9.30 tomorrow when we will hear the questions  
of Mr Atkinson.

(5.30 pm)

(The inquiry adjourned until 9.30 am on Tuesday,  
26 October 2021)

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Questions from MR COOPER .....41

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