1. Wednesday, 27 October 2021

2. (9.30 am)

3. (Delay in proceedings)

4. (9.41 am)

5. DCS DOMINIC SCALLY (affirmed)

6. Questions from MR DE LA POER

7. MR DE LA POER: We will just begin, please, by you giving us your full name.

8. A. Dominic John Scally.

9. Q. Is it right that you are a detective

10. A. That's correct.

11. Q. In early 2017, did you take on the position of head of CT Policing network, expressed his deepest sympathies

12. A. Yes.

13. Q. In December 2012, did you become the head of chief superintendent within the Greater Manchester

14. A. Yes.

15. Q. And were you in that position at the time of the attack?

16. A. Yes.

17. Q. Shortly after the attack, July 2017, were you promoted to the position of regional coordinator for the

18. A. Yes.

19. Q. And that is the rank you hold today?

20. A. Yes.

21. Q. In early 2017, did you take on the position of head of

22. A. Yes.

23. Q. And were you in that position at the time of the attack?

24. A. Yes.

25. Q. In 2012, were you promoted to the rank of temporary detective chief superintendent?

26. A. Yes.

27. Q. Around that time, were you promoted to the rank of temporary detective chief superintendent?

28. A. Yes.

29. Q. Completing the review of your career history, in June of 2019 were you promoted to the substantive rank of detective chief superintendent?

30. A. Yes.

31. Q. We need to just clear up some language to help everybody understand the acronyms that we are going to speak about. Is it right that until April 2018, the unit that you work for was known as the North—west Counter—terrorism Unit?

32. A. That's correct.

33. Q. We’ll see it in documents as the NWCTU?

34. A. Yes.

35. Q. In 2006 and from that point on, did you work almost exclusively in investigative departments as a senior detective?

36. A. That’s correct.

37. Q. In 2012, were you promoted to the rank of temporary detective chief superintendent?

38. A. Yes.

39. Q. And did you also hold the position of senior investigating officer within the major incident team?

40. A. I did.

41. Q. In December 2012, did you become the head of investigations for the North—west Counter—terrorism Unit?

42. A. Yes.

43. Q. Before I begin my questions, there is something that you want to say.

44. A. Yes, thank you. Earlier in this inquiry, Assistant Commissioner Neil Basu, on behalf of the whole CT Policing network, expressed his deepest sympathies

45. The effect of this is that there will be occasions today when I don’t press you on your answers or otherwise challenge when in other circumstances it would have been appropriate for me to do so. Obviously, in me taking this approach, that applies as no limit on the approach taken by those representing other core participants. But all listening can be reassured that when in closed, all members of the counsel to the inquiry team will resume the approach to questioning which has been evident to all until this week.

46. That said, detective chief superintendent, I’m beginning at your paragraph 6 of your witness statement and we will just take a whistle—stop tour through your career in order to introduce who you are.
Q. In your statement, you speak about two different types of regional units: counter-terrorism units and counter-terrorism intelligence units. In a couple of sentences, please explain to us the difference between those two.

A. I’m responsible within the National Counter-terrorism Network for the intelligence function.

Q. So in July 2017, you effectively became the head of the Metropolitan Policing North West, as it is now, involves you being answerable to five chief constables; is that correct?

A. Yes.

Q. But your role of head of Counter—Terrorism Policing in North West, as it is now, involves you being answerable to five chief constables; is that correct?

A. That’s correct.

Q. In addition, do you hold a role with national responsibility?

A. I do, yes.

Q. What is that, please?

A. I’m what’s called a capability lead for intelligence and covert operations. Together with the CTIUs, we all have a function to collect and gather intelligence and support our partners to deliver Prevent. So they just have some extra capabilities.

Q. Essentially, if you’re dealing with a large metropolitan area, it’s going to be a counter-terrorism unit that has responsibility for that; if we’re dealing with more suburban or rural areas it’s likely they will fall under a CTIU?

A. That’s correct.

Q. In your statement, you speak about Special Branch.

A. Yes. Historically, in the north—west, we would have had Special Branch units which were funded locally, whereas we in CTUs were funded nationally through a grant.

Q. But upon the unit changing its name to Counter-terrorism Policing, has, within the CONTEST terrorism strategy of CONTEST, we in CTUs were funded nationally through a grant.

A. Yes.

Q. People might find that a surprising state of affairs.

A. Let’s just clear it up in terms of whether or not that lack of a formal legal collaboration agreement made any difference to the events of May 2017.

A. No, not at all.

A. Counter-terrorism units were sited in the larger metropolitan areas. West Midlands, West Yorkshire, here and elsewhere, and they have extra capabilities that they can apply in that region in the Pursue space, particularly around investigations, surveillance and covert operations. Together with the CTIUs, we all have a function to collect and gather intelligence and support our partners to deliver Prevent. So they just have some extra capabilities.

Q. Essentially, if you’re dealing with a large metropolitan area, it’s going to be a counter-terrorism unit that has responsibility for that; if we’re dealing with more suburban or rural areas it’s likely they will fall under a CTIU?
”There was a general increase in volume of numbers, and here I’m looking at your statement at paragraph 41, you say:

A. No.

Q. So insofar as the chairman concludes that thing could have been done better, you would not say that was because the Counter-terrorism North West was underfunded or under-resourced?

A. No. I think I’d reflect Witness J’s approach.

Certainly when I arrived in 2013, I think there was some capacity there. That was certainly then soaked up heavily by the Syria response, but as far as I am concerned, that wasn’t — didn’t impact on our ability to manage these issues.

SIR JOHN SAUNDERS: I think you watched Witness J’s evidence?

A. Yes.

SIR JOHN SAUNDERS: So I was perhaps saying to him, and see if you agree, that resources tend to follow demand.

A. Yes.

SIR JOHN SAUNDERS: So the increased demand caused by Syria may have led to a need for greater resources. Did that happen? It’s very difficult to predict demand, I suspect, in the terrorism world.

A. As I say, when I arrived, having come from a homicide major crime unit, there was some capacity in my view, certainly within the investigations function and others, and that was good because it allowed people to train and plan. That capacity was soaked up, certainly by the Syria crisis, and I put some figures in terms of the investment that did come in, in response to that, but if we take a snapshot in time of 1 January 2010, which will be the start of the national threat level. This is set by JTAC, as is very well known; is that right?

A. That’s correct.

Q. Who are JTAC, please?

A. JTAC are a body with representatives from across government, accountable to the director — general of MI5, with a responsibility of for assessing and providing advice around the threat.

Q. We’ve heard the threat level mentioned very many times, but let’s just review it once more. You can take this from me, I’ve taken it from the MI5 website. Is it right that if we take a snapshot in time of 1 January 2010, which will be the start of the general level of MI5, and efficiency reviews, they are in a different cycle to what I would call mainstream policing.

Q. So let’s just deal with this issue head on at this stage: in your view, was funding or resourcing a significant factor in the way that Salman Abedi was dealt with?

A. No.

Q. So insofar as the chairman concludes that thing could have been done better, you would not say that was because the Counter-terrorism North West was underfunded or under-resourced?

A. No. I think I’d reflect Witness J’s approach.

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SIR JOHN SAUNDERS: Is that two—way, when you’re saying you began to share more, or is it MIS are sharing more with us?

A. It goes both ways. Our job is to assist ——

SIR JOHN SAUNDERS: I know it can go both ways. I am just wondering whether in practice that is what you are talking about, when you are talking about the increase in sharing.

A. There would be particular instances of sharing, but our involvement, particularly my role, national

1. doing a national level, but it may be different in different regions which you would be aware of for your own region?

A. JTAC wouldn’t produce regional differences, but clearly we know the workload that is coming through our region.

6 SIR JOHN SAUNDERS: So you could have, I’m not saying you did, a different threat level where you’re working to within the general context of JTAC?

9 A. We will have different themes, so I know of national priorities we set in Counter-terrorism Policing that were really a low priority to us because we didn’t have a particular group, for instance, in our area. We may come on to assessments and how else we would look at the threat picture locally.

15 SIR JOHN SAUNDERS: I’m sure. Okay, thank you.

16 MR DE LA POER: Certainly when we get to part 2, we’re going to look at what is an important moment in time, which is the JTAC regional threat assessment of 2010. But just at the moment we’re looking at matters generally and thank you for assisting us with JTAC and the national threat level.

Let’s move on, please, to work —— you begin a substantial section of your statement at paragraph 43 on the investigative partnership between MI5 and the police. I will just start with this general question.

1 intelligence, them bringing us in to show what they can do, to involve us in change, to involve us in decision-making. Certainly at CT Head we have a joint meeting with our counterparts and that’s a very important meeting for us.

I’m talking about sharing in terms of the relationship, their willingness for us to be involved in things that maybe a decade ago we wouldn’t have been.

I have certainly seen that change through my time in a very positive way.

SIR JOHN SAUNDERS: I’m not saying it’s not positive, I’m just trying to find out which way you’re saying it’s going or whether it’s mutually you’re giving them more than you used to and you used to keep things from them and now you don’t, or whether we’re talking about MI5 giving you more and not keeping things from you which they might have done in the past.

A. I think it’s probably the latter. We have made some changes nationally, which we may come on to, which have allowed us to work with them and give them more confidence to share more with us and the understanding that we can look after it and protect it. And that’s —— as we have become a national network over time, we have been able to have arrangements with them where perhaps information that was shared individually can now be
SIR JOHN SAUNDERS: So you know we’ve asked about the ISC reports and I’m sure we’re going to come to that too, but the ISC has perhaps been less complimentary about how well it is working than the two parties may have said to ISC. And indeed when they were enquiring into this disaster, they said it could work better. So are you talking about now up to 2017, are we talking about after 2017 it’s improved?

A. I would say in my experience from 2013 onwards it has improved throughout that period and it has changed and I don’t think that was necessarily prompted by any particular event. I think there’s been a continual development of us as a network within CT Policing. We’re not a single organisation, and our relationship with them...

SIR JOHN SAUNDERS: Okay. Assuming that at some stage the sharing was inadequate or wasn’t as good as it could be, what’s the reason for there not being this mutual sharing?

A. I’m not sure I’d characterise it as being not as good as it should have been. There were some mechanics —— so for instance ——

SIR JOHN SAUNDERS: Well, the ISC certainly assessed it as not being as good as it could be in some of its reports, didn’t it?

A. Yes, it did and I don’t know the particular circumstances they are referring to that sit behind that. But an example would be when I joined, we had 43 different versions of the same computer system that were not connected and so MI5 would have to send individually to the north—west, the north—east... We’re now on a single computer system and we have arrangements with them that they can share a document with me and that becomes available to all of Counter—terrorism Policing. So there are some mechanics that sit behind us becoming a single network that have opened up the ability to share in a much more efficient and effective way.

SIR JOHN SAUNDERS: Okay. Have you ever identified in your work a reluctance by MI5 to share relevant material with you?

A. There isn’t necessarily a reluctance. There are times when we will go to them and say: can you give us more on this? In my experience that’s often where we can see a tactical option that we may want to take if they could give us a bit more. So that’s potentially them not being aware what we could do as policing in particular circumstances and my experience is whenever we’ve been able to go back and say, could we have a form of words we could use and give to other people, we’ve always managed to find a way around that in my experience.

SIR JOHN SAUNDERS: So it’s really working the mechanics out which had been the problem?

A. Yes, some of the mechanics —— well, not necessarily a problem. They are developing situations. You want to try and improve, we all want to try and improve.

SIR JOHN SAUNDERS: If there is not complete sharing of relevant information, then that’s a problem, isn’t it?

A. Yes.

SIR JOHN SAUNDERS: So certainly in the past, there appears to have been a problem. But you’re satisfied that that’s been completely dealt with, is being dealt with, will soon be completely dealt with?

A. There are a couple of areas where I think we still need to do some more work. I’d have to touch on those in closed, but in terms of that relationship, if they send us material and we feel we need more, I see that work on a daily basis, and there are full and frank conversations, if need be, about that.

SIR JOHN SAUNDERS: Mr de la Poer has made it clear that he is not going to be pressing as part of his questions; I’m afraid the same doesn’t necessarily apply to me. I will of course take regard to what mustn’t be said in public. If you can’t answer a question for that reason, as you have just done, please feel free to do that.

MR DE LA POER: I think I can go this far: you have given, detective chief superintendent, an example of where you get something which allows you to make an informed decision about whether you need to know more?

A. Yes.

Q. Have there been significant occasions where you haven’t been given anything and you have learned after the event that you should have been given that information?

A. I don’t think I can think of significant ones. I’m not saying that doesn’t happen. Clearly, there will be occasions when we don’t know what hasn’t been shared with us and we don’t know the reasons and there are often very good reasons. But certainly, as I say, when we’re in a position where we ask for more or indicate that if we had more we could do something with it, we’ve always been able to work those through.

SIR JOHN SAUNDERS: I’m probably taking this much further than you want to at this stage, so forgive me, but just one final question: one solution would actually be to merge your two organisations. I know you’re overt and they’re covert, but there’s no particular reason why overt and covert shouldn’t be joined in one organisation. Would that solve the problem if there is any problem at all which needs to be dealt with?
A. I think we would always see there’s real benefits in us being different and that does create an interface. I understand what you’re saying about the issues on that, but we are two very different organisations under two different statutory regimes. I think my view would be that there are benefits in it being that way, that we bring different things to the problems we face and they complement and support each other.

There are models around the world where it’s a single organisation but less so than two separate ones. And they clearly have other responsibilities that are over and above what we will always deal with as police and vice versa.

SIR JOHN SAUNDERS: I may need to look at that further, but it may be that something in writing may help me with that. You can set out for me what the benefits are from you being separate organisations. You don’t need to do that now, you can do it in writing at a later stage if that’s all right.

A. Okay.

MR DE LA POER: What I would like to do now is move through the relationship between MI5 and the police from a policing perspective and I do so absolutely aware that Witness J has already dealt with this from the MI5 perspective.

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Q. Is the starting point to assess the information or intelligence that you have?

A. It is, yes.

Q. And at that point, are decisions made about which direction to move in?

A. They are, yes.

Q. So it may be that that intelligence or information needs to be enhanced?

A. Yes.

Q. In other words you need to know more. It may be that it needs to be passed to partners outside of Counter-terrorism Policing?

A. Yes.

Q. And there will obviously come a point where some information or intelligence will need to be passed to MI5?

A. That’s correct.

Q. In the event that that intelligence or information received by Counter-terrorism Policing doesn’t relate to an existing investigation, so there isn’t a file to attach it to if you like, is it assessed using what is known as the intelligence handling model?

A. It is, yes.

Q. Is that the touchstone for assessing this intelligence?

A. Yes.

Q. That is an acronym which stands for risk, credibility, actionability and proportionality?

A. It is.

Q. Is that the touchstone for assessing this intelligence?

A. It is.

Q. Is the decision as to whether or not it becomes termed a lead decision for MI5, a decision for Counter-terrorism Policing or a joint decision?

A. It’s a joint decision. Ultimately, as the lead agency, they will create the lead but it’s a joint process where we meet and discuss that.

Q. You speak at your paragraph 47 about a principle of assessment, and I hope I get this right, is it known as RCAP?

A. Yes.

Q. That which stands for risk, credibility, actionability and proportionality?

A. It is.

Q. Is there an equivalent in intelligence that you do with the intelligence handling model what we do with that?

Q. Is it within IHM? Within the national standards we do add some additional things such as safeguarding, so from a police perspective each piece of intelligence will be looked at from an RCAP, but also evidential opportunities and safeguarding. There is a slightly wider list that we use in policing.

Q. So at that interface that you’re talking about, ie policing and MI5, those are the four principles but the policing will have a wider range of things to bear in

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Q. Upon being received, is that information dealt with in accordance with the national standards for intelligence management?

A. Yes.

Q. Is there a wider range of things to bear in mind when we are dealing with information or intelligence that you have?

A. There is.

Q. Do we have a way of assessing what is a lead role in terms of national intelligence.

Q. Is the starting point to assess the information or intelligence that you have?

Q. In the event that that information is received by Counter-terrorism Policing; is that right?

Q. That is an acronym which stands for risk, credibility, actionability and proportionality?

Q. So it may be that that intelligence or information needs to be enhanced?

Q. In other words you need to know more. It may be that it needs to be passed to partners outside of Counter-terrorism Policing?

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Q. You speak at your paragraph 47 about a principle of assessment, and I hope I get this right, is it known as RCAP?
Q. The agreement about the creation of a lead, does that take place at what is known as the gatekeeper exchange?
A. It does, yes.
Q. Obviously, that’s a rather grand title. What is it in practical terms?
A. In practical terms it’s a joint meeting, so at the time this was written it was perhaps a little bit more formal, but our joint assessment teams who will speak daily and be in contact daily and they will bring — so we will bring new intelligence, they will bring new intelligence, and we will do what’s in the statement here, agree, “We think this meets the threshold now to become a lead”, and discuss the risk and credibility of it. If it does, we agree initial actions each organisation will take away to do.
Q. Witness J spoke about investigations. It’s an important term of art that means something in this area. How does a lead become an investigation?
A. A lead would become an investigation if the level and threat and risk took it to that threshold. So I don’t think it illustrates the division of labour necessarily, but it illustrates where lead primacy sits.
Q. And leads you describe as being effectively beneath that investigation, are termed subjects of interest, that they have been designated a subject of interest, that they are closed; is that right?
A. That’s right, yes.
Q. That’s correct, yes.
Q. If you come down that pyramid, so below P4, so below priority investigations, are leads and below that would be our initial intelligence receipt.
Q. Let’s have a look at that pyramid. It’s presented in the ISC report, {INQ022846/132}.
A. If you come down that pyramid, so below P4, so below P3, P2, P1 and P2.
Q. Yes.

Q. And there is a priority classification system for them.
A. Yes.
Q. If we can go to page 174 {INQ022846/174} ——
SIR JOHN SAUNDERS: Before you do, I assume this is a very meaningful diagram in the way it’s constructed and it starts off with the grey area, the MI5 intelligence investigation, being the larger, and the blue area being the less, and then gradually the police, as it were, seem to take a much greater part in it. Is that an accurate reflection of what happens or is it (inaudible) liberty?
A. Yes. It’s an accurate reflection of the level of responsibility, I suppose, so it’s that lead agency for MI5 at the start of that process. Clearly, we’ll both have our own actions to go and do to contribute to it. But our job is to assist them, they are the lead agency, and then it illustrates that crossover point, particularly where we go to executive action, where the roles will move and the police will take the lead in terms of using our powers.
Q. And leads you describe as being effectively beneath that investigation, are termed subjects of interest, that they have been designated a subject of interest, that they are closed; is that right?
A. That’s right, yes.
Q. At that stage, as we heard from Witness J, can you confirm that there is an assessment carried out about the risk that that individual poses at the point of closure?
A. Yes, the risk of them re-engaging.
Q. There are three levels of risk, high, medium and low?
A. Yes.
Q. If we just continue to work through you describing this model of operation, we know that if an investigation is given a P, that MI5 is taking the lead. You have mentioned the term joint operational team. Is that a group that is formed to discuss and manage the way in...
SIR JOHN SAUNDERS: So in reality, in most occasions, is the risk chaired by the senior national coordinator in high offence, we will go and do that ourselves. An ELG is formed?
A. Yes.
Q. And executive action means, is this right, action on behalf of the executive of the state as represented by the police?
A. It’s the use of our powers, yes, to support that.
Q. And those options include, and we’re not going to rehearse all of them, but for example your powers of arrest?
A. Yes.
Q. Your powers of surveillance?
A. Yes.
Q. And I’m sure a whole host of other ones that we won’t go into in this forum, but as you say, your lawful powers.
Q. The object at this stage to disrupt whatever terrorist activity has been identified?
A. Yes, to disrupt and potentially prosecute.
Q. So far as where Salman Abedi fits into this model is concerned, we know that no investigation was opened up in relation to him as the primary subject of interest; is that right?
A. That’s correct.
Q. So no investigation with him at the centre of that diagram, so no joint operating team, no executive liaison group so far as him as the target of an investigation is concerned. When it comes to him being drawn into or identified as a subject of interest in relation to the investigation where he was a Tier 3, presumably there was a joint operating team for that investigation?
A. There would have been, yes.
Q. And would he have been discussed at that joint operating team?
A. Yes, the joint operating team meetings will discuss the intelligence picture, the actions that have been allocated, the tasks that the group want to do and those are allocated and agreed by both parties. So I can’t say what the discussion would have been, whether he would have come up in that discussion, but that is the place formally where those happen, and outside of that there’s a regular exchange of information and intelligence between both organisations.
Q. None of my questions should be taken by anybody listening, as suggesting that it’s only when people meet together as a joint operating team that discussion is ongoing, but those are the formal —
A. The formal —
Q. — structures in place. Is it the joint operating team that makes a decision about whether an SOI is closed?
A. Yes, it could be discussed there or it could be a team leader within MI5 wanting to speak to the SIO. They will make that decision and then there is a joint assessment, as you say, and closure process.
Q. I have trespassed into part 2 there. Let’s come back now to a new topic, again looking at it in overview, Prevent.
Q. If what we’ve just been looking at could be said to come under Pursue, this is the second of the CONTEST strands, isn’t it?
A. It is, yes.
Q. Is safeguarding the key principle so far as the police are concerned?
A. Yes. I would view it as safeguarding in a CT setting.
Q. We’ve heard a deal from Mr Hipgrave, which I will just repeat to you in summary. He told us that Prevent was first identified as a strand of CONTEST in 2003, that a strategy was published following the 7/7 attack in 2005. In his words it was recast in 2011 and Manchester...
Q. I’m here looking, just to help you, at paragraphs 70 and 71 of your statement. In fact, we’ll look at 69 together. Looking at the police and making a referral or considering making a referral, is it right that an assessment is carried out?
A. It is, yes, that’s the first stage of the process.
Q. Is that assessment carried out by a group that we’ve already referred to, the Intelligence Management Unit?
A. It is, yes.
Q. You identify three considerations here. You say that it’s carried out by the IMU to ensure that it’s firstly relevant to counter-terrorism?
A. Yes.
Q. Secondly, that it does not compromise an ongoing national security investigation?
A. Yes.
Q. And obviously we heard yesterday from Witness J about the fact that that is a factor which is borne in mind. The risk of tipping somebody off that they are the subject of an investigation by referring them to Prevent is a factor?
A. It is.
Q. And safeguarding is the most appropriate solution, so this is ensuring that this is the right way to deal with this individual as opposed to any other tactical option, which presumably includes a range of powers including surveillance, arrest and other matters that we’re not going to go into the detail of?
A. Yes.
Q. You say this at paragraph 70: “The process of audit adopted by CT Police to manage cases referred to Prevent is known as the Prevent case management.”
A. So Prevent case management and the tools that sit behind it allow us to record cases as they move through that process. So the first part of the process you’ve talked about is what we’ve called deconfliction, and that is done by the Intelligence Management Unit because they have full sight of the intelligence and investigations ongoing, whereas Prevent staff would not.
Q. Audit suggests that there is a paper trail which can be tracked. That’s what some people might understand by audit. Is that what you mean here?
A. It does for Prevent. Case Management Tracker is the name of the IT kit, yes.
Q. Let’s be very specific here: in 2011, up to 2015, so we’re talking about the period before the Prevent duty, but where nonetheless there was an expectation that police and partners would engage with the Prevent strategy, was there a requirement to record cases where a person was considered for Prevent but it was decided not to make a referral?
A. Yes. We may be overlapping two different issues here. So there was the discussion with Witness J of, “When I’m closing an SOI, where do I record that decision?” The process we are talking about is for all referrals. I’m not being specific to closed SOIs here at all, I’m talking about in general terms. You’ve talked about the fact that there is a tracker and a record is made and you’ve used the word “audit”. The very start of the process is a consideration of whether someone is to be referred; do you agree?
A. Yes.
Q. If a decision is made to refer someone, I have no doubt that at some point after that they will be on the Prevent tracker?
A. Yes.
Q. Is that right? My question is: is that first stage the subject of a record or was it between 2011 and 2015?
A. I don’t think it was for internal referrals. An external referral, a police officer or local authority, I think would come in on a referral form, so there was in essence a referral. If it was a referral from within CT Policing, so from within an intelligence unit, I’m
SIR JOHN SAUNDERS: I think the record we're really looking for is if you considered it and decide not to and record the reason not to.

A. Yes. I don't know if there was at that time.

SIR JOHN SAUNDERS: There should have been, shouldn't there?

A. If they come to consider referral at a later stage, they would need to know it had been considered before and hadn't happened for a particular reason. It would seem basic.

A. Yes, I would agree. What I'm saying is I don't know how that was ——

SIR JOHN SAUNDERS: Could you find out?

A. We can find out, yes.

MR DE LA POER: I was being specific in my questions there to the period up to 1 July 2015. Once the Prevent legal duty came in, let us remind ourselves of the language of it, which was to ensure that there was due regard to the need to prevent people from being drawn into terrorism.

Do you agree that that was an opportunity to look at the policing way of managing Prevent referrals, whether yes or no, and consider how robust that system was?

A. Yes, that was when the Prevent case management system came in, but I fully accept the part you're interested in is the bit before it becomes a referral and how people consider it. I've explained in our standards of intelligence management —— so we're talking about intelligence officers here who may see something that they think should be referred. They have a range of considerations which we went through earlier, RCAP, safeguarding, and they should make a record of those considerations. But in terms of a formal "you must now put down your decision around Prevent referral or not", I don't think that was in place.

SIR JOHN SAUNDERS: You know there was a lot of discussion about this yesterday and you're up to date with that?

A. Yes.

SIR JOHN SAUNDERS: So it may look to people that when somebody's becoming a closed SOI, that would be a relevant time to be looking at whether there should be referral to Prevent. When the legal duty came in, was that regarded as being backdated? For example: we've had a lot of closed SOIs in the past who are still on our books as closed SOIs, where we didn't have a legal duty to consider it. Did you then think: well, we've actually got to go back over these and have a look at them? I know Witness J said it would be an enormous job, but did you think about it?

A. I don't think there was a view to go back over closed SOIs and consider them all for Prevent, no.

MR DE LA POER: I'm going to bring up a section of the ISC report and seek your comment on it, [INQ022846/201].

At the bottom here, there are other matters that others may wish to ask you about, but can you see at the bottom of the page at 247, this is what CTP told the committee: "We have no evidence that North—west Counter-terrorism Unit considered a Prevent referral. You would expect it to be considered, but there is no rationality about whether it was considered and rejected or whether it was never considered. I would have expected to have seen a consideration and a rationale about why it was not. I would expect to see a consideration and a decision made and the decision could be positive or negative."

SIR JOHN SAUNDERS: Don't answer this if you don't want to, but are they quoting you?

A. No.

MR DE LA POER: I don't think the identity of the person is necessarily revealed.

Do you associate yourself with those remarks made on behalf of CTP?

A. Yes, I think we would agree with that, yes. I think what we'd see is we don't know what considerations were made because there was no record of it.

Q. In the context of a legal duty, so post 1 July 2015, do you agree that that is a highly unsatisfactory state of affairs?

A. Yes, I think we should be able to record our decision ——making in an appropriate manner. We conducted an audit on this this year, to look at whether that was happening, and I can expand if needs be, but I was reassured that people are recording, not just Prevent but their safeguarding considerations, when assessing intelligence. I can't say that was the position then.

SIR JOHN SAUNDERS: It may be that no record is made because no one actually thought about it.

A. Yes. I don't think we can say, can we?

SIR JOHN SAUNDERS: Or it can be because you weren't recording people who you decided not to when you clearly should have been?

A. Yes. I think it could be either of those. Unfortunately, we can't say.

SIR JOHN SAUNDERS: Can you tell us at what time and what date you started recording those decisions either way?

A. The formal change of the form, so the closure of a lead
or closure of an SOI, was one of the recommendations

1  I think that came out of the reviews.
2  SIR JOHN SAUNDERS: So the question of referring to Prevent
3  went on that?
4  A. Yes.
5  SIR JOHN SAUNDERS: So it came from that form?
6  MR DE LA POER: We’ll come back to Prevent as it applies to
7  Salman Abedi, but you’ve identified two scenarios, one
8  in which it was never considered, one that it was
9  considered and rejected, and of course if there are
10  multiple occasions, it may be a mixed bag, in other
11  words there may have been occasions when it was
12  considered and there may have been occasions when it
13  wasn’t?
14  A. Yes.
15  Q. We just can’t say now because there are no records at
16  all.
17  SIR JOHN SAUNDERS: I’m sorry to go on about this. Was
18  there any consideration given by CT Police or the
19  chief constables of: right, we’ve now got this Prevent
20  duty, what do we do as a result? And a discussion like
21  chief constables of: right, we’ve now got this Prevent
22  duty? So you can look at people who are still a threat,
23  who came to your attention some time ago. Was it ever
24  considered how far the Prevent duty took you?
25  A. Yes. 

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1  who came to your attention some time ago. Was it ever
2  considered how far the Prevent duty took you?
3  A. I’m not aware it was and clearly there is a national
4  coordinator for Prevent who may have more detail about
5  what happened at that time. But locally...
6  SIR JOHN SAUNDERS: We have heard Witness J say it would be
7  an enormous job for MI5 to be doing that. It would
8  obviously be a big job for CT Police, but you do have
9  more resources in that you’ve got more people, haven’t
10  you?
11  A. Yes, we have different roles, I would say. We have an
12  appropriate level of resources for the functions we have
13  — you mean to go back over the 20,000 or the 40,000 and
14  consider each of them?
15  SIR JOHN SAUNDERS: Well, you haven’t got 20,000. That’s
16  nationally, isn’t it?
17  A. Yes. Sorry.
18  SIR JOHN SAUNDERS: It’s all right. I’m just looking at you
19  and your resources and you don’t have to use CT Police
20  on it, do you?
21  A. It depends what the basis — — so in making the
22  assessment, how much access you need to the information
23  to be able to do that. So if we’re in the intelligence
24  function, they have to be in a position to break
25  something out that can be used by Prevent. So Prevent

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1  sit on the other side of the firewall. So to make the
2  decision about whether this person — — the statutory bar
3  for us is we may only refer people when we have
4  reasonable grounds to believe they are vulnerable to
5  being drawn into terrorism. The knowledge about why
6  that may or may not be the case can sit in the
7  intelligence world.
8  SIR JOHN SAUNDERS: So are you saying from a resource point
9  of view it was actually impossible for you to do it once
10  the legal duty came in?
11  A. I’m not saying it would be impossible, I don’t think it
12  was considered as a reasonable option.
13  SIR JOHN SAUNDERS: Right. Thank you.
14  MR DE LA POER: Final question on this topic before we move
15  on to ports. Would you agree or disagree with this as
16  a proposition: if there is a requirement for people to
17  formally record the fact of a decision and to give
18  details as to why that decision was made, if only
19  a sentence, that that is likely to lead to more robust
20  decision-making? The act of making a person do that
21  forces them to think about it in a way that they know
22  will be capable of being looked at by others.
23  A. Yes.
24  Q. And therefore is likely to lead to a more robust way of
25  thinking about it?

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1  A. Yes, it is, and that’s some work we are doing at the
2  moment: how do we record, how much do we record within
3  the whole safeguarding environment within CT?
4  Q. Ports. We’re at paragraph 77 of your statement. We can
5  deal with this fairly shortly. The police have certain
6  powers under schedule 7 of the Terrorism Act (2000);
7  is that right?
8  A. That’s correct, yes.
9  Q. Those powers include stopping a person at a port,
10  detaining them, questioning them and searching them?
11  A. That’s correct.
12  Q. And unlike other policing powers, you don’t need an
13  objective justification in order to utilise them;
14  is that right?
15  A. That’s correct.
16  Q. And unlike other police powers, it is in fact a criminal
17  offence for a person to refuse to answer your questions?
18  A. Yes.
19  Q. So there is a coercion on people answering questions?
20  A. Yes.
21  Q. Is that one of the executive actions that you have
22  available in relation to people who may be associated
23  with an investigation being conducted by MI5?
24  A. Yes.
25  Q. Next, policing and prisons. We are here at your
Q. The category was determined by the risk of escape?
A. Yes.

Q. The category was determined by the risk of escape?
A. Yes.

SIR JOHN SAUNDERS: And I think other factors, the risk they present if they escape?
A. Yes, the immediate danger they pose.

MR DE LA POER: On the outside, having escaped?
A. Yes, the immediate danger they pose.

SIR JOHN SAUNDERS: Thank you.
A. I'm not aware that it has changed since then.

Q. The category was determined by the risk of escape?
A. Yes.

Q. The category was determined by the risk of escape?
A. Yes.

SIR JOHN SAUNDERS: And other factors come into it, absolutely. So if you are a cat A prisoner, you have to go to a cat A prison, same with cat B. I think the point which is being made is that associating the approved visitors list, associating it simply with the category and making it --- cat A where you impose it properly doesn't really help you with preventing the risk of a terrorist ---
A. No, I agree entirely.

SIR JOHN SAUNDERS: --- encouraging others to come to visit to be terrorists or carry out terrorist actions?
A. I agree within that scheme entirely. That's why I'm saying the scheme needs to decide what it is trying to tackle and then apply the appropriate measures to ---

SIR JOHN SAUNDERS: Well, as a senior CT police officer and dealing with intelligence nationally, did it occur to you that there should be some sort of restriction on people who are known to be radicalisers who are in prison and may be radicalising in prison with other prisoners, that they could also be radicalising people who came to visit them?
A. I think Paul Mott will talk about the impact of restricting visits. There are other ways that we can discuss in closed where we can understand what visits may take place and have information about that that I wouldn't be able to discuss here. And I think we would have to really think about the impact of saying, "These people cannot have visits", or, "These people cannot have particular visitors", and how the Prison Service would apply that and how we would provide them with information that would support that view.

SIR JOHN SAUNDERS: Okay. The Parliamentary Committee suggested it should be looked at. Has it been looked at and has anything been done about it?
A. I'm not aware that it has changed since then.

SIR JOHN SAUNDERS: Thank you.
MR DE LA POER: Well, as you say, a matter to return to in closed. Just finishing the prison topic.

Counter-terrorism Policing operates a National Prisons Intelligence Coordination Centre; is that correct?
A. It is, yes.
1. Q. There are certain circumstances, I'm not going to go into the criteria at all, where, as it's termed, an intrusive tactic is available where prior notice of visits is given to CTP; is that right?
2. A. We can do that, yes.
3. Q. So that is a power that is available to you, but because it is a substantial invasion on the privacy of an individual, it requires justification?
4. A. It does, yes.
5. Q. Finally, by way of my part 1 questioning of you, I would like to just deal with the precursor material regime and here again I’m going to go against what I said at the beginning because we’re going to make it specific to Manchester as well.
6. We’ve heard from Mr Hipgrave about the existence of the scheme. All that I really want from you is, firstly, to confirm that under section 3C of the Poisons Act (1972), is it an offence not to report relevant transactions if there are reasonable grounds to suspect that they are for other than legitimate reasons?
7. A. Yes.
8. Q. And is that offence backed up with a maximum sentence of 3 months’ imprisonment?
9. A. Yes.
10. Q. If you’re not sure, you can take it from me.

1. A. I will take it from you.
2. Q. Anyone who wants to check that, that’s section 8(4).
3. Were any suspicious transaction reports received by the police or which the police are aware of in relation to the precursor chemicals bought by or on behalf of Salman and Hashem Abedi?
4. A. No, we didn’t receive any suspicious activity reports.
5. Q. Is it right to say that not all of those transactions would have met the criteria of a relevant transaction within the Act?
6. A. That’s my understanding, yes.
7. Q. Has there been a decision to charge any person or organisation for failing to report a relevant transaction where there were reasonable grounds to suspect it was suspicious?
8. A. Nobody has been charged.
9. Q. Sir, I’m going to move on to my part 2. I think we haven’t yet been going for the full hour and a half. I’m happy to make a start on this rather than taking a break now and perhaps take a break in about 20 minutes.

10. Q. Sir John Saunders: That’s fine. I’m going to ask you a really general question, which you may not want to or be ready to answer at the moment. I think it can relate to this case, but it’s a bit emotive and it’s a bit general, but just help me about this.

11. A. In terms of sharing, there is sharing, and certainly in closed we can go into that in a lot more detail.
12. SIR JOHN SAUNDERS: Thank you. It’s a very general question and a bit away from this, but it may be important.
13. MR DE LA POER: So let’s turn to look at Manchester specifically, Salman Abedi and some of his associates specifically.
14. A. I clearly won’t discuss it, but some of us were consulted around that and I know it does address some of the issues you may be interested in.
15. SIR JOHN SAUNDERS: Hopefully, he will be able to let us have an advanced copy or it will be published before we have to publish our report. Okay. Obviously I don’t want to tread on the ground of what other people have been doing.

16. Q. We’re just going to bring up what Witness X said about this in his witness statement or her witness statement. {INQ022846/8}, please. Just crop into paragraphs 31 to 34.
17. A. Yes.
18. Q. Q. We’re just going to bring up what Witness X said about this in her witness statement. {INQ022846/8}, please. Just crop into paragraphs 31 to 34.
19. A. Yes.
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23. A. We can do that, yes.
24. Q. So that is a power that is available to you, but because it is a substantial invasion on the privacy of an individual, it requires justification?
25. A. It does, yes.
26. Q. Finally, by way of my part 1 questioning of you, I would like to just deal with the precursor material regime and here again I’m going to go against what I said at the beginning because we’re going to make it specific to Manchester as well.
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28. A. Yes.
29. Q. And is that offence backed up with a maximum sentence of 3 months’ imprisonment?
30. A. Yes.
31. Q. If you’re not sure, you can take it from me.

32. Q. We’re just going to bring up what Witness X said about this in his witness statement or her witness statement. {INQ022846/8}, please. Just crop into paragraphs 31 to 34.
33. A. Yes.
34. Q. We’re just going to bring up what Witness X said about this in her witness statement. {INQ022846/8}, please. Just crop into paragraphs 31 to 34.
35. A. We can do that, yes.
36. Q. So that is a power that is available to you, but because it is a substantial invasion on the privacy of an individual, it requires justification?
37. A. It does, yes.
38. Q. Finally, by way of my part 1 questioning of you, I would like to just deal with the precursor material regime and here again I’m going to go against what I said at the beginning because we’re going to make it specific to Manchester as well.
39. We’ve heard from Mr Hipgrave about the existence of the scheme. All that I really want from you is, firstly, to confirm that under section 3C of the Poisons Act (1972), is it an offence not to report relevant transactions if there are reasonable grounds to suspect that they are for other than legitimate reasons?
40. A. Yes.
41. Q. And is that offence backed up with a maximum sentence of 3 months’ imprisonment?
42. A. Yes.
43. Q. If you’re not sure, you can take it from me.

44. Q. We’re just going to bring up what Witness X said about this in his witness statement or her witness statement. {INQ022846/8}, please. Just crop into paragraphs 31 to 34.
45. A. We can do that, yes.
46. Q. So that is a power that is available to you, but because it is a substantial invasion on the privacy of an individual, it requires justification?
47. A. It does, yes.
48. Q. Finally, by way of my part 1 questioning of you, I would like to just deal with the precursor material regime and here again I’m going to go against what I said at the beginning because we’re going to make it specific to Manchester as well.
49. We’ve heard from Mr Hipgrave about the existence of the scheme. All that I really want from you is, firstly, to confirm that under section 3C of the Poisons Act (1972), is it an offence not to report relevant transactions if there are reasonable grounds to suspect that they are for other than legitimate reasons?
50. A. Yes.
51. Q. And is that offence backed up with a maximum sentence of 3 months’ imprisonment?
52. A. Yes.
such as the Libyan Islamic Fighting Group. The report noted how this could lead to the exposure of Libya–linked individuals to extremist viewpoints during young adulthood, for example through their parents and their connections. In the case of Salman Abedi, it is assessed to be likely that his extremist views were influenced by his father, Ramadan Abedi.

“The JTAC report also highlighted the prominence of crime and gangs in Manchester with the overall crime rate being more than double that of the national average at the time. In line with this, JTAC assessed that in certain parts of South Manchester it was the norm for young individuals to join a gang as the culture was so entrenched and accessible. JTAC expressed concern over the potential risk posed by the close proximity between violent extremists and criminal gangs in the area.”

And then finally:

“Salman Abedi was part of a group of individuals in South Manchester which had links to a serious crime gang.”

And paragraph 34 speaks about the potential crossover. Thank you very much indeed, Mr Lopez.

When you joined the Counter–terrorism Unit for the North–west in 2013, were you personally aware of the JTAC assessment of 3 years earlier?

A. Yes.

Q. In general terms, was that in accordance with the way in which you have seen the JTAC report described, no doubt necessary for me to read it at all, so even if they’d given it to me, I would have probably said that’s 3 years out of date, no thank you?

A. I think I would have read it and asked what’s the current position.

MR DE LA POER: Let’s look at that strategic assessment that’s going on. So you arrive in 2013 and did you familiarise yourself with the local assessment of the threat at that time?

A. Yes.

Q. In general terms, was that in accordance with the way in which we have seen the JTAC report described, no doubt with other information as well?

A. Yes, about that particular issue.

Q. About that particular issue?

A. Yes.

Q. So hitting the headline points, the fact that there was particular disaffection amongst certain Muslim groups in Manchester, that was known to you in 2013?

A. Yes, JTAC addressed the whole of Manchester, yes.

Q. And the fact that a connection with the LIFG may be a relevant factor to bear in mind?
A. Yes.

Q. The fact that the generation below the LIFG fighters and supporters may be particularly at risk of radicalisation, that was known to you?

A. Yes.

Q. The fact that we are talking about young adults here, so people presumably ranging from 18 through to 25, being a particular at risk group?

A. Yes.

Q. Was the position, so far as you were concerned in 2013, materially identical to what we’ve just seen so far as the concern about that particular area as a risk of extremism?

A. Yes.

Q. Was it still a concern. I can certainly talk about some of the things we did to respond to it. I can’t talk about other things we did to respond to it. It was certainly something we knew about.

Q. I suppose it’s really about your mindset at the time: were you and your colleagues thinking about what were you and your colleagues thinking about some of the things we did to respond to it, or was it more how that problem might manifest itself.

A. I think it was still a concern. I can certainly talk about some of the things we did to respond to it, but it wasn’t the first thing in the Prevent network?

A. It changed significantly when Syria came along.

Q. In the sense that the local assessment was that this was no longer a problem, that which we see in the JTAC report?

A. It was more how that problem might manifest itself. So if individuals were going to do something, what is the thing they may go and do? I think that sits in the background of our understanding of what may -- what the process may be, what sits behind it. Our concern, and I think as Witness J said, is: what are individuals doing about this, if anything? Can we see that and what threat does that pose?

Q. Obviously, at the forefront of your minds, wearing your Prevent hat, you are worried about actual terrorist attack; is that right?

A. Yes.

Q. But you were also wearing a Prevent hat, which involved you participating in the strategy that stopped people getting to the point at which the Prevent strategy needed to kick in; do you agree?

A. Yes.

Q. So that assessment about who might be vulnerable to radicalisation presumably remained the same throughout the period, in other words if you were part of a particular Muslim section of the community with a relationship with LIFG, that you were a young adult, you were at risk of being drawn into extremism?

A. Yes.

Q. Did North-west Counter-terrorism Unit draw those factors to the attention of its local partners who were engaged in the Prevent network?

A. In 2010, I think it was, or 2011 at the latest, there was a national project that kicked off called Counter-terrorism Local Profiles. That’s continued to this day. That is us taking essentially all our secret intelligence, the Prevent referrals that we had, what we can find from them, and distilling them down into a product that would have been briefed to the local commander on a privileged briefing and to senior partners in local authorities. So that’s the mechanism that began then from saying, “Here’s all the secret stuff we do, these are the investigations we’re doing”, and clearly if there are prosecutions we can explain what we’re seeing. And that product began, I think, in 2010 or 2011, and has continued to this day.

Q. So in short, you would say that the Counter-terrorism Policing Network ensured that those people who needed to know those raw facts under the Prevent strand were made aware of them?

A. Yes. And we also began a spot network, so within each local policing area we had volunteers who took an interest in counter-terrorism policing. We still do that. These are normal neighbourhood front line officers who will come in for professional development and awareness training on top of their normal duties.

Q. So let’s start our timeline, which begins before your time in the Counter-terrorism Unit. December 2010, as Witness J told us, that was the time at which Salman Abedi, as a person, first became known to...
Q. So his name crops up. At that very early stage, is he just a name or would a piece of work have been done about him? I'm not interested in the detail of it.

A. I think it would just have been a simple response to the question.

Q. Next, we remind ourselves that, come 2011, Prevent was recast, as Mr Hipgrave described it, and it was still not a legal duty. In 2011, are you able to confirm that there were a number of port stops in relation to Ramadan Abedi?

A. Yes.

Q. And that, on at least one occasion, it was noted that Salman Abedi was present with him?

A. I wasn't aware of that, but I'll take it if that's what's on our record.

Q. So far as Ramadan Abedi is concerned, did the police know in 2011 that in the press it was being reported that he had connections to LIFG?

A. I'm not aware of that and our knowledge of Ramadan is not something I would be able to discuss here.

Q. I framed my question very carefully. I was not asking about what you might have known about him. Are you able to answer whether the police were aware of what was being publicly reported?

A. No, I don't know.

Q. A point of clarification to check that you and Witness J's understanding is the same: you indicate that there has been a deal of publicity about him, which is open source, and which indicates that at the very least he had a connection to LIFG. That's the background, I don't ask you to agree or disagree with that, but I'll just make clear what the source of my question was.

A. That's correct.

Q. That's correct.

SIR JOHN SAUNDERS: Would your organisation be following the press to see what they say?

A. It's not our first port of call for credible information. We do do open source -- certainly I can speak now, open source is an important area for us. But that is normally prompted by a request for assistance or an interest that's been flagged to us.

MR DE LA POER: I understand and respect and will respect the fact that you are not able in this environment to speak about what information was held by the police as collected and you don't know the answer to the press, so I will move on. But I'm sure you will accept from me that there has been a deal of publicity about him, which is open source, and which indicates that at the very least he had a connection to LIFG. That's the background, I don't ask you to agree or disagree with that, but I'll just make clear what the source of my question was.

We are going to move forward to January 2014. By this stage, reminding ourselves of the evolution of Prevent, Manchester was a priority area; is that right?

A. That's correct.

MR DE LA POER: I think, sir, it probably would be convenient for us to take a break at this point, because it may take me more than a couple of minutes to go through this.

SIR JOHN SAUNDERS: A quarter of an hour?

MR DE LA POER: Yes, please.

SIR JOHN SAUNDERS: Thank you.

MR DE LA POER: Y es, please.

SIR JOHN SAUNDERS: A quarter of an hour?

MR DE LA POER: Yes, please.

SIR JOHN SAUNDERS: Thank you.

MR DE LA POER: (11.11 am) (A short break)

MR DE LA POER: Detective chief superintendent, we're going to deal with January 2014. Can I ask you to turn up your paragraph 101, please.

A. Yes.

Q. A point of clarification to check that you and Witness J's understanding is the same: you indicate that Salman Abedi was first actively investigated by MI5 in January 2014 when it was thought he might have been an unidentified individual who'd been seen acting suspiciously with SOI A. And then it's just this sentence I want to clarify with you:

"It was established that Salman Abedi was not the individual seen with SOI A and Abedi was removed from the investigation in July 2014."

If we can please bring up Witness X's statement, which is what Witness J spoke to, [INQ002846/23]. What we can see at paragraph 86 is he begins to outline the approach that MI5 took. What he says four lines from...
...the bottom:

“...The justification for the decision to open a record for Salman was that he was a frequent contact of SOI A, including contact just prior to SOI A acting suspiciously and that MI5 were therefore seeking to ascertain the nature of their relationship and whether Salman posed a threat to the UK’s national security.”

It goes on to say that there was this issue about whether he was an unidentified individual and then at 89: “...Later in March 2014, a different person was identified as the individual acting suspiciously with SOI A. Although Salman was now known not to be the individual acting suspiciously with SOI A in December 2013, he remained open as an SOI because he was otherwise associated with SOI A. On 21 July 2014 a decision was made to close him.”

So, I am sure it as just the way you summarised matters, and it may turn on a comma and the word “and”, but according to Witness X he wasn’t made an SOI because he was the unidentified individual, so this wasn’t a case of pure mistaken identity, it was his contact with SOI A that justified that. There was concurrently an issue with him being whether he was an unidentified person. Even when that was resolved and he wasn’t, he remained...

an SOI. So not a pure case of mistaken identity, but that may be one reading, and I’m not being critical at all, and it may just be how you read that comma and the “and” as to whether they are connected or not. But do you agree that what we see in Witness X’s statement is the correct position? A. Yes, I think the frequent contact is the rationale they give. Q. Yes. Thank you very much indeed, Mr Lopez. We can take that down. As we know, he was closed on 21 July 2014 with a residual risk of low being ascribed to him. A. Yes. Q. Do you agree that that was the first opportunity to consider a Prevent referral? A. Yes, at that closure point. Q. And we’ve covered the ground already about whether there are any records about whether that was or wasn’t considered and you can’t say one way or the other whether it was or it wasn’t. What you may be able to help with is, as we know, it was a Prevent priority area, Manchester, at the time? A. Yes. Q. That although it wasn’t a legal duty, nonetheless would you agree it was something that ought to have been considered? A. Yes. Q. And do you agree, and if you can’t answer this, then again I will respect that, but at that stage there was no real risk that he would be tipped off, given the circumstances in which he’d become associated, that would mean that a referral was inappropriate? A. No, we wouldn’t have known. Q. So you couldn’t pre-emptively have said, “It’s not appropriate to refer him because he’d never agree to it”; you just didn’t know one way or the other? A. No...
Q. Of course where has this referral come from.

A. The referral?

SIR JOHN SAUNDERS: Yes.

A. I don’t think so on the circumstances.

SIR JOHN SAUNDERS: I’m not suggesting that did happen, but that is what you’re saying. I don’t know whether they identified that particular moment.

A. Yes.

SIR JOHN SAUNDERS: That’s much better than the way I put it.

A. That’s what it says in the Act and that’s our bar.

SIR JOHN SAUNDERS: Okay, thank you.

MR DE LA POER: Let’s just move through. So that’s a moment in time, that’s your view at that moment. If one thing drops out of the questions of the last 5 minutes, sir, and your answers, you have pointed to the challenges that there will be and the importance of protecting an existing — isn’t that complexity a further reason why this decision-making needs to be documented to show that somebody has actually thought about it, worked out how it could happen and at which hurdle it falls?

A. Yes, I would agree.

Q. Because otherwise there’s a risk that someone just says, “It’s not the most obvious case I have seen, it’s all going to be very complicated for one of those reasons, no”. I’m not suggesting that did happen, but that is a risk of human behaviour that they are not forced to actually set it out and what you are speaking about is a challenging environment where clear reasoning needs to be applied?

A. It is, and the guidance says there is no defined threshold. It is a complex area and each individual circumstances will be different. So I would agree that we should be able to go back and look at that and understand at any point in time what our thinking was.

SIR JOHN SAUNDERS: The ISC report clearly disagrees with what you’re saying. I don’t know whether they identified that particular moment.

A. They do.

MR DE LA POER: That is the one moment, as far as I have been able to discern, that they disagree. We’ll have a look at that.

A. I think they say it should have been considered but I don’t know if they (overspeaking).

Q. They do say the referral should have happened — —

A. They offer a view of whether it should have — —

Q. What they do say, as we’ll come to, is that it was disappointing, I hope I have remembered that word correctly, that none of the Abedi family was referred, so they speak more generally. We’ll come to that.

Let’s move through our timeline. We can deal briefly with this. Paragraph 115. Just after Salman Abedi is closed, he is evacuated from Libya on HMS Enterprise; is that correct?
1. A. Yes.
2. Q. So that is chronologically hot on the heels of the decision to close him?
3. A. Yes.
4. Q. I think all that you’re able to tell us is that your understanding is both Salman and Hashem Abedi were evacuated?
5. A. Yes.
6. Q. That’s August 2014. Another data point, although how significant perhaps on its own at that time doesn’t tell you an awful lot, but then we come to November 2014 and Operation Oliban. And the inquiry legal team’s expectation is that in the early New Year, your colleagues, former Detective Inspector Frank Morris and Detective Sergeant Costello, who were the SIO and OIC of that investigation, will assist us. But as effectively their boss at the time, I’d like to see what you can help us with in terms of overview.
7. A. That’s correct.
8. Q. And obviously that is the back-end of the year and it takes time to download and analyse substantial devices and so is it fair to say that it’s over the course of early 2015 that that is really being dug into by police officers?
9. A. Yes.
10. Q. That handset was attributed to a man called Abdalraouf Abdallah?
11. A. Yes.
12. Q. I would like to pause and say one or two things about this. The inquiry is going to hear from him when we return from the closed hearings. I’m sure you’ll agree that it is not for the police to make findings of fact, rather you are following reasonable lines of enquiry and you are considering things from the perspective of suspicion; is that correct?
13. A. Yes.
14. Q. So in other words, when we talk about the police’s perspective, you are not saying that a certain matter must mean only one thing, rather that you suspect it means a certain thing; is that correct?
15. A. Yes.
16. Q. It’s important I say all of that so your evidence is not to be misunderstood by Mr Abdallah or his lawyers. We are simply going to look at what certain messages might mean so far as the police are concerned and it will be for Mr Abdallah to come and explain what he intended by their meaning. We are just looking at this from the point of view of the police, reasonable lines of enquiry and suspicion. Okay? I am sure you understand all of that and I hope that the language we use can reflect that.
17. One of the people that Abdalraouf Abdallah, on the face of it, was in contact with was identified within the contacts of that phone as Salman: is that correct?
18. A. Yes.
19. Q. Salman, according to the phone, engaged in a number of conversations with the user of the handset, who was suspected to be Abdalraouf Abdallah?
20. A. Yes.
21. Q. And the date of that message was 12 November 2014 and we’ve heard about jihad from Dr Wilkinson. I’m sure that you will be able to say that when being used in that context, you are talking about violent jihad?
22. A. Yes.
23. Q. That’s August 2014. Another data point, although how significant perhaps on its own at that time doesn’t tell you an awful lot, but then we come to November 2014 and Operation Oliban. And the inquiry legal team’s expectation is that in the early New Year, your colleagues, former Detective Inspector Frank Morris and Detective Sergeant Costello, who were the SIO and OIC of that investigation, will assist us. But as effectively their boss at the time, I’d like to see what you can help us with in terms of overview.
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38. Q. And the date of that message was 12 November 2014 and we’ve heard about jihad from Dr Wilkinson. I’m sure that you will be able to say that when being used in that context, you are talking about violent jihad?
Q. A matter for him to explain what he meant by that, but certainly you would say, I’m sure that it was reasonable for the police to suspect that that might be the intention behind the words?

A. Yes.

Q. And indeed, is it right that you, that is to say the police prosecuting Abdalraouf Abdallah, relied upon those messages as part of the trial that he faced for terrorism offences?

A. Yes.

Q. And that you did so in order to demonstrate to the jury his mindset?

A. That’s correct.

Q. So the argument presented to the jury was: look at those messages, ladies and gentlemen, you can conclude that this man is an Islamic extremist who is promoting the idea of martyrdom — —

A. Yes.

Q. — — in a nutshell?

A. Yes.

Q. I’m sure it was much more impressively presented at the trial, but that is the thrust of what the police and prosecution were saying to the jury?

A. Yes.

SIR JOHN SAUNDERS: Let’s make absolutely clear: in most of these sort of terrorist trials, there is a huge amount of mindset material which is put before a jury. I don’t if it was in this particular trial and one can never tell which bits were accepted by the jury as being indicative of mindset and which weren’t.

MR DE LA POER: Absolutely and it’s important to stress, isn’t it, for anybody who perhaps hadn’t realised this, that the jury were not in fact being asked to adjudicate by means of a verdict on that mindset material or any other mindset material?

A. No.

Q. That’s not the charge that’s being faced and so in a guilty or not guilty verdict, as the chairman says, one cannot interpret what the jury accepted about the prosecution case or rejected outside their verdict?

SIR JOHN SAUNDERS: Don’t feel obliged to agree or not agree. I think he is really stating facts about you, but I don’t think anyone would seriously disagree with that.

MR DE LA POER: Let’s just have a look at what was in the possession of the police. Do you agree that, within the Operation Oliban material, there was sufficient information to identify that the Salman participating in those conversations was Salman Abedi?

A. I think we would have established that. It’s a Salman Abedi, if we have put that in our records.

Q. So the steps on the way are to say: I wonder who this Salman can be, he apparently has sent a text message which says Salman Abedi, let’s start from there? And
Q. So bearing in mind we are not talking about subjects but we assessed to be belonging to this person.

A. Yes.

Q. All from the four corners of the Operation Oliban material --

A. Yes.

Q. -- just looking at what you held on that phone?

A. Yes.

SIR JOHN SAUNDERS: Is this material you would have shared with MI5?

A. Yes, we do normally share downloads.

SIR JOHN SAUNDERS: Thank you.

MR DE LA POER: I would just like to have a look, and again your colleague, former DI Frank Morris deals with this and he’ll give his own evidence on it, but for you to help us with this. In any investigation such as this, the SIO, the senior investigation officer, sets objectives, don’t they? But there are also a subset of objectives set in relation to what analysing communications data we recover to attribute. This phone of communication data where we don’t have a name to it, we don’t have a subscribed handset that’s registered.

A. I think that’s about attribution. So we may have lots of communication data where we don’t have a name to it, but this second one, you’ll have to help us in: "Seek to attribute relevant communications data to specific individuals.”

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Q. And do you see -- presumably there would be records if it had been lifted out and given to the Intelligence should be made?

A. Yes, and I know DI Morris and DI Costello go through their considerations on that, so I will not rehearse that on their behalf. There are other examples within that investigation of where they clearly do see safeguarding risks and take action about it. We come back to the point: is there a record of consideration? I don’t believe there is in this case. I know DS Costello explains his rationale and thinking. So I would expect case officers, SIOs and others, if they saw something they regarded to be a safeguarding risk, to manage and deal with that risk.

Q. He’ll speak for himself, but the upshot of what DS Costello says is that for various reasons within the data, he ultimately concluded that that individual wasn’t vulnerable. That’s the thrust of it, wasn’t it?

A. His understanding of the messages and his reading of it.

Q. Yes. Looking at the four corners of the messages, he thought: this individual isn’t displaying overt signs of being swept along with this — he’ll speak for himself (overspeaking) in a headline form?

A. Yes.

Q. Obviously, a step which could be taken, which would backstop that assessment, is to say: why don’t we find out who this person actually is so we can view these messages in the context of their life? Because an interpretation is that the user of that handset thinks they might like to hear this terrible extremist material; do you see?

A. Yes.

Q. It does appear, doesn’t it, that that backstop of saying, let’s just check whether our interpretation of these messages is correct, wasn’t used; is that fair?

A. Yes.

Q. Do you think it should have been?

A. My preference — what I think should have happened with that material, and DI Morris refers to it, very common in investigation, a murder, whatever it is, is that you get peripheral intelligence, so material that does not support or is not needed or required for the purpose of your objectives. And what we would expect and hope for in those circumstances is that intelligence, and that’s how I’m viewing at this stage, could then be lifted out of the investigation and go to where our intelligence goes, to our Intelligence Management Unit.

So I’m not disagreeing where it may end up, but I think there’s a stage before that that I would have preferred to have seen.

Q. And do you see — presumably there would be records if it had been lifted out.
SIR JOHN SAUNDERS: I'm giving you the opportunity to say so because that might be a possible inference people would draw.

A. Yes. I view it as safeguarding and as a core part of what we do. It's in a CT setting.

SIR JOHN SAUNDERS: I'm giving you the opportunity. Do you come to the point that the Counter-terrorism Police have found something I believe and certainly not as we understood it. So I'm sure my colleagues at HQ will respond if I've got this wrong, but that is the approach we've taken. We've invested significantly on that, but that's not what was applicable here at that time.

SIR JOHN SAUNDERS: Are we a bit late in that?

A. We are later, yes. Our five-year programme was really to join all the bits up that I spoke about earlier, so 43 different CT systems into a single system. That was a significant programme over a significant period of time. We've come to the end of that now, which has allowed us now to sit back and reflect and say: where do we now invest, how do we exploit that? And that's where we're building capabilities around our digital media, where we hold it all, how we can bring it together and exploit it. So as in any organisation, it is a process and if you stop at a particular point you'll see where we are up to on something. So yes.
MR DE LA POER: 2015. I'm looking here at your paragraph 103. Although it's concurrent with Operation Oliban being in its live stage, we've dealt with that.

We can see that Salman Abedi was linked to a telephone number which had been in contact with SOI B.

And at that time, SOI B was believed to be involved in facilitating travel of others to Syria and there was additional information to suggest that Salman Abedi had been in contact with SOI B on a number of occasions.

So here in terms of the picture that is being put under the name Salman Abedi, we have somebody who, the previous year, had been for 6 months an SOI and there are now a number of data points, it would seem, to connect him to another SOI. So at the very least, and I don't mean this to sound flippant, he doesn't appear to be choosing his friends very carefully, does he?

A. I wouldn't describe it in those terms. This is not unusual, as Witness J said, for people to be in contact with a number of other SOIs or people of interest. Our interest is understanding what that contact means.

Q. Whilst it's not unusual and may not justify a lead or investigation or a promotion, if that's the right word, to SOI status, obviously that's all under Pursue. What about under Prevent? You've got here an individual who is by this stage 20 years old, so in that young adult category, and from a part of the community which has been identified as potentially giving rise to certain individuals becoming radicalised, in contact with two SOIs, one over a 6-month period in 2014, here's another in 2015. Is this not starting to reach the threshold of people needing to say, look, maybe he doesn't justify an investigation, but shouldn't we be getting this person into the Prevent programme, or at least talking to them about it?

A. I can't speak specifically about that because it would go into what we did know.

Q. Yes.

A. That is the context in which we're making that decision.

Shaun Hipgrave gave the figures of 6,000 or so people coming into Channel, 10%, 5% -- I looked at this year, 2016/2017 -- of those end up in the position where they are being supported. Contact with SOIs, depending on the circumstances, whether that's friendship or not, is not necessarily the trigger for us to go to Prevent.

SIR JOHN SAUNDERS: I wonder whether the assessment of whether they need it is for you or this is a possible (overspeaking) --

A. Yes.

SIR JOHN SAUNDERS: -- someone else assesses that, don't they? That's what it was set up for.

A. I think that's a legitimate challenge: are the Intelligence Management Unit the right people to make that decision? I think what I'm saying is the 10,000 that Witness J was talking about would then have to go, so if there was -- I suppose it's a threshold issue, isn't it, a tolerance issue? If we set it at that level, we have to put it through the system, and from a Prevent perspective, ultimately that's going to go in front of the panel and say, what are the interventions we need here, is it children's services, is this person on drugs? What are the vulnerabilities that we are now going to work with? So simply just pushing people through because they've been in contact doesn't give them the tool to do it. I accept the argument to that would be: well, let's go and ask all the agencies and see what they have got.

So I think there is something in that, but that, at the moment, that common contact would not necessarily be a referral to Prevent.

MR DE LA POER: Witness J, speaking to the content of Witness X's witness statement, identified in mid–2015 Salman Abedi was identified by MI5 as being in contact with SOI C. SOI C had a long--standing affiliation with an extremist group in Libya.

Your statement doesn't expressly mention SOI C.

Is that, so far as you are aware, information that MI5 passed to Counter-terrorism Policing?

A. I think it's not in here because we didn't have it.

Q. So you weren't told as far as you're aware?

A. As far as I'm aware, the team are double--checking that because that jumped out at me. Obviously there's a difference between the SOIs. But I'm working on the assumption if we had that in our records, we would have put it in my statement.

Q. Again --

A. It was a contact of a contact of a contact, wasn't it?

SIR JOHN SAUNDERS: It was a second stage contact, a contact of a contact.

MR DE LA POER: I'm not sure that's right, sir. There were four contacts of a contact but SOI C was a direct contact, as I understand it.

A. Yes. So it would again depend on --

SIR JOHN SAUNDERS: I'm lost about that, but you didn't know about it?

A. I don't think -- we are double--checking, sir, and by the time I finish tomorrow.

SIR JOHN SAUNDERS: At least could you tell me this: should you have known about it bearing in mind the level of cooperation between the two organisations?
A. That would depend whether it was relevant to that investigation. I can’t go into the details of what that investigation was. If MI5 have seen contact, that would be a decision about whether we need to do that in order to fulfil our role to assist them.

MR DE LA POER: Might it be relevant to you who by now was under a Prevent duty?

A. It might have been. It’s added another contact, hasn’t it?

Q. Yes.

A. And I do take the point. They can share it with us for the purposes of national security. They can only share data or information with us for the purposes for which they are there to do and I don’t know in terms of the threshold again: we have an adult who has, I agree, a children’s services issue, it’s not a drug and alcohol issue, it’s not a Prevent program, see what they make of it, “Let’s get it into the Prevent programme, see what they make of it”, that this is an individual or our evidence that there is vulnerability. This is an adult, this is not a children’s services issue, it’s not a drug and alcohol issue, and all the other factors. Clearly, this is a debate about where we set our threshold and who makes the decision.

Q. --— but I do take the point. It comes back to the threshold again: we have an adult who has, I agree, extremely unpleasant material, disgusting material, on their phone. We’re looking at another person and trying to work out, where is the vulnerability, what is the vulnerability? So certainly with Syria, we would do lots of work with families, but it’s particularly around those where we can see a clear vulnerability by age and within a household. I think on this point, two separate adults, I’m looking for the vulnerability of that individual or our evidence that there is vulnerability.

A. I can’t discuss the wider circumstances of what sits outside that port stop ——

Q. I understand.

A. And Ismail Abedi was the older brother of the, by now, well established that in September 2015 Ismail Abedi was the subject of a port stop; is that correct?

Q. And setting aside the question of is it a crime or not, we’ll come to that in a moment, people who subscribe to some of those documents found on Ismail Abedi’s phone are undoubtedly Islamic extremists, isn’t that correct, those who subscribe to those ideas?

A. That’s correct.

Q. On his device or devices, extremist terrorist material was discovered; is that correct?

A. Yes.

Q. I’m not going to name a particular publication, but I’m sure you’ll know the one that I’m speaking to. One of the items on there is regarded by some terrorists as the seminal ISIS text?

A. Yes.

Q. And setting aside the question of is it a crime or not, we’ll come to that in a moment, people who subscribe to the ideas in some of those documents found on Ismail Abedi’s phone. We’re looking at another person and trying to work out, where is the vulnerability, what is the vulnerability? So certainly with Syria, we would do lots of work with families, but it’s particularly around those where we can see a clear vulnerability by age and within a household. I think on this point, two separate adults, I’m looking for the vulnerability of that individual or our evidence that there is vulnerability.

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Q. Might the vulnerability be justified by reference to the following data points? Firstly, it is recognised in that JTAC assessment that older members of the community may have an adverse influence on younger members of the community. Here we are talking about an older brother. Next, we know that Salman Abedi has already had contact with two people who justified the SOI status for MI5. We know his age, which is to fall into that category of young adult described in the JTAC report.

Isn’t that enough to at least ask the question through saying, “Let’s get it into the Prevent programme, see what they make of it”, that this is an individual who may be starting to go badly wrong?

A. I think on those characteristics it wouldn’t necessarily have been so at the time, but I come back to the point of our threshold for it: we are looking for those who we consider are vulnerable, we are looking for what that vulnerability is. This is an adult, this is not a children’s services issue, it’s not a drug and alcohol issue, and all the other factors. Clearly, this is a debate about where we set our threshold and who makes the decision.

I think the alternative is we push those through to Prevent and Prevent look at what they can find, but I think we’re describing a different position from where we are currently.
SIR JOHN SAUNDERS: So your views have now changed or the way you operate have changed?
A. Sorry?
SIR JOHN SAUNDERS: The way you decide on referrals to Prevent now has changed from then?
A. No, I don’t think it has changed.
SIR JOHN SAUNDERS: So you think now, if the same facts arose, you would not have been referring Salman Abedi to Prevent?
A. I think the commonality of common contacts with subjects of interest and others is not an automatic — —
SIR JOHN SAUNDERS: What you are saying is that happens so often in Manchester are you? That’s what commonality means, is it, it’s something that happens regularly?
A. It’s a point Witness J made when you were exploring how many people might hold extremist views. We know tens of thousands of people hold those extremist views. So it is a matter for us, what is the threshold for saying this person is now vulnerable to being drawn in — —
SIR JOHN SAUNDERS: I’m really sorry about this, but is this not a decision for the experts within the Prevent programme to say, “We’ve just got too many”? If there are tens of thousands who are at risk of vulnerability, the government hasn’t said: well, you can only deal with so many, we don’t want any more than that. If you’re sending too many to Prevent, isn’t it for them to say, “Look, your threshold is too low”? And have they ever said that to you?
A. They haven’t said that to us and clearly there’s a huge attrition rate and the vast majority that are sent through do not — —
SIR JOHN SAUNDERS: I’m sorry to be difficult about this, but have you ever talked to them to say, in what circumstances should we be referring to you? Let me give you the example you could say to them of Salman Abedi, and you could ask them: should we have referred him to you or were we right to say, actually, this is pretty commonplace?
A. Yes, when we say “then”, that’s my team as well, so we have spoken and what we have done, and we’ve had throughout this period, is we have two Prevent staff who work in the intelligence unit and are vetted, so they are there to advise and assist. And I accept that’s not a panacea to all ills because you still have to go and have a conversation and say, “What do you think about this?” They receive and go through all our referrals there are sent in.
SIR JOHN SAUNDERS: Were they there at the time?
A. Which time?
SIR JOHN SAUNDERS: 2015.
Q. The second of those, speaking on behalf of  
A. No.

Q. So although your statement at paragraph 104 speaks about  
A. Sorry, I’ve said in my paragraph there were a number of  
Q. Before 22 May?  
A. Yes.

Q. The second of those, speaking on behalf of  
A. Yes.

Q. The second of those, speaking on behalf of  
A. No.

Q. As you will appreciate, in closed I will be exploring  
with you your view on whether that should have been  
communicated and the degree, if any, that you assess  
that was capable of making a difference ——  
SIR JOHN SAUNDERS: I’ll need to know why that has to be in  
closed. Is this witness not able to say within the  
cooperation between MI5 and CT Police we should have  
known? Is that something you can’t answer?  
A. I think there’s a broader picture to it, sir.

SIR JOHN SAUNDERS: There may be a broader picture and there  
may be details that need to be considered about that.  
If you can’t answer it, we’ll consider in a more  
measured way whether you can answer it or not. But  
I would like at least it to be considered.

MR DE LA POER: Certainly. Can I just assist with this now  
to the degree that I can? As you will appreciate from  
what I have said, this is something that I have given  
consideration to, ultimately I am not the judge of it in  
this situation, but it certainly seemed to me to be  
something that would be explored in closed and which  
would fall into that category of material that you, sir,  
have repeatedly spoken about in terms of that which may  
be capable of being broken out. But I appreciate we are  
here now and it is not for me to suggest to you, sir,  
that you can’t ——

SIR JOHN SAUNDERS: I will consider it and whether I can  
make a decision on it without having a closed hearing,  
I can’t say. I certainly don’t want to interrupt what  
we are doing here by having a closed hearing to decide.  
Because ultimately if I decide it can be broken out,  
then I assure you it will be. I don’t think I can go  
further. I have to obviously allow the relevant parties  
to make submissions to me before I make a decision.

MR DE LA POER: With those questions in mind, detective  
chief superintendent, can I just bring your attention to  
the detail of what the Intelligence and Security  
Committee said. At {INQ022846/120}, at 6 at the bottom,  
a well—rehearsed comment:

“Previous ISC reports, including the Woolwich report  
and the original 7/7 report, have raised concerns as to  
how well MI5 and CTP work together. Last year’s attacks  
revealed that there were still problems around the  
sharing of MI5 information with CTP, and the involvement  
of CTP in MI5 decision—making. We recognise that  
improvements have been made, but this is an area that  
requires continuous improvement. We would highlight the  
need to address cultural differences and incompatible IT  
systems in particular.”

Clearly, they are speaking about all of those events  
in 2017 in general terms, you’d agree with that,
We note the internal reviews [plural].

A. It talks about:

Q. It's there and on the face of the report it appears to

A. Yes.

Q. If we go to page 168 (INQ022846/168), we can see, and

A. I've read the top paragraph, yes.

Q. It's just that quotation, which is an extract from the

A. That's not my experience. Obviously this report looks

Q. I understand. I think that quotation is directly from

A. Yes.

Q. It's there and on the face of the report it appears to

A. Yes.

Q. And then over the page, (INQ022846/203), at the top, and

A. Yes.

Q. Subject to your caveat that you don't know whether there

A. And yes, I can only speak from that perspective.

Q. (INQ022846/202), please. If we look at -- we were

A. Yes.

Q. Do you recognise in relation to your work with MI5,

A. I've referred to Ramadan and you asked about him

SIR JOHN SAUNDERS: Sorry, let's go back to II then, please.

A. That it should have been considered for

SIR JOHN SAUNDERS: Right. But you say it should have been

Q. The reviews were carried out by HQ. The north--west

SIR JOHN SAUNDERS: Sorry, let's go back to II then, please.

Q. And then over the page, (INQ022846/203), at the top, and

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A. In my view, I would have been happy with a decision that it wasn’t. I would have understood that as being a reasonable decision.

Q. Yes. He certainly, on the face of it, didn’t cooperate. I would say in terms of Prevent, it hasn’t stopped just at the review, there have been other reviews since.

SIR JOHN SAUNDERS: I was just going to ask you. Have you been involved in that? In Mr Shawcross’ review, originally Lord Carlile’s review.

A. They have both visited us. Lord Shawcross met with our independent advisory group, members of the community who advise us, and we had a discussion with them and him on Prevent. There are other significant Prevent changes that have taken place and clearly the national coordinator and HQ will speak to those in depth. But other lessons learned from other events have helped to build Prevent into mainstream policing. I think historically it was seen as something that sat outside normal safeguarding. It is now the 14th recognised vulnerability within the policing family, so domestic violence, child sexual exploitation, and there was a HMIC report on Prevent that gave some very good recommendations on Prevent that have now been implemented.

So I can shed a light on some of the recommendations but only a fraction of those that came out of the review, but that’s from my experience in intelligence.

MR DE LA POER: Thank you very much indeed, detective chief superintendent.

SIR JOHN SAUNDERS: Have you learned your lessons of how to cross—examine from yesterday?

MR ATKINSON: I found that very informative.

SIR JOHN SAUNDERS: I thought you might.

MR ATKINSON: Can I raise one matter, which is not a way of avoiding answering the question of whether I should have 10 minutes now or not ——

SIR JOHN SAUNDERS: I’ll leave you with a choice. If you want me to break now, I will break now.

MR ATKINSON: I am concerned that, as indeed you were, sir, shortly earlier —— about this witness’ answers in relation to paragraph 104 of his statement and the appropriate number of records, audit them, and tell me whether we are doing this appropriately or not.

So within my sphere of intelligence I received a number of those recommendations that came out of the far end of the review and so I can speak to those.

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Q. And are you satisfied that they have been adequately addressed or is there more necessary work to be done?

A. I can’t speak to the 100 or so recommendations and where they all —— I did have some of them, but in my role as national intelligence lead —— so for example, we developed a Prevent training package for all our intelligence officers that’s now mandatory. We added Prevent as a specific requirement to consider with our national standards of intelligence management. We have in place an internal audit and business assurance process now that allows me to commission audits such as the safeguarding audit to say: go and look at an

be relatively short. Obviously, you held a very senior position at the time of the attack and you have told us you also currently hold a national position. Were you directly involved in any of the reviews following the attack?

Q. No. We provided the material to the reviews.

Q. Are you in a position today to provide any reassurance to those listening, from a position of knowledge that you have, that the issues that we have been talking about today, namely Prevent referrals and communication between CTP and MIS, have been the subject of improvement since 2017?

A. I can say they have been, yes.

Q. And are you satisfied that they have been adequately addressed or is there more necessary work to be done?

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MR ATKINSON: I am concerned that, as indeed you were, sir, shortly earlier —— about this witness’ answers in relation to paragraph 104 of his statement and the
SIR JOHN SAUNDERS: Okay. I’m quite happy for people to consider it.

MR DE LA POER: Can I just ask in those circumstances for you to take a slightly longer than normal lunch break so we can have those discussions and just ensure that we start promptly with an answer, to the extent that one can be determined, so perhaps 2 o’clock if you don’t mind.

SIR JOHN SAUNDERS: Yes. I’m not going to get involved in this. I shall just see if that can be —

MR ATKINSON: If there are proper arguments to be had in closed before you, sir, I absolutely understand you’ll want to do that then. If in fact that’s not the position in relation to just those questions, then it would be helpful to know now.

SIR JOHN SAUNDERS: Okay. Thank you.

MR SHELDON: I wonder if I could speak to Mr Scally about this topic (overspeaking) —

SIR JOHN SAUNDERS: The normal rules do not apply.

Mr Scally is not going to be altered in the answers he gives except where we are considering permission to deal with things. Unless anyone is going to raise an objection, then I have no problem with that at all.

MR SHELDON: Thank you, sir.

SIR JOHN SAUNDERS: It’s quite right for you to raise it.
some advance notice of what the answer was going to be
and I have considered it. I will consider the matter in
closed, but at the end of closed, on question 1,
you will get from me either a yes or no answer. You may
not get the evidence which has led me to that conclusion
but you will get the answer. So I hope that satisfies
people. It’s certainly what has been urged on me by
others in the past.
As to question 2, I am not sure that is capable of
a yes—or no answer, but I will again, because it’s
speculative by its very nature, and that may have to be
the result of all those sort of questions, of which
there are a number, would it have made a difference, but
I will obviously do my best to give you as full an
answer as I can having heard those matters in closed.

MR ATKINSON: Thank you, sir.
SIR JOHN SAUNDERS: So I’ll do the questions, not you; is
that all right?
MR ATKINSON: And, I’m sure, much better.
SIR JOHN SAUNDERS: No, you don’t think that at all, but
tank you very much.
MR COOPER: Sir, sir, may I raise a general issue on the
back of this, which is something that we’d be assisted
by? You’re obviously going into closed to hear
evidence, not just Mr Scally but other witnesses as

Q. So that you can be provided with information, you can
understand the limitations as to its use, you can
discuss that with them, the pros and cons of that,
ultimately respecting they are the ones who are the
ultimate arbiter?
A. Yes.
Q. You told us in the course of this morning in your
evidence that over the period of time you had been in
your role within Counter—terror Policing, there had been
an increase in MI5’s confidence to share material with
Counter—terror Policing?
A. Yes.
Q. And you went on to say that you, the police, would look after it and protect it?

A. Yes.

Q. Does it inevitably follow from that in the earlier stages of your working with MI5, there was less confidence on their part in sharing material with the police than now?

A. I can’t speak on their behalf, but I can only say my experience has been our relationship has grown.

Q. Picking up on two parts of that, they provide you with what it is that you need, which comes through working together and dialogue?

A. Yes.

Q. And in terms of that being started by them coming to you for help, that is a decision by them as to when in their process of investigation, for example, they think they need that help unless they are talking to you all the time?

A. They are talking to us all the time. At the point of them opening an investigation, it would be entirely normal for them to tell us and invite us to assist.

Q. Because if you listened to the evidence of Witness J over the last couple of days, he was invited to consider the assessment of the Intelligence and Security Committee of Parliament that had identified, both following 7/7 and following the murder of Fusilier Lee Rigby, that there was not enough cooperation and informing sharing going on even as recently in that context as 2013/2014. And then the frustration of that committee that 3 years on from that, it was still an issue.

A. It’s your assessment that over the time you have been in this field, there has been a build-up of confidence by them in sharing with you?

A. Yes.

Q. And that that has helped both them and you together do your work?

A. Absolutely.

Q. And that work primarily being to protect the public from, in this instance, the risk from terrorism?

A. Yes.

Q. Is part of that greater togetherness also the fact that the mechanical side of things, the computer systems and the like, are better attuned to work with each other?

A. Yes, they are now.

Q. You’ll understand, I’m not going to ask you for details of that, not least because you wouldn’t tell me, but going back to something that the chair said earlier, there is inevitably a vast amount of data that comes through from any investigation. One knows from Mr Barraclough’s evidence before Christmas that the amount of material that Operation Mantleline generated, that is but one operation and there are many. So vast amounts of data, including rafts of telephone numbers by way of example. And there is a lot that joined—up computer systems can do to spot things that, with the best will in the world, someone who writes things on pieces of paper is never going to. Is that an area where there is better picking up and sharing of information across computer systems than there used to be?

A. Yes.
Q. And does that help?
A. It does help, yes.
Q. For example, in terms of identifying the significance of a telephone number that may crop up in one place, joined—up computer systems are going to help identify where else it has popped up?
A. Yes. I mean the phrase joined—up computer systems could mean many things. I can’t really say much more about how we have improved those links.
Q. Understood. In terms of the approach to material, there must inevitably be a difference between that which they can share with you so that you understand what they are doing and where an investigation is going and what could ever be used by you when you reach the later stages of an investigation that may take it anywhere near a court building?
A. Yes. They are entirely separate and we keep them completely separate.
Q. Again, is that a joint decision or is that again an area in the JOTs, in the joint operational team, so what senior investigating officers can offer to that discussion is —— we may have intelligence, how can we turn that into evidence, and they will offer our views on how we might go about doing that, what the options are for doing it. But ultimately, as you say, if that needs us to have material that we can break out then, yes, that has to be MI5’s decision, but those conversations happen regularly.
MR DE LA POER: I have just been asked to ask you to speak up a little. It may be that because that microphone that you’re just moving doesn’t appear to be on —— it is now. That’s the one closest to you. Thank you.
MR ATKINSON: Witness J in his evidence explained to us the difference between a lead and what is done in relation to a lead and a trace and what is done in relation to that. So as he explained it, a lead is intelligence or information that’s not linked to an ongoing investigation and therefore the process you’ve described for us, as he did, of how you decide whether to investigate a lead or not. And a trace is where information comes in and you look to see how that fits in with what you already know or what is already on a database, for example.
A. Yes.
Q. In relation to each of those, is it again ultimately MI5’s decision what is done in relation to following up a lead or pursuing a trace?
A. No, it’s very much joint. Traces go both ways, so if we had a new piece of intelligence we might ask them what they hold and vice versa, they may say, “We’ve got something new, can you tell us what you’ve got?” And then that is fed into the process that we described earlier.
Q. Again, just to understand the relationship, in terms of prioritisation clearly there are priority 1 and 2, 3, and 4, as you’ve described it, in this pyramid. And what you say of that in your witness statement, paragraph 53, is that MI5 devoted a great deal more attention to the top of the pyramid, P1 and P2, than the bottom, P3 and P4, which attract considerably fewer resources.
A. Yes. They are entirely separate and we keep them completely separate.
Q. If it’s assessed to be a low priority investigation, approximate, so a P3 or a P4, does that mean nothing happens or does that mean it is done by CTP rather than by MI5 or it just involves fewer resources from both?
A. No, it absolutely doesn’t mean nothing happens. They’ve designated it a priority operation and, in the same way as any other investigation, the strategy will be set and we would apply our resources to delivering that strategy. So absolutely not, and all the way down to lead, leads are mini—investigations in essence that try and establish whether there is risk there, how credible that risk is, and therefore whether it should be moved up and become a priority operation.
Q. In the ISCP report in relation to the events of 2017, paragraph 171 for your note, sir, there is
A. I don’t think there’s a slowness in making the decision

SIR JOHN SAUNDERS: Does it go on to say it’s still a problem?

MR ATKINSON: There’s a quote over the page in relation to Woolwich still and then it goes on to talk about intelligence operation centres and then it goes on to talk about one of those involved in London Bridge at paragraph 173, so it does, certainly on my reading of it, suggest it was not a problem that had gone away.

SIR JOHN SAUNDERS: It is. But just as an observation, firstly in the 2013/2014 period, would you have said that was fair to say?

MR ATKINSON: It’s right at the bottom of the page.

Q. {INQ022846/24}. It’s right at the bottom of the page.

A. That particular contact, yes.

Q. So this is in relation to someone with affiliation with extremism in Libya on the basis of the JTAC 2010 regional assessment, a problem with which the Manchester area, by way of example, was having to grapple, Libyan–based extremism, in relation —

A. Yes, I think that’s in the nature of prioritisation.

Q. And does that remain the case now?

A. They are still prioritised and graded. Yes, sorry.

MR ATKINSON: I’m sure joint working will come into everything, but there was an aspect that you may or may not be coming to which I wanted to deal with if I may.

SIR JOHN SAUNDERS: You carry on and when you have finished tell me, and I’ll ask my question if you haven’t asked it.

MR ATKINSON: In terms of the sharing of information from MI5 to you and back again, as you understand it, there’s one area of that that I’m not going to ask you about now in any detail at all, but can I just understand two areas of which that is the second in slightly more detail by reference to what Witness J in his statement said about them.

This is {INQ022846/179}, and it’s the bottom of the page.

SIR JOHN SAUNDERS: What you can apply, both in resources and techniques, to someone like Witness J described in some respects presumably that is an inevitable thing, because there has to be prioritisation, there will always be some leads that are followed up in slower time than others?
MR ATKINSON: I think he was aware there was more coming, sir.

SIR JOHN SAUNDERS: Sorry, it’s always the sub-question halfway through that always confuses me. I think it’s the raising of the voice at the end where you’re meant to understand the question (overspeaking); is that right?

MR ATKINSON: I think that’s an Australian thing, sir.

I digress. So identifying extremism of a kind that was prevalent on the basis of JTAC in Manchester in relation to someone who was based in Manchester, Salman Abedi, and who had been across the radar of North—west Counter-terrorism for a little period of time by this point. Was this not a piece of a jigsaw that could have been of interest to you?

A. I wouldn’t be able to answer that without being able to explain the nature of that investigation. I’m afraid, as to whether, in answer to your question, that is something we should have had. That would involve me...

Q. Looking at it in a different way, given that you, unlike the service, had a duty under statute to prevent, to steer people away from terrorism, to have due regard to that need, would that be a reason in that context for them to alert you to another association with an extremist of someone who had been across your collective books and for whom you had a Prevent obligation?

A. I think that would be a matter of scale. So if the test is do you tell the police every time somebody who has been an SOI (inaudible) 20,000, 40,000 —— contacts another SOI, you should tell the police about it, is a matter of scale that...

Q. In terms of scale you didn’t have 20,000 closed SOIs on your books in the north—west, did you?

A. Sorry, yes, I’m speaking from a national perspective.

Q. You didn’t have 20,000 closed SOIs who were based in Manchester, who had connections with the Libyan community and who were Salman Abedi, did you?

A. No, but I’m talking about if we take that approach on one individual, why would we not apply that to all? And that’s ——

SIR JOHN SAUNDERS: Can I ask a much more basic and less nuanced question: when you operate together and a piece of information comes in relating to a particular person, a decision is made what to do, if anything, between the two of you?

A. Yes.

SIR JOHN SAUNDERS: If you leave that information with one out of two people, you may well get a much less good answer. So if the two of you actually get together and say, “Yes, we agree we do that”, that is likely to be better than simply one on their own saying it?

A. Yes, I’d agree in principle, and clearly we do meet. But if you extrapolate that, that would mean they give us every piece of information they’re getting and we give them every piece of information —— I think there has to be some sort of assessment in terms of whatever this operation was, what it was trying to achieve. Does this ——

SIR JOHN SAUNDERS: I’m not talking about this particular thing, I’m talking in general terms.

A. And if it’s at the level of every piece of data is shared because it may impact on the other organisation, I think that ——

SIR JOHN SAUNDERS: If you’re looking jointly at somebody and a piece of information came in, isn’t it important that you both look at it and decide how significant it is?

A. It is, and they will bring what they think is significant to that. The number of contacts between even a small group of people...

SIR JOHN SAUNDERS: The other advantage is if you leave the decision to one person, we are all capable of making mistakes, and if the other person on the other side thinks there’s something fundamentally wrong with a decision and we know that MIS are the people in charge, but if one of your team decided this was really wrong and something needed to be done about it, they could come to you and you could escalate it, if necessary, up to someone higher up in MI5 and something could be done to stop that mistake happening if it was?

A. Yes, and that does happen, but I take the caveat with the material or the circumstances that we are aware of, we do have differences of view. Clearly we’re both concerned about threat and risk to the public, and with our skills and experience, we may see that risk in different ways.

SIR JOHN SAUNDERS: All the better to talk about it then, isn’t it?

A. And we talk about it constantly, but I take the point and we talk about the things that we have shared between us.

SIR JOHN SAUNDERS: Thank you. Sorry.

MR ATKINSON: Not at all.

Same document, Mr Lopez, if you would, page 26 (INQ002846/26) and the bottom of the page, paragraph 111.

In this context, this is using this as an example rather than a specific because I’m not going to ask you about the specific because I understand you can’t answer the specific, all right? But this is intelligence...
Q. Port stops. The schedule 7 power under the Terrorism Act is a police power.
A. It is, yes.
Q. And therefore that is something that can be done with prior discussion with MI5, as we heard from Witness J yesterday, but can also be undertaken by officers on the ground, reaching the necessary belief to permit them to do it. Is there, and back in 2015 to 2017 was there, routine sharing of the results of port stops with the service by the police?
A. I don't think I can answer. What I would say is the product of that goes into the intelligence system. I'm not sure I want to go into where and how.
Q. One understands that if it was a stop that had collaboration between the service and the police behind it, that there would, we presume, be sharing of the results of it.
A. Yes, and I think Witness J described that.
Q. But going back to the chair's analysis a few moments ago, in terms of identifying whether in other situations there is something that comes from a stop that may actually fit into an MI5 mosaic of information, isn't it better to share them and for them to say, "Actually, we don't need that?", rather than not to share (inaudible) they may have done?
A. Sorry, yes, we will share anything we believe is CT relevant, so a number of schedule 7s are completed.
Q. If we believe there is a counter-terrorism product out of that, that will be shared with MI5.
Q. Will that include evidence generated either from speaking to someone or from analysis of their devices that shows extremism?
A. It would be both. It would be the officer's report, which contains the interview or questioning, and it would be any product that we obtained during that search.
Q. And so we appreciate that there may be difficulties in specific instances in you answering yes or no, but in general terms, if there was material on the face of it suggesting sympathy for, support of so-called Islamic State on someone's phone, that would be something that you wouldn't keep to yourselves?
A. No, we wouldn't. I would need to check the mechanics of exactly what goes from there, you'll appreciate the devices are significant now, but if there's anything of CT relevance, which is our first check, then we would share that with our partners.
Q. Would the same apply in relation to arrests under the...
A. Yes.

Q. If someone is arrested on suspicion of committing a terrorist offence or preparation for and so on, would products from such an arrest in terms of items seized, interrogation of telephones seized and so on, would that routinely be shared with the service?

A. Yes.

Q. Are you able to tell us whether the analysis of Abdalraouf Abdallah’s phone in November — seized in November 2014 was shared with the service?

A. The analyst’s report? I couldn’t say definitely, no.

Q. Can you think of any particular reason offhand why it wouldn’t have been?

A. It depends if that was produced for the purpose of the prosecution for our case. MI5 have many analysts who can produce what it is that they need.

Q. Would raw data be shared? You’ve downloaded a phone (overspeaking) normally be shared?

A. Raw data would normally be shared, yes.

Q. The defence debriefing interview of Salman and Hashem Abedi in August of 2014, is that the kind of thing that would have been shared between you and the service?

A. Yes. We have an analytical team that produce assessments for us. During that period they would also produce them in conjunction with MI5.

Q. Moving on again, you’ve been asked a good deal about the JTAC joint — — the JTAC regional risk assessment in 2010. You’ve explained to us that more recently, JTAC’s focus has been the national risk level rather than the regional, and that also was Witness J’s description of it. But you explain how there was coverage in that area, the assessment of risk in a particular region and what the risks were from you in terms of your region; is that right?

A. Yes. We have an analytical team that produce assessments for us. During that period they would also produce them in conjunction with MI5.

Q. In terms of the conjunction with MI5, because that’s what, I took a note of it, you said last time, is that you and they looking together at a region, at a community within a region, and assessing whether there are risks to that community or within that community?

A. It could be a community. It’s more often thematic matters, Syria, travel to Syria, online radicalisation, particular groups which I won’t go into. So it can either be geographic, quite often thematic, and as I say, we’ll do an assessment.

Q. So it wouldn’t be right to say that you were only looking at individuals in any kind of risk assessment work, you would be looking at communities and the behaviour of groups within a community that may put that community at risk?

A. I think they are linked. The actions of individuals — — if we suddenly see 850 people going to Syria, it’s the actions of individuals that may inform that assessment, plus other intelligence that’s available to us, so I think the two are linked.

Q. Witness J was taken yesterday by Mr Weatherby, who reads far more newspapers than I do — —

SIR JOHN SAUNDERS: Than anybody I think.

MR ATKINSON: — — to an article in The Guardian that was identifying a small area of Moss Side and then a wider area of 2.5 miles and, in that wider area, 16 persons who were either convicted or dead in connection with terrorism. That presumably is the kind of thing that you and yours would be spotting in your review of the risks in the Manchester area, both by looking at individuals, but also looking at communities?

A. Yes. You learn the lessons from particular cases to try and identify themes or areas where you might be able to intervene, collect. So the individual cases, and I know any reassessment of the decision to close Salman Abedi a month earlier?

A. The intelligence report about the debriefing team? No, I’m not.
the graphic well, help to illustrate the general threat.

Q. Did that not indicate that, whilst on any view there was a problem in relation to Syria, what was going on in Syria and people who were going there and the people who were going back, but there were similar problems in relation to other conflict zones, including Libya?

A. It did to an extent. You do have to look at the national context. So it wasn’t just Libyan people going to Syria, there were lots of people from different communities that made that choice. I think what’s interesting about the cases we have talked about is if you take Abdalraouf Abdallah or his brother, they were faced, and others around them, with a choice of whether they wanted to go if they wanted to do what they wanted to do, and faced with that choice, so they could have gone to a country they knew well, they could travel to Libya, they clearly had family and contacts there. For me, the interesting point is they didn’t chose that, they chose Syria, the more difficult place to go, and that to me I think illustrates the point that Witness J — we all know within the CT network, the draw of Syria at that time was not at the expense of everything else, but if those who in this case could have travelled to Libya, had contacts and friends and a much easier process, chose to go to Syria, I think it illustrates to me the draw that that place had at that time.

Q. Isn’t the countervailing risk in relation to that that because there are priorities, because there are limits on resources inevitably, that a focus will develop on those who show an interest in Syria at the expense of those who may be learning exactly the same things, getting exactly the same radicalisation, somewhere else?

A. I think the focus is on people who are starting to do something about their beliefs and that was Witness J expressing we are interested in individuals and we are interested in individuals who are starting to do something and meeting that threshold and they are turning what they think are their beliefs or what are their beliefs into activity. So I make the point that Syria was clearly the draw and, in terms of our priorities nationally, was the top priority. That doesn’t mean there weren’t other priorities. But the case I illustrate shows how attractive Syria was to those with that interest.

Q. But in terms of assessing whether someone is starting to do something about their beliefs, that presumably, as rather the criteria for putting someone under the Prevent scheme, is looking at what they say about these things, whether expressing radical views, whether they are associating with people who were expressing such views, whether their behaviour is becoming more of a concern, for example they’re becoming more anti-social in their behaviour —— these are presumably the things that you’d be looking at rather than just whether they’d bought a ticket to go to Syria or not?

A. Yes, some those are some of the elements, yes.

SIR JOHN SAUNDERS: Actually, that’s in a way the point. They don’t tend, do they, to get tickets to Syria? Most people wanting to go to Syria don’t go directly there.

A. I’m not even sure if it’s possible (overspeaking) ——

A. No (overspeaking) well—known routes, paths by which ——

SIR JOHN SAUNDERS: But they don’t go directly.

A. No.

MR ATKINSON: And so it is looking at a range of factors that will lead to a decision about a whole series of things that you could do to interrupt someone on their path to terrorism? It isn’t any one particular thing?

A. There is no single path that says, “This is the route by which somebody becomes a terrorist”.

Q. If someone comes from a community where there is a problem with extremism and with the radicalisation of the young and they are seeking to leave the country on a one—way ticket that could be interpreted as a one—way ticket to Syria, that might be a reason to stop them and speak to them at an airport?

A. Yes, if we believed that the appropriate use of the schedule 7 powers was there and officers are asked to consider common routes, routes used by people, then yes.

Q. If someone comes from a community where there is a problem with extremism and with young people being radicalised and they are seeking to travel to another place where there is extremism and where there is conflict, like Libya, is there not also a reason to consider stopping them?

A. I think if there’s anything to suggest that that was the purpose of the travel —— I think that the key difference is Abdalraouf Abdallah and others trying to get to Syria is a very different picture than people of Libyan heritage returning to Libya. That’s an incredibly common thing for people to do.

Q. If there was available to you information that the person seeking to go back to Libya was someone who had engaged in fighting in Libya in the past in an extremist cause, would that make a difference?

A. In terms of doing a schedule ——

Q. Stopping them at an airport to speak to them under schedule 7 rather than stopping them going full stop.

A. It may have been a —— it may be a factor. There are...
Q. Just to follow that process through, from MI5's point of view, they would have the information that had led them to treat Salman Abedi as a subject of interest, including information fed in by you about, for example, his criminality, anti-social behaviour and so on. They would have information about members of his family.

A. I agree with that point. It's up to MI5's officers. If they had put a ports action on, we would have acted on that.

Q. Are you agree that more could have been done to pick up any form of travel monitoring or travel disruption? And thereby a missed opportunity potentially to have stopped him at a port?

A. Yes, it would have been. I think the difficulty speaks to what is the policy around how closed subjects of interest were managed, which again is not something I can detail here. But certainly between ourselves and Witness J, we can detail the approach taken to closed subjects of interest in the closed hearing.

Q. Clearly, his last trip, April 2017, coming back in May of 2017, do you agree was a missed opportunity to have stopped him at a port?

A. Yes, I think Witness J discussed that in terms of the return. If there had been a marker, we would have --

Q. And thereby a missed opportunity potentially to have stopped him, full stop?

A. Potentially and I saw the discussion around what may or may not have followed from that, but yes, it was an opportunity to stop him.

Q. Moving on to another potential area to stop someone in his position, and this is going briefly back to precursors, the reality, would you agree, is that there is a good deal of reliance on suppliers recognising that this is a transaction about which they ought to be suspicious?

A. Yes.

Q. Presumably, there are things that can be done away from the supplier that can also reach that conclusion?

A. You'll have to expand a little.

Q. Absolutely. So we're aware that a good deal of shopping is done online and therefore potentially with suppliers who are outwith this jurisdiction. But in terms of monitoring of internet traffic, email traffic and the like, there are things that can be done away from the supplier that may flag up a transaction that ought to be looked at?

A. I think that's an area Mr Hipgrave probably went as far
as he could in terms of what the arrangements are currently. I think as Witness J said, both we and MI5 play our part with the Home Office to manage that environment. I’m stopping at the limits really of what Mr Hipgrave said.

Q. Beyond that, it’s a test of a supplier identifying whether, for example, the customer appears to be rather unfamiliar with the thing that they’re buying and what it is for or there being something dodgy about their relationship?

A. I think that is some of the, is it 2015, older advice when I think — as I think the point has been made here — people went into shops sometimes and bought things. I think that is still relevant but I do take the point that lots of transactions don’t happen in that environment now.

Q. And how do we solve that problem from the counter-terrorism policing point of view? What more could be done to make the internet more like a shopkeeper in terms of identifying something that may be suspicious?

A. A lot is done. I’m going to have to leave that and describe it in closed, if I may, and then obviously if we can bring anything back...

MR ATKINSON: I’m afraid I’ve completely lost any idea of how long I’ve got left.

MR DE LA POER: You’ve been going about an hour, which gives you 50 minutes.

MR ATKINSON: If at any point in that time anyone, including the shorthand writer, would like me to stop for a period of time, they have only to say.

MR DE LA POER: If your assessment is that you’ll need about that amount of time, may I propose that we break at half past? That would leave you a sensible-sized session now and a sensible-sized session afterwards.

MR ATKINSON: That is extremely helpful. Thank you very much.

Prevent. You’ve been asked a good deal about this and more particularly, in a way that some might have been criticised for yesterday, you’ve been taken to a series of points in time when there was certain information available and asked whether Prevent should happen, a referral to Prevent should have happened at various points. I don’t need to do that again. Obviously, I’ve learned my lesson. But just to understand how Counter-terrorism Policing approaches its duties to have due regard to prevent people being drawn into terrorism, what is, insofar as you can say it in open, the threshold that you apply?

A. I think as I said earlier, in the guidance, and I think it’s the recent one, there is the — — the Home Office guidance, there is no defined threshold of what being drawn into terrorism means. On the face of it that looks quite strange but I think it reflects the point that was made earlier: there is no single route.

So the process is that once we get a referral from wherever that referral comes, internally or externally, the national policy is we would complete what’s called a police gateway assessment. That police gateway assessment would look at what we know and make some assessment of where we think there might be vulnerabilities: complex needs, autism, mental health, whatever those vulnerabilities are. Then we pass that, in the north—west, to a local authority based Channel coordinator and they will complete something called a vulnerability assessment framework.

Q. It’s fair to say, isn’t it, that the Channel process, by way of example, is a structured process with a series of stages at which a series of judgements are made — —

A. Yes.

Q. — as to whether this is an appropriate person to be helped by this process?

A. Yes.

Q. One stage in that process is then being willing to be helped, but it is but one of the stages that has to be gone through?

A. Yes.

Q. And those who make that process work, local authorities in particular, are trained and experienced in making that series of judgements along the way as to whether this is someone who ought to be looked at or not?

A. Local authorities and our own Prevent teams within policing.

Q. Because as the guidance says, the police play an essential role in most aspects of Prevent by working alongside other agencies?

A. Yes.

Q. Because you can provide information in to them about, for example, the risks in a particular community of radicalisation, of which this person is a part?

A. Yes, we provide that context and I talked about the counter-terrorism local profiles this morning. They are routinely — — we have a CONTEST board in Manchester and indeed all our local authorities. We would share that product with the local authority, with those responsible for Prevent. Clearly, they see the Prevent cases coming through, they know the nature of the radicalisation, is it extreme right wing, left wing, Islamist. So they have that data, but we try and provide some threat...
Q. And the Channel guidance, again in identifying people who may be vulnerable to radicalisation, and therefore the kind of people who ought to be steered away from it, gives examples such as them being subject to influence from others who are potentially radicalisers, there being tensions in their family that may be pushing them in that direction, that they may be exhibiting anti-social behaviour or criminal tendencies that show that there’s a problem developing. And those are all things that in many cases the police will have information about that can be fed into the decision-making; would you agree?

A. Yes, we would, and we would complete our part of what we thought the vulnerability factors were and the other agencies would then add theirs.

Q. Ultimately, putting all those together, it is for the Channel programme itself to make decisions as to whether this is someone to take forward or not?

A. Yes. Obviously with a — — as long as they’ve consented to that process, the individual.

Q. And their consent or otherwise will depend on how they are approached, but that again is something that the agencies would then add theirs.

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Q. Going from the general to the particular, do we understand that there is no evidenced decision at any point on the part of CTP to start that process going in relation to Prevent with any member of the Abedi family?

A. Yes, other than the point I made about Ismail. In my statement I outlined our attempts to contact him to meet with him and that for us would have been the start of a process to say, “Actually, is this person somebody who we should be referring?” But as the annex to my statement makes, very clear, both him — — and I think we called at the family home as well and spoke to his father — — very clearly did not want to engage with us.

Q. Can you remind when that was roughly?

A. There’s a series of four dates, I think we’re in — — I haven’t got it. I think it’s perhaps 2016.

Q. At that stage, were any steps taken to broaden that to his brothers?

A. No, I don’t think there were at that stage.

Q. Or indeed any other?

A. No, I think it goes back to your point. We’ve discussed the 2014, was it considered or not, no record, and I think then I’ve covered Salman.

Q. Still engagement with relevant agencies?

A. Yes.

Q. Still coming up with a multi-agency strategy to deal with the perceived problem of someone becoming radicalised even if that person doesn’t want to engage in the Channel process?

A. Yes. There are clearly limits. If an adult does not want to engage and holds extremist views and has no vulnerabilities, no engagement with services, I don’t want to give the impression we can then cure that problem. But if it was a mental health issue, let’s say, or another vulnerability that we could work on or another agency and ourselves could work on, what we find is — — I think it’s difficult just to change somebody’s view of the world. What we find is most successful is dealing with the vulnerabilities that sit underneath that and in solving those problems, we are much more successful, I think, in dealing with the radicalisation issue.

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Q. And that both by the consensual route and clearly therefore because he was never given the opportunity to say yes or no, by the non—consensual route?
A. For Salman?
Q. For Salman.
A. Yes.
Q. And at any stage was there any, that you have seen record of, discussion between those who were privy to the developing information about Salman, the service and yourselves, in terms of information that could be gleaned from port stops, from contact with SOIs, from contact with Abdalraouf Abdallah and so on, at any point a revisiting of a decision, if there ever was one, to refer him to Prevent?
A. No, I think I’ve gone through the decision points, the 2014 closing, and we discussed at length Oliban, as opportunities to consider that.
Q. You mentioned in passing that there were, indeed in 2015, and we discussed at length Oliban, as opportunities to consider that.
A. Yes.
Q. If they decided it was not a lead to be investigated, would they as a matter of course consider whether Prevent was an alternative option?
A. They should consider — one of the seven considerations is safeguarding, so every piece of intelligence that comes through, risk, proportionality, actionability, safeguarding is written in there, and when we wrote those nationally, we did debate do we put Prevent in or
was our view the creation of that IMU structure, where they would see all the intelligence and see the wider picture, was being brought in at that time to meet the new IT system. So creating that structure, we recognised they were intelligence professionals, but we wanted to bring into that people who had specialist knowledge in safeguarding and Prevent in particular, so there could be conversations within the sensitive area of our world that Prevent staff wouldn’t normally be involved in within that environment.
Q. Would that have involved, in general rather than particularly in relation to Salman Abedi, them looking at closed SOIs when new information came in about that person?
A. No. There’s the closing of the SOI — not conflating the two things. If there’s a new piece of intelligence, when the new standards of intelligence management came in, I’m trying to remember the date — was it 2015? — that is what said whenever you assess a piece of intelligence, you should go through this process of which one of them is consideration of safeguarding.
Q. And so by way of example, the contact between Salmon Abedi and SOI B, which is one that you were told about —
A. Yes.
Q. — do we understand that if things were working properly there would have been an assessment by someone in the IMU about that piece of information against the
what was already known about X?
A. Yes, they should do, but they would go back to the start of the intelligence handling model: here’s a new piece of intelligence on a closed subject of interest, should this be an investigation? In simple terms, they would go through that joint assessment with MI5. That may or may not result in them being opened again as an SOI. If not, then that would be the point at which other options would be considered. So it depends by which route that — whether that came to MI5, to us, or how that came in.
Q. So just to understand each of them, if the intelligence comes to you first, CTP first, and it’s being processed by the IMU, would they as a matter of course look at what was already known about the person in assessing whether this was a lead that ought to be investigated?
A. Yes.
Q. Would they as a matter of course consider whether Prevent was an alternative option?
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A. Yes, I think if that was brought to us — I mean, it’s clearly part of an investigation because we’ve got an SOI in there. So we’ve got people looking at the purpose of that investigation. So if there’s already an investigation running, there will be a particular intelligence team that manage that investigation and all new intelligence relating to it.

Q. If the intelligence to start with comes through MI5 then presumably whether that happens or not will absolutely depend on whether they share it with you?

A. Yes.

Q. If they do, would the same process, so far as someone in IMU is concerned, be gone through?

A. Yes, you’d go back to the, “Can we trace this person with you?” and we end up back at the joint assessment of what have you got, what have we got, what do we think.

Q. In terms of primacy for that decision as to whether this is a lead to be followed or not, would that in that situation be MI5’s ultimate decision?

A. It’s the same, it’s the same process, it’s a joint decision. Ultimately, they are the lead agency and will say, “This is a priority operation”; or, “This is a lead”.

Q. And in terms of deciding whether someone should be referred to Prevent in that process — are they not under the duty but you are — would they still nevertheless have primacy over whether that should be done or not?

A. No, they would only have primacy if there were issues as to how we could pass the information. If it was very sensitive in terms of the source of that information and there were issues about how we would ever get that to a local authority or to children’s services. But I think, as we discussed, there is a process to go through to try to get to a form of words, but clearly, that’s, as the lead agency, for them to work out, particularly if it’s come through them, how we can use it.

Q. In paragraph 69 of your statement, which you were taken to by Mr de la Poer and (ii):

“A Prior to being sent to Prevent, an assessment is carried out by the IMU to ensure [at (ii)] Prevent work with partners does not compromise an ongoing national security investigation.”

A. Yes, that’s specifically talking about when we have seen — sorry, we get — our biggest provider of referrals is education, they are the largest referrers of Prevent, so that would be: have we got a referral from school?

Q. If the intelligence to start with comes through MI5 then presumably whether that happens or not will absolutely depend on whether they share it with you?

A. Yes.

Q. — about that person to check there wasn’t something that they knew that you didn’t?

A. Yes, our approach is we would go to MI5 and say, “We have got a prevent referral, can you see any reason why this shouldn’t be referred?” So it’s not a collection of all the intelligence we know. That’s the approach we would take.

Q. So there can be situations where, on the face of it,

Prevent might have been identified as an option for someone but because of the difficulties that any such referral would create for ongoing investigations where national security is engaged there would be at least hesitation in doing it?

A. I think it’s quite rare, but there needs to be careful consideration during the lifespan of an investigation as to any impact. Closing it is perhaps a different matter, but during the lifetime of an investigation — — in my own experience, and I’ll broaden this to safeguarding, is if we see a safeguarding matter,
A. I can only speak personally from the north information about those who have come to the attention because of a concern about the dissemination that this is a particular prisoner in relation to whose role as well, to ensure that the Prison Service knows us in that regard in relation to the Joint Extremism Unit.

But in terms of them being able to identify and address the risk of persons in prison radicalising those who are outside it, is that not an area where the Prison Service needs information from others to understand that is a risk and how to deal with it?

A. Yes. I would agree.

Q. Is there a role for CTP in that process?

A. Yes, we do have a role in that process.

Q. Clearly MI5 has a role. There will be others who have a role as well, to ensure that the Prison Service knows that this is a particular prisoner in relation to whose experience to share information with the Prison Service because of a concern about the dissemination of information about those who have come to the attention of MI5 or CTP in a national security context?

A. I can only speak personally from the north—west position and our Prisons Intelligence Unit. There is the Pathfinder process, there are other mechanisms on an individual basis with suitably vetted individuals where we can share intelligence and information that is relevant to them. So there will be a security governor within each prison, suitably vetted. And at a regional level, there is a regional CT governor, again suitably vetted, so we have a mechanism by which we can share sensitive intelligence, if need be, and I think Paul Mott talks about what's now called the overt/covert bridge, which again is another mechanism by which we can share with the appropriate people appropriate intelligence to help them discharge their functions.

Q. In your assessment, comparing now to 2017 and the time when Mr Abdallah was receiving visits from Salman Abedi, is that process better now than it was then?

A. I think it will have developed like any process and there is a joint agency team now that have taken that to the next level. There is a new nominal management process that takes people through their life in prison and probably HQ would be better to describe that. So there are some very new and important initiatives. But I think going back to that period, we would have still had in 2017 that regional close one—to—one relationship and we have embedded with us, vetted in our units and in our office someone from HMPPS.

Q. We'll ask more of Mr Mott on that, but thank you. Moving from prisons to a particular prisoner and Abdalraouf Abdallah, just so we can understand the chronology in relation to his phone. So this was an arrest in November, 28 November 2014, and an investigation into allegations of facilitating people going to engage in terrorism in Syria. Would it be fair to say that there was therefore very much a travel—to—Syria focus to that investigation so far as what led to him being prosecuted?

A. Yes.

visitors care needs to be taken?

A. I think the approach Mr Mott refers to is the Pathfinder process, which is about the general risk of CT within prisons and within prisons and for an individual. We contribute to that process so that they have an appropriate picture of the risk and threat an individual may pose.

Q. Has there historically been a reluctance in your experience to share information with the Prison Service because of a concern about the dissemination of information about those who have come to the attention of MI5 or CTP in a national security context?

A. I can only speak personally from the north—west position and our Prisons Intelligence Unit. There is the Pathfinder process, there are other mechanisms on an individual basis with suitably vetted individuals where we can share intelligence and information that is relevant to them. So there will be a security governor within each prison, suitably vetted. And at a regional level, there is a regional CT governor, again suitably vetted, so we have a mechanism by which we can share sensitive intelligence, if need be, and I think Paul Mott talks about what’s now called the overt/covert bridge, which again is another mechanism by which we can share with the appropriate people appropriate intelligence to help them discharge their functions.

Q. In your assessment, comparing now to 2017 and the time when Mr Abdallah was receiving visits from Salman Abedi, is that process better now than it was then?

A. I think it will have developed like any process and there is a joint agency team now that have taken that to the next level. There is a new nominal management process that takes people through their life in prison and probably HQ would be better to describe that. So there are some very new and important initiatives. But I think going back to that period, we would have still had in 2017 that regional close one—to—one relationship and we have embedded with us, vetted in our units and in our office someone from HMPPS.

Q. We’ll ask more of Mr Mott on that, but thank you. Moving from prisons to a particular prisoner and Abdalraouf Abdallah, just so we can understand the chronology in relation to his phone. So this was an arrest in November, 28 November 2014, and an investigation into allegations of facilitating people going to engage in terrorism in Syria. Would it be fair to say that there was therefore very much a travel—to—Syria focus to that investigation so far as what led to him being prosecuted?

A. Yes.
A. No.

Q. But they were not irrelevant from your assessment of the case against Mr Abdallah, were they?

A. No, I think as we said this morning, the officers used a small element of those messages to illustrate what they felt was Abdalraouf Abdallah’s mindset.

Q. And so to get some sense of that, I wonder, Mr Lopez, if we can have (INQ030790/3), and when you get there you’ll see that there’s a box that shows text of messages and it’s the top of those boxes I’m after, please.

If we could focus on the top box, please. This is communication —— this was communication, I think I’m right in saying, on 13 November 2014 between Mr Abdallah and the person identified in his phone as Salman. So with Mr Abdallah saying: “I was listening to the description of the maidens of paradise.”

And:

“Go straightaway. I ask Allah for martyrdom.”

Salman’s response:

“May Allah make us depart from this world in that context of martyrdom: “Anmen (sic).”

And Mr Abdallah’s response:

“Have you heard about Khawlan? He was martyred.”

And Mr Abdallah’s response:

“Yeah. May Allah place his mercy on him.”

Answer:

“Amen (sic).”

These are just examples of communications that clearly, on Mr Abdallah’s part, show his mindset is his view of martyrdom, of people dying, and indeed killing at the same time in the cause of Islamic extremism, but also has sympathy for that from the person he’s talking to, Salman?
Q. We understand that it was identified after — —
A. Yes.
Q. — — indeed some time after the attack in 2018, but not 'back in 2014 when a subscriber check might have revealed it?
A. Yes, if Simon Barraclough has covered the registration of it and it was registered, then yes, a subscriber check would (inaudible: coughing) — —
Q. We then have the situation that in 2016, on information that was available to you, it appeared at one stage that Salman Abedi was going to be travelling with Mr Abdallah. Ultimately, it proved it wasn’t Mr Abdallah. Who was going to be travelling in breach of bail, he was going with someone else. Were those dots not connected at that point that here was, on the face of your information, Mr Abdallah going to travel with someone called Salman and you had been wondering who Salman on the phone had been? Did that not lead to a connection being made?
A. I think we’re going to stray into what our intelligence picture was at the time. You’ve alighted on one particular element. I don’t think I could fully cover that without giving the whole picture, I’m afraid.
Q. It is something that you will need, we suggest, to do in due course. It’s just, and again if you can’t answer due course. It’s just, and again if you can’t answer
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2. A. Yes.
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6. A. I think we’re going to stray into what our intelligence picture was at the time. You’ve alighted on one particular element. I don’t think I could fully cover that without giving the whole picture, I’m afraid.
7. Q. It is something that you will need, we suggest, to do in due course. It’s just, and again if you can’t answer
8. A. Yes.
9. MR ATKINSON: Just finally this: in Mr Morris’ report, and we gather we’re going to be able to ask him about this as well, it’s the very last line of it, he says this: “The communications between Mr Abdallah and Salman Abedi did not feature in the Anderson Report.” They’re not dealt with by Lord Anderson. Were they drawn to his attention?
10. A. I would have to go and look at the search terms we were given — — as I say, it was conducted by headquarters and we were given the search terms of the things we were looking for. So if that number wasn’t in those search terms, it wouldn’t have gone into the source material that informed the review, if that makes sense.
11. Q. But in terms of the review identifying that this was potentially another opportunity to have got a better idea of Salman Abedi years before, wasn’t that something Lord Anderson ought to have known?
12. A. I would have to check what we had put in — — or what the requested for and what the searched for material was and the timing of that because that was provided to the review team relatively quickly after the attack. So I don’t know whether that material was in there or not.
13. MR ATKINSON: Those are all my questions.
14. SIR JOHN SAUNDERS: Thank you very much.
15. MR ATKINSON: I will be an hour, I would think.
16. SIR JOHN SAUNDERS: Okay. Well, see how we’re going. And please, as a witness, do tell me, Mr Scally, it’s obviously important that you’re fresh enough to answer the questions. I’m not going to ask you to finish today or anything. We may go on to 20 to, quarter to, a reasonable time tomorrow then that would be of benefit to me, but certainly not a requirement.
17. MR WEATHERBY: I will be an hour, I would think.
18. SIR JOHN SAUNDERS: Okay. Well, see how we’re going. And please, as a witness, do tell me, Mr Weatherby QC.
19. MR WEATHERBY: Sir, next can I turn to Mr Weatherby QC. We have had an indication from at least some of those at the back that they would be content to sit past 4.30 if you wished to do so.
20. SIR JOHN SAUNDERS: Up to you, Mr Weatherby, and indeed to you as a witness. Speaking for myself, it has been quite a tough week already, so if we could finish within a reasonable time tomorrow then that would be of benefit to me, but certainly not a requirement.
21. MR WEATHERBY: I’m entirely in your hands. I’m happy to go as long as you want.
22. SIR JOHN SAUNDERS: Is everybody happy if we go on to 20 to, quarter to, quarter to? Let’s do that, please, thank you very much.
23. MR WEATHERBY: My name is Pete Weatherby and I represent another group of the bereaved families.
24. A. Yes.
Q. So I’ve got a few more questions for you, as you’ve heard, and you’ve been provided with the material, so I hope we can go through some of them fairly swiftly and of course you listened to yesterday and the day before with Witness J, I think.

A. Yes.

Q. So just picking up from that, we heard evidence of an interview with Deputy Assistant Commissioner Neil Basu ——

A. Yes.

Q. —— in the Sentinel journal; yes?

A. Yes.

Q. I’m not going to go through it all, it’s one small part of it I want to ask you about. Would you be familiar with that journal?

A. Not directly. It’s not something I would read or do read, sorry.

Q. The one aspect, and it’s for anybody following, I don’t think we can say we knew what happened in the 2011 rebellion against Gaddafi; yes?

A. Yes.

Q. And that is something that you would agree with?

A. Yes.

Q. We can take that down then.

A. Yes.

Q. A bit further on: "We’ve long known that training overseas can harden people. It’s not just people able to fire a gun, it’s the psychological bar that you overcome by being brutalised in theatre. Once you get a taste for violence, the second time is much easier and cops know that from dealing with violent criminals."

A. Yes.

Q. Okay. All right. Well, in the public discourse, in the BBC, the news, there was talk about hundreds of young men going and fighting in that rebellion, wasn’t there?

A. SIR JOHN SAUNDERS: Fighting where, sorry? I missed it.

MR WEATHERBY: In Libya, in 2011 in the rebellion.

Q. A. I am not saying that wasn’t in the media, but in terms of the way we would operate, the lead intelligence agency, and I think Witness J covered in some detail, the upstream knowledge that they had and we rely on that and those assessments.

Q. Q. Yes, okay. At the moment —— I am going to drill down into this, but at the moment all I’m asking about is the headline point that it was well-known in 2011 publicly that a large number of young men were travelling to Libya and were involved in the fighting there. Is that right? Was that well-known to CTP?

A. As I said earlier, we conduct assessments around threats and risks. I can’t say specifically that piece of information appeared in our assessments. But I take the point and clearly there was a civil war from 2014 on.

Q. Right. With respect, I’m not quite following your answer, so can I put up a BBC report and then ask you about the same point.

Q. OK. All right. Well, in the public discourse, in the BBC, the news, there was talk about hundreds of young men going and fighting in that rebellion, wasn’t there?

A. Yes.

Q. Okay. So just picking up from that, we heard evidence of an interview with Deputy Assistant Commissioner Neil Basu ——

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Q. —— in the Sentinel journal; yes?

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A. Not directly. It’s not something I would read or do read, sorry.

Q. All right. With respect, I’m not quite following your point and clearly there was a civil war from 2014 on.

Q. All right. With respect, I’m not quite following your answer, so can I put up a BBC report and then ask you about the same point.

Q. Let’s have that up.

Q. This is an online BBC Newsbeat report entitled: “The young Britons fighting and staying in Libya.”

It is dated November 2011. And it has a picture of four individuals, one of whom happens to be Mr T aghdi, who we heard evidence from. The narrative, if we go over the next page, please. (INQ042232/2), goes into specific detail about what those group of young men were doing and that was guarding a prison where Gaddafi supporters were being held and on their 2 days off, they were going around arresting people. Okay?

A. Yes.

Q. Okay. So just picking up from that, we heard evidence of an interview with Deputy Assistant Commissioner Neil Basu ——

A. Yes.

Q. —— in the Sentinel journal; yes?

A. Yes.

Q. Okay. So just picking up from that, we heard evidence of an interview with Deputy Assistant Commissioner Neil Basu ——

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Q. —— in the Sentinel journal; yes?

A. Yes.

Q. Okay. All right. Well, in the public discourse, in the BBC, the news, there was talk about hundreds of young men going and fighting in that rebellion, wasn’t there?

A. Yes.
have had the detail, but they would know that large numbers of young Libya-linked men were going out and fighting in the rebellion?

A. I think we'd accept that as a proposition within our threat assessment.

Q. And in fact, we're going to hear more about this from other witnesses, we're going to hear about the Tripoli Brigade, which I think has already been mentioned, and the 17th February Brigade, and a section of that was actually called 'The Manchester Fighters'. That would be something within CTP's knowledge?

A. I can't say at what point we knew any of these bits within the threat assessments. I'd have to go back and look at them individually, look at the JTACs. I think Mr Barraclough has commented on from his investigation what his assessment is and whether Salman Abedi travelled and where he was trained.

Q. I'm going to come to that. I'm trying to deal with this in stages.

A. Y es.

Q. We've had the port stop arrests, it's right, isn't it, that a port stop is much wider than the reasonable suspicion necessary for most connected offences?

A. Y es.

Q. Whereas the legal basis for a port stop is much wider than the reasonable suspicion necessary for most arrests, it's right, isn't it, that a port stop is specifically to a number of men, including his brother, and including a man called Raymond Matimba, who was an Islamic State fighter, so directly linked to IS.

In fact Mohammed Abdallah, I'm sure you can confirm, was specifically convicted of being a member of IS and fighting for them in Syria?

A. I'd have to check around the IS details. If you've taken that from a court —

Q. Sure. And then of course yesterday we heard some Parliamentary Reports, I'm not going back to them, but you heard me put those reports, and in those reports it's quite clear it became apparent after 2011 that Islamist militias had been very much involved in the rebellion; yes?

A. Y es.

Q. And there can be no doubt, can there, that the consequence of fighting in Libya and fighting with those Islamist militias would have been a big concern in terms of radicalisation?

A. Y es, I think the point you made earlier, it is a concern for us where people have that experience.

Q. I'm building from the assertion by Mr Basu here and I'm putting it in the Libyan context from 2011.

A. Yes, I think in his article he was retrospectively putting it in the Libyan context from 2011.

Q. But what happened was Ramadan Abedi took a series of trips in a short period of time to Libya and he was corrected.

A. Y es, I can go as far as saying that the port reports, I don't want to put them on the screen but I want you just to help me with a couple of details from them, and if I get anything wrong I'm sure I'll be corrected.

Q. Where does the legal basis for a port stop is much wider than the reasonable suspicion necessary for most arrests, it's right, isn't it, that a port stop is specifically to a number of men, including his brother, and including a man called Raymond Matimba, who was an Islamic State fighter, so directly linked to IS.

In fact Mohammed Abdallah, I'm sure you can confirm, was specifically convicted of being a member of IS and fighting for them in Syria?
Q. In the first of those stops, which was actually 
2 November, during the course of his interview or the 
discussion with the officer that was dealing with him, 
he volunteered that Salman and Hashem Abedi had gone 
with him to Tunisia and Libya in the first week of 
August 2011?

A. Yes.

Q. They weren’t with him here, he was at this point on 
2 November —— he’d returned via Manchester Airport; yes?

A. Yes.

Q. I’ll come to the second one in a moment. Did CTP 
recognise —— and I know that you didn’t start until 
2013, but you’re the institutional witness, so please 
try if you can to help us. But in the aftermath of the 
Libyan conflict in 2011, being specific about that time, 
did CTP pay attention to the fact that returning 
fighters or returning young men who may have been 
recognised there would be a risk that they’d come back
and be involved in terrorist activity over here. Did 
you have the same cautionary feeling in relation to any of or all of those who came back from Libya, having been 
fighting, knowing, as you did, as we’ve heard, that the 
political vacuum was being used by Islamists over there 
in Libya to certainly create their presence in that 
country? So did you treat it in the same way, either 
entirely or marginally?

A. I think it probably was treated in a different way. 
Certainly the national priority was Syria and for every 
individual who travelled to Syria, we had a plan for how 
we were going to receive them back, where they were. 
I certainly don’t think for —— well, (a) knowing who has travelled for what purpose to Libya is a very 
different matter for those who have legitimate reasons 
to travel there. I’m not aware of us necessarily 
tracking Libyan fighters.

SIR JOHN SAUNDERS: So do you think you should have done 
more to identify that as a risk?

A. I suppose it goes to Witness J’s point: there is the 
risk of somebody who’s getting combat experience and I 
think that’s general risk because it speaks to 
capability, not intent necessarily but capability. But 
in terms of whether that posed a risk to the UK would be
1 a matter we would look to our partners and threat
2 assessments to say this is now a priority that we need
3 to look at. So I think Syria and Libya are different.
4 SIR JOHN SAUNDERS: I'm sure they are, it's just whether
5 they were treated in any way in the same way and I think
6 that hopefully is, in a simplistic way, the point you
7 may be getting at.
8 MR WEATHERBY: Yes, absolutely. If I may just take it
9 slightly further and then I'll move on, I'll take the
10 hint.
11 Every situation is different and we can distinguish
12 any situation, but the point here is the one well made
13 by Mr Basu about the brutalisation of being involved in
14 conflict, but also the realisation, certainly by the
15 time of the Parliamentary Committee, of the involvement
16 of radicalised Al-Qaeda-facing groups. And my question,
17 which I don't think you can answer today, but it would
18 be helpful if you could answer either in open or if it
19 has to be in closed, is: in this period, after the
20 rebellion, did CTP consciously understand the raised
21 risk from those happenings, and if so, what did they do
22 about it?
23 A. Yes, I'll go and ask that. The reason I refer to
24 Mr Basu's wake-up call is I think clearly he was
25 expressing a view on behalf of the network that looking
26 back --
27 SIR JOHN SAUNDERS: Can you just tell me, what was Mr Basu
28 specifically saying act as a wake-up call? Was it the
29 Manchester attack?
30 MR WEATHERBY: Yes.
31 SIR JOHN SAUNDERS: So that does indicate, anyway from
32 Mr Basu's point, that the full realisation of the impact
33 of people coming back from the fighting in Libya may not
34 have been perceived by CT Police in particular?
35 A. I would separate the two. So I go back to Witness J's
36 point. If we are looking at individuals who pose
37 a threat to the UK, that's not -- you know, that would
38 come to our door and we'd ask for assistance in relation
39 to individuals they thought of concern but I took
40 Mr Basu's phrase in that way following the attack
41 this was a wake-up call to mean, as you've interpreted
42 it, sir.
43 SIR JOHN SAUNDERS: Thank you.
44 MR WEATHERBY: Yes, you certainly talk in 2018, I think,
45 about in the wake of the arena attack, certainly.
46 A. Yes.
47 Q. Finally on that point, was there an increase in
48 referrals to Prevent when people started to come back
49 from Libya?
50 A. I'd have to go and look at the figures, but that's
51 something we can find out. We do break them down in
52 terms of what we think is inspiring them. Not an exact
53 science.
54 Q. Okay. If subsequently, information or intelligence came
55 in to CTP regarding an individual but that individual
56 was known to or believed to have fought in the Libyan
57 rebellion, would that have been something that would
58 have been relevant context so far as you are concerned?
59 A. If it had come in to CT as a new piece of intelligence
60 it would have gone into the normal system which I have
61 described.
62 Q. Yes, no. If a piece of information had come in about
63 somebody in Manchester, for example, saying that they
64 were involved in radicalising young people somewhere,
65 and that was the piece of information that came in and
66 it was being looked at by CTP, if CTP knew or believed
67 that that person had fought in the Libyan rebellion,
68 would that piece of information have been used as
69 context when considering the actual piece of information
70 that had come in?
71 A. Yes, I think if I understand you correctly, yes. That
72 experience speaks to capability. So the fact that
73 somebody has combat experience speaks to their
74 capability, not necessarily their intent or the other
75 factors we would think about, but clearly, yes.
Q. In terms of Ramadan Abedi, you have addressed
a difficulty with telling us in open about what was
known about Ramadan Abedi. It's right, isn't it, that
during the second port stop on 17 November, he was asked
about the LIFG and his involvement in Libya and he
answered those questions?
A. Yes.
Q. I don’t know whether there’s an objection to me taking
that any further.
MR DE LA POER: Not for my part. It will be a matter for
the witness.
A. My point in going further than that, Mr Weatherby,
I think the point Witness J made, I accept what is on
the port report, the interpretation of what that might
have meant, the context of that, I have to adopt MIS’s
position as the agency, and I think MIS’s position was
that they didn’t feel they could discuss the breadth of
that in this session. So I accept the port report for
what it is.
MR WEATHERBY: Okay. I’ll keep this confined, if I can, and
if I’m going too far, you just tell me.
Q. And the witness.
A. Yes.
Q. And he says no. He mentions a number of people, an
unnamed group which he says that he’s involved with, and
he’s then asked whether he knows people in the LIFG.
A. Yes.
Q. And he answers that question; yes?
A. Yes.
Q. And that is redacted on the report.
A. Yes.
Q. So the position is then that on any information
that is redacted on the report.
A. Right. I’m not aware which bits were redacted.
Q. I’m not going further than that.
A. That’s fine.
Q. And further about that, but my point is that the update
hasn’t got better in terms of the JTAC 2010 report, it’s
got more important for you to have note of.
A. Yes.
Q. And then what happens, as we know, is that as time
passes, IS starts to reach the end of the road in Syria
and it flourishes for a period in Libya.
A. Yes.
Q. So again, you have an additional problem which is not
just IS in Syria but IS in Libya now?
A. Yes. Witness J covered that.
Q. An emerging fact, as I put to him, from the Foreign
Affairs Committee. So the position is getting more
serious as a matter of context; yes?
A. Yes.

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1  SIR JOHN SAUNDERS: Because of the civil war and the
2  fighting going on.
3  A. It is of that. As I said earlier, that was much less
4  relevant to us than what was developing in Syria. I’m
5  not saying it was not relevant, but I think the two — —
6  there were different characteristics. As I explained
7  earlier, a Libyan person travelling back to Libya and
8  back and forward is different than somebody trying to
9  join IS in Syria.
10 MR WEATHERBY: Okay. I don’t think I need to ask you
11  further about that, but my point is that the update
12  hasn’t got better in terms of the JTAC 2010 report, it’s
13  got more important for you to have note of.
14 A. Yes.
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16  passes, IS starts to reach the end of the road in Syria
17  and it flourishes for a period in Libya.
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20  just IS in Syria but IS in Libya now?
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23  Affairs Committee. So the position is getting more
24  serious as a matter of context; yes?
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13  position as the agency, and I think MIS’s position was
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18  if I’m going too far, you just tell me.
19  Q. And the witness.
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21 Q. And he says no. He mentions a number of people, an
22  unnamed group which he says that he’s involved with, and
23  he’s then asked whether he knows people in the LIFG.
24  A. Yes.
25  Q. And he answers that question; yes?
26  A. Yes.
27  Q. And that is redacted on the report.
28  A. Yes.
29  Q. So the position is then that on any information
30  that is redacted on the report.
31  A. Right. I’m not aware which bits were redacted.
32  Q. I’m not going further than that.
33  A. That’s fine.
34  Q. But there is knowledge about Ramadan Abedi, which is
35  relevant to the JTAC 2010 point about radicalisation,
36  that’s my point.
37  A. Yes, and I have said earlier, that threat was not new to
38  us.
39  Q. No.
40  A. I can’t explain here how we dealt with it, but I’ve
41  accepted that threat was recognised by us and in fact
42  was probably informed by us.
43  Q. Yes. So the position is then that on any information
44  which subsequently came in over the next few years,
45  until 2017 and the bombing, about Salman Abedi, you had
46  the general emerging picture from Libya and the known
47  extremist groups in Libya as context?
48  A. As a context, yes.
49  Q. And you had the known material about Ramadan Abedi,
SIR JOHN SAUNDERS: But in general terms were they taken into account?  
A. In general terms the knowledge of that locality — we had a specific desk that dealt with South Manchester.  
The problems were very clear to us. I’d be surprised if that context was not known about and considered.

MR WEATHERBY: Okay. Let me finish on this topic and then I put to Witness J a number of Facebook posts from Ramadan Abedi, okay?

A. Yes.

Q. One of those was 2013, with a fairly clear support for Anas al-Libi. I’m not going to repeat the evidence, you remember it. Another was full — on support for the Al-Nusra Front of Syria; yes?

A. Yes.

Q. Were CTP aware of those Facebook posts?

A. I would have to check if and when we were aware of them. Again, that’s going to be in the whole picture of what we knew and when.

Q. Yes. Okay. In terms of mindset material and support for extremist by people like Ramadan Abedi in this context, obviously we’ve discussed privacy issues, but when looking into a subject of interest, for example, this sort of material is public, isn’t it? There’s no privacy issue about looking at someone’s public Facebook posts?

A. No, and I think Witness J discussed how we might respond if we were investigating an individual.

Q. Yes, but it’s not intrusive as an investigation necessarily — —

SIR JOHN SAUNDERS: Mr Weatherby, I won’t stop you now, but I’m not sure that’s always as clear as you’re saying. I’m not sure the answer given by the IPT is exactly as clear as that, but the legal aspect we can look into if necessary.

A. I think there are issues — —

SIR JOHN SAUNDERS: Understandably, yes.

A. — — when we look at a particular individual or not as opposed to general — —

MR WEATHERBY: But as a general proposition, not this case, it would be right, wouldn’t it, that that is the sort of information that you would look at to build a picture about an individual?

A. If we were looking at an individual open source media assessment, I can’t say what it was in 2011 at all, it would be right, wouldn’t it? And if that Facebook search had turned up an image of the Jordanian pilot, a rather offensive Nusra Front of Syria; yes?

A. If it’s in Mr Barraclough’s statement then I am clearly happy to (overspeaking) — —

Q. That’s the sort of investigation, if you were looking at somebody, that would be included; yes?

A. Yes, open source is a very common — —

SIR JOHN SAUNDERS: So this is the post — attack investigation of which Mr Barraclough was the SIO; is that right?

MR WEATHERBY: No, sorry, I put that too swiftly. It was put to Mr Barraclough to confirm that in September 2015 — —

SIR JOHN SAUNDERS: Thank you very much.

MR WEATHERBY: — — the Facebook post had been turned up.

Sir, that reaches the end of that topic if that’s a convenient moment.

SIR JOHN SAUNDERS: Tomorrow morning at 9.30 then.

Thank you very much.

(4.48 pm)

(The inquiry adjourned until 9.30 am on Thursday, 28 October 2021)
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