Thursday, 28 October 2021

Q. And I won’t take you through the rest of the statement
A. Yes.

Q. And I won’t take you through the rest of the statement
A. Yes. The way --- and I think Witness J touched on this:

The overnight US precision air strikes on two
Islamic State of Iraq and the Levant training camps near
Sirte, Libya, are estimated to have killed more than
80 enemy fighters, Defence Secretary Ash Carter said
today.”

That just orientates us.

Then about halfway down, if we could just go to the
bottom half, Mr Lopez, please. Under “Strikes targeted
external plotters”, I just want to highlight the two
quotes. The bottom of the first paragraph:

“The fighters training in these camps posed
a security risk to Libya, its neighbours, our allies in
Africa and Europe, and to the United States and its
interests’, he said.”

That’s the general setting—out of the position.

Then:

“Importantly, these strikes were directed against
some of ISIL’s external plotters, who were actively
planning operations against our allies in Europe’,
Carter noted.”

Okay?

A. Yes.

Q. Absolutely. But of course, it would be relevant to the
intelligence agencies to ---
A. Yes. Matters of external operations would be entirely
for the intelligence agencies to ---

Q. Absolutely. But of course, it would be relevant to the
threat domestically, wouldn’t it?
A. It may do, and we would certainly expect to be briefed
or understand, as relevant, to our locations and whether
that was relevant to any of the investigations or
operations we had.

Q. Let me put this in general terms because I’m sure you
Q. Okay.

SIR JOHN SAUNDERS: You don’t have a copy in front of you, I can tell, or do you?

MR WEATHERBY: I don’t think it’s going to be necessary.

SIR JOHN SAUNDERS: Do say if you need a document.

MR WEATHERBY: Yes. I’m going to be very —

SIR JOHN SAUNDERS: That’s fine, I just wanted to make sure he knew that if he wanted it, he could ask.

MR WEATHERBY: Absolutely. And if there’s anything I put to you, and I’ll be brief on this point, I’m sure somebody will pick me up or put further bits to you later. But it is the best I can do from the disclosure about the narrative of updates that was coming through locally.

Okay? So that’s why I’m putting it to you.

As I say, it’s a series of summaries of the chronology of updates that were coming through. In January of 2015, for anyone who’s following this is page 1, there’s a reference to the Paris attacks. On 26 June 2015, there’s a reference to the Tunisian beach attack, attacks in Kuwait and attacks in France.

Then there’s a long narrative on 14 July 2015, where the following sentence, and it’s the only one I’m going to read out to you, and it says this: “There is a significant level of support for Syria, including radicalisation, fundraising and travel to and from Syria. These bring an increased level of threat locally.”

Okay? So middle of 2015, in the midst of attacks, there’s the recognition of the Syrian problem.

A. Yes.

Q. Problems, plural, being obviously relevant to the increased threat locally. Okay? So perfectly reasonable, what you would expect. Thereafter, I’m not going to go through any more of it in any kind of detail, but thereafter the updates up to the time of the bombing include references to attacks in Australia, further European attacks and one in the US, as they happened, and then Westminster Bridge in March 2017.

But right up to the arena bombing, there is no mention of any threat emanating from Libyan-linked terrorism. Is there a problem here that all eyes were paid to the problem that was, if it attention had been focused on Syria and there was insufficient attention paid to the problem that was, if it attention had been paid to it, really quite obvious from Libya?

A. I think my reading of that document, it was general threat briefings provided to mainstream policing, I presume for their duties around Protect and Prepare, crowded places, those sort of matters. So if our intelligence picture is there is not an external operations threat coming back from Libya that’s going to emanate in Manchester, then that may be why it’s phrased that way.

As I have said a number of times, we did recognise Libya as a threat. Witness J has gone into quite a lot of detail upstream of their understanding of that and I won’t — — I think that’s entirely a matter for them as the lead agency. But as I have said, it was not the top priority, but it was one of our recognised priorities.

Q. Okay. As I say, I can only work with what I’ve got.

But of course, in the coming weeks, in closed, it may be that you’ll be able to give more information about exactly what documentation there was with CTP —

A. Yes.

Q. — — about the link of the threat level in the UK, but perhaps more particularly in Manchester, linked to Libyan terrorism.

A. Yes.

SIR JOHN SAUNDERS: Can I, from a practical point of view, try and suggest what might be the difference? But it’s for you to tell me. So you have told us if you’ve got a Libyan — — someone who — — sorry, a UK citizen coming from Libya in the first place, so he has Libyan connections and family out there and he’s someone who’s been on your radar as potentially radical and he goes
out to Libya and then comes back, how would that compare
with how you would notice it compared with a Syrian who
at this time, also with some radical background but had
family in Syria, who travelled to Syria and back?
A rather inelegant question. But would you take more
notice of the Syrian and be concerned about him going to
Syria because of the greater threat?
A. It was quite rare in my experience for Syrians to go
back to Syria. In the early years, it wasn’t, so people
would genuinely go and do humanitarian — doctors and
others who had connections and a few people who maybe
had familial links. But as things got worse I think
even that was quite rare. So what was of interest was
why would a Libyan go to Syria. I think it is harder —
and this would be the same for a Somalian going to
Mogadishu or somebody going to Yemen, where there are
entirely legitimate reasons for that travel,
irrespective of whether they may have had contact here
with other members of the Libyan community. It’s much
harder I think to discern the purpose of that journey
and they would have been more common than it would for
somebody travelling to an area where you wouldn’t except
them to go other than for the purpose of terrorism.
SIR JOHN SAUNDERS: But any trip to Syria really was a big
red flag?
A. Yes, and as we said yesterday, people weren’t travelling
directly to Syria, they were using circuitous but
well-known routes to get there.
SIR JOHN SAUNDERS: Okay, thank you.
MR WEATHERBY: Thank you.
Next topic, a very brief one. You have been asked
questions about the Enterprise evacuation, HMS
Enterprise, 6 August. Again, orientating us, that was,
I think, 16 days after Salman Abedi had been closed as
an SOI. Unless I’ve missed it, the only document that
I can see in what’s been disclosed to us is at your
tab 72, which is the briefest of documents, which is
a report, a GMP report, of six of the 110 people who
were evacuated on Enterprise arriving back at Manchester
International Airport; yes?
A. Yes.
Q. And that just lists those six names and in the barest of
details. Then it says that they consented — the two
Abedi brothers had agreed that they would be willing to
be debriefed; okay?
SIR JOHN SAUNDERS: Could you just repeat that? I’m very
sorry, I missed it. The two Abedi brothers said they
were what?
MR WEATHERBY: They would agree to be debriefed. I can put
it on the screen.
SIR JOHN SAUNDERS: It’s just all the plastic. I just
couldn’t hear it, I’m really sorry.
MR WEATHERBY: So they agreed to be debriefed; yes?
A. That’s what’s in the report.
Q. Yes, okay. What we haven’t got is anything after that,
so my question to you is rather a bald question: were
they ever debriefed?
A. I’m afraid that’s one of the areas I can neither confirm
or deny what we may hold about that.
Q. Okay.
SIR JOHN SAUNDERS: We will certainly try and give you more
information after I’ve heard the details in closed
in relation to that.
MR WEATHERBY: All right. Thank you very much.
Oliban. You’ve been asked a lot of questions about
Oliban and I’m going to try hard not to overlap.
Inevitably there will be a bit of overlap. There are
just a few points I want to ask you about.
Of course we’re going to go through the messages in
detail with other witnesses, I think, so I’m not going
to do that with you.
I just want to first of all add a bit of perspective
to it. We’ve counted the messages between Salman Abedi
and Abdalraouf Abdallah in what amounts to just over
a three—week period in November 2014, which comes to an
abrupt end because he’s arrested and the phone is seized
on 28 November. The exact number doesn’t matter, so
if we run out of fingers and I’ve got it wrong then
we’ll be corrected. But we think there’s over 1,300
messages. There’s a very, very high number of messages,
ookay?
That of itself, the volume of messages, would be of
interest to anybody from a CT perspective looking at it,
wouldn’t it?
A. Yes, it would be part of understanding the context of
what those messages might mean.
Q. Some concentration has been given in the questions
you’ve been asked to the 13 November messages and I just
want to put those in order. So Salman Abedi on that day
is telling Abdalraouf that he’s watched a video about
Derna. Again, going back to the evidence we have
already heard, I think Derna was the first Libyan area
which fell under IS control in (overspeaking) 2014.
A. They certainly had a presence there, yes.
Q. And then moving on from that conversation, the same day,
we then have Salman Abedi supplying the image of the
dinar to Abdalraouf; yes? And on its own, you think the
image of a dinar doesn’t mean very much but it’s the
caption, isn’t it, that makes it interesting?
A. I think he uses the word, doesn’t he? Is that the
Q. Therefore, looking back at it, isn't it right that you who was the recently closed SOI; yes?

A. Yes.

Abdalraouf, who's under investigation for the very at this with the wider perspective is here was interesting as of itself, but anybody looking at this with the wider perspective is —— you've got Abdalraouf Abdallah?

A. Yes, the dinar was linked with IS.

currency at that point, doesn't it (overspeaking)?

So the image assumes an importance more than a question mark after it. So we'll come to this at a later point, but there's a question mark, isn't there, about what that reference to terrorists is?

A. Yes.

Q. There are references in the various messages to Elyas, as I have just mentioned, to Ben, and to Zubair; yes?

And those were assessed by the police to be Elyas Elmehdi, Abderahman Benhammedi, and Zubair Mohammed?

A. Yes.

SIR JOHN SAUNDERS: Help me when that assessment took place.

MR WEATHERBY: I think that was the Manteline assessment.

SIR JOHN SAUNDERS: That's what I wanted to establish, whether it is after the attack.

MR WEATHERBY: Yes, absolutely.

SIR JOHN SAUNDERS: Thank you.

MR WEATHERBY: Again, as I say, the huge volume of messages here was interesting as of itself, but anybody looking at this with the wider perspective is —— you've got Abdalraouf, who's under investigation for the very serious terrorist offences he is subsequently convicted of, and if attention had been paid to it, Salman Abedi, who was the recently closed SOI: yes?

A. Yes.

Q. Therefore, looking back at it, isn't it right that you should have been looking at those messages and identifying Salman Abedi and putting these messages into his intelligence picture?

A. I think I've covered that yesterday and those who were involved in Oliban will explain their processes. But if —— we are talking a lot about context and one way to look at it is there are 1,300 messages of which a tiny number relate to topics that are relevant to this. So I'm not saying this is the interpretation, but they are a few messages amongst 1,300 amongst a group of individuals who live, socialise, may have familial or friendship links. That's the challenge we face in trying to interpret.

Q. This would feed into the mosaic of information that emerges about Salman Abedi, wouldn't it?

A. Yes. As we discussed yesterday, if those messages or the whole download had been lifted up, but those messages in particular had gone back into the intelligence machinery, then they would have been considered against the whole picture of what we knew at that time and the context of those relationships and whether that was relevant or not.

Q. I take your point about the fact there's so much messages and there's only a relative number that are of interest. But they were sufficiently of interest for you to use both the dinar and the martyrdom exchanges in terms of mindset in the criminal trial, weren't they?

A. In terms of Abdalraouf Abdallah's mindset.

SIR JOHN SAUNDERS: Let me stop for a minute. I think I'm personally getting the point that you're making. I just wonder whether —— and we've got a number of prosecutors in court —— it might be the sort of thing that actually a prosecutor looking at these, if we're going to use them, do we not need to know actually who he's talking to because that may be relevant to the mindset point?

A. Yes, and I think I covered this with Mr de la Poer.

I can only give my personal views as an investigator.

If he was going to go in the —— it certainly went in some of the volumes and I think in the opening we were going to use it. I think I would want to know who was at the other end of the call.

SIR JOHN SAUNDERS: Okay. And if more use was being made at the time of using data within the computer system, which you weren't at the time, something like this, the relationship with Salman, and that coming up somewhere else, wouldn't have been flagged up? Would you expect it to be flagged up now in your systems?

A. We do use data. The real challenge is about how we use it.

The whole of that download did go into our system,
but the difference is if you looked at Salman Abedi, we wouldn't have a specific link to that information. But if you searched for —— we have a free text search: if you search for the telephone number or search for the Abedi name, those messages or that telephone number would still come up. The specific difference is if I only looked for Salman Abedi I wouldn't see that download link to him. So there is —— it's not that it isn't in the system, and this is the challenge we face, things are often in systems, it's the challenge you point out, sir, of how do our data management tools allow us to link everything. I think the point is made, it was not a specific linking to a specific individual in our record system.

MR WEATHERBY: Thank you. So you've got the whole of these messages on the system and you've got the phone number but you haven't got the link between the phone number and Salman Abedi?

A. Yes. It's not attributed —— in my understanding it's not attributed to his records.

Q. So if that problem, that missing link, is solved, the next month or a couple of months later, then of course all of those messages would link to Salman Abedi, wouldn't they?

A. If there had been a reason, yes, to what we would call the specific link to associate it with him.

Q. And that is an important point with respect to the questions that the chair is asking about the use of data: once you have put the phone number into your system, if it's subsequently identified, then the importance or otherwise of the messages or whatever information then may become apparent and certainly becomes available to be considered with respect to the person who is the subscriber or the——

A. Yes. When I read that, that was something that would please.

Q. Thank you very much. We can take that down. A. Yes. When I read that, that was something that would inform my view of why I would have preferred the wider intelligence team to have undertaken that piece of work.

Q. Thank you very much. We can take that down.

A. Yes, as an investigator, if I was going to use the material in the sequence of events, I think it went in, I would probably want to know the answer to the question before I was asked.

Q. Thank you, that's very fair. Just finally on this point, can I just have up a page from Mr Morris' statement, which is INQ042103/3

Whilst that's coming up, the point here is that Mr de la Poer took you to one of the objectives of the Oliban operation. I just want to take you to one more of them. That's number 6 at the top of the page. INQ042103/3, please.

Wrong document. Probably my fault. (INQ042102/3), please.

SIR JOHN SAUNDERS: We're one up, we were looking at 3.

MR WEATHERBY: I'm sure it was my fault. Page 3 of that, please.

It's just number 6:

"To identify any like-minded associates who may share extremist views/aspirations."

That again would be, looking at those messages, a reason why the operation should have looked into the phone; yes?

A. Yes. The other point you were making was that these two points, the martyrdom mindset and the dinar mindset, were used against Abdalraouf Abdallah. The other side of that coin, if that's not inappropriate considering the dinar, the other side of that coin is that in fact Salman Abedi had initiated the dinar, he'd sent it, and he was fully involved in the martyrdom messages. So any mindset that attached to Abdalraouf apparently attached to Salman Abedi as well, didn't it?

A. Yes. I'm not dismissing them as irrelevant at all, Mr Weatherby. The point I made yesterday is ——

SIR JOHN SAUNDERS: You didn't link it up at the time?

A. And you can read those messages and see slightly different roles between Abdalraouf Abdallah and Salman Abedi. I'm not dismissing them, and others have assessed them, and they may have been very reasonable assessments based on what was in front of them.

MR WEATHERBY: And we'll return to that, yes, okay.

Just on the research or the failure to research the number and spot the fact it was Salman Abedi subscribing to the phone and he used Salman Abedi in one of messages, I think it's within your knowledge that Mr Morris has accepted in his statement that research into the number should have taken place.

A. Yes, I think that's the point, as an investigator ——

Q. And you'd agree with that?

A. Yes, as an investigator, if I was going to use the material in the sequence of events, I think it went in, I would probably want to know the answer to the question before I was asked.

Q. Thank you, that's very fair. Just finally on this point, can I just have up a page from Mr Morris' statement, which is INQ042103/3

Whilst that's coming up, the point here is that Mr de la Poer took you to one of the objectives of the Oliban operation. I just want to take you to one more of them. That's number 6 at the top of the page. INQ042103/3, please.
SIR JOHN SAUNDERS: So that's the context: these offences, the assessment of the further indications identified from ICW/13 made at the time read: "There is little, however, that suggests any further offences given that the funding and facilitating refer to Libya."

Then he goes on to say talk of Syria was very limited.

Can you help us with that at all, why the fact that the same activities in relation to Libya wouldn't be an offence but they would in Syria?

SIR JOHN SAUNDERS: I think we may have established that actually Libya was maybe a different priority to Syria and Syria was the main aim at the time.

MR WEATHERBY: Yes, but that's not my point. The point I'm making here is that the suggestion in that is that, assuming that funding and facilitating was made out, there is little, however, that suggests any further offences given that it related to Libya. Not that Libya is a different canvas for this, it's the fact that a different assessment — because it's Libya, there's no offence.

A. I think the way I read it is that there is clearly a reference to what are my objectives, what is this prosecution about. So I think you could partly read that as there are no further offences in relation to this investigation. And I think without knowing the detail of the acquiring weapons and sending money, whether they would be offences in relation to Libya — I think there's some conversations with a gentleman there.

Q. Okay.

A. Now, whether that can be linked to terrorism is a different matter.

Q. Yes.

A. So I think there's something specific about what have we been asked to look for. We've been asked to look for supporting evidence in relation to these offences, the facilitation of travel to Syria.

SIR JOHN SAUNDERS: So that's the context: these offences are this is a man sending people to Syria to fight?

A. Yes. When we look at these messages, they're not about that.

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Q. So that was certainly available if you were interested in making the connections between people; yes?

MR WEATHERBY: We can take that down, thank you.

SIR JOHN SAUNDERS: Is the underlining done at the time?

MR WEATHERBY: That's how it came through to us.

SIR JOHN SAUNDERS: Okay, thank you.

MR WEATHERBY: Can I just move on from the time of the messages in terms of taking the identification of Salman Abedi to the phone slightly further. Because we know that the phone was seized on 28 November and you told us yesterday, helpfully, that it was then analysed some time in 2015.

A. Yes.

Q. Perfectly reasonably. But can I just turn to the billing from Belmarsh Prison because — and this is your tab 60. I think it would probably be helpful to have it up. It's (INQ035668/1).

That's the first page. It's simply a list of attempted calls or calls from two prisoners. Can we jump to (INQ035668/6), please?

SIR JOHN SAUNDERS: So he's beginning his sentence at this stage, serving the first part of his sentence in Belmarsh rather than being on remand pending trial?

MR WEATHERBY: Abdalraouf is on remand, yes.

So going to the bottom of this document, we are starting at 23 November, so that's before the phone is seized. Abdul Benhammedi, who's the man who's facing charges relating to the sniper’s manual but is subsequently — I'm not sure whether the charges were dropped or he was acquitted, I'm not sure, but either way, he wasn't convicted. But at that point, he is an alleged terrorist prisoner on remand at Belmarsh. And before the ICW/13 phone is seized, he is calling the 3458 number, which is the Salman Abedi number; yes?

A. Yes.

Q. But there's the legend on the right—hand side, "Number not on allowed list". I am sure you'll know that prisoners have to add numbers to their list; yes?

A. Yes.

Q. So at that point, it's trying to phone it, but it's not on his allowed list, so it doesn't go through. As we go up, certainly by 30 November, which is 2 days after the ICW/13 phone is seized by the police, he actually does get through on that number. So the inference is of course that his number —

A. Has been added to the list, yes.

Q. So he's now listed it at Belmarsh. Would you agree that the contact for an alleged terrorist prisoner would be something that would be of interest to CTP?

A. In certain circumstances, yes.

Q. That's the underlining done at the time —

A. Yes.
MR WEA THERBY: But he certainly does get through to him, so...

SIR JOHN SAUNDERS: Yes, thank you.

The first appears to be 26 March.

MR WEA THERBY: He’s trying before he gets through. Yes, the number contact and put that into our system. So there are taken and the phone calls they make. Are there any threat within the prison. If the SIO has an investigative requirement, they can task that prison intelligence unit to gather this sort of information for them.

It goes back to the same point, I think: if the investigators thought there was a relevance to that number, they wouldn’t automatically get every social PIN number contact and put that into our system. So there would need to be a sort of proportionate approach and say: is there an investigative benefit in us doing this? Q. Yes, okay. That’s all I’ve got on that topic, thank you very much. We can take that down.

Just one discrete point and I want to be careful with this so I’m going to put something to you and I’m hoping you’re going to be able to simply accept it.

I think you’ve probably been told about it, it’s obviously the number has gone on his list. I take your point with Benhammedi, but here you’ve got an investigation into messages and numbers.

Certainly the contacts of Abdalraouf, the facilitator, is going to be of interest to CTP?

A. Yes. Generally, just so people understand, when an individual is in a prison estate, it’s the local CTU that will manage that, so this would have been SO15 London, managing that relationship with the prison and any threat within the prison. If the SIO has an investigative requirement, they can task that prison intelligence unit to gather this sort of information for them.

Mr Alzoubare.

It’s simply this: that Mr Alzoubare was subsequently linked with the Zubair that is in the messages by the police; yes?

A. Yes.

Q. That’s the connection. Mr Alzoubare is going to give evidence, so I’m just trying to adduce this simple fact from you.

In February of 2016, reports were received, and I’m not interested where from, certainly at this point, but reports were received that he was being radicalised by a person who was named but I’m not going to name him now, who was said to have influence over other males in the Manchester area; yes?

A. Yes.

Q. And that between 2015 and 2017, Mr Alzoubare was referred to Channel and Prevent.

A. That’s correct.

Q. Thank you. You gave evidence yesterday about the 25/26 May flight 2016.

A. Yes.

Q. And I’m afraid I didn’t follow it, so I’m going to ask you a few questions.

A. Can I go to that in my statement, Mr Weatherby?

Q. Yes. It’s tab 1 and it’s 109 to 110. I don’t think we...
SIR JOHN SAUNDERS: And I don’t think it really affects anything as far as you’re concerned. It’s the connection which is relevant, not what the connection was or how it was demonstrated. I will look into it more in closed, but I think that’s likely to be your answer.

A. I think I would have stopped there. We can certainly explain ——

SIR JOHN SAUNDERS: It brings into account methods used by police officers.

MR WEATHERBY: I certainly wasn’t headed in that direction.

SIR JOHN SAUNDERS: I know you weren’t and I can understand, if I may say so, why that was confusing to people and I hope I haven’t said too much as well.

MR WEATHERBY: Okay, thank you. Obviously I’m not going to go any further with that.

SIR JOHN SAUNDERS: You’ve got the result without the method, which I think is actually satisfactory for your purposes.

MR WEATHERBY: Okay, thank you.

Can I ask whether this further interaction with Abdalraouf Abdallah, that trigger further consideration of re—opening Salman Abedi as an SOI at that stage?

A. That’s not something I can go into here because any decisions such as that would have to take into consideration the full intelligence picture. But it’s certainly something we can cover elsewhere.

Q. Just this and then I’ll leave it: he appears to have been at the airport with a man on bail for facilitating travel of other IS ——

SIR JOHN SAUNDERS: I think you’re making assumptions which you cannot properly make. I’m really sorry, I’m just trying to prevent us going into difficult territory.

MR WEATHERBY: I shall leave it there.

Finally this, a different topic, and this is the final point I have. You’ve referred to interactions with Ismail Abedi after his port stop in 2015.

A. Yes.

Q. And you’ve referred to Counter-terrorism Police trying to make contact with him in April and May of 2016.

A. 2016.

Q. I think we’ve established that he wasn’t in fact referred to Prevent. Obviously, CTP have a variety of reasons for wanting to speak to people. But is that an explanation as to why sometimes people who may otherwise be referred to Prevent aren’t, because of other aspects of your job?

A. I think I’ve explained yesterday the process we go through in considering a referral. I don’t think I can say any more. I certainly wouldn’t want to confirm or deny whether those two processes are linked in this case. I’ve accepted the port stop and I’ve produced some brief evidence of how we tried to make contact and meet with Ismail and he declined ——

MR WEATHERBY: Thank you very much.

A. —— to do that.

SIR JOHN SAUNDERS: Thank you very much.

MR GREANEY: Thank you, Mr Weatherby.

Sir, could we invite Mr Cooper to ask his questions next and to identify a time around about 11 o’clock for a break, please.

Questions from MR COOPER

MR COOPER: As you’ll understand, Mr Scally, I too represent a proportion of the families in this inquiry and continue to ask questions on their behalf. I want to go back, please, to the issue first of funding and resources to see whether we can just understand the programmes a little more closely as far as Counter-terrorism Policing was concerned at the time and in the events leading up to this atrocity and indeed to understand whether resources or, in particular, funding has been pumped, and I use that word advisedly from information I’ve read, into the system to help.

Your evidence to date, if I understand it correctly, is that there’s not a funding issue here as to how
Counter-terrorism Police were responding to the threat of terrorism leading up to 2017. Do I understand that correctly?

A. Yes, I don’t think it was a significant factor.

SIR JOHN SAUNDERS: Sorry, I’m going to stop you there just to examine that.

We know one of the fundamental problems MI5 and CT Police have is dealing with SOIs who are no longer SOIs. So keeping track of these 20,000, now 40,000, all that sort of thing.

A. Yes.

SIR JOHN SAUNDERS: And we certainly know, I think since the ISC report and since Lord Anderson’s review, that actually funding has been put into data, things like that. So actually, are you right in your answer, may it have been that if that funding had been put into that sort of organisation, that sort of enterprise beforehand, that that might have actually helped in your job of coping with these —

A. In, I think, 2015/2016, and we’ve repeated this since, we did an organisational review as CT Policing. So that says: what does the environment look like, what are our services, how much do they cost us? And we move — we might close some services down or open others because we think they’re a priority, and that’s something we’ve done on a number of occasions to produce efficiencies that we can then reinvest into the things we want.

So at any point in any organisation’s process, if you stop the clock, there will be things that are very mature and work, things we are trying that may or may not work, and things that we would like to do but we need some resources and we need to stop doing something else. So depending on where you stop the clock, there will always be that position, but I know nationally, and I was personally involved in this, we had gone through a very detailed process of looking at our demand against all our services, borders, Prevent, whatever it was, and making our investment decisions on that basis.

SIR JOHN SAUNDERS: I understand that. But specifically, dealing with new situation of dealing with data, helping with how you cope with closed SOIs, more investment has gone into that now. Had more investment gone into that earlier, might that have helped?

A. I think that would need us to go into what was the services, so in closed we would be able to say if you are a closed SOI, this is the service that you get, so to speak.

SIR JOHN SAUNDERS: The reality is that, almost always, more investment may or would have helped?

A. Yes, it does. I think the challenge with data is actually increasing the size of the haystack does not make it easier to find the needle, if I could use that analogy. If we’re adding more and more data, our challenge is the point you make: have we got the tools and techniques to join things up?

SIR JOHN SAUNDERS: I’m talking about — it’s not good having data if you don’t analyse it correctly.

A. Yes.

SIR JOHN SAUNDERS: So far as the day-to-day manpower, people on the ground to do the job as you were doing it then, you’re saying —

A. What I’m saying is in terms of the risk to the operations we were running, we were running at a very high pace, I fully accept that. But we were managing with the workload and the investigations and the management of intelligence, notwithstanding the bigger strategic issues of —

SIR JOHN SAUNDERS: I just wanted to divide those sort of issues off.

MR COOPER: Not at all, sir. I’ll continue with the theme. I’ll come on to data later.

But focusing on funding, I’ll put resources to one side because that may be a sensitive area which will be dealt with in closed. But funding. Immediately after this outrage, a significant increase in funding was given to Counter-terrorism Police and the general counter-terrorism process, wasn’t it?

A. Yes.

Q. In fact, the Home Secretary announced immediately a further £24 million to be, and the word used is “pumped”, into Counter-terrorism Policing? Are you aware of that?

A. I was involved in — I don’t know the details of that, but I was certainly involved in a similar process where we put forward proposals of areas we wanted to invest in.

Q. That was in addition, as I understand from our research, £707 million, that was already announced for 2017 and 2018. So we have £707 million in additional money for 2017/2018 plus £24 million on the back of these atrocities. So would you accept that clearly the view was more money was needed and it was, some might say, given?

A. The detail, headquarters and director of finance can deal with. From what you say there, the sort of figure of 700 and so million is our normal budget for CT Policing.

Q. And 24 million after Manchester and some of the other atrocities in early 2017. An extra 24 million. Let’s focus on that: an extra 24 million given by the Home
Q. You understand the thrust of my questions is, however, optimistic a gloss you put on it, Mr Scally, that at the time of this atrocity you and your colleagues were probably beyond my level of knowledge of this, Mr Cooper.

A. I can't really adopt the £24 million, that's beyond my knowledge of exactly what was arrived — — I can say for me in intelligence, the investment I asked for is to cope with that picture.

Q. This seems to be a catchphrase of mine now that's brought to this inquiry's attention? Since we have no idea, and I think we have made improvements. I talked earlier about the local commander would be briefed with the counter-terrorism local profile, so they would know in all their policing responsibilities what the threat looked like in general terms in their area. We had

1. Secretary. So clearly, more money was needed, wasn't it?
2. A. I think it's inevitable if you learn the lessons from an event such as this and all the events of 2017, that there may be areas that you want to invest in.
3. Actually, our approach, as I have just said to you, sir, was the first port of call is the things we should stop doing that we now don't need to do or repriorise and we reinvest that way. But I think in this case there were some additional investments asked for but that's probably beyond my level of knowledge of this.

4. Q. I understand. But do you know in broad terms, because you're a senior man in your profession, do you know in broad terms what the £24 million was used for?
5. A. I could't give you a full breakdown of it. I know from an intelligence perspective, I asked for some investments and I received those investments to allow us to respond. I've given the figures of how much things went up in 2017/2018, so I certainly know from my area of responsibility we received additional resources.

6. Q. This is just to be a catchphrase of mine now that's developing, but let me be blunt: the extra money was given because of the failings that became apparent as a result of Manchester and maybe other atrocities around Manchester.

7. A. I think there's a number of ways. It has changed since 2016/2017, and going into 2018 we received the money ultimately. So I know the director of police, Sir John Saunders: When we're looking at, as we are, and we will continue to do over the next couple of weeks, any potential mistakes made by CT Police, in your view none of that can be attributed to not having the resources?

8. A. In relation to the specific investigations we were carrying out, and I put to one side headquarters and the broad strategic issues — —

9. SIR JOHN SAUNDERS: That's what we're talking about, your investigations into this incident.

10. A. In terms of my teams saying they could not cope with the intelligence that was coming through or the number of executive actions or forensic managements, we were under pressure, certain parts of our organisation were under significant pressure, but that, I don't think, stopped us managing to deliver the service we would expect to do.

11. MR COOPER: I'll move on, sir.

12. I do want to ask you, though, about whether there was perhaps underfunding or undertraining in relation to certain sections of the police force that could have been assisted by Counter-terrorism Police. We've not dealt at all in this inquiry so far with the resource that the bobby on the beat, the community officer, could bring to counter-terrorism and assist you and work with you. We've heard about the cooperation between MI5 and Counter-terrorism Police, but I want to ask you a little about whether the resource of the community police officer, the beat officer, in terms of their training to recognise counter-terrorism issues is enough.

13. In 2017 and the years leading up to 2017, from your knowledge how was the beat officer, the community officer, integrated into spotting radicalisation, spotting issues of concern and reporting it back?

14. A. I think there's a number of ways. It has changed since and I think we have made improvements. I talked earlier about the local commander would be briefed with the counter-terrorism local profile, so they would know in all their policing responsibilities what the threat looked like in general terms in their area. We had
A. There are different approaches to that. Some of the ways we’ve tried to do it, there’s been a lot of focus on 2015 and the duty. My view of that, that increased — this is not all about policing, this is about people going to the doctor’s, people engaging with health, so the broadening of that duty to all those public authorities, we invested a huge amount of time in helping them and they have helped themselves to develop because they are the eyes and ears as well. And within domestic violence or child sexual exploitation, it’s not — it may often be those agencies that see the signs and that’s why the 2015 duty was so important because it said: this isn’t just a police matter, it is all public authorities where these individuals, through schools or medical practitioners — and health and schools are two of our biggest referrers. That I think was the change.

So I get the point, neighbourhood and community officers have a very important collection role, but it wouldn’t be down to the specifics of, “Can you tell us about that individual?”

SIR JOHN SAUNDERS: One more question, Mr Cooper. So in 2015, you’ve got this change and obviously you’re saying now, as of your view in 2021, we think this is a good idea. Was the handing over of the Prevent duty, taking it away, as it were, from the police and putting it in a local authority type perspective, welcomed by CT Police at the time in 2015?

A. Yes, I think we saw it — it was a reframing then of our role. So up to that stage we had had what were called Prevent engagement officers whose job was to do a lot of that local engagement. Because of that broadening of the duty, it allowed us to focus more on individual case management and all the issues that have been discussed here about how do we look at individuals. Because it broadened those who had an interest in spotting radicalisation to a much broader church of people.

SIR JOHN SAUNDERS: Thank you, Mr Cooper.

MR COOPER: Just developing, if I can, the role that the officer on the beat or the community police officer can add to the protection of this country and to assist you doing your job, it’s not just, as far as these officers are concerned, going directly to individuals, but they are known in the police force as intelligence gatherers, aren’t they?

A. Yes.

Q. They are often referred, police officers on the beat or community officers, they are referred to as intelligence gatherers. And the other aspect of that is this, isn’t it, that if they are known in their local locality and trusted, a well—known face, the community is more likely...
to go to them to express their concerns, aren’t they?

A. Yes, more likely. But the police may not be the first
port of call.

Q. They may not be, but I’m speaking — if there is a law
enforcement agency, as it were, who is most trusted
within their community, so people, if they are so
disposed, can give them information, it’s the beat
officer or the community police officer who is the
person usually?

A. That may well be so, yes.

Q. And I’m focusing at the moment on pre—2017 and 2017,
would you accept that that utility was not being used,
or at the very least being underused, in terms of
intelligence gathering?

A. I think the point would be: have we done more since
2017? Definitely. And so I accept the point that would
be made: should you have done that beforehand? So
we have done a lot more work since 2017 in strengthening
the role —— I think Basu’s phrase was, “All officers are
CT officers”. So I accept that point, pre and post
2017.

Q. That’s gracious of you, and I mean that, to do so. It
means that I can move on to just a few other questions
on the point. Because the issue of the lack of
information sharing between security services and

Counter-terrorism Police and the general police force
was raised, for instance, by the Intelligence and
Security Committee back in 2008. It wasn’t a new
problem, was it?

A. Between the two agencies?

Q. Between the two agencies.

A. It was referenced, yes.

Q. And indeed, one could have assumed, couldn’t one, that
if there was a problem between the two agencies, the
general problem of lack of communication, and I am
including now within this beat officers and community
police officers, the general issue of lack of
communication across the piece?

SIR JOHN SAUNDERS: If you don’t mind me saying so, I think
that becomes a different issue in a way, because one of
the problems with trying to identify with the ordinary
police force may be the further you spread it out, the
more risks there is of information getting out which
shouldn’t get out. I’m not making any reference to
ordinary policemen in saying that, but that’s a fact.

Between CT Police and MI5, there shouldn’t be any of
that lack of trust, whereas if you give it to CT Police,
they will go and (overspeaking) ——

MR COOPER: I see the difference, sir.

SIR JOHN SAUNDERS: So I think it is a slightly different
issue.

MR COOPER: I see the difference, sir. The issue we’re
trying to tease out here is not so much that but the
information that beat officers and community officers
may have as a matter of course. How is that plugged
into, for want of a better expression?

SIR JOHN SAUNDERS: And I think, as we’ve examined, it’s
a good idea in practice, but it may be quite difficult
to do safely.

A. I think in the broad sense, should they recognise
threat, if they’re doing a house search what would they
see that might be of interest to us, theirs is
definitely a very key role. If we give community
officers and neighbourhood officers the right tools for
them to spot things in their normal duties —— and they
have a huge range of normal duties and we recognise CT
as one part of that. There is absolutely a role and
a very key role and that is why the College of Policing
has now said vulnerability to radicalisation is a core
vulnerability. Each police force in this region has
a non—CT lead to deliver Prevent for the very reasons
you say, Mr Cooper: they are good and valuable
intelligence collectors for us. Our challenge is to
give them the right tools and not overwhelm them and
recognise they have a huge range of demands upon them,
of which CT is but one.

MR COOPER: I’m grateful for that. For instance we have
beat officers who are advised and given specialist
assistance as far as recognising drugs, for instance, so
if they go into a house and they seize something, they
are immediately aware of its presence. Awareness
raising is important, isn’t it?

A. And has been done.

Q. Since 2017?

A. Well, we had a SPOC, single point of contact, network
I have explained earlier, so officers who would come in
—— and this was our own local initiative —— plus some
additional professional development, signs they could
spot, et cetera. They were front line officers and that
work was recognised as good practice at the time, but
I accept the point you made and since 2017 there’s been
a real push to say how can we do more for front line
officers to collect for us (overspeaking).

Q. I’m very grateful, thank you. You’ll understand my
questions are not hostile, they’re designed to help us
in the future and help you do your job.

A. I’m trying to be helpful.

SIR JOHN SAUNDERS: I hope none of your questions are
hostile, Mr Cooper.

MR COOPER: Absolutely. I’m very friendly.
Can I link on to another topic, which is actually linked to what I’ve been asking you about, which is the locality. My learned friends before me have more than ably dealt with that, so I’m not going to go over old ground. But the fact, as we know it, that the area where Salman Abedi and Hashem Abedi were inhibiting, South Manchester, Fallowfield, Little Tripoli as it was known, and Witness J confirmed that, given the high octane level of that Libyan community and the concentration of it, once again local officers and local community officers within that community particularly would have been of particular assistance, wouldn’t they, leading up to 2017? I’m speaking now in particular in relation to this inquiry’s issues, not just generally. Beat officers, community officers, would have been of great assistance in Little Tripoli, wouldn’t they?

A. I think I’ve spoken to the role that they have.

Clearly, that area had a significant number of challenges. We’ve talked about the gang culture that existed there and all that came with that. So within that mix, there is definitely a role for front line officers and specialist units that operate there to collect intelligence that may be relevant for us.

We can normally access that through police systems.

SIR JOHN SAUNDERS: Thank you.

MR COOPER: So far as you can help us, Mr Scally, what sort of work were Counter-terrorism Policing doing with mosques in the area? What sort of communications, so far as you can tell us in open, what sort of work was being done to gain information and to get cooperation?

Firstly, mosques.

A. Pre?

Q. Pre–2017, yes.

A. I think between this hearing and closed, we can describe how we responded to the threat that I said we had recognised. In terms of the overt activity, we have Prevent engagement officers who would have been well—known to all the mosques in that area. I think there were certain mosques where we had away days with our officers and theirs and the name is in the title: they were engagement officers. That was their job: to be out in the community, working with mosques or any relevant institution where we thought there was benefit in building a relationship.

So for instance, as Syria emerged, we did an initiative which was part of a national called the Syria Passport, so going to mosques — — and there is a very strong charitable theme to the Muslim faith, so explaining to people they need to be really cautious how they might want to do humanitarian aid through reputable charities. So that relationship was there and it was based around our Prevent engagement officers.

Q. And did you find generally that you were receiving cooperation from the mosques?

A. I haven’t got all the details of who we saw and when. But I think we had a relationship with all institutions. Whether that varied from one to another, I couldn’t say.

Q. There are others we can deal with the issue on and we’re having witnesses later on in the year on the issue in relation to mosques, but I simply ask you this: are there improvements that can be made concerning the relationship between Counter-terrorism Police and mosques so that mutually the two can work together more efficiently to identify the threat of radicalisation from your perspective?

A. I think we’re always open to that, but I think there’s a number of agencies which can engage. Most religious institutions will be charitable. We have an embed from the Charities Commission, there’s work they can do. If they have an educational facility attached to it, OFSTED have a role to play. I think we are one of the partners within that, and clearly local authorities and others. So I don’t think it’s just a police relationship with any of these institutions, I think it’s a range of people that they can engage with. I have given
Charities Commission and OFSTED as two other people who have a legitimate interest in building a relationship and delivering — making people understand their responsibilities about safeguarding or Prevent generally.

Q. This may be entirely misconceived by me, but it all sounds a little soft touch.

A. What do you mean?

Q. Low key as opposed to going — — and I'm not just highlighting mosques here, I'm going on to schools and colleges in a minute, so I'm not just highlighting that sector. Rather than going in and giving clear directions as to what should be looked for and regular reporting back as to anything that concerns — — maybe for instance giving advice as to the tone and manner of preaching as to whether it may well be verging on the illegal. I'm not going to go into specifics, we'll deal with that later. But shouldn't Counter-terrorism Police be a little more firm in guiding what is required and what duties are of reporting and self-regulating? And I'm not just focusing on mosques, I'm going to be talking about schools and colleges. I don't want to be misinterpreted.

A. Putting institutions to one side, the Prevent duty makes it very clear to all the public authorities what their duty is and I don't think it is for the police to go and lecture them about that. I am slightly concerned about a tone where we are going to communicate to institutions and dictating to them how they run them in something that is not a criminal matter.

SIR JOHN SAUNDERS: I think actually you are talking about criminal matters in a way.

MR COOPER: Yes. SIR JOHN SAUNDERS: Sorry, if you were to hear, get information, that a particular preacher at a particular mosque was in fact — — could be interpreted as encouraging terrorism, then presumably you would interfere as you would in any criminal case?

A. Yes, we have a process in Prevent where we have a relationship, so somebody has somebody coming to a university, let's say, we can go and explain to them our concerns. They are a private institution. If they want that individual to come and speak then we at least have had a conversation with them. I'm not sure what more we can do at that point. If a criminal offence occurs then clearly we will make a decision about whether that is investigated, but I think there's — — well, these are private institutions, there is a boundary as to where the police can go beyond advice, I think, sir.

SIR JOHN SAUNDERS: Mr Cooper, it's an important topic. It also feeds into the Prevent Inquiry which is going on and I certainly don't want to do anything which may prejudice that. I'm also well aware there are quite strong feelings in this part of the country about this and I don't particularly want to extend my inquiry into getting to a state where people want to come and talk to me about whether Prevent is working properly and things like that.

MR COOPER: Let me emphasise, sir, my questions are purely asked neutrally and let me emphasise the tremendous and cooperative work mosques, colleges and schools give to the process. I wouldn't want to be misinterpreted.

SIR JOHN SAUNDERS: No, no, you're perfectly entitled to say what you are saying. What we need to establish is that if a criminal offence is suspected, that the Counter-terrorism Police will go in and investigate and do it properly wherever it's taking place.

A. So we do have a policy and approach to premises, private, where we can advise and we're very keen to advise. But clearly, the boundaries are for them to manage in a pre-criminal space. We can do more — — but your point about should we give people the information on which they can ask, yes, I think we should, and I think through our engagement we do, so things like humanitarian aid, when Syria arose, what travel to Syria might mean, and how they should consider and be cautious about. That was a whole programme of work done with communities. Decisions are made by individuals. We can hopefully give them the information they need to make an informed decision.

MR COOPER: I understand. What about, for instance, the same question that I've asked of mosques I ask you now of the engagement of Counter-terrorism Police with schools and colleges, so much so that they can extract from them or encourage them to give any information relating to concerns about students? Is there a process for schools and colleges that Counter-terrorism Police encourage? What is the relationship between schools and colleges and Counter-terrorism Police?

A. Yes, the process is Prevent.

Q. That's the process, I see.

A. So if they feel they have somebody who is vulnerable to being drawn into terrorism, they have a duty — — so this is — — they have a wide duty under the Prevent duty. If they have concerns about a particular individual they should put a referral in, and as I said earlier, education and health now are our two biggest referrers.

Q. So this goes back to Prevent and I'm aware of — —

A. That is — —
SIR JOHN SAUNDERS: I’m not stopping you, I’m just saying I don’t want to run across what may come out of the other inquiry.

A. Clearly if it’s a criminal concern, and we have had these from schools, we would expect, if it was an urgent criminal matter, we would be told about that in the normal way and we would respond.

MR COOPER: The last 20 minutes of my questioning or so has purely been meant to draw in the intelligence and resources that’s out there in the community, not for instance the highly technical stuff that you and MI5 deal with, but the actual real stuff out there that members of the public potentially can see and schools can see and other institutions can see. I’m just trying to tease from you, if it assists the chair, how can we see and other institutions can see. I’m just trying members of the public potentially can see and schools deal with, but the actual real stuff out there that’s out there in the community, not for eyes and ears out there amongst all the agencies and enforcement professionals like yourself and your colleagues know, and they’ve expressed this concern and others have said this, that there might be a familiarity with the term which causes one not to be so alert about it, you’re saying that in your job you know all about it, more so than perhaps others?

A. Yes.

Q. I see. Do you think nonetheless there’s a risk that others that don’t know the detail that you and your colleagues know, and they’ve expressed this concern and others have said this, that there might be a familiarity and an overfamiliarity with these terms to others?

A. Yes.

Q. Which causes people to be less vigilant perhaps?

A. I think they have to be meaningful. So in a community such as we’re talking about, or in a geographic area to be more accurate, the fact that a threat is severe, I would expect, is far less relevant than the fact that members of their community are travelling to Syria or and that is known within the community or there is a cause a degree of complacency or might there be a risk that anyone that engage in the community, and that includes friends and families, is really important to us.

Q. And those eyes and ears, moving on to my third topic now just before we break perhaps, particularly within the community, particularly within the public, need to be heightened, don’t they, at certain phases of life in the nation, threat levels and that sort of thing?

A. Yes.

Q. And the question is this, and it’s a matter that’s been put by the chair on a number of occasions to a number of witnesses: do you think that the threat level, it was severe at the time and had been for a while, caused a degree of complacency, perhaps, not just amongst law enforcement professionals like yourself and your colleagues, but also amongst the community? They become rather complacent, “Oh, it’s severe, it always has been, we don’t need to really be on that much alert”. Do you see the point I’m driving at here?

First question here, let me break it down: does that cause a degree of complacency or might there be a risk of it within people doing your job?

A. I don’t think it’s a degree of complacency, but it’s a recognition that it’s a national threat picture. So certainly as police officers, we’re aware of that, but we’re aware of it more so because we’re investigating terrorism on a daily basis. Perhaps it is very obvious to us what the threat is. The JTAC severe threat assessment is for the country. As police officers in CT we are doing the work that generates that threat.

Q. I understand. So therefore those that might have said to this inquiry that there was or might have been a degree of, I’m not sure whether they used the word complacency, but I’ll shorthand it, or familiarity with the term which causes one not to be so alert about it, you’re saying that in your job you know all about it, more so than perhaps others?

A. Yes.

Q. Lastly this, perhaps, before with the chair’s leave we take our mid—morning break, the point I put to you about fellow professionals and others doing the job in...
MR COOPER: The point I’m making is: should there be different threat levels for different regions?

A. I think JTAC and others would have a view on that. I think, for me, it’s about how do we get the important messages to the right people.

SIR JOHN SAUNDERS: It’s worth thinking about, isn’t it, because particular concerns would reflect from the general level that would particularly concern you in Manchester? I think it would be very difficult to do but at least it’s worth seeing whether the chief constable should be putting out a message in addition, or even the Mayor, in addition if that’s actually relevant.

A. I think we put the messages out. I’m struggling to see —— “We want you especially to listen to this in Manchester”. Our threat, a threat from an overseas planning unit, who knows where that might land back in the UK. You know, that all feeds into why we think that’s severe, that likelihood is so high. Saying it’s now here I think is much more difficult.

SIR JOHN SAUNDERS: I’m sure. Okay.

MR COOPER: I only put these to you so we can ventilate this and we know where we stand. Would that be convenient?

SIR JOHN SAUNDERS: Yes, it would be.

MR Greaney, obviously this is the end of our week of

perhaps be more nuanced to engage people more in the warning.

A. I think the threat level is the starting point. I don’t have a problem with that. It’s how we convert that into, “Here is a ‘Run Hide Tell’ campaign”; or, “We’re running a ‘Run Hide Tell’ campaign because you may at some stage”, and we have to balance this message, “be caught up in a terrorist act and you need to know what to do”. So I’m happy that severe tells us what our starting point is: it’s converting that into products that are memorable and bespoke to areas of the community such as business or a member of the public who may be going around their normal life.

Q. Or perhaps, not so much a bespoke section of the community but an area in the country, so “Threat level severe: Manchester”? Different perhaps than, I don’t know, I just pick it off the top of my head, Wolverhampton or somewhere?

SIR JOHN SAUNDERS: You’re very concerned about Wolverhampton! A main interest in his life at the moment.

MR COOPER: As opposed to Birmingham, yes.

SIR JOHN SAUNDERS: Let’s compare Manchester to Wolverhampton.

A. I’m not sure what the threat level would be.
MR GREANEY: You had an allocation of an hour ——
MR WELCH: I think I had 45 minutes and I anticipate I'll probably be half an hour.
MR GREANEY: That's very helpful. And then we have 15 minutes for Mr Sheldon, who is indicating he doesn't think he'll be that long. And finally Mr Horwell, again 15 minutes' allocation, and he is indicating he will be within his time allocation, so we will be finished by 1 o'clock or thereabouts. So I suggest that we should sit until we finish, even if that involves going a little into the ordinary lunch hour.
SIR JOHN SAUNDERS: Are people happy with that? It just gives people some idea. Thank you very much.

(A short break)

MR COOPER: Whose decision was it on 23 March 2017 to port stop this man? Was it Counter-terrorism Police or was it MI5?
A. I can only say that a borders officer, part of CT Policing, carried out the schedule 7 stop.
Q. Are you saying that my question is simply whose authority was it that the port stop was taken to deal with this man, counter-terrorism Police or MI5? Is that a matter that should go in closed session?
A. Yes, I think it should. I'm happy to explain that in detail in closed.
Q. Well, I obviously have to take it from you and have to leave it with the ——
SIR JOHN SAUNDERS: I have to allow, as we said yesterday, an opportunity to make submissions to me about where it should be and I can't do that at the moment.
MR COOPER: All I will say is, sir, is that in our submission, on the bald question, because the issue is there already, it's been ventilated, as to the primacy of the decision is Counter-terrorism Police, we know that, that's in evidence. I'm simply asking whether it can be confirmed in this situation, whether that situation was the same. I can't see why that's closed session.
A. Can I explain why I think it is? Generally, and I think in Simon Barraclough's statement he said and we've heard here, it could be a completely independent decision by CT Policing or we may be asked by another agency and a decision based on that. That's the general approach that's been accepted. What I can't talk about is an individual case and what sat behind that.
SIR JOHN SAUNDERS: We'll look at it. Obviously we'll have in mind what you're saying.
MR COOPER: Of course.
SIR JOHN SAUNDERS: I do understand, Mr Scally, you feeling it necessary to be cautious.
MR COOPER: I understand also. Let me try and push the envelope a little forward with another question. As a result of the information obtained from this man, and I'm referring to downloads, and you're aware what the downloads were, I'm not necessarily going to repeat them even though the feed is cut, you're aware of the downloads. Mr Weatherby referred, for instance, to the
SIR JOHN SAUNDERS: Right. Just so I understand it when I'm considering -- sorry, I'm talking to you, at the moment, Mr Cooper. I do understand the importance that you have just identified to the families of knowing this, because obviously this may be something which is relevant to any decision that I make, which is the question of things not being dealt with immediately and things being overlooked which should have been considered.

MR COOPER: As far as we do know, on information supplied to us, and this is as far as I will take it, that on 25 April the material was handed to a DC Mike Morris on 25 April. We were told that in a statement by DC Macmillan, {INQ006049/1},

I’m asking this question if only to highlight it for a closed session, if that indeed is the issue.

SIR JOHN SAUNDERS: Absolutely.

MR COOPER: The material taken from this individual at that port stop, we’ve been given information, open information, disclosure, that was handed to DC Mike Morris on 25 April, about a month -- --

SIR JOHN SAUNDERS: Okay just, tell me, will you, I’m sorry, because it is information for me at the moment rather than the witness and I don’t want him answering.

MR COOPER: I will turn to you, because it was framed as a question, but it will be submission now.

We have information from a DC Macmillan, {INQ006069/1}, that the product obtained from the individual port stopped was handed to a DC Mike Morris on 25 April about a month or so later. And my question was going to be, so far as we could get an answer, between 23 March and 25 April had anyone else seen it?

MR GREANEY: Sir, I’m certain that you will discover the answer to that entirely proper question during the closed hearing and at that stage, of course, you will be in a position to decide whether any part of that answer can properly be broken out into open. So it is an entirely understandable question and I can assure Mr Cooper and those he represents that it is going to be investigated.

MR COOPER: If it helps, sir, to add to that, before you form a view, I just have been told by my learned junior that in fact we do have information from the statement that until it was handed to that officer on 25 April, it was kept in secure storage. So the evidence we have, it seems, is that, already, that from 23 March to 25 April it was simply held in secure storage.

SIR JOHN SAUNDERS: Okay. That may or may not be a fair inference. You know as well, if not better than I do, that there are occasions when police officers keep things in secure storage and take them out from time to time to do certain things with them. So that’s not necessarily -- I’m not criticising your junior, but it’s not necessarily a safe inference to draw. But we will look at it. And absolutely, so where there are perfectly legitimate questions like that, which are of interest to the families, if we can answer it without impeding national security, we will do so.

MR COOPER: Thank you.

SIR JOHN SAUNDERS: I just want people to be reassured about that.

MR COOPER: In many respects the job I’m performing is to make sure people understand it’s on the table, as it were.

SIR JOHN SAUNDERS: Well, it is on the table. Thank you.

MR COOPER: Then I’ll move on and we’ll see where we get or where you get in the closed session.

I want to ask you a very short series of questions about the JTAC report of 2010. Again, conscious of timing, I’m going to put the question very straightforwardly to you. It seemed from the evidence you gave yesterday that you were downplaying the importance of that report, the 2010 report. Would I be wrong in that assumption?

A. Yes, I wouldn’t agree with that assessment.

Q. It seemed that it wasn’t necessarily, as far as you are
A. No, and if that’s the impression that I’ve given, then I will be very clear about what I think I said or what my view is: it would have been updated, it would have been based on information that was known to us in any case, and so over the years, as you move away from 2010, there would have been more relevant contemporaneous products that told us what the threat picture was.

SIR JOHN SAUNDERS: Tell me: here we are in 2021, how relevant is it now to your considerations?

A. I think we’ve moved a long, long way. In that period we used to do quarterly threat assessments with our partners. As the police, on our own, we do an annual strategic assessment nationally that sets our priorities.

SIR JOHN SAUNDERS: Okay, you’ve moved a long way on.

A. I’m not saying the threat picture has changed, there are still elements in that and we recognised that threat at that time. But saying that is the document that informs us, I think it would have been considered out of date.

SIR JOHN SAUNDERS: Thank you.

MR COOPER: As far as that document is concerned, and I mean the JTAC document of 2010, again you’ve been asked questions on this by others and I won’t trammel that old route, but simply this, that what that JTAC document was directing people to do was to take into account all the very things that were flagging Salman Abedi: background, parental influence, criminal gang connections, locality.

All the things that were of high relevance to Salman Abedi were being flagged in that 2010 report, weren’t they?

A. I think those characteristics could be fairly applied to him, yes.

Q. And you are saying that those characteristics flagged in the 2010 report were carried forward in other future guidance that was given?

A. I said that characterisation of that threat was recognised amongst many other priorities and would have been borne in mind and I think as Witness J said, ultimately you have to get to the point of: are we applying that thought to this individual and what threat does this individual pose? And a general description of where a threat type may arise is very different from an individual threat assessment.

Q. These documents you refer to as carrying on from the 2010 report, are these documents we can see and consider, to see whether you’re right in what you say that they were carrying on JTAC’s view and developing it? Which reports were you referring to? You’ve been talking generally up until now. What documents are you referring to?

A. There are strategic assessments done by Counter-terrorism Policing based on the secret intelligence we have available to us that allow us to prioritise what we see as the threats we face. And they are based generally on secret material available to us.

There was a process which we carried out with MI5 on a regular basis to do a similar thing, to assess what we saw the threats to be, again based on secret information available to us.

And then from 2016 onwards, within CT Policing, there was a national approach, so a national threat assessment was done and, from that, national priorities were identified and then there were responsible officers allocated responsibility to deliver a plan against that threat.

So if a threat was online radicalisation or Syria, is the obvious example, an officer was appointed nationally to lead on that and a plan was put in place that all regions were expected to work to.

Q. Have any of these documents that you’ve just referred to been disclosed to the inquiry legal team?

A. I would have to look in the large amount of material we have disclosed. There is no objection if they are needed. We are going back over a period of — —

SIR JOHN SAUNDERS: Just to focus, really, on the relevance of all this, it seems to me — — and you can argue this, if necessary — — the 2010 report identified problems in a particular area of Manchester and characteristics of people who may be part of that problem.

A. Yes.

SIR JOHN SAUNDERS: Okay. Were you aware of — — although you didn’t read the report, were those characteristics something you were aware of when you started as being people who are possible candidates for radicalisation?

We’ll come back to the individual in a moment, but I’m not making what Mr Weatherby would describe as a class decision in any way, we’re looking in general terms when you’re looking at a group of people from where radicals or radicalisation may come.

A. I think that is that general awareness, the circle I talked about earlier, and that is often informed by our investigations and what we see.

SIR JOHN SAUNDERS: Were you aware of those characteristics of Manchester and alert to those things when you started in 2013?

A. Yes. I was in the overt investigations. Those in the
SIR JOHN SAUNDERS: Thank you.

MR COOPER: On the gang analogy, we will draw on our own experience here of dealing with such cases, I hear your evidence about how you can take into account communications that Salman Abedi had, who he was talking to, who he was meeting and the level of evidence or lack of it that you can use. How does that sit, for instance, with policing in other areas? We’re constantly hearing evidence at the Old Bailey of rap music and lyrics being used as central focal points of prosecution to establish whether a person is a member of a gang or not. Quite a controversial area of evidence.

SIR JOHN SAUNDERS: Controversial and not that often but maybe you are more familiar with it than I am — —

MR COOPER: More — — well, that’s for another day and another time.

Let me suggest to you that that is still being used with cases, and I can’t give evidence, but with cases that are still current. If, for instance, the police are using what’s said on a piece of rap music as evidence sufficient to establish someone’s gang membership, doesn’t that make your approach to the evidence on Salman Abedi look somewhat complacent?

SIR JOHN SAUNDERS: I’m going to stop you for a moment. If you found that Salman Abedi was going along, singing a rap tune saying, “I’m going to blow up Manchester”, would that be something you’d take account of?

A. I think we would, sir.

SIR JOHN SAUNDERS: I’m not sure the analogy is necessarily — —

A. The point I would make, Mr Cooper, is in any criminal enterprise, in my experience, there are a huge number of interactions, some are friendships, some are familial, some might be business, some might be involved in the criminality, some may think it’s going on but turn a blind eye. Our difficult task in all the interactions people have in whatever that criminality is, is to try and understand the context of that particular relationship and what it means to the threat, whether that’s drugs, firearms or terrorism, that we are trying to tackle. That’s the challenge we have.

MR COOPER: The reason I was interested, a matter for the chair of course, in seeing these other documents you refer to that carry on from the 2010 document was for someone to look at it and see whether there were things said in there that reference, I don’t mean personally, Salman Abedi’s situation or someone like Salman Abedi and were missed. That’s why I would like these documents to be seen by someone to see whether these
documents were giving warning signals that could have been applied to Salman Abedi and weren’t acted on.

I’m in the hands of the inquiry, whether you seek these or have got them. Just as we’ve analysed whether the guidance being given by the 2010 document was followed, we would like it to be examined as to whether these superseding documents were being examined or not. I can take it no further.

Again, I can précis this question, a big issue which has been dealt with by others in one, as it were. Given the cumulative nature of all the matters that have been referred to you by my learned friends in relation to Salman Abedi, his travel, his communications, his family, his associations, indeed where he lived, all of that cumulatively put together, your department, the Counter-terrorism Police, there’s no other way of looking at it, were complacent, weren’t you, in how you dealt with Salman Abedi?

A. I don’t believe so.

SIR JOHN SAUNDERS: Let’s just look at specifics. I think we need to timescale this. We know Salman Abedi is an SOI. So are you saying they are complacent in closing him as an SOI or are you saying they are complacent in not re-opening him at a later stage?

MR COOPER: I’m conscious of time. That’s why I’m — —

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SIR JOHN SAUNDERS: Absolutely, (overspeaking) as you like, but for any of those stages, do you believe you were complacent?

A. I just go back to the relationship: the lead for this are the intelligence agencies who come to us for assistance and they come to us when they believe somebody meets a threshold, needs to be investigated, or we have a joint decision about that. I don’t believe those were inappropriate decisions in terms of opening or closing. But clearly, those are matters we can go into.

SIR JOHN SAUNDERS: If mistakes were made, if, were they attributable to complacency?

A. I don’t think complacency...

SIR JOHN SAUNDERS: Okay. But it doesn’t mean mistakes aren’t made, even if you are not complacent.

MR COOPER: Sorry, sir, I thought that was a question.

MR COOPER: On the subject, but taking it forward, you used the distinction between intent and capability. Do I understand from that that if you had material that related to any individual that related to intent, then they would immediately become a subject of interest, more than that they’d probably be arrested?

A. It would depend on the threshold. What I mean is intent can be a general supporting of an idea, a general intention, “I might do this, I might not do that”. In part of our assessment of that, we consider a person or an individual’s intent and what the intelligence or evidence says about that. And then we consider their capability, so even if they want to do it, could they do it? And we come to a view about the likelihood and the level of risk, as I have explained several times, that would then go up the intelligence management system to decide how we respond to that.

So in considering any threat or risk we consider: have we got evidence or intelligence of a specific intent? If we have, is the individual capable of — — what’s the level of capability? But that’s one of a number of factors that we’ll consider.

Q. Salman Abedi clearly was showing intent, wasn’t he, and on top of that, he was showing the access to resources to activate that intent, wasn’t he?

SIR JOHN SAUNDERS: There’s a couple of questions in there. So was he clearly showing an intent?

A. Intent to do what?

MR COOPER: To detonate a bomb. I will put it more widely: to commit a terrorist atrocity.

A.Well, we’re going to step into all the material that was — —

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SIR JOHN SAUNDERS: Let’s look at this. At any stage were you — — clearly he had the capability, he demonstrated that. So no one could have come to the conclusion that he couldn’t be capable of doing a terrorist act if he wanted to. So at any stage were you satisfied that he had the intent to carry out a terrorist act?

A. I’m trying to think how I can answer that without — —

SIR JOHN SAUNDERS: If you can’t answer that (overspeaking) — —

A. — — (overspeaking) the whole intelligence picture.

SIR JOHN SAUNDERS: Okay.

A. And the point about capability, the issue for us is: was it reasonable that we could have seen that and, if we did see it, how would we have responded to it? I think that’s the legitimate — —

MR COOPER: Can I suggest to you, in the absence of what I may be able to say in closed session, on the face of it, on what we’re hearing, can I suggest to you he clearly did have the intent on all the evidence that we’ve heard? I have précised some of it.

SIR JOHN SAUNDERS: Mr Cooper, I’m really sorry, but no doubt he did have the intent because he did it. The actual question is: did you understand that he had the intent? And you have said you want to deal with that in detail, looking at various different stages when we’re
Mr Cooper: Then I can’t take it any further, can I?

Mr Saunders: I’m sorry.

Mr Cooper: It certainly struck me that we went into a restricted area when I was asking about the port stop. I hope we’ve come out of it, we never marked the moment, as it were.

Mr Greaney: I’m sure we’ll attend to the YouTube feed. We cut the YouTube feed only for that section. Thank you for raising it, Mr Cooper.

Mr Cooper: You mentioned the independent advisers group that you’ve got. Again, very briefly, I’m not asking for names, but I’m asking for backgrounds. What sort of people are in the independent advisory group?

A. It’s more correctly termed the Counter-terrorism Advisory Network. It’s a network that each region has a group and we have on that members of the community, academics, people who have been touched personally by terrorism.

Q. And Manchester, I presume, has one?

A. Yes, we have it as a regional one.

Q. What sort of things do they advise on?

A. We can take to them things like Prevent, how does this messaging seem to you — I’ve had meetings, not necessarily with that group but with other community groups, about schedule 7, how is schedule 7 applied what’s the public view of that, is it disproportionate.

We’ve taken messages we want to put out to the public that are maybe very police —y from our perspective and ask for their view of how that might land, so a whole range of areas.

Q. Can a feel for it. How often does it meet?

A. I think ours is run by our Prevent coordinator on a quarterly basis.

Q. Quarterly, did you say?

A. I think so, yes. It’s part of a national network, so the head of Prevent nationally, Nik Adams, my colleague, runs a national advisory network and then a member of ours will go and attend that. So we run a regional one that supports a national approach where broad questions can be put to the group and their views sought.

Q. I won’t go any further into that. I’m conscious I’ve got about 10 minutes. Can you please look at, I don’t read the papers as vociferously as Mr Weatherby, but I do have one item to put to you, which you’ve been made aware of, and even has an INQ number, {INQ042260/1}. This is a document, in fact to look at the text it might be easier to go to {INQ042180/1}, which is a better text. Same text, easier to read.

This is an item that appeared in The Times newspaper on Friday, 29 March 2019. I acknowledge immediately, as I do, that one of the contributors represented the Metropolitan Police. But the two contributors are Andrew Parker, director — general of MI5, and Cressida Dick, Commissioner of the Metropolitan Police.

They deal within this item, which you’ve been made aware of. I don’t know whether you’ve had a chance of reading it.

A. I probably orientated myself better on the cutting.

Q. {INQ042180/1}.

A. Just for clarity, the Commissioner of the Metropolitan Police is the lead counter-terrorism officer, so —

Q. Thank you.

A. — quite rightly, she is there.

Q. That’s helpful. I want to ask you just a couple of questions based on what’s said there because it deals — one of the aspects deals with data. This is back in 2019. If we look just above the sub-heading:

"Many attacks have been stopped by reports from the public.

And just above that if you can see it:

"Three key themes emerged from the review of the 2017 attacks: how we use data; the need for intelligence sharing at local level with other organisations; and the need to step up national efforts against other types of violent ideology, such as the far right."

I’m going to concentrate on the first two, if I can. The authors go on to say this:

"On data, we identified ways in which advances in that field enable us to sharpen our ‘radar’ and increase insight. There is no magic solution, but there are valuable gains to be made by going further in data analytics and related technologies with parts of the private sector. We have made important progress already. Used in combination with knowledge from our behavioural science experts [I touched on that with Witness J] this will give us an earlier and richer picture of our cases. It could also help us spot more quickly when individuals known to us from the past reengage with terrorism. We do not have the resources or legal justification to actively monitor those many thousands of individuals. The challenge we are addressing is how to detect signs of developing intent."

Do you agree with what the authors say there and what I have just read out?

A. Yes.

Q. So there in 2019 also there was reference, admittedly nearly 2 years after the atrocity in Manchester, to the need for further data analytics. What progress has been made since 2019?
A. So those — —
SIR JOHN SAUNDERS: Lord Anderson has done a report on that,
so he actually deals with it in detail, so I think
we can just deal with it in a fairly — —
MR COOPER: It’s simply up-to-date progress is what I’m
asking as far as this is — —
A. Those reference the learning from the post-attacks
reviews and the broad themes, as you said, sir, of data
that Lord Anderson raised — — a lot of those initiatives
sit within MIS and it wouldn’t be appropriate for me to
speak to them. Clematis and Daffodil is something
that’s been discussed here that mines data to try and
find insights and specifically I’m sure we will cover
that. But my experience since then is both ourselves,
we are developing a data strategy, but we have different
data sets than MIS.
MIS, if I can be so bold, have been incredibly
innovative from what I have seen. They are willing to
experiment, they are willing to try things with data,
some work, some will not work, but certainly products
that I have seen recently from them would absolutely fit
with that model of trying to find the very difficult
challenge of how do you find behaviours or combinations
of behaviours in data. And that — — we all know the
social media world that seems to know exactly what I am
going to type in at any moment and our challenge is to
try and do that with our data.
The real challenge we have is that’s based on
a really small number of successful attacks, so the
behaviour — — we have to be very careful about how we
attribute those behaviours. But from that small set,
there has been significant progress in trying to say how
do we find those behaviours in the huge massive data
sets that we hold.
Q. All right. Let me move on then to just the second
theme, then I’ve finished with this document. The
authors go on to say:
“This is related to the second theme of sharing more
information at local level. A broader multi-agency
approach to managing the risk in communities posed by
individuals linked to violent extremism can succeed
where a more active, intrusive investigation might not.
This means sharing intelligence with a wider range of
partners than before, such as health [and you touched on
this] and social service departments, to make use of
local expertise. Several pilot projects are running
with a view to introducing a national scheme. This
approach has parallels with how the authorities manage
the risks posed by sexual or violent offenders.”
And the third element I don’t need to tax you on.
Q. And it gives advice as to how to access support and
help?
A. Absolutely, yes.
Q. And this again is an example, perhaps, of trying to
engage ordinary members of the public, if I may use the
word, in spotting radicalisation and acting reasonably
to suspicions they may have?
A. Yes. The ACT campaign, Action Counters Terrorism, is
aimed at both police officers, so there is product there
specifically about signs that they may see, particular
areas such as business. But the area you’re focused on,
quite rightly, there is some advice from a protective
security perspective of “Run Hide Tell”, but very much
saying to families and friends: you may well see these
signs, this is what they are, and if you do see them,
this is where you can report it to.
Q. And this really takes us back to virtually my very first
series of questions earlier on this morning, and that is
the importance of harnessing the community and other
A. I would agree, yes.

SIR JOHN SAUNDERS: I’ll use your 2 minutes. I will look at this website. I have to say I haven’t looked at this app at the moment. Really, obviously, a very good idea, no suggestion not. Of course, you’re not only informing members of the public and families and friends what to look for, you’re also informing the potential terrorist of what people will look for as well. So in a way, they know what to avoid of the telltale signs. So there’s always got to be that limitation.

A. Yes.

SIR JOHN SAUNDERS: Local communities. Clearly, a good idea to get the local communities involved, as was being said by Andrew Parker and Cressida Dick. As you’d expect, lacking in great detail, but the best way is actually to go out to the local community and those people who you’d go out to at the moment and say —— we’ll use Salman Abedi. He has just become a past —— we’ve had him in as a person of interest, an SOI, that’s now stopped, but inevitably with any of these people there’s always a danger they’ll come back, so would you please keep a lookout for Salman Abedi? If you see him in your school, your university, you’re a doctor, even people in college, he’s now a closed SOI, if you see some dangers just tell us?

SIR JOHN SAUNDERS: Okay.

A. How can we put a plan together to manage them? That’s called multi—agency centres, it has developed even further than that, to look at a wider approach to how we manage nominals, but that applies to closed. So that’s what’s been referred to there: a much broader sharing of intelligence and information.

SIR JOHN SAUNDERS: I understand the sharing, it’s just whether it gets down to the best level, which is actually the individual person: this person is at your

A. There have been occasions, and I can think of one, where you don’t do that, do you?

SIR JOHN SAUNDERS: Identified to a particular individual?

A. That is for closed individuals or some closed individuals, and I can explain in closed the choices that are made.

But for the higher—risk ones, as detailed as possible a form of words is given to us by MI5, and then we work with local authorities and what other agencies are needed to say —— and it’s an academically designed risk assessment, “This is the risk of this individual, we are going to give you this information”, which in the past we would not have.

SIR JOHN SAUNDERS: Local communities. Clearly, a good idea to get the local communities involved, as was being said by Andrew Parker and Cressida Dick. As you’d expect, lacking in great detail, but the best way is actually to go out to the local community and those people who you’d go out to at the moment and say —— we’ll use Salman Abedi. He has just become a past —— we’ve had him in as a person of interest, an SOI, that’s now stopped, but inevitably with any of these people there’s always a danger they’ll come back, so would you please keep a lookout for Salman Abedi? If you see him in your school, your university, you’re a doctor, even people in college, he’s now a closed SOI, if you see some dangers just tell us?

A. The multi—agency centre deals with the top—level risk closed subjects of interest and that’s precisely what it will do. It will bring together the agencies and it will say: this is our understanding of the risk of that individual now based on the behaviours we have seen, if we see a change in this behaviour, we think the risk will change. So for those familiar with MAPP A, it’s a similar process to MAPPA where you’ll have protective factors that may stop the risk getting worse and agencies, such as health or employment training, education, can impact on that.

So it’s actually more than a passive “tell us if you see something”, it’s how do we manage this risk.

SIR JOHN SAUNDERS: MAPP A are not generally going to the individual school of somebody?

A. No, there is a whole new CT MAPPA process. It is that approach of saying: bring the right agencies together, share with them the intelligence and the information that you have about the risk behaviours of an individual. That group then comes together with a plan to say, how do we stop those risks and this person re—engaging with terrorism?

SIR JOHN SAUNDERS: And since when has that been operating?
SIR JOHN SAUNDERS: So there is a school of thought, which might actually be right, that an obsessive view of secrecy — perhaps obsessive is the wrong word — of secrecy, which might have been how these things were investigated in the past, has actually made things worse?

A. I can’t comment on whether it was obsessive —

SIR JOHN SAUNDERS: Sorry, obsessive is the wrong word, but high priority — obviously a higher priority than was necessary attached to secrecy. I understand that MI5 and Counter-terrorism Police, they operate in a secret space, but is there a risk that because of that of saying, "We can’t tell anybody anything", even though, had they done so, they might have got the very information back which would have stopped an attack?

A. I think the fact we’ve put those arrangements in now, and there has been a change in landscape, mental health, reflects the fact we think it’s a good thing to do.

SIR JOHN SAUNDERS: Okay, thank you.

It’s a very general area.

MR COOPER: May I just be indulged on the back of that line of questioning? It just occurred to me as you were asking those questions.

As a prelude to this, can I just ask a very naive question? Because I can think of hundreds of answers to it, which I think are perfectly valid. I am sure you’ll come to the best one. Your concern about sharing information or sharing secrets or sharing what is known too widely, is that what you know, for instance your suspecting Salman Abedi, might cause problems. What is the problem you’re concerned about, that he may detonate his bomb sooner, he may run away or escape? This is the first question, then I’m leading on to the second question. I want to understand what is your concern, legitimate I’m sure you would be asking questions or asking about Salman Abedi, Salman Abedi might know that questions are being asked about him? What do you think might happen? What were your worries hypothetically?

A. I think MI5 would have to speak to their approach and the limits they have and the reasons and rationale behind why they protect certain information. There are very good reasons why that —

Q. Because the analogy, and this is my second and last question, perhaps right or wrong here, is what we’ve been looking at some months ago in the arena, that’s a past chapter now, it might not have stopped him detonating the bomb but he might still have detonated it and there might have been less loss of life or less damage. So the analogy or that evidence that
Mr Welch, please.

Questions from MR WELCH

Mr WELCH: Thank you, sir. Thank you, Mr Greaney.

Mr Scally, good afternoon. I want to pick up on something that you said just before (sic) lunch, please.

It’s at page 56, line 12 of the [draft] real time transcript (Day169/57:20). You said:

“Research I’ve read has said that on the path to an attack, there will be some potential leakage, somebody will potentially become aware.”

When you say leakage, that’s another word for intelligence, isn’t it?

A. Not necessarily that phrase. I was thinking about a presentation I saw from the FBI where they’d analysed a number of attacks. And the view from that analysis was, if I remember the presentation, that at some point people may notice a difference of behaviour, there may be subtle indicators that those close to them may recognise, whereas the authorities would not necessarily recognise.

Q. Yes. The longer the path and the more actors they meet upon it, the greater the chance of leakage and these things being picked up by others; is that right?

A. Yes, depending on how their behaviour changed or what activity they carried out.

MR WELCH: Yes, okay.

What I would like to explore then, if I can, Mr Scally, and not in a critical way, but genuinely in order to understand, is why there wasn’t more intelligence in terms of leakage, information provided to you, potentially by members of the public, which might have assisted you in identifying this plot. Okay?

I would like to, first of all, try and put it in some context on the basis of what you’ve said in evidence and also in your witness statement. I’m acutely conscious of not eliciting any evidence from you, of course, that would assist others.

In your witness statement you said:

“CTP receives information and intelligence directly from a number of sources: local police, members of the public and other partners.”

Correct?

A. Yes.

Q. I would like to consider that in a little more detail and apply it to how it was in 2017, because at paragraph 44 of your witness statement, and in your evidence, you gave the example of 2,700 items of information and intelligence that were received by Manchester IMU in June 2016.

A. Yes.
Q. Can I look at the three areas you identified in your ongoing investigation? in terms of the amount of information and intelligence you were getting?

A. Yes. I would say it was.

Q. That’s dealing with the whole of Greater Manchester, was it?

A. Yes.

Q. A city of nearly 3 million people?

A. Yes.

Q. In terms of that figure of 2,700 pieces of information and intelligence, how much of it, in the broadest possible terms, was relevant and how much could be dispensed with quite quickly?

A. It wouldn’t be possible for me to say here. The first test when we receive a piece of intelligence is to say, “Is this CT relevant or CT national security relevant?” If it is, then it comes into our system. If it isn’t, it’s either closed or referred to other areas of policing. I don’t know the breakdown in the 2,700.

Q. That’s why I asked in very general, rough terms. Do you get a lot of it which you can quickly dispense with as being irrelevant or is it the case that a lot of it has to be gone through in great detail and examined and then turns out to be relevant for the purposes of counter-terrorism?

A. Yes. For most of it, we need to have a good assessment of and understand it. So at the bottom of the pyramid of leads, the ops leads, for every lead we will probably carry three or four what we would call enhancement pieces of work where we think something is worth looking at that we need to build up. That gives an indication of some of the scale.

Q. Just pressing you slightly on this, if I can, you talked about leads. Of those 2,700 being a typical month, how much of that intelligence is actually generating a new lead roughly, if you can, and how much of it is going to be relevant to ongoing investigations? Can you assist with that?

A. Not with any certainty. The vast majority of it will not become a counter-terrorism investigation and within that 2,700, there will clearly be material coming from partners that is directly pertinent to an operation that’s ongoing. So that’s the whole range of a member of the public ringing the Anti-terrorism Hotline to our partners giving us very detailed intelligence about an ongoing investigation.

Q. Can I look at the three areas you identified in your statement as to where the intelligence comes from and try to identify, if possible, where most of the good quality intelligence is coming from within there?

A. Yes. Firstly, the police. Mr Cooper’s referred to community policing so I’m not going to go into that in any detail.

Secondly, members of the public. Is that breaking down into things like the Anti-terrorism Hotline?

A. Yes.

Q. And generally people approaching you on a wider basis, not specifically going to the hotline, is that correct, as well?

A. Yes, or a member of the public contacting a local police officer and it coming in through those routes.

Q. The third area was partner agencies. I assume that one of those is MI5?

A. Yes.

Q. Is there anyone else?

A. Well, all the Prevent referrals from other agencies would come through and be looked at. Yes, other people can refer intelligence to us.

Q. Of those three, where are you getting the most, if you can assist, intelligence that’s proving of use to you?

A. I wouldn’t put my hat and say, “That is the one that leads to the most impact”. Clearly, if we have an ongoing investigation in support of MI5, the intelligence we receive from them is entirely pertinent to something we already know is a known threat and risk.

If we get a call from a member of the public that has seen something suspicious or from another agency, our job is to work out how credible that is as the risk that sits within it. Jobs that come in from that route may indeed go all the way up to become a priority operation. I wouldn’t have said that’s particularly common. I think a figure that was given in 2017 was there were 30,000 calls that year to the Anti-terrorism Hotline and 20% of those were assessed as being relevant to CT Policing. That doesn’t mean they become an operation but there was some value in it and I think that’s a really acceptable and positive figure.

I would rather we took 100 things in and dispose of 80 of them to find 20 that have some value to us.

Q. Can we look at 2017 and the period preceding 2017, so when effectively the Abedis were developing their plot? Policing, community policing. Again, I’m not going to go into this in particular detail, it’s been outlined by Mr Cooper, but particularly in 2017 did you feel as Counter-terrorism Police North West you were getting an adequate flow of information and intelligence from GMP in relation to potential terrorist threats around the
Q. Of course. That’s not giving away anything sensitive.

Given what we have heard during the course of this inquiry about the particular problems that were in South Manchester leading up to 2017 — —

SIR JOHN SAUNDERS: I’m really sorry, I am probably being acutely oversensitive, but I am aware that I will be going into detail with whatever information CT Police and — — I’m really not meaning to be difficult about this.

MR WELCH: Not at all.

SIR JOHN SAUNDERS: There are clearly things that cannot be said in public for, as we said, national security reasons. I am a bit concerned that, quite unintentionally, the witness might be led — — that’s not meant to be — — into giving an answer which may not be strictly accurate or may be slightly misleading. And we haven’t got there, it hasn’t happened, but I’m just really concerned that it may happen and therefore I don’t really want to stop you at a particular point.

I hope you understand the general — — Mr Horwell, are you equally concerned or are you not sitting uncomfortably in your seat as perhaps I was?

MR HORWELL: Sir, I’ve been determined to stay seated as much as possible. There’s nothing more frustrating than counsel raising objections. But yes, sir, I do have concerns about this line of questioning.

SIR JOHN SAUNDERS: Okay. I’m really sorry, Mr Welch.

I just think we’re going to get into a situation where people are not helped by the answers.

MR WELCH: You certainly don’t need to apologise.

SIR JOHN SAUNDERS: It’s not meant to be keeping things from people, but it may stop my investigation from operating in an effective way.

MR WELCH: May I move on then, quite simply. I’m sure you’ll explore this fully in closed session, I fully appreciate that.

May I move on to 2017 and particularly the second area of intelligence that CTIPNW were receiving. That’s in relation to the public. We’ve talked about that.

SIR JOHN SAUNDERS: I’m really going to stop you doing this well. Sorry. Anything to do with intelligence potentially at this time which may relate to Salman Abedi, anything like that, I just don’t want to go there. Do you mind? I’m sorry.

MR WELCH: You don’t need to apologise, sir, I understand completely.

May I ask you then — — and I’ll try and do it in as broad and general terms as possible in order to try and assuage the concerns the families might have. You’d have looked at this case and thought, “Well, what could we have done better”, quite frankly, “in this period to develop our own understanding”; is that right?

A. Yes.

Q. Was there anything now in terms of trying to identify what happened — — and I really do try and invite you to do it in the broadest possible terms — — to say: well, we could have been focusing more of our resources on that area or we should have been looking into those particular matters? Is there anything that you can assist in that respect?

A. In the very broadest sense, I’d go back to my responses to Mr Cooper. The products that we have produced since 2017 that all front line officers have seen about methodologies, extreme right wing signs, the construction of devices and chemicals, has given them an awareness in their general duties — — and we see this on house searches. I have come across this, I’m not sure where it is, but I think you might be interested, and we get some really, really good investigations from that source. So that awareness plays out generally.

Then the other points that Mr Cooper was raising, things like the ACT campaign, so family and friends can say, as a member of the community, “These are the general indicators you may see, please contact us if..."
I’m going to move on to the only other topic that
as I can, I will give you the answers.

SIR JOHN SAUNDERS: It would be really helpful and, as far
Mr Greaney and others and Mr Scally.

or presumptuous, is to set out our questions as they
would be in writing in the hope that they might assist
Mr Greaney and others and Mr Scally.

MR WELCH: Thank you very much, sir, this is a matter of concern,
I’m sure, sir, this is a matter of concern,
appreciate, I’m sure, sir, as to what was known. But what
we will do, and I hope it’s not in any way impertinent
or presumptuous, is to set out our questions as they
would be in writing in the hope that they might assist
Mr Greaney and others and Mr Scally.

MR WELCH: Thank you very much, sir.
I’m going to move on to the only other topic that
I have, which is completely separate and hopefully won’t
involve any sensitivities. That involves Prevent. It’s
a consideration in relation to Prevent and the effect of
Prevent referrals have a deterrent effect in themselves?
that involves Prevent. It’s

Q. In many ways it might go back to your time before
Counter-terrorism Police North West and some
old-fashioned policing that actually the knock on the

A. It can have an effect, yes.
Q. And the earlier that’s done in someone’s radicalisation,
development, however you want to describe it, and the
younger they are, the more likely that might have an
effect, isn’t it?

A. Yes. I think it wouldn’t be our first port of call to
just do a knock on the door. If we can get them into
Channel or manage it through Prevent in a multi-agency
way, far better solutions because other organisations
can contribute to that. So I do take the point that the
earlier in the process we can engage — — that’s we as
public authorities — — in stopping people going on that
journey, then clearly the better and the more likely
it is to have an impact.

MR WELCH: Thank you very much, Mr Scally. Thank you, sir.
SIR JOHN SAUNDERS: And I do apologise again, Mr Welch.
MR GREANEY: Can I echo, sir, your observation that to
receive those questions will be helpful and we will make
sure those matters are all fully explored in the closed
hearing.
I am going to ask Mr Sheldon whether he has

Q. Now, he wasn’t — — but was this a consideration and is
this a consideration for Counter-terrorism Police and
others in relation to Prevent referrals? And that’s can
Prevent referrals have a deterrent effect in themselves?
That if someone is referred to Prevent, they may or may
not choose to partake in it, but the fact that they’ve
been referred might be that warning of, “Look, we know
what you’re doing, back off”, effectively, and they
might then themselves actually dissociate with people
who are engaging in that kind of extremist mindset?

A. It think it’s a possibility, but they are very early
in the process of that journey, so this is very much the
pre-criminal space. But I take the point: do you
consent to a visit or a call or a discussion, we have
concerns about you, do you consent to joining this
programme? That may have an effect on their thinking
even if they don’t then consent to join it.

Q. In many ways it might go back to your time before
Counter-terrorism Police North West and some
old-fashioned policing that actually the knock on the

A. Yes. For the vulnerable to being drawn into terrorism
is the phrase.
Q. Being drawn into terrorism?
A. In the Act that’s what it talks about.
Q. If that does happen, whether the subject engages with
the referral is a matter for their decision?
A. Yes.
Q. So it’s voluntary, in other words?
A. The Channel process is a voluntary process.
Q. But if a subject refuses to engage with Channel,
am I right that that will be or may be of relevance to
Counter-terrorism Policing?
A. Yes. So the other option in Prevent if they do not
consent to Channel is for us — — it is an option for us
to keep that case within Prevent and manage it as
1. a police—led case, so a similar process with the other
2. agencies where, if we again look at if it’s children’s
3. services or education or mental health, is there
4. anything they can do notwithstanding the individual has
5. not consented to the Channel process?
6. Q. So we have a situation in which a decision has been made
7. because a person is at risk of being drawn into
8. terrorism, that a Channel process may help, they have
9. said, “I just don’t want to have anything to do with
10. that”, Counter—terrorism Policing wouldn’t just ignore
11. that situation, it would be something that would
12. probably increase the concern of Counter—terrorism
13. Policing in that person? Do you agree?
14. A. Yes, it’s a factor in that.
15. Q. If, on the other hand, they do engage and the view that
16. Channel comes to is this is a person whose
17. radicalisation has just gone too far and there is
18. nothing that we can do for them, then again that is
19. something that would be of relevance to
20. Counter—terrorism Policing?
21. A. Yes, certainly.
22. Q. Obviously. And inevitably, that would increase the
23. concern that there is about that person?
24. A. Yes.
25. Q. If, alternatively, a person engages and Channel say,

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a process of almost automatic referral, the system would
require significant extra funding?
2. A. Yes, it would.
3. Q. You have said on many occasions that consent is
a necessary prerequisite for a Channel adoption.
4. A. Yes.
5. Q. And you have been asked about Ismail Abedi and what
happened to him in 2016 ——
6. A. Yes.
7. Q. —— when NWCTU intelligence officers sought to engage
with him.
8. A. Yes.
9. Q. You deal with this in both your witness statements and
you have provided a chronology, which I don’t think
we have looked at so far, Mr Scally, so if we could look
at it now. It’s [INQ042170/2] please.
10. This covers events from April 2016 to 5 July 2016
when Ismail Abedi would have been 22 years of age;
11. nearly 23 by the end of this chronology.
12. A. Mr Horwell, would you ask your questions, please?
13. MR GREANEY: Thank you very much, sir, I don’t know whether
you have any questions arising.
14. SIR JOHN SAUNDERS: No, that’s very helpful, thank you very
much.
15. MR GREANEY: Mr Horwell, would you ask your questions,
16. please?
17. Questions from MR HORWELL
18. MR HORWELL: Mr Scally, I’m going to start with Prevent.
19. You’ve been asked as to whether police officers have
20. a conscious or an unconscious bias against Prevent and
21. you’ve dealt with that in your answers.
22. SIR JOHN SAUNDERS: Can I say, it was in no way a leading
23. question, what I asked. It was to inform the public and

MR HORWELL: I meant nothing to the contrary, sir.
2. The latest figures from Mr Hipgrave for the year
3. ending 31 March 2020 were that there were 6,287
4. referrals and that’s from all sources.
5. A. Nationally, yes.
6. Q. And just over 10% of those, 697, were adopted for
7. support by the Channel panel.
8. A. That’s correct.
9. Q. So the dropout rate is very high ——
10. A. Yes.
11. Q. —— in that process?
12. A. In the process.
13. Q. If the —— and again, I’m sure everyone understands,
14. these are national figures, not local. But if the tens
15. of thousands of closed SOIs and the tens of thousands of
16. those who are known to be interested in extremist
17. material, if they were referred to Prevent almost
18. automatically by virtue of their status, would the
19. system as it currently stands be able to cope?
20. A. No.
21. Q. So if there is to be a process of almost automatic
22. referral because, as you have said, there will never be
23. a referral if it might interfere with a criminal
24. investigation, for example, but if there was to be
25. just get an answer.
place, Officer B rang Ismail Abedi on numerous occasions without success and therefore the meeting did not take place.

A. Yes.

Q. Then on 4 May 2016, Officer B spoke to Ismail Abedi. Ismail Abedi is described as being evasive and non-committal:

"Officer B considered that the phone was on a speaker and this was borne out when a female came on the line and stated that Officer B could only speak to Ismail Abedi through his solicitor or 'with a warrant' and that Officer B was never to call the number again."

And then finally, on 5 July of that same year:

"Officer B attended [Ismail Abedi's home address or certainly the family address at that stage], Officer B spoke with Ismail Abedi's father, Ramadan Abedi, who informed him that his son was not there and agreed to pass Officer B's details on to him."

And there was no further contact?

A. No.

Q. You've been asked today about another young male, Zubair.

A. Yes.

Q. And you were asked to confirm that this individual was referred to Prevent.

A. Yes, he was.

Q. I just want to add a few details to this particular case and his confidentiality will be respected, but in his case was there a particular personal reason which revealed a particular vulnerability?

A. Yes, there was.

Q. Was that vulnerability decisive in the decision to refer him?

A. Yes.

MR HORWELL: Sir, there is a much fuller explanation at [INQ030737/1], but as I have said, I'm going to respect his confidentiality.

SIR JOHN SAUNDERS: That's nothing to do with national security, that's to do with his own personal matters?

MR HORWELL: Yes.

Just so that we follow the trail to its end, having been referred, did he consent?

A. No.

Q. A separate topic, Mr Scally: inadequate sharing of information by MI5 to CT Policing. A number of questions were asked of you on that topic.

The two organisations are obviously very different and, at the risk of stating the obvious, could you please explain the essential differences between those two organisations?

A. MI5 are the lead agency and have primacy for national security and national security intelligence and are subject to a different statutory regime than the police, who have common law and other statutory duties to protect the public and prevent crime. But we operate under separate statutory duties and authorities. MI5 are the lead agency in relation to national security intelligence and they take primacy in that area.

MR HORWELL: Sir, you contemplated Mr Scally possibly assisting you by providing a statement, a document, setting out this debate, whether there should be one or two separate services. Could we respectfully suggest Mr Scally will do whatever you ask of him, plainly, but could we suggest, for a debate such as this, if you require assistance, it should really be provided by CTPHQ and MI5?

SIR JOHN SAUNDERS: Thank you. I will review the situation.

I think that one does need to think outside the box, whatever horror that might cause in some circles.

I will reflect on what I need, I don't want to put people to trouble for no reason.

MR HORWELL: Of course.

At the London Bridge Inquest, your equivalent witness from SO15 was Witness M.

A. Yes.

Q. He was also asked about this very topic of inadequate sharing of information. He said that it was for MI5 to collect intelligence, assess it, and disseminate it where they see it as significant.

A. Yes, I'd agree with that.

Q. And it was suggested to that witness that the police was just a puppet for MI5 and this was his answer:

"No, you've just hit the nail on the head. They take the lead. It is for them to take the intelligence, assess it, disseminate it where it is assessed to be significant, and where we can take some kind of activity on the back of that intelligence."

And these are the words I want to ask you about:

"If they phoned me every day with every intelligence update we would be overwhelmed."

That is a word with which we have some familiarity in this inquiry, but do you agree or disagree with that comment?

A. I would agree with that.

SIR JOHN SAUNDERS: I want to go —— have you finished with that?

MR HORWELL: I was going to ask one or two follow-up questions.

SIR JOHN SAUNDERS: You do that.

MR HORWELL: If both organisations shared everything, you
SIR JOHN SAUNDERS: Let’s take what is an entirely hypothetical situation, all right, but can and I have no doubt has happened. This really has nothing to do with this case, so please don’t anyone misinterpret it. M5 and CT police in a joint operation become an aware that an attack may take place. One of the agencies may take the view, “Let’s set it run, don’t interfere now, let it run, see what happens, keep watching because that’s our best chance of getting all the people who may be involved in this”. And the other side, perhaps more cautious, say, “No, there’s a risk in that because they may do something” —— and I’m really not talking about anything specific here, “There may be a risk if you let it run for that purpose, that that actually will happen and we won’t be able to stop it.” You could have those genuinely different points of view particularly when you have an enforcement obligation and M5 have an intelligence obligation and sometimes they are looking in different directions .

A. Yes.

SIR JOHN SAUNDERS: If you discuss it jointly, M5 may be able to make the ultimate decision, I know not, but if there is that disagreement and M5 say, no, we’re absolutely not going now, the CT policeman, if he feels really strongly about it, can come to you and say, “Look they’re thinking of doing this, I think this is suicidal, we really need to do something”, and you can then take it up with somebody higher?

A. Yes. That process is there to escalate. The formal place in which that would happen —— and what you described there is incredibly rare, but we do have differences of opinion about how we should progress things —— is the executive liaison group chaired by the senior national coordinator. The focus of that —— and M5 are absolutely live and support this side, perhaps more cautious, say, “No, there’s a risk in that because they may do something” —— and I’m really not talking about anything specific here, “There may be a risk if you let it run for that purpose, that that actually will happen and we won’t be able to stop it.” You could have those genuinely different points of view particularly when you have an enforcement obligation and M5 have an intelligence obligation and sometimes they are looking in different directions .

SIR JOHN SAUNDERS: If you discuss it jointly, M5 may be able to make the ultimate decision, I know not, but if there is that disagreement and M5 say, no, we’re absolutely not going now, the CT policeman, if he feels really strongly about it, can come to you and say, “Look they’re thinking of doing this, I think this is suicidal, we really need to do something”, and you can then take it up with somebody higher?

A. Yes.
SIR JOHN SAUNDERS: Thank you very much.

Mr Horwell, I hope I have made it clear enough that that is not intended or has anything to do with this situation whatsoever.

MR HORWELL: Yes, of course.

Last topic, Salman Abedi, Mr Scally. In this chapter, the spotlight, for obvious reasons, has been on him and what was known about him. But the question has to be: how did he compare, national figures, to the tens of thousands of closed SOIs and the tens of thousands of those who have expressed an interest in extremism?

You have been asked about a number of features to the history of Salman Abedi, in particular his contact, either direct or secondary, with various individuals, and the material that was found on the ICW/13 phone.

In terms of his contacts, that type of association, usual or unusual within this context?

A. Very common.

Q. And as for the communications that were found on the ICW/13 phone of Mr Abdallah’s, all of the relevant messages are contained in the report of Mr Costello, which you have seen?

SIR JOHN SAUNDERS: Thank you very much, Mr Cooper.

MR HORWELL: I meant the prosecution within that. It is a public record, sir, that during the course of that prosecution, that link was never made.

SIR JOHN SAUNDERS: I can understand that but that’s not the same as was the question ever asked of investigating officers to find out.

MR HORWELL: I think it follows that link was never made, sir.

MR COOPER: Forgive me, Mr Horwell. We don’t know the part, I know there’s other evidence.

SIR JOHN SAUNDERS: That’s a slightly different question.

MR HORWELL: I ask these questions on the basis of a witness who is to come and matters will be clarified then.

SIR JOHN SAUNDERS: Thank you, Mr Cooper.

MR HORWELL: I ask these questions on the basis of a witness who is to come and matters will be clarified then.

SIR JOHN SAUNDERS: Thank you very much.

MR GREANEY: Sir, I still have no questions for the detective chief superintendent, do you?

SIR JOHN SAUNDERS: No, I don’t. Can I thank you very much for your evidence. As with Witness J, you’ve done a huge amount of work looking into the background of all these things and had to look at a large number of articles, all of which were helpful, no doubt, to you.

But thank you very much for all you have done and the questions you have answered.

Housekeeping

MR GREANEY: Can I ask Mr Scally to bear with us for 5, no more than 10 minutes, while I indicate what can be said about the position over the course of the next 4 weeks?

Sir, as everyone knows, on Monday next week, a closed hearing will commence pursuant to a restriction order made by you. The purpose of a closed hearing is...
to ensure that you hear all of the relevant evidence
without the limitations which have been necessary this
week in order to protect national security. The inquiry
will next sit in open on 22 November, when we will
resume the chapter 13 hearings.

Understandably, there is concern about the closed
hearing. The inquiry legal team does recognise that
when the bright light of public scrutiny is not brought
to bear on some parts of the evidence, there may be
a perfectly natural adverse reaction from those to whom
this process means so much.

For each of those following the inquiry, this
reaction may be different, but we acknowledge that there
will inevitably be some who are worried that there
of scrutiny which has been brought to bear to date will
lessen and we acknowledge, moreover, that there will be
some who are sceptical about the need for a closed
hearing at all.

What I can say on behalf of the inquiry legal team
at, I recognise, the risk of repetition, is that we are
all of us committed to assisting you to get to the
truth, unencumbered, as we have been, by the limitations
which have arisen by the open nature of the hearing this
week. We will, we assure everybody, without fear or
favour, ask the questions we consider need to be asked

of the witnesses and we will follow the evidence
wherever it leads. When we’ve done so, we have no doubt
that you will make the findings you consider appropriate
and justified by that evidence.

Further, as has been said a number of times,
throughout the closed hearing the inquiry legal team
will be constantly vigilant for evidence, whether in
whole, part or in gist, which can be broken out from
closed into open. We will expect every assistance from
those representing the Secretary of State for the Home
Department and those representing Counter-terrorism
Policing North West in this regard, as in every other,
and may I add that given the cooperation we have
received to date, our expectation is that we will
receive this.

Ultimately, it will be a matter for you, sir, to
determine what can be broken out into open. There is no
need for us now to repeat back to you what you have said
consistently about your determination to ensure that the
maximum information that can be publicly known will be
publicly known.

So what are we able to say at this stage about our
expectations for the evidence in the coming weeks?

(1). The inquiry will sit, we anticipate, for no
fewer than 4 days of each of the coming 3 weeks.

(2). Some of the time during that period will be
designated to the determination of what evidence can be
broken out from closed into open.

(3). The inquiry will receive evidence from
witnesses from both MI5 and CTP and from two experts
instructed on your behalf.

(4). So far as the MI5 witnesses are concerned, the
following can be said. There are to be four MI5
witnesses. One of those witnesses is Witness J from
whom, of course, we heard on Monday and Tuesday of this
week. The evidence of the witnesses will address the
decision-making in relation to the handling of
information received on two separate occasions in the
months prior to the attack, as spoken about by
Witness J, and it will also deal with other topics.

Those four MI5 witnesses to whom I have just made
reference each worked for MI5 at the time.

(5). So far as the CTP North West witnesses are
concerned, the following can be said. The inquiry will
be receiving evidence from 10 CTP North West witnesses.

Of those 10, four officers can be named: Detective
Chief Superintendent Dominic Scally, former Detective
Inspector Frank Morris, Detective Sergeant Paul Costello
to whom reference has been made today, and Detective
Sergeant James Coles.

All of these witnesses worked at the relevant time,
so the time to which their evidence to the inquiry
refers, in the intelligence section of Counter-terrorism
Policing in the north-west. All were involved in
obtaining, assessing and investigating information and
intelligence relating to national security.

At the relevant time, four of the witnesses were GMP
police officers, working for CTP North West. One was
a Merseyside police officer working at CTP North West,
and one was a member of police staff employed as an
analyst.

The roles that the witnesses held at the relevant
time included the following: working in the Confidential
Unit, which is now known as the Sensitive Intelligence
Unit, working as a counter-terrorism prison intelligence
officer, managing the Intelligence Management Unit,
working as an intelligence analyst, and working as
intelligence assessors in the fixed Intelligence
Management Unit, both in Manchester and in Merseyside.

In the case of one witness, that witness held two
distinct roles during the relevant time.

We hope that that has been helpful within the
limitations that necessarily it has, but that is all
that can be said at this time and we emphasise those
three words.
Mr Cooper: May I just emphasise that, of course, we entirely endorse what you say, and of course trust the process and of course understand why the process is taking place. Let me make that clear, certainly, if it needed to be.

I wonder, though, sir, one matter. We know of the close working relationship between MI5 and Counter-terrorism Police. Would it be wise, if only for the perception, now for it to be said that during the course of the evidence process over the next 3 weeks they do not communicate with each other on each other’s evidence, that we hear from these witnesses, MI5 and Counter-terrorism Police, uninfluenced by the witness each and every one is giving? We had an instance in open session with another organisation of potential phone calls or discussions which took place amid evidence.

Can I respectfully submit that, once the evidence starts next week, the witnesses giving evidence, on either side of the organisations, should not communicate with each other about the evidence that they are giving?

Sir John Saunders: I am quite happy to consider that when we get there. You will bear in mind that there are witness statements which have already been produced, so the witnesses have committed themselves to the evidence that they are giving. I think I have enough experience to be alerted to changes in evidence which may take place over a break. It seldom goes unnoticed in any criminal trial. I will look at it on a case by case basis. I have heard what you said. Advocates have said to me in this case, “Do you mind if I talk to a witness in the middle of their evidence?” It’s a useful precaution to take, but I will be alert to any possibility ——

Mr Cooper: Thank you, sir. Normally one would have that flexibility when we had an input as to the particularity, but we are concerned —— certainly I make the submission on our behalf, I have not consulted my learned friends, so this is purely a submission we make —— we are concerned that the tenor of any examination, for instance, by my learned friend Mr Greaney of one witness may be discussed by that witness overnight with a forthcoming witness and we just don’t see the need for that. And given the fact that we are in closed anyway, anything like that in terms of perception in our submission should be guarded against. I can take it no further than that.

Mr Greaney: Sir, could I say I have no difficulty at all with saying that the inquiry legal team’s view is that when a witness is part heard in their evidence, they

Mr Cooper: Let me make that clear, absolutely, but as we know, you made the reference to what lawyers know as opposed to what may be common parlance. It is the perception I’m interested in.

Sir John Saunders: Certainly. Thank you, Mr Cooper. Mr Greaney: Given what Mr Cooper has said, it is perhaps worth saying, in case anyone were to think that we are going into a completely different environment, that there will be no lesser formality to the process that we will be engaged in in the next 3 weeks than there has been hereto.

Sir John Saunders: I think bearing in mind where we are going to be sitting, to have less formality would be extremely difficult.

Mr Greaney: Sir, I think there may be some sensitivity over where we are ——

Sir John Saunders: I know and I understand that, but I hope
I haven’t just done that from saying what I have just said.

MR GREANEY: We will be in a courtroom environment is the message people need to understand.

Thank you very much, sir.

SIR JOHN SAUNDERS: Okay. Thank you very much.

(1.17 pm)

(The inquiry will sit in open session at 9.30 am on Monday, 22 November 2021)