

OPUS2

Manchester Arena Inquiry

Day 169

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1 Thursday, 28 October 2021
 2 (9.30 am)
 3 DCS DOMINIC SCALLY (continued)
 4 Questions from MR WEATHERBY (continued)
 5 MR GREANEY: Good morning, sir. I will ask Mr Weatherby to
 6 continue with his questions.
 7 SIR JOHN SAUNDERS: Thank you, Mr Weatherby.
 8 MR WEATHERBY: Good morning, Mr Scally. On Tuesday I asked
 9 Witness J about the reference in another edition of the
 10 Sentinel journal about an article regarding air strikes
 11 near Sirte in Libya. The article was analysing links
 12 between the KBL, the Libya affiliate of IS, as no doubt
 13 you know, and the attacks in Tunisia and Europe in 2015
 14 and 2016, but the particular point I was making was
 15 about these air strikes. The importance of the air
 16 strikes for our purposes was the fact that they were
 17 explained publicly, okay? And highlighted the known
 18 problem that Islamic State in Libya were thought to be
 19 actively planning attacks, further attacks, in Europe
 20 and the date was in January 2017, so just 4 months
 21 before this outrage.
 22 In the course of that questioning, the chair asked
 23 if there was further reference for what the US defence
 24 secretary had said and when, so I'm just going to ask
 25 you to help me with one further document on that, which

1

1 you were provided, I think, on Tuesday --
 2 A. Yes.
 3 Q. -- and is on the system, so I'm going to ask Mr Lopez to
 4 put that up. It is {INQ100078/1}, please. This is the
 5 press statement from the US Department of Defence and it
 6 was published on 19 January 2017 and the heading is:
 7 "US air strikes kill 80 ISIL fighters in Libya,
 8 Carter says."
 9 Carter being the defence secretary at the time. I'm
 10 only going to read a few bits of it. The first
 11 paragraph:
 12 "The overnight US precision air strikes on two
 13 Islamic State of Iraq and the Levant training camps near
 14 Sirte, Libya, are estimated to have killed more than
 15 80 enemy fighters, Defence Secretary Ash Carter said
 16 today."
 17 That just orientates us.
 18 Then about halfway down, if we could just go to the
 19 bottom half, Mr Lopez, please. Under "Strikes targeted
 20 external plotters", I just want to highlight the two
 21 quotes. The bottom of the first paragraph:
 22 "Pentagon Press Secretary Peter Cook said:
 23 "'The fighters training in these camps posed
 24 a security risk to Libya, its neighbours, our allies in
 25 Africa and Europe, and to the United States and its

2

1 interests', he said."
 2 That's the general setting--out of the position.
 3 Then:
 4 "'Importantly, these strikes were directed against
 5 some of ISIL's external plotters, who were actively
 6 planning operations against our allies in Europe',
 7 Carter noted."
 8 Okay?
 9 A. Yes.
 10 Q. And I won't take you through the rest of the statement
 11 but it's there for anybody else if they want to, but it
 12 refers to the fact that the US had been keeping a close
 13 eye on these training camps.
 14 A. Yes.
 15 SIR JOHN SAUNDERS: Okay, thank you for finding the date of
 16 that statement because obviously the date is
 17 significant.
 18 MR WEATHERBY: Absolutely, yes.
 19 We can take that down, thank you very much.
 20 Just on that, that was then widely reported,
 21 including by the BBC, and that can be seen online still.
 22 Were CTP aware of those air strikes and the stated
 23 reasons at the time?
 24 A. I can't recall being personally aware of it.
 25 Q. I don't want to give disproportionate attention to this

3

1 because of course a lot went on variously in that
 2 conflict and of course Syria and elsewhere. But it's
 3 right, isn't it, that you would get updates quite
 4 regularly from intelligence community partners?
 5 A. Yes. The way -- and I think Witness J touched on this:
 6 if it's relevant to them as the lead agency and they are
 7 asking us for assistance, that we know information they
 8 may have gathered upstream through sources and access
 9 they have to liaison partners or others, then they would
 10 brief us on that in relation to particular operations or
 11 particular individuals or particular methodologies that
 12 we needed to be aware of in our role in assisting them.
 13 Q. And of course this was a main ally of the UK and
 14 effectively not just taking the action it took but it
 15 also raised the prospect of further attacks in Europe on
 16 the way?
 17 A. Yes. Matters of external operations would be entirely
 18 for the intelligence agencies to --
 19 Q. Absolutely. But of course, it would be relevant to the
 20 threat domestically, wouldn't it?
 21 A. It may do, and we would certainly expect to be briefed
 22 or understand, as relevant, to our locations and whether
 23 that was relevant to any of the investigations or
 24 operations we had.
 25 Q. Let me put this in general terms because I'm sure you

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1 won't want to get specific about this. Bearing in mind
 2 this is January 2017, 4 months before this attack, was
 3 the increased risk or perceived increased risk from
 4 Libyan-linked terrorists something that CTP had very
 5 much on its radar screen?
 6 A. We did have it as a listed priority .
 7 Q. Yes. Okay. Just moving on from that, I want to just
 8 refer to one document in terms of this topic, but I'm
 9 not going to put it on the screen because there's bits
 10 of it that I don't think, frankly, should be put on the
 11 screen.
 12 A. Okay.
 13 Q. It's in your bundle and it's at tab 42. It's an
 14 Operation Ironside summary. So as far as I can see,
 15 it's a GMP document which summarises the updates that
 16 were provided from the starting point which was
 17 29 August 2014, which is when the UK threat level
 18 increased to severe. It contains about 13 pages of
 19 summaries of what updates were received, okay? I'm sure
 20 you're familiar with this document because it's in the
 21 bundle.
 22 A. I have seen it in the bundle. I think Ironside wasn't
 23 what I would call mainstream GMP policing, so not
 24 necessarily at CT. I think as I read it, Mr Weatherby,
 25 it was GMP as a police force receiving some updates.

1 Q. Okay.
 2 SIR JOHN SAUNDERS: You don't have a copy in front of you,
 3 I can tell, or do you?
 4 A. I've got my statement. That's the only thing I've got.
 5 MR WEATHERBY: I don't think it's going to be necessary.
 6 SIR JOHN SAUNDERS: Do say if you need a document.
 7 MR WEATHERBY: Yes. I'm going to be very --
 8 SIR JOHN SAUNDERS: That's fine, I just wanted to make sure
 9 he knew that if he wanted it, he could ask.
 10 MR WEATHERBY: Absolutely. And if there's anything I put to
 11 you, and I'll be brief on this point, I'm sure somebody
 12 will pick me up or put further bits to you later. But
 13 it is the best I can do from the disclosure about the
 14 narrative of updates that was coming through locally.
 15 Okay? So that's why I'm putting it to you.
 16 As I say, it's a series of summaries of the
 17 chronology of updates that were coming through.
 18 In January of 2015, for anyone who's following this is
 19 page 1, there's a reference to the Paris attacks. On
 20 26 June 2015, there's a reference to the Tunisian beach
 21 attack, attacks in Kuwait and attacks in France.
 22 Then there's a long narrative on 14 July 2015, where
 23 the following sentence, and it's the only one I'm going
 24 to read out to you, and it says this:
 25 "There is a significant level of support for Syria,

1 including radicalisation, fundraising and travel to and
 2 from Syria. These bring an increased level of threat
 3 locally."
 4 Okay? So middle of 2015, in the midst of attacks,
 5 there's the recognition of the Syrian problem.
 6 A. Yes.
 7 Q. Problems, plural, being obviously relevant to the
 8 increased threat locally. Okay? So perfectly
 9 reasonable, what you would expect. Thereafter, I'm not
 10 going to go through any more of it in any kind of
 11 detail, but thereafter the updates up to the time of the
 12 bombing include references to attacks in Australia,
 13 further European attacks and one in the US, as they
 14 happened, and then Westminster Bridge in March 2017.
 15 But right up to the arena bombing, there is no
 16 mention of any threat emanating from Libyan-linked
 17 terrorism. Is there a problem here that all eyes were
 18 focused on Syria and there was insufficient attention
 19 paid to the problem that was, if it attention had been
 20 paid to it, really quite obvious from Libya?
 21 A. I think my reading of that document, it was general
 22 threat briefings provided to mainstream policing,
 23 I presume for their duties around Protect and Prepare,
 24 crowded places, those sort of matters. So if our
 25 intelligence picture is there is not an external

1 operations threat coming back from Libya that's going to
 2 emanate in Manchester, then that may be why it's phrased
 3 that way.
 4 As I have said a number of times, we did recognise
 5 Libya as a threat. Witness J has gone into quite a lot
 6 of detail upstream of their understanding of that and
 7 I won't -- I think that's entirely a matter for them as
 8 the lead agency. But as I have said, it was not the top
 9 priority, but it was one of our recognised priorities.
 10 Q. Okay. As I say, I can only work with what I've got.
 11 But of course, in the coming weeks, in closed, it may be
 12 that you'll be able to give more information about
 13 exactly what documentation there was with CTP --
 14 A. Yes.
 15 Q. -- about the link of the threat level in the UK, but
 16 perhaps more particularly in Manchester, linked to
 17 Libyan terrorism.
 18 A. Yes.
 19 SIR JOHN SAUNDERS: Can I, from a practical point of view,
 20 try and suggest what might be the difference? But it's
 21 for you to tell me. So you have told us if you've got
 22 a Libyan -- someone who -- sorry, a UK citizen coming
 23 from Libya in the first place, so he has Libyan
 24 connections and family out there and he's someone who's
 25 been on your radar as potentially radical and he goes

1 out to Libya and then comes back, how would that compare
 2 with how you would notice it compared with a Syrian who
 3 at this time, also with some radical background but had
 4 family in Syria, who travelled to Syria and back?
 5 A rather inelegant question. But would you take more
 6 notice of the Syrian and be concerned about him going to
 7 Syria because of the greater threat?
 8 A. It was quite rare in my experience for Syrians to go
 9 back to Syria. In the early years, it wasn't, so people
 10 would genuinely go and do humanitarian — doctors and
 11 others who had connections and a few people who maybe
 12 had familial links. But as things got worse I think
 13 even that was quite rare. So what was of interest was
 14 why would a Libyan go to Syria. I think it is harder —
 15 and this would be the same for a Somalian going to
 16 Mogadishu or somebody going to Yemen, where there are
 17 entirely legitimate reasons for that travel,
 18 irrespective of whether they may have had contact here
 19 with other members of the Libyan community. It's much
 20 harder I think to discern the purpose of that journey
 21 and they would have been more common than it would for
 22 somebody travelling to an area where you wouldn't expect
 23 them to go other than for the purpose of terrorism.
 24 SIR JOHN SAUNDERS: But any trip to Syria really was a big
 25 red flag?

1 A. Yes, and as we said yesterday, people weren't travelling
 2 directly to Syria, they were using circuitous but
 3 well-known routes to get there.
 4 SIR JOHN SAUNDERS: Okay, thank you.
 5 MR WEATHERBY: Thank you.
 6 Next topic, a very brief one. You have been asked
 7 questions about the Enterprise evacuation, HMS
 8 Enterprise, 6 August. Again, orientating us, that was,
 9 I think, 16 days after Salman Abedi had been closed as
 10 an SOI. Unless I've missed it, the only document that
 11 I can see in what's been disclosed to us is at your
 12 tab 72, which is the briefest of documents, which is
 13 a report, a GMP report, of six of the 110 people who
 14 were evacuated on Enterprise arriving back at Manchester
 15 International Airport; yes?
 16 A. Yes.
 17 Q. And that just lists those six names and in the barest of
 18 details. Then it says that they consented — the two
 19 Abedi brothers had agreed that they would be willing to
 20 be debriefed; okay?
 21 SIR JOHN SAUNDERS: Could you just repeat that? I'm very
 22 sorry, I missed it. The two Abedi brothers said they
 23 were what?
 24 MR WEATHERBY: They would agree to be debriefed. I can put
 25 it on the screen.

1 SIR JOHN SAUNDERS: It's just all the plastic. I just
 2 couldn't hear it, I'm really sorry.
 3 MR WEATHERBY: So they agreed to be debriefed; yes?
 4 A. That's what's in the report.
 5 Q. Yes, okay. What we haven't got is anything after that,
 6 so my question to you is rather a bald question: were
 7 they ever debriefed?
 8 A. I'm afraid that's one of the areas I can neither confirm
 9 or deny what we may hold about that.
 10 Q. Okay.
 11 SIR JOHN SAUNDERS: We will certainly try and give you more
 12 information after I've heard the details in closed
 13 in relation to that.
 14 MR WEATHERBY: All right. Thank you very much.
 15 Oliban. You've been asked a lot of questions about
 16 Oliban and I'm going to try hard not to overlap.
 17 Inevitably there will be a bit of overlap. There are
 18 just a few points I want to ask you about.
 19 Of course we're going to go through the messages in
 20 detail with other witnesses, I think, so I'm not going
 21 to do that with you.
 22 I just want to first of all add a bit of perspective
 23 to it. We've counted the messages between Salman Abedi
 24 and Abdalraouf Abdallah in what amounts to just over
 25 a three-week period in November 2014, which comes to an

1 abrupt end because he's arrested and the phone is seized
 2 on 28 November. The exact number doesn't matter, so
 3 if we run out of fingers and I've got it wrong then
 4 we'll be corrected. But we think there's over 1,300
 5 messages. There's a very, very high number of messages,
 6 okay?
 7 That of itself, the volume of messages, would be of
 8 interest to anybody from a CT perspective looking at it,
 9 wouldn't it?
 10 A. Yes, it would be part of understanding the context of
 11 what those messages might mean.
 12 Q. Some concentration has been given in the questions
 13 you've been asked to the 13 November messages and I just
 14 want to put those in order. So Salman Abedi on that day
 15 is telling Abdalraouf that he's watched a video about
 16 Derna. Again, going back to the evidence we have
 17 already heard, I think Derna was the first Libyan area
 18 which fell under IS control in (overspeaking) 2014.
 19 A. They certainly had a presence there, yes.
 20 Q. And then moving on from that conversation, the same day,
 21 we then have Salman Abedi supplying the image of the
 22 dinar to Abdalraouf; yes? And on its own, you think the
 23 image of a dinar doesn't mean very much but it's the
 24 caption, isn't it, that makes it interesting?
 25 A. I think he uses the word, doesn't he? Is that the

1 message that says "terrorists"?

2 Q. I'll come on to that.

3 A. I haven't got the messages here.

4 Q. Let me just help you. The caption, full caption, as

5 recorded by the police, it's in Arabic but translated

6 in the police documents as:

7 "For the sake of the return of the righteous

8 caliphate."

9 And then:

10 "Allah Akbar. A gold dinar produced by the

11 Islamic State real economy, not under the control of the

12 West."

13 So the image assumes an importance more than

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

15 A. Yes, the dinar was linked with IS.

16 Q. Yes. And that's why it was used in the prosecution of

17 Abdalraouf Abdallah?

18 A. In terms of his mindset.

19 Q. In terms of mindset, indeed. Then there is a reference

20 to Elyas on that day as well and I'll come back to that

21 in a moment. Just dealing with the terrorist point,

22 it's right that after the dinar is sent that

23 Salman Abedi then sends a message with the word simply

24 "Terrorists" on it. But he then sends another message

25 straight after it with the word "Really?", and

13

1 a question mark after it. So we'll come to this at

2 a later point, but there's a question mark, isn't there,

3 about what that reference to terrorists is?

4 A. Yes.

5 Q. There are references in the various messages to Elyas,

6 as I have just mentioned, to Ben, and to Zubair; yes?

7 And those were assessed by the police to be

8 Elyas Elmehdi, Abderahman Benhammedi, and

9 Zubair Mohammed?

10 A. Yes.

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

12 MR WEATHERBY: I think that was the Manteline assessment.

13 SIR JOHN SAUNDERS: That's what I wanted to establish,

14 whether it is after the attack.

15 MR WEATHERBY: Yes, absolutely.

16 SIR JOHN SAUNDERS: Thank you.

17 MR WEATHERBY: Again, as I say, the huge volume of messages

18 here was interesting as of itself, but anybody looking

19 at this with the wider perspective is -- you've got

20 Abdalraouf, who's under investigation for the very

21 serious terrorist offences he is subsequently convicted

22 of, and if attention had been paid to it, Salman Abedi,

23 who was the recently closed SOI; yes?

24 A. Yes.

25 Q. Therefore, looking back at it, isn't it right that you

14

1 should have been looking at those messages and

2 identifying Salman Abedi and putting these messages into

3 his intelligence picture?

4 A. I think I've covered that yesterday and those who were

5 involved in Oliban will explain their processes. But

6 I think if -- we are talking a lot about context and one

7 way to look at it is there are 1,300 messages of which

8 a tiny number relate to topics that are relevant to

9 this. So I'm not saying this is the interpretation, but

10 they are a few messages amongst 1,300 amongst a group of

11 individuals who live, socialise, may have familial or

12 friendship links. That's the challenge we face in

13 trying to interpret.

14 Q. This would feed into the mosaic of information that

15 emerges about Salman Abedi, wouldn't it?

16 A. Yes. As we discussed yesterday, if those messages or

17 the whole download had been lifted up, but those

18 messages in particular had gone back into the

19 intelligence machinery, then they would have been

20 considered against the whole picture of what we knew at

21 that time and the context of those relationships and

22 whether that was relevant or not.

23 Q. I take your point about the fact there's so much

24 messages and there's only a relative number that are of

25 interest. But they were sufficiently of interest for

15

1 you to use both the dinar and the martyrdom exchanges in

2 terms of mindset in the criminal trial, weren't they?

3 A. In terms of Abdalraouf Abdallah's mindset.

4 SIR JOHN SAUNDERS: Let me stop for a minute. I think I'm

5 personally getting the point that you're making. I just

6 wonder whether -- and we've got a number of prosecutors

7 in court -- it might be the sort of thing that actually

8 a prosecutor looking at these, if we're going to use

9 them, do we not need to know actually who he's talking

10 to because that may be relevant to the mindset point?

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

12 I can only give my personal views as an investigator.

13 If he was going to go in the -- it certainly went in

14 some of the volumes and I think in the opening we were

15 going to use it. I think I would want to know who was

16 at the other end of the call.

17 SIR JOHN SAUNDERS: Okay. And if more use was being made

18 at the time of using data within the computer system,

19 which you weren't at the time, something like this, the

20 relationship with Salman, and that coming up somewhere

21 else, wouldn't have been flagged up? Would you expect

22 it to be flagged up now in your systems?

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

24 it.

25 The whole of that download did go into our system,

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1 but the difference is if you looked at Salman Abedi, we
 2 wouldn't have a specific link to that information. But
 3 if you searched for -- we have a free text search: if
 4 you search for the telephone number or search for the
 5 Abedi name, those messages or that telephone number
 6 would still come up. The specific difference is if
 7 I only looked for Salman Abedi I wouldn't see that
 8 download link to him. So there is -- it's not that
 9 it isn't in the system, and this is the challenge we
 10 face, things are often in systems, it's the challenge
 11 you point out, sir, of how do our data management tools
 12 allow us to link everything. I think the point is made,
 13 it was not a specific linking to a specific individual
 14 in our record system.
 15 MR WEATHERBY: Thank you. So you've got the whole of these
 16 messages on the system and you've got the phone number
 17 but you haven't got the link between the phone number
 18 and Salman Abedi?
 19 A. Yes. It's not attributed -- in my understanding it's
 20 not attributed to his records.
 21 Q. So if that problem, that missing link, is solved, the
 22 next month or a couple of months later, then of course
 23 all of those messages would link to Salman Abedi,
 24 wouldn't they?
 25 A. If there had been a reason, yes, to what we would call

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1 index to associate it with him.
 2 Q. And that is an important point with respect to the
 3 questions that the chair is asking about the use of
 4 data: once you have put the phone number into your
 5 system, if it's subsequently identified, then the
 6 importance or otherwise of the messages or whatever
 7 information then may become apparent and certainly
 8 becomes available to be considered with respect to the
 9 person who is the subscriber or the --
 10 A. Yes.
 11 Q. -- number owner? Okay.
 12 The other point you were making was that these two
 13 points, the martyrdom mindset and the dinar mindset,
 14 were used against Abdalraouf Abdallah. The other side
 15 of that coin, if that's not inappropriate considering
 16 the dinar, the other side of that coin is that in fact
 17 Salman Abedi had initiated the dinar, he'd sent it, and
 18 he was fully involved in the martyrdom messages. So any
 19 mindset that attached to Abdalraouf apparently attached
 20 to Salman Abedi as well, didn't it?
 21 A. Yes. I'm not dismissing them as irrelevant at all,
 22 Mr Weatherby. The point I made yesterday is --
 23 SIR JOHN SAUNDERS: You didn't link it up at the time?
 24 A. And you can read those messages and see slightly
 25 different roles between Abdalraouf Abdallah and

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1 Salman Abedi. I'm not dismissing them, and others have
 2 assessed them, and they may have been very reasonable
 3 assessments based on what was in front of them.
 4 MR WEATHERBY: And we'll return to that, yes, okay.
 5 Just on the research or the failure to research the
 6 number and spot the fact it was Salman Abedi subscribing
 7 to the phone and he used Salman Abedi in one of
 8 messages, I think it's within your knowledge that
 9 Mr Morris has accepted in his statement that research
 10 into the number should have taken place.
 11 A. Yes, I think that's the point, as an investigator --
 12 Q. And you'd agree with that?
 13 A. Yes, as an investigator, if I was going to use the
 14 material in the sequence of events, I think it went in,
 15 I would probably want to know the answer to the question
 16 before I was asked.
 17 Q. Thank you, that's very fair. Just finally on this
 18 point, can I just have up a page from Mr Morris'
 19 statement, which is INQ042103/3.
 20 Whilst that's coming up, the point here is that
 21 Mr de la Poer took you to one of the objectives of the
 22 Oliban operation. I just want to take you to one more
 23 of them. That's number 6 at the top of the page.
 24 INQ042103/3, please.
 25 Wrong document. Probably my fault. {INQ042102/3},

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1 please.
 2 SIR JOHN SAUNDERS: We're one up, we were looking at 3.
 3 MR WEATHERBY: I'm sure it was my fault. Page 3 of that,
 4 please.
 5 It's just number 6:
 6 "To identify any like-minded associates who may
 7 share extremist views/aspirations."
 8 That again would be, looking at those messages,
 9 a reason why the operation should have looked into the
 10 phone; yes?
 11 A. Yes. When I read that, that was something that would
 12 inform my view of why I would have preferred the wider
 13 intelligence team to have undertaken that piece of work.
 14 Q. Thank you very much. We can take that down.
 15 One more document on this and then I'll move on and
 16 I'm not far off finishing my questions.
 17 Could we have up {INQ033826/4}, please. This is
 18 your tab 133.
 19 This is Mr Costello's report on Oliban and he makes
 20 a reference here to a decision about ICW/13 and the
 21 material on it.
 22 A. Sorry, Mr Weatherby, can I ask, is this the post-attack
 23 summary?
 24 Q. Yes, it is indeed. This is Mr Costello's report
 25 post-attack, but this part of it is referring back to an

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1 assessment that was at the time. Okay? I'm not going
 2 to go through the facts of it unless anybody wants me to
 3 because I don't think we probably ought to. But just
 4 at the top of the page, and this is talking about
 5 ICW/13, so it's just the second phone:
 6 "There was a clear desire of Abdalraouf to become
 7 a martyr. He discussed politics, acquiring weapons and
 8 sending money with a male travelling to Libya. The
 9 assessment of the further indications identified from
 10 ICW/13 made at the time read:
 11 "'There is little, however, that suggests any
 12 further offences given that the funding and facilitating
 13 refer to Libya.'"
 14 Then he goes on to say talk of Syria was very
 15 limited.
 16 Can you help us with that at all, why the fact that
 17 the same activities in relation to Libya wouldn't be an
 18 offence but they would in Syria?
 19 SIR JOHN SAUNDERS: I think we may have established that
 20 actually Libya was maybe a different priority to Syria
 21 and Syria was the main aim at the time.
 22 MR WEATHERBY: Yes, but that's not my point. The point I'm
 23 making here is that the suggestion in that is that,
 24 assuming that funding and facilitating was made out,
 25 there is little, however, that suggests any further

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1 offences given that it related to Libya. Not that Libya
 2 is a different canvas for this, it's the fact that
 3 a different assessment -- because it's Libya, there's no
 4 offence.
 5 A. I think the way I read it is that there is clearly
 6 a reference to what are my objectives, what is this
 7 prosecution about. So I think you could partly read
 8 that as there are no further offences in relation to
 9 this investigation. And I think without knowing the
 10 detail of the acquiring weapons and sending money,
 11 whether they would be offences in relation to Libya --
 12 I think there's some conversations with a gentleman
 13 there.
 14 Q. Okay.
 15 A. Now, whether that can be linked to terrorism is
 16 a different matter.
 17 Q. Yes.
 18 A. So I think there's something specific about what have we
 19 been asked to look for. We've been asked to look for
 20 supporting evidence in relation to these offences, the
 21 facilitation of travel to Syria.
 22 SIR JOHN SAUNDERS: So that's the context: these offences
 23 are this is a man sending people to Syria to fight?
 24 A. Yes. When we look at these messages, they're not about
 25 that.

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1 MR WEATHERBY: We can take that down, thank you.
 2 SIR JOHN SAUNDERS: Is the underlining done at the time?
 3 MR WEATHERBY: That's how it came through to us.
 4 SIR JOHN SAUNDERS: Okay, thank you.
 5 MR WEATHERBY: Can I just move on from the time of the
 6 messages in terms of taking the identification of
 7 Salman Abedi to the phone slightly further. Because we
 8 know that the phone was seized on 28 November and you
 9 told us yesterday, helpfully, that it was then analysed
 10 some time in 2015.
 11 A. Yes.
 12 Q. Perfectly reasonably. But can I just turn to the
 13 billing from Belmarsh Prison because -- and this is your
 14 tab 60. I think it would probably be helpful to have it
 15 up. It's {INQ035668/1}.
 16 That's the first page. It's simply a list of
 17 attempted calls or calls from two prisoners. Can we
 18 jump to {INQ035668/6}, please?
 19 SIR JOHN SAUNDERS: So he's beginning his sentence at this
 20 stage, serving the first part of his sentence in
 21 Belmarsh rather than being on remand pending trial?
 22 MR WEATHERBY: Abdalraouf is on remand, yes.
 23 So going to the bottom of this document, we are
 24 starting at 23 November, so that's before the phone is
 25 seized. Abdul Benhammedi, who's the man who's facing

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1 charges relating to the sniper's manual but is
 2 subsequently -- I'm not sure whether the charges were
 3 dropped or he was acquitted, I'm not sure, but either
 4 way, he wasn't convicted. But at that point, he is an
 5 alleged terrorist prisoner on remand at Belmarsh. And
 6 before the ICW/13 phone is seized, he is calling the
 7 3458 number, which is the Salman Abedi number; yes?
 8 A. Yes.
 9 Q. But there's the legend on the right-hand side, "Number
 10 not on allowed list". I am sure you'll know that
 11 prisoners have to add numbers to their list; yes?
 12 A. Yes.
 13 Q. So at that point, it's trying to phone it, but it's not
 14 on his allowed list, so it doesn't go through.
 15 As we go up, certainly by 30 November, which is
 16 2 days after the ICW/13 phone is seized by the police,
 17 he actually does get through on that number. So the
 18 inference is of course that his number --
 19 A. Has been added to the list, yes.
 20 Q. So he's now listed it at Belmarsh. Would you agree that
 21 the contact for an alleged terrorist prisoner would be
 22 something that would be of interest to CTP?
 23 A. In certain circumstances, yes.
 24 Q. So that was certainly available if you were interested
 25 in making the connections between people; yes?

24

1 A. If those who were investigating Benhammedi had an
 2 investigative requirement or intelligence requirement to
 3 go through all Benhammedi's contacts and felt that --
 4 this is on the prison system, clearly .
 5 Q. Yes.
 6 A. And felt they were relevant enough that we should bring
 7 them into our system, I can see that we may have ended
 8 up with a link .
 9 Q. Sure, okay.
 10 A. But I think there's quite a few steps to be taken there.
 11 Q. Fair point. Page 3 {INQ035668/3}, please, Mr Lopez?
 12 SIR JOHN SAUNDERS: And we should just bear in mind that all
 13 prisoners are aware that these records of the numbers
 14 are taken and the phone calls they make.
 15 MR WEATHERBY: Absolutely.
 16 SIR JOHN SAUNDERS: I think that the public should actually
 17 understand that.
 18 MR WEATHERBY: Yes. And they must be because, of course, as
 19 we are demonstrating, they can't get through on the
 20 number until they do accept it on the prison system.
 21 So page 3 here. And we have the same point about
 22 Abdalraouf Abdallah: he makes a number of attempts and
 23 he's not able to get through because the number isn't on
 24 the list until 19 February, which is halfway down there,
 25 where after a series of attempts, he eventually gets

25

1 through to the Salman Abedi number. Okay?
 2 A. Yes.
 3 Q. So the point -- and then there's a number of other calls
 4 between them. So I take your point about Benhammedi,
 5 that unless anybody was interested in phone numbers that
 6 he was contacting, that may not have married up. But
 7 here, you had an ongoing prosecution process whereby
 8 you're trying to link stuff together. So the numbers of
 9 contact with Abdalraouf Abdallah would have been very
 10 much of interest to Counter-terrorism Police --
 11 SIR JOHN SAUNDERS: I'm really being stupid. Can you just
 12 identify for me the date on which Abdallah gets through
 13 to the Abedi number?
 14 MR WEATHERBY: Well, he's trying at 19 February.
 15 SIR JOHN SAUNDERS: Yes, got that.
 16 MR WEATHERBY: And then the... It's the next page, I think,
 17 page 2 {INQ035668/2}.
 18 SIR JOHN SAUNDERS: No wonder I couldn't see it on page 1!
 19 He seems to not get through each time.
 20 MR WEATHERBY: He's trying before he gets through. Yes, the
 21 first ...
 22 (Pause)
 23 The first appears to be 26 March.
 24 SIR JOHN SAUNDERS: Yes, thank you.
 25 MR WEATHERBY: But he certainly does get through to him, so

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1 obviously the number has gone on his list.
 2 I take your point with Benhammedi, but here you've
 3 got an investigation into messages and numbers.
 4 Certainly the contacts of Abdalraouf, the facilitator ,
 5 is going to be of interest to CTP?
 6 A. Yes. Generally, just so people understand, when an
 7 individual is in a prison estate, it's the local CTU
 8 that will manage that, so this would have been SO15
 9 London, managing that relationship with the prison and
 10 any threat within the prison. If the SIO has an
 11 investigative requirement, they can task that prison
 12 intelligence unit to gather this sort of information for
 13 them.
 14 It goes back to the same point, I think: if the
 15 investigators thought there was a relevance to that
 16 number, they wouldn't automatically get every social PIN
 17 number contact and put that into our system. So there
 18 would need to be a sort of proportionate approach and
 19 say: is there an investigative benefit in us doing this?
 20 Q. Yes, okay. That's all I've got on that topic, thank you
 21 very much. We can take that down.
 22 Just one discrete point and I want to be careful
 23 with this so I'm going to put something to you and I'm
 24 hoping you're going to be able to simply accept it .
 25 I think you've probably been told about it, it's

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1 Mr Alzoubare.
 2 It's simply this: that Mr Alzoubare was subsequently
 3 linked with the Zubair that is in the messages by the
 4 police; yes?
 5 A. Yes.
 6 Q. That's the connection. Mr Alzoubare is going to give
 7 evidence, so I'm just trying to adduce this simple fact
 8 from you.
 9 In February of 2016, reports were received, and I'm
 10 not interested where from, certainly at this point, but
 11 reports were received that he was being radicalised by
 12 a person who was named but I'm not going to name him
 13 now, who was said to have influence over other males
 14 in the Manchester area; yes?
 15 A. Yes.
 16 Q. And that between 2015 and 2017, Mr Alzoubare was
 17 referred to Channel and Prevent.
 18 A. That's correct.
 19 Q. Thank you. You gave evidence yesterday about the
 20 25/26 May flight 2016.
 21 A. Yes.
 22 Q. And I'm afraid I didn't follow it, so I'm going to ask
 23 you a few questions.
 24 A. Can I go to that in my statement, Mr Weatherby?
 25 Q. Yes. It's tab 1 and it's 109 to 110. I don't think we

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1 need this up, but we may do, so we'll bear this in mind
 2 if we may.
 3 You gave evidence yesterday that this was a link,
 4 25 May, the flight actually took off in the early hours
 5 of 26 May, but this is Manchester Airport and
 6 Salman Abedi linked to Abdalraouf Abdallah.
 7 A. Yes.
 8 Q. Although you don't say that in your statement, but
 9 that's the evidence you gave yesterday.
 10 A. The person subject to the bail conditions was
 11 Abdalraouf Abdallah.
 12 Q. Yes. From your statement, you refer to:
 13 "Salman Abedi and another person were seen entering
 14 the airport and activating boarding cards."
 15 A. Yes.
 16 Q. The interest was triggered, because as you say,
 17 Abdalraouf was on bail and he had travel restrictions .
 18 Have I understood your evidence right that therefore
 19 Abdalraouf had a ticket to fly out of the country?
 20 A. No.
 21 SIR JOHN SAUNDERS: I do actually know what's behind this.
 22 I also understand that it's confusing. But I also
 23 understand that there would be perfectly good grounds
 24 for not allowing you to go further.
 25 MR WEATHERBY: Okay.

1 SIR JOHN SAUNDERS: And I don't think it really affects
 2 anything as far as you're concerned. It's the
 3 connection which is relevant, not what the connection
 4 was or how it was demonstrated. I will look into it
 5 more in closed, but I think that's likely to be your
 6 answer.
 7 A. I think I would have stopped there. We can certainly
 8 explain --
 9 SIR JOHN SAUNDERS: It brings into account methods used by
 10 police officers .
 11 MR WEATHERBY: I certainly wasn't headed in that direction.
 12 SIR JOHN SAUNDERS: I know you weren't and I can understand,
 13 if I may say so, why that was confusing to people and
 14 I hope I haven't said too much as well.
 15 MR WEATHERBY: Okay, thank you. Obviously I'm not going to
 16 go any further with that.
 17 SIR JOHN SAUNDERS: You've got the result without the
 18 method, which I think is actually satisfactory for your
 19 purposes.
 20 MR WEATHERBY: Okay, thank you.
 21 Can I ask whether this further interaction with
 22 Abdalraouf, did that trigger further consideration of
 23 re-opening Salman Abedi as an SOI at that stage?
 24 A. That's not something I can go into here because any
 25 decisions such as that would have to take into

1 consideration the full intelligence picture. But it's
 2 certainly something we can cover elsewhere.
 3 Q. Just this and then I'll leave it: he appears to have
 4 been at the airport with a man on bail for facilitating
 5 travel of other IS --
 6 SIR JOHN SAUNDERS: I think you're making assumptions which
 7 you cannot properly make. I'm really sorry, I'm just
 8 trying to prevent us going into difficult territory .
 9 MR WEATHERBY: I shall leave it there.
 10 Finally this, a different topic, and this is the
 11 final point I have. You've referred to interactions
 12 with Ismail Abedi after his port stop in 2015.
 13 A. Yes.
 14 Q. And you've referred to Counter-terrorism Police trying
 15 to make contact with him in April and May of 2016.
 16 A. 2016.
 17 Q. I think we've established that he wasn't in fact
 18 referred to Prevent. Obviously, CTP have a variety of
 19 reasons for wanting to speak to people. But is that an
 20 explanation as to why sometimes people who may otherwise
 21 be referred to Prevent aren't, because of other aspects
 22 of your job?
 23 A. I think I've explained yesterday the process we go
 24 through in considering a referral. I don't think I can
 25 say any more. I certainly wouldn't want to confirm or

1 deny whether those two processes are linked in this
 2 case. I've accepted the port stop and I've produced
 3 some brief evidence of how we tried to make contact and
 4 meet with Ismail and he declined --
 5 MR WEATHERBY: Thank you very much.
 6 A. -- to do that.
 7 SIR JOHN SAUNDERS: Thank you very much.
 8 MR GREANEY: Thank you, Mr Weatherby.
 9 Sir, could we invite Mr Cooper to ask his questions
 10 next and to identify a time around about 11 o'clock for
 11 a break, please.
 12 Questions from MR COOPER
 13 MR COOPER: As you'll understand, Mr Scally, I too represent
 14 a proportion of the families in this inquiry and
 15 continue to ask questions on their behalf.
 16 I want to go back, please, to the issue first of
 17 funding and resources to see whether we can just
 18 understand the programmes a little more closely as far
 19 as Counter-terrorism Policing was concerned at the time
 20 and in the events leading up to this atrocity and indeed
 21 to understand whether resources or, in particular ,
 22 funding has been pumped, and I use that word advisedly
 23 from information I've read, into the system to help.
 24 Your evidence to date, if I understand it correctly ,
 25 is that there's not a funding issue here as to how

1 Counter—terrorism Police were responding to the threat
 2 of terrorism leading up to 2017. Do I understand that
 3 correctly?
 4 A. Yes, I don't think it was a significant factor.
 5 SIR JOHN SAUNDERS: Sorry, I'm going to stop you there just
 6 to examine that.
 7 We know one of the fundamental problems MI5 and
 8 CT Police have is dealing with SOIs who are no longer
 9 SOIs. So keeping track of these 20,000, now 40,000, all
 10 that sort of thing.
 11 A. Yes.
 12 SIR JOHN SAUNDERS: And we certainly know, I think since the
 13 ISC report and since Lord Anderson's review, that
 14 actually funding has been put into data, things like
 15 that. So actually, are you right in your answer, may it
 16 have been that if that funding had been put into that
 17 sort of organisation, that sort of enterprise
 18 beforehand, that that might have actually helped in your
 19 job of coping with these —
 20 A. In, I think, 2015/2016, and we've repeated this since,
 21 we did an organisational review as CT Policing. So that
 22 says: what does the environment look like, what are our
 23 services, how much do they cost us? And we move — we
 24 might close some services down or open others because we
 25 think they're a priority, and that's something we've

1 done on a number of occasions to produce efficiencies
 2 that we can then reinvest into the things we want.
 3 So at any point in any organisation's process, if
 4 you stop the clock, there will be things that are very
 5 mature and work, things we are trying that may or may
 6 not work, and things that we would like to do but we
 7 need some resources and we need to stop doing something
 8 else. So depending on where you stop the clock, there
 9 will always be that position, but I know nationally, and
 10 I was personally involved in this, we had gone through
 11 a very detailed process of looking at our demand against
 12 all our services, borders, Prevent, whatever it was, and
 13 making our investment decisions on that basis.
 14 SIR JOHN SAUNDERS: I understand that. But specifically,
 15 dealing with new situation of dealing with data, helping
 16 with how you cope with closed SOIs, more investment has
 17 gone into that now. Had more investment gone into that
 18 earlier, might that have helped?
 19 A. I think that would need us to go into what was the
 20 services, so in closed we would be able to say if
 21 you are a closed SOI, this is the service that you get,
 22 so to speak.
 23 SIR JOHN SAUNDERS: The reality is that, almost always, more
 24 investment may or would have helped?
 25 A. Yes, it does. I think the challenge with data is

1 actually increasing the size of the haystack does not
 2 make it easier to find the needle, if I could use that
 3 analogy. If we're adding more and more data, our
 4 challenge is the point you make: have we got the tools
 5 and techniques to join things up?
 6 SIR JOHN SAUNDERS: I'm talking about — it's not good
 7 having data if you don't analyse it correctly.
 8 A. Yes.
 9 SIR JOHN SAUNDERS: So far as the day—to—day manpower,
 10 people on the ground to do the job as you were doing it
 11 then, you're saying —
 12 A. What I'm saying is in terms of the risk to the
 13 operations we were running, we were running at a very
 14 high pace, I fully accept that. But we were managing
 15 with the workload and the investigations and the
 16 management of intelligence, notwithstanding the bigger
 17 strategic issues of —
 18 SIR JOHN SAUNDERS: I just wanted to divide those sort of
 19 issues off.
 20 MR COOPER: Not at all, sir. I'll continue with the theme,
 21 I'll come on to data later.
 22 But focusing on funding, I'll put resources to one
 23 side because that may be a sensitive area which will be
 24 dealt with in closed. But funding. Immediately after
 25 this outrage, a significant increase in funding was

1 given to Counter—terrorism Police and the general
 2 counter—terrorism process, wasn't it?
 3 A. Yes.
 4 Q. In fact, the Home Secretary announced immediately
 5 a further £24 million to be, and the word used is
 6 "pumped", into Counter—terrorism Policing? Are you
 7 aware of that?
 8 A. I was involved in — I don't know the details of that,
 9 but I was certainly involved in a similar process where
 10 we put forward proposals of areas we wanted to invest
 11 in.
 12 Q. That was in addition, as I understand from our research,
 13 £707 million, that was already announced for 2017 and
 14 2018. So we have £707 million in additional money for
 15 2017/2018 plus £24 million on the back of these
 16 atrocities. So would you accept that clearly the view
 17 was more money was needed and it was, some might say,
 18 given?
 19 A. The detail, headquarters and director of finance can
 20 deal with. From what you say there, the sort of figure
 21 of 700 and so million is our normal budget for
 22 CT Policing.
 23 Q. And 24 million after Manchester and some of the other
 24 atrocities in early 2017. An extra 24 million. Let's
 25 focus on that: an extra 24 million given by the Home

1 Secretary. So clearly, more money was needed, wasn't
2 it?

3 A. I think it's inevitable if you learn the lessons from an
4 event such as this and all the events of 2017, that
5 there may be areas that you want to invest in.
6 Actually, our approach, as I have just said to you, sir,
7 was the first port of call is the things we should stop
8 doing that we now don't need to do or reprioritise and
9 we reinvest that way. But I think in this case there
10 were some additional investments asked for but that's
11 probably beyond my level of knowledge of this,
12 Mr Cooper.

13 Q. I understand. But do you know in broad terms, because
14 you're a senior man in your profession, do you know in
15 broad terms what the £24 million was used for?

16 A. I couldn't give you a full breakdown of it. I know from
17 an intelligence perspective, I asked for some
18 investments and I received those investments to allow us
19 to respond. I've given the figures of how much things
20 went up in 2017/2018, so I certainly know from my area
21 of responsibility we received additional resources.

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

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1 the time? That's why the 24 million was given, because
2 it was desperately needed by you and your colleagues?

3 A. I can only speak from my perspective in terms of the bid
4 I put in. It related to the increasing workload we had
5 seen, 2016/2017, and going into 2018 we received the
6 money ultimately. So I know the director—general and
7 others have commented how dramatic the increase was in
8 demand in that year and on the back of all the attacks
9 that year, demand continued to increase and we asked for
10 some additional resources to respond to that.

11 Q. And did the 24 million cover what you needed or was it
12 still not enough, given the demands you understandably
13 bring to this inquiry's attention?

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

18 Q. Would you say that you are underfunded now as of 2021 or
19 are you happy with the funding level?

20 A. I'm satisfied we can deliver the services that we're
21 asked to do with the funding we've got.

22 Q. You understand the thrust of my questions is, however
23 optimistic a gloss you put on it, Mr Scally, that at the
24 time of this atrocity you and your colleagues were
25 underfunded, but you say no to that, do you?

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1 A. Please don't misunderstand me. We make prioritisation
2 choices. It is not a bottomless pit, nor will it ever
3 be. We make choices about where we want to invest based
4 on the threat, the challenges, strategic and otherwise,
5 that we face. And that sometimes means stopping doing
6 things or if we want to reinvest in something, we do.
7 So this is not a bottomless pit and all organisations
8 will have to make choices, we make those choices and if
9 I could have all the money in the world then we would do
10 different things.

11 SIR JOHN SAUNDERS: When we're looking at, as we are, and
12 we will continue to do over the next couple of weeks,
13 any potential mistakes made by CT Police, in your view
14 none of that can be attributed to not having the
15 resources?

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

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

21 A. In terms of my teams saying they could not cope with the
22 intelligence that was coming through or the number of
23 executive actions or forensic managements, we were under
24 pressure, certain parts of our organisation were under
25 significant pressure, but that, I don't think, stopped

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1 us managing to deliver the service we would expect to
2 do.

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

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

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

20 A. I think there's a number of ways. It has changed since
21 and I think we have made improvements. I talked earlier
22 about the local commander would be briefed with the
23 counter—terrorism local profile, so they would know in
24 all their policing responsibilities what the threat
25 looked like in general terms in their area. We had

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1 a SPOC network from our Prevent team, so the Prevent
 2 team were based out in boroughs, so Prevent engagement
 3 officers , which is what we had up to 2015, would be out,
 4 working in boroughs, and available to colleagues. And
 5 then we had a network of neighbourhood and front line
 6 staff who would come in and get some particular
 7 professional development. But I do acknowledge,
 8 Mr Cooper, that has increased and there has been a much
 9 wider approach to embedding radicalisation, as
 10 I mentioned yesterday, as a specific vulnerability that
 11 all policing should be aware of. And I accept that's
 12 happened since the attack.

13 SIR JOHN SAUNDERS: I'm interested in this, it doesn't mean
 14 I'm not interested in things I don't ask questions
 15 about, but one of the things you're concerned about,
 16 particularly in certain areas of Manchester, is
 17 radicalisation going on?

18 A. Yes.

19 SIR JOHN SAUNDERS: And you may well have intelligence that
 20 certain people are carrying out radicalisation . But the
 21 last thing you want to do is to let them know that you
 22 know what's going on because you want to be able to
 23 observe what's happening and keep your intelligence to
 24 yourself. Can you go and tell a beat bobby, "We think
 25 this person is radicalising , we've got intelligence of

1 that, we want you to keep an eye on it and come back to
 2 us if you see this guy with a group of young,
 3 impressionable people around him talking to them"? Does
 4 that actually happen?

5 A. I still think that is quite rare, in all honesty. There
 6 are other ways we can find out what interactions the
 7 police have had with an individual.

8 SIR JOHN SAUNDERS: Because you have to keep the information
 9 limited to an extent?

10 A. To an extent. I think again we have broadened it out
 11 and I can go into how we would manage the closed pool
 12 now. There are clearly police systems which we have
 13 access to, so we can see certain interactions
 14 individuals may have had, being stopped by the police,
 15 being arrested. But you're right, it wouldn't be
 16 routine, certainly, for us to go and brief people on
 17 people of interest through the intelligence agencies and
 18 into neighbourhood policing. That's why they get that
 19 broader threat picture.

20 SIR JOHN SAUNDERS: This is something I was talking about in
 21 general terms yesterday whether in this country perhaps
 22 we're too restricted in sharing the information to get
 23 what you know, so you can get the information back from
 24 other agencies. I well understand your concerns about
 25 stuff getting out which you don't want it get out.

1 A. There are different approaches to that. Some of the
 2 ways we've tried to do it, there's been a lot of focus
 3 on 2015 and the duty. My view of that, that
 4 increased — this is not all about policing, this is
 5 about people going to the doctor's, people engaging with
 6 health, so the broadening of that duty to all those
 7 public authorities , we invested a huge amount of time in
 8 helping them and they have helped themselves to develop
 9 because they are the eyes and ears as well. And within
 10 domestic violence or child sexual exploitation , it's
 11 not — it may often be those agencies that see the signs
 12 and that's why the 2015 duty was so important because it
 13 said: this isn't just a police matter, it is all public
 14 authorities where these individuals, through schools or
 15 medical practitioners — and health and schools are two
 16 of our biggest referrers . That I think was the change.

17 So I get the point, neighbourhood and community
 18 officers have a very important collection role, but it
 19 wouldn't be down to the specifics of, "Can you tell us
 20 about that individual?"

21 SIR JOHN SAUNDERS: One more question, Mr Cooper. So in
 22 2015, you've got this change and obviously you're saying
 23 now, as of your view in 2021, we think this is a good
 24 idea. Was the handing over of the Prevent duty, taking
 25 it away, as it were, from the police and putting it in

1 a local authority type perspective, welcomed by
 2 CT Police at the time in 2015?

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

12 SIR JOHN SAUNDERS: Thank you, Mr Cooper.

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

20 A. Yes.

21 Q. They are often referred, police officers on the beat or
 22 community officers, they are referred to as intelligence
 23 gatherers. And the other aspect of that is this, isn't
 24 it, that if they are known in their local locality and
 25 trusted, a well-known face, the community is more likely

1 to go to them to express their concerns, aren't they?
 2 A. Yes, more likely. But the police may not be the first
 3 port of call.
 4 Q. They may not be, but I'm speaking — if there is a law
 5 enforcement agency, as it were, who is most trusted
 6 within their community, so people, if they are so
 7 disposed, can give them information, it's the beat
 8 officer or the community police officer who is the
 9 person usually?
 10 A. That may well be so, yes.
 11 Q. And I'm focusing at the moment on pre-2017 and 2017,
 12 would you accept that that utility was not being used,
 13 or at the very least being underused, in terms of
 14 intelligence gathering?
 15 A. I think the point would be: have we done more since
 16 2017? Definitely. And so I accept the point that would
 17 be made: should you have done that beforehand? So
 18 we have done a lot more work since 2017 in strengthening
 19 the role — I think Basu's phrase was, "All officers are
 20 CT officers". So I accept that point, pre and post
 21 2017.
 22 Q. That's gracious of you, and I mean that, to do so. It
 23 means that I can move on to just a few other questions
 24 on the point. Because the issue of the lack of
 25 information sharing between security services and

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1 Counter-terrorism Police and the general police force
 2 was raised, for instance, by the Intelligence and
 3 Security Committee back in 2008. It wasn't a new
 4 problem, was it?
 5 A. Between the two agencies?
 6 Q. Between the two agencies.
 7 A. It was referenced, yes.
 8 Q. And indeed, one could have assumed, couldn't one, that
 9 if there was a problem between the two agencies, the
 10 general problem of lack of communication, and I am
 11 including now within this beat officers and community
 12 police officers, the general issue of lack of
 13 communication across the piece?
 14 SIR JOHN SAUNDERS: If you don't mind me saying so, I think
 15 that becomes a different issue in a way, because one of
 16 the problems with trying to identify with the ordinary
 17 police force may be the further you spread it out, the
 18 more risks there is of information getting out which
 19 shouldn't get out. I'm not making any reference to
 20 ordinary policemen in saying that, but that's a fact.
 21 Between CT Police and MI5, there shouldn't be any of
 22 that lack of trust, whereas if you give it to CT Police,
 23 they will go and (overspeaking) —
 24 MR COOPER: I see the difference, sir.
 25 SIR JOHN SAUNDERS: So I think it is a slightly different

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1 issue.
 2 MR COOPER: I see the difference, sir. The issue we're
 3 trying to tease out here is not so much that but the
 4 information that beat officers and community officers
 5 may have as a matter of course. How is that plugged
 6 into, for want of a better expression?
 7 SIR JOHN SAUNDERS: And I think, as we've examined, it's
 8 a good idea in practice, but it may be quite difficult
 9 to do safely.
 10 A. I think in the broad sense, should they recognise
 11 threat, if they're doing a house search what would they
 12 see that might be of interest to us, theirs is
 13 definitely a very key role. If we give community
 14 officers and neighbourhood officers the right tools for
 15 them to spot things in their normal duties — and they
 16 have a huge range of normal duties and we recognise CT
 17 as one part of that. There is absolutely a role and
 18 a very key role and that is why the College of Policing
 19 has now said vulnerability to radicalisation is a core
 20 vulnerability. Each police force in this region has
 21 a non-CT lead to deliver Prevent for the very reasons
 22 you say, Mr Cooper: they are good and valuable
 23 intelligence collectors for us. Our challenge is to
 24 give them the right tools and not overwhelm them and
 25 recognise they have a huge range of demands upon them,

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1 of which CT is but one.
 2 MR COOPER: I'm grateful for that. For instance we have
 3 beat officers who are advised and given specialist
 4 assistance as far as recognising drugs, for instance, so
 5 if they go into a house and they seize something, they
 6 are immediately aware of its presence. Awareness
 7 raising is important, isn't it?
 8 A. And has been done.
 9 Q. Since 2017?
 10 A. Well, we had a SPOC, single point of contact, network
 11 I have explained earlier, so officers who would come in
 12 — and this was our own local initiative — plus some
 13 additional professional development, signs they could
 14 spot, et cetera. They were front line officers and that
 15 work was recognised as good practice at the time, but
 16 I accept the point you made and since 2017 there's been
 17 a real push to say how can we do more for front line
 18 officers to collect for us (overspeaking).
 19 Q. I'm very grateful, thank you. You'll understand my
 20 questions are not hostile, they're designed to help us
 21 in the future and help you do your job.
 22 A. I'm trying to be helpful.
 23 SIR JOHN SAUNDERS: I hope none of your questions are
 24 hostile, Mr Cooper.
 25 MR COOPER: Absolutely. I'm very friendly.

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1 Can I link on to another topic, which is actually
 2 linked to what I've been asking you about, which is the
 3 locality . My learned friends before me have more than
 4 ably dealt with that, so I'm not going to go over old
 5 ground. But the fact, as we know it, that the area
 6 where Salman Abedi and Hashem Abedi were inhibiting,
 7 South Manchester, Fallowfield, Little Tripoli as it was
 8 known, and Witness J confirmed that, given the high
 9 octane level of that Libyan community and the
 10 concentration of it , once again local officers and local
 11 community officers within that community particularly
 12 would have been of particular assistance, wouldn't they,
 13 leading up to 2017? I'm speaking now in particular
 14 in relation to this inquiry's issues, not just
 15 generally. Beat officers, community officers, would
 16 have been of great assistance in Little Tripoli,
 17 wouldn't they?
 18 A. I think I've spoken to the role that they have.
 19 Clearly, that area had a significant number of
 20 challenges. We've talked about the gang culture that
 21 existed there and all that came with that. So within
 22 that mix, there is definitely a role for front line
 23 officers and specialist units that operate there to
 24 collect intelligence that may be relevant for us.
 25 We can normally access that through police systems.

1 SIR JOHN SAUNDERS: Help me about this, this is really
 2 a summary. We've already heard the connection between
 3 criminal activity and radicalisation and terrorism
 4 offences, there's often a connection that people --
 5 A. I think that's different in different parts of the
 6 country. So one of the --
 7 SIR JOHN SAUNDERS: Help us about Manchester then.
 8 A. Okay. One of the key points made about that threat is
 9 things like the ready access to firearms, so if there is
 10 ready access to firearms within the criminal community
 11 and extremists become linked to that, does that make
 12 that flow of firearms easier? I have to say from our
 13 perspective in the north--west, we haven't seen a great
 14 deal of that. In other areas of the country that is
 15 a much more significant issue, so I think we just need
 16 to be careful how we categorise and talk about it.
 17 The other general point I think about radicalisation
 18 is -- I think this was echoed earlier in the inquiry --
 19 if I am a criminal, therefore -- I think Dr Wilkinson
 20 referred to it -- and therefore my view of society and
 21 the rules I should abide by -- but I think that's about
 22 general criminality and whether that is an indicator or
 23 feeds into the whole context of whether somebody is
 24 likely to be radicalised or not.
 25 SIR JOHN SAUNDERS: Thank you.

1 MR COOPER: So far as you can help us, Mr Scally, what sort
 2 of work were Counter--terrorism Policing doing with
 3 mosques in the area? What sort of communications, so
 4 far as you can tell us in open, what sort of work was
 5 being done to gain information and to get cooperation?
 6 Firstly, mosques.
 7 A. Pre?
 8 Q. Pre--2017, yes.
 9 A. I think between this hearing and closed, we can describe
 10 how we responded to the threat that I said we had
 11 recognised. In terms of the overt activity, we have
 12 Prevent engagement officers who would have been
 13 well--known to all the mosques in that area. I think
 14 there were certain mosques where we had away days with
 15 our officers and theirs and the name is in the title :
 16 they were engagement officers. That was their job: to
 17 be out in the community, working with mosques or any
 18 relevant institution where we thought there was benefit
 19 in building a relationship .
 20 So for instance, as Syria emerged, we did an
 21 initiative which was part of a national called the Syria
 22 Passport, so going to mosques -- and there is a very
 23 strong charitable theme to the Muslim faith, so
 24 explaining to people they need to be really cautious how
 25 they might want to do humanitarian aid through reputable

1 charities . So that relationship was there and it was
 2 based around our Prevent engagement officers.
 3 Q. And did you find generally that you were receiving
 4 cooperation from the mosques?
 5 A. I haven't got all the details of who we saw and when.
 6 But I think we had a relationship with all institutions .
 7 Whether that varied from one to another, I couldn't say.
 8 Q. There are others we can deal with the issue on and we're
 9 having witnesses later on in the year on the issue
 10 in relation to mosques, but I simply ask you this: are
 11 there improvements that can be made concerning the
 12 relationship between Counter--terrorism Police and
 13 mosques so that mutually the two can work together more
 14 efficiently to identify the threat of radicalisation
 15 from your perspective?
 16 A. I think we're always open to that, but I think there's
 17 a number of agencies which can engage. Most religious
 18 institutions will be charitable. We have an embed from
 19 the Charities Commission, there's work they can do. If
 20 they have an educational facility attached to it, OFSTED
 21 have a role to play. I think we are one of the partners
 22 within that, and clearly local authorities and others.
 23 So I don't think it's just a police relationship with
 24 any of these institutions, I think it's a range of
 25 people that they can engage with. I have given

1 Charities Commission and OFSTED as two other people who
 2 have a legitimate interest in building a relationship
 3 and delivering -- making people understand their
 4 responsibilities about safeguarding or Prevent
 5 generally.
 6 Q. This may be entirely misconceived by me, but it all
 7 sounds a little soft touch.
 8 A. What do you mean?
 9 Q. Low key as opposed to going -- and I'm not just
 10 highlighting mosques here, I'm going on to schools and
 11 colleges in a minute, so I'm not just highlighting that
 12 sector. Rather than going in and giving clear
 13 directions as to what should be looked for and regular
 14 reporting back as to anything that concerns -- maybe for
 15 instance giving advice as to the tone and manner of
 16 preaching as to whether it may well be verging on the
 17 illegal. I'm not going to go into specifics, we'll deal
 18 with that later. But shouldn't Counter-terrorism Police
 19 be a little more firm in guiding what is required and
 20 what duties are of reporting and self-regulating? And
 21 I'm not just focusing on mosques, I'm going to be
 22 talking about schools and colleges. I don't want to be
 23 misinterpreted.
 24 A. Putting institutions to one side, the Prevent duty makes
 25 it very clear to all the public authorities what their

1 duty is and I don't think it is for the police to go and
 2 lecture them about that. I am slightly concerned about
 3 a tone where we are going to communicate to institutions
 4 and dictating to them how they run them in something
 5 that is not a criminal matter.
 6 SIR JOHN SAUNDERS: I think actually you are talking about
 7 criminal matters in a way.
 8 MR COOPER: Yes.
 9 SIR JOHN SAUNDERS: Sorry, if you were to hear, get
 10 information, that a particular preacher at a particular
 11 mosque was in fact -- could be interpreted as
 12 encouraging terrorism, then presumably you would
 13 interfere as you would in any criminal case?
 14 A. Yes, we have a process in Prevent where we have
 15 a relationship, so somebody has somebody coming to
 16 a university, let's say, we can go and explain to them
 17 our concerns. They are a private institution. If they
 18 want that individual to come and speak then we at least
 19 have had a conversation with them. I'm not sure what
 20 more we can do at that point. If a criminal offence
 21 occurs then clearly we will make a decision about
 22 whether that is investigated, but I think there's --
 23 well, these are private institutions, there is
 24 a boundary as to where the police can go beyond advice,
 25 I think, sir.

1 SIR JOHN SAUNDERS: Mr Cooper, it's an important topic. It
 2 also feeds into the Prevent Inquiry which is going on
 3 and I certainly don't want to do anything which may
 4 prejudice that. I'm also well aware there are quite
 5 strong feelings in this part of the country about this
 6 and I don't particularly want to extend my inquiry into
 7 getting to a state where people want to come and talk to
 8 me about whether Prevent is working properly and things
 9 like that.
 10 MR COOPER: Let me emphasise, sir, my questions are purely
 11 asked neutrally and let me emphasise the tremendous and
 12 cooperative work mosques, colleges and schools give to
 13 the process. I wouldn't want to be misinterpreted.
 14 SIR JOHN SAUNDERS: No, no, you're perfectly entitled to say
 15 what you are saying. What we need to establish is that
 16 if a criminal offence is suspected, that the
 17 Counter-terrorism Police will go in and investigate and
 18 do it properly wherever it's taking place.
 19 A. So we do have a policy and approach to premises,
 20 private, where we can advise and we're very keen to
 21 advise. But clearly, the boundaries are for them to
 22 manage in a pre-criminal space. We can do more -- but
 23 your point about should we give people the information
 24 on which they can ask, yes, I think we should, and
 25 I think through our engagement we do, so things like

1 humanitarian aid, when Syria arose, what travel to Syria
 2 might mean, and how they should consider and be cautious
 3 about. That was a whole programme of work done with
 4 communities. Decisions are made by individuals. We can
 5 hopefully give them the information they need to make an
 6 informed decision.
 7 MR COOPER: I understand. What about, for instance, the
 8 same question that I've asked of mosques I ask you now
 9 of the engagement of Counter-terrorism Police with
 10 schools and colleges, so much so that they can extract
 11 from them or encourage them to give any information
 12 relating to concerns about students? Is there a process
 13 for schools and colleges that Counter-terrorism Police
 14 encourage? What is the relationship between schools and
 15 colleges and Counter-terrorism Police?
 16 A. Yes, the process is Prevent.
 17 Q. That's the process, I see.
 18 A. So if they feel they have somebody who is vulnerable to
 19 being drawn into terrorism, they have a duty -- so this
 20 is -- they have a wide duty under the Prevent duty. If
 21 they have concerns about a particular individual they
 22 should put a referral in, and as I said earlier, education
 23 and health now are our two biggest referrers.
 24 Q. So this goes back to Prevent and I'm aware of --
 25 A. That is --

1 SIR JOHN SAUNDERS: I'm not stopping you, I'm just saying
 2 I don't want to run across what may come out of the
 3 other inquiry.
 4 A. Clearly if it's a criminal concern, and we have had
 5 these from schools, we would expect, if it was an urgent
 6 criminal matter, we would be told about that in the
 7 normal way and we would respond.
 8 MR COOPER: The last 20 minutes of my questioning or so has
 9 purely been meant to draw in the intelligence and
 10 resources that's out there in the community, not for
 11 instance the highly technical stuff that you and MI5
 12 deal with, but the actual real stuff out there that
 13 members of the public potentially can see and schools
 14 can see and other institutions can see. I'm just trying
 15 to tease from you, if it assists the chair, how
 16 Counter-terrorism Police use that resource and that's
 17 why I'm asking you the question.
 18 A. So we have to make them aware, and I won't go over what
 19 I've said, for that very important reason. Certainly
 20 research I've read has said on that path to an attack
 21 there will be some potential leakage, somebody will
 22 potentially become aware. That is unlikely to be
 23 a police officer. That may well be somebody in the
 24 community that sees it. So I fully agree that having
 25 eyes and ears out there amongst all the agencies and

1 those that engage in the community, and that includes
 2 friends and families, is really important to us.
 3 Q. And those eyes and ears, moving on to my third topic now
 4 just before we break perhaps, particularly within the
 5 community, particularly within the public, need to be
 6 heightened, don't they, at certain phases of life in the
 7 nation, threat levels and that sort of thing?
 8 A. Yes.
 9 Q. And the question is this, and it's a matter that's been
 10 put by the chair on a number of occasions to a number of
 11 witnesses: do you think that the threat level, it was
 12 severe at the time and had been for a while, caused
 13 a degree of complacency, perhaps, not just amongst law
 14 enforcement professionals like yourself and your
 15 colleagues, but also amongst the community? They become
 16 rather complacent, "Oh, it's severe, it always has been,
 17 we don't need to really be on that much alert". Do you
 18 see the point I'm driving at here?
 19 First question here, let me break it down: does that
 20 cause a degree of complacency or might there be a risk
 21 of it within people doing your job?
 22 A. I don't think it's a degree of complacency, but it's
 23 a recognition that it's a national threat picture. So
 24 certainly as police officers, we're aware of that, but
 25 we're aware of it more so because we're investigating

1 terrorism on a daily basis. Perhaps it is very obvious
 2 to us what the threat is. The JTAC severe threat
 3 assessment is for the country. As police officers in CT
 4 we are doing the work that generates that threat.
 5 Q. I understand. So therefore those that might have said
 6 to this inquiry that there was or might have been
 7 a degree of, I'm not sure whether they used the word
 8 complacency, but I'll shorthand it, or familiarity with
 9 the term which causes one not to be so alert about it,
 10 you're saying that in your job you know all about it,
 11 more so than perhaps others?
 12 A. Yes.
 13 Q. I see. Do you think nonetheless there's a risk that
 14 others that don't know the detail that you and your
 15 colleagues know, and they've expressed this concern and
 16 others have said this, that there might be a familiarity
 17 and an overfamiliarity with these terms to others?
 18 A. Yes.
 19 Q. Which causes people to be less vigilant perhaps?
 20 A. I think they have to be meaningful. So in a community
 21 such as we're talking about, or in a geographic area to
 22 be more accurate, the fact that a threat is severe,
 23 I would expect, is far less relevant than the fact that
 24 members of their community are travelling to Syria or
 25 and that is known within the community or there is a

1 civil war in the country of their heritage, whatever
 2 that country is, Somalia or Yemen or otherwise.
 3 I think those facts are much more real and relevant
 4 than a national threat assessment.
 5 Q. So perhaps there should be more use of local or the
 6 institution of local threat levels?
 7 A. I would have to think about whether that was
 8 a practical --
 9 Q. We have it in COVID, for instance, it just comes to
 10 mind, one has or did have different levels, and
 11 Manchester, perhaps controversially, was put in one
 12 level, whereas other parts of the country weren't. That
 13 sort of approach.
 14 A. We have it in essence through priority areas in Prevent.
 15 I know Mr Hipgrave did not go into the mechanics that
 16 sit behind it, but there is a mechanic done by the
 17 Home Office. I think that says that is an area of
 18 interest to us. Certainly in our briefings to our
 19 partners in local authorities and elsewhere, they will
 20 know where most of our Prevent referrals come from and
 21 I think it would be clear where our areas of interest
 22 are.
 23 Q. Lastly this, perhaps, before with the chair's leave we
 24 take our mid-morning break, the point I put to you about
 25 fellow professionals and others doing the job in

1 whatever capacity, that risk is also there for the
 2 public, isn't it? A number of government inquiries or
 3 investigations have concluded that often these threat
 4 levels, these national threat levels, have little
 5 practical effect and can often be confused and
 6 misunderstood by the public. Do you agree with that?
 7 A. I think, as I said earlier, if you're a member of the
 8 public or a business, the campaigns that we run are very
 9 particular, so the campaigns we will run with the
 10 business community, the training we do with the business
 11 community is converting a national threat level of
 12 severe to "What does this mean to me here?" And I think
 13 that's the challenge we have: making it real to people.
 14 You cannot overwhelm people. Members of the public
 15 have, like police officers many, many things going on in
 16 their lives, we need to give them short, rememberable
 17 pieces of information, "Run Hide Tell", that sort of
 18 thing that, either in a crisis or when they see
 19 something that they hadn't expected to see, they know
 20 what to do with. There is a balance of how much we can
 21 reasonably expect people to do and that's existed from
 22 the days of the IRA and through to now.
 23 Q. I said that was the last question. My last suggestion
 24 to you: is there merit perhaps in a review of the
 25 terminology of national threat levels and they should

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1 perhaps be more nuanced to engage people more in the
 2 warning?
 3 A. I think the threat level is the starting point. I don't
 4 have a problem with that. It's how we convert that
 5 into, "Here is a 'Run Hide Tell' campaign", or, "We're
 6 running a 'Run Hide Tell' campaign because you may at
 7 some stage", and we have to balance this message, "be
 8 caught up in a terrorist act and you need to know what
 9 to do". So I'm happy that severe tells us what our
 10 starting point is: it's converting that into products
 11 that are memorable and bespoke to areas of the community
 12 such as business or a member of the public who may be
 13 going around their normal life.
 14 Q. Or perhaps, not so much a bespoke section of the
 15 community but an area in the country, so "Threat level
 16 severe: Manchester"? Different perhaps than, I don't
 17 know, I just pick it off the top of my head,
 18 Wolverhampton or somewhere?
 19 SIR JOHN SAUNDERS: You're very concerned about
 20 Wolverhampton! A main interest in his life at the
 21 moment.
 22 MR COOPER: As opposed to Birmingham, yes.
 23 SIR JOHN SAUNDERS: Let's compare Manchester to
 24 Wolverhampton.
 25 A. I'm not sure what the threat level would be.

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1 MR COOPER: The point I'm making is: should there be
 2 different threat levels for different regions?
 3 A. I think JTAC and others would have a view on that.
 4 I think, for me, it's about how do we get the important
 5 messages to the right people.
 6 SIR JOHN SAUNDERS: It's worth thinking about, isn't it,
 7 because particular concerns would reflect from the
 8 general level that would particularly concern you in
 9 Manchester? I think it would be very difficult to do
 10 but at least it's worth seeing whether the
 11 chief constable should be putting out a message in
 12 addition, or even the Mayor, in addition if that's
 13 actually relevant.
 14 A. I think we put the messages out. I'm struggling to see
 15 -- "We want you especially to listen to this in
 16 Manchester". Our threat, a threat from an overseas
 17 planning unit, who knows where that might land back in
 18 the UK. You know, that all feeds into why we think
 19 that's severe, that likelihood is so high. Saying it's
 20 now here I think is much more difficult.
 21 SIR JOHN SAUNDERS: I'm sure. Okay.
 22 MR COOPER: I only put these to you so we can ventilate this
 23 and we know where we stand. Would that be convenient?
 24 SIR JOHN SAUNDERS: Yes, it would be.
 25 Mr Greaney, obviously this is the end of our week of

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1 hearing. It's often a help for people who are going
 2 home at the end of today to have some rough programme of
 3 when we're likely to be finishing today.
 4 MR GREANEY: It is my intention, not at this moment, but
 5 when we finish the evidence today to give a rough
 6 timetable for the next month.
 7 SIR JOHN SAUNDERS: I was thinking about the timetable for
 8 today.
 9 MR GREANEY: Sorry. I don't know how much longer Mr Cooper
 10 has. I think he probably has 20 minutes or so of his
 11 allocation.
 12 SIR JOHN SAUNDERS: You don't have to use it all, Mr Cooper!
 13 MR COOPER: I didn't realise, sir, I had gone on so long but
 14 I will stick to my allocation.
 15 MR GREANEY: I may be wrong about the allocation.
 16 MR COOPER: I am not sure about that, though. I think
 17 I started at 20 past.
 18 SIR JOHN SAUNDERS: Anyway, we can check that.
 19 MR GREANEY: You did. I may have that wrong and I don't
 20 want to agitate Mr Cooper, heaven forbid. We then have
 21 questions from Mr Welch. I don't know if he has any
 22 sense at the moment of how long he is likely to be.
 23 MR WELCH: Less than I would be. The questions that I would
 24 have liked to ask keep getting asked for me. So I will
 25 certainly be less time than I would have been.

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1 MR GREANEY: You had an allocation of an hour --
 2 MR WELCH: I think I had 45 minutes and I anticipate I'll
 3 probably be half an hour.
 4 MR GREANEY: That's very helpful. And then we have
 5 15 minutes for Mr Sheldon, who is indicating he doesn't
 6 think he'll be that long. And finally Mr Horwell, again
 7 15 minutes' allocation, and he is indicating he will be
 8 within his time allocation, so we will be finished by 1
 9 or thereabouts. So I suggest that we should sit until
 10 we finish, even if that involves going a little into the
 11 ordinary lunch hour.
 12 SIR JOHN SAUNDERS: Are people happy with that? It just
 13 gives people some idea. Thank you very much.
 14 (11.06 am)
 15 (A short break)
 16 (11.29 am)
 17 MR COOPER: [REDACTED]

[REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 MR COOPER: Whose decision was it on 23 March 2017 to port
 9 stop this man? Was it Counter-terrorism Police or was
 10 it MI5?
 11 A. I can only say that a borders officer, part of
 12 CT Policing, carried out the schedule 7 stop.
 13 Q. Are you saying that -- my question is simply whose
 14 authority was it that the port stop was taken to deal
 15 with this man, counter-terrorism Police or MI5? Is that
 16 a matter that should go in closed session?
 17 A. Yes, I think it should. I'm happy to explain that in
 18 detail in closed.
 19 Q. Well, I obviously have to take it from you and have to
 20 leave it with the --
 21 SIR JOHN SAUNDERS: I have to allow, as we said yesterday,
 22 an opportunity to make submissions to me about where it
 23 should be and I can't do that at the moment.
 24 MR COOPER: All I will say is, sir, is that in our
 25 submission, on the bald question, because the issue is

1 there already, it's been ventilated, as to the primacy
 2 of the decision is Counter-terrorism Police, we know
 3 that, that's in evidence. I'm simply asking whether it
 4 can be confirmed in this situation, whether that
 5 situation was the same. I can't see why that's closed
 6 session.
 7 A. Can I explain why I think it is? Generally, and I think
 8 in Simon Barraclough's statement he said and we've heard
 9 here, it could be a completely independent decision by
 10 CT Policing or we may be asked by another agency and
 11 a decision based on that. That's the general approach
 12 that's been accepted. What I can't talk about is an
 13 individual case and what sat behind that.
 14 SIR JOHN SAUNDERS: We'll look at it. Obviously we'll have
 15 in mind what you're saying.
 16 MR COOPER: Of course.
 17 SIR JOHN SAUNDERS: I do understand, Mr Scally, you feeling
 18 it necessary to be cautious.
 19 MR COOPER: I understand also. Let me try and push the
 20 envelope a little forward with another question. As
 21 a result of the information obtained from this man, and
 22 I'm referring to downloads, and you're aware what the
 23 downloads were, I'm not necessarily going to repeat them
 24 even though the feed is cut, you're aware of the
 25 downloads. Mr Weatherby referred, for instance, to the

1 reference to oil, all that stuff. When that information
 2 was obtained, was it sent to MI5?
 3 A. I think those matters are covered by a restriction
 4 order.
 5 Q. All right. Well, I can't take it any further.
 6 What I am going to suggest to you is this: that
 7 despite there being a download, and on the day, on
 8 23 March 2017, and despite, we suggest to you, very,
 9 very serious issues being raised — whether or not this
 10 individual could have answered them is a matter for
 11 future resolution potentially — but given there were
 12 serious questions that could have been raised about
 13 what was on those downloads and the evidence that there
 14 had been purchased precursors — you know I refer to the
 15 sulphuric acid. This was sat on, I suggest to you, for
 16 a month, maybe 2 months, with nothing done with it.
 17 Surely that's not a closed session question. Surely you
 18 can tell us now, so the families can hear you, why
 19 nothing was done about potentially serious information?
 20 A. I am afraid, Mr Cooper, to explain that I would have to
 21 go through a lot more detail than I could here.
 22 SIR JOHN SAUNDERS: First of all, do you accept that nothing
 23 was done for a month or not?
 24 MR HORWELL: Sir, that is a matter that is (inaudible: no
 25 microphone).

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1 SIR JOHN SAUNDERS: Right. Just so I understand it when I'm
 2 considering — sorry, I'm talking to you, at the moment,
 3 Mr Cooper. I do understand the importance that you have
 4 just identified to the families of knowing this, because
 5 obviously this may be something which is relevant to any
 6 decision that I make, which is the question of things
 7 not being dealt with immediately and things being
 8 overlooked which should have been considered.
 9 MR COOPER: As far as we do know, on information supplied to
 10 us, and this is as far as I will take it, that on
 11 25 April the material was handed to a DC Mike Morris on
 12 25 April. We were told that in a statement by
 13 DC Macmillan, {INQ006049/1}.
 14 I'm asking this question if only to highlight it for
 15 a closed session, if that indeed is the issue.
 16 SIR JOHN SAUNDERS: Absolutely.
 17 MR COOPER: The material taken from this individual at that
 18 port stop, we've been given information, open
 19 information, disclosure, that that was handed to
 20 DC Mike Morris on 25 April, about a month —
 21 SIR JOHN SAUNDERS: Okay just, tell me, will you, I'm sorry,
 22 because it is information for me at the moment rather
 23 than the witness and I don't want him answering.
 24 MR COOPER: I will turn to you, because it was framed as
 25 a question, but it will be submission now.

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1 We have information from a DC Macmillan,
 2 {INQ006069/1}, that the product obtained from the
 3 individual port stopped was handed to a DC Mike Morris
 4 on 25 April about a month or so later. And my question
 5 was going to be, so far as we could get an answer,
 6 between 23 March and 25 April had anyone else seen it?
 7 MR GREANEY: Sir, I'm certain that you will discover the
 8 answer to that entirely proper question during the
 9 closed hearing and at that stage, of course, you will be
 10 in a position to decide whether any part of that answer
 11 can properly be broken out into open. So it is an
 12 entirely understandable question and I can assure
 13 Mr Cooper and those he represents that it is going to be
 14 investigated.
 15 MR COOPER: If it helps, sir, to add to that, before you
 16 form a view, I just have been told by my learned junior
 17 that in fact we do have information from the statement
 18 that until it was handed to that officer on 25 April, it
 19 was kept in secure storage. So the evidence we have, it
 20 seems, is that, already, that from 23 March to 25 April
 21 it was simply held in secure storage.
 22 SIR JOHN SAUNDERS: Okay. That may or may not be a fair
 23 inference. You know as well, if not better than I do,
 24 that there are occasions when police officers keep
 25 things in secure storage and take them out from time to

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1 time to do certain things with them. So that's not
 2 necessarily — I'm not criticising your junior, but it's
 3 not necessarily a safe inference to draw. But we will
 4 look at it. And absolutely, so where there are
 5 perfectly legitimate questions like that, which are of
 6 interest to the families, if we can answer it without
 7 impeding national security, we will do so.
 8 MR COOPER: Thank you.
 9 SIR JOHN SAUNDERS: I just want people to be reassured about
 10 that.
 11 MR COOPER: In many respects the job I'm performing is to
 12 make sure people understand it's on the table, as it
 13 were.
 14 SIR JOHN SAUNDERS: Well, it is on the table. Thank you.
 15 MR COOPER: Then I'll move on and we'll see where we get or
 16 where you get in the closed session.
 17 I want to ask you a very short series of questions
 18 about the JTAC report of 2010. Again, conscious of
 19 timing, I'm going to put the question very
 20 straightforwardly to you. It seemed from the evidence
 21 you gave yesterday that you were downplaying the
 22 importance of that report, the 2010 report. Would I be
 23 wrong in that assumption?
 24 A. Yes, I wouldn't agree with that assessment.
 25 Q. It seemed that it wasn't necessarily, as far as you are

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1 concerned, a report, though interesting, that would
 2 particularly mould or guide your approach to your work,
 3 would that be right?
 4 A. No, and if that's the impression that I've given, then
 5 I will be very clear about what I think I said or what
 6 my view is: it would have been updated, it would have
 7 been based on information that was known to us in any
 8 case, and so over the years, as you move away from 2010,
 9 there would have been more relevant contemporaneous
 10 products that told us what the threat picture was.
 11 SIR JOHN SAUNDERS: Tell me: here we are in 2021, how
 12 relevant is it now to your considerations?
 13 A. I think we've moved a long, long way. In that period we
 14 used to do quarterly threat assessments with our
 15 partners. As the police, on our own, we do an annual
 16 strategic assessment nationally that sets our
 17 priorities.
 18 SIR JOHN SAUNDERS: Okay, you've moved a long way on.
 19 That's all I needed to know.
 20 A. I'm not saying the threat picture has changed, there are
 21 still elements in that and we recognised that threat at
 22 that time. But saying that is the document that informs
 23 us, I think it would have been considered out of date.
 24 SIR JOHN SAUNDERS: Thank you.
 25 MR COOPER: As far as that document is concerned, and I mean

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1 the JTAC document of 2010, again you've been asked
 2 questions on this by others and I won't trammel that old
 3 route, but simply this, that what that JTAC document was
 4 directing people to do was to take into account all the
 5 very things that were flagging Salman Abedi: background,
 6 parental influence, criminal gang connections, locality.
 7 All the things that were of high relevance to
 8 Salman Abedi were being flagged in that 2010 report,
 9 weren't they?
 10 A. I think those characteristics could be fairly applied to
 11 him, yes.
 12 Q. And are you saying that those characteristics flagged
 13 in the 2010 report were carried forward in other future
 14 guidance that was given?
 15 A. I said that characterisation of that threat was
 16 recognised amongst many other priorities and would have
 17 been borne in mind and I think as Witness J said,
 18 ultimately you have to get to the point of: are we
 19 applying that thought to this individual and what threat
 20 does this individual pose? And a general description of
 21 where a threat type may arise is very different from an
 22 individual threat assessment.
 23 Q. These documents you refer to as carrying on from the
 24 2010 report, are these documents we can see and
 25 consider, to see whether you're right in what you say

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1 that they were carrying on JTAC's view and developing
 2 it? Which reports were you referring to? You've been
 3 talking generally up until now. What documents are you
 4 referring to?
 5 A. There are strategic assessments done by
 6 Counter-terrorism Policing based on the secret
 7 intelligence we have available to us that allow us to
 8 prioritise what we see as the threats we face. And they
 9 are based generally on secret material available to us.
 10 There was a process which we carried out with MI5 on
 11 a regular basis to do a similar thing, to assess what we
 12 saw the threats to be, again based on secret information
 13 available to us.
 14 And then from 2016 onwards, within CT Policing,
 15 there was a national approach, so a national threat
 16 assessment was done and, from that, national priorities
 17 were identified and then there were responsible officers
 18 allocated responsibility to deliver a plan against that
 19 threat.
 20 So if a threat was online radicalisation or Syria,
 21 is the obvious example, an officer was appointed
 22 nationally to lead on that and a plan was put in place
 23 that all regions were expected to work to.
 24 Q. Have any of these documents that you've just referred to
 25 been disclosed to the inquiry legal team?

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1 A. I would have to look in the large amount of material we
 2 have disclosed. There is no objection if they are
 3 needed. We are going back over a period of --
 4 SIR JOHN SAUNDERS: Just to focus, really, on the relevance
 5 of all this, it seems to me -- and you can argue this,
 6 if necessary -- the 2010 report identified problems in
 7 a particular area of Manchester and characteristics of
 8 people who may be part of that problem.
 9 A. Yes.
 10 SIR JOHN SAUNDERS: Okay. Were you aware of -- although you
 11 didn't read the report, were those characteristics
 12 something you were aware of when you started as being
 13 people who are possible candidates for radicalisation?
 14 We'll come back to the individual in a moment, but I'm
 15 not making what Mr Weatherby would describe as a class
 16 decision in any way, we're looking in general terms when
 17 you're looking at a group of people from where radicals
 18 or radicalisation may come.
 19 A. I think that is that general awareness, the circle
 20 I talked about earlier, and that is often informed by
 21 our investigations and what we see.
 22 SIR JOHN SAUNDERS: Were you aware of those characteristics
 23 of Manchester and alert to those things when you started
 24 in 2013?
 25 A. Yes. I was in the overt investigations. Those in the

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1 intelligence side, where covert investigations would be
 2 managed, would probably be more in tune --
 3 SIR JOHN SAUNDERS: They would be starting the immediate
 4 intelligence, looking for people?
 5 A. When it was ready for executive action, we would take
 6 over.
 7 SIR JOHN SAUNDERS: In general terms, is that something
 8 you'd been aware of throughout, those characteristics
 9 and problems in a particular area of Manchester or
 10 potential problems?
 11 A. That geographic area is the source of probably most of
 12 our Prevent -- our largest group of Prevent referrals.
 13 The graphic from The Guardian, our largest number of
 14 prosecutions, the awareness of that area as being of
 15 significant interest to us was very plain.
 16 SIR JOHN SAUNDERS: So the relevance of those
 17 characteristics is not that everybody who lives in that
 18 part of Manchester will be -- you will automatically
 19 think is being radicalised or radical because --
 20 A. I would hope not, no.
 21 SIR JOHN SAUNDERS: -- when you're looking at necessity and
 22 proportionality, you have to consider the individual.
 23 But clearly, the background is relevant as a starting
 24 point?
 25 A. Yes, it is. So if you -- I worked in 2010 in the CID in

1 Longsight and Fallowfield so I know the area from
 2 a crime side. Take the gang approach. There's a real
 3 risk that you're associated with gangs because you live
 4 in a particular area and that's something that we as
 5 police officers --
 6 SIR JOHN SAUNDERS: That's a very good analogy.
 7 A. So if you look at Salman Abedi's links to what's been
 8 described as a serious crime gang -- I have looked at
 9 our records and he was stopped once and his brother was
 10 stopped once with an individual who's probably
 11 recognised as a gang member and that's the way
 12 associations can build and I think we have to be quite
 13 cautious. We don't dismiss it but equally we can't say
 14 a whole community by the fact that they live
 15 somewhere -- that's not a policing approach I would --
 16 SIR JOHN SAUNDERS: But there are communities where a very
 17 large number of young men are actually members of rival
 18 gangs?
 19 A. Yes.
 20 SIR JOHN SAUNDERS: I'm not saying this particular one but
 21 there are. So that comes out in evidence in court cases
 22 and goodness knows what, so it's all a relevant feature,
 23 isn't it?
 24 A. Exactly. I think you understand it in general as being
 25 the context but then you have to apply it to

1 individuals.
 2 SIR JOHN SAUNDERS: Thank you.
 3 MR COOPER: On the gang analogy, we will draw on our own
 4 experience here of dealing with such cases, I hear your
 5 evidence about how you can take into account
 6 communications that Salman Abedi had, who he was talking
 7 to, who he was meeting and the level of evidence or lack
 8 of it that you can use. How does that sit, for
 9 instance, with policing in other areas? We're
 10 constantly hearing evidence at the Old Bailey of rap
 11 music and lyrics being used as central focal points of
 12 prosecution to establish whether a person is a member of
 13 a gang or not. Quite a controversial area of evidence.
 14 SIR JOHN SAUNDERS: Controversial and not that often but
 15 maybe you are more familiar with it than I am --
 16 MR COOPER: More -- well, that's for another day and another
 17 time.
 18 Let me suggest to you that that is still being used
 19 with cases, and I can't give evidence, but with cases
 20 that are still current. If, for instance, the police
 21 are using what's said on a piece of rap music as
 22 evidence sufficient to establish someone's gang
 23 membership, doesn't that make your approach to the
 24 evidence on Salman Abedi look somewhat complacent?
 25 SIR JOHN SAUNDERS: I'm going to stop you for a moment. If

1 you found that Salman Abedi was going along, singing
 2 a rap tune saying, "I'm going to blow up Manchester",
 3 would that be something you'd take account of?
 4 A. I think we would, sir.
 5 SIR JOHN SAUNDERS: I'm not sure the analogy is
 6 necessarily --
 7 A. The point I would make, Mr Cooper, is in any criminal
 8 enterprise, in my experience, there are a huge number of
 9 interactions, some are friendships, some are familial,
 10 some might be business, some might be involved in the
 11 criminality, some may think it's going on but turn
 12 a blind eye. Our difficult task in all the interactions
 13 people have in whatever that criminality is, is to try
 14 and understand the context of that particular
 15 relationship and what it means to the threat, whether
 16 that's drugs, firearms or terrorism, that we are trying
 17 to tackle. That's the challenge we have.
 18 MR COOPER: The reason I was interested, a matter for the
 19 chair of course, in seeing these other documents you
 20 refer to that carry on from the 2010 document was for
 21 someone to look at it and see whether there were things
 22 said in there that reference, I don't mean personally,
 23 Salman Abedi's situation or someone like Salman Abedi
 24 and were missed. That's why I would like these
 25 documents to be seen by someone to see whether these

1 documents were giving warning signals that could have
 2 been applied to Salman Abedi and weren't acted on.
 3 I'm in the hands of the inquiry, whether you seek
 4 these or have got them. Just as we've analysed whether
 5 the guidance being given by the 2010 document was
 6 followed, we would like it to be examined as to whether
 7 these superseding documents were being examined or not.
 8 I can take it no further.

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

19 A. I don't believe so.

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

25 MR COOPER: I'm conscious of time. That's why I'm --

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

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

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

14 A. I don't think complacency...

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

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

18 SIR JOHN SAUNDERS: That's my fault.

19 MR COOPER: On the subject, but taking it forward, you used
 20 the distinction between intent and capability. Do

21 I understand from that that if you had material that
 22 related to any individual that related to intent, then
 23 they would immediately become a subject of interest,
 24 more than that they'd probably be arrested?

25 A. It would depend on the threshold. What I mean is intent

1 can be a general supporting of an idea, a general
 2 intention, "I might do this, I might not do that". In
 3 part of our assessment of that, we consider a person or
 4 an individual's intent and what the intelligence or
 5 evidence says about that. And then we consider their
 6 capability, so even if they want to do it, could they do
 7 it? And we come to a view about the likelihood and the
 8 level of risk, as I have explained several times, that
 9 would then go up the intelligence management system to
 10 decide how we respond to that.

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

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

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

21 A. Intent to do what?

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

24 A. Well, we're going to step into all the material that
 25 was --

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

7 A. I'm trying to think how I can answer that without --

8 SIR JOHN SAUNDERS: If you can't answer that (overspeaking)
 9 --

10 A. -- (overspeaking) the whole intelligence picture.

11 SIR JOHN SAUNDERS: Okay.

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

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

21 SIR JOHN SAUNDERS: Mr Cooper, I'm really sorry, but no
 22 doubt he did have the intent because he did it. The
 23 actual question is: did you understand that he had the
 24 intent? And you have said you want to deal with that in
 25 detail, looking at various different stages when we're

1 in closed. Sorry.
 2 MR COOPER: Then I can't take it any further, can I?
 3 SIR JOHN SAUNDERS: I'm sorry.
 4 MR COOPER: It certainly struck me that we went into
 5 a restricted area when I was asking about the port stop.
 6 I hope we've come out of it, we never marked the moment,
 7 as it were.
 8 MR GREANEY: I'm sure we'll attend to the YouTube feed. We
 9 cut the YouTube feed only for that section. Thank you
 10 for raising it, Mr Cooper.
 11 MR COOPER: You mentioned the independent advisers group
 12 that you've got. Again, very briefly, I'm not asking
 13 for names, but I'm asking for backgrounds. What sort of
 14 people are in the independent advisory group?
 15 A. It's more correctly termed the Counter-terrorism
 16 Advisory Network. It's a network that each region has
 17 a group and we have on that members of the community,
 18 academics, people who have been touched personally by
 19 terrorism.
 20 Q. And Manchester, I presume, has one?
 21 A. Yes, we have it as a regional one.
 22 Q. What sort of things do they advise on?
 23 A. We can take to them things like Prevent, how does this
 24 messaging seem to you -- I've had meetings, not
 25 necessarily with that group but with other community

1 groups, about schedule 7, how is schedule 7 applied
 2 what's the public view of that, is it disproportionate.
 3 We've taken messages we want to put out to the public
 4 that are maybe very police-y from our perspective and
 5 ask for their view of how that might land, so a whole
 6 range of areas.
 7 Q. I can get a feel for it. How often does it meet?
 8 A. I think ours is run by our Prevent coordinator on
 9 a quarterly basis.
 10 Q. Quarterly, did you say?
 11 A. I think so, yes. It's part of a national network, so
 12 the head of Prevent nationally, Nik Adams, my colleague,
 13 runs a national advisory network and then a member of
 14 ours will go and attend that. So we run a regional one
 15 that supports a national approach where broad questions
 16 can be put to the group and their views sought.
 17 Q. I won't go any further into that. I'm conscious I've
 18 got about 10 minutes. Can you please look at, I don't
 19 read the papers as vociferously as Mr Weatherby, but
 20 I do have one item to put to you, which you've been made
 21 aware of, and even has an INQ number, {INQ042180/1}.
 22 This is a document, in fact to look at the text it
 23 might be easier to go to {INQ042260/1}, which is
 24 a better text. Same text, easier to read.
 25 This is an item that appeared in The Times newspaper

1 on Friday, 29 March 2019. I acknowledge immediately, as
 2 I do, that one of the contributors represented the
 3 Metropolitan Police. But the two contributors are
 4 Andrew Parker, director-general of MI5, and
 5 Cressida Dick, Commissioner of the Metropolitan Police.
 6 They deal within this item, which you've been made aware
 7 of. I don't know whether you've had a chance of reading
 8 it.
 9 A. I probably orientated myself better on the cutting.
 10 Q. {INQ042180/1}.
 11 A. Just for clarity, the Commissioner of the Metropolitan
 12 Police is the lead counter-terrorism officer, so --
 13 Q. Thank you.
 14 A. -- quite rightly, she is there.
 15 Q. That's helpful. I want to ask you just a couple of
 16 questions based on what's said there because it deals --
 17 one of the aspects deals with data. This is back in
 18 2019. If we look just above the sub-heading:
 19 "Many attacks have been stopped by reports from the
 20 public."
 21 And just above that if you can see it:
 22 "Three key themes emerged from the review of the
 23 2017 attacks: how we use data; the need for intelligence
 24 sharing at local level with other organisations; and the
 25 need to step up national efforts against other types of

1 violent ideology, such as the far right."
 2 I'm going to concentrate on the first two, if I can.
 3 The authors go on to say this:
 4 "On data, we identified ways in which advances
 5 in that field enable us to sharpen our 'radar' and
 6 increase insight. There is no magic solution, but there
 7 are valuable gains to be made by going further in data
 8 analytics and related technologies with parts of the
 9 private sector. We have made important progress
 10 already. Used in combination with knowledge from our
 11 behavioural science experts [I touched on that with
 12 Witness J] this will give us an earlier and richer
 13 picture of our cases. It could also help us spot more
 14 quickly when individuals known to us from the past
 15 reengage with terrorism. We do not have the resources
 16 or legal justification to actively monitor those many
 17 thousands of individuals. The challenge we are
 18 addressing is how to detect signs of developing intent."
 19 Do you agree with what the authors say there and
 20 what I have just read out?
 21 A. Yes.
 22 Q. So there in 2019 also there was reference, admittedly
 23 nearly 2 years after the atrocity in Manchester, to the
 24 need for further data analytics. What progress has been
 25 made since 2019?

1 A. So those --
 2 SIR JOHN SAUNDERS: Lord Anderson has done a report on that,
 3 so he actually deals with it in detail, so I think
 4 we can just deal with it in a fairly --
 5 MR COOPER: It's simply up-to-date progress is what I'm
 6 asking as far as this is --
 7 A. Those reference the learning from the post-attacks
 8 reviews and the broad themes, as you said, sir, of data
 9 that Lord Anderson raised -- a lot of those initiatives
 10 sit within MI5 and it wouldn't be appropriate for me to
 11 speak to them. Clematis and Daffodil is something
 12 that's been discussed here that mines data to try and
 13 find insights and specifically I'm sure we will cover
 14 that. But my experience since then is both ourselves,
 15 we are developing a data strategy, but we have different
 16 data sets than MI5.
 17 MI5, if I can be so bold, have been incredibly
 18 innovative from what I have seen. They are willing to
 19 experiment, they are willing to try things with data,
 20 some work, some will not work, but certainly products
 21 that I have seen recently from them would absolutely fit
 22 with that model of trying to find the very difficult
 23 challenge of how do you find behaviours or combinations
 24 of behaviours in data. And that -- we all know the
 25 social media world that seems to know exactly what I am

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1 going to type in at any moment and our challenge is to
 2 try and do that with our data.
 3 The real challenge we have is that's based on
 4 a really small number of successful attacks, so the
 5 behaviour -- we have to be very careful about how we
 6 attribute those behaviours. But from that small set
 7 there has been significant progress in trying to say how
 8 do we find those behaviours in the huge massive data
 9 sets that we hold.
 10 Q. All right. Let me move on then to just the second
 11 theme, then I've finished with this document. The
 12 authors go on to say:
 13 "This is related to the second theme of sharing more
 14 information at local level. A broader multi-agency
 15 approach to managing the risk in communities posed by
 16 individuals linked to violent extremism can succeed
 17 where a more active, intrusive investigation might not.
 18 This means sharing intelligence with a wider range of
 19 partners than before, such as health [and you touched on
 20 this] and social service departments, to make use of
 21 local expertise. Several pilot projects are running
 22 with a view to introducing a national scheme. This
 23 approach has parallels with how the authorities manage
 24 the risks posed by sexual or violent offenders."
 25 And the third element I don't need to tax you on.

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1 So effectively, what the authors are saying there
 2 in that second theme, from what you've already been
 3 saying, you agree with; is that right?
 4 A. Absolutely, yes.
 5 Q. I'll leave it there. I've got a last question or series
 6 of short questions to ask you and that concerns the ACT
 7 website, the Action Counters Terrorism website, which
 8 we've informed you of in advance I was going to ask you
 9 questions about this.
 10 A. Yes.
 11 Q. This is a website set up by the government, isn't it?
 12 A. Yes.
 13 Q. And this covers issues on how to spot signs of
 14 radicalisation, it refers to helpful organisations.
 15 This is all for the public, isn't it?
 16 A. Yes.
 17 Q. Giving advice on dos and don'ts, spotting signs of
 18 radicalisation?
 19 A. Yes.
 20 Q. And also highlights within this website the triggers
 21 that should be looked for upon an individual that may be
 22 becoming radicalised?
 23 A. Yes.
 24 Q. It refers to four stages of being radicalised?
 25 A. Yes.

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1 Q. And it gives advice as to how to access support and
 2 help?
 3 A. Yes, I think so, from what I've seen.
 4 Q. It's clearly a matter that's been brought to my
 5 attention by Figen Murray, who's particularly
 6 interested, for understandable reasons, as are all the
 7 families I might add, in this issue. You clearly would
 8 commend such a resource?
 9 A. Absolutely, yes.
 10 Q. And this again is an example, perhaps, of trying to
 11 engage ordinary members of the public, if I may use the
 12 word, in spotting radicalisation and acting reasonably
 13 to suspicions they may have?
 14 A. Yes. The ACT campaign, Action Counters Terrorism, is
 15 aimed at both police officers, so there is product there
 16 specifically about signs that they may see, particular
 17 areas such as business. But the area you're focused on,
 18 quite rightly, there is some advice from a protective
 19 security perspective of "Run Hide Tell", but very much
 20 saying to families and friends: you may well see these
 21 signs, this is what they are, and if you do see them,
 22 this is where you can report it to.
 23 Q. And this really takes us back to virtually my very first
 24 series of questions earlier on this morning, and that is
 25 the importance of harnessing the community and other

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1 community law enforcement tools?
 2 A. I would agree, yes.
 3 MR COOPER: I'm 2 minutes short of my time, sir.
 4 SIR JOHN SAUNDERS: I'll use your 2 minutes. I will look at
 5 this website. I have to say I haven't looked at this
 6 app at the moment. Really, obviously, a very good idea,
 7 no suggestion not. Of course, you're not only informing
 8 members of the public and families and friends what to
 9 look for, you're also informing the potential terrorist
 10 of what people will look for as well. So in a way, they
 11 know what to avoid of the telltale signs. So there's
 12 always got to be that limitation.
 13 A. Yes.
 14 SIR JOHN SAUNDERS: Local communities. Clearly, a good idea
 15 to get the local communities involved, as was being said
 16 by Andrew Parker and Cressida Dick. As you'd expect,
 17 lacking in great detail, but the best way is actually to
 18 go out to the local community and those people who you'd
 19 go out to at the moment and say -- we'll use
 20 Salman Abedi. He has just become a past -- we've had
 21 him in as a person of interest, an SOI, that's now
 22 stopped, but inevitably with any of these people there's
 23 always a danger they'll come back, so would you please
 24 keep a lookout for Salman Abedi? If you see him in your
 25 school, your university, you're a doctor, even people in

1 the -- the local police bobby. There may be a perfectly
 2 good reason but you don't do that, do you?
 3 A. Not on an individual basis.
 4 SIR JOHN SAUNDERS: You never would identify the individual
 5 person, would you?
 6 A. There have been occasions, and I can think of one, where
 7 we went to -- mental health. We have mental health
 8 practitioners that work embedded within our
 9 organisation, given the prevalence of mental health in
 10 terrorism. So they are a means by which, if there is
 11 somebody of real concern to us, they can have
 12 a professional --to--professional conversation about an
 13 individual without disclosing necessarily all the
 14 details of our interest. But we try and manage that
 15 risk through their health provision. So that is not
 16 asking doctors to manage terrorism, that's asking
 17 doctors to manage a health issue.
 18 SIR JOHN SAUNDERS: I understand that.
 19 A. There are ways that we can reach out. The reference
 20 in that article, which was a pilot that's now nationally
 21 embedded, are what Shaun Hipgrave described as
 22 multi--agency centres. So for closed subjects of
 23 interest, there has been an agreement that MI5 will
 24 produce quite a detailed, much more detailed than in the
 25 past, official sensitive form of words that can be

1 shared -- well, firstly they will collect from local
 2 authorities and other government departments what
 3 information they hold similar to, almost like a MAPPA
 4 arrangement, and then --
 5 SIR JOHN SAUNDERS: Identified to a particular individual?
 6 A. That is for closed individuals or some closed
 7 individuals, and I can explain in closed the choices
 8 that are made.
 9 But for the higher--risk ones, as detailed as
 10 possible a form of words is given to us by MI5, and then
 11 we work with local authorities and what other agencies
 12 are needed to say -- and it's an academically designed
 13 risk assessment, "This is the risk of this individual,
 14 we are going to give you this information", which in the
 15 past we would not have.
 16 SIR JOHN SAUNDERS: Okay.
 17 A. How can we put a plan together to manage them? That's
 18 called multi--agency centres, it has developed even
 19 further than that, to look at a wider approach to how we
 20 manage nominals, but that applies to closed. So that's
 21 what's been referred to there: a much broader sharing of
 22 intelligence and information.
 23 SIR JOHN SAUNDERS: I understand the sharing, it's just
 24 whether it gets down to the best level, which is
 25 actually the individual person: this person is at your

1 college, he's now a closed SOI, if you see some dangers
 2 just tell us?
 3 A. The multi--agency centre deals with the top--level risk
 4 closed subjects of interest and that's precisely what it
 5 will do. It will bring together the agencies and it
 6 will say: this is our understanding of the risk of that
 7 individual now based on the behaviours we have seen,
 8 if we see a change in this behaviour, we think the risk
 9 will change. So for those familiar with MAPPA, it's
 10 a similar process to MAPPA where you'll have protective
 11 factors that may stop the risk getting worse and
 12 agencies, such as health or employment training,
 13 education, can impact on that.
 14 So it's actually more than a passive "tell us if you
 15 see something", it's how do we manage this risk.
 16 SIR JOHN SAUNDERS: MAPPA are not generally going to the
 17 individual school of somebody?
 18 A. No, there is a whole new CT MAPPA process. It is that
 19 approach of saying: bring the right agencies together,
 20 share with them the intelligence and the information
 21 that you have about the risk behaviours of an
 22 individual. That group then comes together with a plan
 23 to say, how do we stop those risks and this person
 24 re--engaging with terrorism?
 25 SIR JOHN SAUNDERS: And since when has that been operating?

1 A. That was a post-attack recommendation that was put in
 2 place post-attack.
 3 SIR JOHN SAUNDERS: I understand the reason for not doing it
 4 pre-attack was probably to deal with the sensitivity of
 5 the information, a desire not to share it because it may
 6 get out, someone may know that they are being watched,
 7 as it were.
 8 A. Well, these were closed, so there would be a view
 9 that -- yes, I accept at that point that probably wasn't
 10 shared by our partners, but I think that picture has
 11 changed.
 12 SIR JOHN SAUNDERS: So the fact that those things were not
 13 shared pre the attack, pre-2017 -- and again I am not
 14 saying it should have been at the time because people's
 15 perspectives change particularly after an attack -- but
 16 had it been in action then, this particular initiative,
 17 it is possible that you would have been sharing by name,
 18 to people who came into contact with Salman Abedi, the
 19 risks that you thought he presented?
 20 A. Without getting into all the details, it would intend
 21 where he fitted in the closed. He was closed as
 22 a low --
 23 SIR JOHN SAUNDERS: But it was a possibility? You might
 24 have gone to his school, you might have gone to his
 25 university and said, "We want you to keep an eye on

1 him"?
 2 A. If he came into that regime now, then yes, that would be
 3 the -- there is a process which we can explain that
 4 would go to the agencies to say: this is our assessment
 5 of the risk and, more so, the vulnerabilities. So it's
 6 not just, "Tell me about this person", it's, "What are
 7 the things that make them vulnerable?"
 8 SIR JOHN SAUNDERS: I understand that. And it would be
 9 a real help to any school or university to look at it.
 10 So this is all to do with the balance of how much
 11 secrecy helps protect people and how much sharing the
 12 information helps protect people and that's actually
 13 quite a difficult assessment to make.
 14 A. It is and I think there's been a recognition since 2017
 15 that we are at a volume of people that means --
 16 historically, we would privately investigate people and
 17 then move into executive action.
 18 I think it's a much more agile process. I have
 19 given the example of mental health, where even at the
 20 point we might have a live interest in somebody, using
 21 the tools available to us by breaking out some
 22 information is much more common and our approach now is
 23 not necessarily to wait, it is to try and say we may not
 24 be the right people to solve the problem, other agencies
 25 may be.

1 SIR JOHN SAUNDERS: So there is a school of thought, which
 2 might actually be right, that an obsessive view of
 3 secrecy -- perhaps obsessive is the wrong word -- of
 4 secrecy, which might have been how these things were
 5 investigated in the past, has actually made things
 6 worse?
 7 A. I can't comment on whether it was obsessive --
 8 SIR JOHN SAUNDERS: Sorry, obsessive is the wrong word, but
 9 high priority -- obviously a higher priority than was
 10 necessary attached to secrecy. I understand that MI5
 11 and Counter-terrorism Police, they operate in a secret
 12 space, but is there a risk that because of that of
 13 saying, "We can't tell anybody anything", even though,
 14 had they done so, they might have got the very
 15 information back which would have stopped an attack?
 16 A. I think the fact we've put those arrangements in now,
 17 and there has been a change in landscape, mental health,
 18 reflects the fact we think it's a good thing to do.
 19 SIR JOHN SAUNDERS: Okay, thank you.
 20 It's a very general area.
 21 MR COOPER: May I just be indulged on the back of that line
 22 of questioning? It just occurred to me as you were
 23 asking those questions.
 24 As a prelude to this, can I just ask a very naive
 25 question? Because I can think of hundreds of answers to

1 it, which I think are perfectly valid. I am sure you'll
 2 come to the best one. Your concern about sharing
 3 information or sharing secrets or sharing what is known
 4 too widely, is that what you know, for instance your
 5 suspecting Salman Abedi, might cause problems. What is
 6 the problem you're concerned about, that he may detonate
 7 his bomb sooner, he may run away or escape? This is the
 8 first question, then I'm leading on to the second
 9 question. I want to understand what is your concern,
 10 legitimate I'm sure, that by asking questions or asking
 11 about Salman Abedi, Salman Abedi might know that
 12 questions are being asked about him? What do you think
 13 might happen? What were your worries hypothetically?
 14 A. I think MI5 would have to speak to their approach and
 15 the limits they have and the reasons and rationale
 16 behind why they protect certain information. There are
 17 very good reasons why that --
 18 Q. Because the analogy, and this is my second and last
 19 question, perhaps right or wrong here, is what we've
 20 been looking at some months ago in the arena, with if
 21 Salman Abedi had been challenged by whoever in the
 22 arena, that's a past chapter now, it might not have
 23 stopped him detonating the bomb but he might still have
 24 detonated it and there might have been less loss of life
 25 or less damage. So the analogy or that evidence that

1 we're aware of, I'm applying now to the decision,
 2 "Should we mention to others that Salman Abedi is
 3 a problem?" It may not have been a perfect solution, it
 4 may have caused him to act in an appalling way, but
 5 might it have lessened the impact, if I can put it that
 6 way, of his murderous intent?
 7 A. I think it's really difficult to say how that might play
 8 out in a particular circumstance. Certainly my
 9 experience from criminal investigation, where we have in
 10 interest in an individual, we may reach a point where
 11 we have to take disruptive action, but that's not our
 12 first port of call in terms of managing that risk.
 13 There are ways that we can break out information
 14 if we need to manage a specific risk, but I think
 15 there's so many imponderables in how that may play out,
 16 I couldn't see it as a general approach.
 17 MR COOPER: Sir, I think you can understand the analogy I'm
 18 drawing --
 19 SIR JOHN SAUNDERS: I understand the point you're making.
 20 The balance is obviously a very difficult one and I'm
 21 not criticising anyone about the balance which is taken.
 22 We are just looking at other ways, and I'm sure people
 23 have looked at it much more intently than I have.
 24 Anyway, thank you very much Mr Cooper.
 25 MR GREANEY: Finally, so far as the families are concerned,

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1 Mr Welch, please.
 2 Questions from MR WELCH
 3 MR WELCH: Thank you, sir. Thank you, Mr Greaney.
 4 Mr Scally, good afternoon. I want to pick up on
 5 something that you said just before (sic) lunch, please.
 6 It's at page 56, line 12 of the [draft] real time
 7 transcript {Day169/57:20}. You said:
 8 "Research I've read has said that on the path to an
 9 attack, there will be some potential leakage, somebody
 10 will potentially become aware."
 11 When you say leakage, that's another word for
 12 intelligence, isn't it?
 13 A. Not necessarily that phrase. I was thinking about
 14 a presentation I saw from the FBI where they'd analysed
 15 a number of attacks. And the view from that analysis
 16 was, if I remember the presentation, that at some point
 17 people may notice a difference of behaviour, there may
 18 be subtle indicators that those close to them may
 19 recognise, whereas the authorities would not necessarily
 20 recognise.
 21 Q. Yes. The longer the path and the more actors they meet
 22 upon it, the greater the chance of leakage and these
 23 things being picked up by others; is that right?
 24 A. Yes, depending on how their behaviour changed or what
 25 activity they carried out.

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1 Q. And if we look at Salman Abedi, although he detonated
 2 the IED on 22 May of 2017, what we know now is that he
 3 and his brother had been plotting to do it over weeks
 4 and months, hadn't they?
 5 A. Yes.
 6 Q. They had been purchasing materials for the use in that
 7 IED over weeks and months, hadn't they?
 8 A. Yes.
 9 Q. They'd actually also involved a great number of people
 10 in the purchase of those materials for use in the IED,
 11 inadvertently they say, hadn't they?
 12 A. Others had bought those, yes.
 13 Q. And they'd stored the IED at various locations around
 14 Greater Manchester and spent many weeks and months
 15 building it themselves, hadn't they?
 16 A. Yes.
 17 Q. And this all happened on your watch, on your patch --
 18 and by you, of course, I'm not directing this at you
 19 individually, Mr Scally, but Counter-terrorism Police
 20 North West right here in Manchester, didn't it?
 21 A. Yes.
 22 Q. But there was no intelligence that you had in relation
 23 to this plot or what they had been doing, was there?
 24 SIR JOHN SAUNDERS: I'm not sure -- we will investigate what
 25 intelligence there was in closed.

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1 MR WELCH: Yes, okay.
 2 What I would like to explore then, if I can,
 3 Mr Scally, and not in a critical way, but genuinely in
 4 order to understand, is why there wasn't more
 5 intelligence in terms of leakage, information provided
 6 to you, potentially by members of the public, which
 7 might have assisted you in identifying this plot. Okay?
 8 I would like to, first of all, try and put it in
 9 some context on the basis of what you've said in
 10 evidence and also in your witness statement. I'm
 11 acutely conscious of not eliciting any evidence from
 12 you, of course, that would assist others.
 13 In your witness statement you said:
 14 "CTP receives information and intelligence directly
 15 from a number of sources: local police, members of the
 16 public and other partners."
 17 Correct?
 18 A. Yes.
 19 Q. I would like to consider that in a little more detail
 20 and apply it to how it was in 2017, because at
 21 paragraph 44 of your witness statement, and in your
 22 evidence, you gave the example of 2,700 items of
 23 information and intelligence that were received by
 24 Manchester IMU in June 2016.
 25 A. Yes.

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1 Q. Try and assist us if you can. Was that a typical month
 2 in terms of the amount of information and intelligence
 3 you were getting?
 4 A. Yes, I would say it was.
 5 Q. That's dealing with the whole of Greater Manchester, was
 6 it?
 7 A. Yes.
 8 Q. A city of nearly 3 million people?
 9 A. Yes.
 10 Q. In terms of that figure of 2,700 pieces of information
 11 and intelligence, how much of it, in the broadest
 12 possible terms, was relevant and how much could be
 13 dispensed with quite quickly?
 14 SIR JOHN SAUNDERS: Do you mean relevant to any terrorist
 15 activity?
 16 MR WELCH: Correct.
 17 A. It wouldn't be possible for me to say here. The first
 18 test when we receive a piece of intelligence is to say,
 19 "Is this CT relevant or CT national security relevant?"
 20 If it is, then it comes into our system. If it isn't,
 21 it's either closed or referred to other areas of
 22 policing. I don't know the breakdown in the 2,700.
 23 Q. That's why I asked in very general, rough terms. Do you
 24 get a lot of it which you can quickly dispense with as
 25 being irrelevant or is it the case that a lot of it has

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1 to be gone through in great detail and examined and then
 2 turns out to be relevant for the purposes of
 3 counter-terrorism?
 4 A. Yes. For most of it, we need to have a good assessment
 5 of and understand it. So at the bottom of the pyramid
 6 of leads, the ops leads, for every lead we will probably
 7 carry three or four what we would call enhancement
 8 pieces of work where we think something is worth looking
 9 at that we need to build up. That gives an indication
 10 of some of the scale.
 11 Q. Just pressing you slightly on this, if I can, you talked
 12 about leads. Of those 2,700 being a typical month, how
 13 much of that intelligence is actually generating a new
 14 lead roughly, if you can, and how much of it is going to
 15 be relevant to ongoing investigations? Can you assist
 16 with that?
 17 A. Not with any certainty. The vast majority of it
 18 will not become a counter-terrorism investigation and
 19 within that 2,700, there will clearly be material coming
 20 from partners that is directly pertinent to an operation
 21 that's ongoing. So that's the whole range of a member
 22 of the public ringing the Anti-terrorist Hotline to our
 23 partners giving us very detailed intelligence about
 24 an ongoing investigation.
 25 Q. Can I look at the three areas you identified in your

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1 statement as to where the intelligence comes from and
 2 try to identify, if possible, where most of the good
 3 quality intelligence is coming from within there?
 4 So firstly, the police. Mr Cooper's referred to
 5 community policing so I'm not going to go into that in
 6 any detail.
 7 Secondly, members of the public. Is that breaking
 8 down into things like the Anti-terrorist Hotline?
 9 A. Yes.
 10 Q. And generally people approaching you on a wider basis,
 11 not specifically going to the hotline, is that correct,
 12 as well?
 13 A. Yes, or a member of the public contacting a local police
 14 officer and it coming in through those routes.
 15 Q. The third area was partner agencies. I assume that one
 16 of those is MI5?
 17 A. Yes.
 18 Q. Is there anyone else?
 19 A. Well, all the Prevent referrals from other agencies
 20 would come through and be looked at. Yes, other people
 21 can refer intelligence to us.
 22 Q. Of those three, where are you getting the most, if you
 23 can assist, intelligence that's proving of use to you?
 24 A. I wouldn't put my hat and say, "That is the one that
 25 leads to the most impact". Clearly, if we have an

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1 ongoing investigation in support of MI5, the
 2 intelligence we receive from them is entirely pertinent
 3 to something we already know is a known threat and risk.
 4 If we get a call from a member of the public that
 5 has seen something suspicious or from another agency,
 6 our job is to work out how credible that is as the risk
 7 that sits within it. Jobs that come in from that route
 8 may indeed go all the way up to become a priority
 9 operation. I wouldn't have said that's particularly
 10 common. I think a figure that was given in 2017 was
 11 there were 30,000 calls that year to the Anti-terrorist
 12 Hotline and 20% of those were assessed as being relevant
 13 to CT Policing. That doesn't mean they become an
 14 operation but there was some value in it and I think
 15 that's a really acceptable and positive figure.
 16 I would rather we took 100 things in and dispose of
 17 80 them to find 20 that have some value to us.
 18 Q. Can we look at 2017 and the period preceding 2017, so
 19 when effectively the Abedis were developing their plot?
 20 Policing, community policing. Again, I'm not going to
 21 go into this in particular detail, it's been outlined by
 22 Mr Cooper, but particularly in 2017 did you feel as
 23 Counter-terrorism Police North West you were getting an
 24 adequate flow of information and intelligence from GMP
 25 in relation to potential terrorist threats around the

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1 South Manchester area?
 2 A. I wouldn't know the details of how it broke down, but
 3 there would be nothing to tell me that that wasn't the
 4 position.
 5 Q. One of the issues of course was --- and this is what you
 6 said, you said that leakage is unlikely to be from
 7 a potential police officer, it may well be somebody
 8 in the community that sees it.
 9 A. Yes.
 10 Q. But you, of course, were a policeman in the homicide
 11 division and, I anticipate, other divisions of Greater
 12 Manchester Police before you went into Counter-terrorism
 13 Police; that's right, isn't it?
 14 A. Yes.
 15 Q. So you'll be able to confirm as a broad principle that
 16 whilst you might not be able to get direct, as a police
 17 officer, intelligence from someone about an incident,
 18 you might have second-hand information from someone,
 19 "I've seen this person acting suspiciously"?
 20 A. Yes.
 21 Q. Even, dare I say it from, a potential criminal who might
 22 pass on some information to the police; that's right
 23 isn't it?
 24 A. That's one of the normal means by which we get
 25 intelligence.

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1 Q. Of course. That's not giving away anything sensitive.
 2 Given what we have heard during the course of this
 3 inquiry about the particular problems that were in
 4 South Manchester leading up to 2017 ---
 5 SIR JOHN SAUNDERS: I'm really sorry, I am probably being
 6 acutely oversensitive, but I am aware that I will be
 7 going into detail with whatever information CT Police
 8 and --- I'm really not meaning to be difficult about
 9 this.
 10 MR WELCH: Not at all.
 11 SIR JOHN SAUNDERS: There are clearly things that cannot be
 12 said in public for, as we said, national security
 13 reasons. I am a bit concerned that, quite
 14 unintentionally, the witness might be led --- that's not
 15 meant to be --- into giving an answer which may not be
 16 strictly accurate or may be slightly misleading. And
 17 we haven't got there, it hasn't happened, but I'm just
 18 really concerned that it may happen and therefore
 19 I don't really want to stop you at a particular point.
 20 I hope you understand the general --- Mr Horwell, are you
 21 equally concerned or are you not sitting uncomfortably
 22 in your seat as perhaps I was?
 23 MR HORWELL: Sir, I've been determined to stay seated as
 24 much as possible. There's nothing more frustrating than
 25 counsel raising objections. But yes, sir, I do have

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1 concerns about this line of questioning.
 2 SIR JOHN SAUNDERS: Okay. I'm really sorry, Mr Welch.
 3 I just think we're going to get into a situation where
 4 people are not helped by the answers.
 5 MR WELCH: You certainly don't need to apologise.
 6 SIR JOHN SAUNDERS: It's not meant to be keeping things from
 7 people, but it may stop my investigation from operating
 8 in an effective way.
 9 MR WELCH: May I move on then, quite simply. I'm sure
 10 you'll explore this fully in closed session, I fully
 11 appreciate that.
 12 May I move on to 2017 and particularly the second
 13 area of intelligence that CTPNW were receiving. That's
 14 in relation to the public. We've talked about that.
 15 SIR JOHN SAUNDERS: I'm really going to stop you doing this
 16 well. Sorry. Anything to do with intelligence
 17 potentially at this time which may relate to
 18 Salman Abedi, anything like that, I just don't want to
 19 go there. Do you mind? I'm sorry.
 20 MR WELCH: You don't need to apologise, sir, I understand
 21 completely.
 22 May I ask you then --- and I'll try and do it in as
 23 broad and general terms as possible in order to try and
 24 assuage the concerns the families might have. You'd
 25 have looked at this case and thought, "Well, what could

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1 we have done better", quite frankly, "in this period to
 2 develop our own understanding"; is that right?
 3 A. Yes.
 4 Q. Was there anything now in terms of trying to identify
 5 what happened --- and I really do try and invite you to
 6 do it in the broadest possible terms --- to say: well, we
 7 could have been focusing more of our resources on that
 8 area or we should have been looking into those
 9 particular matters? Is there anything that you can
 10 assist in that respect?
 11 A. In the very broadest sense, I'd go back to my responses
 12 to Mr Cooper. The products that we have produced since
 13 2017 that all front line officers have seen about
 14 methodologies, extreme right wing signs, the
 15 construction of devices and chemicals, has given them an
 16 awareness that in their general duties --- and we see
 17 this on house searches. I have come across this, I'm
 18 not sure where it is, but I think you might be
 19 interested, and we get some really, really good
 20 investigations from that source. So that awareness
 21 plays out generally.
 22 Then the other points that Mr Cooper was raising,
 23 things like the ACT campaign, so family and friends can
 24 say, as a member of the community, "These are the
 25 general indicators you may see, please contact us if

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1 you're concerned or go to another organisation". That
 2 has been our general response, for the reasons I gave
 3 Mr Cooper, the importance of local communities in
 4 policing in being able to help us in our mission.
 5 MR WELCH: May I say this, sir. I realise I'm not going to
 6 be able to take this line of questioning further --
 7 SIR JOHN SAUNDERS: I do apologise to you and I do
 8 understand you don't understand the reason why I am
 9 doing this. You will have to take it from me, as the
 10 families will.
 11 MR WELCH: I appreciate the sensitivity of it and you will,
 12 appreciate, I'm sure, sir, this is a matter of concern,
 13 very obvious concern, as to what was known. But what
 14 we will do, and I hope it's not in any way impertinent
 15 or presumptuous, is to set out our questions as they
 16 would be in writing in the hope that they might assist
 17 Mr Greaney and others and Mr Scally.
 18 SIR JOHN SAUNDERS: It would be really helpful and, as far
 19 as I can, I will give you the answers.
 20 MR WELCH: Thank you very much, sir.
 21 I'm going to move on to the only other topic that
 22 I have, which is completely separate and hopefully won't
 23 involve any sensitivities. That involves Prevent. It's
 24 a consideration in relation to Prevent and the effect of
 25 Prevent, really. Because there has been discussion,

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1 hasn't there, and consideration in your evidence as to
 2 whether Salman Abedi should have been referred to
 3 Prevent in 2014? And at the time he was relatively
 4 young, wasn't he? I believe he was 19 at that stage.
 5 A. 19.
 6 Q. Now, he wasn't -- but was this a consideration and is
 7 this a consideration for Counter-terrorism Police and
 8 others in relation to Prevent referrals? And that's can
 9 Prevent referrals have a deterrent effect in themselves?
 10 That if someone is referred to Prevent, they may or may
 11 not choose to partake in it, but the fact that they've
 12 been referred might be that warning of, "Look, we know
 13 what you're doing, back off", effectively, and they
 14 might then themselves actually dissociate with people
 15 who are engaging in that kind of extremist mindset?
 16 A. I think it's a possibility, but they are very early
 17 in the process of that journey, so this is very much the
 18 pre-criminal space. But I take the point: do you
 19 consent to a visit or a call or a discussion, we have
 20 concerns about you, do you consent to joining this
 21 programme? That may have an effect on their thinking
 22 even if they don't then consent to join it.
 23 Q. In many ways it might go back to your time before
 24 Counter-terrorism Police North West and some
 25 old-fashioned policing that actually the knock on the

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1 door or the tap on the shoulder of, "You need to back
 2 off here", without engaging in the full criminality, can
 3 sometimes be enough to warn someone off, can't it, from
 4 engaging in further criminality?
 5 A. It can have an effect, yes.
 6 Q. And the earlier that's done in someone's radicalisation,
 7 development, however you want to describe it, and the
 8 younger they are, the more likely that might have an
 9 effect, isn't it?
 10 A. Yes. I think it wouldn't be our first port of call to
 11 just do a knock on the door. If we can get them into
 12 Channel or manage it through Prevent in a multi-agency
 13 way, far better solutions because other organisations
 14 can contribute to that. So I do take the point that the
 15 earlier in the process we can engage -- that's we as
 16 public authorities -- in stopping people going on that
 17 journey, then clearly the better and the more likely
 18 it is to have an impact.
 19 MR WELCH: Thank you very much, Mr Scally. Thank you, sir.
 20 SIR JOHN SAUNDERS: And I do apologise again, Mr Welch.
 21 MR GREANEY: Can I echo, sir, your observation that to
 22 receive those questions will be helpful and we will make
 23 sure those matters are all fully explored in the closed
 24 hearing.
 25 I am going to ask Mr Sheldon whether he has

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1 questions.
 2 MR SHELDON: Thank you, I have no questions.
 3 Questions from MR GREANEY
 4 MR GREANEY: Before I call upon Mr Horwell, there was one
 5 issue I wanted to be clear about in my own mind, if
 6 I may, so if I do it now, then Mr Horwell can pick up on
 7 it if he wants to do so.
 8 What we've understood very clearly, Mr Scally,
 9 is that where someone is assessed as being vulnerable to
 10 radicalisation, a Prevent referral may be made.
 11 A. Yes. For the vulnerable to being drawn into terrorism
 12 is the phrase.
 13 Q. Being drawn into terrorism?
 14 A. In the Act that's what it talks about.
 15 Q. If that does happen, whether the subject engages with
 16 the referral is a matter for their decision?
 17 A. Yes.
 18 Q. So it's voluntary, in other words?
 19 A. The Channel process is a voluntary process.
 20 Q. But if a subject refuses to engage with Channel,
 21 am I right that that will be or may be of relevance to
 22 Counter-terrorism Policing?
 23 A. Yes. So the other option in Prevent if they do not
 24 consent to Channel is for us -- it is an option for us
 25 to keep that case within Prevent and manage it as

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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, I think 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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1 "Well, yes, this is a person who has been radicalised,
 2 but we think we can work with them", yet again that
 3 would be of relevance to Counter-terrorism Policing
 4 because you would want to see what path they took with
 5 Channel; am I right?
 6 A. Yes, we would know about all those cases and what the
 7 outcome at the end of that process was.
 8 Q. No doubt I could postulate other alternatives, but does
 9 it really come to this: that where a Prevent referral is
 10 made, however the subject responds to that will be of
 11 relevance to Counter-terrorism Policing?
 12 A. Yes.
 13 MR GREANEY: Thank you very much, sir, I don't know whether
 14 you have any questions arising.
 15 SIR JOHN SAUNDERS: No, that's very helpful, thank you very
 16 much.
 17 MR GREANEY: Mr Horwell, would you ask your questions,
 18 please?
 19 Questions from MR HORWELL
 20 MR HORWELL: Mr Scally, I'm going to start with Prevent.
 21 You've been asked as to whether police officers have
 22 a conscious or an unconscious bias against Prevent and
 23 you've dealt with that in your answers.
 24 SIR JOHN SAUNDERS: Can I say, it was in no way a leading
 25 question, what I asked. It was to inform the public and

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1 just get an answer.
 2 MR HORWELL: I meant nothing to the contrary, sir.
 3 The latest figures from Mr Hipgrave for the year
 4 ending 31 March 2020 were that there were 6,287
 5 referrals and that's from all sources.
 6 A. Nationally, yes.
 7 Q. And just over 10% of those, 697, were adopted for
 8 support by the Channel panel.
 9 A. That's correct.
 10 Q. So the dropout rate is very high --
 11 A. Yes.
 12 Q. -- in that process?
 13 A. In the process.
 14 Q. If the -- and again, I'm sure everyone understands,
 15 these are national figures, not local. But if the tens
 16 of thousands of closed SOIs and the tens of thousands of
 17 those who are known to be interested in extremist
 18 material, if they were referred to Prevent almost
 19 automatically by virtue of their status, would the
 20 system as it currently stands be able to cope?
 21 A. No.
 22 Q. So if there is to be a process of almost automatic
 23 referral because, as you have said, there will never be
 24 a referral if it might interfere with a criminal
 25 investigation, for example, but if there was to be

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1 a process of almost automatic referral, the system would
 2 require significant extra funding?
 3 A. Yes, it would.
 4 Q. You have said on many occasions that consent is
 5 a necessary prerequisite for a Channel adoption.
 6 A. Yes.
 7 Q. And you have been asked about Ismail Abedi and what
 8 happened to him in 2016 --
 9 A. Yes.
 10 Q. -- when NWCTU intelligence officers sought to engage
 11 with him.
 12 A. Yes.
 13 Q. You deal with this in both your witness statements and
 14 you have provided a chronology, which I don't think
 15 we have looked at so far, Mr Scally, so if we could look
 16 at it now. It's {INQ042170/2}, please.
 17 This covers events from April 2016 to 5 July 2016
 18 when Ismail Abedi would have been 22 years of age,
 19 nearly 23 by the end of this chronology.
 20 On 16 April, a NWCTU intelligence officer,
 21 Officer B, had a telephone conversation with
 22 Ismail Abedi in which he agreed to meet in a public
 23 place on 18 April, 2 days later?
 24 A. Yes, that's correct.
 25 Q. On that occasion, under the arrangement that was in

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1 place, Officer B rang Ismail Abedi on numerous occasions
 2 without success and therefore the meeting did not take
 3 place.
 4 A. Yes.
 5 Q. Then on 4 May 2016, Officer B spoke to Ismail Abedi.
 6 Ismail Abedi is described as being evasive and
 7 non-committal:
 8 "Officer B considered that the phone was on
 9 a speaker and this was borne out when a female came on
 10 the line and stated that Officer B could only speak to
 11 Ismail Abedi through his solicitor or 'with a warrant'
 12 and that Officer B was never to call the number again."
 13 And then finally, on 5 July of that same year:
 14 "Officer B attended [Ismail Abedi's home address or
 15 certainly the family address at that stage]. Officer B
 16 spoke with Ismail Abedi's father, Ramadan Abedi, who
 17 informed him that his son was not there and agreed to
 18 pass Officer B's details on to him."
 19 And there was no further contact?
 20 A. No.
 21 Q. You've been asked today about another young male,
 22 Zubair.
 23 A. Yes.
 24 Q. And you were asked to confirm that this individual was
 25 referred to Prevent.

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1 A. Yes, he was.
 2 Q. I just want to add a few details to this particular case
 3 and his confidentiality will be respected, but in his
 4 case was there a particular personal reason which
 5 revealed a particular vulnerability?
 6 A. Yes, there was.
 7 Q. Was that vulnerability decisive in the decision to refer
 8 him?
 9 A. Yes.
 10 MR HORWELL: Sir, there is a much fuller explanation at
 11 {INQ030737/1}, but as I have said, I'm going to respect
 12 his confidentiality.
 13 SIR JOHN SAUNDERS: That's nothing to do with national
 14 security, that's to do with his own personal matters?
 15 MR HORWELL: Yes.
 16 Just so that we follow the trail to its end, having
 17 been referred, did he consent?
 18 A. No.
 19 Q. A separate topic, Mr Scally: inadequate sharing of
 20 information by MI5 to CT Policing. A number of
 21 questions were asked of you on that topic.
 22 The two organisations are obviously very different
 23 and, at the risk of stating the obvious, could you
 24 please explain the essential differences between those
 25 two organisations?

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1 A. MI5 are the lead agency and have primacy for national
 2 security and national security intelligence and are
 3 subject to a different statutory regime than the police,
 4 who have common law and other statutory duties to
 5 protect the public and prevent crime. But we operate
 6 under separate statutory duties and authorities. MI5
 7 are the lead agency in relation to national security
 8 intelligence and they take primacy in that area.
 9 MR HORWELL: Sir, you contemplated Mr Scally possibly
 10 assisting you by providing a statement, a document,
 11 setting out this debate, whether there should be one or
 12 two separate services. Could we respectfully suggest
 13 Mr Scally will do whatever you ask of him, plainly, but
 14 could we suggest, for a debate such as this, if you
 15 require assistance, it should really be provided by
 16 CTPHQ and MI5?
 17 SIR JOHN SAUNDERS: Thank you. I will review the situation.
 18 I think that one does need to think outside the box,
 19 whatever horror that might cause in some circles.
 20 I will reflect on what I need, I don't want to put
 21 people to trouble for no reason.
 22 MR HORWELL: Of course.
 23 At the London Bridge Inquest, your equivalent
 24 witness from SO15 was Witness M.
 25 A. Yes.

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1 Q. He was also asked about this very topic of inadequate
 2 sharing of information. He said that it was for MI5 to
 3 collect intelligence, assess it, and disseminate it
 4 where they see it as significant.
 5 A. Yes, I'd agree with that.
 6 Q. And it was suggested to that witness that the police was
 7 just a puppet for MI5 and this was his answer:
 8 "No, you've just hit the nail on the head. They
 9 take the lead. It is for them to take the intelligence,
 10 assess it, disseminate it where it is assessed to be
 11 significant, and where we can take some kind of activity
 12 on the back of that intelligence."
 13 And these are the words I want to ask you about:
 14 "If they phoned me every day with every intelligence
 15 update we would be overwhelmed."
 16 That is a word with which we have some familiarity
 17 in this inquiry, but do you agree or disagree with that
 18 comment?
 19 A. I would agree with that.
 20 SIR JOHN SAUNDERS: I want to go -- have you finished with
 21 that?
 22 MR HORWELL: I was going to ask one or two follow-up
 23 questions.
 24 SIR JOHN SAUNDERS: You do that.
 25 MR HORWELL: If both organisations shared everything, you

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1 would each be duplicating the other's responsibilities ;
 2 is that right?
 3 A. To a very large extent, yes.
 4 Q. And do you see any benefit in that extreme position,
 5 Mr Scally?
 6 A. No, I think it would actually increase risk. If there
 7 was complete automatic sharing of all material between
 8 both organisations, even if that could happen, I think
 9 the system would be more risky because without the tools
 10 to work through that, we would simply be working through
 11 lots of erroneous, irrelevant intelligence that actually
 12 would stop us focusing on and identifying the key risks.
 13 SIR JOHN SAUNDERS: There are obviously a number of
 14 different situations that can arise. If you have
 15 a situation where MI5 and Counter-terrorism Police are
 16 looking at a situation jointly, MI5 are the people --
 17 I know they're based in the regions as well but they
 18 operate from London, and CT Police have a different
 19 perspective in the regions where they have knowledge
 20 that is not known to MI5. That's the whole purpose of
 21 having them operate together.
 22 A. Yes.
 23 SIR JOHN SAUNDERS: When making decisions within
 24 an operational enquiry which is being done jointly,
 25 would you expect intelligence in those circumstances to

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1 be shared and joint decisions be made on the next step?
 2 A. Yes, that's the purpose of the joint operational team.
 3 But to be clear, that doesn't mean every single piece of
 4 intelligence should be shared, contacts of contacts
 5 of ...
 6 SIR JOHN SAUNDERS: Okay. Fair enough. You could have
 7 something so remote that doesn't need to be discussed or
 8 something like that. Because CT Police have something
 9 to offer in making decisions as to what steps are to be
 10 taken next, MI5 don't hold a monopoly in deciding what
 11 the next step should be?
 12 A. No, and clearly those discussions happen every day.
 13 SIR JOHN SAUNDERS: If they don't discuss something within
 14 a joint operation, that may well make the operation less
 15 effective?
 16 A. Yes. There has to be a balance, we have to think it's
 17 relevant. Whether it's in a formal JOT meeting, those
 18 conversations happen every single day. My senior
 19 investigating officers, my case officers, my
 20 intelligence officers will speak every single day to
 21 their counterpart. If they feel they are not getting
 22 what they need, they will ask for it.
 23 SIR JOHN SAUNDERS: Let's take what is an entirely
 24 hypothetical situation, all right, but can and I have no
 25 doubt has happened. This really has nothing to do with

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1 this case, so please don't anyone misinterpret it.
 2 MI5 and CT police in a joint operation become an
 3 aware that an attack may take place. One of the
 4 agencies may take the view, "Let's let it run, don't
 5 interfere now, let it run, see what happens, keep
 6 watching because that's our best chance of getting all
 7 the people who may be involved in this". And the other
 8 side, perhaps more cautious, say, "No, there's a risk
 9 in that because they may do something" -- and I'm really
 10 not talking about anything specific here, "There may be
 11 a risk if you let it run for that purpose, that that
 12 actually will happen and we won't be able to stop it".
 13 You could have those genuinely different points of view
 14 particularly when you have an enforcement obligation and
 15 MI5 have an intelligence obligation and sometimes they
 16 are looking in different directions.
 17 A. Yes.
 18 SIR JOHN SAUNDERS: If you discuss it jointly, MI5 may be
 19 able to make the ultimate decision, I know not, but if
 20 there is that disagreement and MI5 say, no, we're
 21 absolutely not going now, the CT policeman, if he feels
 22 really strongly about it, can come to you and say, "Look
 23 they're thinking of doing this, I think this is
 24 suicidal, we really need to do something", and you can
 25 then take it up with somebody higher?

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1 A. Yes. That process is there to escalate. The formal
 2 place in which that would happen -- and what you
 3 described there is incredibly rare, but we do have
 4 differences of opinion about how we should progress
 5 things -- is the executive liaison group chaired by the
 6 senior national coordinator. The focus of that -- and
 7 MI5 are absolutely live and support this -- is the
 8 protection of the public. If there is that situation,
 9 it would formally be escalated to that group, chaired by
 10 the police and the senior national coordinator, with MI5
 11 there and others, but ultimately that is the forum in
 12 which, if there were a dilemma as to the significance of
 13 that, it would be resolved.
 14 SIR JOHN SAUNDERS: That highlights perhaps the importance
 15 of joint dissemination of information between the two of
 16 you?
 17 A. Yes, to reach that point we both need to have a good
 18 understanding and as full as possible an understanding
 19 of the relevant information to that. And if there's any
 20 difference, believe me, it will be thrashed out in those
 21 meetings.
 22 SIR JOHN SAUNDERS: Okay.
 23 A. If my officers are unhappy, and this has happened,
 24 they've come to me and said, "No, we're not happy with
 25 this", I have spoken to my counterparts. Formerly, if

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1 it was a really serious attack plan, the JOT and the ELG
2 process is set up specifically to manage that movement
3 to executive action.

4 SIR JOHN SAUNDERS: Thank you very much.

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

8 MR HORWELL: Yes, of course.

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

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

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

21 A. Very common.

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

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1 A. Yes.

2 Q. And in view of the communications concerning martyrdom
3 as expressed, the maidens of paradise as expressed in
4 those communications, and the use of the picture of the
5 ISIS dinar, anything remarkable or of a standout nature
6 about of those relevant communications?

7 A. Not within the extremist material we would see on
8 a daily basis.

9 SIR JOHN SAUNDERS: It is indicative and it was used to
10 indicate — partly, I know there's other evidence — an
11 extremist mindset.

12 A. Yes, I think it's the point Witness J makes: people
13 having an interest and accessing extremist content is,
14 in our world, a very common thing.

15 SIR JOHN SAUNDERS: But you don't just ignore it when you
16 see it?

17 A. No, it's clearly of interest to us. If the question is,
18 "Is that common?", it's very common.

19 SIR JOHN SAUNDERS: Right.

20 MR HORWELL: The point raised by the chairman this morning,
21 that all of those familiar with the process will
22 understand the intense rigour of a terrorist —type
23 prosecution, and in this particular prosecution the
24 prosecution team was led by a very experienced and
25 distinguished Queen's Counsel, obviously with a junior,

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1 and with the Crown Prosecution Service to support. It
2 does appear that no one at any stage sought to discover
3 who the 3458 Salman was.

4 A. No.

5 SIR JOHN SAUNDERS: Are we getting into dangerous territory?
6 Is this not privileged information?

7 MR HORWELL: No, it's fact. It's public record. During the
8 course of that prosecution, it was not adduced.

9 SIR JOHN SAUNDERS: That's a slightly different question
10 from, "Did anyone ask the question?" Is that not
11 privileged information?

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

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

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

20 MR COOPER: Forgive me, Mr Horwell. We don't know the
21 reasons why this was not deployed. We don't know the
22 discussions that might have taken place. And in our
23 submission, perhaps it's to take it a stage further to
24 speculate.

25 SIR JOHN SAUNDERS: Thank you, Mr Cooper.

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1 Mr Horwell, we'll settle at the fact that it was
2 never said at the trial. I don't think that you can
3 take it further than that.

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

6 SIR JOHN SAUNDERS: We'll deal with that with the witness.
7 Thank you, Mr Cooper.

8 MR HORWELL: That's all I ask.

9 SIR JOHN SAUNDERS: Thank you very much.

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

12 SIR JOHN SAUNDERS: No, I don't. Can I thank you very much
13 for your evidence. As with Witness J, you've done
14 a huge amount of work looking into the background of all
15 these things and had to look at a large number of
16 articles, all of which were helpful, no doubt, to you.
17 But thank you very much for all you have done and the
18 questions you have answered.

19 Housekeeping

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

23 Sir, as everyone knows, on Monday next week,
24 a closed hearing will commence pursuant to a restriction
25 order made by you. The purpose of a closed hearing is

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1 to ensure that you hear all of the relevant evidence
2 without the limitations which have been necessary this
3 week in order to protect national security. The inquiry
4 will next sit in open on 22 November, when we will
5 resume the chapter 13 hearings.

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

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

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

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

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

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

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

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

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

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

7 (4). So far as the MI5 witnesses are concerned, the
8 following can be said. There are to be four MI5
9 witnesses. One of those witnesses is Witness J from
10 whom, of course, we heard on Monday and Tuesday of this
11 week. The evidence of the witnesses will address the
12 decision-making in relation to the handling of
13 information received on two separate occasions in the
14 months prior to the attack, as spoken about by
15 Witness J, and it will also deal with other topics.
16 Those four MI5 witnesses to whom I have just made
17 reference each worked for MI5 at the time.

18 (5). So far as the CTP North West witnesses are
19 concerned, the following can be said. The inquiry will
20 be receiving evidence from 10 CTP North West witnesses.
21 Of those 10, four officers can be named: Detective
22 Chief Superintendent Dominic Scally, former Detective
23 Inspector Frank Morris, Detective Sergeant Paul Costello
24 to whom reference has been made today, and Detective
25 Sergeant James Coles.

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

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

12 The roles that the witnesses held at the relevant
13 time included the following: working in the Confidential
14 Unit, which is now known as the Sensitive Intelligence
15 Unit, working as a counter-terrorism prison intelligence
16 officer, managing the Intelligence Management Unit,
17 working as an intelligence analyst, and working as
18 intelligence assessors in the fixed Intelligence
19 Management Unit, both in Manchester and in Merseyside.
20 In the case of one witness, that witness held two
21 distinct roles during the relevant time.

22 We hope that that has been helpful within the
23 limitations that necessarily it has, but that is all
24 that can be said at this time and we emphasise those
25 three words.

1 Sir, subject to anything you would wish to say at
2 this stage, may we please invite you to adjourn as
3 follows. For the inquiry next to sit in closed on
4 Monday next, 1 November, and for the inquiry next to sit
5 in open on Monday, 22 November at 9.30 am.

6 SIR JOHN SAUNDERS: I will do that. Can I just say this: if
7 there are people who think that a closed hearing is
8 unnecessary, I doubt whether that would include any
9 lawyers who know the law relating to these matters to
10 have that view, and I think it ought to be clear to
11 anybody that if I decided that everything could be said
12 in open, that matter would undoubtedly have been
13 reviewed by courts higher up the chain than I am. So
14 it is necessary and I hope that everyone will accept
15 that.

16 Can I also say that I personally have found the
17 hearings this week to be very informative. There have
18 of course been matters which have not been listened to
19 and considered but I'm very grateful to all the people
20 asking the questions for eliciting the evidence that
21 they have and also making clear to me lines which need
22 to be enquired into in more detail in closed. So I'm
23 grateful for that and also grateful that we have kept to
24 the timetable and I'm grateful to the witnesses who have
25 come as well.

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1 MR COOPER: May I just emphasise that, of course, we
2 entirely endorse what you say, and of course trust the
3 process and of course understand why the process is
4 taking place. Let me make that clear, certainly, if it
5 needed to be.

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

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

22 SIR JOHN SAUNDERS: I am quite happy to consider that when
23 we get there. You will bear in mind that there are
24 witness statements which have already been produced, so
25 the witnesses have committed themselves to the evidence

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1 that they are giving. I think I have enough experience
2 to be alerted to changes in evidence which may take
3 place over a break. It seldom goes unnoticed in any
4 criminal trial. I will look at it on a case-by-case
5 basis. I have heard what you said. Advocates have said
6 to me in this case, "Do you mind if I talk to a witness
7 in the middle of their evidence?" It's a useful
8 precaution to take, but I will be alert to any
9 possibility --

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

23 MR GREANEY: Sir, could I say I have no difficulty at all
24 with saying that the inquiry legal team's view is that
25 when a witness is part heard in their evidence, they

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1 must not discuss their evidence with any other person,
2 save where you give them permission to do so on proper
3 grounds.

4 SIR JOHN SAUNDERS: Can I make absolutely clear that
5 of course, as always, it's the perception of justice
6 which is important, as well as justice itself. This is
7 not indicating in any way that such a thing that you
8 fear would in fact ever have happened.

9 MR COOPER: Let me make that clear, absolutely, but as we
10 know, you made the reference to what lawyers know as
11 opposed to what may be common parlance. It is the
12 perception I'm interested in.

13 SIR JOHN SAUNDERS: Certainly. Thank you, Mr Cooper.

14 MR GREANEY: Given what Mr Cooper has said, it is perhaps
15 worth saying, in case anyone were to think that we are
16 going into a completely different environment, that
17 there will be no lesser formality to the process that
18 we will be engaged in in the next 3 weeks than there has
19 been hereto.

20 SIR JOHN SAUNDERS: I think bearing in mind where we are
21 going to be sitting, to have less formality would be
22 extremely difficult.

23 MR GREANEY: Sir, I think there may be some sensitivity over
24 where we are --

25 SIR JOHN SAUNDERS: I know and I understand that, but I hope

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1 I haven't just done that from saying what I have just
 2 said.
 3 MR GREANEY: We will be in a courtroom environment is the
 4 message people need to understand.
 5 Thank you very much, sir.
 6 SIR JOHN SAUNDERS: Okay. Thank you very much.
 7 (1.17 pm)
 8 (The inquiry will sit in open session
 9 at 9.30 am on Monday, 22 November 2021)

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