IN THE MANCHESTER ARENA INQUIRY

BEFORE SIR JOHN SAUNDERS

IN THE MATTER OF:

THE PUBLIC INQUIRY INTO THE DEATHS OF THE 22 WHO LOST THEIR LIVES
AT THE MANCHESTER ARENA ON 22nd May 2017

SUBMISSIONS ON PREVENTABILITY
CHAPTERS 8, 13 AND 14 ON BEHALF OF THE FAMILIES OF SAFFIE- ROSE ROUSSOS, ALISON HOWE, LISA LEES, GEORGINA CALLANDER, OLIVIA CAMPBELL-HARDY, PHILIP TRON & SORRELL LECZKOWSKI

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Introduction

1. Those primarily responsible for the Arena bombing are Salman Abedi (SA), Hashem Abedi (HA) and others who conspired with them, or knowingly assisted aspects of their plot. Secondary responsibility lies with those who inspired and radicalised them, or created the conditions which led to the rise of violent extremism of this type.

2. These submissions deal with evidence relating to these individuals and issues to the extent that they are in scope, and they also deal with the issue of preventability: should
those charged with protecting national security and detecting terrorism have been able
to discover and stop or disrupt this plot?

3. In summary, the families argue that there was a wealth of background material
regarding the Abedis and their associates, and highly relevant context evidence relating
to Islamic State and related violent extremism in Libya, which do not appear to have
been properly considered and pieced together by the police and security services before
the bombing. If that had been done, there would have been greater vigilance and use of
disruption measures such as ‘Ports Action’. In addition, this was a plot which involved
acts by a significant number of people, innocent or otherwise, which meant that there
were multiple opportunities to uncover and prevent the outrage that occurred.

4. There have been different methodologies for terror attacks in recent years, in particular
a shift to unsophisticated attacks which are much more difficult to detect, even where
persons involved may be known to the security services. This was not one of them. In
our analysis, this was the most complex terror plot in the UK since at least 7/7. It
involved procuring chemicals, flats and vehicles, manufacturing dangerous explosives,
obtaining multiple other components and assembling the bomb, and hostile
reconnaissance.

5. Both brothers, but SA in particular, associated with or were contacts of a substantial
number of persons known to the security services (notably about eight SOIs\(^1\)), and were
known to have been in Libya for substantial periods at relevant times. The family was
connected to a number of high-ranking AQ operatives responsible for incidents
involving massive loss of life, and extremism going back decades which is well
documented and has attracted UN sanctions.\(^2\) It was documented by JTAC from at least
2010 that young men within the Manchester Libyan diaspora were influenced by this
older generation,\(^3\) and the Abedis lived within a geographical area from where an
astonishing number of young men and women went to join and fight with IS in the years
prior to this bombing, including some individuals linked to SA.\(^4\) SA was himself a SOI

\(^{1}\) Appendix 1, Rows 2, 4, 5, 8, 10, 11,12
\(^{2}\) Appendix 1, Row 14
\(^{3}\) Appendix 1, Row 20 and 97
during 2014, he was a known close associate of the convicted IS facilitator Abdalraouf Abdallah (ARA), and there were opportunities to reopen him as a SOI thereafter or to institute other measures to frustrate his obvious extremism.

6. In short, although much of the evidence in this section of the Inquiry has been heard in closed sessions, there is sufficient open evidence and open source material to suggest there were a number of missed opportunities and failures by the security services and police, to prevent this outrage from occurring.

7. The security services and police were not responsible for the bombing and they were faced with considerable challenges in 2017. However, those factors should not be allowed to cloud findings which bring truth and accountability for the families and others affected by this atrocity, and underpin recommendations which should improve security and the prevention of such events in the future.

Approach

8. This submission includes three appendices consisting of chronologies relating to background and context, the plot, and associates connected to the plot, referencing evidence relating to significant individuals.

9. Witness J and DCS Scally, DI Costello and former DI Morris gave open and closed evidence on behalf of MI5 and CTP respectively, and other MI5 and CTP witnesses gave evidence in closed sessions. Given the background and context evidence relating to Libya and elsewhere, we are not clear as to why there was no evidence heard from MI6 and GCHQ or other parts of the UKIC. Where we reference MI5 and CTP we ask that the Inquiry will read in other intelligence and policing services as being implied, wherever appropriate.

10. In addition to open questioning of the aforementioned witnesses, we provided a document5 prior to the closed hearings setting out further questions with references and supporting documentation, which we submitted should be considered in the closed

5 211029 Note re Closed Hearings BJCH V2.
sessions. Subsequent to disclosure and publication of the gist, and redacted transcripts of parts of DI Costello’s, former DI Morris’ and Witness Z’s closed evidence, we submitted further questions and supporting documentation in a similar way. We have assumed those issues were subject to questioning and refer to those documents accordingly.

11. Finally, in terms of approach, an Inquiry is by definition an exercise in hindsight. However, we recognise that scrutinising actions and decisions at a particular time must concentrate on information that was or should have been available at that time. Where necessary we make that clear.

Proof, Fairness and how the Inquiry should express the factual narrative

12. In the course of Chapter 8 there was discernible unease at some of the questioning relating to associates of the Abedis and their involvement in matters related to the plot. One advocate referred to “conspiracy theories” being advanced on behalf of the families. Such unease and references were misplaced.

13. This Inquiry has been comprehensive in its approach to the many issues raised by the terms of reference. With reference to the plot itself, it was essential that all aspects of what happened and who was involved should be rigorously scrutinised. The fact that the involvement of an individual has been looked at by the criminal investigation and subject to decisions by the police and/or the CPS does not reduce the need for scrutiny or its intensity. Nor does it call for any particular sensitivity beyond that required to ensure the process is fair as required by Section 17(3) of the Act or to take account of extant or likely future criminal proceedings. Fairness pursuant to Section 17 is not the same as due process as at a trial, as liability has no relevance to an Inquiry, however, it may sometimes be discharged in a similar way. For example, the witnesses ARA, Ahmed Taghdi and Mohammed Al Zoubare have all been given the opportunity to assist the Inquiry, which includes a right of reply to allegations made, and have been

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6 220218 BJCH Note on Further Questions for Ch 14 Witnesses
7 47/94/22
8 Section 2(2) of the Inquiries Act 2005 expressly requires that Inquiry conclusions are not to be inhibited by the likelihood of liability being inferred
afforded legal advice and representation. Ismail Abedi would have had the same opportunity to reply, had he not put himself beyond the jurisdiction. The Rule 13 process will undoubtedly be utilised to allow those likely to be criticised to correct any errors and have a final right to reply.

14. Decisions of the police, CPS or any other investigation are irrelevant to the Inquiry not only because the Inquiry has looked at the issues through oral evidence taken on oath as well as documentary evidence which may have been more than that available to those other investigations, but also because the burden and standard of proof is different. A decision on a criminal prosecution is made on the question of whether there is a realistic prospect of conviction to the criminal standard, and whether it is in the public interest to prosecute. An Inquiry is a fact-finding mission where there is no burden of proof and in our submission it is settled law that an Inquiry shall adopt a flexible standard appropriate to the particular subject matter and terms of reference. The default position will be to find facts on the balance of probability, but to express a higher degree of certainty as appropriate. However, it is also entirely permissible for an Inquiry to comment on possibilities and suspicions where it is deemed appropriate and reasonable on the evidence.

15. Applied to the particular facts, we submit that the Inquiry should set out its narrative of what known associates did, relevant to the plot, to the standard that is objectively found. Where it can, the Inquiry should set out its conclusion as to whether the act was done with knowledge of the plot, or at least with knowledge that the act was furthering a non-specific plot. If necessary the Inquiry should express such a view as probable, possible, or as a reasonable suspicion. In the alternative, and as a backstop, the Inquiry should set out what the particular actor objectively did and then express a collective view, rather than with respect to particular individuals. This would mean setting out what happened and then expressing a view that some of the actors were duped but plainly some others were not. In our view it would be unsatisfactory if the Inquiry merely set out what each individual did, without further finding or comment, given the security service assertion that there is no evidence that anyone other than the Abedi brothers

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9 A particularly helpful summary of the cases is at: Report into the Death of Anthony Grainger [HC2354] Section C Para 1.35-42, and in CTI’s submissions to the UCPI adopted by the Chair in his Ruling on the Standard of Proof (2016)
was knowingly involved in the plot. For reasons we set out below, we do not see that as a tenable proposition on the evidence, but as it has been raised, and therefore deemed relevant, the Inquiry should seek to resolve it. It is a matter of importance to the families, and it is a matter relevant to whether the security services and police could have done more.

Process

16. It is axiomatic to all legal processes in our jurisdiction that open justice should apply unless there is a compelling necessity for it to be suspended. A compelling necessity arises in this context where a competing interest would otherwise frustrate justice entirely. The rule of law and natural justice ordinarily requires that justice is done by an impartial tribunal and scrutiny is conducted in the open with the right to make representations. It requires transparency, impartiality and effective participation by those with an interest in the outcome. Where necessity makes open justice impossible the ‘minimum interference necessary’ maxim applies, closed evidence is restricted to the minimum, and as much closed material as possible should be broken out into open by the use of summaries or gists. This has been the approach of the Inquiry in this instance, and it represents an imperfect solution to an otherwise intractable problem.

17. The imperfect solution removes transparency and effective participation from the closed sessions and introduces a concept of trust which is otherwise absent from the process. Trust in the tribunal to minimise the interference with normal process, but also trust in the public authorities and public servants who ‘own’ the closed material. The former should not be the problem given the structural impartiality of the tribunal, however the latter is: MI5 and CTP have an institutional interest in the closed material and adverse inferences which might be drawn from it.

18. For the families, the OLIBAN messages form a central part of the ‘preventability’ evidence, for three reasons:
   a. The content relating to extremist views, martyrdom references and IS,
   b. The messages demonstrate the close relationship between SA and ARA by late 2014, when ARA had been actively facilitating others to join and fight for IS in Syria and had sourced weapons for them, he had attempted to purchase guns in
Libya, and he had contact and gave encouragement to Elyas El Medhdi who was fighting there at the same time, and
c. SA had been closed as a SOI only a few months previously, and he had then been present and evacuated from Libya when there had been a substantial upsurge in fighting by IS and other similar militias.

19. In open evidence it was known that there had been a failure to attribute the SA phone, but what was not known prior to the disclosure of the gist was that there had been no reference to the OLIBAN messaging at all in the CTP PAR (or presumably the MI5 PAR, the material disclosed to the Anderson review, or the material disclosed to the ISC). We have sought clarification and explanation of this in our recent submissions regarding the recall of Witness J and DCS Scally. None has been forthcoming, not even confirmation of the factual position regarding disclosure to the reviews.

20. At para 17 of the gist we are informed that DCS Scally’s explanation is that he believes the terms of reference for the PAR related only to material known prior to the attack. The OLIBAN material was known prior to the attack. The failure to attribute the SA number was a matter that was manifestly relevant to any meaningful post-attack review. It is absurd to suggest otherwise.

21. The fact that the failures around the OLIBAN messages have had to be prised out of MI5 and CTP and the apparent serious disclosure failures to previous reviews are matters of profound importance here. They are of substantive importance but they are also of importance to the confidence of the families to the engagement of the security services and CTP with this process. The lack of any real concessions by either organisation and half-baked explanations such as the one offered by Mr Scally are instructive.

Evidence

22. In terms of preventability, we submit that the evidence in this Inquiry should be looked at in three categories:

   a. Background and context, which includes family, associates and the situation in Libya,
b. The known potential threat from SA, in particular from 2014 onward,
c. The Arena plot.

23. We have set out much of the key evidence relating to the first and second categories in Appendix 1, and the third in Appendix 2. Appendix 3 relates to associates and is relevant generally.

a. Background and context

24. The 2010 JTAC regional assessment highlighted the risk of extremism amongst the Libyan diaspora in Manchester. It specifically warned of the problem that younger family members may be radicalised by the elder generation, some of whom had links to violent extremism.\(^\text{10}\) Although Manchester has the largest Libyan community in this country, it is small, between 5,000 and 10,000 according to open sources. Many in the Libyan diaspora fled persecution by the Gadaffi regime. They came from all walks of life, but some of them did so because of their allegiance to violent extremist groups, the most notorious being the Libyan Islamic Fighting Group (LIFG). The LIFG was a proscribed terrorist group within the UK from 2005 until 2019 when it was said to be defunct.\(^\text{11}\)

25. It has been stressed by a number of witnesses that the vast majority of Manchester’s Libyan community are as opposed to these violent extremist ideologies as the rest of the population. In our submission it is clear that the identified problem is within a very small segment of a relatively small community, a fact that is of importance when considering its visibility to the intelligence services.

26. The evidence concerning Ramadan Abedi (RA), the father of SA, HA and IA, shows him to be the archetypal example of the small band of extremists within the older generation, referenced in the JTAC report. Whether RA was a member of LIFG may be a moot point but he was certainly a fellow traveller. When Port Stopped on 17 November 2011 he denied being a member of the LIFG - he was unlikely to do

\(^{10}\) Appendix 1 Row 14
\(^{11}\) Appendix 1 Row 8
otherwise as it was proscribed - but claimed to be a part of another unnamed resistance group.\textsuperscript{12} At that time he had made a series of trips to Libya to support the rebellion against the Gadaffi regime. He informed border officers that he had taken SA and HA to Libya at that time, and the download of his phone produced a video of him with an automatic weapon in Sabratha, Libya. RA was interesting enough in 2011 to be stopped twice under counter-terrorism powers and questioned about his activities and allegiances. The record of the Port Stop indicates that the video of him with the automatic weapon had been shared with partner agencies.\textsuperscript{13}

27. The Inquiry has seen a number of photographs of SA and HA in Libya with heavy weaponry taken around 2011-12. There is evidence that they were close to the fighting and there is some evidence that SA was actually engaged in it.\textsuperscript{14} On 29 September 2012, RA posted to his public Facebook page one such photo of HA with the legend: “Hashem the lion in training”.\textsuperscript{15} Certainly hundreds of young men and teenagers travelled to Libya at this time and fought or played other armed security roles in the rebellion and its aftermath. These included ARA and Ahmed Taghdi. Many of the men from Manchester joined the 17th February Martyrs Brigade and this was recognised in a Tripoli street mural dedicated to the ‘Manchester Fighters’, a photo of which was produced in evidence.\textsuperscript{16}

28. In addition to this evidence, RA is linked to four LIFG members who had lived in Manchester and had substantial terrorist involvements. Firstly Anas Al Libi. In 1999 he was arrested in Manchester for terrorist offences but released.\textsuperscript{17} When police went to rearrest him he had fled the country leaving a notorious terror manual in his flat: the “Manchester Manual”.\textsuperscript{18} Al Libi was later detained by US forces in Libya and indicted for his involvement in the 1998 US Embassy bombings in Tanzania and Kenya which killed 224 people.\textsuperscript{19} In photos taken between 2011 and 2013, produced in evidence, HA

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\item \textsuperscript{12} Appendix 1 Row 19
\item \textsuperscript{13} Appendix 1 Row 19
\item \textsuperscript{14} Appendix 1 Row 18
\item \textsuperscript{15} Appendix 1, Row 21
\item \textsuperscript{16} Appendix 1 Row 20
\item \textsuperscript{17} Appendix 1 Row 2
\item \textsuperscript{18} Appendix 1 Row 4
\item \textsuperscript{19} Appendix 1 Row 2
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is seen with one of Al Libi’s sons carrying assault rifles.\textsuperscript{20} Within hours of Al Libi’s arrest in 2013, RA posted on his public FB page a picture of Al Libi with the caption: “The prophet knows how many have a picture of this lion in their Facebook profiles, the weak are forbidden to share it”.\textsuperscript{21}

29. Secondly, RA is linked to Abd Al-Basset Azzouz, an alleged AQ bombmaker who fled Manchester whilst on bail for terrorist offences in 2006. According to the evidence, Azzouz was sent to Libya in 2011 by then AQ leader Ayman Al Zawahiri to build an AQ fighting force there. He apparently did so and consequently he was placed on a UN Sanctions list in 2016.\textsuperscript{22} Once again the connection crossed the generations as SA was an associate of Hamza Azzouz, the son. SA and Azzouz junior were booked to visit ARA together, in HMP Altcourse on 6 March 2017, although SA did not attend.\textsuperscript{23} The Arena bomber, the convicted IS facilitator, and the son of a UN sanctioned AQ commander. There is evidence that all three were radicalised, brought up to believe that violent extremism of this nature was somehow noble. Hamza Azzouz was also connected to the group around Devell House (D167/136).

30. Thirdly, RA is linked to Bashir Al-Faqih who was convicted in 2007 of terrorism offences, and was later sanctioned by the European Commission for his involvement in the LIFG.\textsuperscript{24}

31. Al Libi, Azzouz and Al Faqih are all linked through their involvement in the Sanabel Relief Agency, a front for the LIFG in the UK. Also linked to Sanabel was Mohammed Benhammedi, arrested in the UK with respect to that connection, and sanctioned by the US because of Sanabel links to LIFG and AQ.\textsuperscript{25} As we know SA was in telephone contact with Abdulrahman Benhammedi whilst he was on remand in Belmarsh in early 2015 for possession of a sniper’s manual.\textsuperscript{26} Further evidence supporting the 2010 JTAC

\textsuperscript{20} D167/138
\textsuperscript{21} Appendix 1 Row 27
\textsuperscript{22} Appendix 1 Rows 3 and 11
\textsuperscript{23} Appendix 2 Row 26
\textsuperscript{24} Appendix 1 Rows 3 and 12
\textsuperscript{25} Appendix 1 Row 3
\textsuperscript{26} Appendix 1 Row 51
inter-generational warning. HA worked for the Benhammedi family in Germany in the second half of 2016.27

32. Quite apart from the UK police interest in these men, and the international pursuit and sanctioning of them, it is clear that the UKIC and CTP were well aware of the nature of the LIFG from the 1990s onward. Whatever its truth, allegations of UK involvement with the LIFG were front page news in 1996 with serious allegations made by former MI5 operative David Shayler.28 By 2001 the LIFG were subject to UN sanctions in the aftermath of the 9/11 attacks, because of their links to AQ. There is open source material indicating that the UKIC cooperated with Libyan intelligence services from that time, including with respect to individuals linked to LIFG in Manchester.29

33. In 2004 UKIC collaborated with the Gadaffi regime in the rendition of two LIFG commanders Belhaj and Al Saadi and their families. Their serious mistreatment - torture - is well-documented, as is the UK’s role in the rendition and the provision of questions to their interrogators. Having tried to prevent civil claims by the men and their families up to Supreme Court level, the British Government ultimately publicly apologised to them for their role in their rendition and mistreatment, and paid substantial damages to their families.30

34. By 2005, the LIFG were proscribed in the UK, and remained so until it was deemed defunct in 2019. There can be no doubt that the UKIC and CTP were well aware of the nature and reach of the LIFG, the association between some of its commanders and AQ, and its general violent extremist position.

35. So far in this history we have reached about 2010 when SA was 16 years of age. He was not responsible for the sins of his father, or his father’s connections. However, 2010 was the year that SA himself first appeared on the intelligence radar. It was also the year when we know that JTAC were warning of the inter-generational influence on some young men in the Libyan diaspora in Manchester.31 On the evidence we are not
suggesting that SA should have been accorded more attention at this stage than he was: we simply do not know. But dots were coming into existence which were there to be joined later in this narrative.

36. With the 2011 uprising against Gadaffi the context changed because it was not simply violent nationalists and Islamists affiliated to AQ who were involved. However, no one should or indeed could have been in doubt that extremist groups were now in an environment where they could prosper. As we have seen, groups such as the 17th February Martyrs Brigade were led by unsavoury characters such as Mahdi Al Harati, and young Manchester fighters such as ARA and probably SA were directly involved in the fighting. Al Harati was the leader of an AQ affiliated Libyan group which went to fight in Syria.32

37. If concern at the involvement of extremist groups in the 2011 uprising was confused by the fact that they found themselves on the same side as many in the international community including the UK and NATO, the picture thereafter should not have been.

38. The 2012 Contest annual report, published in March 2013, recognised that AQ groups were stronger than ever in Libya33. In May 2013, RA was posting to his public FB page a photograph of masked fighters from the Al Nusra Front, the AQ affiliate in Syria, with the caption: “My greetings of peace to Al Nusra. May they be victorious against the infidels”.34 A few months later he posted the reference to Al Libi on his arrest referred to above. He was not hiding his support for AQ under a bush. Anyone interested could have looked at these posts without leaving their office in Manchester or London. The FB posts were publicly accessible, no warrant was needed to see them, and no legal impediment to doing so applied.

39. These concerns in the Contest report and the RA FB posts were shortly before SA was identified as a person of concern and designated as a SOI. We will return to that but it is important to deal with the rest of the context evidence first. In doing so we submit that the Inquiry should bear in mind the interview with Assistant Commissioner Basu

32 Appendix 1 Row 17
33 Appendix 1 Row 24
34 Appendix 1 Row 25
after the Arena bombing where he referred to those who travelled to war zones becoming battle-hardened, brutalised and getting a taste for violence. He commented that it would have been foolish not to worry about Libya and that people who travelled to Libya were doing the same as people the UK had stopped travelling to Syria and Iraq. He further commented that it would be “a huge leap of faith” to say that SA was travelling to Libya just for family and not for training.35

40. By February 2014, the CPS were publicly raising concern regarding young men travelling to fight in other countries. Although the focus was plainly on Syria, the law was not so limited and neither was the CPS public warning. Further down the line, certainly by December 2016, the CPS guidance was expressly referencing Libya in this regard.36

41. In May 2014 the House of Commons Home Affairs Committee published a report which highlighted the sharp increase in AQ activity in North Africa and in particular Libya, noting that some analysts had described Libya as: “a large warehouse full of weapons with the doors wide open”. Simultaneously however, the focus was shifting to IS with its declaration of the so-called caliphate in June 2014.37

42. An upsurge in Islamist militia fighting in Libya led to the evacuation of UK citizens by the HMS Enterprise in early August 201438, and by October and November 2014 IS had taken control of the Derna region in the East of Libya39 and went on to control many other areas right up to the time of the Arena bombing. By December 2014, US commanders were publicly acknowledging that IS had set up training camps in Libya.40

43. During 2014 and into 2015 there was a wave of attacks in Tunisia and Europe, including the Brussels attack on a Jewish museum, attacks on the Bardo museum and a beach in Sousse, Tunisia, and the Paris Charlie Hedbo, Bataclan and Stade de France attacks.41
Many of these attacks were linked to Libya and IS. In particular the March and June 2015 attacks in Tunisia were linked to training camps in Sabratha, Libya, and in July 2015 the Assistant Commissioner of the Met, Mark Rowley was expressly asked about this in the Home Affairs Committee. Although he declined to confirm the specifics he left no doubt as to the generality of his answer: Northern Iraq, Syria and Libya were safe places for training and operating bases for terrorists.

44. The Bataclan, Stade de France and other Paris attacks on 13 November 2015 were not just linked to IS but its Libyan affiliate, the KBL, and this was in the public domain during 2016. In February 2016, following a US airstrike on IS training camps in Sabratha which had involved the use of British air bases, personally authorised by the Defence Minister, Michael Fallon MP, the Pentagon asserted that amongst those killed was Noureddine Chociane, whom they alleged was behind the Bardo museum attack.

45. During May 2016 Raphael Hostey, an IS recruiter from Manchester, was reported to have been killed in Syria. In July 2016 the Home Secretary’s foreword to the latest published Contest report, referred directly to the fact that Daesh was now the main terror threat and expressly referred to branches including in Libya. By September 2016, the Foreign Affairs Committee highlighted the rise of IS in Libya by 2014 and its setting up training camps in Derna, Sabratha and Sirte. It was acknowledged that assessments that Islamist militias would not benefit from the 2011 rebellion had been “wishful thinking”, and noted that the terrorists who killed holidaymakers in Tunisia in 2015 had been trained in these Libyan camps.

46. In December 2016, Anis Amri, a Tunisian with links to the KBL, carried out the truck attack on a Christmas market in Berlin.
47. In January 2017 the US carried out airstrikes on two IS training camps near Sirte. The Secretary of State for Defence, Ash Carter, made a statement at the time making clear that the attacks were directed at IS terrorists actively planning operations in Europe.  

48. In February 2017, the Guardian published an investigative report highlighting the fact that 16 individuals who had joined terror organisations and had either been jailed, disappeared or killed themselves in the name of IS, had come from a small area of South Manchester, nine of them from within a one mile radius. As Witness J was later to acknowledge, SA’s family home was within this very area.

b. SA - the developing threat

49. The above analysis and chronology sets out the canvas upon which any investigation into SA should be set. With respect to assessments which were or should have been made prior to the bombing, the relevant context is the information which should have been known at that time. This is the hindsight distinction which we have already made but bears repetition. The ‘canvas’ is not only important for an Inquiry taking place after the Arena bombing in retrospect: virtually all the above material up to the relevant time was available, or should have been.

50. We are informed that the KIS system was a repository of material which may be relevant to future investigations. Given the prescient JTAC 2010 report, the history, connections and public-facing social media of RA was always going to be of importance to consideration of information and intelligence relating to his sons. So too was the emerging general threat from IS, and from Libya in particular from 2014. In 2016 and January 2017, the US and UK were cooperating in the bombing of IS training camps in Libya precisely because of their threat to Europe.

51. We turn to looking at the evolution of information and intelligence about SA that should have been viewed at the time, within the above context and taking account of the background. On the open evidence and that gathered from open source material, we

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49 Appendix 1 Row 96
50 Appendix 1 Row 97
acknowledge that what was known or available to be seen specifically about SA was unremarkable until December 2013. However, that was a watershed moment. At that point, there is no dispute but that there was a national security concern as he was opened as a SOI in March 2014.

52. The concern sufficient to lead to SA being opened as a SOI was an association with SOI A.\textsuperscript{51} As the identity of SOI A and the evidence of the basis for opening SA as a SOI remains almost completely closed, we can only observe that this is an undisputed moment in the narrative where attention was focussed on SA and to where all future intelligence and information received about him should have returned.

53. At the same time, MI5 had information regarding another phone number in contact with a different terror suspect. After the bombing, this number, and connection, was attributed to SA\textsuperscript{52}, however, MI5 maintain there was no reason for them to join these dots on the information they had at that time or anytime before the bombing. We are not able to engage in scrutiny of that assertion except to say that the mosaic of information about SA was worse than MI5 realised at that time, whether or not it was a failure that they did not link the information.

54. For reasons which will become apparent we now refer to public Facebook posts made by HA at this time. In February 2014, HA posted an image and commented favourably of IS terrorists about to use a sword to chop off the right hand of a blindfolded man.\textsuperscript{53} On 23 June 2014, HA praised Reyaad Khan, an IS facilitator later killed in a RAF drone strike, in a public Facebook post regarding a newspaper profile, suggesting to a friend that they go to Syria to join him.\textsuperscript{54}

55. Six days later IS declared their caliphate.\textsuperscript{55} Ten days after that, on 8 July 2014, SA and HA travelled to Libya, and whilst there MI5 closed SA as a SOI on 21 July 2014.\textsuperscript{56}

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\item \textsuperscript{52} Appendix 1 Row 29
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\item \textsuperscript{54} Appendix 1 Row 36
\item \textsuperscript{55} Appendix 1 Row 37
\item \textsuperscript{56} Appendix 1 Rows 39 and 40
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56. As we have already touched upon, IS and other extremist militias were in the ascendancy at this time and the fighting and threat from them became so extreme that the Royal Navy evacuated British citizens from Libya on 3 August 2014, amongst them SA and HA.\textsuperscript{57} Why had they gone to Libya at that time? We doubt that fact is known by the security services but on their evacuation it was a very obvious question. Given the fact that SA had only been closed as a SOI whilst in Libya, one would hope that the brothers were not considered in the same way as other British citizens who may have had entirely legitimate reasons for being there. We do know from open evidence that SA and HA were asked whether they would agree to be debriefed on their return to the UK and it is recorded that they did so agree\textsuperscript{58}. Not only has the product of any debrief been withheld but we were stopped from asking whether a debrief actually took place.\textsuperscript{59} The families are bemused as to how the fact of a debrief taking place could be deemed to be a potential threat to national security.

57. Whatever the reason for this, it is plain and obvious that the UKIC and CTP should have been interested in the nature and purpose of the brothers’ trip. In so looking at it, they should have looked at the context and background, and the material considered during the period when SA was a SOI. But in addition, the trip to Libya should have opened up interest in HA. It is difficult to imagine simpler or more obvious inquiries than looking at public FB posts.

58. On 29 August 2014, the UK threat level was raised to SEVERE no doubt as a result of the march of IS and the gains they were making at that time. By the end of October or early November 2014, mainstream media were reporting that IS had seized Derna.\textsuperscript{60}

59. The next significant evidence to come to the attention of CTP was the messages between ARA and SA which the Inquiry has considered in detail. On 1 August 2014, ARA had become a target of Operation Oliban following a search of his family home and the examination of his phone (ICW1). Messages on ICW1 provided evidence that he was at the hub of the facilitation of the existing suspects in travelling to fight for IS
in Syria. ARA was in touch with a number of facilitators in different countries, he also arranged for the transfer of money and the procurement of weapons.\textsuperscript{61}

60. By early November 2014, although ARA’s involvement in the earlier facilitation had come to an end with the August arrest, he was in contact with an IS facilitator in Libya trying to source guns, and he was involved in an intense messaging communication with SA, which involved both men praying for martyrdom, discussing a video of Derna, and IS, and it included mention of Elias El Mehdi, then fighting in Libya, and Abdulrahman Benhammedi in prison on remand. From later communications between ARA and El Mehdi it appears that ARA had facilitated El Mehdi’s involvement in Libya and ARA apologised to him for the hard time he had there and the trouble it had caused within his family. The reference to Derna should have had obvious resonance to an investigator, not only because it was linked to the communications about the Dinar and IS, but because this was the precise time that IS had taken control of that area in Libya. This was not mere detail within a substantial number of messages, the Dinar communications were used in the prosecution and adduced against ARA.\textsuperscript{62}

61. Although messages between ARA and SA were relied upon in the subsequent prosecution, remarkably CTP did not make any attempt to attribute the phone used by SA. If they had done so, they would have seen a message expressly referring to “Salman Abedi”, and SA was actually the subscriber.\textsuperscript{63} We were told in open evidence that the messages were not really that interesting, and that as the messages were used to evidence ARA’s mindset rather than the plot itself, then there was no purpose to establishing who was on the other end of the messaging.

62. Through the gist of closed evidence \cite{17} we have learned that the failure to attribute the phone was not apparently known to the CTP Post-Attack Review (PAR). We have also learned \cite{49} that CTP did not share the OLIBAN messages with MI5 at any time before the Arena attack - at least that is MI5’s contention - it is less clear whether CTP accept that fact. In recent submissions MI5 and CTP have declined to clarify whether there is a dispute of fact about this, or whether the MI5 PAR, Lord Anderson, and the ISC were

\textsuperscript{61} Appendix 1 Row 41
\textsuperscript{62} Appendix 1 Row 50
\textsuperscript{63} Appendix 1 Row 50
informed of the OLIBAN messages, the failure to attribute the 3458 number, and the apparent failure to share the material from CTP to MI5.

63. Furthermore, from [17] we are informed that DCS Scally gave closed evidence that the reason why the CTP PAR did not consider the OLIBAN material may have been because its terms of reference were confined to information and intelligence known before the attack, although he had not seen the terms.

64. We make the following points:

a. The suggestion that attribution of the 3458 number was not necessary because it was only used as mindset evidence against ARA, rather than evidence of the plot, does not stand scrutiny. This was a substantial investigation and it evolved as evidence was gathered: indeed ARA was not even a subject of the investigation until the seizure of his phone on 1 August 2014. The identity of the person on the other side of the conversation was most certainly relevant as amongst other things it might have led to a new line of investigation, a bad character application, or evidence rebutting a line of defence. The repeated reference in open evidence to the word “terrorists” used by SA in the messaging regarding Derna and the Dinar, was made to indicate that the nature of the exchange was not necessarily pro-IS. Although we refute the inference sought to be made, given the context of nasheeds, talk of praying for martyrdom, and the actual exchange at that point, if there was any doubt, a competent investigator would want to look at it further, which would involve - and probably start with - attribution.

b. DCS Scally had no basis to speculate about the reason the PAR did not have the OLIBAN material or know about the lack of attribution. In any event, CTP did have the material prior to the Arena attack and the failure to attribute the 3458 number was an obvious relevant issue for any competent officer determining what should be provided to the review, and subsequent reviews.

c. CTP and MI5 have repeatedly indicated that they have been fully frank and open with all post-attack scrutiny. The failure to provide this material and identify the attribution failure to the PAR suggests otherwise. The failure to answer the families’ question: was this material and the attribution brought to the attention of Lord Anderson and the ISC? is more serious still.
65. The OLIBAN messages were important to the prosecution, however they had an obvious importance beyond that because of the intelligence they provided. Part of the CTP assessment was that offences raised by the messages would relate to Libya rather than Syria, and the clear implication is that as a result they were not taken as seriously because offences relating to Libya were not being prosecuted. Given that the messages on the second download (ICW13) included ARA sourcing weapons in Libya and communicating with a Libyan-IS facilitator, and given the communication with El Mehdi who was then fighting in Libya, and given the recent gains by IS at that time, this was a serious error. Furthermore, the OLIBAN investigation went on well beyond 2015 and therefore during the period of the Tunisian and European attacks which were linked to Libya. If the importance of alleged facilitation offences in Libya were missed at the outset of the consideration of the messages (early 2015), their importance later in 2015 should not have been in doubt.

66. The OLIBAN messages are important because they show how close SA was to ARA, and his commitment to martyrdom and IS by late 2014. But the real importance of the messaging is not only the content but how it fits into the chronology. Attribution would have allowed assessment of whether the person on the other end of the messages might be a threat to national security. Many of the people around ARA and with whom he was communicating plainly were.

67. If CTP had identified the messages as involving SA, and if they had shared them and the attribution with MI5, then the assessment would start with the context and background set out above, it would take account of the fact that SA had been a SOI until four months prior to these communications, he had then travelled to Libya almost immediately after the caliphate was declared and then been evacuated on HMS Enterprise, and now he was a very close associate of ARA, a man at the centre of an IS scheme to facilitate fighters to join up and procure weapons for them. It would have allowed a joining of dots to facilitate a proper assessment of risk.

68. Unfortunately, the OLIBAN messages appear to have been considered by CTP only as part of the ARA prosecution, which had a narrow ambit. There is no evidence that CTP
considered the OLIBAN messages from an intelligence perspective, and Witness J has told the Inquiry that MI5 were not provided with the material until after the bombing.\textsuperscript{64}

69. Following ARA’s arrest, the 3458 number was added to his allowed list of numbers whilst at Belmarsh, and also to the list of Mr Benhammedi, and there was contact with both men by phone.\textsuperscript{65} On the open evidence it is not clear whether CTP and MI5 were aware of the links between SA and these men from this source but it does not appear so as that would have meant the attribution would have been on their systems. DCS Scally has made clear that attribution was not made until after the Arena bombing.\textsuperscript{66} This was a further missed opportunity.

70. The original opening of SA as a SOI involved his contact with SOI A. Witness J’s evidence was that in 2015 SA was identified as having been seen to have had contact with another person of interest, SOI B. The connection was made on the basis of attribution of a phone.\textsuperscript{67} From the oral evidence of Witness J it is unclear whether this connection was assessed with regard to the previous information about SA that was known by CTP/MI5, but it plainly should have been. An assessment of potential national security risk may arise from a single piece of information or line of enquiry, but it may also arise from putting different pieces of intelligence and information together and joining dots. In considering whether a threat arose from SA at the time he had contact with SOI B, it would have been essential to look at any cumulative risk arising from the information of his contact with SOI A. In order to assess the cumulative risk from contact with both these SOIs it would be essential to include the context and background material. And it would have been essential to have included the OLIBAN material, and the connection to ARA and Benhammedi. The failure to properly recognise SA’s involvement in the OLIBAN evidence not only meant that his risk was not properly assessed at that time, but it meant that subsequent assessments arising from further information and intelligence would miss this important part of the jigsaw, right up to the time of the bombing itself.

\textsuperscript{64} Gist para 49
\textsuperscript{65} Appendix 1 Rows 51 and 52
\textsuperscript{66} Appendix 1 Row 54
\textsuperscript{67} Appendix 1 Row 54
71. The same factors applied to SA’s contact with SOI C, a longstanding SOI linked to an extremist group in Libya. The same factors, but a burgeoning mosaic of evidence about him and unsavoury contacts.

72. The open MI5 evidence asserts that it was known by 2015 that SA had extremist views but it was less clear as to whether he supported violence. There is nothing in the open evidence to support this view.

73. In addition to maintaining contact with ARA and Mr Benhammedi by phone as they were on remand, SA visited ARA with Ahmed Taghdi in February 2015. This was a further opportunity for CTP and MI5 to link SA to ARA.

74. On 6 May 2015 an MI5 officer wrote to CTP indicating that they were considering opening a lead into SA, but that did not come to pass. However, MI5 received information about SA between June 2015 and August 2016 as part of another ‘lead’, presumably because of his proximity. This suggests that MI5 had information of concern on 6 May 2015 but which was either not assessed or assessed as falling below the threshold for him to be reopened as a SOI. In the second instance, MI5 had evidence of someone closely connected to SA who met the threshold and was opened as a SOI, but the information did not lead to SA being reopened. Witness J raised this in closed evidence, suggesting this meant that SA was effectively treated as a de facto SOI. However, he and others conceded that this would mean SA was not assessed for risk or subject to formal procedures.

75. After this point, an SOI in another lead was assessed to have an extremist mindset and associations similar to SA. That SOI was subject to a Port Stop and CTP attempted to engage with the SOI under their Prevent duty.
76. We know that in September 2015 IA was Port Stopped, and subsequent attempts were made to engage with him under Prevent. The Inquiry has heard much about the nature of the material downloaded from his devices. Apart from many vile images, and images of IA, SA and HA with assault rifles and a rocket launcher, there were IS recruitment videos, a seminal IS text, and an image posted on his public Facebook page of the Jordanian pilot notoriously burned alive by IS, with the post: “looking for seasoned firewood”. The importance of this material to SA was not simply that he was in some of the images but that it brought concerns about the family radicalisation and its intensity up to date. It added to the RA material and should have emphasised the extent of the support for violent extremism and IS in particular within the family unit and not as isolated to SA.

77. In October 2015, SA was opened and closed as an SOI in the course of a day because of a mistaken understanding of his level of contact with a senior IS figure in Libya. He was opened on the basis that he was a contact of the figure, whereas it turned out he was a contact of a contact. We accept that there may plainly be a significant difference between a first and second level contact, however, where there was so much information about SA and so many links to SOIs, a second level contact with a senior Libyan IS figure was likely to be a significant piece of the jigsaw, a part of the spreading mosaic. Once again we note that this would have had to be assessed against the context. IS had training camps in several areas of Libya. Those camps were linked to a number of IS attacks including the ones in Tunisia. And soon after this piece of the mosaic was looked at by MI5, the significance of the reach of the Libyan-based IS affiliates would shock the world with the multiple site Paris attacks.

78. However, between the ‘mistaken’ reopening of SA as an SOI - or perhaps more accurately the reopening of SA on a mistaken basis - and the Bataclan/Stade de France attacks, MI5 had information that SA travelled to Germany, via Paris, and returned to Manchester the next day. MI5 considered whether SA was attempting to travel to Syria but concluded that was unlikely. What was this young man with this considerable mosaic of troubling evidence of context, background and violent extremist contacts,

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75 Appendix 1 Row 67
76 Appendix 1 Row 69
77 Appendix 1 Row 70
doing on a day trip to Frankfurt? Who travels from Manchester to Germany and back the following day? Business people may do, or others for a particular work, family or social event. But SA was not working and there was no apparent reason for this trip, at a time when he appears to have been in contact with multiple extremists. On its own, there is no reason why the Germany day trip should have caused particular concern, but set against the multiple sources of information and worrying contacts, should not a trip of this kind, six days before the Paris atrocities, have caused some positive reaction? Should the security services not have had a detailed look at what was going on with SA and his associates? Should he have been reopened as a SOI, or at least been subject to Ports Action, and considered for referral to Prevent?

79. ARA had been bailed in July 2015 and the Inquiry has heard evidence of the continued association between ARA and SA. Sometime prior to his trial in 2016, ARA and SA frequented the barber shop run by SA’s cousin, Abdulrahman Forjani, who gave evidence that he threw them out because they were openly discussing world events from a pro-IS perspective and were doing so in front of his customers. Although it is accepted that this material apparently came to light only after the attack, it does evidence the continuing close relationship with ARA throughout the whole period, and SA’s allegiance to IS. It indicates what there was to see if CTP or MI5 were looking.

80. In May 2016 ARA was convicted at his trial and two weeks later SA flew to Libya via Istanbul. This trip was flagged by CTP because they were concerned that ARA was going to breach his bail conditions by leaving the country with SA, although why is not clear on the open evidence. MI5 was informed and they ascertained the destination of travel was Libya and apparently took no further interest. MI5 say they intended sharing the destination information with CTP but there is no record of this communication or its receipt. This may be of limited substantive interest, but it appears to be indicative of failures in communication at the time, and illustrates an ‘out of sight, out of mind’ approach when the destination was seen to be Libya rather than Syria.

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78 Appendix 1 Row 82
79 Appendix 1 Row 81
80 Gist para 48
81. Once again, despite there being concerns raised about travel by SA, and further reference to his relationship with ARA, no attempt was made to take Ports Action, and he was not stopped either leaving the UK or indeed returning on 8 October 2016.

82. We are not aware of any evidence as to what SA did in the summer 2016 but it appears that he spent it in Libya. Was this just a summer holiday or given what he was to do just over 7 months after his return, and given his mindset and multiple contacts with other extremists and SOIs, was this a period during which he received training and directions?81 We know that the IS affiliate in Libya had a number of training camps, we know they had the capability to launch attacks in a number of European and other states, because they had demonstrated as much in Tunisia and Paris by this time. We know that the US had intelligence by January 2017, that further European Attacks were being planned and organised from IS camps in Libya. Had there been more focus on SA - including the involvement of other parts of the UKIC - his movements and communications might have led to the discovery of such activity or contact. Indeed, a simple Port Stop on his return may have led to information from downloads or bag search or questioning. We will revisit this trip in the next section as it is likely that the period in Libya was the planning and training stage of the plot itself. If it wasn’t, what was the trigger for the plot to come together? It was plainly not a spontaneous attack.

83. From arrival back in the UK SA began to use a mobile number that he continued to use at the start of the chemical procurements in January 2017.82 Both he and HA had telephone contact with Mansoor Al Anezi between October 2016 and January 2017 when Mr Al Anezi died at a Plymouth hospital83. Mr Al Anezi had an unexplained relationship with the Abedi brothers, but he was a man known to the security services because he had been arrested in relation to a failed bomb attack on 22 May 2008 at an Exeter restaurant committed by a man called Nicky Reilly.84 SA was with Mr Al Anezi when he died and attended his funeral which was held in Manchester.85 The connection of SA to Mr Al Anezi, and his connection to the Exeter bomber, was probably coincidental to the Arena plot, however, the fact that such a connection in 2017 may

81 Dr Wilkinson at 183/131-2, and INQ036837_146-7
82 Appendix 2 Row 5
83 Appendix 1 Row 93
84 Appendix 1 Row 13
85 Appendix 2 Row 11
well have been coincidental does not mean that it would not have raised interest if spotted by CTP and MI5. The connection may well have been noticed if SA had been a SOI at that time.

84. Whilst referencing the Exeter bombing, we note that both that event and indeed the dreadful killing of Lee Rigby occurred on 22 May the same calendar date as the Arena outrage. A remarkable if unexplained coincidence.

85. In January 2017 MI5 identified SA as a second level contact of a further SOI linked to IS\textsuperscript{86}, and on 18 January 2017 SA visited ARA at HMP Altcourse, together with Elias El Mehdi and another man\textsuperscript{87}. In March 2017, SA hit a Clematis marker due to information received in mid-2016\textsuperscript{88}, and on 1 May he was triaged and referred to Daffodil\textsuperscript{89} which meant that it was considered that there should be some further investigations because he may be re-engaging with extremist activities. Indeed he was, but the marker had activated too late and no action was taken by the time of the attack.

86. In addition, we are informed that MI5 received two pieces of highly relevant information in the months prior to the attack, the significance of which was not identified at the time. Neither piece of information was shared with CTP, and what this material was has remained closed.\textsuperscript{90}

87. On 15 April 2017, SA and HA travelled to Libya with the rest of their family,\textsuperscript{91} and SA returned through Manchester airport on 18 May 2017,\textsuperscript{92} unhindered by any interest from MI5 or CTP or Port Action of any kind.

88. We do not pretend this is an exhaustive account of the information known about SA and HA by the security services and CTP prior to the bombing, and plainly it does not include closed evidence other than that included in the gist. However, it does include
a substantial list of contacts between SA and several SOIs, both direct and indirect, and travel and long periods in Libya where there was a known and active threat from IS who were training and planning attacks elsewhere, including in Europe.

89. In our submission it is remarkable that SA was not subject to far greater scrutiny during this period. In 2014, 2015 and 2016 there was a stream of information about SA and it appears that little was done with respect to positive action. It is clear that information was not properly shared between MI5 and CTP, and it is clear that there was a particular lost opportunity with the failure to attribute and investigate SA’s connection to ARA arising out of the OLIBAN investigation. Furthermore, on the evidence available in open, if it is difficult to see why there was no investigative response to the information and intelligence coming in, it is inexplicable as to why SA was not subject to Ports Action at any stage.

90. In the next section we will examine why further scrutiny and Ports Action would have been likely to lead to the discovery of the plot or at least to its disruption.

c. the plot itself

91. The plot involved acts and communications by a large number of persons over several months. It was neither spontaneous nor simple. As a matter of common sense, a criminal enterprise involving many people, with planning and training, involving many acts and communications, over a considerable period of time, will be more likely to be discovered and prevented than one which has none of those factors.

92. The first chemical procurement occurred on 18 January 2017,\textsuperscript{93} four months before the bombing. It is unlikely that this was the start of the plot.

93. The starting point remains unclear. On the evidence, there is a clear inference to be drawn that SA had an extremist mindset from formative years, contributed to by his family and their associates. It is highly likely that he had a baptism of violence by

\textsuperscript{93} Appendix 2 Row 13
exposure to the 2011 uprising. It is highly likely that he met others in Libya with a violent extremist ideology at that stage.

94. By the end of 2013 it is clear that SA had continued his interest in violent extremism back home in the UK and as a consequence went from a person who had popped up on the CTP radar in 2010, to a MI5 SOI in early 2014. Thereafter his interest and contact with those supporting IS can be seen in the evidence we have considered above. Although it is said that there was conflicting evidence during 2015-16 regarding whether SA supported violent extremism rather than simply having an interest in IS or general mindset, any such evidence has not been disclosed. All of the open evidence indicates that SA not only had an interest in IS but he had close associates who were willing to join IS and fight or facilitate others to do so. There is no open evidence suggesting anything other than support for violent extremism.

95. Through 2014-15 IS was in the ascendancy in Libya, where it controlled whole areas and set up training camps, and it was behind many international attacks as noted. By 2017 it remained a presence and still had training camps.

96. In our submission, it is likely that SA was planning an outrage for quite some time before 2017, and the recent evidence of PO1 regarding unguarded comments by ARA that SA had asserted to many people that he would kill people in a public place, would support that conclusion.

97. Given the point at which SA travelled to Germany for a day, 7 November 2015, it is possible that this was related to the plot or its formation. We are not aware of any positive evidence pointing to this but it was a highly unusual and suspicious trip, at a time when IS was very active in Europe and six days before the Paris atrocities.

98. As noted above [81], SA spent the summer of 2016 in Libya. Given what we know of IS in Libya and the fact that it had training camps at this time, plotting European attacks and training people for them, SA certainly had the opportunity to meet IS commanders.

94 Gist paras 40 and 44
95 194 / 17 /3-19
96 Appendix 2 Row 1 and Gist para 45
and attend training camps. In our submission, it is probable that SA was involved in planning and training during this trip, and the Arena outrage was part of this loosely-connected IS campaign of atrocities orchestrated from Libya.

99. We are told by Witness J that MI5 and the UKIC have no evidence about this\(^{97}\). There are a number of reasons why that might be, for example, they were looking elsewhere and had failed to take the threat from Libya seriously. Or the febrile atmosphere in Libya at that time may have meant that intelligence was hard to come by. But what we do know, very clearly, is that the horrendous attacks in Tunisia and across Europe prior to this time were IS-connected and moreover connected to the Libyan affiliate of IS, rather than extremists operating from Syria and Iraq, and US intelligence indicated that the planning of European attacks from IS camps in Libya was continuing long after SA returned to the UK. The fact that the UKIC apparently does not have evidence either way, may be a failing on their part or a consequence of the circumstances on the ground - or both. An absence of such evidence should not be viewed as a negation of the obvious inference that we submit should be drawn.

100. There is an advantage to the UKIC in presenting this attack as limited to the brothers as lone actors, because if there was nothing to see there was nothing to miss. But is it credible that the brothers, underachievers to put it politely, with no chemistry, bomb-making, or electrical training or experience could make the explosives and device that was used? The Chair has seen an IS training video that was apparently available online, which gives guidance as to the manufacture of explosives. There is no evidence that the brothers viewed that or any other such video. Why not if they did so? Although the process does not require specialist laboratory equipment, the manufacture of TATP is notoriously dangerous, as is its storage. The chemicals are not readily available and require some effort to obtain. The process is not straightforward, in particular because of the nature of the reaction involved. Further to the manufacture and safe storage of the explosives (for over a month left in a car and moved between two premises), the assembly of the device also required guidance and training beyond anything that could be gleaned from a video. The device had a number of component parts and involved making a detonator and wiring a switch. We submit that there is a strong inference that

\(^{97}\) 167/125/10-126/4
one or both brothers received training, probably at IS training camps in Libya, and most likely during the summer 2016 trip by SA.

101. The Inquiry will have to consider whether the lack of positive evidence that either brother attended a training camp or otherwise received outside guidance and direction, suggests that they acted alone, or whether their proven interest and support for IS, their contacts with those connected to IS - including in Libya - the involvement of IS in European and other international attacks around the same period, and the US intelligence regarding ongoing threat, and the presence of SA in Libya for the summer of 2016 when we know there were active IS training camps there, points to a wider conspiracy. If SA was set on committing this outrage, why wouldn’t he seek training and direction from the organisation to which he plainly gave his allegiance, and where he plainly had opportunity to do so?

102. In addition, there are two details regarding the device which point to the involvement of others in guiding the technical side of the plot. The first relates to the switch, and the second to the unexplained replacement of some of the components of the device after SA returned to the UK on 18 May 2017.

103. The switch is a point of some importance. We know from agreed evidence at the HA trial\(^{98}\) that the switch had been manufactured in Romania in March 2016. It had been supplied to an Italian company, and the only exports were to Denmark and Tunisia. The Tunisian consignment was in part supplied onwards to Libya. There does not appear to be any evidence of how the switch made its way to Manchester, but on the evidence that is available, there is a strong inference that it was procured in Libya. If there is truth in the suggestion that the Abedis were lone actors, why would they procure a switch in Libya rather than Manchester? It is not a specialist or restricted item. The likely answer is that they were shown how to use it in constructing a device.

104. If the evidence suggests that the switch was procured in Libya, how did it end up in Manchester? Given that the particular switch was only manufactured in March 2016, the most likely answer would appear to be that it was carried by SA himself on

\(^{98}\) Agreed Fact 199 adduced in evidence during the trial on 10.03.20 (D29 p 25 l14)
either 8 October 2016 or 18 May 2017. This would be even more likely if the brothers were lone actors. The fact that there were no Port Stops on SA meant that MI5 and CTP, and now this Inquiry, cannot know definitively what he did and did not convey through UK borders at those crucial times. A missed opportunity.

105. The second feature relating to the device which we say is an indicator of the direction or guidance of others in this plot relates to replacement components (and we are expressing this carefully as we were asked to do in questioning\(^9\)). Found in the Micra after the outrage were a number of components that were not used in the device.\(^{10}\) The evidence shows that after returning on 18 May, SA went to hardware stores and ordered items which were plainly replacements for these components to make the device more devastating.\(^{11}\) The available inference is that he did so because another had suggested or directed him to do it, and the fact that the purchases were either side of the last Libya trip, would indicate that he received that advice or direction at that time.\(^{12}\)

106. In short, the evidence would suggest that SA received training and guidance on the explosives and generality of the device in summer 2016, and he received late-stage training and guidance on the assembly of the device during the April/May 2017 trip.

107. Back to the narrative. On his return to the UK, on 10 Oct 2016, SA started to use a new mobile number 2630. We cannot say definitively that this new number was bought because of the formation of the plot and the need to start a non-attributable phone, but it is a fact that SA did this similar to the same action he took on 18 May 2017. This number was used with respect to chemical procurements in early 2017 until SA stopped using it in February.\(^{13}\)

108. The number has a further significance: SA used it to contact Majid Alamari, an associate in Libya, for whom SA paid for welding equipment in early Jan 2017.\(^{14}\) The

\(^9\) 46 / 110 /6-11  
\(^{10}\) 46 / 109 /25 - 110 /5  
\(^{11}\) Appendix 2 Rows 100, 106, 117, 119, 120, 126, 127  
\(^{12}\) Further support for this is the text with a “shopping list” recovered from the Alcatel 46/31-2  
\(^{13}\) Appendix 2 Row 17  
\(^{14}\) Appendix 2 Row 8
importance of Mr Alamari is not the welding equipment but that his same Libyan number called SA’s subsequent 3230 phone on 21 May, the day prior to the bombing, and SA called it back.\textsuperscript{105} SA had of course only purchased the 3230 SIM at the airport on 18 May, it was a late stage ‘burner’ phone.\textsuperscript{106} If MI5 is right and the Abedi brothers were lone actors, how had Mr Alamari or whoever was using the Libyan Alamari number got SA’s new number and for what purpose at that late stage of the plot?

109. Turning to HA, we know that in the autumn of 2016 he was travelling and said to be working in Germany\textsuperscript{107}, although detail of what use he was to the Abedi associates in Germany remains unexplained. The fact that HA was working for the Benhammedi family is a further link that security services should have had in the mosaic of evidence regarding the brothers and Abedi family, given that two members of that family had previously been arrested with respect to terrorism. By the end of 2016 HA had returned to Manchester where he worked in a pizza shop and remained until he left for Libya in April.

110. On 18 January 2017, SA visited ARA at HMP Altcourse, together with associates who were to feature in the narrative later, including Elyas El Mehdi.\textsuperscript{108} The same day as SA visited ARA, 18 January 2017, was the very day the first chemical was procured to manufacture the explosives.\textsuperscript{109}

111. At the very least, it is clear that the plot had gone from any planning and training stage to real activity by this time. We have argued that there missed opportunities to pay greater attention to SA from 2014 onward, by reopening him as a SOI, monitoring him more closely, and by Ports Action in particular. If there had been greater attention paid to him, then the numerous overt actions and communications of the plot thereafter should have been visible. The problem was that despite numerous warning signs, no one was watching.

\textsuperscript{105} Appendix 2 Row 130
\textsuperscript{106} Appendix 2 Row 92
\textsuperscript{107} Appendix 2 Row 3
\textsuperscript{108} Appendix 2 Row 10
\textsuperscript{109} Appendix 2 Row 13
112. Between 18 January and late March 2017 no less than eight associates of the Abedis have been identified who were asked to procure two of the three chemicals needed to manufacture the explosive (App 2 below). These were, in as chronological order as we can manage: Trial Witness 2, Alharth Forjani, Trial Witness 4, MS, Relative C, Trial Witness 1, Zuhair Nassrat, and Yahya Werfali. In some cases, the individual refused, and one of them, TW1, indicated that he refused because he knew that the chemical could be used in the production of explosives. None of the procurers has as yet faced criminal charges and we do not disagree with the evidence of Mr Barraclough that some of these individuals were innocent dupes, or indeed their devices rather than themselves may have been used for the procurements. We emphasise some of these individuals may have been duped, and we emphasise what we have already stated, that the Inquiry must not be constrained in its conclusions by decisions taken regarding criminal prosecutions. Decisions taken by others, on different evidence, to a different standard, for other purposes.

113. In considering how innocent or otherwise these procurers were, we note the overlap with visibility. Although the two chemicals involved were available for purchase over the internet, they were regulated, and neither had any real or commonplace domestic use. The fact that they were not, or were less available over the counter, is likely to be why the procurements were done over the internet, which had the disadvantage of leaving an audit trail. It is noted in this regard that there is no evidence regarding the third chemical which is more available over the counter and has commonplace and domestic use.

114. None of the procurers had any link to commercial use. One might think that each of the procurers would be sceptical as to why the Abedis were seeking these chemicals and why through their devices and accounts and addresses. If TW1 realised the procurement was dodgy, why not the others? Furthermore, in looking at how innocent some of these procurers were, the Inquiry should not lose sight of the mindset evidence.

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110 Appendix 2 Row 27
115. Two of the procurers illustrate the point. Zuhair Nassrat was linked to procurement of both these chemicals.\(^\text{111}\) What did he really think the end use was? Although he offered something of an innocent explanation to police, it is of note that he had serious mindset material on his devices.

116. However, in terms of missed opportunities and the visibility of the plot to security services if they had been watching, the most important procurement evidence, beyond the sheer number of transactions, relates to MS.

117. On 15 March MS ordered the third consignment of one of the chemicals.\(^\text{112}\) On 23 March, two months prior to the bombing, he was subject to a Port Stop. Downloaded from his phone at the Port Stop was evidence of this purchase, and CTP accept that it was available to them prior to the bombing.\(^\text{113}\) MS was not only interesting enough to be stopped at the airport under CT legislation, but he was travelling on a single ticket to Istanbul, a known transit point for both Libya and Syria. He had camouflage clothing, a significant amount of cash and a number of mobile phones. He had mindset material on his devices.\(^\text{114}\) Why did evidence of the purchase of the chemicals not raise concern? The explosive used in the Arena bombing was TATP. TATP was the explosive of choice of IS at that time, as can be seen from open source material. The chemical involved was known to be used in the manufacture of TATP and it was a regulated chemical. Yes it did have legitimate uses but little or no domestic use. This was demonstrated in evidence at Hashem Abedi’s trial, an agreed fact which illustrated that there was little or no trade in the chemical to individuals. The company MS had bought the chemical from was in Italy. In recent years the firm had supplied Manchester addresses five times. Two of those were to legitimate healthcare purchasers. Three were to this plot.\(^\text{115}\)

118. Witness J suggested that evidence of procurement of this chemical would not be sufficient to trigger further investigations.\(^\text{116}\) We understand that evidence if the

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\(^{111}\) Appendix 2 Rows 28, 39 and 40
\(^{112}\) Appendix 2 Row 31
\(^{113}\) Appendix 2 Row 51
\(^{114}\) Appendix 2 Row 51
\(^{115}\) Agreed Fact 195 adduced in evidence during R v Abedi on 10.03.20 D29/21/15 - 22/13
\(^{116}\) 167/41 -44
purchaser is clearly connected to a commercial enterprise with a legitimate use for the chemical. However, the context of this evidence was a CT Port Stop. If this individual was interesting enough to Port Stop, was the purchase of this chemical not interesting enough to trigger further investigation? Why not? The purchase was recent. A look at the messages sent from the phone would show that MS had misdescribed the chemical as “oil” when informing someone (in fact HA) that the chemical had arrived and was ready to be picked up. If MI5 or CTP were unable to attribute the number to HA at that time, for example by a subscriber check, there are very obvious and mainstream policing methods which would have led the authorities to that phone and HA. Those methods occur in many police crime investigations, and evidence relating to them is heard in court in prosecutions.

Moreover, following the lead from MS’s phone would have identified the innocent company supplying that chemical, and in turn this would have discovered the other two plot purchases of this chemical, and traced the individuals involved: Relative C and Alharth Forjani. If innocent dupes they would lead CTP to the Abedis, if not, they would have to decide whether to cover for them, knowing the consequences for themselves. What other available inference was there, from the purchase of a chemical used in the production of TATP, by someone subject to a Port Stop under terrorism legislation, than that there was a plot underway? We fail to understand the downplaying of this evidence by Witness J, on the contrary, it should have sounded the alarm and urgent action to uncover what was occurring.

The use of so many associates to procure the chemicals over such a long period of time made the plot vulnerable to discovery. TW1 may have chosen to tip off the police. One or more of the associates (in particular MS) may have been on the security services radar. The supplying companies might have notified orders to the authorities, the chemicals that were procured from abroad might well have attracted attention at the border.

117 Appendix 2 Row 44
118 Appendix 2 Row 25
119 Appendix 2 Row 13
121. However, the procurement evidence goes beyond the chemicals. The Abedis bought and used three cars, including the Micra used to store the components whilst they went back to Libya. We accept that little turns on the purchase of the cars in terms of whether the plot could have been discovered, unless the Abedis had been under investigation. However, the Micra does raise questions of the involvement of various others. Why did Ahmed Taghdi help purchase the car, knowing the Abedis were leaving for Libya on a single ticket two days later. Why was he subsequently involved in the minding of the car and in returning to it after the bombing? Given that he had contact with SA whilst he was in Libya and deleted the messages, we submit that he should not be assumed to be an innocent. Likewise Elyas El Mehdi, who arranged for the Micra to be stored in the Devell House car park: did he really think that was because it did not have an MOT? Given his history of fighting in Libya and the mindset material recovered from his devices, he should not be assumed to be an innocent either. Why were others, catalogued in Appendix 3 below, apparently checking on the Micra, or in contact with SA whilst he was in Libya? Why did a large group of these associates congregate in a street a mile and a half from Devell House, at around 4pm on the day after the bombing, and why was one of them heard to say: “Our boy did well at the Arena”. We were cautioned that this was overheard by a member of the public and should not be presumed to be reliable. It will not have been missed that the speech has a resonance with the turn of phrase of ARA: “My boy”. Furthermore, the member of the public was not involved in any way with a CT operation, his involvement was accidental and there is no reason why his account should be treated with suspicion.

122. Turning to the flats, Somerton Court was rented from 19 February 2017 for two months and was used for the manufacture of the explosives. Granby House was

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120 Appendix 2 Row 71
121 Appendix 2 Row 158
122 Appendix 2 Row 81
123 Appendix 3 Row 21
124 Appendix 2 Row 78
125 Appendix 3 Row 22
126 Appendix 3 Row 36
127 Appendix 2 Row 159
128 194 / 5/4-10
129 Appendix 2 Row 21
rented from 18 May 2017 and used for the bomb assembly and a base for the final stages of the plot. Had there been an active investigation into either brother at these times, it is likely that the rental of the flats would have been deemed suspicious and investigated further. In particular, SA had returned to the UK alone on 18 May with minimal luggage. The rental of a short term flat in his home city would have been highly suspicious.

123. There were other procurements beyond the chemicals, the switch, the cars and the flats - in particular components for the device. However, these would not attract attention unless there was already an investigation.

124. The point about the procurements and use of flats and cars is firstly the involvement of others, innocent or not, secondly the timescale of the plot and its active stage, and thirdly the number of ‘moving parts’. All of these factors meant that this was a plot which had far greater visibility than one with an unsophisticated methodology, no involvement of others, a short timescale, and no procurement of suspicious items.

Miscellaneous points

125. The Inquiry has very properly looked carefully at whether there is evidence from the educational careers of SA and HA which assists with regard to the development of their violent extremist views, and in particular at whether there were opportunities to spot and take action to try to deflect them from that path. In our submission, although there is some corroborative evidence regarding SA’s misogynist views there is little or no evidence that anything further should have been done within the educational system. It is correct that in early 2017 SA dropped out of University, however, he will have been one of many students in that position.

126. Similarly, the Inquiry has scrutinised whether the Didsbury mosque could or should have taken some action which might have prevented the outrage or deflected the Abedis and others away from violent extremism. In our view the Inquiry should be very careful not to allow the conflicting evidence from the mosque to cloud the real

[^130]: Appendix 2 Row 97
issues here. Didsbury mosque is a large mainstream religious institution with a multi-ethnic congregation. Amongst the Libyan heritage worshippers, there were plainly supporters of different factions, reflecting divisions in the Libyan community itself. There is no evidence that the Abedis were ‘radicalised’ there, or that the mosque tolerated ideological divisions being brought into the institution. Members of the mosque spoke out against terrorism and communicated with the local police.

Conclusions

127. The security services have asserted that there is no evidence that anyone else was involved in the Arena plot, other than SA and HA. Without explanation that assertion does not sit well with the police position that there are outstanding suspects. For the reasons stated above, we also submit that it is inconsistent with the evidence, in at least three regards:

a. Many other associates were involved in acts in furtherance of the plot, primarily relating to the procurement of chemicals and the Micra. It is highly unlikely that all were innocent dupes.

b. Although it is not impossible that explosives and a device of the sort used in the bombing could be constructed without training and guidance, it is highly unlikely that the Abedis could do so.

c. SA spent significant periods in Libya from 2011. He was at least on the periphery of militias made up of AQ supporters and other violent extremists during the rebellion against Gadaffi. Thereafter he was linked to a string of SOIs in this country and elsewhere, including Libya. There is a substantial body of evidence that he supported IS from at least 2014. There is clear evidence that IS operated training camps in Libya which planned and trained terrorists for attacks elsewhere, including Europe, right up until the Arena attack. SA spent two lengthy periods in Libya prior to the attack: the whole of summer 2016 and over four weeks immediately before the bombing. Given his allegiance to IS, the availability of training in Libya and the involvement of IS in such attacks at that time, there must be a strong inference that SA and HA were directed, trained, and guided by terrorists there.

128. From December 2013 until the bombing there was a persistent stream of intelligence and information coming through to the security services and CTP regarding
SA. There is undoubtedly a significant amount of further evidence that we are not sighted upon, and has been considered in closed sessions. From the open evidence and the gist of some of the evidence from the closed hearings, it is remarkable that SA was not reopened as a SOI after July 2014 (excepting the day in October 2015 when he was opened on a mistaken basis), and in our submission inexplicable that he was not subject to measures such as Ports Action and referral to Prevent.

129. It is difficult to identify when this particular plot came into being, however, the lack of any directed attention to SA meant that opportunities were missed. This was a plot with numerous moving parts, developed over a long period. Unlike spontaneous or low sophistication attacks, this was not a plot that was difficult to spot if MI5/CTP had been looking. We accept that there were finite resources and that 2017 was a particularly dire period for threats and attacks, however, investigation appears to have been too reliant on evidence of actual attack planning, rather than identifying where plots would come from. Witness J’s evidence regarding the lack of importance of the 2010 JTAC report, his assertion that evidence of purchases of one of the chemicals required for the manufacture of TATP would not on its own trigger further investigation, and appear to be indicative of this approach. MI5’s assessment that the risk from Manchester was no greater than from other areas of the UK outside of London\textsuperscript{131}, is inconsistent with the open source material at that time (for example the February 2017 Guardian investigation of the number of terrorists from the area where the Abedi’s lived).\textsuperscript{132}

130. We note that MI5 and CTP have made few concessions regarding whether anything further could have been done to stop the Arena outrage from happening. We note their assertions that both organisations seek to learn from attacks that occur, and that they have been open with reviews and this Inquiry. As is obvious, the need for closed evidence requires total cooperation and candour with reviews and the Inquiry. From the gist we learn for the first time of problems of communication and information-sharing between MI5 and CTP\textsuperscript{133}, indeed it appears that there is no agreement between

\textsuperscript{131} Gist para 30
\textsuperscript{132} Appendix 1 Row 97
\textsuperscript{133} Gist paras 20, 21, 22, 25. 
them concerning whether important material was shared.\textsuperscript{134} We also learned for the first time that the OLIBAN material was not provided to the CTP Post-Attack Review.\textsuperscript{135} MI5 and CTP have declined to answer the follow-on question: was this material and the failure to attribute the 3458 phone provided to the MI5 review, Lord Anderson and the ISC. Were any of these reviews informed about the apparent dispute between CTP and MI5 regarding whether MI5 was provided with the OLIBAN material at any time prior to the bombing? The closed evidence explanation of DCS Scally does not make sense. In our submission the failure to properly consider the OLIBAN messaging and identify the link to SA was a material lost opportunity because of its content and because it showed the closeness and intimacy of his relationship with ARA at that time: factors which would remain highly relevant to all future assessments of SA.

131. We do not doubt that MI5 and CTP have a difficult task to prevent such outrages, and we note that regrettably some attacks will evade detection through no fault of theirs. However, the lack of concessions in this case, where there was such a wealth of evidence regarding SA and his associates, a wealth of context and background evidence, and a plot which had many players and overt acts, suggests a preoccupation with institutional defence rather than a search for improvement.

132. We note the assertions of the number of plots that have been detected and the calibre of UK security services and CT policing. All that may be correct, although it is difficult for anyone to assess, however it is irrelevant. The question for this inquiry is what happened, were there failures, were any such failures material, how can changes make such failures less likely in the future?

133. Finally we note the comment at [5vii] of the gist of Witness Z’s closed evidence. The role of any expert witness is to dispassionately assist the tribunal of fact with matters which are outwith their knowledge and experience. It is not to warn the tribunal that criticism will affect morale. No doubt all MI5 and CTP officers were as appalled at the Arena outrage as everyone else. No doubt they all regretted that it was not

\textsuperscript{134} Gist para 49
\textsuperscript{135} Gist para 17
prevented. A healthy organisation does not put reputation or the institution before the truth or accountability. A healthy organisation welcomes rigorous scrutiny, valid criticism and recommendations for change.

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