information from the core syllabus, whatever form of teaching they may have experienced at a younger age in school or in college.

University provides a much larger environment than a school or college, the student to staff ratios are considerably higher than in school, staff are exposed to many students, and it is harder for them to come to know individual students other than by name or sight. Nevertheless, the university does, and did in 2017, have well-developed systems of student welfare and support in place.

While it is in the interests of all concerned for students to complete their university courses successfully, ensuring their application to study by enforcing regular attendance and other forms of engagement is not and should not be regarded as a matter for the institution.

Engagement with study is a nuanced issue. Some students fare well on their courses with limited personal attendance, others have valid personal reasons for being unable to match their attendances to the timetable, such as illness or personal problems like debt or family troubles. And it follows that abruptly terminating an individual student’s registration at the first signs of apparent disengagement would be, at the very least, inappropriate and likely unduly harsh.

Disciplinary or summary response to what may appear as the failing attendance is rightly not practised by the university. Instead of summary termination of registration as a first measure, its response is to provide sympathetic support, such as allowing a student to take a year out and enabling resumption of studies when possible.

Extensive other support measures are available to students. These include the provision of advice from staff, specialised counselling and training in study skills.

Then sir, please, turning to the Prevent duty and higher education. As you know, the scope of the Prevent duty in the higher education context is simply to have due regard to the need to prevent people from being drawn into terrorism. It does not encompass a positive duty to intrude into the private lives of students or otherwise identify prospective terrorists in the absence of any warning signs. Indeed, the university would be wholly ill-equipped to conduct such a task.

For the purposes of implementing the Prevent duty at the time of the attack, a mature system was in place at Salford, approved by the regulator at the time, HEFCE, and subsequently endorsed by its successor, the

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**Tuesday, 15 March 2022**

MR GREANEY: Good morning, sir. Can you see and hear me?

SIR JOHN SAUNDERS: I can now, thank you.

MR GREANEY: Today we’ll first hear from Mr Browne, who will make submissions on behalf of the University of Salford, so I’ll ask him to join us, please.

Closing submissions by MR BROWNE

MR BROWNE: Good morning, sir. Can you see and hear me?

SIR JOHN SAUNDERS: Good morning. I can, thank you very much.

MR BROWNE: Thank you very much indeed.

Sir, everyone at the university was horrified to learn shortly after the atrocity occurred that one of its own students, Salman Abedi, was the perpetrator.
The university repeats its condolences to the families of the deceased and those injured in the attack.

The university recognised the significance of this event. Acting promptly, independently and responsibly, it instigated its own review of its dealings with Salman Abedi. The university particularly sought to assess its performance under its duty to have regard to terrorism and its provision of student welfare and support. That review had been completed and its findings are not the responsibility of the university before the bombing which the inquiry may find on the part of other organisations to have apprehended.

Wicked actions of Salman Abedi. Further, any failings clearly, it cannot reasonably be criticised for the management. Further, they will learn to think independently and engage in personal exploration of the subject matter of their courses. It does not involve

the university spoon-feeding them with subject matter of their courses. It does not involve

in undertaking their studies, students will demonstrate skills.

For the purposes of implementing the Prevent duty at the time of the attack, a mature system was in place at Salford, approved by the regulator at the time, HEFCE, and subsequently endorsed by its successor, the

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At the time of his admission there was no evidence known to the university of a possible risk he posed to others. No warning was received of any previous misdemeanours, such as an incident elsewhere of violence towards a fellow female student being reported to the police.

As to the business school’s tutorial and student support system, the personal tutor system exists primarily to provide pastoral support to students. It is not for the provision of academic oversight. As with Abedi, a staff member who is designated as the personal tutor to any group of students will not necessarily be teaching the degree subject being studied by tutees in the group or even qualified in its subject matter.

As Professor Davies agreed, the personal tutor system is not intended to chase up tutees to attend and encourage them to get their grades, rather it is a pastoral safety net. It provides a contact who can be approached if a student seeks advice on a personal matter, mitigation for missing an exam or performing badly in it. She agreed that absent a student’s request for support or evidence of risk of harm, tutors are not bound to intervene in what might seem like a student’s lack of enthusiasm. As a pastoral safety net, the personal tutor system provides reactive support to students who seek it.

Evidence filed by the university has extensively explained its arrangements for identifying and following up students who appear to be disengaging from studies through the student progression assistance system including the improvements made to that system.

As to Abedi’s time at the university, in his first year his performance was adequate although unexceptional. He was successful in obtaining sufficient credits to allow him to progress into the next academic year. He had limited contact with his personal tutor, but this is not necessarily an indicator of difficulties. Nothing that might cause any concern about him was apparent to the university.

As to his second year, after December 2016 his engagement reduced. Notwithstanding his strange behaviour in January 2017 by skipping one exam and leaving the other without answering any questions, it is not unusual for a student to leave an exam early nor was Abedi the only student taking that particular exam to score no or very low marks.

He had further contact with the university at the end of January 2017 and accessed its email network on 1 March 2017. Follow—up contact was attempted as a
result of his disengagement but it was not successful.

Turning then to causation, sir, equating the university with state agencies, including the police, in relation to Abedi would be obviously inappropriate.

In his case no relevant information was shared with the university by CTP or the security services. Nor was information received specifically from GMP about students of possible concern, save where GMP would share information in Channel meetings. This did not happen in Abedi’s case.

In the event, he gave no indication to the university of presenting any risk of violence to others or of being radicalised such as might have justified it in considering referring him to Channel at any time.

Professor Davies noted that he did not display the usual features which might suggest he was particularly vulnerable to radicalisation compared to other cases where referrals were made. She observed that simple disengagement is not in itself a warning sign or change in a student which staff could be expected to pick up.

Of the potential signs of change upon which they had been trained, only not attending could have been identified in Abedi’s case and even this was not immediately noticeable.

She added that well—radicalised students are often trained to hide their behaviour and links and, if challenged, can come up with explanatory narratives.

She concurred with the findings of the university’s independent review that it did not neglect to identify or prevent any radicalisation of Abedi and we respectfully invite you, sir, to accept this finding.

The issue as to what else the university might have done in respect of Abedi’s declining engagement in early 2017 and with what possible outcome is a separate and distinct issue from whether and, if so, how the attack could have been prevented and, respectfully, the two should not be conflated.

The inquiry will consider what might have happened had the university been successful in contacting Abedi.

Professor Davies questioned whether he would have even shown up had he been invited for an interview. Even if he had responded to contact and had, for example, spoken to a staff member, according to Professor Davies it was pure speculation whether it would have achieved anything.

Had he made contact and met a tutor he may have been advised to withdraw from study. Details of his exam results and declining attendance and engagement were his personal data protected by statute and by the law of privacy and, absent a significant welfare concern, could not be revealed without his consent, hence there was no question of the university lawfully disclosing them to his family or asking them to intervene, even assuming that as a result they would have encouraged him to reapply himself.

We note Dr Wilkinson concluded that both Ramadan and Ismail Abedi likely had a radicalising influence on him. Except as set out in the preceding paragraph, there is no basis on which the university could lawfully have contacted a family member about his disengagement. However, even if that had been done and contact was made, given what is known about the family the prospect of the university obtaining any information of value about his potential disengagement from study was virtually nil.

So far as his access to public funding is concerned, an opportunity to alert the SLC that Abedi appeared not to be engaging from January 2017 did not arise. The SLC required to be notified of those students who had withdrawn or had been withdrawn. For this purpose, there were census points in October, January and late March/early April. Given the timing of his mid—January exam, if he had or had consequently been withdrawn from registration, a routine opportunity to alert the SLC would only have arisen at the third tranche census point in late March/early April 2017.

For reasons already explained he remained registered a student at this stage until the June 2017 examination board could address his position in early summer.

It cannot be taken for granted that all of the funds the Abedis spent on precursor materials came from the final tranche of his student loan. The final evidence of SIO Barraclough on this issue confirmed the source of cash funds used by Abedi is not possible to pin down without speculation.

The university’s independent review described as a missed opportunity its failure to identify and flag the extent of his disengagement and his behaviour in the examination of 13 January 2017 to potential sources of support for possible investigation of the reasons.

The same review also noted it could not be known had contact been made what the outcomes might have been in terms of his future engagement with studies or his continued registration on his course.

The university notes that Professor Davies questioned whether such a missed opportunity even existed at that point. She concluded that by the time the failure of Abedi’s exam in January 2017 was recorded and categorised, he had basically left and it was doubtful he would have even attended for an interview.
Even assuming he had communicated with tutors in the first semester of 2016, ie October 2016 to mid-January 2017, Professor Davies was of the opinion that a discussion at that point may not have been productive in terms of encouraging him to re-engage or to identify his radicalisation.

So, sir, the conclusions. Based upon a totality of the evidence, including that submitted by the university and the evidence of Mr Hartley, we respectfully invite you to conclude, firstly, there were no signs of Abedi's radicalisation apparent for the university to have recognised. Secondly, there was no failure on the part of the university to identify or prevent his radicalisation. Thirdly, the university was not culpable in failing to recognise his radicalisation or in failing to take steps to deradicalise him. And fourthly, at the university, as Professor Davies concluded, all the safeguarding structures were in place as well as progress monitoring and support mechanisms.

Thank you, sir.

SIR JOHN SAUNDERS: I'm grateful, Mr Browne. There are just a couple of points that you can either help me or reserve your position or say the university doesn't wish to express a view. I don't require an immediate answer.

One of the points which is made in your submissions, and indeed were made during the evidence by the security service or the police of any concerns about Salman Abedi. Would they wish to have those communications?

MR BROWNE: The starting point, sir, is that as a responsible education establishment, the university would want to seriously consider any exchange with them of valuable information from relevant agencies which might prevent another attack. And we welcome and encourage the early exchange of good and valuable information from the police.

However, because such information forms just one part of the factual jigsaw, if I might put it that way, a number of questions arise, it seems to us. One would be with which other agencies would that information be shared in order to give an overall picture of issues such as risk, for example healthcare providers, DWP, financial institutions, including banks and the Student Loan Company.

The mere provision of information about a student, for example that he or she was a closed SOI, he was still active and therefore might be alerted to the interest of CTP and the security services in him.

If the information was, for example, that an individual was an open SOI then the university's response would likely be, I suspect, if that is the case then perhaps the CTP and the security services might consider a referral via Prevent into the Channel programme or, alternatively, if matters were sufficiently serious, that there should be consideration of the Pursue element of CONTEST.

Forgive me, sir, a long answer, but we have given this some thought.

SIR JOHN SAUNDERS: (Overspeaking) A specific point that I raised yesterday. I'm grateful for that. Everyone talks about, and indeed I think the new director—general has talked more about this, the sharing of the information more widely, but I do understand that for educational establishments that may lead to problems. It may even lead to problems with the student community, I know not, I'm not making any prediction about that, but it might.

It's not at the time that Salman Abedi was attending Salford University, but he was at Manchester University at the time, I think -- I hope I've got the date right, it's no reflection on Manchester University -- at the time that consideration was being given to closing him as an SOI, which would be a normal time, it might be thought, for considering whether to do a referral to Prevent. Would the universities expect, encourage, not want it to happen, for the security service or the police who are thinking of referring to Prevent to come and discuss that issue with the university in relation to the behaviour or what is known about the student at the university? As I say, you don't need to answer that immediately if you don't wish to.

MR BROWNE: I think the position of the university is that it would welcome an exchange of information with those agencies. The question arises, what would the university be expected to do with that information?

SIR JOHN SAUNDERS: It's a consultation, really. If the security service come along or the police come along and say, 'look, we are considering referring one of your
MR BROWNE: To an extent, I think that happens, save that it is consultation with GMP rather than with CTP and the security services. So our position, I think, but I will come back to you if I may, sir, if there is a difference, having considered the matter further with the university, our position would be we would welcome that sort of consultation and exchange of information.

SIR JOHN SAUNDERS: Of course. Right, okay. Thank you.

One final point. I have obviously read your submissions and I see that the university wish to make no submissions or make any comment on the suggestion of a single student file following a student through school education into universities. I understand that and I think there are obviously a number of different factors which can apply to that, as Professor Davies rather indicated.

Mr Cooper made the point yesterday that one of the things which should perhaps have been picked up on Salman Abedi was his misogynistic behaviour, which he says there have been studies which can be found in a number of other terrorists. Is that the sort of information that you think should be passed through some

of the educational records or is that something that the university would prefer not to — — I think this is a difficult issue as well. On the one hand these records shouldn’t follow everybody as people are entitled to a clean start at some stage, but on the other hand, if it is something that may be significant in the context of what we’re talking about, is it something which should be passed on?

MR BROWNE: Well, if there is a potentially significant information that the university needs to know that would affect its, for example, view on the admission of a student to university or what level of support that student or other students needed, then that is information which the university would, I think, want to know. But of course, it depends on the information, sir, it depends upon how long ago this incident happened, the gravity of the event.

I notice you have used the word significant, so working on that basis, of course relevant information shared with the university would be important. But we set out at paragraph 64 of our closing our position on that, sir, which essentially is — — it is a question of education policy and it raises really rather significant issues to be considered on, if I might put it this way, a wider basis having taken the views of other relevant agencies into account.

SIR JOHN SAUNDERS: I entirely understand that. I’m not suggesting it’s an easy issue. I just wished to see what I could discover. So you say the university would wish to know significant information in deciding perhaps whether to have the person as a student. Does it routinely get that? What you got was a misleading reference in this particular case.

MR BROWNE: We did in this case, but as you know, sir, that was of no relevance in the decision to admit Abedi. The short answer, my understanding, is: no, if a student is admitted on the basis of grades through clearance, there is no access to the reference or assessment that was provided by a student on his application form. And insofar as references or assessments are taken into account, then there would be an assumption that they are reliable on the basis that the providers of assessments should be providing honest assessments.

SIR JOHN SAUNDERS: I’m grateful. Just one final point, it may seem odd that I’m asking you more questions than I have asked everyone else, but there’s no significance in that.

In paragraph 55 of your document you’re indicating there are very limited grounds on which the university are entitled to contact a family member about the fact that there’s a disengagement from a student.

You may remember, I had a bit of a discussion with Dr Davies about this. If for no apparent reason, a student suddenly just doesn’t appear at the university, has just gone missing, can the university not lawfully make some enquiries of the family as to what’s happened?

MR BROWNE: That’s a difficult question. The short answer would be, in my submission, no. That would not be an appropriate first response for the reasons we’ve identified in paragraph 54. If the absence gave rise to a significant welfare concern, so there was other information available which suggested that, for example, that student had been expressing thoughts of self-harm or the like, then that could open, if I might put it this way, respectfully, sir, a gateway to enable the university to contact, for example, the police and other family members to raise concerns they had.

But absent something of that nature, no, it would not be appropriate for the university to pursue — —

SIR JOHN SAUNDERS: Not lawful? The paragraph says there’s no legal basis.

MR BROWNE: Neither lawful nor appropriate.

SIR JOHN SAUNDERS: Right. I’m sure you’re right, but I find that quite an alarming proposition, as it
1. I know these are young adults and they are happy. I am really grateful, Mr Browne, thank you very much for your clear submissions and for helping me in the way you have. Thank you.

2. MR BROWNE: Thank you very much, sir.

3. MR GREANEY: Sir, thank you very much. Could I just deal with one matter? During the course of your discussion with Mr Browne, you mentioned Manchester University and I think you probably meant either Manchester College or Trafford College.

4. SIR JOHN SAUNDERS: I think I meant Manchester College. I'm very sorry. I may be wrong about the time when the... therefore the question of a reference to Prevent comes up. It's no reference to whichever institution it is whatsoever, but I think it's Manchester College at that time.

5. MR GREANEY: Sir, he was at Manchester College, I think, between 2012 and 2013, and then at Trafford College between 2013 and 2015.

6. SIR JOHN SAUNDERS: The identity of the institution is entirely irrelevant and it doesn't reflect on them, added sulphuric acid to the list of regulated explosive precursors. The Home Office has improved the measures for identification of suspicious transactions and the provision of suspicious activity reports. The volume of suspicious activity reporting has now significantly increased.

7. The Home Office has also improved the processes for receiving, analysing and acting upon suspicious activity reports. It designed a new platform for the process by which retailers provide precursor suspicion activity reports. This platform became fully operational in July 2021.

8. The Home Office also committed to greater cooperation with the private sector. It has arranged for security clearance for a number of manufacturers and sellers so that national security issues can be discussed with those representatives of the industry in more detail. An explosives threat governance board provides oversight for all these changes.

9. On 16 December 2021, the government published a consultation on proposals to strengthen further the controls in place for purchasing explosive precursors and poisons under the Poisons Act 1972. The consultation does invite the responses of businesses about the practicalities of imposing additional controls, in part from commonly available household chemicals, hydrogen peroxide and sulphuric acid. Sadly, it is just not possible to prevent all purchases of precursor chemicals. Some of these are just required for ordinary use in the home and in businesses.

10. Nevertheless, in 2017, the government operated a range of measures to make it harder to acquire the substances most likely to cause harm or at least harder to acquire them without detection. We have to accept that those measures were not enough to prevent Salman and Hashem Abedi from buying what they needed. The inquiry has explored how they were still able to acquire the precursors without detection. The answer we recognise is at least in part that none of the chemicals made to produce the explosives of the attack was regulated in May 2017.

11. Hydrogen peroxide was a regulated explosive precursor if its concentration was above 12%, but the hydrogen peroxide used in this attack was less than 12% and so no licence was needed to purchase it. Importantly, however, all the precursors were reportable explosive precursors, so they were subject to the requirement to report transactions if they were deemed suspicious. As you know, sir, DCS Scally told the inquiry that no suspicious activity reports were received for any of the relevant purchases. Following the Manchester Arena attack, the government has taken further steps to prevent and detect terrorist purchases. Regulations introduced in 2018
controls. In my submission, it is right to do so.

There is no point in the government trying to put in place protective measures that will not be workable for the industry that has to operate them. But all of the proposals are based on the underlying intention to improve security around explosive precursors.

The consultation was open for 12 weeks and closed last week on 10 March 2022. The government will consider the responses and publish its response accordingly.

In relation to Mr Abdallah, he did say that there was a mere suspicion that Mr Abdallah had provided ideological motivation and encouragement, but that rather than any more practical assistance.

Dr Wilkinson accepted that his conclusions about Mr Abdallah’s radicalising role were based purely on documents provided by the inquiry and fairly and perhaps inevitably that some of the inferences he had drawn could be wrong.

He accepted that it is not possible to identify a single person or event that radicalised Salman Abedi.

He said that there might be triggers that were unknown, noting that we know barely anything about the process of radicalisation of Salman Abedi from December 2016 to May 2017.

And importantly, sir, in my submission, Dr Wilkinson’s view was that Mr Abdallah’s influence on Salman Abedi started to wane after Mr Abdallah was imprisoned. Dr Wilkinson did not think that the evidence supports the idea that Mr Abdallah was persuading Salman Abedi to carry out the Manchester attack in the period 2016 through to 2017.

And Mr Abdallah in his evidence to you himself denied that he knew that Salman Abedi intended the attack. He said he didn’t suspect an attack and played no part in radicalising Salman Abedi.

You heard from the prison officer PO1, who told the inquiry of Mr Abdallah’s subsequent suggestion that Salman Abedi had, over a number of years, talked about a possible attack. In my submission, though, any such suggestion by Mr Abdallah does not undermine the fundamental aspect of his evidence in this respect, which is that he did not believe that Salman Abedi would carry out an attack and that he, Mr Abdallah, had no advance knowledge of the Manchester attack.

Obviously, though, the government accepts it is clearly right for this inquiry to investigate the
question of contact between terrorists in prison and members of the community. The risks to be considered are both those posed by the prisoner to the visitor and by the visitor to the prisoner. And may I turn now to the steps taken in respect of contact between prisoner and visitor.

Starting with visits, Dr Wilkinson identified an issue with Prison Service policies suggesting that they were tilted towards the idea that influences, whether they were radicalising or other influences, were coming into the prison from the outside rather than from within the prison to the outside world.

Paul Mott accepted that at the time of Salman Abedi’s visits to Mr Abdallah, there was no specific guidance covering the management of visits and terrorist risk. The relevant current prison instruction does appear, we accept, to prioritise the threat into the prison system rather than the threats to those outside of the prison system.

However, sir, it is, in my submission, important to note that it always has been and still is open to prison officers or other authorised staff. Rule 35A of the Prison Rules 1999 gives the Secretary of State the power to give directions to any governor to intercept any communication by any prisoner or class of prisoners. However, of course, as you would expect, any interception must be necessary on specified grounds, one of which is national security, and the intervention must be proportionate to the risk being addressed.

Dr Wilkinson suggested that everything said to non-legal visitors should be openly recorded and that suggestion was put to Mr Mott, who told you, sir, of the practical barriers and resource implications of that idea. Firstly, obviously, systematic recording of visits would engage prisoners’ rights under Article 8 of the European Convention of Human Rights, which is the right to a private life and to family life. Any interference with those rights would have to be both necessary and proportionate.

Any amendment to the Prison Rules which introduced systematic reporting could face challenge on those grounds particularly if it required recording of all visits with families and a prisoner’s children. Dr Wilkinson did accept very fairly that human rights issues were not within his field of expertise.

Secondly, it would require significant resources to obtain the necessary equipment to record all visits. It would be extremely time-consuming to monitor the...
to communicate with Salman Abedi through a mobile

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telephone while he was in prison, although the amount of
that contact, as I have already submitted, was very
limited.

Two mobile phones owned by Mr Abdallah, as you know,
were eventually found and seized. Since August 2019,
there has been huge investment in prisons to detect and
 disrupt the use of mobile phones in prison, but it does
remain, we have to acknowledge, a significant challenge.
The Prison Service has invested in airport—style
scanners to scan visitors and staff and there is
a strategy to disrupt the use of mobile phones that do
get into prisons.

Information can now be extracted from mobile phones
that have been confiscated in order to investigate
crime. Another issue that you have investigated, sir,
is that of communications between the Prison Service and
other agencies. Mr Mott accepted that a central system
for information and intelligence sharing with HMPPS was
missing in 2017, although there was good partnership
working locally and regionally. But this form of
working has now been improved significantly through
development of JEXU, Pathfinder and the Hub. The Hub,
as you know, is staffed by people from M15, CT Police
and the Prison Service. They all access the same
information and work to provide a bridge safely to get
that intelligence into the hands of the people who need
it to make operational decisions.

This is being done for the Parole Board and for the
MAPP A panels.

The government has taken into account the evidence
before the inquiry and has identified issues for further
consideration. Work is being done both in relation to
explosive precursors within the Home Office and contact
with prisoners led by the Secretary of State for
Justice.

The government will consider, sir, with great care
any findings and recommendations that you make
in relation to chapters 8 and 13, as with all other
chapters.

May I turn lastly now to chapter 14 and the issue of
preventability, which concerns principally MI5. Sir, as
you and the inquiry legal team will know, MI5 has
co-operated fully with this inquiry and has done
absolutely everything it can to support the inquiry in its
investigations.

That cooperation was also given when this inquiry
started out its life as an inquest. There is no
difference at all in practical terms between the
disclosure obligations of MI5 or any other document
provider to an inquest and those obligations to an
inquiry. The material that MI5 provided was and would
always have been the same.

The key difference is that an inquest has no closed
procedure and therefore no means of analysing or
challenging evidence that cannot be put into the public
domain.

The Home Secretary hopes that the families and the
public are reassured by the knowledge that you and
members of the inquiry legal team have had access to
every relevant document in the possession of MI5. While
the families have not been able to see it, you and the
legal team have been able not only to see it but to
challenge it fully in closed evidence sessions.

All relevant material which was in MI5’s possession
before the attack was available to the team that
conducted the post—attack review, to Lord Anderson in
his review of that work, to the Intelligence and
Security Committee, and then to this inquiry.

No further relevant material held by MI5 before the
attack has been identified during the course of this
inquiry.

The inquiry has made additional requests of MI5
in relation to other matters that have arisen after the
attack and MI5, as you will know, sir, has complied with
all of those requests. There are obviously very significant restrictions in what I can say in this open session and the Home Secretary recognises the frustration that the families must feel at not being given the full picture. The Home Secretary is also very grateful for the understanding that the families have shown. As they themselves have said many times, they are the last people who would want there to be any disclosure that might make another attack more likely or more deadly.

But since these submissions will necessarily be incomplete, I have to ask you to consider them along with the oral closed submissions that will be made to you later.

Before I deal with the substance of the issues concerning MI5, may I deal first with the concern expressed by Witness Z about the chilling effect that criticism of MI5 might have. This, as you know, sir, is an issue that has now been addressed in MI5’s recent position statement.

MI5 does not suggest for one moment that you should hold back from making any criticism that you believe to be warranted. Lord Anderson in his report commended the leadership of both MI5 and Counter-terrorism Policing for their willingness to question the way things had been done in the past. And one of the major purposes of this inquiry is to identify failings and weaknesses and to make recommendations that might save lives in the future.

MI5 wants to do everything possible to prevent another attack and MI5 is willing to learn any lessons it can. MI5 is already immensely self-critical. The whole purpose of the post-attack reviews into the 2017 attacks was to learn as much as possible as quickly as possible to stop other attacks that in 2017 really were likely to be imminent.

This inquiry has obviously been able, with more time, to consider matters more widely and potentially in more depth, and MI5 welcomes any assistance from you as to improvements that could be made in the future. MI5 has recognised from the outset that there are lessons to be learned from this tragedy and from the other attacks in 2017 and much has already been done to learn those lessons. As Witness J confirmed in his oral evidence, a total of 104 recommendations were made by the post-attack and operational reviews and 100 of those have been implemented so far. Some of those recommendations address issues specific to the Manchester Arena attack, others extend more widely.

Where areas for improvement have been identified, they have been frankly acknowledged, both during the inquiry and during the course of previous investigations, and MI5 will continue to approach any future recommendations for improvement in the same way.

May I turn now to the work of MI5 itself. The first thing I would seek to emphasise is the context in which MI5 was operating in 2017. At the time of the attack, the JTAC threat level was severe, meaning that an attack was highly likely. Three Islamist extremist attacks were carried out in that year. Islamic State was encouraging its followers to carry out attacks using everyday objects like vehicles and knives. The scale and the nature of the threat had changed and increased massively from those of previous years, and the chances of successful detection in advance of an attack were significantly reduced.

Around 850 UK-based individuals had travelled to Syria and Iraq and about half of them had come back to the UK. Their return had led to a significant increase in high-risk casework involving individuals who were known to have received terrorist training. In 2017 MI5 had 3,000 open SOIs, subjects of interest, under active consideration as part of around 500 investigations. Around 20,000 SOIs, each of whom at one time had been under active investigation, had been closed. As you know, sir, Salman Abedi was one of them.

It is absolutely inevitable after an attack of this sort that the focus of any inquiry is on the perpetrators. Everything that was ever known about them, everything that could ever have been known about them is analysed in immense detail, but in my submission it is absolutely crucial to see MI5’s decisions about Salman Abedi in the wider context of MI5’s work as a whole.

The scale of the threat was unprecedented and, as Witness J told you, it was well beyond anything that he had seen in his 30-year career. MI5 had to choose its priorities. Making those choices inevitably involves taking a risk that somebody that MI5 chooses not to investigate will go on to carry out an attack. MI5 has to make those choices on the basis of the material available to it.

One of the questions that the inquiry has been asked to address is whether MI5’s resources were adequate. Witness J explained that whilst MI5 was stretched and under pressure, it was able to cope. He also made clear that in his assessment, the key judgements made in Salman Abedi’s case were not affected by a lack of resources.

You have heard about the north-west investigative
team going into amber. That does not indicate inadequate resourcing. An amber marking shows that the team is under pressure and needs assistance from elsewhere and that assistance is then provided.

In this case, the case of Salman Abedi, Witness J did not believe that those involved would have formed different judgements if only more resources had been available to them, and you heard similar evidence from DCS Scally.

Of course, it’s always going to be true that the greater the resources of a security service, the more investigations it can undertake. But there are fundamental arguments about the size and reach of security services such as MI5 in a democratic society such as that of the UK. There are also important legal constraints on the extent to which it can operate when such operation inevitably intrudes on the private lives of citizens. There are practical considerations. While more staff could be engaged fairly quickly, it would take far longer to give them the training and for them to gain the expertise that they would need in order to work effectively. And however great the resources of MI5, prioritisation would still be necessary. The resources required for the most intensive investigation are enormous and so even if there were a much-increased capacity, difficult prioritisation decisions would still have to be taken to make sure that the resources were focused directly at what was assessed to be the greatest threat.

In my submission, this context is absolutely crucial when the inquiry considers what might have happened had MI5 made different decisions. Detailed consideration was given to the evidence concerning Salman Abedi’s activities in the course of the 4 days between his arrival back in the UK on 18 May 2017 and the attack just 4 days later.

This included consideration of whether, for example, surveillance of him following his arrival at the airport would have led to the detection of the car at Devell House or detection of other aspects of his attack preparation. And the evidence given to you, sir, was quite clear: the level of investigation needed to identify these activities in real time would be appropriate only in cases of the highest priority, and any decision to devote such resources to one particular case would inevitably require the diversion of resources from other high-priority work.

As Witness Z, the inquiry’s expert, said: “Even if material had been available to investigators and they had decided to initiate fresh actions and enquiries as a result, I believe that given the threat context and the size of MI5’s investigative portfolio at the time, it is unlikely that these arrangements would have been prioritised over other work for long enough or to the extent required due to the timely detailed intelligence insights into Salman’s planning and activities that would with any degree of certainty have enabled successful pre-emption of the attack.”

So in essence, sir, there was nothing in the information available to MI5 before the attack that would have justified the diversion of resources necessary to identify this plot.

The inquiry has considered in detail whether MI5 should have focused more on the risk posed by members of the Libyan community in South Manchester and also on whether there was too great a focus on the Islamic State—related threat emanating from Syria and whether more attention should have been devoted to Libya.

As Witness J explained, MI5 does not investigate communities, it responds to intelligence relating to the threat posed by individuals, and there are obvious reasons for that approach. Witness J explained to the inquiry that there are thousands of people who maintain some form of contact with SOIs and many thousands more who hold extremist views or access extremist material in some form.

The community in which Salman Abedi lived and his family background were relevant to the assessment of the level of threat that he was considered to pose. MI5 does assess that his extremist views were influenced by his father. But Witness J explained that the determining factor for MI5 when making decisions is whether the contact or influence indicates that that individual may pose a threat to national security.

Salman Abedi was opened as an SOI in 2014 when he was identified as a first—level contact of SOI A, who was a Tier 1 subject, and he was opened as an SOI in October 2015 when he was, although mistakenly, thought to be a first—level contact of a senior ISIL figure in Libya.

Second—level contact prompted a different response, as did first—level contact, for example with SOI B and SOI C, where it was assessed that that contact did not indicate a threat to national security.

In my submission, it does not follow, given the imperative of prioritisation, that Salman Abedi should have been subject to active investigation by MI5 on this
investigators at the time, the decisions to close
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"Based on the intelligence available to
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investigators at the time, the decisions to close
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based, whether in 2017 or at any other time. Decisions
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basis, whether in 2017 or at any other time. Decisions
as community origin or familial links to extremism just
would not have been justified.
The nature and the scale of the threat is such that
if MI5 is to be effective, it must respond to
intelligence indicating that there are threats to
national security and it must prioritise its resources
accordingly. If MI5 were to ask whether in the absence
of such intelligence of that type of threat a case could
be made for further investigating a particular
individual such as Salman Abedi, based on some
combination of family background, community links,
second-level contacts, extremist views, the answer would
almost always be yes. But the answer would be yes in
respect of thousands of people.

As Witness J confirmed, there are now 40,000 closed
SOIs, and MI5, whatever its resources, could never
conduct intensive investigations into thousands of
people when almost all of those investigations would
reveal no threat at all. They simply could not do that
just in the hope of identifying the one or two people
who were, totally unknown to MI5, involved in an attack
plan.
The essential issues for MI5 during the period from
July 2014 to May 2017 were whether there was
intelligence to indicate that Salman Abedi posed
a threat to national security sufficient to justify
opening an investigation. And if so, what level and
type of investigative resource should then have been
committed in response.
Those questions can only be addressed on a detailed
analysis of the closed evidence. In this open session,
I am afraid all I can say is that MI5’s assessment of
Salman Abedi as not reaching the threshold of re-opening
an SOI was a reasonable one on the available
intelligence throughout that time.
That submission is consistent with the general
conclusion of the inquiry’s expert, who said:
“Based on the intelligence available to
investigators at the time, the decisions to close
investigations into Salman in 2014 and 2015 and not to
re-prioritise him in the first half of 2017, while
finely balanced in some cases, especially in early 2017,
were understandable and reasonable in most cases when
judged against the criteria of necessity and
proportionality and the need to ensure that other
apparently higher—risk elements of the investigative
portfolio were adequately resourced.”
Later in his report, the inquiry’s expert analysed
the detail of the intelligence picture in relation to
Salman Abedi as it developed over the years following
the closure decision in July 2014, and he expressed his
conclusion as to whether that intelligence picture ought
to have prompted a different investigative response. He
said in the following terms: “On the basis of the material I have reviewed,
I believe that the decisions taken on action on the
intelligence on Salman were understandable when set
against the criteria of necessity and proportionality.”
I should emphasise, sir, that closed SOIs are not
subject to a process of continuous active assessment.
If intelligence is received by MI5 concerning a closed
SOI, then that intelligence will be evaluated for the
purpose of determining whether it indicates a potential
threat to national security sufficient to justify the
opening of a lead.
But the person making that judgement will have
available all the intelligence held by MI5 in respect of
the closed SOI, so consideration is definitely given as
to whether an emerging risk can be identified from
cumulatively obtained intelligence. The inquiry has
seen examples of when that was done in respect of
Salman Abedi in March 2014 and October 2015.
By contrast, Witness J explained the approach that
was taken to Salman Abedi’s contact with individuals,
including SOI A and SOI B, who were being investigated
in respect of the facilitation of travel to Syria. The
key question for MI5 in light of this intelligence was
whether Salman Abedi was involved, through facilitation
or participation, in planning travel to Syria. If so,
then there would have been an assessment that he posed
a threat to national security and investigation would
have been opened. In the absence of any such
intelligence, the mere fact of that contact would not
have justified a change in his status.
In my submission, here, sir, as always, it is
important to keep in mind the context. In the light of
the fact that all closed SOIs will have previously met
the threshold for investigation, it is inevitable that
a very large proportion of them will say or do things
which may indicate that they hold an extremist mindset. They are likely to maintain contact with individuals as first or second-level contacts, in whom MI5 has an interest. They’ll often live in communities where there’s a significant extremist element. They will often go to mosques or other institutions that have links to extremism. It will almost always be possible to assemble a list of reasons why there should be a degree of legitimate concern about a closed SOI. That list may well include the reasons why it was decided to investigate them in the first place and it may well amount to a coherent argument as to why the closed SOI might merit further investigation. However, it isn’t the mere number of pieces of intelligence that matters, so low-level information from a number of sources about things such as community contacts will not justify re-opening an investigation. What matters is whether there is intelligence to indicate that this individual poses a sufficient risk to justify being re-opened as an SOI. When these decisions have to be made, it is in the context of an investigation that has already taken place and a decision that has already been made to close that SOI with an assessment of the residual risk and general concerns to the effect that an individual holds an extremist mindset just simply falls short of indicating that they pose a threat to national security that requires ongoing investigation by MI5.

The fact that Salman Abedi was part of a Libyan community that contained a number of known extremists did not indicate that he posed a threat to national security, nor did the fact that he made a number of trips to Libya over the course of several years, nor did his family background, nor did his inconsistent espousal of extremist views, nor did the fact that he was a second-level contact of a number of SOIs, nor did the mere fact that he visited an extremist in prison. His direct contact with an SOI, that’s SOI A, who was linked with the facilitation of travel to Syria might indicate that he posed a threat to national security which is why he was opened as an SOI and investigated in 2014. Had he been in direct contact with a prominent Islamic State figure in Libya, as it was initially but wrongly thought that he was in 2015, then that might also have indicated a threat to national security, which was why he was briefly opened as an SOI at that point. But as the chronology of Salman Abedi’s case makes clear, the determining factor is the nature of the intelligence and as Witness J said:

“We have to be really clear about how we use our powers, we have to be really clear about where we put our effort. When we receive intelligence we are making judgements about whether or not there was a threat.”

MI5’s powers are constrained and conferred for a very specific purpose and its resources have to be directed to the sources of greatest threat. MI5 cannot open investigations just in case. And as I have already submitted, a decision to devote investigative resource to one potential threat necessarily means the diversion of investigative resource from another has to happen.

MI5 as an organisation has to be able to close investigations and adopt a clear and rigorous threshold for re-opening them. Successful attacks are rare, but when they occur it’s neither unusual nor surprising to see them come from the pool of closed SOIs, as they did in the case of the Westminster Bridge attack.

Witness J accepted that the issue of how most effectively to identify which of the very large number of closed SOIs are at risk of re-engagement and thus pose a potential threat to national security remains a continual and inevitable challenge for MI5. These over 40,000 individuals have all generated at least a suspicion that they may pose a risk to national security sufficient to merit investigation by MI5. In virtually every case the closure decision will have been an exercise of judgement based upon a fragmentary intelligence picture and predicting which of these individuals may seek to engage or re-engage with terrorism related activity in the future while not expending potentially infinite resources in continuing to investigate them is extraordinarily difficult.

MI5 has an ongoing process to refine and improve its operational strategy to deal with closed SOIs. The observations of the Intelligence and Security Committee in the Lee Rigby report serve to highlight the issue and, as Witness J explained, it gave impetus to the development of Clematis and Daffodil as tools amongst other tools analysing the pool of closed SOIs.

Witness J confirmed that further work has been done in this area since and that it remains ongoing. The ISC gave careful consideration to this issue and supported the further steps that were being taken by MI5 to address and identify the potential risk posed by closed SOIs, and the inquiry’s expert expressed his conclusion in similar terms to that of the ISC. He said:

“There were some investigative working practices and information management tools, especially around management of the risk from closed SOIs, that needed to
be improved or redesigned. So this had been recognised and remedial work had been put in hand."

Operations Clematis and Daffodil are tools designed to identify which of those in the large pool of closed SOIs present a potential risk of re-engagement such as to merit further investigation. They were instituted in 2015 and were informed, by among other things, the observations of the ISC in its Lee Rigby report to the effect that the risk posed by a large pool of closed SOIs needed to be more effectively managed and it was also informed by the clearly developing threat from Islamic State in Syria.

On 3 March 2017 the Clematis process, which is essentially a datawashing exercise, flagged a number of SOIs, including Salman Abedi, on the basis that his records contained reference to a particular priority indicator of potential concern and, sir, as you know, the nature of this indicator has been disclosed to the inquiry and it has been addressed in closed evidence.

The indicator related to activity recorded as having taken place in mid-2016 that was unconnected to the attack, that was identified and considered by MI5 at the time it first came to light and was rejected on the basis that it was not indicative of national security concern.

Consequently, MI5 have been clear that the time taken to run this datawashing Clematis process had no bearing on the outcome in this case, and MI5 can be confident about that because of the prior consideration of the indicator.

Further work was done by the Clematis team in relation to Salman Abedi, which led to the assessment that he was by that time overseas and probably in Libya.

On 8 May 2017, the Clematis team assessed that Salman Abedi should be considered for referral into Operation Daffodil for further low-level investigative enquiries designed to determine whether he may have been re-engaged with Islamist extremist activity.

A meeting to determine whether Salman Abedi did indeed merit referral into the Daffodil process was scheduled to take place on 31 May 2017. Witness J accepted that with the benefit of hindsight, it would have been better had the process been run more frequently. He said that notwithstanding the view of the inquiry’s expert that the timing of Clematis feels reasonable and proportionate.

But having said that, there will clearly be a realistic limit on the frequency with which a process of this sort can effectively be run against a pool of what was 20,000 and is now 40,000 closed SOIs without the disproportionate diversion of resources away from active investigations into matters that are seen to present the most acute threat.

But it is important to recognise that even if Salman Abedi had been flagged as part of the Clematis process somewhat earlier, and even if a subsequent consideration of his case had led to a decision to refer him into Operation Daffodil, the effect would have been limited to the institution of some low-level investigation designed to ascertain whether or not he might have re-engaged with extremist activity. That would have fallen a long way short of the type of intensive and intrusive investigation that would have been necessary to identify the attack planning.

It would also have taken place during a period of unprecedented threat necessitating, in some instances, the suspension of priority investigations into live subjects of interest.

One question that was explored in evidence before you, sir, was whether MI5 had focused too heavily on Syria and should have paid more attention to the threat from Libya. Witness J explained that following the declaration of the caliphate in mid-2014, a significant proportion of those who travelled to Syria were engaged in terrorism and they joined up with Islamic State, but the same could not be said of Libya.

Salman Abedi, in common with many others in his community, had close familial links with Libya and travel to and from Libya was not uncommon. There was a range of reasons for such travel, many of which were entirely legitimate, but the set of legitimate purposes for the 850 individuals travelling to Syria at that time would have been much more limited.

The particular pull of Syria for those with a violent extremist mindset was also described by DCS Scally who said that it was telling that individuals such as Abdalraouf Abdallah and his brother, as well as a number of others, chose to travel to or facilitate travel to Syria when they had far stronger connections to Libya and travel to Libya would have been a much easier proposition.

It is unclear even now how and in what timescale Salman Abedi progressed to the point of deciding to carry out a terrorist attack and what, if any, part his trips to Libya played in that process.

Witness J confirmed MI5’s assessment that Salman Abedi’s extremist views are likely to have been influenced by his father and by SOIs B and C and that those influences existed independently of any travel to Libya.
In addition there was a significant extremist element within the community in which Salman Abedi lived in Manchester. The attack planning had already started by the time of his final visit to Libya in 2017 and so the significance of his travel to Libya remains unclear.

In any event, Witness J explained to the inquiry that travel to Libya would not of itself be sufficient to give rise to a national security concern and he explained the implications of adopting a model of investigating anyone who travelled regularly to Libya or to any other unstable countries with some Islamic State presence.

The position would clearly be different if there were intelligence to indicate that the individual had joined an extremist organisation in Libya or had engaged in fighting or in training. But Witness J repeatedly made clear that MI5 did not have intelligence to indicate that Salman Abedi was engaged in fighting or was attending training camps or was affiliating with Islamic State.

Syria inevitably became a very high priority for MI5 during 2014 and in the period from 2014 to 2017. For other countries, including Libya, where the picture was far more complex and the reasons for travel were far more various, in my submission it was right for MI5 to take a more nuanced intelligence-led approach.

Witness J explained that while the threat from Libya was not the same level of threat emanating from Syria, that absolutely did not mean that it was ignored. As he said:

“As an organisation we were also focused strategically on that growing presence of Islamic State in Libya because we could see the potential for that to develop into some form of threat to the UK or to UK interests.”

The same analysis applies to the evidence indicating that there were a number of known extremists living in or originating from Salman Abedi’s South Manchester community. The fact that an individual lives in a particular community does not indicate that they pose a threat to national security and it would not be an adequate basis for an investigation.

May I turn now, sir, to the question of ports action. The post-attack review concluded that Salman Abedi should have been placed on ports action following his departure to Libya in 2017.

SIR JOHN SAUNDERS: Sorry, Ms McGahey, do you mind if I interrupt you for a moment? I’m sorry. I’m getting quite concerned about the timetable. I don’t know how long you’ve been going for at the moment, but I think you may be close to your time and although, of course, what the Secretary of State has to say on these topics is extremely important, other people do complain somewhat if they are restricted in time but others aren’t. I’ll be told how close you are to your limit.

MR GREANEY: You tell the chairman how long you think you’ve been going for and I’ll say how long I think you’ve been going for and let’s hope they’re the same.

MS McGAHEY: I thought it was around 50 minutes, sir.

I thought I started some time after 10.30.

MR GREANEY: I agree with that, sir.

SIR JOHN SAUNDERS: Sorry. And you have an hour and a quarter, is that right?

MS McGAHEY: I have an hour, sir, and I think I should finish within that, maybe slightly over.

SIR JOHN SAUNDERS: I’m sorry. It’s obviously my questions for Mr Browne which has taken up the time this morning, so I apologise for the interruption. Let’s continue on ports action, thank you.

MS McGAHEY: Witness J did confirm that it would have been the better course to put Salman Abedi on ports action, but I should make clear that ports action does not necessarily involve stopping an individual. Had a stop been conducted then it is likely that MI5 would have been made aware of Salman Abedi’s arrival back in the UK on 18 May 2017, 4 days before the attack.

The question of whether a port stop might have prevented the attack was explored during the opening hearing. Salman Abedi exhibited what Witness J considered to be “a fair degree” of operational security following his return to the UK: he came back with no luggage, his first act on return was to buy a new SIM card for his phone, he used a number of different forms of transport to reach Devell House, which suggests at least an inference of anti-surveillance awareness.

He bought a new smartphone later the same day, he was evidently well alive to the possibility that he might be subject to suspicion or to stop or to search. And he would have been particularly aware of that risk bearing in mind that, as is public knowledge, his father and elder brother had been subjected to port stops.

MI5 submits that two clear inferences can be drawn from these facts. Firstly, that the possibility that he would have chosen to carry material on him which demonstrated that he was planning an attack is a slim one and his purchase of a SIM card and a smartphone shortly after his arrival suggests strongly otherwise.

And secondly, being stopped by the police as he passed through the airport seems highly unlikely to have made any material difference. In fact, being stopped by
...the police without being arrested might just have...  
2. encouraged him in the belief that his plot had not been...  
3. detected.
4. It is now, in my submission, clear that Salman Abedi...  
5. returned to the UK with the specific intention of...  
6. carrying out a suicide attack and his preparations were...  
7. well advanced by this point. A suspicion that he might...  
8. have been subject to some degree of investigation may...  
9. have made him accelerate his preparations or take steps...  
10. to satisfy himself that his plans had not been detected...  
11. before continuing with them.
12. As both Witness J and the inquiry’s expert agreed,...  
13. it is unlikely, since he had reached a firm intention to...  
14. die in the course of carrying out an attack, that...  
15. a police stop at the airport would have deterred him.
16. It is suggested that surveillance following his...  
17. arrival at the airport might have revealed his attack...  
18. planning, but this suggestion presupposes a very...  
19. extensive level of intrusive coverage and the running of...  
20. a very high—priority investigation. In this scenario,...  
21. it wouldn’t be sufficient just for there to be...  
22. a decision to place Salman Abedi on ports action, there...  
23. would have had to be a further decision to make him...  
24. subject to a very high—priority and resource—intensive...  
25. investigation and to divert significant investigative...  

As Witness J explained, even if he had been stopped...  
1. resource from other cases.
2. and found to be in possession of a phone that had then...  
3. been seized and downloaded, account must be taken of the...  
4. priority that would have been given to the analysis of...  
5. that intelligence in the context, as it was, in...  
6. May 2017. That material might have been extensive some...  
7. of it might have been encrypted or needed translation.
8. Any analysis of a phone download would have had to...  
9. be dealt with as a matter of the very highest priority...  
10. were it to be undertaken in the 4 days between his...  
11. arrival and the attack.
12. May I turn briefly now, sir, to Prevent. MIS is not...  
13. one of the bodies listed in the Counter—terrorism and...  
14. Security Act being subject to a duty to have due regard...  
15. to the need to prevent people from being drawn into...  
16. terrorism. MIS’s primary focus is on the Pursue element...  
17. of the UK’s strategy for countering terrorism, but...  
18. nevertheless, as Witness J noted, MIS does have a role...  
19. in the effective operation of the Prevent strategy, and...  
20. MIS regards it as an important tool.
21. Witness J also accepted that it would have been...  
22. better had there been a properly documented...  
23. consideration on whether to make a Prevent referral...  
24. at the point of closure of Salman Abedi as an SOI in...  
25. 2014. There are a number of issues that you think may be...  
2. relevant on the question of whether there should have...  
3. been a referral.
4. Firstly, Prevent focuses on those who are assessed...  
5. to be vulnerable to radicalisation. The Prevent...  
6. materials, in their consistent referral to vulnerable...  
7. individuals, makes clear that something more than mere...  
8. exposure to extremism is required to constitute...  
9. vulnerability for those purposes.
10. Participation is voluntary. The success of any...  
11. intervention depends on the engagement of the person...  
12. concerned. The voluntary nature of the programme...  
13. extends to information sharing with other agencies...  
14. including the police, the participant has to consent to...  
15. that. And lastly, only a small portion, around 5—10% of...  
16. those individuals referred to it end up actually being...  
17. supported through the programme.
18. In Salman Abedi’s case, the decision to close him as...  
19. an SOI came after approximately 4 months of...  
20. investigation in the course of which no adverse...  
21. intelligence relating to him had been seen. In those...  
22. circumstances, you may consider that even if there had...  
23. been a more structured better documented consideration...  
24. of the Prevent referral, there would have been very...  
25. little justification for making it.
1. The investigation had not indicated Salman Abedi had...  
2. become radicalised or that he was vulnerable to...  
3. radicalisation.
4. DCS Scally had a similar perspective. The essential...  
5. test is whether CTP holds a genuine belief that the...  
6. individual is vulnerable to being drawn into terrorism.
7. DCS Scally said: “I can’t see that in these circumstances. These...  
8. circumstances are quite common or very common in...  
9. Manchester and across the country.”
10. And there would also in any event remain the...  
11. question as to the likelihood of Salman Abedi and his...  
12. family engaging constructively with this programme even...  
13. if the referral had been accepted.
14. So the possibility that a referral might have been...  
15. accepted, actioned and successfully pursued cannot be...  
16. excluded. It is not absolutely impossible, but you may...  
17. think it is very unlikely.
18. I will turn now, sir, again briefly, to joint...  
19. working. Witness J and DCS Scally gave consistent...  
20. evidence as to the quality of the relationship between...  
21. MIS and CTP. Witness J described it as a “fantastically...  
22. strong partnership” and expressed the view that the two...  
23. organisations worked very well together. He was unaware
This page contains a discussion on the collaboration between MI5 and the police, highlighting the importance of improving information sharing and the need for better systems. It mentions the work of DCS Scally and MI5 in this regard, and the need for further improvements in IT. The page also refers to the sadness and regret felt by MI5 over the failure to prevent the attack. It concludes with a call for the implementation of recommendations to improve information sharing and collaboration between agencies.
It is hoped that you, the public, and the families of those who lost their lives on 22 May 2017 will accept from the evidence the determination of MI5 to do everything it can to protect the public of the UK from future terrorist attack. Finally, on behalf of the government and the government legal teams who have worked on this inquiry, may I once again express our condolences to the families, our thanks for the courtesy they have shown to us in these most awful circumstances, and our admiration and our gratitude for the courage of the emergency workers who tried so hard to save lives that night.

Thank you.

SIR JOHN SAUNDERS: Thank you, Ms McGahey, and I apologise for the unjustified interruption once again.

MR GREANEY: Could we take a 15-minute break, sir, and then finally we’ll hear from Mr Horwell on behalf of CPs.

SIR JOHN SAUNDERS: Yes. Thank you very much. A quarter of an hour.

(11.40 am)

(A short break)

(11.55 am)

SIR JOHN SAUNDERS: Mr Horwell. Thank you very much.

Closing submissions by MR HORWELL

Thank you as always for the opportunity to address you at the conclusion of each chapter. For those who wish to understand and follow GMP’s approach to the evidence, we ask them to read our written submissions. That is their purpose and I do not intend to repeat them now.

We are very conscious of the fact that on this occasion, for chapter 14, the evidence comprises both open and closed, and that the families are unable to comment on the closed. As has often been said, the closed evidence is not a weakness of this inquiry, it is its strength. You could not complete your task without access to highly sensitive material, and that you have had.

We well appreciate the frustration among the families and those who represent them having to make submissions in the certain knowledge that they only have an incomplete picture. That is why we believe that it is better to concentrate on the whole of the evidence, which we can only do in closed. There is always a danger of unwittingly misleading CPs by making submissions on the open evidence and that we intend to avoid.

We agree with what you said yesterday that the process of breaking out as much evidence as possible from the closed can actually lead to CPs joining the dots together but not perhaps getting the right picture at the end. Partial disclosure has inherent dangers and at times they have been realised here.

I will start with Oliban. There was always a danger that Oliban would take on a prominence it did not deserve and that is because it is the only part of the closed which has been broken out in detail. The other CPs do not know what sits behind it or the context in which it must be viewed. We have also suggested that hindsight has played a large part in the interpretation of the Oliban messages.

The influence of hindsight is best illustrated by Costello. He, together with others, examined the messages between 2014 and 2016. No one thought that there was a need to identify Salman or any of the others with whom ARA had communicated in a similar fashion.

No one thought that ARA was attempting to radicalise or groom Salman and no one thought that Salman was vulnerable.

Fifteen months after the attack, however, Costello revisited those messages and for the first time believed that they could be interpreted in a wholly different way. This led to his recommending that ARA should become a Manteline suspect. Costello accepted that hindsight played its part in that change of interpretation, as well it must.

We suggest that it is difficult, probably impossible, to read Salman Abedi’s name without taking into account what he went on to do.

CTPNW says that the Oliban download was provided to MI5 and MI5 says that it was not. There is no audit trail and this dispute therefore is incapable of resolution.

The central question is: would it have made any difference if, first, the link to Salman Abedi had been made and, second, if the information had been assessed by MI5?

As Friday’s statements made clear, when the full picture is examined, if the link between the 3458 number and Salman Abedi had been made during Oliban it would have made no material difference to the assessment of the risk Salman Abedi presented at that time. That is highly relevant evidence, agreed by both CTPNW and MI5.

As for protecting reputations, it appears to have been forgotten that we have accepted that the 3458 number should, on balance, have been researched. The question has been asked as to why Oliban did not feature...
in the post—attack reviews and therefore in the reviews which followed, Anderson and the ISC. There are two points here. First, the post—attack reviews were for fast—time reviews of what happened. They were to be completed within months and their terms of reference were matters for them. It is clear from the Anderson Report at 3.5 that included in the terms of reference for the post—attack reviews was a request to identify what was known about the attackers and alleged conspirators prior to each attack. At 3.6, the reviews were then to set out what actions were taken in response to that intelligence. Temporary Assistant Chief Constable Scally’s recollection, therefore, of the terms of reference was correct.

Second is the important issue of timing. Anderson referred to seven post—attack reviews and the operational improvement review. Anderson’s report is dated December 2017 and therefore the other reviews had been completed by then. The ISC completed its evidence—gathering process by 4 June 2018, and the ISC report was printed on 22 November of that same year, 2018. It is clear from SIO Barraclough’s main witness statement at paragraphs 501 to 502 and that of Costello at paragraphs 120 to 121 that the link within Oliban was identified as being nothing other than a coincidence.” That was his evidence in that statement. Whether that can rightly be described as a conspiracy theory or not, the matter was fully investigated by Manteline and found to take the investigation nowhere.

The standard of proof is entirely a matter for you, but we suggest that there is little value in concluding that something is a possibility. Many things may be possible, but a finding of such will be of little assistance to those reading your report, we suggest. For example, it has never been suggested that this was a closed conspiracy in which no one other than the two Abedi brothers was involved. Of course it is possible that another or others were knowingly involved, but that is very different to a finding that it is possible that a named person or a group of people were knowingly involved. That is not only of little value, but it may compromise any future criminal trial, the point that you made yesterday.

The prospect of prejudicing a future criminal trial is much reduced today. Potential prejudice is regarded as something which is ordinarily capable of being managed by the trial judge, we fully accept that, but it is not a concern which should be ignored. Prevent. There is a stereotypical view that the police either ignore Prevent or are deeply sceptical of its value. That prejudice has been found to be unjustified. In the course of his evidence, Scally made the following points. CTP recognised the importance of Prevent. It was suggested to Scally that Salman Abedi may not have been referred to Prevent because CTP have little faith in the system. Scally was adamant that such a view was entirely incorrect and this was his evidence: “No, I completely disagree. I view it as safeguarding and as a core part of what we do.”
That sentiment was echoed by Witness J from MIS’s perspective. He noted that he had seen instances in his career where MIS, with the police, had referred individuals to Prevent, and this was his evidence:

“There have been successful outcomes. It is a valuable tool.”

And indeed, there are clear examples in the evidence before you when Prevent was considered and employed.

Scally explained how, in the years preceding the attack, Prevent was a key part of engaging with communities. Prevent engagement officers were based in local boroughs and worked closely with mosques. CTP also took steps to ensure that it shared intelligence with wider community stakeholders. This is epitomised by the Counter-terrorism Local Profiles project, a national initiative which began in 2010. This involves CTP distilling its secret material and information gleaned from Prevent referrals into a product that is briefed to local commanders and senior partners in local authorities.

It was suggested that the threshold for referral to Prevent may be too high and that it was for Prevent itself to make any assessment about vulnerability once a referral is made. However, Scally pointed out that such a distinction between CTP and Prevent is wrong:

Prevent officers are part of CTP. For example, two Prevent officers work within the Intelligence Management Unit and have done so since 2015. On the discussion as to whether Prevent should be used more frequently, we would simply say this: if the threshold is to be lowered and Prevent used significantly more often, then resources and funding must be increased. The present system could not cope with such an increase in numbers.

Ismail Abedi. Submissions were made as to his flight from this jurisdiction last year. The comments were made on the basis of open notes, which made clear that sitting behind them are closed notes. Those who seek to criticise do not have the full picture.

PII. PII has been part of our judicial system for many decades. Yesterday, a distortion of that system was presented. It was suggested that MIS and CT Police have manipulated the system for their own ends to protect their reputations and to defeat justice. That is a distortion because it misrepresents the system.

We do not persist in making applications for PII or restriction orders, we have a legal responsibility to make them. That is the law. What was missing in the criticism yesterday was any recognition that at the centre of this system is judicial oversight. The relevant parties make the applications and the judge or the chair upholds or rejects them.

To suggest that we have manipulated the system for our own ends is nonsensical in both fact and law. The judge or the chair is in control of the entire process, as you have been from the beginning. The law is clear and we are all bound by it. Making such applications is not a matter of convenience, it is a matter of obligation.

We all understand the frustration, but that provides no excuse for suggesting that the system is something which it is not. The strength of this inquiry has been the unparalleled scrutiny of the closed material and your strenuous efforts, sir, to break out as much as possible:

We thank those CPs who have been gracious enough to recognise that Manteline was a thorough and effective investigation, just as on the last occasion we addressed you we thanked those who publicly or privately had recognised the courage of those who had responded on the night.

GMP and CTPNW strive hard to protect the people they serve and it is a matter of the deepest regret that they were not able to prevent this atrocity. At the outset of his oral evidence, Mr Scally expressed his deepest sympathies and respect to the families of those who died and all who were affected by the attack, and it is only right that I echo those sentiments as I address you for the last time in this forum, and those are our submissions, sir, and thank you again for the opportunity.

SIR JOHN SAUNDERS: I’m very grateful for your submissions. I have read your detailed written submissions and I am grateful for the detail that I am provided in that, so thank you very much for that.

MR HORWELL: Thank you, sir.

SIR JOHN SAUNDERS: Perhaps I also ought to say to Greater Manchester Police generally, we have been considerably assisted in what we’ve done by the police, as you’re well aware, and the sort of work which was done and, I hope that I mentioned this before, by Detective Inspector Russell on the CCTV evidence. I think it is remarkable and I have never seen CCTV evidence of that quality before and I’m unlikely to do in the future, so I’m grateful for that. Thank you.

MR HORWELL: Thank you, sir. Those comments are very welcome indeed. Thank you.

SIR JOHN SAUNDERS: Mr Greaney.

MR GREANEY: Sir, that brings to an end the closing
SIR JOHN SAUNDERS: We brought to an end the public hearings on the last occasion, I hope, saying words which were appropriate, we did it because all of those who wanted to be could be in the room together and that was the appropriate time to say the things which were said.

I do not propose to say anything else at this time. We will next meet, all of us, in an open session, I expect, when we deliver volume 2 of the report. That's when we will next be together.

MR GREANEY: Indeed, sir, yes. For now, that brings the hearings, the open hearings, as you say, to a conclusion.

SIR JOHN SAUNDERS: Yes. Thank you. We will continue with the writing of the report in the meantime. Thank you, everybody.

MR GREANEY: Thank you, sir.

(12.24 pm) (The inquiry adjourned)