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Monday, 25 October 2021

1

2 (9.30 am)

3 MR GREANEY: Sir, good morning. The witness in the witness
4 box is Witness J and in a moment I will introduce
5 chapter 14 and explain along the way of that in general
6 terms who Witness J is.

7 But first it's important that I should make plain
8 that on Friday of last week, you made a restriction
9 order relating to the evidence of Witness J. It
10 contains 12 separate paragraphs and is in the following
11 terms.

12 It is ordered, you said, sir, that 1 the name and
13 identifying details of Witness J shall be withheld from
14 all and any disclosure given by the inquiry. 2. The
15 name and identifying details of Witness J shall be
16 withheld from all inquiry personnel save to the extent
17 that the individual concerned holds developed, vetted
18 security clearance and requires the information for the
19 effective discharge of their functions on behalf of the
20 inquiry.

21 3. The pseudonym "Witness J" shall be used to
22 identify the witness for the purposes for the inquiry.

23 4. When Witness J is giving evidence to the inquiry in
24 open session, so that is to say in this session today

25 and tomorrow, no question may be asked which might lead

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1 to his identification.

2 5. When Witness J is giving evidence to the inquiry
3 in open session, he shall be screened in such a manner
4 that he may be seen only by the chairman, counsel to the
5 inquiry, the solicitor to the inquiry, when questioning
6 Witness J, the four lead advocates asking questions on
7 behalf of the families, Mr Atkinson, Mr Cooper,
8 Mr Weatherby and Mr Welch, and counsel for the
9 Secretary of State for the Home Department,
10 Sir James Eadie. Sir, pausing for a moment, that is
11 what has led to this new arrangement in court today.

12 Paragraph 6 of your order, there shall be no live
13 audio or video streaming or live transcription of the
14 evidence Witness J gives to the inquiry in open session,
15 save by way of a sufficiently secure live feed to the
16 specified locations provided by the inquiry for those
17 unable to attend the main hearing room. The usual
18 BlueJeans live feed is not sufficiently secure and
19 will not be used for the evidence of Witness J.

20 7. When Witness J attends the inquiry to give
21 evidence in open session, he shall enter and exit the
22 main hearing room by an appropriate non-public route and

23 the main hearing room shall be cleared and the secure
24 feed switched off whilst he enters and exits. Sir,
25 I can confirm that that was done.

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1 8. During Witness J's evidence, all electronic
2 devices in the main hearing room and any other location
3 to which the evidence is streamed or broadcast shall be
4 turned off save for the devices required for official
5 transcription of Witness J's evidence and the devices
6 required for the inquiry's document management system.
7 Mr Suter made an announcement to that effect just before
8 you came in, sir.

9 9. There shall be no recording of any of
10 Witness J's evidence save for the official inquiry
11 recording for the purposes of transcription. 10. The
12 official transcription will be provided to core
13 participants and the media as soon as possible once
14 approved by the chairman to allow for the press and
15 others to report publicly on the proceedings.

16 Handwritten notes may be taken by those present in the
17 room with a secure live feed. Paragraphs 11 and 12 of
18 your order were appeal notice 11 if any person fails to
19 comply with or act in breach of the terms of this
20 restriction order, the chairman will certify the matter

21 to the appropriate court pursuant to section 36 of the
22 Inquiries Act 2005 and, 12, the High Court and Court of
23 Session have power to imprison or fine for any breach of
24 this order.

25 Sir, that completes my reading of the restriction



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1 order that you made in respect of Witness J's evidence
2 last Friday.

3 Next, as I indicated, it's my intention to give
4 a short introduction to chapter 14.

5 SIR JOHN SAUNDERS: Before you do, I am well aware that some
6 of these arrangements disappoint members of the
7 families, I'm well aware of it and I am sorry. But I am
8 also satisfied that it is the most open way of giving
9 evidence that we can achieve, certainly at present, so
10 I hope you will all bear with us.

11 MR COOPER: We do understand, thank you, sir.

12 SIR JOHN SAUNDERS: I think it is an identical procedure to
13 that adopted at the inquests of London Bridge and
14 Westminster.

15 MR GREANEY: It's materially identical, save during the
16 course of those inquiries the witness couldn't be seen
17 by the advocate or coroner.

18 Today we start chapter 14 of the oral evidence

19 hearing. This chapter addresses the linked questions of
20 whether the arena attack should and should have been
21 prevented by the authorities.

22 SIR JOHN SAUNDERS: Sir James, I notice a degree of
23 consternation at some of the restriction order that was
24 read out. Are you happy with it.

25 SIR JAMES EADIE: It was only to confirm that the reporting

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1 can only happen once you have cleared, as it were, the
2 transcript. I wanted to make sure that everyone
3 understood that, so even if you are allowed to take
4 notes during this part of the hearing, there can be no
5 publication until you have acknowledged and said that
6 there can be publication.

7 SIR JOHN SAUNDERS: There is concern from Mr Gardham at the
8 back about that.

9 MR GARDHAM: Not clearing the transcript, we are quite happy
10 with the arrangement where it's agreed between the
11 parties that our notes can be used rather than the
12 transcript. That was our understanding.

13 SIR JAMES EADIE: It's about the opportunity to say in live
14 time, as it were, or at each break, which is what we did
15 in other inquiries of this kind, there's an opportunity
16 for any slip to be picked up, any difficulty to be

17 picked up, so we'll try and do that as soon as humanly
18 possible, but it does require clearance from you before
19 there can be any reporting even in relation to the notes
20 that can be taken during the live hearing.

21 SIR JOHN SAUNDERS: Mr Gardham, if there's any query about
22 it, I invite you to discuss that with sir James and
23 counsel to the inquiry at the first break.

24 MR GREANEY: Thank you very much. So at regular stages
25 during the day, once there has been appropriate

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1 consideration given to the evidence that has been
2 received, we will indicate, sir, or rather you will
3 indicate whether reporting can then occur.

4 This chapter addresses the linked questions of
5 whether the arena attack could and should have been
6 prevented by the authorities. In order to answer these
7 questions, the inquiry will examine what intelligence or
8 information was or should have been available to the
9 security service and/or counter-terrorism policing about
10 Salman Abedi prior to his plan to carry out the arena
11 attack.

12 We will look at how the intelligence organisation
13 information was assessed, investigated and shared and
14 what steps were taken as a result. We will consider

15 whether what was done was reasonable in all of the
16 circumstances and whether the systems, policies and
17 procedures in place were working as they should have
18 done.

19 We will also look at whether additional intelligence
20 and information could have been made available and
21 whether that might have made a difference to the
22 approach that was taken. In short, therefore, the
23 inquiry will look at whether the authorities missed any
24 opportunity or opportunities to prevent the attack and
25 will seek to make recommendations that might help the

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1 authorities stop anyone doing anything similar in the
2 future.

3 As is known, we'll hear evidence today and moreover
4 tomorrow from Witness J, a senior officer of MI5 and on
5 Wednesday and Thursday we will hear from Dominic Scally
6 current head of north-west Counter-terrorism Policing.
7 Insofar as it is possible to do so in public, this
8 evidence will cover the following topics. The context
9 of the broader terrorism threat in May 2017. The
10 procedures and processes which were in place at that
11 time to investigate and disrupt potential terrorist
12 attacks, including how MI5 and CTP work together and

13 share information.

14 A description of how persons are designated as
15 subjects of interest by MI5. That is to say as one
16 should to be investigated as a possible threat to
17 national security and how and why persons cease being
18 SOIs.

19 How previous or closed SOIs are monitored to see if
20 the investigation into them should be re-opened,
21 including through a process codename Clematis. The
22 Prevent strand of the government's counter-terrorism
23 CONTEST strategy, how it works and how referrals are
24 made. The history of Salman Abedi's past interactions
25 with police and those of his family. What MI5 and CTP

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1 knew about Salman Abedi before the attack and why
2 further steps to investigate him were not taken at the
3 time. And what lessons have been learned by the
4 security service and CTP as a result of the post-attack
5 review process and what changes have been implemented in
6 response.

7 Everyone should understand that what Witness J and
8 DCS Scally are able to say in this open hearing is
9 constrained by the requirements of national security.
10 The parts of their evidence which would damage national

11 security if they were to be given publicly are the
12 subject sir of your restriction order. It is important
13 that we should say that that does not mean that the
14 authorities are able on the basis of inconvenience or
15 embarrassment to conceal things from public view because
16 this inquiry would not allow that to occur.

17 What it means is that witnesses are not permitted to
18 reveal anything sensitive about the techniques,
19 procedures or processes that are used in the fight
20 against terrorism because if such matters were made
21 public, it would enable terrorists to modify their
22 behaviour and avoid detection. So it would give rise to
23 the risk that attacks that might otherwise be detected
24 would in fact occur.

25 For similar reasons, the witnesses are not permitted

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1 to reveal sensitive information about ongoing
2 investigations or those who are or were subjects of
3 interest. Again that would enable the terrorists to
4 modify their behaviour and would give rise to the risk
5 of more or more deadly attacks.

6 Witness J and DCS Scally have worked with colleagues
7 to ensure that as much as they consider can be open
8 without compromising national security will be given in

9 open this week. Your team, the inquiry legal team, sir,
10 has been part of that process and has had access not
11 only to the reviews to which we'll turn but also to the
12 underlying material and furthermore many, many questions
13 that we have asked have been answered.

14 But notwithstanding that the inquiry legal team
15 considers that what brings us to this week of evidence
16 has been a careful process and one that has been marked
17 by cooperation with the inquiry by MI5 and by CTP, it is
18 only right, as we are certain everyone will agree, that
19 in a free and democratic society the evidence the
20 authorities consider can be given in open should be
21 scrutinised. Important that that evidence should be
22 scrutinised.

23 That scrutiny will happen in two ways. First, core
24 participants will be able to question both witnesses in
25 accordance with the inquiry's Rule 10 procedure and



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1 that, may we say, certainly does not happen at every
2 inquiry. We know that the questions of core
3 participants will be responsible, however from time to
4 time it is inevitable that each witness will answer
5 a question in this way: I cannot answer that question
6 for national security reasons.

7 Usually, that answer will be the result of very
8 close consideration as a result of anticipation that the
9 question will be asked. And if so, that will be an end
10 of it in open, although not of course in closed.
11 Sometimes, however, the witness will wish to consult
12 with colleagues in order to see whether more can be said
13 in open. Furthermore, from time to time, each witness
14 may say that he can neither confirm nor deny
15 a proposition that is put to him. It is a well
16 recognised policy, as most know, to respond to certain
17 questions such as whether a particular person is or was
18 a subject of interest in this way and NCMD is a code
19 that means neither yes or no.

20 The second way in which the process of the evidence
21 will be scrutinised is there that will be, as everyone
22 is aware, a closed hearing. The purpose of that hearing
23 is to ensure that the material which the security
24 service and CTP have concluded cannot be considered in
25 public is scrutinised by the inquiry. as we have said



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1 and said repeatedly two things will undoubtedly happen
2 at that closed hearing which will start next Monday.

3 1. The conduct of the security service and CTP will
4 be the subject of intense scrutiny. 2. We the inquiry

5 legal team will be considering closely whether anything
6 can be broken out from closed into open because this
7 inquiry is committed to the maximum transparency
8 consistent with not creating the very outcome that
9 everyone in this room is determined to avoid, namely
10 more or more deadly attacks by terrorists.

11 Sir, before turning briefly to identify some of the
12 key facts and issues that we'll be exploring in chapter
13 14, it is relevant to say something about a number of
14 reviews that have occurred already. Whether terrorists
15 attacks can be prevented is of course of strong interest
16 to the authorities themselves. Efforts have already
17 been made to understand whether there is anything to be
18 learned from the attack in Manchester, which could
19 strengthen and improve the work of the security service,
20 CTP and other authorities in the future.

21 The Intelligence and Security Committee of
22 Parliament published a report entitled "the 2017 attacks
23 what needs to change", in November 2018 to I with the
24 government responded in January 2019. To which.

25 The security service and CTP also conducted their



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1 own internal reviews known, as we have said, as the
2 post-attack reviews or PARs. These reviews were

3 overseen by David Anderson QC now Baron Anderson of
4 Ipswich who was the independent reviewer of terrorism
5 legislation between 2011 and 2017. He published
6 a report setting out his own assessment of the
7 post-attack reviews in December 2017. He concluded that
8 it is conceivable that the Manchester Arena attack might
9 have been averted "had the cards fallen differently".

10 Although he emphasised that there is a high degree
11 of inherent uncertainty in speculating as to what might
12 or might not have been discovered had MI5 and CTP
13 investigated Salman Abedi in early 2017.

14 Sir, we know that the inquiry will have regard to
15 the findings and conclusions of all of these previous
16 pieces of work. But we wish to emphasise that the
17 inquiry will conduct its own independent investigation,
18 taking into account all the information that is
19 available to it now. The inquiry will make its own
20 findings as a result of the careful process that's
21 undertaken and will be bound by no one.

22 We will turn next to set out a number of key facts
23 on the issues of preventability that we will be
24 investigating. We'll hear from Witness J and DCS Scally
25 about how Salman Abedi was known to MI5 and CTP prior to



1 the attack and indeed was due to be considered for
2 further investigation when the attack took place.

3 We'll hear, we anticipate, how information about
4 Salman Abedi was first passed to the security service by
5 North-west Counter-terrorism Unit, as it was then
6 called, in December 2010, because his details were
7 linked to another subject of interest. It was assessed
8 that there was nothing suspicious at that time and so
9 there was no further investigation. However, on
10 18 March 2014, Salman Abedi was designated as an SOI and
11 began to be investigated by MI5.

12 That was because he was a frequent contact of
13 another SOI, SOI A, as that person will be known, that
14 person thought to be involved in planning travel to
15 Syria for extremist purposes and it was thought he,
16 Salman Abedi, might be an unidentified individual
17 engaged in suspicious activity with SOI A, although
18 in the result it was established he was not that person.

19 That investigation ceased on 21 July 2014 as
20 Salman Abedi was assessed not to be a national security
21 risk. Salman Abedi was identified as having met with or
22 been in telephone contact with two other SOIs in 2015,
23 SOI B and SOI C. He was also identified as a second
24 level contact, that's to say a contact of a contact, of
25 SOIs in 2016 and 2017.



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1 On two occasions between 2011 and 2016 MI5 and CTP
2 made checks due to information received about
3 Salman Abedi's travel overseas as there were concerns he
4 may be travelling to Syria. However, it was determined
5 that he had in fact gone to Europe on the first occasion
6 and Libya on the second so it was assessed there was
7 nothing to indicate that he posed a risk at that time.

8 MI5 also held information that indicated
9 Salman Abedi had visited a known extremist in prison on
10 more than one occasion. But after further information
11 was sought, it was assessed that this did not justify
12 re-opening Abedi as an SOI, probably of most interest
13 and importance is we'll hear how on two separate
14 occasions in the months prior to the attack MI5 received
15 intelligence about Salman Abedi, the significance of
16 which was not fully appreciated at the time but which in
17 retrospect to the planned attack.

18 We'll also hear that on 3 March 2017, Salman Abedi
19 was one of 685 closed SOIs who hit a priority indicator
20 under the Clematis process. Following triage on
21 1 May 2017, Salman Abedi was assessed as meeting the
22 threshold to be considered for further investigation.
23 He was due to be considered for referral at a meeting
24 that was scheduled for 31 May 2017 but tragically, this
25 was overtaken by the events of 22 May.



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1 Sir, it is not possible to describe the additional
2 evidence to be heard in the closed hearing in any detail
3 for reasons that are obvious. However, we will explore
4 the evidence given by Witness J and DCS Scally as
5 corporate witnesses fully, including the information
6 contained in the underlying documentation. We'll also
7 hear factual evidence from those in MI5 and CTP who were
8 directly involved in the relevant decision-making.
9 Moreover, the inquiry will additionally hear expert
10 evidence about whether the assessments and decisions
11 made by MI5 and CTP were reasonable given what was known
12 at the time, whether those would have been different had
13 other information been available, and what actions would
14 have been taken had different assessments or decisions
15 been made.

16 That evidence will necessarily need to be given in
17 closed.

18 The issues for consideration by the inquiry, both in
19 open and closed, in relation to preventability therefore
20 seem to be inquiry legal team to be as follows.

21 A. Why the decision was taken to close Salman Abedi
22 as an SOI in July 2014 and whether that decision was
23 reasonable given the information available. B. Why

24 Salman Abedi was not re-opened as an SOI
25 after October 2015 and whether that was reasonable given

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1 the information available. C. Whether there was other
2 information or intelligence which could or should have
3 been made available to MI5 or CTP that would have led to
4 Salman Abedi being re-opened as an SOI. D. Whether any
5 further disruptive action would or should have been
6 taken in relation to Salman Abedi if a different
7 assessment had been made, in particular whether
8 Salman Abedi should have been referred to the Prevent
9 programme at any stage and what difference this might
10 have made and whether travel monitoring and travel
11 restriction capabilities should have been utilised
12 in relation to Salman Abedi in 2017.

13 E. Whether Salman Abedi's visits to a known
14 extremist prisoner should have led to any further
15 investigation. F. Why the intelligence received on
16 those two occasions in the months prior to the attack
17 was not assessed as being more significant at the time.
18 G. What other actions could have been taken in response
19 to that intelligence and whether it could have stopped
20 the attack.

21 Sir, first, we'll hear evidence from Witness J. As

22 is obvious to everyone, as a result of what they can see
23 and as a result of the restriction order I read out
24 earlier, the circumstances in which he gives his
25 evidence will be highly circumscribed. That is the

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1 result of the restriction order, sir, that you made,
2 which in turn is the result of a careful analysis of the
3 risks to which Witness J would be put if he were to give
4 evidence completely in open and visible to the public.

5 In short, the risks to Witness J would be at the
6 upper end of the Article 2 spectrum if he were to give
7 evidence in any other way. Having said all of that, and
8 unless there is anything else you would wish to be dealt
9 with at this stage, I am going to ask that Witness J,
10 who has been kind enough to be seated patiently as
11 I have read out that introduction be sworn.

12 SIR JOHN SAUNDERS: We will certainly be considering whether
13 at any stage Salman Abedi should have been referred to
14 Prevent. At the moment, I am not inclined to be looking
15 into whether it would have made a difference because
16 that seems to me to be entirely speculative and would be
17 quite difficult to do. But for my purpose, I am at the
18 moment prepared to assume it being a government policy
19 that people should be referred to Prevent, that it may

20 at least possibly have made a difference. But I will
21 hear argument about that later. At the moment I regard
22 it as rather speculative to know whether it could have
23 made a difference.

24 MR GREANEY: Point taken, sir.

25 MR COOPER: The concerns that Mr Greaney has emphasised, the

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1 protections that need to be offered, are obviously
2 endorsed by the families, they want to do nothing to
3 prejudice any steps taken to protect this country and
4 will adhere to those guidelines.

5 SIR JOHN SAUNDERS: Thank you. Can I say I am well aware of
6 that, but I am also well aware that when people have
7 suffered the sort of losses that they have suffered
8 don't get to hear everything it of course creates
9 frustration, which I know the legal teams will help to
10 explain why it is necessary. Thank you for that,
11 Mr Cooper.

12 MR GREANEY: Thank you, Mr Cooper.

13 So could I ask, please, that Witness J be sworn.

14 Witness J has stood.

15 Witness J (sworn)

16 Questions from MR GREANEY

17 MR GREANEY: Are you the witness who will be known as

18 Witness J during the course of these proceedings?
19 A. Yes, I am.
20 Q. Have you been employed by MI5 for a period of now nearly
21 30 years?
22 A. Yes, I have.
23 Q. During that period have you held a number of different
24 roles?
25 A. Yes, I have.

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1 Q. Including being the director of a number of branches of
2 MI5, spanning operational policy and work of analysis?
3 A. Yes.
4 Q. Prior to those managerial roles, did you have
5 considerable operational experience?
6 A. Yes, I did.
7 Q. At the time that you made your own witness statement
8 in May of 2020, were you the acting director-general of
9 strategy for MI5?
10 A. Yes.
11 Q. In that capacity were you one of three director-generals
12 working to support the overall director-general?
13 A. Yes.
14 Q. Since May 2020, have you moved roles?
15 A. Yes.

16 Q. What is your current role, please?

17 A. I'm shortly to be director in the counter-terrorism
18 business.

19 Q. I'm just going, before we carry on, to check that
20 everyone is able to hear Witness J. There are no
21 indications that anyone cannot.

22 SIR JOHN SAUNDERS: I understand there was an indication
23 from somebody.

24 MR GREANEY: I think Witness J is going to move closer to
25 the microphone. Any problems, please raise a hand.

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1 SIR JOHN SAUNDERS: Can I assure everyone that I can see
2 Witness J and so can Mr Greaney.

3 MR GREANEY: So can we confirm before we go any further that
4 you had no involvement in any of the pre-attack
5 investigations into Salman Abedi?

6 A. That's correct.

7 Q. And that you had no involvement in the chain of command
8 for those investigations?

9 A. That's right.

10 Q. In a moment we are going to be referring to a witness,
11 Witness X. Can you confirm that as is the position with
12 you, Witness X had no involvement in any of the
13 pre-attack investigations into Abedi?

14 A. That's right.

15 Q. And no involvement in the chain of command for those

16 investigations?

17 A. That's right.

18 Q. In summary is it your role today and tomorrow to give

19 evidence as a representative of MI5?

20 A. It is.

21 Q. To deal with matters of context?

22 A. Yes.

23 Q. And to explain MI5's knowledge of and investigations

24 into Salman Abedi in the period before 22 May 2017?

25 A. Yes.

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1 Q. I can see that, entirely properly, you have some

2 documentation in the witness box. We'll confirm what

3 that is. Do you have the witness statement of Witness X

4 dated 15 July 2019?

5 A. Yes.

6 Q. The exhibits to the witness statement of Witness X?

7 A. Yes.

8 Q. Your own short witness statement of 29 May 2020 in which

9 you adopt Witness X's statement?

10 A. Yes.

11 Q. And you also have one other document, I believe, which

12 is a list of names of those individuals whom you can
13 openly identify as being involved in terrorist activity?

14 A. That's right.

15 Q. That's just to avoid any delays in which you seek
16 information about whether you can or cannot identify
17 particular persons.

18 A. Yes.

19 Q. I believe that usually you will be able to identify
20 a person as having been involved in terrorist related
21 activity where they are either convicted of such an
22 offence?

23 A. Yes.

24 Q. Or have been convicted?

25 A. That's right.

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1 Q. Let's deal next with something I --

2 SIR JOHN SAUNDERS: Sorry, I think you'll have to explain
3 that question. It was being convicted of an offence or
4 convicted.

5 MR GREANEY: Are you able to explain that?

6 A. Yes. It's just a list of the individuals who may be
7 referred to in questions, in this inquiry, that I am
8 able to describe any of them who have had some form of
9 terrorist convictions so that I can talk about them in

10 this court.

11 Q. So to explain that in a little further detail, you

12 anticipate that not during my questions, which will be

13 limited to the four corners of your witness statement,

14 you anticipate you'll be asked questions based upon open

15 source material during the questions of core

16 participants, is that correct?

17 A. That's right.

18 Q. And the names of certain individuals will be put to you?

19 A. Yes.

20 Q. You obviously are aware of certain individuals on the

21 basis of material that's in the public domain, but

22 necessarily given your role you are aware of the names

23 of other individuals with those names not being in the

24 public domain?

25 A. That's right.



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1 Q. The list that you have in front of you is just an

2 aide-memoire for you that identifies those that you can

3 publicly name without causing any damage to ongoing

4 investigations or otherwise to national security?

5 A. That's right.

6 Q. Have I accurately summarised the position?

7 A. Yes, you have.

8 Q. I was next going to deal with the limits of your
9 evidence, something I touched upon in my introduction.
10 At the risk of stating the blindingly obvious, in giving
11 your evidence do you have in mind the importance of not
12 damaging national security?

13 A. I do.

14 Q. And as a result, do you anticipate that it will be
15 necessary for you to answer some questions by saying
16 that you cannot answer for a national security reason?

17 A. Yes.

18 Q. Will that generally be as the result of anticipating the
19 questions that are coming?

20 A. Yes.

21 Q. And therefore having given consideration to what is the
22 most that can be said in open?

23 A. Yes. Careful consideration of that.

24 Q. But I think you are aware or you anticipate that there
25 may be some occasions upon which you think to yourself



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1 that there may be value in further consultation with
2 your colleagues to see if more can be said in open?

3 A. That's right.

4 Q. And if that's the position will you say so?

5 A. Yes, I will.

6 Q. Is there a possibility that you will answer some
7 questions by saying that you can neither confirm nor
8 deny propositions put to you?
9 A. Yes.
10 Q. And is that a code that should not be understood as
11 meaning either yes or no?
12 A. Yes.
13 Q. Next, just dealing with what might be described as
14 procedural issues before we get into the substance of
15 your evidence, you are going to be giving evidence
16 principally by reference to the witness statement of X
17 dated 15 July 2019?
18 A. Yes.
19 Q. INQ022846. Is it the position that Witness X was unable
20 to give the corporate evidence that you are giving due
21 to scheduling and operational issues?
22 A. That's right.
23 Q. As a result, you have stepped into that breach and
24 adopted the evidence of Witness X by your statement
25 dated 29 May 2020.



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1 A. Yes.
2 Q. INQ032867. Are you able to confirm that notwithstanding
3 much underlying material will not be referred to by you

4 in your evidence the inquiry legal team has been given
5 access to all underlying material?

6 A. Yes, I can confirm that.

7 Q. And that many questions and requests for additional
8 information and documentation by the inquiry legal team
9 have been answered or responded to?

10 A. Yes, that's right.

11 Q. That takes us therefore to the statement of Witness X.
12 As we go through the statement I will identify where
13 we are, I am not going to deal with every single
14 paragraph, some paragraphs we will deal with more
15 swiftly than others so as to ensure I finish within the
16 time allocated to me.

17 Paragraph 6, page 2 of the statement. In deciding
18 what matters should be addressed in the statement of
19 Witness X, what did Witness X and MI5 in particular have
20 regard to?

21 A. My aim was to be as transparent as possible in this
22 statement and I had to give careful and detailed
23 consideration in adopting this statement as to what
24 I could address in open evidence.

25 Q. Did you have and X have available a list of issues that



2 A. Yes. This was prepared following review by the legal
3 team of the closed disclosure made by MI5 GCHQ and SIS.
4 Q. And what the statement that was prepared, prepared not
5 just by X on the basis of his researches but as the
6 result of consultation by X and later you with several
7 colleagues within MI5?
8 A. Yes, that's right.
9 Q. Those being colleagues with particular expertise in the
10 operations of MI5?
11 A. That's right.
12 Q. And was there also consultation with others within the
13 UK intelligence community?
14 A. Yes, there was.
15 Q. You said that your aim, and X's aim, was to be as
16 transparent as possible. In expressing that view have
17 you had to have regard to a number of competing public
18 interests?
19 A. Yes, I have.
20 Q. You address those in paragraph 7. What are the
21 competing public interests to which regard has been had?
22 A. There's a strong public interest in it being generally
23 known what powers may lawfully be used by the
24 authorities such as MI5 and the extent to which such use
25 is liable to impinge on people's rights and freedoms.

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1 Equally there's a strong public interest in transparency
2 in legal proceedings such as these.

3 Q. Obviously there's also a strong public interest as
4 Mr Cooper just identified, in preventing terrorist
5 attacks?

6 A. That's right.

7 Q. In the preparation of the statement did MI5 seek to
8 achieve a balance between those particular interests?

9 A. Yes. We looked extremely carefully at trying to strike
10 that balance so that we were able to address those
11 issues.

12 Q. In the witness statement X drew attention to particular
13 statistics relating to the need to protect the public.
14 He stated as of July 2019:

15 "The reality of the situation is clear from these
16 headline facts. 1 the four Islamist extremist attacks
17 that tragically took place in 2017, one of course being
18 the Manchester attack. 2. 14 the major Islamist
19 terrorist plots which had been disrupted
20 since March 2017 and 3, MI5 is currently running
21 approximately 600 live investigations into Islamist
22 terrorism."

23 Obviously that was the position in 2019. Has the
24 position materially changed since then?

25 A. It's not changed that significantly. The



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1 director-general recently described the fact that over
2 the past 4 years we and CTP policing and other partners
3 had disrupted 31 late stage terrorist attacks over the
4 past 4 years. We are running approximately the same
5 number of live investigations in 2021 as we were in
6 2019.

7 Q. So the very real public interest in preventing attacks
8 is very much in existence?

9 A. That's right.

10 Q. Over the page, paragraph 9. An important issue that
11 needs to be understood is dealt with. A number of
12 difficulties arise where detail is put into the public
13 domain which relates to how MI5's capabilities have been
14 used both generally and in specific operations; is that
15 correct?

16 A. That's right.

17 Q. Why is that so?

18 A. I think the core challenge we have in terms of what we
19 put into the public domain is that the more that we are
20 describing how we operate against terrorists, the easier
21 it is for them to hide their activities from us, and
22 clearly as an organisation seeking to protect the public
23 working alongside the police, we want to do our absolute
24 best to disrupt terrorist activities without giving them

25 opportunities to understand how we work against them.

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- 1 Q. In the report of the intelligence and security
2 committee, examples of categories of information that
3 would or might be withheld for that reason are
4 identified. Is that correct?
- 5 A. That's right.
- 6 Q. Without confirming whether they are or are not relevant
7 in this particular case, can we identify what those are?
8 First of all, material that relates to a member of the
9 public providing the intelligence community with
10 intelligence; is that right?
- 11 A. That's right.
- 12 Q. Is such a person known within MI5 as an agent?
- 13 A. That's correct, yes.
- 14 Q. If there were to be public disclosure of the use of an
15 agent, what might be the outcome?
- 16 A. In those circumstances it's possible that it could
17 endanger the agent's life and at the same time also make
18 it less likely that members of the public would come
19 forward to act as agents.
- 20 Q. The second category of information that might be
21 withheld, sensitive intelligence collection
22 capabilities?

23 A. That's right.
24 Q. About which we should probably say no more. C.
25 Intelligence gained from intercepted communications?

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1 A. That's right.
2 Q. D. Material that relates to how MI5 conducts
3 operations?
4 A. Yes.
5 Q. So revealing the techniques that are used would enable
6 the individuals who are the targets to change their
7 behaviour in order to avoid detection?
8 A. That's right.
9 Q. And E. Intelligence provided by overseas agencies?
10 A. Yes.
11 Q. For what reason might such information be withheld?
12 A. So we have trusted relationships with overseas agencies
13 across the world to disclose that or the intelligence
14 from it would breach the terms of that contract under
15 which it was provided.
16 Q. And might or indeed is it likely would that result in
17 the UK no longer being a trusted partner?
18 A. Yes it would.
19 Q. And would that have an impact upon the preparedness of
20 agencies overseas to supply information to MI5?

21 A. Yes.
22 Q. So I believe it's the position that the list that
23 we have just provided is not an exhaustive list of the
24 issues that may jeopardise national security if
25 published?

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1 A. That's right.
2 Q. But does serve to illustrate why there is a limit to
3 what safely you are able to address in open?
4 A. Yes.
5 Q. Next I want to deal, please, with the other reviews to
6 which I referred in my introduction that have been
7 conducted after the Manchester Arena attack. First,
8 following the attack was something called the
9 post-attack review prepared?
10 A. Yes, it was.
11 Q. Both by MI5 and by Counter-terrorism Policing?
12 A. Yes.
13 Q. Were you personally involved in the post attack review
14 of MI5?
15 A. No, I wasn't.
16 Q. But are you aware whether X was or was not involved?
17 A. Yes, X was involved.
18 Q. Did X have a significant role in the preparation of the

19 post-attack review?

20 A. Yes, X was responsible for leading the team which
21 conducted the post attack review.

22 Q. What was the purpose of the Manchester post-attack
23 review?

24 A. There were three purposes. Firstly to identify what was
25 known about Salman Abedi and his alleged co-conspirator

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1 Hashem Abedi prior to the attack. Second to review
2 assessments and decisions made prior to the attack
3 in relation to any intelligence held on Salman Abedi and
4 Hashem Abedi. And thirdly to identify learning points
5 arising out of this case.

6 Q. So when we talk about the post-attack review, that's
7 what we're speaking of?

8 A. Yes.

9 Q. Secondly, following the Westminster and Manchester
10 attacks in March and May 2017, was consideration given
11 to an examination of joint working between MI5 and the
12 police?

13 A. Yes.

14 Q. What was the result of that consideration?

15 A. Well, it was part of a piece of work called the
16 operational improvement review that was commissioned

17 after Westminster and Manchester to look at improvements
18 in processes and capabilities for managing terrorism
19 investigations.

20 Q. Am I correct in my understanding that after those two
21 attacks, the director-general of MI5 and the
22 Commissioner of the Metropolitan Police commissioned
23 a joint review to identify and take forward improvements
24 in processes and capabilities for managing terrorism
25 investigations?

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1 A. That's correct.

2 Q. That led to what you have just described as the
3 operational improvement review?

4 A. Yes.

5 Q. Top of page 5. What were the aims of the operation
6 improvement review?

7 A. This was a broader piece of work with two aims, firstly
8 to further improve operational effectiveness, building
9 on the strong counter-terrorism machinery that has been
10 built in the UK over a decade and then secondly to
11 provide MI5 and CTP policing's input on this issue into
12 any wider reviews of the UK's counter-terrorism and
13 counter extremism systems.

14 Q. Thirdly, was David Anderson QC also commissioned to do

15 a piece of work?

16 A. Yes, he was.

17 Q. Are you able to summarise in a few sentences what that
18 piece of work was?

19 A. He was appointed by the Home Secretary to provide
20 independent assurance to the various reviews that we've
21 just talked about, including post-attack review and the
22 operational improvement review. And his role was to
23 assess the reviews in order to assure the Home Secretary
24 and the National Security Council that all the relevant
25 questions had been addressed and appropriate conclusions

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1 drawn.

2 Q. I've no doubt that you will be asked questions,
3 including by me, about Lord Anderson's open report. But
4 the statement of X draws attention to the fact that at
5 paragraph 1.14, Lord Anderson described the combination
6 of the post-attack reviews and the operational review as
7 "one of the most detailed examinations ever conducted of
8 the UK's counter-terrorism machine and its operation".

9 A. Yes.

10 Q. And in light of your experience, is that a view that you
11 agree or disagree with?

12 A. I agree with that.

13 Q. Fourthly and still dealing with reviews, did the
14 Intelligence and Security Committee of Parliament also
15 undertake its own independent review?

16 A. Yes, it did.

17 Q. What is your understanding of what the purpose of their
18 review was?

19 A. The ISC sought to establish whether mistakes were made
20 and so ensure all the changes and improvements required
21 had been identified. (and to).

22 Q. And when one looks at those four reviews overall, I am
23 now at paragraph 20, what would you describe the overall
24 approach of MI5 to the attack at Manchester and
25 elsewhere as having been?

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1 A. I think as an organisation, following Manchester attack
2 and the other attacks in 2017, we used these reviews to
3 find out as much as we could about what we had done and
4 how we had operated and then using the harsh light of
5 hindsight, as my director-general says, squeeze every
6 last drop of learning from it so we can be as good as
7 we can in the future, so this is about searching to
8 identify lessons learned from all of these events.

9 Q. Obviously this inquiry is a further review starting
10 today into the issue of preventability and that may lead

11 to further recommendations for MI5 and Counter-terrorism
12 Policing, is that something you recognise?
13 A. Yes. It's something that we welcome so that we may
14 continue to improve our system together.
15 Q. Next topic, page 6. What is described as threat
16 context. The inquiry already knows that assessments of
17 the level and nature of the threat from international
18 terrorism are made by JTAC, the Joint Terrorism Analysis
19 Centre. Is that correct?
20 A. That's correct yes.
21 Q. Does JTAC issue a threat level?
22 A. Yes, it does.
23 Q. What does that threat level represent in real terms?
24 A. Threat levels are designed to give a broad indication of
25 the likelihood of a terrorist attack.

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1 Q. Are they based on the assessment of a range of factors?
2 A. Yes, they are, they are based on current intelligence,
3 recent events and what is known about terrorist
4 intentions and capabilities.
5 Q. Is it recognised within the intelligence community that
6 the information may well be incomplete?
7 A. Yes.
8 Q. And is it the position therefore that decisions about

9 appropriate security response should be made with that
10 fact well in mind?

11 A. Yes, that's right.

12 Q. Is the JTAC threat level intended to be used only within
13 the intelligence community or more broadly?

14 A. The threat levels are designed to be used across
15 government, not just in the intelligence community but
16 also as a tool for security practitioners working across
17 different sectors of what we call the critical national
18 infrastructure and the police to use in determining what
19 protective security response may be required.

20 Q. The inquiry is aware already that there are different
21 threat levels which inform the decisions that you have
22 just spoken about. We'll identify what those are.
23 First, low.

24 A. Yes.

25 Q. Meaning what?



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1 A. A attack an unlikely.

2 Q. Next, moderate.

3 A. Which means that an attack is possible but not likely.

4 Q. Then substantial?

5 A. Which means an attack is a strong possibility.

6 Q. Severe?

- 7 A. Meaning that an attack is highly likely.
- 8 Q. And finally, critical.
- 9 A. Which means an attack is expected imminently.
- 10 Q. In terms of the recent history of threat levels, can you
- 11 confirm that on 29 August 2014, the risk was raised from
- 12 substantial to severe?
- 13 A. Yes, the threat level changed at that point.
- 14 Q. And as of 22 May, as we well know, the threat level was
- 15 severe?
- 16 A. Yes.
- 17 Q. Was the threat level raised to critical the day after
- 18 the arena attack, 23 May?
- 19 A. Yes.
- 20 Q. Reduced from critical to severe on 27 May?
- 21 A. Yes.
- 22 Q. Raised again to critical on 15 September 2017 as
- 23 a result of the Parsons Green bombing?
- 24 A. Yes.
- 25 Q. And then reduced again to severe on 17 September 2017?



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- 1 A. Yes.
- 2 Q. Over the page, page 17. In the two years prior to the
- 3 Manchester Arena attack, what was the profile of
- 4 terrorism around Europe like?

5 A. We had started to see a significant increase in the
6 threat, as you described, the threat level going up in
7 2014, in large part because of the increase in the
8 activities and development of Islamic State and we saw
9 a number of fatal terrorist attacks in Europe in 2015
10 and 16, including attacks in Paris, Brussels, Nice and
11 Berlin.

12 Q. So there was, would it be fair to say, a very troubling
13 picture around Europe over those years from 2014?

14 A. That's correct, yes.

15 Q. We had just to identify some terrible milestones, on
16 24 May 2014 the Brussels Jewish museum attack.

17 A. I don't have the dates in front of me.

18 Q. Maybe take these from me.

19 A. Yes.

20 Q. I should have alerted you to the fact I was going to
21 identify these. They're dealt with in general terms in
22 the report. Then a little later in 2014 the declaration
23 of the caliphate by Islamic State?

24 A. Yes.

25 Q. 29 June which is the rising problems of Islamic State



3 A. Yes.

4 Q. On 7 January 2015, the Charlie Hebdo attack?

5 A. Yes.

6 Q. In November 15, the multi-site attacks in Paris?

7 A. Yes.

8 Q. On 14 July 16, the attack in Nice in which a lorry was
9 utilised to kill many, many people?

10 A. Yes.

11 Q. And then of course a few months before the Manchester
12 attack on 22 March 2017 the attack in Westminster.

13 A. Yes.

14 Q. During that period of time, as the Islamic State and its
15 activities became increasingly prominent, was MI5
16 disrupting Islamic terrorist plots?

17 A. Yes, we were. Alongside the police when the statement
18 was written we had disrupted 27 major Islamist terrorist
19 plots since May 2013.

20 Q. I believe it is the position that MI5 wasn't just having
21 to deal with violent extremist Islamist terrorist plots
22 but also right and left wing terrorist plots?

23 A. Yes, in addition to those there were five right and left
24 wing terrorist plots disrupted since March 2017.

25 Q. Within MI5 is the concept of the pace of a threat



1 recognised?

2 A. Yes, it is.

3 Q. In the years leading up to 2017, what was the pace of
4 threat?

5 A. I think we saw in the years leading up to 2017 a pace of
6 threat that MI5 had not experienced before and then we
7 saw another step change during 2017.

8 Q. The way in which it is put in the statement,
9 paragraph 27, is:

10 "The scale was unprecedented in terms of the number
11 of current investigations and number of subjects of
12 interest."

13 A. That's right, yes.

14 Q. At that stage, we're told MI5 was running about 500
15 investigations into individuals or groups associated
16 with Islamist terrorism?

17 A. Yes.

18 Q. At the time of the arena attack MI5 had around 3,000
19 active SOIs on its radar?

20 A. Yes.

21 Q. And was that on top of a larger pool of closed SOIs?

22 A. Yes, there were approximately at that time 20,000 closed
23 SOIs.

24 Q. At the time of the arena attack, was there a particular
25 threat that was regarded as significant?



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1 A. Yes. A significant threat for MI5 to address was posed
2 by UK based individuals of national security concern who
3 were thought to have travelled to Syria, Iraq and the
4 surrounding region.

5 Q. Were there assessed at that stage to be more than 850
6 such individuals?

7 A. Yes, that's right.

8 Q. Were some of those believed to have returned to the
9 United Kingdom?

10 A. Yes.

11 Q. Approximately how many?

12 A. Somewhere around half of those 850 had, we believed,
13 come back to the UK.

14 Q. Was effort and resource required from MI5 to mitigate
15 that threat?

16 A. Yes, significant effort and resource was required to
17 deal with those 850, wherever they should located.

18 SIR JOHN SAUNDERS: It is because not necessarily
19 straightforward, is it, because the returning people may
20 maintain, I have now seen what the Islamic State is like
21 and I want nothing to do with it at all, and others you
22 would consider were here to come out and carry out
23 terrorist attacks. But determining to which group they
24 come is perhaps quite a difficult thing to do?

25 A. Yes, it was very difficult seeing that number of

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- 1 individuals travelling to Syria and Iraq at the time.
2 Generally speaking, travelling to Syria at that time,
3 significant number of those individuals were either
4 engaging with Islamic State or seeking to join them and
5 then coming back, as you say, determining how many of
6 those individuals were then going to continue to engage
7 with Islamic State was difficult to ascertain
8 particularly because it was sometimes quite difficult to
9 know what they'd been doing while they were overseas.
- 10 MR GREANEY: So over those years, 3, 4, 5 years before the
11 arena attack, we have this unprecedented increase in the
12 pace of the threat, we have the specific issue with
13 having to deal with those who were going to Syria and
14 then coming back. What was the impact of that upon
15 casework within MI5?
- 16 A. It led to a significant increase in high risk casework
17 involving individuals who had received terrorist
18 training or were attempting to procure the means to
19 carry out an attack.
- 20 Q. Is high risk casework by its very nature work requiring
21 more resource intensive monitoring than lower risk
22 casework?
- 23 A. Yes, that's right.

24 Q. So in simple terms, did the burden upon MI5 increase
25 substantially?

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1 A. It did.

2 Q. And as you will appreciate, it's important I should ask
3 this question if you need time to consider the answer
4 tell me. Was MI5 able to cope with that increase in its
5 burden?

6 A. Yes, we were. We were under pressure, as were other
7 agencies particularly the police and other partners,
8 because it was a pace and scale that I hadn't seen in my
9 career and that MI5 hadn't seen more broadly. But we
10 had to make our decisions about priorities at that time
11 in order to make sure we were absolutely getting on to
12 the most concerning threats.

13 Q. This concept of priorities is one that we'll turn to.
14 But in short, the answer to my question is yes, at that
15 time, MI5 was coping, notwithstanding the increase in
16 its burden?

17 A. Yes.

18 Q. Next, I want to focus in this threat context more
19 specifically to Manchester, so I'm now at page 8 of your
20 statement or X's statement, paragraph 31.

21 Is the inquiry correct in MI5's judgement to

22 understand that both Salman Abedi and Hashem Abedi spent
23 much of their formative years in Manchester?

24 A. Yes.

25 Q. In 2010 did JTAC conduct a regional assessment of



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1 Manchester?

2 A. Yes, it did.

3 Q. In summary terms what did JTAC conclude?

4 A. The assessment examined the Islamist extremist and
5 terrorist threat in the area and noted that there were
6 indications of high level of discontentment within some
7 Muslims across the city, which can influence an area's
8 susceptibility to extremism.

9 Q. In short there was identified to be an issue in
10 Manchester with Islamist extremism?

11 A. Yes.

12 Q. And did the JTAC report discuss how radicalisation
13 within the Libyan community of Manchester might be
14 influenced by the elder generations' historical links to
15 extremist group such as the LIFG, the Libyan Islamic
16 Fighting Group?

17 A. Yes.

18 Q. What did the report note in this regard?

19 A. The report noted how this could lead to the exposure of

20 Libya linked individuals to extremist viewpoints during
21 young adulthood, for example through their parents and
22 their connections.

23 Q. Is this view of JTAC of any relevance to understanding
24 the radicalisation of Salman Abedi in MI5's view?

25 A. I think in the case of Salman Abedi, it is assessed to



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1 be likely that his extremist views were influenced by
2 his father, Ramadan Abedi.

3 Q. Are you able to say in open whether MI5 judges that
4 Ramadan Abedi, Salman's father, was or was not connected
5 with the LIFG?

6 A. I'm afraid I'm not able to get into that in open.

7 Q. The report of JTAC was in 2010 and a concern had been
8 raised. The attack was 7 years later and as you know,
9 one of the issues that the families are concerned with
10 and that you'll no doubt be asked about is whether there
11 should have been some review by JTAC of that situation
12 between 2010 and 2017 in order to see whether there had
13 been any development in it or worsening of it. Are you
14 able to express a view about that?

15 A. Yes, I have looked at this and sought to understand what
16 JTAC did in response to the 2010 assessment on
17 Manchester. This was during a period that they were

18 conducting reasonable assessments across the country in
19 a number of cities and towns. In many cases those
20 assessments were not repeated, so there were no
21 follow-up assessments, and from 2014/15 onwards, they
22 were focused on ISIL and on Syria and on more national
23 threat assessments rather than on the individual city
24 ones. So there wasn't a further report beyond 2010 from
25 JTAC.

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1 Q. Was there in MI5's view a missed opportunity over those
2 years to discover more about how this particular issue
3 identified in 2010 was developing?
4 A. I don't think so, that's not my judgement of what that
5 2010 report was designed to do. It wasn't a report that
6 would have been something that would have informed our
7 day-to-day investigative strategies or our work against
8 individuals who could pose a threat in Manchester. It
9 was a useful baseline document at the time, but as
10 I said it wasn't an exercise that was repeated across
11 the country once those individual assessments were done
12 in that one off period.
13 SIR JOHN SAUNDERS: Presumably the report was obtained in
14 order to decide whether having read it, anything needed
15 doing to try and counter it. Again are you able to

16 answer whether anything was done as a result of the 2010
17 report?

18 A. It was a really useful baseline document that CT police
19 and MI5 and others had access to. It was
20 a comprehensive at that time assessment of a range of
21 extremism, terrorist and criminality issues in
22 Manchester. It would have informed at that time the
23 teams who were engaged in work in Manchester and
24 elsewhere, but beyond that it wouldn't have been
25 something that would have been looked at day-to-day in

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1 terms of how we then conducted our investigative
2 strategies.

3 MR GREANEY: You say it wouldn't have been something. Do
4 you think it is something that should have been taken
5 into account even if only in Manchester in terms of
6 investigative strategies?

7 A. Again, I don't think so because a whole range of JTAC
8 products which investigators and police officers would
9 rely on to ensure that they were having the best context
10 to be able to operate. And we also have internally in
11 MI5 our strategic intelligence group that looks very
12 specifically at the threat context in which our
13 investigators operate. So I don't think that's a gap.

14 SIR JOHN SAUNDERS: Okay. What I was more looking at was
15 whether steps were taken to try and deal with the
16 threat, not necessarily by MI5 on investigation but are
17 you aware of whether as a result of that report anything
18 was done to try and look at the threat and try and deal
19 with it whether by reference to Prevent or otherwise?
20 Something constructive to deal with it.

21 A. I'm very confident that MI5 and CT police at the time
22 when they read their report and we were heavily involved
23 in the construction of it would have then used the
24 material from it to inform our overall strategies, but
25 in terms of the point I was just getting to was the

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1 specific investigative strategies in relation to
2 individuals would not have used that report. In terms
3 of general context for those investigators I think
4 it would have been valuable. In terms of the material
5 that was in there pointing to different parts of the
6 community that may have had some links to extremism,
7 those parts of it would definitely have been taken on
8 board by leaders in MI5 and CTP.

9 SIR JOHN SAUNDERS: Thank you.

10 MR GREANEY: In addition to identifying this radicalising
11 link in the Libyan community, did the 2010 JTAC report

12 also highlight the prominence of crime and gangs in
13 Manchester?
14 A. Yes, it did.
15 Q. What was the overall crime rate at that stage within
16 this city?
17 A. The report identified that the overall crime rate was
18 more than double that of the national average at that
19 time.
20 Q. In line with that, did JTAC assess that in certain parts
21 of South Manchester it was the norm for young
22 individuals to join a gang because that culture was so
23 entrenched and accessible to them?
24 A. Yes, that's right.
25 Q. Did JTAC on go on to express a concern not just about

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1 that fact, that criminality was more pronounced in
2 Manchester, but about the impact it might have on
3 extremism?
4 A. Yes.
5 Q. What conclusion did JTAC reach or concern did they
6 express?
7 A. They highlighted a potential risk posed by the close
8 proximity between violent extremists and criminal gangs
9 in the area.

10 Q. Is it recognised that there may be a crossover in
11 relationships and activity between those involved in
12 crime and those involved in extremism?

13 A. Yes, that's right.

14 Q. And may that present a difficulty for MI5 and indeed
15 CTP?

16 A. Yes, it did then and it does now. There's a challenge
17 for us when we're investigating individuals who may be
18 involved in terrorism or criminality that some of the
19 behaviours and activities can look the same and there
20 can be difficulties in distinguishing between activities
21 such as drug dealing and fraud from that of national
22 security interest.

23 Q. So the JTAC report, as you've informed us, when we look
24 back, resonates because it identified a risk that those
25 within the Libyan community in Manchester might be



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1 radicalised by their elders, that resonates in the case
2 of Salman Abedi. Does this link between criminal gangs
3 and extremism and crossover, when we look back does that
4 also resonate when we consider what happened to
5 Salman Abedi?

6 A. Yes. I think we judge that Salman Abedi was part of
7 a group of individuals in South Manchester which had

8 links to a serious crime gang.

9 Q. So as of 2017, anyone looking at the situation of
10 Salman Abedi and laying on top of his path and his
11 activities the JTAC report, would they have identified
12 any particular issues? It's a rather clumsy question.

13 A. Would you mind repeating it?

14 Q. As of 2017 because of the 2010 report, it was known that
15 there were two problems in Manchester. Probably more,
16 but two problems were identified. One, the risk of
17 young Libyans being radicalised by their elders, and 2,
18 the risk that those involved in crime might cross over
19 into extremism?

20 A. Yes.

21 Q. And what I was inviting you to consider was whether
22 anyone in 2017, reading back into that report and
23 considering the situation of Salman Abedi, would have
24 recognised those things.

25 A. Yes, they would.



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1 SIR JOHN SAUNDERS: It may be something we need to ask
2 Dr Wilkinson as our expert, but has any work within been
3 done on why there is this link between people being
4 involved in crime and then in terrorism? It could be
5 looked at as a general disregard for the law,

6 I understand that, but actually that doesn't fit with
7 all terrorists, does it?
8 A. No. It's certainly not always the case that terrorists
9 are also involved in criminality and some terrorists
10 work very hard to avoid being anywhere near criminality,
11 lest they come under the spotlight as a result of that
12 association. This report, I think, highlighted the
13 crossover that was in existence at the time, it wouldn't
14 have been the case for all terrorists and all criminals
15 engaged in extremism.

16 MR GREANEY: Thank you. Witness J, we're going to turn next
17 to deal with a separate topic, namely MI5's functions,
18 investigatory tools, legal framework and oversight,
19 although as you'll appreciate we're going to come back
20 strongly to the topic of Salman Abedi and what was
21 known. We'll deal with this subject and then take
22 a break, I expect.

23 Is MI5 governed by a strict framework of legislation
24 and oversight, so as to ensure that its powers are only
25 used for its functions?



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- 1 A. That's right.
2 Q. Where necessary, and proportionate to do so?
3 A. Yes.

4 Q. And is MI5's legal framework and oversight arrangements
5 ones that were updated by the introduction of the
6 Investigatory Powers Act 2016?

7 A. Yes.

8 Q. Which I think some parts came into force in late 2016
9 and others later still. Does the Security Service Act
10 1989 set out the functions of MI5?

11 A. Yes.

12 Q. And give examples of the threats for which MI5 is
13 responsible for countering?

14 A. Yes.

15 Q. What are the functions of MI5 under that Act?

16 A. MI5 protects national security against threats from
17 terrorism, espionage, sabotage, the activities of agents
18 of foreign powers and actions intended to overthrow or
19 undermine parliamentary democracy (^).

20 Q. Do its functions also include safeguarding the economic
21 well-being of the United Kingdom against threats posed
22 by the actions or intentions of persons outside of the
23 British islands?

24 A. Yes.

25 Q. And acting in support of the activities of the police



2 prevention and detection of serious crime?

3 A. Yes.

4 Q. In carrying out its functions is MI5 guided by the
5 government's national security strategy?

6 A. Yes.

7 Q. And in X's statement at paragraph 37 he identifies what
8 were currently the main threats to national security in
9 the United Kingdom. We'll list what those are, are they
10 any different now from what they were in 2019.

11 A. No, they are broadly the same. Terrorism, espionage,
12 cyber threats from a wide of hostile actors (^)
13 including foreign states, terrorists, criminals and
14 activist groups and weapons of mass destruction where
15 a number of countries continue to develop weapons of
16 mass destruction programmes posing a potential threat to
17 the UK.

18 Q. Is MI5 required to comply with the European Convention
19 of Human Rights?

20 A. Yes.

21 Q. Including Article 8, which provides a right to respect
22 for private and family life?

23 A. Yes.

24 Q. Are there circumstances in which it is permissible
25 legally for MI5 to interfere with that right to privacy?

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1 A. Yes.

2 Q. What are the circumstances in which that is or may be
3 permissible?

4 A. Where there is a clear legal basis, where the necessary
5 authorisations for any intrusions are in place, and
6 where the relevant procedures and processes are
7 followed.

8 Q. Does MI5 operate within a legal framework which on the
9 one hand provides it with powers to achieve its
10 functions, but which also imposes restrictions and
11 limitations on what MI5 can do and why?

12 A. Yes.

13 Q. Does MI5 have a number of principal techniques for
14 gathering intelligence?

15 A. Yes.

16 Q. And are they used in accordance with the legal
17 requirements under the relevant acts of Parliament?

18 A. They are.

19 Q. What are those principal techniques for gathering
20 intelligence?

21 A. Surveillance, this is either directed surveillance such
22 as following or observing targets, or intrusive
23 surveillance such as the use of eavesdropping devices,
24 the monitoring of phone calls or emails, equipment
25 interference such as covertly accessing computers or



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1 other devices, covert human sources or agents who are
2 the people able to provide secret information about the
3 target of an investigation. Communications data,
4 including the use of bulk communications data, which is
5 information about communications such as how and when
6 they were made, which is usually obtained from
7 communication service providers. And then finally, bulk
8 personal data or data sets containing information about
9 a large number of people which can be accessed in
10 targeted way to find information about subjects of
11 interest.

12 Q. As will be obvious, all of those techniques will or
13 capable of interfering with the citizen's right to
14 privacy. When gathering intelligence in one or more of
15 those ways, what is the underlying aim of MI5?

16 A. It is always to be effective with the minimum amount of
17 intrusion and in proportion to the threat assessed to be
18 posed.

19 Q. Where the activities are governed by the acts of
20 Parliament we've referred to, must they be authorised
21 internally?

22 A. Yes.

23 Q. When seeking authorisation, what must an officer of MI5
24 do?

25 A. The authorisation must explain from a MI5 officer why



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1 the action is necessary and proportionate to the aims of
2 the investigation and that the information cannot be
3 obtained using less intrusive means.

4 Q. Is it the position that all forms of intelligence
5 gathering may be authorised internally or is there some
6 further supervision in relation to some of those
7 techniques?

8 A. When we are using our most intrusive intelligence
9 gathering methods we must also have a warrant authorised
10 by the Secretary of State.

11 Q. To make an application for a warrant which is
12 successful, is it necessary for MI5 to justify to
13 a Secretary of State that what MI5 proposes to do is
14 necessary for one of its statutory functions?

15 A. Yes.

16 Q. That it is proportionate to what it seeks to achieve?

17 A. Yes.

18 Q. Meaning that the intelligence gained from the use of
19 that technique will be sufficiently great as to justify
20 the intrusion?

21 A. Yes.

22 Q. Are MI5's activities subject to a number of other levels

23 of oversight, including by the Home Secretary?

24 A. Yes.

25 Q. Parliament?

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1 A. Yes.

2 Q. The Intelligence and Security Committee?

3 A. Yes.

4 Q. The investigatory powers commissioner?

5 A. Yes.

6 Q. And the investigatory powers tribunal?

7 A. Yes.

8 Q. Is it the position that the Home Secretary is
9 accountable to Parliament for the activities of MI5?

10 A. Yes.

11 Q. Finally before I invite the chairman to take a break,
12 would it be right to say that in any investigation, MI5
13 can only use intelligence gathering powers that have
14 a sound justification and clear legal basis?

15 A. Yes.

16 Q. And that you cannot and must not seek to obtain
17 intelligence unless the relevant tests and thresholds
18 are met in the particular circumstances of each
19 investigation?

20 A. Yes.

21 Q. Witness J, after the break, we are going to turn to deal
22 with investigative processes and operational tools and
23 here we'll understand more about subjects of interest
24 and prioritisation before turning to look more
25 specifically about the situation of Salman Abedi.

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1 Sir, we've been going for an hour and a half.
2 That's the point at which I'm told we ought to break.
3 SIR JOHN SAUNDERS: We should take a break. The logistics
4 of all getting out and all coming back are now
5 complicated, so we have been somewhat flexible about the
6 time we take for our breaks in the past and I blame
7 no one for that. But can we actually fix a time when we
8 know we're all going to be back?
9 SIR JAMES EADIE: There is no objection to the reporting of
10 anything said so far by Witness J.
11 SIR JOHN SAUNDERS: I'm grateful for that. And for the
12 speedy response too.
13 (11.08 am)
14 (A short break)
15 (11.25 am)
16 MR GREANEY: Just before we move on to look at some of those
17 terms that we need to understand in order to follow what
18 happened with Salman Abedi, and to complete off the

19 position in relation to my phrase checks and balances,
20 you told us that in relation to the most intrusive
21 intelligence gathering methods that MI5 uses what must
22 be obtained is a warrant from a Secretary of State.

23 Just to understand what the position is now, is the
24 situation that having obtained a warrant from the
25 Secretary of State, there is something called the double

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1 lock?

2 A. Yes, that's right.

3 Q. What is the double lock?

4 A. This is under the investigative powers Act 2016 where
5 warrant is authorised by a Secretary of State are also
6 (warrants) subject to approval by independent judicial
7 Commissioners.

8 Q. So that's the double lock, it is an extra check upon MI5
9 where it wishes to use its most intrusive techniques?

10 A. That's right.

11 Q. For my purposes, that deals with the topic of checks and
12 balances. We will move on next to deal at a high level
13 with certain aspects of MI5's processes and operational
14 tools, which will be of relevance when we turn to the
15 case of Salman Abedi.

16 First of all, a phrase we've already used a number

17 of times. Subjects of interest or SOIs. I'm at the top
18 of page 12 of your statement. What is an SOI?

19 A. An SOI is someone who is or has been investigated
20 because they are suspected of being a threat to national
21 security.

22 Q. For each SOI, does MI5 create and maintain a record?

23 A. Yes, at the we do, for each SOI we create something
24 called a key information store record, which is a file
25 on that individual.

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1 Q. Obviously, during the course of an investigation,
2 sometimes a person about whom there is such a concern
3 will be identified, sometimes they presumably may not be
4 identified, at least initially, is that correct?

5 A. That's right.

6 Q. Does the creation of a (inaudible) record and the
7 designation of someone as an SOI require that person to
8 have been identified?

9 A. You can create a KIS record before a person of interest
10 has been interested and for an active SOI the same is
11 the case.

12 Q. For each active, and we'll underline the word active for
13 the time being, SOI is there an assigned lead
14 investigator?

15 A. Yes, there is.

16 Q. What are in very simple terms the responsibilities of
17 the lead investigator?

18 A. The lead investigator is responsible for reviewing
19 incoming intelligence and maintaining the record.

20 Q. As of July 2019, when X prepared the statement, were
21 there around 3,000 SOIs in active investigations?

22 A. There were.

23 Q. Were they persons who were either associated with MI5
24 priority investigations, a term we'll come to, or those
25 who had come to MI5's attention as part of a lead,

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1 another term we'll look at, generated through new
2 intelligence, not part of an existing investigation?

3 A. That's right.

4 Q. So that was the position in 2019. Is the position in
5 terms of numbers of SOIs materially different now?

6 A. No. It's about the same.

7 Q. In addition, as of 2019, was there a pool of 20,000
8 closed SOIs?

9 A. Yes, there were.

10 Q. A closed SOI being?

11 A. This is an SOI who is no longer assessed to represent
12 a threat to national security.

13 SIR JOHN SAUNDERS: Can I ask whether the number of SOIs is
14 in any way, active SOIs, governed by resources?

15 A. Um ...

16 SIR JOHN SAUNDERS: It's that a question you don't want to
17 answer until you can discuss it with someone else, by
18 all means. I don't mind when I hear the answer.

19 A. I think that might be something I can describe in more
20 detail in closed.

21 SIR JOHN SAUNDERS: Okay. If there is any sort of answer
22 which could be given in open, perhaps you'd discuss it.
23 But I well understand if it can't be.

24 A. Yes.

25 MR GREANEY: I do have in a few moments my own question

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1 about resources and it may be the answer is the same
2 that you need to reflect with colleagues.

3 As of July 2019, 20,000 closed SOIs. Again, please
4 don't answer this question if it's not appropriate to do
5 so, but do closed SOIs eventually fall off the edge, so
6 that they are no longer even a closed SOI, or is
7 a person for all times a closed SOI?

8 A. No, we have a responsibility to ensure that we are
9 considering that pool of closed SOIs as well as that
10 pool of live SOIs. We now have, if it's helpful,

11 somewhere in the region of just over 40,000 closed SOIs,
12 so that number has grown. But we also take steps to try
13 and manage that pool so that someone may no longer be
14 a closed SOI but that's ongoing.

15 Q. The number of closed SOIs has quite literally doubled
16 over the course of the last 2 years or so?

17 A. Yes. To be clear, there are slightly different ways
18 that we define what a closed SOI is these days, so
19 I wouldn't be able to say that those two numbers are
20 directly relevant to each other, but certainly the
21 number has grown substantially.

22 SIR JOHN SAUNDERS: Is that increase connected in any way to
23 the changes made after the 2017 reviews?

24 A. I think it's primarily -- it's a pot that's been growing
25 for a number of years as we continue to investigate

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1 terrorism, particularly Islamist terrorism. So I think
2 that number will continue to grow. There is a small
3 part of it, I think, which is a post-2017 factor which
4 we can get into at a later stage.

5 SIR JOHN SAUNDERS: Thank you.

6 MR GREANEY: So in short therefore, a closed SOI is a person
7 who has been given a holding code because they are no
8 longer assessed to represent a threat to national

9 security?

10 A. That's right.

11 Q. I'm going to turn next to ask you about the issue of

12 prioritisation. In addition to operating within the

13 legal limits that you've explained to us, does MI5 have

14 to operate within financial limits?

15 A. Yes, it does.

16 Q. Could you explain, please, what the consequence of

17 operating within financial limits means or finite

18 resources might be a better term?

19 A. So the consequence of that is that with our finite

20 resources we must use prioritisation systems to ensure

21 that we are focusing our effort on the SOIs that are

22 most deserving of our attention.

23 Q. So a question that I know was posed to, I think, witness

24 L during the course of the Westminster and London Bridge

25 inquests was: why not simply have more people within MI5



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1 able to do the job and therefore focus on a greater

2 number of SOIs? Is it as simple as that?

3 A. Well, it is partly about finite resources of course and

4 we need to make sure that we are using those resources

5 appropriately. We also have to consider the resources

6 of our partners as well and we need to consider the fact

7 that we have finite resources not just in investigation
8 but also across our different elements of collection.

9 SIR JOHN SAUNDERS: Prioritisation is inevitable, isn't it?
10 Even with limitless resources you would still have to
11 prioritise those you think are the most serious and the
12 most deadly?

13 A. Yes.

14 MR GREANEY: But all at events, as of 2017 and from what
15 you have said as of now, the resources available meant
16 that there had to be prioritisation against a large
17 number of SOIs?

18 A. Yes.

19 Q. Since 2011, has there been a process in place to enable
20 effective prioritisation to occur?

21 A. Yes, there has.

22 Q. What is that process?

23 A. This is a formal triage process for all incoming threat
24 intelligence.

25 Q. So on receipt, what is done with intelligence?



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1 A. First of all, it's assessed before either being rejected
2 or progressed as a trace or a lead.

3 Q. And those terms, trace and lead, what does trace mean,
4 please?

- 5 A. Trace is essentially a check against our records, so it
6 describes a check that's run across our databases to
7 establish whether we hold adverse information or whether
8 an individual is known to MI5 already.
- 9 Q. And lead?
- 10 A. This is the term we use to describe all intelligence or
11 information that's not linked to an ongoing
12 investigation, that after some initial assessment
13 suggests activities that require investigation by MI5
14 and CT police.
- 15 Q. So we are in a situation in which there is new
16 counter-terrorism lead intelligence. What process is
17 adopted in relation to that? What model is used?
- 18 A. This is a model that we in the police have called the
19 intelligence handling model, which is joint between us
20 and provides a single point of entry for intelligence
21 and ensures that new leads benefit where appropriate
22 from a coordinated response from not just CT police and
23 us, but also GCHQ and JTAC.
- 24 Q. Is that coordination between interested organisations
25 carried out by dedicated teams within MI5?



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- 1 A. Yes, it is.
- 2 Q. Is it MI5's view that that model of intelligence

3 handling provides a robust framework or otherwise?

4 A. Yes, it is a robust framework in my view. It ensures
5 that that finite covert investigative resource that
6 we were talking about is directed against the most
7 credible new leads and at the same time leads lacking
8 credibility are resolved in the most appropriate way
9 without us having to use significant investigative
10 covert resource.

11 Q. A little more detail then in relation to the
12 prioritisation of investigations. We're going to be
13 dealing with a topic that's explained at paragraph 1.22
14 of the independent assessment. Is it right that that
15 assessment identifies the relevant MI5 process for
16 prioritising investigations according to the risk they
17 are assessed to pose as follows.

18 First of all, P1?

19 A. Yes.

20 Q. And what are P1 individuals or networks described as?

21 A. Individuals or network where there is a credible and
22 actionable intelligence of significant or smaller scale
23 attack planning.

24 Q. Next, P2 H. How is that individual or network to be
25 described?



1 A. This is high risk extremist activity linked to attack
2 planning such as a serious intent to travel overseas to
3 undertake fighting with an extremist group or large
4 scale fund-raising.

5 Q. So the H in P2 H standing for high?

6 A. Yes.

7 Q. P2 M?

8 A. This is a level of priority of investigation that is
9 medium risk extremist activity, not directly linked to
10 attack planning, such as supply of false documents or
11 smaller scale fund-raising.

12 Q. P3?

13 A. Individuals or networks that require further action to
14 determine whether they pose a threat.

15 Q. P4?

16 A. Individual such as released terrorist prisoners who have
17 previously posed a serious threat to national security
18 and where there's judged to be a risk of re-engagement.

19 Q. And at the risk of inviting you to state the obvious,
20 where is the majority of MI5's investigative effort
21 focused?

22 A. The majority of effort is focused towards those
23 investigations at P1 and P2.

24 Q. Is there a mechanism for identifying where those
25 resources should be focused? I'm at paragraph 53.



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1 A. On a weekly basis, we and CT police sit down together to
2 look at where we might focus our investigative effort
3 and the highest priority investigations that we have
4 at the time.

5 Q. Are those priority investigations identified in
6 something called a weekly grid?

7 A. Yes.

8 Q. As X observed in his witness statement, in the
9 independent assessment did Lord Anderson having reviewed
10 the then recent weekly grids and the volume of
11 intelligence indicating credible attack planning, say
12 that they made for a sobering read?

13 A. Yes, he did.

14 Q. Over the page to 14, please. Is it the position that
15 there are no strict rules as to what resources should be
16 allocated to a particular investigation?

17 A. It is.

18 Q. But that actions are taken based on what is judged to be
19 necessary and proportionate and on the balance of risk
20 as against other investigations?

21 A. Yes.

22 Q. Are priority levels tested regularly at senior
23 management level within MI5?

24 A. Yes, they are.

25 Q. Can they be altered at any time in the investigation as



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- 1 changes are recognised in the activities or aspirations
2 of the SOIs or networks under investigation?
- 3 A. Yes.
- 4 Q. So does that in simple terms recognise that someone may
5 be education on at a particular level for a period of
6 time but then all of a sudden their activities may
7 escalate?
- 8 A. Yes, we have a weekly process which is the grid that
9 enables us to prioritise our highest priority
10 investigations but that doesn't stop us as an
11 organisation at any moment changing the priority of an
12 investigation as dictated by the intelligence at the
13 time.
- 14 Q. That doesn't need to wait for the weekly grid meeting?
- 15 A. No.
- 16 Q. Are SOIs within most investigations also prioritised?
- 17 A. Yes, they are.
- 18 Q. Are they prioritised by tier?
- 19 A. Yes.
- 20 Q. Reflecting the importance of that particular SOI within
21 that investigation at any one time?
- 22 A. Yes.
- 23 Q. What are Tier 1 SOIs?

24 A. Tier 1 SOIs are the main targets of an investigation and
25 these are SOIs who are likely involved in all aspects of

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1 the activities under investigation.

2 Q. Tier 2 SOIs?

3 A. Tier 2 SOIs are the key contacts of the main targets, so
4 SOIs will likely be involved in a significant proportion
5 of the activities under investigation.

6 Q. And is the final tier, Tier 3?

7 A. Yes.

8 Q. Tier 3 SOI being?

9 A. Someone who's in contact with a Tier 1 and/or a Tier 2
10 SOI. Say a Tier 3 SOI is likely to be involved only in
11 marginal aspects of activities under investigation.

12 Q. Is it the position that it wouldn't be necessary or
13 proportionate to make each and every contact of a Tier 1
14 or Tier 2 SOI a Tier 3 SOI?

15 A. That's right.

16 Q. Why is it not necessary or proportionate to make every
17 contact a Tier 3 SOI?

18 A. Many of the contacts of our SOIs will be in no way
19 associated or even potentially associated with the
20 activity under investigation.

21 Q. So does it follow from that that there's an element of

22 investigative judgement involved in deciding whether
23 a particular contact should be a Tier 3 SOI?
24 A. That's right.
25 Q. Once an SOI is given a position on the tiers, do they

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1 stick at that level or may it change?
2 A. It can change, it can change quite regularly depending
3 on the importance of that individual. Tiers allow us to
4 look across the whole range of investigations and see
5 how many people of the highest level of concern we have
6 at any one time. They assist us with resources of the
7 (inaudible) necessary and proportionate to take.
8 Q. Does the term holding codes mean anything in this
9 context?
10 A. Yes. They are used to categorise the threat that each
11 SOI is assessed to pose to national security.
12 Q. Are they an information management tool rather than
13 threat management tool?
14 A. Yes. They help us manage our information and comply
15 with our legal obligations not to interfere with
16 a person's right to privacy any more than is necessary
17 for our statutory functions and proportionate.
18 Q. And in X's statement, it says they, the holding codes,
19 provide (check) review, retention and disposal policies.

20 A. Yes.

21 Q. Does this take us back to something you told us about
22 a little earlier, namely there are mechanisms in place
23 to seek to ensure that someone who becomes a closed SOI
24 does not necessarily remain one for all time?

25 A. That's right.

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1 Q. Shall we turn next to the closure of SOIs, which as
2 you're going to explain is of some relevance to
3 Salman Abedi. When are subjects of interest closed?

4 A. They are closed when they no longer meet the threshold
5 for investigation such as where it's assessed that they
6 are not or no longer engaged in activity of national
7 security concern.

8 Q. We are going to turn in a moment to look at the closure
9 process that applied in July 2014 when Salman Abedi was
10 closed as an SOI. Before we do so, is it right to
11 acknowledge that there have been some changes and
12 updates to the process of closing an SOI?

13 A. Yes, there have.

14 Q. When did those changes take effect?

15 A. This is an area of our work that we look at very
16 regularly and we made some changes since September 2018
17 as well as more recent changes. But nothing that

18 changes the broad principles of risk assessment and
19 joint working that I describe in my evidence.
20 SIR JOHN SAUNDERS: You're doing regular reassessments now.
21 Was that true prior to 2017?
22 A. Yes. It's an area of our work that we know needs pretty
23 serious attention on a regular basis and we're
24 constantly learning about this quite challenging pool of
25 risk.

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1 SIR JOHN SAUNDERS: Can you give me, if you can't you can't,
2 but is there any rough assessment of back in 2017 on
3 a monthly basis how many SOIs you'd likely be making
4 closed rather than active?
5 A. I could get the figures for you. I don't have it in
6 front of me.
7 SIR JOHN SAUNDERS: Okay. If at a later stage I could be
8 told to have some idea of the numbers we're talking
9 about.
10 MR GREANEY: I know a note is being made of issues that the
11 witness may be able to answer and I'm sure therefore
12 that if an answer can be given, it will be.
13 SIR JOHN SAUNDERS: It may be so different between each
14 month that an average is meaningless.
15 MR GREANEY: We'll see.

16 What does the closure process require of a MI5
17 investigator?
18 A. The investigator is required to consider and assess the
19 residual risk that the closed SOI poses.
20 Q. Sometimes, am I right, an investigation will be a joint
21 investigation with Counter-terrorism Policing?
22 A. Yes.
23 Q. So where consideration is being given to the closure of
24 an SOI in such a situation, are the police involved or
25 not?

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1 A. Yes, they are involved in the closure process.
2 Q. When assessing the residual risk posed by the closed
3 SOI, what is an investigator expected to consider?
4 A. The investigator should consider the likelihood of
5 reengagement by that SOI and at the same time the
6 potential impact, if that re-engagement occurs.
7 Q. On the basis of that assessment, is a decision then made
8 as to whether the closed SOI poses a high, medium, low
9 or no risk?
10 A. Yes.
11 Q. What is the consequence of a designation of high,
12 medium, low or no in general terms?
13 A. This to some extent determines what happens in the

14 future handling of that closed SOI record. In respect
15 of closed SOIs assessed to be of low or no risk, no
16 further action will be taken by MI5.

17 Q. Is that category, low or no risk, the one that was given
18 to Salman Abedi in July 2014?

19 A. Yes.

20 Q. Is it the position that in that situation, low or no
21 risk, notwithstanding consideration will be given as to
22 whether the police would wish to investigate those
23 individuals for non-counter-terrorism reasons?

24 A. Yes, that's right.

25 Q. So we therefore have a situation in which an SOI is now

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1 closed. If further intelligence were to be received
2 about that now closed SOI, what happens?

3 A. If we get further intelligence in respect of the now
4 closed SOI, we would consider it for progression as
5 a trace or a lead. Depending on the assessments made on
6 this new intelligence, the closed SOI may then be
7 re-opened as an SOI.

8 Q. Who has the responsibility for the management of the
9 record for a closed SOI who has been assessed to be low
10 or no risk?

11 A. The responsibility was the investigator to whom the SOI

12 was assigned prior to closure at that time.

13 Q. So that's the position as of 2017. It's the
14 investigator to whom he or she was assigned prior to
15 closure. What if that investigator were to move roles
16 within MI5 or indeed leave MI5?

17 A. Responsibility would pass on to their successor.

18 Q. So that's the position as of 2017 and am I right, 2014?

19 A. Yes.

20 Q. But is this one area in which changes have been made to
21 the process since September 2018?

22 A. That's right, yes.

23 Q. In broad terms what do those changes mean for whose
24 responsibility it is to manage the record for such
25 a closed SOI?

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1 A. Two things. Firstly, the responsibility for closed SOIs
2 assessed to be of lower risk is assigned to the relevant
3 regional station. And secondly, new intelligence on
4 closed SOIs will also route to a regional triage area
5 for assessment.

6 Q. What are those changes designed to achieve?

7 A. This is designed to mitigate the risk that due to
8 competing and higher priority demands on their time,
9 intelligence on closed SOIs could remain unassessed by

10 the previous investigator or their successor responsible
11 for that closed SOI.

12 Q. So it's designed to mitigate the risk arising in such
13 a situation. Did any such issue arise in the case of
14 Salman Abedi?

15 A. Not in the case of Salman Abedi, no, because all the
16 intelligence was considered and assessed by those
17 responsible for his closed SOI record prior to the
18 attack.

19 Q. Obviously there exists in relation to any SOI the
20 possibility that they might sooner or later reengage in
21 activity of concern.

22 A. Yes.

23 Q. And there are a large number of closed SOIs. Is MI5
24 conscious of that risk?

25 A. Yes. We are acutely conscious of that risk. We know as



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1 an organisation that we need to be focusing our effort
2 on live SOIs because we have determined for assessment
3 that they are the ones who pose the greatest threat, but
4 we also recognise that that pool of closed SOIs within
5 which there will be some risk that some will reengage.

6 Q. Conscious in the period also of 2014 to 2017?

7 A. Yes.

8 Q. As a result has MI5 developed a process for identifying
9 closed SOIs who are potentially worthy of renewed
10 investigation?
11 A. Yes.
12 Q. In the report of the intelligence and security
13 committee, was that process code named Clematis?
14 A. Yes, it was.
15 Q. How does that process operate?
16 A. Clematis is a process which we introduced to identify
17 specific indicators to highlight closed SOIs for further
18 consideration. Closed SOIs who hit specific triggers
19 are then referred to a separate process to consider the
20 use of limited investigative tools to look into that
21 individual further.
22 Q. Does that further process subsequent to Clematis have
23 its own codename in the ISC report?
24 A. Yes, it does, it's called Daffodil.
25 Q. SOIs, is this the position, referred to Daffodil who are



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1 assessed to have reengaged in Islamist extremist
2 activity are referred to a separate team for leads
3 triage?
4 A. Yes, they are.
5 Q. Does MI5 now and did it in 2017 have a process for

6 investigatory reviews?

7 A. Yes.

8 Q. Is that process one that was explained in

9 Lord Anderson's independent assessment at annex 5?

10 A. Yes.

11 Q. So can we look through what he explained in relation to

12 it? Each week, does something in particular occur?

13 A. Yes. Every week, the head of counter-terrorism

14 investigations at MI5 reviews intelligence developments

15 in a formal meeting, incorporating updates from those

16 leading individual operations, input from police and

17 UKIC colleagues and an analytical feed from JTAC. This

18 results in the production of the highest risk

19 investigations, the apportion of resources accordingly

20 and the weekly letter we send to the Home Secretary.

21 Q. In addition, every week does the CT senior management

22 team consider a weekly dashboard, as it is called?

23 A. Yes, this is a dashboard of wider resourcing issues such

24 as total number of investigations staffing levels, the

25 processing of leads and any backlog this allows for the



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1 flexible reinforcement of staff and other resources

2 where needed (^).

3 Q. The director-general as is widely known is the head of

4 MI5?

5 A. Yes.

6 Q. And what part does he play in the process of

7 investigatory reviews?

8 A. He receives a weekly brief regarding the main

9 developments and risks and at the same time his deputy

10 has oversight of the proposed use of intrusive

11 investigative measures before they are sent to the Home

12 Secretary for investigation.

13 Q. Those are things occurring on a weekly basis. Each

14 quarter, is there a particular process undertaken?

15 A. Yes. Each quarter, there's a thorough review of our CT

16 casework by MI5 senior investigative managers and the

17 teams for which they are responsible. Levels of

18 coverage and assurance, prioritisation and gaps across

19 each of the team's investigation are discussed.

20 Q. And as a result of that quarterly process, what happens

21 or may happen?

22 A. That review leads to some investigations being closed,

23 others re-prioritised or achieving increased resource.

24 Q. (^ the creation of an internal report on the CT threat

25 picture?



1 A. Yes, it does.

2 Q. And does that in turn inform a strategic review of your
3 investigations?

4 A. Yes.

5 Q. X and X's statement indicates that the CT business feeds
6 into MI5's quarterly performance report at this point.
7 Are you able to explain what that means?

8 A. That's a report that looks across MI5 and looks at all
9 of our work and our resources that enables us to
10 understand our strategic risks and our prioritisation
11 and is then shared externally with the Home Secretary.

12 Q. At an earlier stage in the inquiry's oral evidence, we
13 heard about the role within CT policing of the assistant
14 commissioner specialist operations, as part of the
15 process of investigatory reviews is the ACSO involved?

16 A. Yes, we brief ACSO on key developments in our
17 investigations.

18 Q. Does the executive liaison group process exist you to
19 jointly agree with police the management of risk where
20 you identify risk to the public from your
21 investigations?

22 A. Yes.

23 Q. An at working level how does that happen?

24 A. At a working level that means that a senior police
25 investigator is appointed to major MI5 investigations

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- 1 and is an integral part of the team involved in
2 resourcing and priorities.
- 3 Q. MI5 of course is just one part of the UK intelligence
4 community. Each month, does the director of
5 counter-terrorism agree with counterparts in SIS and
6 GCHQ any strategic shifts required to improve your
7 collective response to developments in the threat?
- 8 A. Yes.
- 9 Q. Does the head of JTAC also sit on that body?
- 10 A. That's right, yes.
- 11 Q. Within your investigative structure is there also
12 a strategic intelligence group?
- 13 A. Yes.
- 14 Q. What is that, please?
- 15 A. It's specifically designed to provide assessments which
16 inform resource allocation decisions, but also to
17 challenge the assumption of investigators.
- 18 Q. Next the relationship in more detail between MI5 and CT
19 policing. As you, I'm certain, will be well aware,
20 reviews in the past have identified some issues with
21 such working, have they not?
- 22 A. Yes, they have.
- 23 Q. Particularly perhaps post-7/7. Do MI5 and CT policing
24 have different roles and expertise?
- 25 A. Yes, they do.



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1 Q. But is it nonetheless important that they work closely
2 together in the common goal of countering the terrorism
3 threat?

4 A. Yes.

5 Q. Predominantly how is that liaison achieved?

6 A. We work very closely together across the UK. We do this
7 through -- on the police side, national
8 counter-terrorism police networks. The Metropolitan
9 Police service, Police Service of Northern Ireland and
10 local force Special Branches, and we receive assistance
11 from them and other law enforcement agencies in many
12 areas of our work, (inaudible) intelligence assessments
13 on current threats.

14 Q. Do you collaborate closely on investigations that may
15 result in criminal proceedings?

16 A. Yes.

17 Q. So the role of CT policing includes gathering
18 intelligence and evidence to help prevent, disrupt and
19 prosecute terrorist activities, carrying out arrests and
20 other executive action?

21 A. Yes.

22 Q. Is it the position, as the chairman identified with you
23 earlier, that many MI5 SOIs are actively involved in
24 other criminality does that not pose a threat to

25 national security?

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1 A. Yes.

2 Q. And what else needs to be said about that particular
3 topic? I'm at paragraph 72.

4 A. Involvement in criminality is not always an indicator of
5 extremist activity. And as we and the police only have
6 limited resources, we have to be sure that we are
7 identifying whether an SOI's activity, criminal or
8 otherwise, poses a threat to national security.

9 Responsibility for investigating activity that is not of
10 national security concern lies with the police outside
11 of CT policing.

12 Q. I referred to the review following 7/7, similarly the
13 review following the Woolwich attacks identified issues.
14 Since that time have improvements in MI5's judgment been
15 made in relation to how you operate together and in how
16 you review yourselves jointly?

17 A. Yes I think that's fair, I think we are continually
18 improving. I should say though from my experience
19 we have a fantastically strong relationship and
20 partnership and we work very well together, but that
21 doesn't stop us continually working for ways to work
22 closely and better together.

- 23 Q. Since the Woolwich attack what have you worked to
24 provide the police with?
25 A. We've sought to provide the police with greater

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- 1 visibility of our investigations and earlier involvement
2 in those investigations so that that partnership can
3 truly benefit from that shared understanding of the
4 picture.
- 5 Q. Do there now exist a number of protocols supported
6 through a range of learning and development informations
7 govern how intelligence information is shared between
8 police and MI5?
- 9 A. Yes.
- 10 Q. Do priority operations, paragraph 75, involve a series
11 of structures in which MI5 and CT policing work closely
12 together?
- 13 A. Yes.
- 14 Q. We'll just identify what those are in headline form.
15 The executive liaison group that you have identified
16 already.
- 17 A. Yes.
- 18 Q. So a group that involves senior representatives of both
19 MI5 and Counter-terrorism Policing.
- 20 A. Yes.

21 Q. Secondly, a joint operations team that develops the
22 ERG's strategy into a practical plan to achieve the
23 objectives?
24 A. Yes.
25 Q. Again, involving members of the two organisations at

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1 a high level. And thirdly, do there occur informal,
2 albeit recorded, intelligence updates and exchanges
3 between MI5 and CT policing across the network of both
4 support and complement the more formal framework?
5 A. That's right, yes.
6 SIR JOHN SAUNDERS: Just stopping there for a moment,
7 I think it's fair to say that the Intelligence and
8 Security Committee were not completely satisfied that
9 there was even by that time, 2017, satisfactory liaison
10 going on between you. Of the three things mentioned in
11 paragraph 75 can you tell me how many post-date 2017?
12 A. Those three, the ERG, the joint operation team and
13 informal intelligence updates all pre-date 2017. They
14 are well-established.
15 SIR JOHN SAUNDERS: Thank you.
16 MR GREANEY: You have told us already that the intelligence
17 handling model is a process used jointly by MI5 and
18 Counter-terrorism Policing.

19 A. Yes.

20 Q. Is that a model that is under constant review and
21 updating?

22 A. Yes, it's something which we ensure we are continually
23 improving using learning from both disrupted and
24 successful plots.

25 Q. Is the operational improvement review carried out

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1 jointly by MI5 and your police colleagues, a further
2 example of seeking to work closely together?

3 A. Yes.

4 Q. Is there a programme called CT step-up?

5 A. Yes, there is.

6 Q. I'm now at the top of page 20. What is that, please?

7 A. This is a programme, not just between MI5 and CT
8 policing, but alongside SIS and GCHQ designed to ensure
9 that we are sharing knowledge within the UK
10 counter-terrorism community to enable a single shared
11 understanding of subjects of interest, capabilities and
12 objectives.

13 Q. Are MI5 and Counter-terrorism Policing on a daily basis
14 seeking to ensure that they work closely together?

15 A. Yes.

16 Q. Along the way of explaining what Counter-terrorism

- 17 Policing was able to bring to counter-terrorism, you
18 described, I think, disruptions. What does the term
19 disruptions mean in this context?
- 20 A. MI5 CT police and other government departments use
21 a range of disruptive powers to dissuade or prevent
22 subjects of interest from engaging in terrorist related
23 activities, where it's necessary and proportionate to do
24 so.
- 25 Q. So one may have a situation in which there is concern

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- 1 that a person is engaged in terrorist activity but for
2 any number of reasons a prosecution in the courts may
3 not be possible. Is that a situation in which
4 disruptive powers may be particularly useful?
- 5 A. Yes, these judgments are made on a case-by-case basis,
6 whether a particular disruptive action can be used
7 in relation to a particular SOI.
- 8 Q. Because presumably, investigators need to bear in mind
9 the risk that any form of disruptive action might
10 provoke a heightened level of operational security
11 awareness in an SOI?
- 12 A. That's right.
- 13 Q. So as no doubt with many of the decisions being made by
14 MI5 about subjects of interest, it requires a balance of

15 factors?

16 A. Yes.

17 Q. So just to provide perhaps some examples, where
18 intelligence indicates that a subject of interest might
19 travel abroad for extremist purposes, what might be the
20 options?

21 A. A range of options would be considered by MI5 and other
22 government departments in relation to travel monitoring
23 and restrictions. So MI5, CT police and other
24 government departments can disrupt an SOI's travel if
25 it's deemed necessary and proportionate to do so in the

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1 circumstances.

2 Q. Let's turn to travel monitoring and restrictions.
3 Something that the inquiry will be particularly
4 concerned to investigate in the context of Salman Abedi
5 is what is described as the ports and travel toolkit.
6 Would you please, paragraph 80, explain to us what this
7 means?

8 A. With our partners, MI5 has access to a well-established
9 toolkit to enable identification and disruption of
10 travel conducted by SOIs.

11 Q. In particular, does MI5 have a close relationship with
12 police at UK ports?

13 A. Yes.

14 Q. Entailing the exchange of intelligence?

15 A. Yes.

16 Q. What does that partnership permit MI5 to do or at any
17 rate request?

18 A. It allows us to request that the police undertake
19 specific actions in relation to individuals arriving at
20 or leaving the UK, this can involve requests to be
21 notified of an SOI's travel as well as requests for
22 consideration to be given to stop a subject of interest
23 under the (inaudible) Act 2000.

24 Q. A schedule 7 stop obviously again there may be a balance
25 of factors to take into account. But do you agree that

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1 that may be a most useful technique?

2 A. Yes, it can be.

3 Q. Because I hope I'm not going to get the legal position
4 wrong, it can enable a person to be detained for
5 a period of up to 6 hours, although with checks?

6 A. Yes.

7 Q. Can enable them to be interviewed?

8 A. Yes.

9 Q. It can enable them and their belongings to be searched?

10 A. Yes.

11 Q. It can enable the requirement for a password for strong
12 devices to be provided?

13 A. Yes.

14 Q. And those devices searched for any concerning material
15 that may be on there?

16 A. Yes, and need to make sure those powers are not ours,
17 they are the police's powers.

18 Q. And indeed X makes that plain at paragraph 81, the
19 decision whether to exercise those powers or any of them
20 under schedule 7 lies with the police?

21 A. Yes.

22 Q. But certainly MI5 can make a request that in any
23 particular case they should be exercised?

24 A. That is right.

25 Q. Is there a term, a collective term, used within



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1 counter-terrorism to describe the ports and travel
2 toolkit?

3 A. Yes, we refer to it as putting a subject of interest on
4 ports action.

5 Q. Witness J, thank you very much for --

6 SIR JOHN SAUNDERS: I just want to deal with something
7 related to that if you don't mind.

8 I can well understand that if you think that someone

9 is travelling abroad for terrorist action using the stop
10 and search powers may provide evidence to support that
11 suggestion and you can effectively stop the person from
12 going abroad if that's their reason. I can also
13 understand that you could use that action in order to
14 use your -- for the police to use their powers to search
15 to look on electronic devices, to find whether there's
16 evidence on those, which actually supports the fact that
17 they may be acting in a terrorist way, have a terrorist
18 mindset, whatever.

19 Is it also seen or considered that a port stop
20 itself can be a disruptive action? In other words using
21 a port stop on someone could actually prevent them going
22 ahead with whatever they might have been intending to,
23 simply by the fact of stopping them and therefore
24 perhaps coming to their attention that MI5, the police,
25 whatever, know something about them? Is it used as



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1 a disruptive action purely the fact of stopping them?

2 A. Yes, it can be. As I say, I defer to the police in
3 terms of how they use their powers. From a MI5
4 perspective what we're seeking to achieve from ports
5 action is probably quite a wide-ranging set of potential
6 requirements to be met.

7 SIR JOHN SAUNDERS: I take your point that it's police
8 decision what they do. But no doubt, MI5 can have
9 a significant influence. They have to set out the case,
10 of course, because an interference with someone's
11 private life -- and therefore it needs to be necessary
12 and proportionate. Providing you can satisfy that with
13 the police, they are likely to listen to MI5, at least
14 aren't they.

15 A. Yes, I think that's right. As a request to the police
16 to say we are interested in this person, I think there
17 is a question about whether or not that power can then
18 be properly exercised purely by disrupting someone's
19 travel. I'd be looking for MI5 investigators to be
20 clear on what action they wanted on that because it can
21 be an opportunity to gather intelligence of course as
22 well.

23 MR GREANEY: So schedule 7 stop might have any number of or
24 might generate any number of reactions on the part of
25 the person who is stopped. It might have an adverse



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1 impact in terms of what they are provoked into doing or
2 it may put them off because they begin to suspect that
3 they are suspected of something.

4 Is it the position that those are factors that will

5 need to be taken into account in deciding whether on
6 MI5's part to make a request for such a stop and on the
7 part of CT policing or policing more generally to carry
8 out such a stop?

9 A. Yes, I think all of those things would be considered and
10 just to be clear, to be helpful to the inquiry, the
11 powers under schedule 7 of TACT used by the police
12 exercised by the police are not the only ports action
13 available.

14 Q. No.

15 A. Other travel monitoring tools which I don't go into any
16 detail here on, are available, which means that somebody
17 isn't stopped but you might still be able to gather
18 intelligence through those means. So the investigator
19 will be weighing those judgements up as well in terms of
20 the impact of the SOI by any overt or covert action.

21 SIR JOHN SAUNDERS: Am I right in thinking a port stop is
22 not something which requires the approval of
23 a Secretary of State or indeed the double lock
24 procedure?

25 A. No, it's internally authorised.



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1 MR GREANEY: Thank you, sir.

2 So Witness J, thank you very much for helping us

3 with those matters of background and process which it
4 was necessary for us to go through in detail. We are
5 going to turn next to deal with matters which, as you
6 understand, will be of the greatest concern to the
7 public and in particular the bereaved families, namely
8 MI5's investigation and knowledge of Salman Abedi.

9 Before I do that, I'm going to ask that eye be taken
10 off the camera. I'm going to ask Mr Suter to join me
11 for one moment. I just want to check on something.

12 (Pause).

13 SIR JOHN SAUNDERS: What is the date of birth of
14 Salman Abedi? If someone could provide that to me
15 I would be grateful because it may be relevant to how
16 old he was at particular stages.

17 MR GREANEY: I don't have that information immediately.

18 SIR JOHN SAUNDERS: I'm sure I'll be told within minutes.

19 MR GREANEY: It might not be until after lunch.

20 MR COOPER: It might be the year 1994.

21 SIR JOHN SAUNDERS: We'll check. Just so I have some idea.

22 A. I think it's 31 December 94.

23 SIR JOHN SAUNDERS: Thank you, 31 December 94. Thank you.

24 It wasn't a trick question, I assure you. I genuinely
25 wanted to know the answer.

1 MR GREANEY: So just before we go into the detail to the
2 extent that it can be open about Salman Abedi, I want to
3 invite you to confirm something which, to use a phrase,
4 is being broken out into open, that the security
5 services' general assessment based on the intelligence
6 picture as it stands and without prejudice to the
7 ongoing police investigation and any further evidence
8 that the police may obtain is that no one other than
9 Salman Abedi and Hashem Abedi was knowingly involved
10 in the attack plot?

11 A. That's right.

12 Q. I'm now at page 21, paragraph 83 of your statement.

13 When was it that MI5 first received information
14 about Salman Abedi?

15 A. We first received information on Salman Abedi on
16 30 December 2010.

17 SIR JOHN SAUNDERS: So the day before his 16th birthday.

18 MR GREANEY: I was just about to show my skills in maths as
19 well, sir.

20 From where was that information received?

21 A. We received this from the North-west Counter-terrorism
22 Unit, which is a unit within counter-terrorism policing.

23 Q. Was that information received in response to anything?

24 A. That was in response to a trace request made by MI5 to
25 the North-west CTU for information on a separate



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1 individual, who was an SOI.

2 Q. So an SOI who was not Salman Abedi, and is it the
3 position that due to the fact that Salman Abedi was
4 linked to one of the addresses relevant to the trace
5 request, North-west CTU's response included
6 Salman Abedi's address, his date of birth, and
7 information that he had been stopped and searched by
8 police on two occasions in 2010, with nothing suspicious
9 being found?

10 A. Yes, that's right.

11 Q. Did anything about that response from North-west CTU
12 indicate that Abedi posed any threat to national
13 security?

14 A. No.

15 Q. Was he put on any investigative scrutiny as a result of
16 the information at that stage?

17 A. No, he wasn't subjected to any investigative scrutiny.
18 This was a faint link, caused as a result of him having
19 an address that was shared with in some way the subject
20 of interest we were seeking the trace request on.

21 Q. In December 2013, did Salman Abedi come back on to the
22 radar of MI5?

23 A. Yes.

24 Q. In what circumstances?

25 A. He was identified by MI5 as a possible candidate for an



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- 1 unknown individual observing to have been acting
2 suspiciously with an SOI.
- 3 Q. And that is an SOI described in the statement as SOI A;
4 is that correct?
- 5 A. Yes.
- 6 Q. Has MI5 judged on national security grounds that SOI A
7 cannot be named publicly?
- 8 A. Yes.
- 9 Q. I won't ask you the same question in relation to each
10 SOI. Is that also the position in relation to SOI B and
11 C?
- 12 A. Yes.
- 13 Q. So he was a candidate for having acted suspiciously with
14 SOI A. Was SOI A under investigation by MI5?
- 15 A. Yes, he was under investigation within a P2 M
16 investigation, so a medium priority P2 operation.
- 17 Q. Was that due to SOI A's suspected links with involvement
18 in planning travel to Syria for extremist purposes?
- 19 A. Yes.
- 20 Q. Why was Salman Abedi considered by MI5 as a candidate
21 for this unknown individual?
- 22 A. This is because he was a -- a telephone number
23 registered to Salman Abedi was in contact with this

24 subject of interest prior to the suspicious activity
25 that had been observed.

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1 Q. As a result, did MI5 seek to confirm if the unidentified
2 individual was Salman Abedi and seek to obtain
3 information to ascertain the relationship between Abedi
4 and SOI A?

5 A. Yes.

6 Q. On 18 March 2014 was a decision made that Salman Abedi
7 met the threshold to be opened as an SOI?

8 A. Yes.

9 Q. Did that mean, as you've explained to us, that a KIS
10 record was opened for him?

11 A. Yes.

12 Q. And also that he was given a MI5 nickname?

13 A. Yes.

14 Q. Was that decision made because it was still thought that
15 he was a candidate for the unidentified male?

16 A. The decision was made after we had determined that
17 he was no longer the candidate for that unidentified
18 male but on the basis that he was in frequent contact
19 with the SOI.

20 SIR JOHN SAUNDERS: And he's 19 at this time? I think it
21 follows. 3 years after the first one.

22 A. Yes.

23 SIR JOHN SAUNDERS: Just 19.

24 MR GREANEY: Yes. So the investigation had moved on and the
25 reason for designating him an SOI was the contact that

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1 he had been having with SOI A?

2 A. Yes.

3 Q. Did that include contact between the two, just prior to
4 SOI A acting in the suspicious way that you have
5 described?

6 A. Yes.

7 Q. As a result, was MI5 seeking still to ascertain the
8 nature of the relationship between the two?

9 A. Yes.

10 Q. And whether or not Salman Abedi posed a threat to the
11 national security of this country?

12 A. Yes.

13 Q. Was he given a holding code on the same day, 18 March?

14 A. Yes.

15 Q. What holding code was he given?

16 A. The holding code that he was given was that he was
17 assessed as an individual who might pose a threat to
18 national security.

19 Q. In terms of the tiering, what tier SOI was he?

20 A. He was made a Tier 3 SOI under this operation, ie he was
21 a contact of a Tier 1 SOI who was the SOI A, who we've
22 discussed, who was the focus of that operation.
23 Q. In seeking to identify, first of all, whether
24 Salman Abedi had been the identified individual and then
25 the nature of his relationship with SOI A, did MI5

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1 undertake a number of investigative actions?
2 A. Yes.
3 Q. Did those include informing North-west CTU that
4 Salman Abedi was a candidate for that person?
5 A. Yes.
6 Q. In July 2014, 21st of that month, was a decision made to
7 cease investigation into Salman Abedi?
8 A. Yes.
9 Q. To use the language we are now familiar with, was
10 a decision made to close him as an SOI?
11 A. Yes.
12 Q. At that stage, was he given a holding code?
13 A. Yes, he was given a new holding code that represented
14 that he was assessed not to pose a threat to national
15 security.
16 Q. What was that decision based upon?
17 A. This was based on Salman Abedi's lack of engagement with

18 individuals of interest, including SOI A.
19 Q. Was an officer from North-west CTU involved in that
20 closure process?
21 A. Yes.
22 Q. Did that include the please of what's called a residual
23 SOI form?
24 A. Yes.
25 Q. In that form was Salman Abedi's residual risk assessed

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1 to be low?
2 A. Yes.
3 Q. Was any reason recorded in the form for that assessment?
4 A. The reason recorded in the form for this decision was
5 since Salman Abedi was opened as an SOI we've seen no
6 adverse intelligence relating to him, he was a candidate
7 for an individual site associated with SOI however this
8 individual was later identified to be somebody else.
9 Q. So there we have it. On 21 July 2014, he is closed as
10 an SOI and became part of that large group that you've
11 described to us earlier.
12 A. Yes.
13 Q. Aside from a time that you are going to explain to us in
14 due course, subsequently when Salman Abedi was opened
15 and closed as an SOI on the same day, is that the only

16 period during which Salman Abedi was open as an SOI for
17 MI5?

18 A. Yes, that's right.

19 SIR JOHN SAUNDERS: This relates to telephone numbers and
20 you may well not be able to answer this, so if someone
21 could just look at it and if they're able to tell me,
22 that would be helpful. Paragraph 83. You were talking
23 about the trace on 30 December 2010, which was MI5's
24 first contact of any sort with Salman Abedi and it deals
25 with his address, date of birth and information that

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1 he'd been stopped and searched by police on two
2 occasions on 2010. Do you happen to know, were you
3 given a phone number as well? It may be you don't.

4 A. I have seen all the material relating to this, sir, and
5 I don't believe we were given a phone number. But
6 I will ask my team to check.

7 SIR JOHN SAUNDERS: Thank you. So just connecting that up,
8 he was connected up with SOI A in December 2013 because
9 a telephone number registered to Salman Abedi was in
10 contact with SOI A. When you say registered, does this
11 mean that it's in some public registry of telephone
12 numbers or does it mean that it's registered so far as
13 you are concerned to Salman Abedi or the police

14 concerned? I'm asking this because most terrorists
15 perhaps involved in terrorist activity may not be using
16 registered telephones on a public directory.

17 A. I can't describe exactly how we came to know that it was
18 Salman Abedi's number that was in contact, but this
19 would have been research that we did in conjunction with
20 the police to determine the contacts of this SOI A.

21 SIR JOHN SAUNDERS: It's the use of the word "registered".
22 If you could find out where that comes from that would
23 be a help if I'm allowed to know.

24 A. Yes.

25 MR GREANEY: So it's really a question of whether it's

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1 a phone which is formally registered in the sense of
2 being a contract phone in his name or whether it's a pay
3 as you go phone that's attributed to him through the
4 usual mechanisms that we are all familiar with.

5 A. Yes.

6 Q. Let's move on in time to the following year, 2015. In
7 2015 did Salman Abedi again come to the attention of
8 MI5?

9 A. Yes.

10 Q. In what circumstances?

11 A. He was identified as being the owner of a telephone

12 number which had been seen previously in contact with
13 a subject of interest, SOI B, on a number of occasions.
14 Q. Did you also have information that indicated that
15 Salman Abedi had met with SOI B in person on a number of
16 occasions?
17 A. Yes.
18 Q. Was SOI B someone previously linked to Al-Qaeda?
19 A. Yes.
20 Q. And investigated in connection with his facilitation of
21 the travel of others to Syria?
22 A. Yes.
23 Q. Was there anything within that information in 2015,
24 either alone or in combination with the other
25 information held from 2010 and 2013, that was considered

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1 by MI5 as sufficient to justify opening Salman Abedi as
2 an SOI?
3 A. No, nothing within the information held in connection
4 with Salman Abedi's contact and association with SOI B
5 was considered sufficient to justify opening him as
6 an SOI. We didn't consider he showed -- that it showed
7 that he posed a threat or may pose a threat to national
8 security.
9 SIR JOHN SAUNDERS: Can I just ask for the same information

10 on the telephone number in relation to that? Thank you.

11 MR GREANEY: On the chairman's point about telephone numbers

12 we've heard about the KIS record that is kept

13 in relation to all SOIs and sometimes I think called

14 a KIS record?

15 A. Yes.

16 Q. Where a telephone number is attributed or believed to be

17 attributed to an SOI, should such information be

18 recorded on the KIS record?

19 A. Yes, if it's confirmed that it's the telephone number of

20 that SOI then it should be on the KIS record.

21 Q. Again, stop me if I'm trespassing into closed territory.

22 Does that apply whether the SOI is an open active SOI or

23 a closed SOI?

24 A. I think certainly in the case of live or opened SOIs,

25 then there would be very regular updating of the KIS to



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1 ensure that the telephone numbers of that individual

2 were on the corporate record. For closed SOIs who are

3 not under live investigation, then I think it's less

4 likely that you will always see the telephone number

5 being associated from week-to-week if it changes.

6 Q. We were dealing with SOI B. In its post-attack

7 assessment based on a review of both pre-attack and

8 post-attack intelligence, has MI5 reached any conclusion
9 about SOI B and his involvement or potential involvement
10 in the events of or that led to 22 May?

11 A. Yes. In our post- attack assessment, so this is
12 a review of both pre-attack and postattack intelligence,
13 our judgment is that Salman Abedi's extremist ideology
14 is likely to have been influenced by his contact with
15 SOI B. But also that it's unlikely that SOI B was
16 involved in or otherwise knew about the planned attack.

17 SIR JOHN SAUNDERS: That's post. Benefit of hindsight,
18 I well understand. But the fact of a 19 year-old being
19 in contact with somebody who was previously linked to
20 Al-Qaeda. Would that not give some concerns about the
21 possibility that radicalisation is happening?

22 A. So at that time we didn't have intelligence to indicate
23 that. As with SOI B, where we actually had three or
24 four months' worth of investigation, we are seeking to
25 determine whether somebody in contact with someone is



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1 more than just that, and in the case of SOI B's contact
2 with Abedi we saw nothing to justify opening him as
3 an SOI.

4 SIR JOHN SAUNDERS: We'll come to this later, but all this
5 may be relevant, may it not, to whether a referral to

6 Prevent should have taken place?

7 A. Yes, potentially.

8 SIR JOHN SAUNDERS: Thank you.

9 MR GREANEY: Is the fact that by 2015 Salman Abedi has been
10 in contact with two SOIs, SOI A and B, is that relevant
11 to the assessments that are or should be being made
12 about whether to redesignate him as an active SOI and/or
13 to take some other action such as a Prevent referral?

14 A. Yes, I think an investigator looking at an individual
15 who's in contact with an SOI and then another SOI would
16 be taking that into account when making judgements about
17 whether or not that individual may pose a threat to
18 national security. But I'd add at that point, if I may,
19 that we are talking here about thousands of people who
20 are in contact with individuals on a day-to-day basis
21 who are SOIs. We have to make very fine judgements
22 about whether somebody reaches a threshold for
23 investigation and it can't just be on the basis of
24 contact. It has to be on the basis of more than that to
25 ensure that we are making good decisions about how we



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1 use our resources, but also to ensure that we are
2 absolutely focusing on those individuals who may pose
3 a threat.

4 Q. Is it fair to observe, perhaps only as a no more than
5 a matter of common sense, that the more persons of an
6 extremist mindset I am in contact with, the greater the
7 concern that I might share their mindset?

8 A. Potentially, but in the case of Salman Abedi in relation
9 to these two SOIs, the investigator was looking at the
10 contact and the association and making judgements that
11 I consider to be reasonable in not opening an
12 investigation. It doesn't necessarily follow, I would
13 suggest, that having contact with a number of SOIs is
14 a cumulative risk. It can be, but it doesn't
15 necessarily follow that way.

16 SIR JOHN SAUNDERS: So you'd be looking presumably, and it's
17 going to be, we can't do it in open, I think, but you'd
18 be looking at whether there were legitimate contacts
19 between him and the SOIs, so explanations for him being
20 in contact which had nothing to do with terrorism?

21 A. Yes, sir, I think it is for us as an organisation in
22 seeking to understand whether somebody is engaging --
23 in the case of, if I may just say a little bit about
24 this to be helpful.

25 SIR JOHN SAUNDERS: Thank you.



1 A. SOI A was under investigation due to a suspected link

2 with involvement in planning travel to Syria for
3 extremist purposes.

4 MR GREANEY: Yes.

5 A. The individuals who were investigating at that time,
6 there would have been some who we opened as
7 investigation subjects because we could see that they
8 were potentially engaging in activity that looked like
9 it was connected to that. With SOI B, similarly, the
10 fact that he was investigated for connection with his
11 facilitation of the travel of others to Syria, again
12 amongst his contacts were individuals who intelligence
13 suggested were involved in engaging in activities that
14 looked like they were about potential travel to Syria.

15 And then there were a range of other contacts who
16 were not engaged in terrorism, some of whom had
17 extremist mindsets, no doubt, some of whom were engaged
18 in activities that looked extreme in nature, but we have
19 to be really clear about where we want to focus our
20 effort and who we want to investigate. So those are the
21 sorts of judgments that I would be looking to make if
22 I was the investigator and I think those are the
23 judgements that we did make.

24 Q. Can I clear that in my questions I'm not intending to
25 suggest for one moment that these decisions do not

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- 1 involve fine judgements and difficult considerations.
- 2 But let's move on in time, still in 2015. Did MI5
- 3 receive other information about Salman Abedi in contact
- 4 with another subject of interest?
- 5 A. Yes, we did.
- 6 Q. Is that person known within the statement as SOI C?
- 7 A. Yes.
- 8 Q. What can be said publicly about SOI C?
- 9 A. SOI C was a long-standing subject of interest due to his
- 10 previous affiliation with an extremist group in Libya.
- 11 Q. And I asked you about MI5's post-attack assessment
- 12 in relation to any role of SOI B. Has MI5 also made
- 13 such an assessment in relation to SOI C?
- 14 A. Yes. In our post-attack assessment, we judged that
- 15 SOI C may have had some radicalising influence on
- 16 Salman Abedi. At the same time we hold no information
- 17 to suggest that SOI C was involved in or otherwise knew
- 18 about the planned attack.
- 19 Q. We maybe could have dealt with this earlier. As you've
- 20 explained, in 2015 Salman Abedi was identified as being
- 21 the owner or user of a particular telephone number. Had
- 22 something occurred in 2013 that is relevant to that
- 23 issue?
- 24 A. Are you talking about paragraph 99?
- 25 Q. I am, yes.



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1 A. This is in 2013, a telephone number almost identical to
2 that of the telephone number referred to already was
3 seen in connection with another individual suspected of
4 having possible links to extremists.

5 Q. Is that someone other than SOI A, B or C?

6 A. Yes.

7 Q. Is it the position that the information held by MI5, and
8 are you talking about there 2013 or some later stage?

9 A. 2013.

10 Q. So is the position that the information held by MI5 in
11 2013 would have enabled that number to be connected to
12 an unknown Salman?

13 A. Yes.

14 Q. But no investigative steps were taken to identify the
15 particular Salman in question?

16 A. That's right.

17 Q. But after the attack, that information was connected to
18 Salman Abedi?

19 A. Yes.

20 SIR JOHN SAUNDERS: Just so we know, the number referred to
21 in paragraph 92 was the number in contact with SOI B?

22 A. That's right.

23 SIR JOHN SAUNDERS: I'm saying that because we don't yet
24 know whether they're the same numbers that were in

25 contact with SOI A or indeed the number which may have

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1 been identified in 2010. Hopefully we'll be able to tie
2 all these numbers up at some later stage.

3 A. Can I just offer on that 2013 number, this was research
4 that we did when we were looking through all our records
5 quite properly after the attack to identify any numbers
6 that may have been connected to Salman Abedi. So the
7 search terms we used, I might just say that, were not
8 just any particular telephone numbers but also versions
9 of those telephone numbers, including ones that were
10 almost identical. So in 2013, this came up in
11 connection with somebody who wasn't an SOI, in contact
12 with Salman, an unknown Salman, who at that time wasn't
13 being investigated. So it's very unlikely that we would
14 have ever connected this number had we not done the
15 review post-attack.

16 SIR JOHN SAUNDERS: So you are specifically saying that
17 should not have been obvious in 2015 for example?
18 Because 2015 is when the contact is made with B and
19 you are saying there's no way you should have linked
20 that up in your view with the number, the slightly
21 different number, in 2013?

22 A. In my view.

23 SIR JOHN SAUNDERS: Thank you.

24 MR GREANEY: The chairman plainly is clear about this,

25 I just want to make sure that I am also clear. In 2013,

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1 a particular telephone number came to the attention of
2 MI5 because it had been in contact with an individual
3 suspected of having links to extremists.

4 A. Yes.

5 Q. It would have been possible to have connected that
6 number in 2013 to an unknown Salman?

7 A. Yes.

8 Q. But you don't consider that the work that would have
9 been necessary to do that was reasonable to expect at
10 that stage?

11 A. No.

12 Q. And then in 2015, the slightly different number is
13 attributed to Salman Abedi and is identified as in
14 contact with SOI B?

15 A. Yes.

16 Q. Next I'm going to ask for your help in relation to
17 a topic under X's heading "Second level contacts". You
18 mentioned earlier that there was a day when Salman Abedi
19 was reopened but then closed as an SOI within a single
20 day. Was that day in October 2015?

21 A. Yes.

22 Q. Are you able to explain how it came about that he was
23 re-opened and closed within such a short period?

24 A. This was based on a misunderstanding of information held
25 by MI5 that indicated Salman Abedi's links to a senior

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1 IS, Islamic State, figure in Libya. The information
2 indicated that Salman Abedi was a second level contact
3 of this individual, ie as you have said a contact of
4 a contact, but he was opened as an SOI on the basis that
5 this was a first level contact, so a direct contact.

6 Q. So there had been a misunderstanding that caused him to
7 be re-opened, that misunderstanding was quickly
8 identified and he was then closed?

9 A. Yes.

10 Q. So whatever the reaction ought to have been to the
11 information about SOI A and B, is it your position that
12 nothing that actually happened in October 2015 was
13 capable of making any real reassessment of Salman Abedi
14 and the risk that he presented?

15 A. No, not in my judgement.

16 Q. In April 2016, just to move events along, did further
17 information come to MI5 about Salman Abedi?

18 A. Yes. In April 2016 MI5 identified Salman Abedi as

19 a second level contact of an SOI. This SOI was
20 investigated by MI5 on the basis that he provided
21 financial support to a member of ISIL in Syria.
22 Q. Should we proceed on the basis or not that this SOI is
23 a different SOI from A, B and C?
24 A. Yes.
25 Q. We should proceed on that basis?

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1 A. We should, yes.
2 Q. In January 2017, did further information come to the
3 attention of MI5 about Salman Abedi?
4 A. Yes, in January 2017 MI5 identified Salman Abedi as
5 a second level contact of an SOI. This SOI was of
6 interest to MI5 because he was linked to ISIL and
7 information held by MI5 indicated that he had previously
8 travelled to Syria.
9 Q. Is that a different SOI from A, B and C and also
10 different from the SOI in respect of whom information
11 was received in April 2016?
12 A. Yes.
13 Q. In April of 2017, so a month before the attack, did
14 further information about Salman Abedi come to the
15 attention of MI5?
16 A. Yes, in April 2017 MI5 identified Salman Abedi as

17 a second level contact of another SOI. This SOI was
18 investigated by MI5 based on his links to a recruiter
19 and facilitator for ISIL in Libya.

20 Q. Again is this a sixth SOI and so a different SOI from
21 the others that I have previously mentioned?

22 A. Yes.

23 SIR JOHN SAUNDERS: Does it have a cumulative effect, all
24 this?

25 A. I think the first thing to say, if I say, second level

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1 contact is a contact of a contact, so there are going to
2 be occasions where a second level contact of an SOI is
3 interesting to MI5 and important in determining whether
4 that person poses a threat. But it is not usual for
5 that to be the case, it can draw out, for example, an
6 interesting middle man between two individuals or
7 somebody who's not previously come to our attention.
8 But a second level contact is just that, it's a contact
9 of a contact, and I'm not sure that to me that indicates
10 a cumulative risk developing.

11 SIR JOHN SAUNDERS: Should someone be applying their minds
12 to that and did they apply their minds to it?

13 A. I think this would be incorporated into the assessments
14 we were making. I don't look at that information and

15 consider it to be significant in terms of determining
16 whether or not Salman Abedi was posing a threat.
17 I think it's something that will be taken into
18 consideration, but this is not direct contact. You can
19 see from the mistake that we made about opening
20 Salman Abedi as an SOI for one day on October, we are
21 acutely aware of when somebody is in direct contact with
22 significant somebody. Somebody second level it's very
23 rare for us to regard that as someone showing a more
24 concerning picture.

25 SIR JOHN SAUNDERS: I'm not being critical, I'm wondering

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1 whether you know or not whether someone did look at the
2 cumulative effect and decided that it needed action.

3 A. I will have to --

4 SIR JOHN SAUNDERS: If you wouldn't mind.

5 A. Yes.

6 SIR JOHN SAUNDERS: We are all aware, as well, that
7 necessity and proportionality are always a requirement,
8 which I think comes from the European Convention as
9 really the wording that's used always for these
10 invasions of privacy of any sort.

11 A. My answer is that it would have been considered, but
12 I want to make sure I'm really clear about that to avoid

13 misleading --

14 SIR JOHN SAUNDERS: That would be helpful, thank you.

15 MR GREANEY: So you will understand why the inquiry and the
16 public will be concerned about this because over the
17 period between December of 2013 and January 2017, so
18 just over a 3-year period, there were three instances of
19 Salman Abedi being in direct contact with subjects of
20 interest and persons of an extremist mindset, and
21 by January two examples of him being a secondary --
22 a second level contact of a subject of interest, again
23 a person with an extremist mindset and it's really
24 a question of should someone have joined all of those
25 dots, did they, and if so should it have resulted in

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1 Salman Abedi becoming again an active subject of
2 interest? It may be that there are other issues that
3 fell to be considered in such a decision, and let's turn
4 to some of them.

5 I'm now at paragraph 104 of the statement under
6 a heading "Travel". From 2011, did MI5 receive
7 information about Salman Abedi's travel?

8 A. Yes, we received information on Salman Abedi's travel to
9 Libya on a number of occasions.

10 Q. What was the reaction in general terms of MI5 to that

11 information?

12 A. We knew that he had familial links to Libya and we also
13 received information in relation to him travelling to
14 Saudi Arabia during the Hajj.

15 Q. On two separate occasions of those occasions you've told
16 us about, did the nature of the information received
17 about Salman Abedi's overseas travel give any cause for
18 concern, either to MI5 or to North-west CTU?

19 A. Yes, the nature of the information on two separate
20 occasions gave cause for us to consider that he may be
21 travelling to Syria.

22 Q. Were further checks made to establish whether that was
23 or was not correct?

24 A. Yes. We conducted checks to identify that he had not
25 travelled to Syria. On the first occasion he travelled

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1 to Europe briefly, and then back to the UK, on the
2 second occasion he travelled onwards to Libya.

3 Q. In respect of the first occasion, did MI5 consider that
4 any further action was necessary?

5 A. No, no further action was taken because we didn't
6 consider that this information showed that Salman Abedi
7 posed a risk to national security.

8 Q. Did the second occasion relate to Salman Abedi's flight



9 to Istanbul on 25 May 2016?

10 A. Yes.

11 Q. How was that identified?

12 A. This was identified by north-west counter-terrorism unit
13 following enquiries with Manchester Airport, which
14 followed a notification to north-west counter-terrorism
15 unit linked to another individual.

16 Q. Did that trip in the result cause any concern to MI5?

17 A. As Salman Abedi's travel was onwards to Libya, we did
18 not consider this information showed that Salman Abedi
19 posed a risk to national security and we liaised with
20 North-west CTU accordingly.

21 Q. The next topic, and one which is a sort of public
22 concern --

23 SIR JOHN SAUNDERS: Before we leave that, paragraph 106, the
24 travel to Europe briefly, is it possible to be told
25 which country in Europe? I think I probably know the

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1 answer and it may be entirely innocuous. If it is,
2 it would be helpful to know if we can.

3 A. Um ...

4 SIR JOHN SAUNDERS: Don't answer if --

5 A. I'm sure we can provide it. There must be a reason why
6 it's not there.

7 SIR JOHN SAUNDERS: Consider the reason and then if we can
8 be told, then do. I will enquire at some stage whether
9 more information can be given about paragraph 107, but
10 we don't need to deal with that at the moment.

11 MR GREANEY: As I was indicating, in terms of what was known
12 about Salman Abedi and what the reaction to that was and
13 what it should have been, which may or may not be the
14 same, I'm moving now to deal with a topic that, as
15 I said, is of public concern.

16 SIR JOHN SAUNDERS: And you would like to keep going,
17 presumably, would you?

18 MR GREANEY: Yes, I'd like to finish this. I know we're
19 nearly at 1 o'clock.

20 SIR JOHN SAUNDERS: It's very helpful having our
21 stenographer here, who we haven't had in the past.

22 MR GREANEY: I've introduced this topic twice already,
23 I won't do it again. Is it correct that MI5 held
24 information that indicated that Salman Abedi had visited
25 a known extremist prisoner who more than one occasion?



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1 A. Yes, it is.

2 Q. In respect of the first visit, did MI5 and North-west
3 CTU actively seek information on the nature of Abedi's
4 visit to that prisoner?

5 A. Yes.

6 Q. As a matter of fact, did that result in any intelligence
7 which was assessed as justifying opening Salman Abedi as
8 an SOI for investigation?

9 A. That's right.

10 Q. So it didn't result in any such intelligence?

11 A. It didn't result in any such intelligence, yes.

12 Q. Have you and your colleagues considered closely whether
13 any further information can be given in open about this
14 particular topic?

15 A. Yes. We have thought very carefully, as you'd expect,
16 around this because of the nature of this. If I can
17 offer as much as I can in relation to this. So we did
18 get some information on subsequent visits and we again
19 concluded, looking at that, that it wouldn't have
20 justified opening Salman Abedi as a subject of interest
21 for investigation.

22 We haven't seen anything, even post-attack, to
23 suggest that Salman Abedi was visiting this prisoner for
24 the purposes of engaging in conversations about attack
25 planning, and I think that's probably about as far as



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1 I'm able to go. I do really want to be helpful around

2 this and I'm just conscious that some of it is just more

3 detailed and better discussed in closed.

4 Q. Then certainly I won't press you any further on the
5 detail. What I will ask is this: we know that in the
6 result, that information did not cause Salman Abedi to
7 be re-opened as an SOI. Is it MI5's assessment that
8 whether on its own or in combination with the other
9 information that we've been through, it should have
10 done?

11 A. I think it was a reasonable judgement to not open him as
12 an SOI at the time on the basis of the contact with an
13 extremist prisoner. There wasn't intelligence to
14 indicate that that contact was related to Salman posing
15 a threat to national security. So on the basis of the
16 information we had at the time, which of course is what
17 these judgements must be made on, the decision to not
18 open him as an investigation was a reasonable one in my
19 view.

20 Q. From the middle of 2015 onwards, did MI5 receive other
21 information about Salman Abedi on several occasions?

22 A. Yes, we did.

23 Q. Did that include conflicting information as to his
24 espousal of pro-Islamic State views?

25 A. Yes.



1 Q. On two separate occasions in the months prior to the
2 attack, was intelligence received by MI5 about
3 Salman Abedi?

4 A. Yes.

5 Q. Was the significance of that intelligence not fully
6 appreciated by MI5 at the time?

7 A. Yes, it wasn't.

8 Q. At the time, what was it assessed to relate to?

9 A. At the time it was assessed to relate not to terrorism
10 but to possible non-nefarious activity or to
11 non-terrorist criminality on the part of Salman Abedi.

12 Q. But does MI5 accept that in retrospect, the intelligence
13 can be seen to have been highly relevant to the planned
14 attack?

15 A. Yes.

16 Q. And again, you will understand the public concern to
17 know as much about that as is possible. Should we
18 understand that the closest consideration has been given
19 to whether more can be said, and it cannot?

20 A. Yes. Obviously this relates to intelligence received on
21 two separate occasions in the months prior to the
22 attack. In closed, I can share in full detail the
23 nature of that intelligence and the decisions that were
24 made in response to it. This was fragments of the
25 picture that we had at the time, but in the post-attack



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1 working looking back, we can see that it was
2 intelligence that was highly relevant to the planned
3 attack.

4 Q. At the time, so not applying hindsight, not making the
5 judgement in retrospect, is it the view of MI5 that the
6 decision that was made not on the basis of that
7 information to re-open Salman Abedi was whether that
8 information was taken on its own or in combination with
9 the other factors a reasonable judgement to make?

10 A. Yes, I think it was reasonable to make the judgement
11 that this was assessed not to relate to terrorism and it
12 was reasonable to not open an investigation in response.

13 MR COOPER: I missed that last sentence. Reasonable?

14 MR GREANEY: I'm sure that we can obtain the exact clip of
15 that for you, Mr Cooper.

16 (Pause).

17 Let's bring this section of your evidence and the
18 chronology to an end with the events on 3 March 2017.

19 I'm now at page 26, paragraph 112 of X's statement.

20 What happened on 3 March 2017?

21 A. On 3 March 2017, Salman Abedi was one of 685 closed
22 SOIs, priority indicator under Clematis.

23 Q. And on what basis did he hit a priority indicator?

24 A. It was on the basis of information we received in
25 mid-2016. This was an indicator that did not relate to



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1 any intelligence connected to the attack.

2 Q. We've identified two dates there, mid-2016 and
3 then March 2017. So a period of time had passed between
4 the existence of the matters that made him a priority
5 indicator and him becoming a priority indicator. In the
6 view of MI5, is that period one that should be
7 concerning?

8 A. This was a process that we'd started the previous year
9 to, as I've said, look at whether there were closed SOIs
10 who were showing signs of reengagement. Clematis was
11 designed to look across a load of indicators, including
12 data sets, to identify if somebody was showing signs of
13 reengagement. The Clematis process that ran on 3 March
14 covered several months previous to that of indicators,
15 so it was being run at that point not very regularly.
16 Somewhere in the region of between 6 and 9 to 12 months
17 apart.

18 SIR JOHN SAUNDERS: I think it has been accepted by MI5
19 that, again with the benefit of hindsight no doubt, it
20 should be run more frequently.

21 A. Yes.

22 SIR JOHN SAUNDERS: That's one of the recommendations.
23 Should it have been realised at the time that it ought

24 to have been run more frequently?

25 A. It was a relatively new process. I think it was

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1 a growing tool at the time, designed to spot that risk
2 amongst a set of individuals who were not being
3 investigated. I think we were still learning about its
4 use at that point and determining whether or not it was
5 actually giving us a benefit. But running it too
6 frequently at that point would have potentially been
7 desperate in terms of the use of resource against our
8 closed SOI pot where we were quite rightly at that time
9 focused on 500 priority investigations and 3,000 live
10 SOIs.

11 SIR JOHN SAUNDERS: Just putting the counter argument for
12 a moment, this is to identify people who have or there's
13 a risk will have returned to terrorist activity and
14 identifying indicators of that. If you have an
15 indication that someone may have returned to terrorist
16 activity it might be said you actually need to do
17 something about it pretty quickly.

18 A. I think if it's helpful for me to just describe the
19 process here. So when we're looking across that closed
20 pool of 20,000, and narrowing it down to the 685 who hit
21 a priority indicator, the next step is then to conduct

22 some low level investigative enquiries before we
23 determine whether somebody is actually moving towards
24 something that we need to start thinking about
25 investigating. So it is initially a fairly low level

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1 process. The indicator doesn't say this person has
2 reengaged, the indicator is the first step.
3 SIR JOHN SAUNDERS: It's a possibility?
4 A. It's a possibility. So it's a valuable tool I think
5 that we use and were starting to use then, but it's
6 a process that takes time and it's a process that starts
7 with low level work. So it will necessarily take some
8 time to deliver results and only a very small proportion
9 of those individuals who hit a priority indicator become
10 leads or investigations subsequently.
11 SIR JOHN SAUNDERS: Again you may not be able to answer
12 this, but apart from Salman Abedi, is there any other
13 occasion when this has happened, ie they've been
14 identified as a priority but have not been -- nothing's
15 happened before a terrorist act is committed by the
16 person who's been identified? That's a clumsy question
17 too, but I hope you follow what I'm talking about.
18 Would you look into it.
19 A. Yes.

20 SIR JOHN SAUNDERS: And then no doubt someone will tell me
21 what the answer is and whether it's all right for me to
22 hear about it in open.

23 A. Yes.

24 MR GREANEY: So earlier, you explained to us the Clematis
25 process and how it may develop into the Daffodil

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1 process. So we know that where a priority indicator has
2 been hit, there will be a process of triage in relation
3 to the person that is the trigger. Did that process of
4 triage happen in the case of Salman Abedi?

5 A. Yes. On 1 May, the indicator that was hit under
6 Clematis for Salman Abedi was triaged and it was
7 assessed that he met the threshold for further
8 investigation.

9 Q. Did the Clematis team then undertake further checks
10 which enabled them to assess that Salman Abedi was
11 overseas, probably in Libya?

12 A. Yes.

13 Q. On 8 May 2017, so exactly two weeks before the attack,
14 did the Clematis team assess that Salman Abedi should be
15 referred to the Daffodil process?

16 A. Yes.

17 Q. Was the purpose of that process for further low level

18 investigative enquiries to be carried out in order to
19 identify whether he had reengaged in Islamist extremist
20 activity?

21 A. Yes.

22 Q. Was he one of 26 SOIs due to be considered for referral
23 into the Daffodil process at a meeting scheduled for
24 after the attack, namely on 31 May?

25 A. Yes.

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1 MR GREANEY: May I suggest that's as far as we take it
2 before lunch, please.

3 SIR JOHN SAUNDERS: Right. Can any indication be given at
4 the moment?

5 SIR JAMES EADIE: No difficulty with reporting.

6 SIR JOHN SAUNDERS: Thank you. I hope that was heard.
7 Thank you.

8 MR GREANEY: Back at 2.15, please.

9 SIR JOHN SAUNDERS: Is that all right for everybody?
10 Thank you.

11 (1.13 pm)

12 (The lunch adjournment)

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1 (2.15 pm)

2 MR GREANEY: I'm now going to deal with the various reviews
3 which were carried out into Manchester and on occasion
4 in relation to other attacks as well. It's important
5 that I should conclude my questions of you as near to
6 3 o'clock as possible so that the questions of the first
7 family group can both start and conclude today and that
8 they should have the minutes that have been allocated to
9 them.

10 So I mean no disrespect to you or to the authors of
11 the various reviews if I deal with the reviews in rather
12 shorter detail than is contained within the statement of
13 X. If I miss anything that you regard as being of
14 considerable importance, please draw that to my
15 attention and in any event others will pick up on
16 anything I miss that is important.

17 The post-attack review, paragraph 115, page 26 of
18 X's witness statement. Was the post-attack review
19 a tri-agency review involving MI5, SIS and GCHQ?

20 A. Yes, it was.

21 Q. Was there also collaboration of a close nature with CTP?

22 A. Yes.

23 Q. But was that process led by MI5?

24 A. Yes, it was.

25 Q. Was it conducted by a review team overseen by a panel of

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1 senior experts drawn from a range of specialisms across
2 MI5?

3 A. Yes.

4 Q. Known as the expert panel?

5 A. Yes.

6 Q. Was the first stage of the review process to identify
7 the relevant material held by the intelligence agencies?

8 A. Yes.

9 Q. At the second stage of the review process, did the
10 review team under management supervision sift and
11 analyse all of the documents that had been found by
12 a careful search?

13 A. Yes.

14 Q. And did they then prepare a factual narrative of the
15 assessments, actions and decisions made prior to the
16 attack in relation to any intelligence held on
17 Salman Abedi and Hashem Abedi?

18 A. Yes.

19 Q. Paragraph 119. In a few sentences, what was the third
20 stage of the review process?

21 A. The review team evaluated any assessments, decisions
22 made and actions taken in relation to Salman and

23 Hashem Abedi. They examined contextual material such as
24 policies and prioritisation at the time of the
25 investigation as well. This stage of the process

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1 involved pause point meetings, where the review team and
2 the expert panel critically assessed the decision-making
3 at each stage of the investigation and identified
4 learning points to be drawn.

5 Q. Was the final classified report the PAR provided to the
6 Prime Minister in October 2017?

7 A. Yes.

8 Q. Do we find a convenient and in MI5's judgement accurate
9 summary of the review team's findings in Lord Anderson's
10 independent assessment?

11 A. Yes.

12 Q. I'm going to read that summary out without then going to
13 the detail of the findings and ask you some questions
14 about it.

15 He stated at page 27:

16 "The review team concluded that the investigative
17 actions taken in relation to Salman Abedi in 2014 and
18 the subsequent decision to close him as an SOI were
19 sound on the basis of the information available at the
20 time. It identified several further examples of good

21 practice."

22 Detailed consideration was given to the way in which
23 MI5 in early 2017 handled the intelligence, whose true
24 significance was not appreciated at that time. On this,
25 the review team concluded in summary that (a) the



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1 decision not to re-open an investigation was "finely
2 balanced and understandable in the circumstances". (b)
3 there is a degree of inherent uncertainty in speculating
4 as to what might or might not have been discovered if an
5 investigation had been opened on the basis of the new
6 intelligence, but that (c) on the clear balance of
7 professional opinion a successful pre-emption of the
8 gathering plot would have been unlikely. It was also
9 noted that despite his status as a closed SOI, an
10 opportunity was missed by MI5 to place Salman Abedi on
11 ports action following his travel to Libya
12 in April 2017.

13 This would have triggered an alert when he returned
14 shortly after the attack, which could have enabled him
15 to be questioned and searched at the airport by CT
16 policing under schedule 7 to the Terrorism Act of 2000.
17 A number of learning points and recommendations were
18 identified, these concerned the handling of closed SOIs,

19 triaging intelligence and the leads processing system,
20 handling potential high risk intelligence with an
21 indeterminate terrorist threat, key investigative
22 judgements, the use of travel notification monitoring
23 tools, record keeping, including considerations of
24 automation, and the process surrounding certain types of
25 information gathering.

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1 In his statement, X indicated that he agreed with
2 the findings and recommendations of the review team.
3 Do you?
4 A. Yes, I do.
5 Q. One of the conclusions of the review team was that on
6 the clear balance of professional opinion, a successful
7 pre-emption of the gathering plot would have been
8 unlikely. Does it follow that you agree with that
9 conclusion?
10 A. Yes, it does. I will probably say a bit more on my
11 judgement on that in due course if you wish, but yes,
12 I agree.
13 Q. Am I right that in making that decision or reaching that
14 conclusion, the review panel was assuming that
15 Salman Abedi had become an active SOI at some stage in
16 the earlier part of 2017?

17 A. Yes, so it follows from the line above, saying what we
18 could have discovered if an investigation had been
19 opened on the basis of the intelligence we received in
20 the months prior to the attack.

21 Q. And do you agree with me, so that it should be publicly
22 understood, that in closed we will need to consider not
23 only whether an investigation could and should have been
24 started in early 2017, but also whether an investigation
25 could and should have been started at some earlier

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1 point?

2 A. Yes.

3 Q. The second point arising out of the conclusions.
4 Obviously, the conclusions of the review panel were
5 based upon the materials and information available to
6 them. Do you agree?

7 A. Yes.

8 Q. Is it important, therefore, to make clear that in the
9 closed hearing we will consider the nature and extent of
10 the materials and information available to the review
11 team?

12 A. Yes.

13 Q. And we will need to see whether all that is known now
14 was known then and taken into account?

15 A. Yes.

16 Q. Without in any way seeking to identify or suggest what
17 the answer to that question will be.

18 Do you, thirdly, agree with the review panel that an
19 opportunity was missed by MI5 to place Salman Abedi on
20 ports action following his travel to Libya
21 in April 2017?

22 A. Yes, I think that would have been the better course of
23 action based on the information we had at the time.

24 Q. Fourth and finally in relation to the PAR, would you go
25 to page 31, paragraph 133, please? Did the review team

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1 identify a number of learning points as Lord Anderson
2 described?

3 A. Yes.

4 Q. And areas where further improvements could be made to
5 the processes of MI5?

6 A. Yes, that's right.

7 Q. I'm going to list them now and ask you in relation to
8 each one whether the improvement has been made and, if
9 made, whether the need for it could and should have been
10 identified before the Manchester attack. Does that make
11 sense as an approach?

12 A. Yes.

13 SIR JOHN SAUNDERS: Could you go back on one thing that --
14 the summary of what the experts said. At (c), the
15 experts say on the clear balance of professional
16 opinion, a successful pre-emption of the gathering plot
17 would have been unlikely. Just let me ask you what
18 seems to be a perfectly straightforward question about
19 that. One of the things that is agreed could and
20 perhaps should have been done was a port stop. You're
21 nodding, so you're agreeing. People can't see you
22 nodding.

23 A. Yes.

24 SIR JOHN SAUNDERS: One thing which is clear is that if you
25 do do a port stop and search the person for material or

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1 download things off their phone, you actually have no
2 idea what you may have found. So had there been a port
3 stop there is no way the panel of experts could have any
4 idea of what they would have found on Salman Abedi's
5 phone.

6 A. Yes, that's right.

7 SIR JOHN SAUNDERS: So it is pure speculation, isn't it, to
8 say on the balance of probabilities a successful
9 pre-emption of the gathering plot would have been
10 unlikely in that they have no idea what if anything

11 could have been found on a port stop which should have
12 taken place? Your answer?
13 A. Yes. I think the review team acknowledged, as
14 Mr Greaney has said, that there was a high degree of
15 inherent uncertainty in speculating as to what might or
16 might not have been discovered. I think what the review
17 team was trying to do was introduce its understanding of
18 what would have been possible in relation to MI5's tools
19 and capabilities and those of the police to -- and then
20 to connect that to what we knew about Salman Abedi's
21 behaviour and making some judgements about the extent to
22 which we would have been able to identify further
23 intelligence, for example from a port stop. But I do
24 agree, there's a high degree of speculation in that.
25 SIR JOHN SAUNDERS: I have no problem at the moment, subject

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1 to questions, with (b). I just do have a problem
2 with (c) as it stands because suppose you'd looked at
3 Salman Abedi's phone and you'd found detailed
4 instructions on how to make a bomb and that he had
5 recently been looking at it, you might have taken
6 immediate action which may have stopped it happening.
7 A. Yes, I do understand that. In relation to a port stop
8 in circumstances where we had requested a port stop of

9 the police on Salman Abedi's return from Libya in
10 mid-May, then if they had chosen to act on that,
11 it would not at that stage, given the information that
12 we had at the time, been treated as a priority by us or
13 by them because we wouldn't have been requesting
14 immediate action at that point. The information we had
15 wouldn't have justified that.

16 SIR JOHN SAUNDERS: That doesn't pre-empt having a download
17 of the phone, does it?

18 A. It doesn't. And of course, as we've described earlier,
19 the police have the powers to do that. But what
20 it would have some sort of impact on is the time it
21 would have taken for any successful download of any
22 phone he may or may not have been carrying at that stage
23 to reach CTP and MI5 to then enable us to consider how
24 we would then put that into our priority system and
25 determine whether or not it was something that we wanted



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1 to take further action on.

2 So my answer to that question really is primarily
3 about how we would have prioritised that at the time,
4 given that we wouldn't have been asking the police, even
5 if we had chosen to ask for a port stop, to have been
6 treating it as some sort of priority because he was

7 a closed SOI, someone who we didn't have indications of
8 attack planning.

9 SIR JOHN SAUNDERS: Thank you. So that's the basis, as
10 I understand it, of the conclusion reached by the
11 experts?

12 A. Yes.

13 SIR JOHN SAUNDERS: Thank you.

14 MR GREANEY: Moreover, I'm very keen I don't pass over
15 things too quickly that are of concern to you.

16 SIR JOHN SAUNDERS: It was just to give the witness a chance
17 to set out for others to hear his response to that,
18 having said he agreed with that opinion.

19 MR GREANEY: I will just take, sir, if I may, you to
20 paragraph 127.

21 SIR JOHN SAUNDERS: Please.

22 MR GREANEY: Page 29 of your report -- of the statement of
23 X, rather, where this issue is dealt with. As I have
24 understood it, the review team came to its conclusion
25 about what you might describe as causation on the



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1 hypothesis that there had been an investigation started
2 at some stage earlier in 2017(?). As you have noted
3 there was nonetheless a high degree of uncertainty in
4 speculating as to what might or might not have been

5 discovered if an investigation had been opened into
6 Salman Abedi at that point.

7 A. Yes.

8 Q. But they went on to identify a series of considerations,
9 which perhaps out of fairness to MI5 we ought to
10 identify. What was consideration (a)?

11 A. That in any scenario coverage of Salman Abedi would have
12 taken some time to build up. The case would have been
13 prioritised against the other priority investigations
14 opened at that time, across which finite resources must
15 be allocated, in particular in May 2017 there were
16 a substantial number of live investigations (^) and the
17 team that would have been responsible for investigating
18 Salman Abedi. Accordingly, it was unclear as to when
19 Salman Abedi's case may have progressed into an open
20 investigation and at what level of priority, given the
21 large number of suspended investigations at this time.

22 Q. Consideration (b), is the term depth of coverage one
23 which has meaning within MI5?

24 A. Yes.

25 Q. What in the most general or high level terms does it



1 mean?

2 A. Depth of coverage means acquiring coverage that enables

3 us to understand someone's terrorist activities. So
4 using increasingly intrusive powers in order to collect
5 information on someone's activity.

6 Q. So does it follow from the evidence you have given
7 earlier that establishing a depth of coverage may well
8 require authorisations, both internal and external?

9 A. Yes.

10 Q. In the period following Salman Abedi's return to the
11 United Kingdom on 18 May 2017, how and before the
12 attack -- how straightforward would it have been to have
13 established a sufficient depth of coverage?

14 A. I think it would have been extremely challenging with
15 just 4 days between his return and the attack taking
16 place.

17 Q. And consideration (c) was what, please?

18 A. The manner in which Salman Abedi took steps to avoid
19 detection of his activity.

20 Q. And (d)?

21 A. The increased difficulty in obtaining intelligence on
22 Salman Abedi whilst in Libya.

23 Q. Can we now turn to paragraph 133 and the issue of
24 learning points and improvements. These are the
25 recommendations of the review panel of MI5. Optimising

1 Clematis, the Clematis process, to provide the best
2 chance of identifying closed SOIs who may need to be
3 further investigated.

4 A. That's a recommendation that we have taken forward and
5 Clematis is a more comprehensive system than it was
6 then, run more frequently, and including a wider range
7 of data sets and indicators that enable us to identify
8 closed SOIs who may need to be further investigated.

9 Q. Is that a change or are those changes which could have
10 been foreseen before 22 May 2017 in MI5's judgement?

11 A. Not in our judgement. Of course we wish that we were
12 running this faster at that time in March, April
13 and May. But it was a relatively new process and
14 I don't think at the time that we were looking at it
15 that it was looking back, something that we could have
16 predicted would have required much faster or more
17 regular running.

18 Q. Ensuring that consistent standards are adhered to for
19 record keeping on all SOIs that are closed or due to be
20 closed, has that been done?

21 A. Yes, it has. As a point of fact, it wasn't the case in
22 respect of Salman Abedi and us closing him as an SOI in
23 2014 that record keeping was poor. The record keeping
24 existed and was there. But that consistency wouldn't
25 have been present across MI5 at that time and there



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1 would have been other closed records that may not have
2 had that level of attention. So we have now instigated
3 stronger processes around record keeping so that any
4 closed SOI who is closed, there is a clear record and
5 there are consistent standards.

6 Q. Notwithstanding that that didn't play a part in the
7 events concerning Salman Abedi, is that a change which
8 ought to have been identified before May of 2017?

9 A. As I say, we did that with, I think we did some clear
10 record keeping with Salman Abedi in the closure,
11 arguably yes you could say we should have been doing
12 that before then across all of our closed records. But
13 this has always been a challenge for us and will
14 continue to be, making sure that our investigators are
15 focused on the live SOIs and on the record keeping
16 around them.

17 Q. Consideration of improvements to the leads and triage
18 process. First, has that now been done?

19 A. Yes, we have more consistency around that, particularly
20 in terms of how we and CT police work together and
21 ensuring that we have much more clear and consistent
22 processes around the leads and triage process.

23 Q. If that change had been made before 22 May, does MI5
24 consider it would have been made a difference?

25 A. Not in our judgement, no.



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- 1 Q. Nonetheless, should that change in MI5's view have been
2 made before that date?
- 3 A. When we did the reviews, I think it was an area where we
4 knew we'd been doing some good work since 2011, but yes
5 I think it's an area where we could have done more to
6 improve our processes. But again it's continuous
7 improvement in that area, particularly around working
8 with the CTP police officers and ourselves.
- 9 Q. Consideration of new processes to ensure that better
10 handling of intelligence relating to closed SOIs? Has
11 that change been made?
- 12 A. Yes, in particular, ensuring that they arrive in the
13 same triage area as intelligence that's new, that is
14 unsolicited.
- 15 Q. If that change had been made before 22 May, would it in
16 MI5's view have made a difference?
- 17 A. Not in this case, no.
- 18 Q. Nonetheless, should those changes have been foreseen as
19 necessary before that date?
- 20 A. Again, potentially, I think this is an area where we are
21 continuously learning around how we might handle the
22 intelligence in relation to them. This is something
23 we'll need to continue to improve.

24 Q. Consideration to the approach taken to intelligence that
25 indicates an indeterminate threat of potential high

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1 risk. Has that change now been made?

2 A. Yes, it has. This is some improvements that have been
3 done to ensure that where we receive that type of
4 intelligence, there are clearer processes around what to
5 do when we receive it and who to consult when it's
6 received.

7 Q. If made before 22 May, would that change in MI5's
8 judgement have made a difference?

9 A. No.

10 Q. Nonetheless, is that a change which ought to have been
11 made before that date?

12 A. I think the events of 2017 brought that into sharp
13 focus. It wasn't something that at the time, before
14 then, looked like a particularly significant issue for
15 us. But we made those changes since and I think that's
16 right.

17 Q. F is a recommendation that takes us back to the
18 questions a short time ago of the chairman. A review of
19 the current internal guidance relating to the use of
20 travel notification tools. Has that change now been
21 made?

- 22 A. Yes. There's more standardisation around which
23 categories of SOI we refer for use of travel
24 notification tools.
- 25 Q. Is the answer to the question whether it would have made

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- 1 a difference if that change had been made before 22 May
2 that it is impossible to know?
- 3 A. Yes.
- 4 Q. Is that a change that ought to have been made before
5 22 May?
- 6 A. Yes, I think you can argue that we were relying on
7 investigators to make judgements about who should go on
8 to some form of ports action in that large pool of SOIs,
9 and we've since then standardised the approach so that
10 there's clear indications and clear process around which
11 are referred. So I think that would have been
12 a stronger process had we introduced it before then.
- 13 Q. G. A review of policy and guidance for investigating
14 aspirant travellers to theatres of jihad. Has that
15 change now been made?
- 16 A. Yes, it has. There's new policy and guidance
17 in relation to these types of investigations of SOIs
18 going overseas.
- 19 Q. Obviously, the problem in this case was not Salman Abedi

20 travelling abroad to a theatre of jihad but committing
21 his terrible offence here. So the answer to this
22 question may be obvious. If the change had been made
23 before May 17 would it have made a difference?
24 A. Not in respect of Salman Abedi. This was work we did
25 more broadly around the post-attack review to look at

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1 all of the individuals who may in some way have been
2 travelling overseas.
3 Q. Nonetheless should that change have been made in MI5's
4 assessment before the day of the attack?
5 A. Yes, I can see value in that being guidance that was
6 available before 2017 to investigators.
7 Q. H, a exploration of how automation of process may assist
8 with record keeping, that is has that change been made?
9 A. There's further automation now that relies less on the
10 investigator inputting information into our core systems
11 to update them. There's much more automation to ensure
12 they are able to see connections between a piece of
13 information we receive on SOIs. There's more work to do
14 on that I think in terms of automation. I don't think
15 that MI5 is at the point where it is confident all of
16 its processes are properly and fully automated, so that
17 will be an ongoing area for us to focus on over the next

18 few years.

19 Q. Bearing in mind that there were a number of different
20 occasions and a number of different ways in which
21 Salman Abedi came to the attention of MI5, if the change
22 that has been made to automation had been made before
23 the day of the attack, does MI5 judge it would have made
24 a difference?

25 A. No, we don't. We looked at all the intelligence that

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1 was coming in on Salman Abedi and I'm confident that the
2 assessments were made in relation to it. Automation
3 would have helped, but would not have made a material
4 difference in terms of the judgements that were
5 eventually made.

6 Q. Nonetheless, in MI5's assessment, is that a change which
7 ought to have been made before the day of the attack?

8 A. Yes, I think automation across our core investigative
9 systems is something that we've been trying to do
10 consistently for many years, so yes, pre-2017 that would
11 have been a better system, but this is really
12 challenging.

13 Q. L, an exploration of whether new systems can be
14 developed to assist investigators in assessing
15 intelligence. Has that change now been made?

16 A. We have made some progress on that in providing
17 investigators with new systems to enable them to make
18 judgements around the intelligence they're receiving.
19 There have been some new pieces that have been
20 implemented as part of that. Again it's one of those
21 areas where I think we've got more work to do to ensure
22 that we are giving investigators the fullest possible
23 advice and assistance on the intelligence they receive.
24 Q. Would that change, if made before the attack, have made
25 a difference?

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1 A. No, not in our judgement.
2 Q. Nonetheless, should it have been made before 22 May?
3 A. I think this is again one of those areas where MI5 needs
4 to continually learn in relation to equipping its
5 investigators to be able to assess the intelligence that
6 they receive on a daily basis.
7 Q. And J. Production of further guidance relating to the
8 recording of assigned responsibility and critical
9 decisions. First of all, can you explain in a few
10 sentences what that recommendation involved to the
11 extent that it can be referred to in open?
12 A. This is about ensuring that when an SOI is open or
13 closed or when intelligence is coming in on an SOI that

14 it's clear in all of our systems who is the person
15 responsible for receiving and then assessing that
16 intelligence and who is the person responsible for
17 making decisions in relation to that intelligence. So
18 this is about producing guidance or further guidance to
19 ensure that investigators know exactly what to do in
20 every circumstance.

21 Q. Has that change now been made?

22 A. Yes.

23 Q. If it had been made before the attack, would it have
24 made a difference?

25 A. Not in our judgement, no, because there was clear

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1 responsibility for Salman Abedi as an open SOI and then
2 as a closed SOI. The recommendation was around the fact
3 that there would have been inconsistency across MI5
4 at the time, even though in this case there wasn't.

5 Q. Nonetheless, should that change in MI5's assessment have
6 been made before the date of the arena attack?

7 A. Yes, I think we accept that information management is an
8 area where we need to continuously improve.

9 Q. That's all I propose to ask you about the post-attack
10 review and we will now pick up some speed. Secondly,
11 the operational improvement review, as we've understood

12 it, this was the joint review by MI5 and
13 Counter-terrorism Policing?

14 A. Yes.

15 Q. Was it finalised after what might be described as
16 a quick turn around in October 2017?

17 A. Yes, it was.

18 Q. And I'm now at paragraph 141, page 34. Did the
19 operational improvement review make a series of
20 recommendations?

21 A. Yes, it did.

22 Q. I'm going to ask you just about, I think, three of them.
23 First of all, (a), a step change, as it is put by X, to
24 improve the exploitation of data by MI5 and the police,
25 including a better strategy for acquiring, analysing and

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1 sharing data across intelligence and policing, for
2 example through wider use of bulk personal databases and
3 by enhancement of tools such as the Clematis process,
4 and 2, increasing cooperation with the private sector,
5 for example to improve the detectability and
6 preventability of purchasers of potential explosive
7 precursors by would be terrorists.

8 Does the use of the term "a step change" indicate
9 that it was acknowledged that significant change needed

10 to occur?

11 A. Yes.

12 Q. Has that change now been made?

13 A. I think some significant changes have been made but
14 I think there's still more for us and the police to do
15 together.

16 Q. Had the changes which have been made been made
17 before May 2017, would it have made a difference?

18 A. No, not in our judgement.

19 Q. Nonetheless, should that step change have occurred
20 before that date?

21 A. I think to some extent it took the events of 2017 for us
22 to accelerate the work that we were doing on data
23 together. We've known for many years that we need to do
24 far more with data. You could argue that we could have
25 done some of it earlier, but some is incredibly



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1 challenging and relies of course on cooperation from the
2 private sector and other parts of government.

3 Q. Recommendation B, a step change to create a multi-agency
4 engagement process to enable the widest range of
5 partners to play their part in the risk of closed SOIs.
6 This involves a commitment by MI5 to allow knowledge
7 derived from intelligence to be shared more widely

8 beyond intelligence circles. Again, should we
9 understand from the use of that term step change that it
10 was acknowledged by this review that significant change
11 was needed in that regard?

12 A. Yes.

13 Q. Has that change now been made?

14 A. Yes. We have made significant changes in that area,
15 including through the creation of multi-agency centres
16 to enable, as you described, the widest range of
17 partners to play their part in managing the risk of
18 engagement by closed SOIs.

19 Q. Had those changes been made before May 2017, would it
20 have made a difference in MI5's judgement?

21 A. I'm afraid that might be back into the realms of
22 speculation again.

23 Q. So impossible to say?

24 A. I think so.

25 Q. Thirdly, notwithstanding that uncertainty, should the



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1 changes which have been made have been made

2 before May 2017?

3 A. I think that's finely balanced. I think the impetus
4 from 2017 to take a new approach to take a bit more risk
5 with intelligence, to build a wider set of partnerships

6 to counter-terrorism I think was clear. It's not clear
7 to me that there were clear signs that that was
8 something that needed to be done before then.

9 Q. Then I said there were three of these recommendations.
10 The others are all there to be read in the statement of
11 X and for you to be asked about if necessary. I'm just
12 going to ask you thirdly about F. The reinforcement of
13 Prevent referrals to ensure that all suitable candidates
14 are referred and to ensure consistency in processing of
15 referrals.

16 Before I ask you the three questions in relation to
17 that particular recommendation, I'm just going to refer
18 to some passages from the open report of the
19 Intelligence and Security Committee of Parliament. I'm
20 sorry, I don't know behind which divider you have that.
21 I'm looking at, first of all, paragraph 247 of that
22 report, page 92 in my version.

23 SIR JOHN SAUNDERS: That's the internal numbering?

24 MR GREANEY: Yes.

25 A. Yes.



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1 Q. Do you have "however in the case of Salman Abedi" at
2 247?

3 A. Yes.

4 Q. So the intelligence and security committee, which had
5 access to all of the classified material and heard some
6 evidence, did it not?

7 A. Yes.

8 Q. It observed:

9 "However, in the case of Salman Abedi, MI5 noted
10 that Prevent had not been actively considered."

11 And the committee then quoted from the witness who
12 gave evidence on behalf of MI5:

13 "The interventions that were made around or the
14 action that was taken in respect of Salman Abedi was the
15 fact that he was investigated for two periods. As far
16 as we can determine from the records, there was not
17 a decision, a conscious decision, made around the
18 Prevent referral."

19 And obviously, that report was some time ago now.
20 Can the inquiry still proceed on the basis that within
21 MI5, there was not a decision, a conscious decision,
22 made around the Prevent referral?

23 A. Yes. I've looked at this too, as you would expect, and
24 I can't find any basis for concluding that Prevent -- on
25 consideration at the time we closed or any other time.



1 Q. Whose role is it to make a Prevent referral in general

2 terms, is it MI5's or some different organisation or
3 both or more?

4 A. So normally when we close an SOI, it will be a part of
5 a joint conversation between MI5 and the police, and
6 that's normally the most suitable point for us to be
7 considering a Prevent referral. And it would normally
8 then be for the police to take forward that referral.
9 That was the case in 2014 to 16.

10 Q. If you go over the page to the conclusion just below
11 paragraph 249:

12 "Salman Abedi should have been considered for
13 a Prevent referral after his closure as an SOI
14 in July 2014. It is concerning that there is no
15 evidence of a discussion between CTP and MI5 as to
16 a potential referral."

17 Do you, by which I mean MI5, accept that conclusion?

18 A. When we closed him as an SOI in July 14, it wasn't
19 a policy that the investigator was required to consider
20 a Prevent referral, it was more a common practice.
21 Therefore it would have been more the investigator to
22 determine whether or not in that closure conversation
23 with the police that he should consider a Prevent
24 referral.

25 Q. So whether a referral should have been made obviously is

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- 1 an issue that the inquiry will be looking at, but does
2 MI5 accept that stage in July 2014, at least there ought
3 to have been consideration for such a Prevent referral?
- 4 A. As I said, it wasn't the policy at the time for
5 a referral to be considered at that point of closure.
6 It would have been down to the investigator. So in
7 policy terms the investigator was not required to make
8 that consideration of a referral in closure.
9 Subsequently, we've addressed that and put this place
10 measures to ensure that Prevent is considered at that
11 stage, but at the time it wasn't. So I think in terms
12 of the investigator judgement at that point, I don't
13 have any criticism of them. In terms of the process,
14 looking back, you can see that it would have been better
15 for us to have had a policy to make it clear that
16 a decision should be made on closure.
- 17 Q. So judging this, the investigator concerned did not go
18 contrary to policy?
- 19 A. That's right.
- 20 Q. But I may have misunderstood, were you indicating that
21 he did not act in accordance with what was common
22 practice?
- 23 A. It would have been down to him to make that judgement.
- 24 Q. But is the narrow answer to my question that he was not,
25 in not considering a Prevent referral, acting in



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1 accordance with common practice?

2 A. You could argue that. I've looked at the closure very
3 carefully, I have looked at the decision made by the
4 investigator and the police at the time to close and the
5 circumstances. I think the decision not to refer at
6 that time based on the policy we had was reasonable.

7 Q. At all events, what you acknowledge is that there should
8 have been a policy in place which required consideration
9 of a referral to be undertaken?

10 A. I think it would have been better. It would have given
11 investigators clearer guidance on what they should
12 consider at that point and we have rectified that. But
13 yes, I think it would have been better.

14 Q. So has change now been made in that regard? I think
15 from what you have told us, it has been?

16 A. Yes.

17 Q. As for whether it would have made a difference, we must
18 bear in mind the approach that the chairman has
19 indicated he proposes to make. But I think you will
20 accept that whatever the position in terms of causation,
21 the change which has now been made ought to have been
22 made before May of 2017 and perhaps I can explain why on
23 this occasion I'm putting the proposition in more
24 forceful terms. Would you go to paragraph 242?



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1 its 2014 report on the murder of Fusilier Lee Rigby and
2 they concluded:

3 "A referral to the Prevent programme may in many
4 cases be the best outcome for a vulnerable and
5 impressionable individual. A more holistic approach
6 should therefore be taken when deciding whether to refer
7 subjects of interest to Prevent or whether to take
8 a different route to ensure ...(reading to the words)...
9 considered."

10 That's why I asked you whether you acknowledge the
11 change ought to have been made before May 2017?

12 A. Yes. I wouldn't want to mislead in any way here. So
13 just to be really clear from my analysis of this
14 material, we investigated Salman Abedi for a few months
15 and made a judgement with the police that he didn't pose
16 a risk, he was determined to be a low residual risk and
17 we closed him.

18 Q. Yes.

19 A. We are talking here about whether or not in closing, the
20 investigator and the police at any point considered
21 a referral to Prevent. I can't find the record of that
22 consideration, concluding therefore that it didn't

23 happen.

24 Q. I understand.

25 A. I think in not considering that, that is of course

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1 a completely different question to should we have
2 referred him to Prevent at that point or any other
3 point. If I understand it, this is a point about
4 whether or not the policy was correct to not enforce on
5 closure somebody being referred or being considered for
6 referral I should say.

7 Q. Consideration, yes. I entirely acknowledge whether the
8 decision is to refer following consideration is
9 different from the question of whether there should be
10 consideration in the first place.

11 A. Okay.

12 Q. And I'm inviting you to tell us whether you agree or
13 disagree that the policy now in force that mandates
14 consideration should have been implemented before 2017,
15 particularly in light of the committee's findings in
16 2014.

17 A. Yes, I understand that, and I think that's reasonable.

18 SIR JOHN SAUNDERS: At the risk of Mr Greaney's time going
19 over even more, I'm finding some of this difficult.

20 There is a statutory duty on certain people to refer to

21 Prevent people they think are at risk of going to
22 radicalisation. I'm unable to say whether that
23 statutory duty falls on MI5 and/or CT police. But it
24 seems reasonable that if schools and universities are
25 required to consider when they fear that someone is

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1 being radicalised that they should refer to the
2 organisation to decide whether they go to Prevent,
3 it would seem reasonable that MI5, who have the primary
4 duty to deal with terrorism, would also have that well
5 in mind.
6 A. And we do. Primarily, as you know, sir, we are an
7 agency that's focused on pursue in the CONTEST strand.
8 SIR JOHN SAUNDERS: Okay.
9 A. And that's where we must focus our effort. But we
10 also --
11 SIR JOHN SAUNDERS: Prevent comes into it too?
12 A. We also see the enormous value of Prevent in seeking to
13 move people away from terrorism and working in
14 combination, those two strands of CONTEST are powerful.
15 So we have a responsibility, a clear responsibility, to
16 consider people for referral to Prevent and that's
17 something which over the years in conjunction with
18 police we've been doing.

19 SIR JOHN SAUNDERS: But even at the time, you knew that
20 since the age of 15 he had been in contact with people
21 who may radicalise. So from a fairly young age when
22 he was an SOI, when he was 19 or 18 or 19, you knew that
23 he had been in contact with some fairly serious people
24 within terrorism. You knew about his father having been
25 involved in terrorist activity in Libya. Doesn't he

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1 just look like an obvious candidate for somebody who
2 might be being dragged into terrorism, so if you're
3 closing him as an SOI, surely it must have been the
4 first thought that anyone ought to have had at the time?
5 Whether this is the fault of MI5's instruction,
6 teaching, policy, or the individual people, I don't
7 know. But can you just, looking at those basic facts --
8 he ought to have been referred to Prevent. I can't say
9 it would have made any difference, nor can you, it's
10 speculation, but this was a government programme
11 designed to prevent radicalisation and MI5 didn't take
12 advantage of it.

13 A. I have seen the real value of Prevent in cases in the
14 past where somebody has those risk factors that you're
15 referring to. From a MI5 perspective, when we closed
16 Salman Abedi in 2014, he was one of a group of 20,000

17 closed SOIs, so there needs to be some clear judgements
18 around which of those, were you to refer someone, who
19 you would refer and why. In 2014 when we closed him,
20 I see very little basis for us referring him to Prevent
21 based on the intelligence picture we had at the time in
22 2014.

23 SIR JOHN SAUNDERS: Okay.

24 A. He was somebody who we opened as an investigation
25 because we thought that he might have some concerning

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1 links to an SOI in a P2 operation, but we closed because
2 we judged after some investigation that he didn't. So
3 in closing, I think I would have needed more
4 justification as the investigator, had I considered
5 Prevent, to refer him, because I think on the basis of
6 what we had at the time, I'm not sure that would have
7 been justified.

8 SIR JOHN SAUNDERS: I'll stop in a minute because you'll be
9 asked no doubt other questions. These people he was in
10 contact with, A, B, C and D, I think, were they all
11 older than him?

12 A. Um ... I'm not sure I can go into that.

13 SIR JOHN SAUNDERS: Right. Thank you.

14 MR GREANEY: Just to finalise the position in relation to

15 the PAR and the OIR. Is it the position, I'm now at
16 paragraph 162, page 40 of your report, that
17 Lord Anderson was asked by the Home Secretary to carry
18 out an implementation stocktake in relation to the PAR
19 and OIR?

20 A. Yes.

21 Q. And at paragraph 166, Witness X tells us that as
22 of July 2019, Lord Anderson had noted that 85% of all
23 recommendations across both MI5 and CT policing had been
24 completed by January 2019, with the great majority of
25 the MI5 owned recommendations completed.

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1 A. Yes.

2 Q. Are you in a position, either now or tomorrow, to
3 provide us with an updated percentage of the
4 recommendations completed?

5 A. The updated picture is that 100 out of 104 of the
6 recommendations have been completed.

7 Q. I'm going to turn thirdly in the reviews to Lord
8 Anderson's independent assessment. That, of course, is
9 there for all to see and read the open version. I'm
10 going to take you therefore to just two paragraphs in
11 X's statement.

12 SIR JOHN SAUNDERS: Are we doing the stocktake bit or the

13 original report?

14 MR GREANEY: I'm doing the original independent assessment.

15 SIR JOHN SAUNDERS: Thank you very much.

16 MR GREANEY: Again, sir, if I'm going over this took
17 quickly, you must let me know. The independent
18 assessment. I'm simply going to draw your attention to
19 two passages in the statement. First of all,
20 paragraph 145, it's important, you would no doubt agree,
21 to make plain that Lord Anderson's assessment was that
22 the reviews had been conducted in a careful and
23 trustworthy manner.

24 A. Yes.

25 Q. Over the page, 151. He went on to observe that there

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1 was no cause for despair in respect of the UK's
2 counter-terrorism defences, noting that substantial
3 coverage was in place, working as intended?

4 A. Yes.

5 Q. He concluded that MI5 and CT policing got a great deal
6 right?

7 A. Yes.

8 Q. Particularly in the case of Manchester, they could have
9 succeeded, he found, had, to use his phrase, the cards
10 fallen differently.

11 A. Yes.

12 Q. Again, an observation that you I think will agree with,
13 given you agreed with it in relation to the PAR.

14 Obviously, Lord Anderson's conclusions were based upon
15 the materials and information that he had?

16 A. Yes.

17 Q. Although I emphasise that he was clear he was given
18 access to anything that he wanted.

19 A. Yes.

20 Q. But again, do you agree that in closed we will need to
21 consider whether everything now available to the inquiry
22 was available to him?

23 A. Yes.

24 Q. That's all I propose to ask you about Lord Anderson's
25 independent assessment.



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1 Fourthly and finally, the report of the Intelligence
2 and Security Committee, to which I've already made
3 reference. In its report, did the ISC reach a number of
4 conclusions and make a number of recommendations?

5 A. Yes.

6 Q. At paragraph 157, page 39 of X's statement, are there
7 listed the conclusions and recommendations that seem to
8 MI5 to be the most relevant to the Manchester Arena

9 attack?

10 A. Yes.

11 Q. I'm going to ask you about two of them. First of all,
12 (a), recommendations for improvements to the approved
13 visitor scheme and monitoring of extremist prisoners and
14 their visitors.

15 A. Yes.

16 Q. Has that change now been made?

17 A. I think properly, that recommendation needs to be,
18 I think, directed more to others who are giving
19 evidence, such as Paul Mott, when he does give evidence,
20 so that MI5 is obviously supporting in this area rather
21 than leading in respect of extremist prisoners and their
22 visitors.

23 Q. I understand that answer and I won't press you further.
24 It may be that your answer is the same in relation
25 to this, but by reference to a different individual. (b)



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1 conclusions on the system for regulating and monitoring
2 the purchase of precursor chemicals for the manufacture
3 of explosives and regulation of the work undertaken to
4 improve the system.

5 A. Yes. Again, the lead for that sits with the Home Office
6 and MI5 plays a key role, a supporting role, in ensuring

7 that we make progress in that area alongside the area
8 you mentioned on the 15 7(a).

9 Q. In X's statement it is made clear that MI5 has
10 a commitment to improve further and that there are
11 a number of initiatives that are in place; is that
12 correct?

13 A. Yes

14 Q. Some of which we have looked at, such as the CT step-up.
15 That was the position in July 2019. Does it remain the
16 position today?

17 A. Yes. As an organisation, we are continually learning
18 alongside CT policing and our other partners, seeking to
19 look at all of our machine to ensure we're doing what
20 we can to continue to change and improve. Over the next
21 couple of years we are as an organisation with a number
22 of other partners seeking to build the counter-terrorism
23 operation centre that will seek to produce the most
24 effective model we can provide to enable us across
25 a range of partners to respond to the terrorist threat.



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1 So that's a significant uplift in how we work together,
2 particularly with CT police and how we share our
3 intelligence and our data.

4 Q. Finally, Witness J, in terms of --

5 SIR JOHN SAUNDERS: Sorry, just one thing. It's
6 an important detail if someone can help me. Looking at
7 the ISC report, could you look at page 33, which is in
8 their internal numbering. This may be something I've
9 simply misunderstood. At paragraph 70, at the risk of
10 being in contempt of Parliament, can you actually tell
11 me whether categorisation of the prisoner is correct
12 there? If you don't know, then we can check, you may
13 not be the right person to ask. I don't think I should
14 be challenging something which appears in a committee
15 report from Parliament, but hopefully they'll forgive me
16 as I'm simply asking a question.

17 A. Yes, I do have the answer to that, but it might be
18 something that I need to share in a different form.

19 SIR JOHN SAUNDERS: Right.

20 MR GREANEY: We do know the answer to that and we will look
21 closely as to whether that can be put into open, if not
22 today then tomorrow.

23 SIR JOHN SAUNDERS: Thank you.

24 MR GREANEY: Witness J, I was going to take you finally in
25 terms of my questions to the concluding remarks of



3 that you agree with?

4 A. Yes, they are.

5 Q. It may therefore be that you'd find it helpful and fair
6 to read those out. I will invite you to do that.

7 SIR JOHN SAUNDERS:

8 A. [Reading not checked] "Countering threats to the UK's
9 national security including identifying and disrupting
10 terrorist plots is a complex and increasingly high
11 volume business. It is not unexpected that the thorough
12 review of MI5's processes and actions undertaken in the
13 reviews detailed above identified areas in which
14 processes, practices and guidance could be further
15 developed.

16 I do not consider and nor did the review teams for
17 the post-attack review or the operational improvement
18 review that any of the identified developments reflected
19 any systemic failings by MI5. They simply reflect the
20 reality of the challenging work faced by MI5 and its
21 staff and that there will always be ways in which MI5
22 can seek to develop and improve. I agree with Lord
23 Anderson's conclusion that even marginal improvements
24 are capable of paying dividends, the work undertaken on
25 the recommendations from the post-attack reviews into



1 the 2017 attacks, the operational improvement review and
2 the ISC cannot guarantee that future plots will be
3 disrupted but these improvements ...(reading to the
4 words)... try to evade the attention of the authorities.
5 MI5 and counter-terrorism partners are continually
6 developing techniques to enable us to gain the necessary
7 coverage ...(reading to the words)... these are the
8 finally balanced judgements that MI5 officers have to
9 make on a daily basis."

10 Q. Thank you, Witness J.

11 Sir, just before I finish, can I make clear that, as
12 will be apparent to all present in the courtroom and
13 watching remotely, I have in large part simply adduced
14 the evidence of Witness J as set out in the witness
15 statement of Witness X, with little press and no
16 challenge. And that I anticipate will also be the
17 approach that Mr de la Poer will take when he calls DCS
18 Scally. As will be apparent to everybody, that is not
19 the usual approach to counsel to the inquiry in this
20 inquiry. The approach we have taken to Witness J and
21 that will be taken to DCS Scally is because the press
22 will come for perfectly obvious reasons in closed,
23 during which also consideration, as I indicated at the
24 beginning of today, will be given to what can be broken
25 out from closed into open.





DRAFT TRANSCRIPT
Questions from MR COOPER

1

2 MR COOPER: Witness J, as you know, I represent a proportion
3 of the families today and one of a number of advocates
4 who will be asking you questions.

5 Getting to the crux of this, we'll go into some more
6 detail in a moment, would you accept for all the caveats
7 that you have given us, that MI5 failed to identify
8 a bomber who went on to kill 22 people on 22 May 2017?

9 A. Mr Cooper, before I answer that question, which I will
10 do, can I just through you express my personal
11 condolences on behalf of myself and MI5 (^).

12 Q. I'm grateful. Had I known you were going to say that,
13 I'd have given you the opportunity straightaway to say
14 that. You will understand that anything I have to ask
15 you on their behalf is certainly not meant to prejudice
16 any operations or future operations or personnel that
17 are doing a good job for all of us in keeping us safe.
18 But you'll understand it is my duty today to press you
19 on this matter, on behalf of the families, who have
20 waited a long time for this opportunity and of course,
21 given that much of the evidence is going to be heard in
22 closed sessions, for reasons we do understand, this is
23 our opportunity. So please bear with me during the

24 course of this process.

25 The question I opened with is would you accept that

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1 MI5 failed to identify a bomber who went on to kill 22
2 people on 22 May 2017?

3 A. Yes, so we exist to protect the public and to keep this
4 country safe and so when an attack like this happens,
5 of course we're acknowledging that we haven't been able
6 to do that. As an organisation, and personally, I'm so
7 sorry that we didn't stop this. My job over the past
8 few months has been to identify whether or not there
9 were moments where we did fail in your language, moments
10 where we should have done things that would have
11 prevented this attack. But I haven't detected failure
12 in my analysis of this. I've detected areas where,
13 looking back, of course with the benefit of hindsight,
14 there were different decisions that could have been
15 made.

16 SIR JOHN SAUNDERS: Witness J, I hope you don't mind me
17 saying so, there may be all good reasons for it, but
18 I think the answer to the question has to be yes,
19 doesn't it? MI5 did not identify Salman Abedi before
20 the attack took place. There may be perfectly good
21 reasons for that.

22 A. Yes. So we failed to identify in that language that
23 he was going to conduct this attack.
24 MR COOPER: I might use the word you, please don't take it
25 personally. MI5. In this instance for reasons we'll

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1 examine, and I know others will as well, you failed to
2 protect these families and the public from a bomber,
3 didn't you? As a general principle. We'll work on why.
4 But as a general proposition, surely it's one of the
5 most straightforward questions I'm going to ask you
6 today. MI5 failed to protect these families from
7 a bomber? Failed.
8 A. So we live in a society where unfortunately, despite our
9 work and the work of others, terrorist attacks do
10 happen. And it's a very uncomfortable and horrible
11 thing to say that but that is the case. And in the
12 circumstances, yes, we didn't identify that he was
13 planning this attack and we didn't stop him, quite
14 self-evidently. So yes, MI5 didn't --
15 Q. Come on, say it. Failed?
16 SIR JOHN SAUNDERS: I think he has already answered that.
17 The second question was the same as the first put
18 slightly differently.
19 MR COOPER: I will move on.

20 I'm going to ask you, the crux of all my questions
21 this afternoon is going to be suggesting to you that the
22 cumulative effect or the cumulative information that MI5
23 had at the time was sufficient for Salman Abedi to have
24 been identified and neutralised from doing this by
25 arrest, apprehension, even with Prevent, as others will

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1 deal with later. And let me develop that with you now
2 starting from the very, very beginning.

3 We know, and as you have told us, that round about
4 the time of this atrocity, the level of concern was
5 severe, meaning that an attack was highly likely?

6 A. Yes.

7 Q. And that you told us this morning the threat level is
8 a tool for all intelligence practitioners to determine
9 what protection might be required. So it's central for
10 an interpretation, effectively, as to how to act and
11 what to do, would that be right?

12 A. It gives a guide, yes.

13 Q. You've been taken through a number of steps, which
14 I will look at some of them in a moment. You have
15 indicated that MI5 was under a considerable amount of
16 pressure at the time.

17 A. Yes.

18 Q. Were you overworked?
19 A. As you say, considerable amount of pressure, I think it
20 was pretty stretched at the time across MI5.
21 Q. Were you underfunded?
22 A. No, I don't think so. I think we had funds from
23 government to do the job we were doing.
24 Q. So this is not a matter, I ask the question, as you'll
25 understand, often pressed as I am by the concerns of

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1 those I represent, and one of the concerns from the
2 families is whether MI5 needed more money at the time
3 and were not being provided with enough money to do
4 their job. If that's the case, you can probably do your
5 colleagues a great service now by saying so and perhaps
6 putting some pressure on government to help you. So one
7 more time: were you underfunded at the time and might
8 that have been a reason why some steps were not taken as
9 far as Salman Abedi was concerned?
10 A. In the reviews and in my work in preparation for this,
11 I haven't detected a link between the level of funding
12 of MI5 and Salman Abedi and our work in regard to him.
13 SIR JOHN SAUNDERS: Mr Cooper, I'm going to take that a bit
14 further. Obviously, resources are supplied to you
15 against your workload. You've told us, and we've heard,

16 and the director-general has said it, that 2017 brought
17 an unprecedented number of actual attacks and attacks
18 which you thwarted. Resources tend to follow on demand
19 rather than meet demand, so do you think in the light of
20 the increase during 2017 that you were properly funded,
21 bearing in mind that perhaps the funding comes
22 retrospectively to the demand?

23 A. As a organisation we had been growing for a number of
24 years, particularly CT, since 2005 (^) enable us to grow
25 our capabilities and grow in size. 2017 was a very

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1 significant year in terms of the pressure that we were
2 under. But I don't think there was a funding question
3 here for us at the time in relation to this case.

4 SIR JOHN SAUNDERS: Thank you.

5 MR COOPER: So therefore, any, and I'll use the emotive
6 word, you won't accept it, any mistakes made are not
7 down to a lack of resources, it's not down to a lack of
8 funding, the mistakes are down to straightforward and
9 simply decision-making if there are mistakes?

10 A. If there are mistakes, yes.

11 Q. Yes. I'm just trying to remove all the obstacles to
12 finding, if it is necessary, accountability for what
13 happened here.

14 A. Mr Cooper, just to add to that in terms of the
15 resourcing picture, as I have already said, the
16 organisation from 2014 was increasingly stretched. So
17 whilst I'm not highlighting here a lack of funding,
18 I would highlight some very serious prioritisation
19 choices that we were making internally over those years
20 and specifically in 2017 in terms of where we would
21 focus our effort.

22 So that stretch translated into hard decisions about
23 what to and what to not investigate.

24 Q. The last thing I'm going to do is go into the precise
25 issues of what resources were or were not needed,

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1 I wouldn't dream of asking that. But would you accept
2 then that this, on that last answer, is potentially an
3 under-resourcing issue? You simply didn't have enough
4 resources given the pressure of work in 2017 to properly
5 and thoroughly address the people you needed to, would
6 you accept that?

7 A. I do not consider that that is a factor in respect of
8 this case.

9 Q. The cumulative effect. Let's start with the Libyan
10 community and let me make very clear indeed that the
11 majority of people that live in the Libyan community in

12 Manchester are law abiding, decent people, and nothing
13 that I have to say, or you have to say, takes away from
14 that general principle. I wouldn't want to be
15 misinterpreted in the tenor of the questions I'm asking
16 you.

17 We are dealing with the cumulative effect now as to
18 what might have flagged Salman Abedi. He lived in the
19 Libyan community in Manchester, didn't he?

20 A. Yes, he was connected to Libyans in South Manchester and
21 had links to Libya.

22 Q. In fact he lived in Fallowfield in South Manchester.
23 Were you aware it had the nickname "Little Tripoli"?

24 A. Yes, I have heard that described.

25 Q. So we start from the basis of Salman Abedi living in

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1 a place in Manchester called Little Tripoli, so-called
2 because of the high density of its Libyan population.

3 Would you agree with that?

4 A. Yes, I have heard it described that way.

5 Q. When did you hear it described that way?

6 A. Several years ago when I was working alongside Greater
7 Manchester Police.

8 Q. Thank you. So before 22 May 2017?

9 A. Yes.

10 Q. So there we have Salman Abedi and his murderous partner
11 Hashem Abedi, living in that area. And you have already
12 highlighted today, Witness J, the JTAC advice, I won't
13 repeat it for time purposes, which emphasises on a view
14 being taken on particular locations and particular areas
15 that may have indicator signs that there may well be
16 issues there. I will put it as neutrally as possible.
17 Would that be right?

18 A. Yes.

19 Q. I want to take you to an expression you used this
20 morning on this point relating to that JTAC report on
21 that and a number of matters raised within it. When you
22 said this: it would have informed the teams who were
23 engaged to work in Manchester. Your evidence. You went
24 on to say: I'm very confident that MI5 and
25 counter-terrorism police would have used the material



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1 from it to perform our overall strategy. on what do you
2 base that confidence?

3 A. JTAC reports are produced very regularly and are shared
4 with investigators and investigative team leaders and
5 their seniors and are used to inform their work.

6 Q. Yes, we've heard a lot of evidence in this case, not
7 relating to MI5 but other organisations, about reports

8 that are made, with helpful observations in them, that
9 are neither seen nor referred to people who should see
10 and understand them. Who would see the JTAC report as
11 far as MI5 is concerned? Whose desk would it land on?
12 A. That 2010 report from JTAC would have been seen by those
13 people who were engaged in work that was relevant to
14 terrorism relating to Manchester.
15 Q. At what level, and again if I'm asking questions, I'm
16 trying to ask generalised questions here. At what level
17 of officer would see this report? Because I want to
18 understand and the families want to understand as to who
19 would see and who would activate the advice given within
20 it.
21 A. So it would be available to members of MI5 of a range of
22 grades, including investigators who were looking at
23 subjects of interest in Manchester through to their
24 managers. So it would be a fairly wide range.
25 Q. When you say it would be available, again if I can pin



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1 you down in the nicest possible way. When you say
2 available, would they be directed to read it, would be
3 it on their desks, would they be told it's here if you
4 want to see it? What level of direction would be given
5 to individuals to read an important report like this?

6 A. I don't think there would be a direction. I think there
7 would be, as there are with all JTAC reports at that
8 time, a distribution list of people who it would be
9 shared with, that would be determined to be the most
10 appropriate list of people to see that type of report.

11 Q. Because also within this report, as we know, there's
12 references to issues relating to crime, the crime rate
13 in Manchester, double the national average, and JTAC
14 highlighted this, it's again an important indicator as
15 to possible radicalisation. This report, would you
16 agree, is a vital report for those needing to assess
17 potential radicalised or vulnerable to radicalisation
18 individuals?

19 A. I'd say it was one of the reports available at the time
20 that would have been used by an investigator to inform
21 their work.

22 Q. From that answer, one of the reports, more than one
23 report, highlighting the problem in Manchester?

24 A. I think there would be a wide range of assessment
25 documents available to investigators who were looking at



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1 SOIs.

2 Q. If one looked at the JTAC report and any other report
3 that was available to your colleagues at the time, and

4 they went through all the tick lists and then compared
5 it hypothetically to Salman Abedi, hypothetically,
6 Salman Abedi would be number 1 on the list, wouldn't he
7 if that -- I'm not saying the exercise should have been
8 done or was done. But Salman Abedi ticked every box on
9 the JTAC report, didn't he?

10 A. During the period, of course, we were investigating
11 a number of individuals, SOIs, and had priority
12 investigations into individuals who would also have
13 been, based on that JTAC report and other reports, would
14 have met some of the criteria that were described by the
15 JTAC report as being relevant in terms of terrorism.

16 Q. I'm sure there were, but my question was: Salman Abedi
17 ticked every box on that JTAC report, didn't he?

18 A. Looking back, knowing what we know now, there are
19 significant correlations between Salman Abedi and his
20 path as much as we know it and some of the indicators
21 in that report.

22 SIR JOHN SAUNDERS: Can I understand a bit more about the
23 JTAC report. Did it have -- is it official secrets,
24 what is its category?

25 A. I believe it's a secret document.



2 authorities, would for example the Mayor of Manchester
3 see it?

4 A. Some JTAC reports are broken out at a lower
5 classification to enable the wider readership to be able
6 to access it. But the report in its full form would
7 contain intelligence and assessments on intelligence
8 that would make it hard for it in full to be shared
9 in that way.

10 SIR JOHN SAUNDERS: Mr Cooper is pursuing the question of
11 the identification of Salman Abedi as being a possible
12 high risk suspect from looking at that report. I'm also
13 concerned about whether that report having been done, it
14 was distributed to people who could perhaps make
15 a difference, could look at the conditions there and
16 perhaps try and take action to prevent it. Do you know
17 who it went to?

18 A. My understanding from my reading around this is that it
19 did get a wide distribution and the purpose of the
20 report was to try and not only draw from a wide range of
21 sources but also then to share the conclusions with --

22 SIR JOHN SAUNDERS: Highlight the problems?

23 A. Yes, how far it went in terms of the distribution I am
24 not sure.

25 SIR JOHN SAUNDERS: We might make some enquiries.



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1 A. One of JTAC's purposes of course is to share their
2 assessment as widely as possible so the broadest range
3 of partners can access their assessment. If I might
4 add, I wouldn't want to mislead this inquiry by
5 suggesting that this report is somehow sitting on its
6 own as a document. I refer to it of course in the
7 statement, in the statement I adopt it as a way into
8 understanding the community context, but I wouldn't want
9 in any way to suggest that this was the report on which
10 everybody was then making their decisions. There were,
11 as I've said, a wide range of reports and this was one
12 that was written at the time.

13 MR COOPER: Let me follow through on that. Was there any
14 report as far as you are aware that disagreed with the
15 JTAC report?

16 A. I haven't read all of the reports from the time.

17 Q. Give me one if there was. Have you read any that you
18 can recall that disagreed with the JTAC analysis of
19 Manchester? If so, may we see it?

20 A. I don't think it was repeated as an assessment, I think
21 it was an authoritative report at the time.

22 Q. Thank you. So your evidence a minute ago about there
23 are other reports -- and of course not wanting to
24 mislead this inquiry. The issue is the JTAC report,
25 isn't it, as far as Manchester is concerned and what it



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1 was saying about Manchester?

2 A. Perhaps we're talking at slightly cross-purposes,
3 Mr Cooper. When I'm thinking about investigators and
4 judgements made by investigative teams on individual
5 subjects of interest, I would expect them to refer to
6 a wide range of reports. This may well be a very strong
7 document in relation to Manchester in 2010, but that
8 doesn't necessarily translate into it being the core
9 document for an investigator making judgements about
10 their decisions.

11 Q. I totally understand that. This is a cumulative effect
12 I'm putting to you and only part of the story I think
13 I said. Nonetheless it would be right to say that when
14 we get to 2017 in short order, it will be so short we'll
15 get the bends it being so quick. When we get to 2017
16 the findings of the JTAC report in 2010 are still
17 relevant, aren't they far as Salman Abedi is concerned?

18 A. Yes, in terms of the broad themes drawn out by that
19 report a lot of them were still relevant in 2017.

20 Q. Were MI5 keeping abreast of the conflict in Libya and
21 how it was developing?

22 A. Insofar as it was relevant to our purpose, yes.

23 Q. It seems, and you'll correct me if I'm wrong, that MI5
24 were focusing almost primarily on Syria and travel to

25 Syria. Is that right?

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1 A. That was a key concern for us, yes. But not
2 exclusively.

3 Q. Libya was a war zone, wasn't it?

4 A. Yes, at the time, from 2014 and for years before that.

5 Q. And a hotbed of terrorism, wasn't it? A significant
6 part of the world where terrorist activity was either
7 propagated or encouraged.

8 A. Yes, there was terrorism in Libya.

9 Q. And were you aware, were you not, that during the course
10 of the war in Libya, terrorists, potentially, could come
11 back to Britain or to Britain for the -- UK for the
12 first time? There was a risk?

13 A. Yes.

14 Q. Within the confines of what you can or cannot say in
15 open session, why was Syria focused on other than Libya?
16 Or to a degree, more so than Libya? Is that a question
17 you can answer here?

18 A. I could try. Since the establishment of the caliphate
19 by Islamic State in 2014 we started to see a growing
20 threat from Syria and the surrounding region. And we
21 started to see individuals from the UK travel out to
22 Syria for the purpose of joining Islamic State and some

23 of them returning and seeking to engage in terrorism
24 in the UK and overseas and more broadly in Western
25 Europe we started to see either directed or inspired



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1 plots by Islamic State being conducted from 2014
2 onwards. So it was right in my view that MI5 and CT
3 policing were spending more time focusing on Syria as an
4 area where we were seeing much more threat emanating and
5 much more concerning attack plots.

6 Q. MI5 took their eye off the ball, didn't they, as far as
7 Libya is concerned?

8 A. No, I don't think that's the case.

9 Q. Let's look a little further in my next series of
10 questions to what else was going on in Libya that causes
11 me to put that to you. Again, as part of the cumulative
12 effect of Salman Abedi, I want to go now to

13 Salman Abedi's associates and contacts. Because you
14 referred so far to subjects of interest A, B and C. And
15 incidentally, as far as Salman Abedi is concerned, how
16 far up the alphabet do we go as far as he's concerned on
17 subjects of interest?

18 A. I've detailed in my statement his contact with SOI A, B
19 and C, and an extremist prisoner and his second level
20 contacts with four others.

21 Q. So we've got subject of interests A to, what, N? A, B
22 and C. How many other subjects of interest were MI5
23 aware of, just in terms of the number, or their
24 alphabetical designation, Salman Abedi was in contact
25 with, either in a primary or secondary way?

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1 A. In the primary way, as you describe it, SOI A, B and C
2 and an extremist prisoner. Then in a secondary way,
3 four further contacts.
4 Q. With four different people?
5 A. Yes.
6 Q. So we've got subjects of interest A to H then, that
7 would be about right, would it, if I'm putting it that
8 way?
9 A. Yes.
10 Q. Over a period of what time do we have subjects of
11 interest A to H?
12 A. That starting with the contact with SOI A
13 in December 2013, going through to 2017.
14 Q. So from 2013 to 2017, when this atrocity took place, MI5
15 were aware of Salman Abedi's contacts, either primary or
16 secondary, with eight subjects of interest?
17 A. Yes.
18 Q. So let's add that into the cumulative effect basket if

19 I may put it that way. Let's ask you about some names
20 you have not been asked about.
21 A. If I might just -- if it's helpful -- offer something in
22 respect of contact with subjects of interest. The
23 nature of the contact of course is very important. So
24 the mere fact of somebody being in contact with
25 a subject of interest of itself is not something that

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1 MI5 would necessarily seek to investigate. So I don't
2 think it can be assumed that contact with more than one
3 SOI or a series of SOIs is something that would
4 necessarily be of concern.
5 Q. But you say that and I wasn't going to ask you this, but
6 I think I'm able to now given that answer. Would you
7 agree with this proposition from the Fusilier Rigby
8 report that MI5 should consider attaching more
9 significance to the fact that two SOIs being in regular
10 contact even when contact is merely social -- that's
11 what Rigby recommended, that MI5 should consider
12 attaching more significance to the fact that two SOIs
13 being in regular contact, even when contact seems merely
14 social -- do you disagree with Rigby?
15 SIR JOHN SAUNDERS: Can I just understand? I'm afraid I'm
16 not familiar with the report as you are. Are we talking

17 about the two SOIs being the two killers?
18 MR COOPER: Not necessarily. It was a general -- page 124.
19 It's a general proposition that simply social contact
20 doesn't necessarily have to exclude concern.
21 SIR JOHN SAUNDERS: Right.
22 MR COOPER: Would you agree with the general proposition
23 that social contact doesn't necessarily mean that one
24 should exclude concern?
25 A. Yes, so I think it's possible that social contact

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1 between an individual and an SOI is something that might
2 be concerning, but I think it's quite unlikely that MI5
3 on the basis of social contact between an individual and
4 an SOI would see that as intelligence that would be
5 assessed to represent some form of threat. We have to
6 be really clear about how we use our powers, we have to
7 be really clear about where we put our effort. And when
8 looking at Salman Abedi and his contact with SOIs, when
9 we receive intelligence on the nature of that contact
10 we were making judgements about whether or not there was
11 a threat. So it doesn't necessarily follow that there
12 is a cumulative impact in every case.
13 Q. Let's look at some social and family contacts.
14 Obviously his father, Ramadan Abedi. He was a member of

15 the Libyan Islamic Fighting Group, wasn't he?
16 A. I'm afraid I can't confirm that in open.
17 Q. All right. I'm going to suggest it to you and then
18 maybe it can be dealt with in closed, that he was
19 a member of the Libyan Islamic Fighting Group, a group
20 who sought to overthrow Gaddafi and impose Islamic
21 government. If that was something that was available
22 for people to know, would you have known that?
23 A. Mr Cooper, could you repeat that question?
24 Q. I'm trying to dance around it. You can't tell me
25 whether you knew that, but I'm -- I'm going to suggest

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1 to you -- (overspeaking).
2 SIR JOHN SAUNDERS: If it was a fact, would you have known
3 it?
4 A. If ...
5 SIR JOHN SAUNDERS: If it's a fact that Ramadan Abedi was
6 confirmed with LIFG and the overthrow of Gaddafi,
7 is that a fact, you can't confirm or deny, but if it
8 were a fact, is it something you would know and MI5
9 would know?
10 A. Not necessarily.
11 MR COOPER: Really?
12 A. Just to be clear on the question, if I may, if there

13 were to be somebody who was connected to or a member of
14 a group that was involved in terrorism, would MI5 know
15 about it? The answer to that is no, not necessarily.

16 Q. That's not my question. If Ramadan Abedi was a member
17 of the Libyan Islamic Fighting Group, would MI5 have
18 known about that?

19 SIR JOHN SAUNDERS: I think the answer is going to no still.
20 We will look at it in closed, I can assure you of that.

21 MR COOPER: Thank you, sir. In many respects some of the
22 questions (overspeaking).

23 SIR JOHN SAUNDERS: I can understand the difficult for
24 Witness J in answering that.

25 MR COOPER: I understand.

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1 A. I am trying to be helpful, I do apologise.

2 Q. We both have different roles here and none of it is
3 intended to be disrespectful to you.

4 Ramadan Abedi, though, was a man surely MI5 knew was
5 potentially deeply involved in terrorism, wasn't he?

6 Surely MI5 knew that?

7 A. I can't comment on that in open.

8 Q. What I'm putting to you is before we go through a few
9 other names, when it comes to being concerned about
10 Salman Abedi, we've dealt with the Libyan community and

11 other issues. I'm now dealing with his family. MI5
12 would have known, I suggest to you, the deeply
13 disturbing background of his father and that should have
14 put them on alert as far as Salman Abedi is concerned,
15 shouldn't it?

16 A. I think all I can say about Ramadan Abedi is that, as
17 I mentioned to Mr Greaney earlier, it's assessed likely
18 that his extremist views, Salman Abedi's, were
19 influenced by his father.

20 Q. Almost definitely, I would suggest to you, and that MI5
21 knew that and knew that well before 2017, didn't they?
22 Surely you can answer that question?

23 A. Again, Mr Cooper, I can't in open.

24 Q. You are trying to help us here, Witness J?

25 SIR JOHN SAUNDERS: He has told you. It may be justified or

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1 not, the question of national security, but that's
2 something I will look at. If it's not, I will make sure
3 it's broken out at the end of closed.

4 MR COOPER: Let me leave it this way and I know Mr Greaney
5 is listening. If he at any stage feels that the
6 national security observation from what he knows is
7 inappropriate, he'll indicate and then I can press the
8 witness a little further on the witness using that. But

9 I'll move on because there were TIE reports and police
10 reports about Salman Abedi that the police could see.
11 So I suggest to you that purely on the available police
12 reports, it was obvious.

13 But let's move on to something else. Ismail Abedi;
14 Salman Abedi's elder brother. On his Facebook account,
15 extremist material including Ismail sitting behind
16 a senior Al-Qaeda figure on a gun holding a rocket
17 grenade launcher, interviewed 22 times by
18 Counter-terrorism Policing and not charged. Were you
19 aware of Ismail Abedi's alleged involvement in things
20 like this when you were looking at Salman Abedi?

21 A. I have seen all of the material that you've referred to,
22 but as with Ramadan, I can't confirm in open whether MI5
23 was aware of it at the time or was investigating.

24 Q. Again I'm going to suggest to you, given the position
25 that I'm put in, that MI5 surely would have known about



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1 this. If they didn't, I make the counter critical
2 submission they should have been. Let me put this to
3 you. Either MI5 knew about it and really ignored it as
4 far as Salman Abedi is concerned or they didn't know
5 about it and they should have known about it. Either
6 way, would you accept any of those propositions, one way

7 or the other?

8 SIR JOHN SAUNDERS: I'm sorry, there was one comment there
9 which I don't think helped the question if you don't
10 mind me saying.

11 What do you say?

12 A. So trying to be helpful and just to be really clear,
13 when I don't talk about individuals who we may or may
14 not have been investigating, as you have said, sir,
15 I can cover that fully in closed and fully intend to do
16 so as far as you want to go. There isn't any part of
17 this that I won't share, of course, as you know.

18 SIR JOHN SAUNDERS: Okay, as we know, you can only justify
19 that on the basis of national security.

20 A. Yes.

21 SIR JOHN SAUNDERS: So I need to make sure that that is
22 a proper justification.

23 A. And I understand. From my perspective, I am trying to
24 avoid providing details in open to individuals who we
25 are investigating and I'm not in any way confirming or



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1 denying whether or not Ramadan Abedi or Ismail Abedi
2 were being investigated. But trying to avoid giving
3 details of who we are and who we are not investigating
4 is important so that we can continue to do our job.

5 So I just wanted to say that in terms of the reason
6 why I am not able to say more. In respect of your
7 question, Mr Cooper, around Ismail Abedi and material
8 that you have discussed, I don't think it would
9 necessarily be the case that MI5 would be aware of all
10 intelligence that we now subsequently have. We had
11 a partial picture of what Salman Abedi was engaged with
12 and we will always have a partial picture of others too.
13 So I wouldn't necessarily say that MI5 has a full and
14 complete picture of any individual who may be engaged in
15 terrorism.

16 SIR JOHN SAUNDERS: Okay. In the case of Ismail Abedi, we
17 know he was port stopped and we know that certain
18 information was taken down from his telephone.

19 A. Yes.

20 SIR JOHN SAUNDERS: As a matter of practice, is that
21 something that CT police would share with MI5 or it
22 depends on the situation? What is the situation?

23 A. I think if the port stop had been requested by us, and
24 again I'm not saying in these specific circumstances,
25 it's an established practice that the material would



1 then be shared with us, as a result of the port stop.

2 If the port stop had not been requested by us, if

3 a reached a threshold of sharing from the police to MI5,
4 even if it had been another agency referring, then
5 we would probably see it too.

6 MR COOPER: With the inquiry's indulgence, I'm going to
7 press you a bit on this national security point.
8 You have just given an explanation as to why you don't
9 want to speak further on Ismail Abedi. I quite
10 understand. Maybe or maybe not, ongoing enquiries. But
11 all I'm asking you about is what you knew on
12 Ismail Abedi, 2014 to 2017. Can I suggest to you, and
13 the families have this concern, you are using national
14 security as an excuse not to answer legitimate
15 questions. And that's a classic example of it. I'm
16 only asking about what you knew of Ismail Abedi up to
17 2017, not what you know about him now. I wouldn't dream
18 of asking that. So one more time and then I'll move on.

19 SIR JOHN SAUNDERS: Are you covering things up by asserting
20 national security of questions you don't want to answer?

21 A. No. From my perspective, I'm sitting here giving
22 evidence, trying as hard as I can to share in open what
23 we as an organisation did in the run-up to 2017. I'm
24 also trying to balance in giving this evidence the need
25 for us to preserve ongoing investigations. And that

1 does include years before, material that we may or may
2 not have received, capabilities we may or may not have
3 deployed, so that if we find ourselves in a position
4 where I share in this inquiry material that then makes
5 it less likely that we are going to detect terrorism,
6 then I won't be doing my job.

7 MR COOPER: I'm just referring to his Facebook account.

8 That's all. Can I suggest to you MI5, if they're going
9 to say here and now they weren't even aware of his
10 Facebook account, that would be a surprising answer.
11 Were you aware of his Facebook account?

12 A. As I said, I can't start to get into the details of the
13 investigations we may or may not have been running on
14 individuals.

15 Q. All right. You understand when I put the suggestion
16 that the impression you're giving to some listening to
17 you is that you're avoiding answering my questions. You
18 understand that, don't you?

19 A. Yes, I can appreciate how frustrating that is. As I've
20 said, all of this material will be available in closed.
21 From my perspective, if I feel that by answering
22 a question I'm going to damage MI5's ability to continue
23 to counter terrorism, it will be difficult to answer.

24 Q. And if I felt by asking the questions I wouldn't dream
25 of asking them as well?

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1 SIR JOHN SAUNDERS: Can I just say what's been said by the
2 courts many times. The security service are the experts
3 at knowing what can be got out of information, so we do
4 have to defer to them to a degree about that. I'm not
5 allowing people to say national security I'm not
6 answering. That will not happen. But on the other hand
7 they're the people do know how terrorists will use
8 information.

9 MR COOPER: Sir, I'm not going to have that interchange
10 every time I ask a question. I needed to have it once
11 for the families.

12 SIR JOHN SAUNDERS: I understand the frustration of the
13 families too.

14 MR COOPER: Hashem Abedi, we all know about him. I presume
15 MI5 did as well, didn't they?

16 A. Again, I'm not able to answer that.

17 Q. All right. Ahmed Taghdi. We looked graphically last
18 week at some of the photographs on his electronic
19 devices of people holding guns and striking
20 revolutionary and potentially terrorist poses. You're
21 probably aware of that, as well, weren't you?

22 SIR JOHN SAUNDERS: Are you aware of it now?

23 A. Yes.

24 SIR JOHN SAUNDERS: Were you aware of it in 2017?

25 A. Again --

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1 SIR JOHN SAUNDERS: You can't answer that, all right.

2 MR COOPER: Abderahman Benhammedi. A childhood friend of
3 Salman Abedi. At Trafford College, he and Salman Abedi
4 were good friends, we're told. Benhammedi was remanded
5 into Belmarsh in November 2014 for terrorism offences
6 and acquitted, to be fair to him, in 2015. I'll ask the
7 question, you'll give the answer and I'll move on. Were
8 you aware before this atrocity of Salman Abedi's
9 associations with that individual?

10 A. I was aware of this -- we were aware of this individual
11 as a result of the actions that the police took that you
12 just described, but in relation to his connection or
13 otherwise to Salman Abedi, I can't disclose in open the
14 nature if there was any contact.

15 Q. Abdalraouf Abdallah. You're obviously aware of
16 the associations of Salman Abedi and I know that
17 Mr Atkinson will be dealing with aspects of prison
18 contacts, so I won't transgress. You were going to
19 accept surely that you were aware, certainly in 2015,
20 when the first visit took place of Salman Abedi's
21 association with a known terrorist in Belmarsh prison
22 and Liverpool prison, you knew that, didn't you,
23 of course?

24 A. So we're aware of Abdalraouf Abdallah and his TACT
25 offence, but again I can't talk about in open any

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1 connection with Salman Abedi.

2 Q. It's there in the evidence. Elyas Elmehdi.

3 A Manchester gang based associate allegedly of
4 Salman Abedi, who allowed Salman Abedi to park his
5 Nissan Micra, containing bomb parts for the arena
6 attack, in Devell House. Were you aware of
7 Salman Abedi's association with Elmehdi?

8 A. I'm afraid I can't talk about that.

9 Q. What I'm building here is a list of cumulative reasons
10 over and above the other matters you've already been
11 asked about, from the Libyan community, from
12 Salman Abedi's family background, from his criminal
13 background, and now from the associates which we suggest
14 to you MI5 did know about, to surely scream out
15 Salman Abedi is a potentially dangerous, dangerous man.
16 Would you agree?

17 A. As I have said, I haven't confirmed any of those
18 connections.

19 Q. I know.

20 A. So I don't think it would be right to say that all of
21 those individuals that you have mentioned and their

22 connections to Salman Abedi should be factored into any
23 cumulative picture.

24 Q. Just so the closed session understands, we would suggest
25 that if you're going to say to the closed session you

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1 didn't know about these individuals or didn't know about
2 some of them, the question we would have liked to have
3 asked you is: why on earth not? But I can't ask that,
4 but hopefully you'll be tasked on that in the closed
5 session.

6 Would you describe Salman Abedi as a self-starting
7 terrorist?

8 A. Mr Cooper --

9 SIR JOHN SAUNDERS: Is that a term of art?

10 MR COOPER: It is in fact, yes.

11 SIR JOHN SAUNDERS: What does it mean, self starting?

12 A. Self-initiating, self-starting. What used to be
13 described as lone actor. Someone who operates and
14 conducts an act of terrorism or terrorist activities
15 largely by themselves or without that much connection to
16 others.

17 MR COOPER: And would you describe Salman Abedi as
18 a self-starting terrorist?

19 A. Even now with all of the information available to us,

20 I don't think we can properly judge exactly how he came
21 to be on the path and who he was engaged with on that
22 path.

23 Q. All right. MI5 has a behavioural science unit, doesn't
24 it?

25 A. Yes.

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1 Q. What is the behavioural science unit, can you say?

2 A. A group of experts who provide advice on behaviours
3 in relation to all of our work, including terrorism,
4 such that our investigators and other members of MI5 can
5 learn from that advice in order that they make better
6 decisions.

7 Q. Effectively, I don't know -- have you seen Dr
8 Wilkinson's report?

9 A. Yes.

10 Q. To do the sort of thing Dr Wilkinson's done, look at an
11 individual's background, behaviours and associations and
12 perhaps come to a view as to whether they are a risk?

13 A. Yes.

14 Q. Was Salman Abedi ever referred to MI5's behavioural
15 science unit?

16 A. No.

17 Q. What causes a referral to the behavioural science unit?

18 A. They do a range of reports and there are general reports
19 on terrorism, you talked about self-starting terrorism,
20 so there would be general reports from them to enable
21 investigators and others to understand what to look for
22 in terms of behaviours that might be concerning and then
23 there are specific reports that might be commissioned
24 for an individual subject of interest. So I would
25 expect from time to time that's quite a high threshold

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1 so somebody who is a live case more likely.
2 Q. Should Salman Abedi have been referred to the
3 behavioural science unit?
4 A. Based on the intelligence picture we had at the time,
5 no, I don't think that would have been a judgement that
6 anyone would have made.
7 Q. Despite the fact that we've gone over the evidence of
8 the Libyan community, not singularly, it's a cumulative
9 basket I'm putting together here, despite the fact of
10 the Libya community evidence, despite the fact of his
11 family background, despite the fact potentially of his
12 associates that he mixes with, despite his criminality
13 and a number of other matters I haven't started to ask
14 you questions about that, despite all of that, none of
15 that triggered referral to the behavioural unit?

16 A. No. If I may, Mr Cooper, that has to be seen in the
17 context of what I've already described about the fact
18 that we're talking here about someone who was a closed
19 SOI in a pool of 20,000 closed SOIs, above which there
20 were 500 priority investigations with 3,000 live SOIs.
21 So in terms of the sort of resource that we're talking
22 about in terms of behavioural science assessment,
23 I would expect to see that being used against subjects
24 of interest who, from the intelligence, are posing
25 a threat.

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1 SIR JOHN SAUNDERS: This is looking forward, so picking out
2 lone actors is incredibly difficult. Have your
3 behavioural science unit looked at Salman Abedi's case
4 to try and identify what are those traits which might
5 give a hint in the future that the person they are then
6 considering might be about to act as lone actor? So
7 there are lessons learned, has that happened?
8 A. Yes, they've been part of the lessons learned work and
9 have since 2017 introduced a new framework that --
10 drawing on the lessons of 2017 that gives investigators
11 in MI5 indicators of what to look for.
12 SIR JOHN SAUNDERS: And looking at the characteristics of
13 Salman Abedi in particular.

14 A. Yes, and other attackers from 2017 and from previous
15 attacks.

16 MR COOPER: Can I suggest to you this on an analysis of
17 behaviour? Just floating this with you to see if it
18 helps. Wouldn't it be better, for instance, for more
19 marginal considerations of individuals to be highlighted
20 by something like the behavioural science unit where,
21 not quite sure, than simply passing over those who are
22 obviously dangerous individuals, so when it comes to
23 dealing with resources, is there not more sense, when
24 you have perhaps marginal individuals such as Abedi, you
25 might say, or individuals such as you might say, I don't

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1 agree with you, we know little about, isn't that just
2 the sort of individual that should go to something like
3 the behavioural science unit rather than those you
4 already know are dangerous people?

5 A. Yes, I would agree, it's not necessarily blanket, we're
6 going to take the top 50 subjects of interest and ask
7 for a behavioural science assessment of those. It is
8 much broader than that and where there is a specific
9 challenge in a particular case, behavioural science
10 might actually provide a very important assessment. But
11 it's got to be seen in the context of the numbers of

12 closed and live SOIs we have at any one time and there
13 would need to be specific reasons for making that
14 referral.

15 Q. Again this may be a question you can't answer here, but
16 when one considers closed and open SOIs, how is that
17 decision taken? Who makes those decisions? Can you
18 help us with that? What's the criteria or is that
19 question which may cause you difficulty?

20 SIR JOHN SAUNDERS: First of all who makes the decision and
21 then, if you can, the criteria?

22 A. So in 2014, 15, 16, the decision was made between the
23 investigator and MI5 and a police officer, if the police
24 were involved in the case.

25 MR COOPER: In relation to all SOIs?

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1 A. When an investigation was closed, so if there was
2 a priority investigation and there was either no longer
3 a threat or the threat had been disrupted it may be that
4 the investigative manager, group leader, would make the
5 decision to close the investigation, but in consequence
6 all of the SOIs would be closed as a result or
7 transferred to another investigation.

8 Q. Who decides to open the investigation, to instigate an
9 individual to be an SOI, how is that decided?

10 A. Again that's usually the investigator looking at the
11 intelligence picture, sometimes in consultation with
12 a manager but sometimes making the decision to open
13 a lead.

14 Q. What's the criteria for opening an SOI?

15 A. There's no set threshold. There's no set formula that
16 says: if you receive this intelligence then do this.
17 There's a high degree of judgement involved where
18 somebody, as I've described, the intelligence handling
19 model would look at the intelligence as it comes in to
20 determine what the level of risk is, credibility of the
21 intelligence, whether or not it could be actioned and
22 taken forward and whether opening an investigation would
23 be proportionate.

24 SIR JOHN SAUNDERS: Closing an SOI may be a very difficult
25 decision to make. Is it in the hands of let's say CT



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1 police are out of it, just MI5. Is it just in the hands
2 of one person?

3 A. Yes, at that time, yes. I think that's true. I think
4 there would be occasions where you would refer it to
5 a manager, particularly when you were looking to close
6 an investigation.

7 SIR JOHN SAUNDERS: Does anyone quality control those

8 decisions?

9 A. Yes, there were elements of quality control in that
10 process, so that somebody would be able to, in the case
11 of 2014, certain categories of closed SOI would be
12 closed and put into a general pot where others would be
13 able to then assess that set of closed SOIs.

14 SIR JOHN SAUNDERS: Thank you.

15 MR COOPER: On the same theme that the chair's raised with
16 you, let me deal with overseeing the opening of SOIs.
17 There are a lot of SOIs at the time that you were
18 investigating Salman Abedi, obviously, you have already
19 established that point and I'm asking questions based on
20 the period 2014 to 2017. Let me put the counter
21 suggestion to you. Were there too many SOIs, taking the
22 eye off the ball again and should there have been more
23 of a rigorous assessment of who would be an SOI to save
24 causing an overburdening amount of work for you and your
25 colleagues, which resulted, as far as we know, in this



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1 case, of you potentially missing Salman Abedi? I'll put
2 the question now, I wanted to give you the context to
3 the question. Were people being assessed as SOIs
4 a little bit too easily at the time and that caused the
5 overburdening, the proliferation of SOIs?

6 A. The focus of resources are the investigations and the
7 SOIs are within the investigations. So in the
8 overburdening you describe or the resource -- is
9 directed towards the investigations of which SOIs are
10 part. In some circumstances, and it happened in 2017,
11 we were suspending some investigations, which means that
12 you might still have a live SOI, but you are not
13 committing investigative resource or any other type of
14 resource to them. So the number of SOIs in those
15 circumstances is probably less important than the number
16 of investigations.

17 SIR JOHN SAUNDERS: Am I right in thinking, you have told us
18 that the number of live SOIs, active ones, has remained
19 pretty constant?

20 A. Yes.

21 SIR JOHN SAUNDERS: That might suggest a resource problem.
22 If it's constant it means you're dealing with as many as
23 you can, even though the level of activity we know went
24 up in 2017?

25 A. Within investigation there are tiers of SOI and in some



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1 cases, individuals for example in Tier 3, might not get
2 any investigative resource or just very limited. The
3 focus might be on the Tier 1 and Tier 2s. It's just

4 difficult to be able to say, to answer your question in
5 respect of how that translates into whether or not that
6 leads to a conclusion that there are too many or that
7 the system isn't working as well as it should.

8 I should say, sir, that this is an area that we are
9 currently looking at again to ask ourselves similar
10 questions around how do we best investigate open and
11 closed SOIs so that we can absolutely surface the most
12 pressing risks and then allocate accordingly. So it
13 will be an ongoing question for us to answer.

14 SIR JOHN SAUNDERS: The present system and the historic
15 system has been: SOI at an relevant time becomes
16 a closed SOI but you're keeping on eye on them and at
17 some stage they drop out of it completely. I wonder if
18 actually two tier would be better, just open or
19 completely closed, so you'd keep -- you know much better
20 than I do. It's just looking at the possibility. You
21 keep people who are now closed within the general SOI
22 field and you don't get them off that until you're
23 absolutely satisfied they've dropped out. Is that an
24 option or do you prefer the system you have at the
25 moment?



2 SIR JOHN SAUNDERS: Either open but you are out and you
3 don't have the closed SOI system which is a sort of
4 amalgam where we're sort of keeping an eye on them, we
5 might refer them back to the system, but it would take
6 quite a long time if there's a danger of them coming
7 back again.

8 A. You're absolutely right in that when we determine that
9 somebody should be closed, we need to find a way to move
10 them off investigative status so we can focus our effort
11 on open. Because we know that in that closed pot, and
12 there are some individuals who when we close, we're
13 saying we just don't know whether at some point in the
14 future they are going to reengage, it could be a few
15 years or many years. We have to find a way somehow to
16 ensure we have some triggers to alert us to that
17 reengagement. I described Clematis and Daffodil as two
18 process that we use to do that.

19 If we were to just close people once we had finished
20 an investigation of them, I think we would be running
21 the risk that closed SOIs would reengage and we wouldn't
22 spot it and of course that's a risk already, but we
23 always seek to find the best system to do that.

24 SIR JOHN SAUNDERS: The ISC (inaudible) Lord Anderson has it
25 as an ongoing problem.



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1 A. Yes.

2 SIR JOHN SAUNDERS: So I know you have made changes around
3 the edges but I just wonder whether some more
4 fundamental change might help. You are the expert, so
5 I'm not suggesting I know better on my very superficial
6 knowledge.

7 A. It is another area that we are currently looking at in
8 terms of how we might do what we can to look across the
9 risk of our open and closed SOIs and to think about
10 individuals who we subsequently move off that closed
11 list. But it's something that we are coming back to, so
12 yes, it might be something we talk further about.

13 SIR JOHN SAUNDERS: I'm not making a recommendation, believe
14 me, I'm just enquiring and looking at the possibilities.

15 MR COOPER: On the material that's collected on an open SOI,
16 and then that SOI is closed, what happens to the
17 material that's been collected, is it kept, logged,
18 available for referral in the future?

19 A. Yes, if we collect intelligence on a live SOI, it goes
20 into our corporate system and it's available to others
21 to use.

22 Q. On the subject matter the learned chair raised a moment
23 ago, can I take you, and you've been given advance
24 notice of it, to a section in the Rigby report,
25 Intelligence and Security Committee report by sir

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1 Malcolm Rifkind. Page 53. Shall I read the observation
2 within it? INQ042262/8.

3 This is a report made in 2014 in relation to the
4 tragic death of Fusilier Lee Rigby. If you look at the
5 bottom observation there:

6 "MI5 does not currently have a strategy for dealing
7 with subjects of interest who occur on the periphery of
8 several investigations. This is a key issue which has
9 arisen during the course of our inquiry, which must be
10 addressed by MI5. The committee recommends that where
11 individuals repeatedly come to MI5's attention, through
12 their connections with a wide range of subjects of
13 interest, MI5 must take this 'cumulative effect' into
14 account. They should ensure that interactions between
15 subjects of interest are highlighted when making
16 investigative decisions."

17 This was an observation by the report in 2014. Was
18 that taken -- I'll ask you the detail in a moment. Was
19 that taken into account by MI5?

20 A. Yes, it was.

21 Q. In terms of its direct application to Salman Abedi, who
22 clearly occurs at the very least on the periphery of
23 several investigations can I suggest to you that the
24 proper import, the proper seriousness of the cumulative

25 effect of his associations was not taken into account by

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1 MI5? What do you say to that?

2 A. As I say in my statement, all intelligence was
3 considered and assessed by those responsible for his
4 closed SOI record prior to the attack.

5 SIR JOHN SAUNDERS: Can I just have a few dates if at all
6 possible? Sorry for my ignorance but I have forgotten
7 the date of the Rigby attack.

8 MR COOPER: 2013, sir. I can get the exact date.

9 SIR JOHN SAUNDERS: Don't worry about that.

10 MR GREANEY: 22 May.

11 SIR JOHN SAUNDERS: I now do remember.

12 MR COOPER: This report, 25 November 2014.

13 SIR JOHN SAUNDERS: Thank you.

14 MR COOPER: Again if I can take you to page 24 of the same
15 report, again you been given notice of INQ042262/5.

16 At the bottom:

17 "Clearly, MI5 must focus primarily on the highest
18 priority individuals. However, that leaves a large
19 group of individuals who may also pose a risk to
20 national security, but who are not under active
21 investigation. Previous attempts by MI5 and the police
22 to manage this group have failed. We have not yet seen

23 any evidence that the new programme, established in late
24 2013, will be any better. This is an important issue
25 and the committee will continue to take a close interest

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1 in it in order to ensure that the necessary improvements
2 are made."

3 Can I put directly to you, Witness J, despite that
4 being highlighted by Sir Malcolm in 2014 as a problem,
5 it seems from looking at Salman Abedi and his
6 atrocities, nothing much was done by MI5, was it?

7 A. This is an area that we've spent a lot of time on and
8 taken very close note of ISC reports in relation to
9 this. This is a really challenging issue for us and for
10 the police. As you know, we introduced in 2015 two
11 processes, Clematis and Daffodil, to seek to try and
12 understand where there might be risk in that part of
13 closed SOIs as a response to us recognising that it was
14 possible that any of those closed SOIs could reengage in
15 terrorism. So that was one process. At the same time
16 we continued after the attack in 2013 to develop our
17 processes to ensure that we were, whilst at the same
18 time focusing on highest priority individuals, trying to
19 ensure that our investigators had information in front
20 of them that gave the fullest possible picture of the

21 closed SOIs they were responsible for.

22 Q. Sir Malcolm Rifkind highlighted in 2014 the very risk
23 that you have spoken of in relation to Salman Abedi,
24 that is focusing on high priority individuals and, my
25 words, not his, taking your eye off those other

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1 individuals and that's exactly what happened with
2 Salman Abedi, isn't it?

3 SIR JOHN SAUNDERS: Okay, I think you have given your answer
4 to that and you have made the point that you're trying
5 to make.

6 Just help me about this. Are you saying that after
7 that report, some changes were made to how you dealt
8 with closed SOIs?

9 A. I think it's fair to say, sir, that we've been looking
10 at this set of closed SOIs for many years before that
11 report and then the report produced further impetus for
12 us to -- and recommendations for us to take forward. So
13 there were adjustments after that and then, when we
14 started to see the emerging Syria problem and closed
15 SOIs travelling to Syria and coming back from Syria.

16 SIR JOHN SAUNDERS: So more changes then. But after the
17 Salman Abedi attack, you made -- the problem is
18 highlighted how to deal with closed SOIs and further

19 changes have been made as a result of that?

20 A. Yes.

21 SIR JOHN SAUNDERS: I just wonder whether, when you were
22 putting in processes, the Clematis and Daffodil
23 processes, which was I think you're telling me a direct
24 result of the Rigby report by the ISC?

25 A. Informed by it, but it was also informed by the growing

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1 Syria threat.

2 SIR JOHN SAUNDERS: I wonder why it didn't occur to MI5 that
3 actually a process like that, looking again at a closed
4 SOI, could be something like the incident happens in the
5 middle of 2016 and it takes over a year for it to be
6 considered further. Do you really expect terrorists to
7 act that slowly? Sorry, that's a facile comment.

8 A. There were other processes in place at the time that the
9 ISC report refers to that were seeking to help us to
10 understand where risk might emerge in that pot.
11 Clematis and Daffodil are one of the things, but --

12 SIR JOHN SAUNDERS: They would have revealed Salman Abedi?

13 A. If we had been running Clematis and Daffodil from 2014
14 onwards, we may have through those processes had, once
15 he was closed, highlighted Salman Abedi as somebody who
16 could potentially be reinvestigated. There's a second

17 question about whether or not having done those
18 processes we would have done anything further in respect
19 of him and I think that's not at all certain based on
20 the intelligence we had.

21 SIR JOHN SAUNDERS: That's inevitably the result, but at
22 least there's an opportunity there to look at it.
23 Mr Cooper, I can assure you, we will be looking at this
24 in closed and particularly what was the trigger that
25 actually made the reference to Clematis.

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1 MR COOPER: I'm grateful, sir.

2 And you are aware, Witness J, topping and tailing
3 this, of the frustration that has been expressed in
4 Parliament by Sir Malcolm Rifkind and Dominic Grieve
5 that MI5 do not seem to be paying enough attention to
6 this sort of thing despite what's been mentioned in
7 their reports? You know they are frustrated?

8 A. Yes.

9 Q. And they continue to express their frustration?

10 A. Yes and I do understand that. All I would offer on
11 that, Mr Cooper, is that we and CT police have even
12 today a very significant challenge in respect of closed
13 SOIs, as I said earlier, we are dealing with over 40,000
14 now. In that pot of closed SOIs we are determined that

15 those individuals no longer pose a threat but there is
16 a risk in some cases of reengagement. We have to find
17 a way of prioritising as an organisation that pot of
18 closed SOIs will generally speaking necessarily be of
19 much lower priority to us, but we do our best to
20 determine whether there is a risk in any of that pot of
21 reengagement.

22 SIR JOHN SAUNDERS: Leave aside the fact that he was
23 a closed SOI. Would the information and the knowledge
24 that triggered the Clematis referral have triggered an
25 inquiry into Salman Abedi even if he hadn't been

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1 a closed SOI? Is that clear, the question? So he is
2 not a closed SOI, never been an SOI, this event happens
3 in 2016. Would that have triggered an investigation by
4 MI5 in any event?

5 A. No.

6 SIR JOHN SAUNDERS: Okay, thank you.

7 MR COOPER: At the risk of exacerbating the chair's
8 patience, I am going to ask you the question. Given
9 what we know about Salman Abedi, in the short period of
10 time I have left, what on earth does it take to become
11 an SOI as far as MI5 are concerned? It seems to be
12 easier to get a membership in the Garrick. What does it

13 take for MI5 to give an association of "subject of
14 interest" because it seems, I put it to you, very
15 difficult indeed. If Salman Abedi wasn't one, who on
16 earth was? And what we know and what we see, not
17 hindsight, on material that was there at the time. It
18 seems -- and this is the question -- it seems to me, and
19 do you agree, that to those listening it seems almost
20 impossible to get on the list if Salman Abedi can't be
21 on it? Would you agree with that perception at least?

22 A. As you'd expect, Mr Cooper, I have looked very carefully
23 at the specifics relating to this case in 2014, 15, 16,
24 when he was opened and then closed. I think the
25 judgements that were made and the review teams looked at

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1 this too, were sound on the basis of the information
2 that we had at the time. As an organisation, we have to
3 make careful judgements about whether or not somebody
4 poses a risk or a threat to national security. We open
5 an SOI after ensuring that we are assessing that
6 intelligence and then making those judgements. If
7 he had met that threshold for investigation at that
8 time, I would be describing that to you now.

9 SIR JOHN SAUNDERS: Can I just assure you, and everybody
10 here, that we will be looking extremely carefully at

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2 MR COOPER: Last question. There was a meeting flagged
3 in relation to Salman Abedi for 31 May, based upon
4 information you'd held for how long?

5 A. This is the Clematis and Daffodil process.

6 Q. Yes.

7 A. He was one of a number of closed SOIs, hitting
8 a priority indicator on 3 March.

9 Q. Why did it take so long if he was a priority, so at
10 least he's gone up the scale now to a priority, and yet
11 still MI5 took nearly a month to have a meeting about
12 him? Why was that?

13 A. Just to confirm, he hit a priority indicator, to the
14 indicator was one of the ones we had put into our
15 Clematis process to determine whether somebody was
16 reengaging. So I wasn't saying that Salman was
17 a priority at that point, he was still a closed SOI who
18 we were seeking to detect signs of reengagement on.

19 SIR JOHN SAUNDERS: You may be overestimating your case on

20 that, Mr Cooper. The actual event that led to Clematis
21 is much more than a month, isn't it?
22 MR COOPER: Yes, I see.
23 A. Yes, the event that was flagged in early March was in
24 mid-16.
25 SIR JOHN SAUNDERS: Yes.

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1 MR COOPER: Thank you, sir.
2 SIR JOHN SAUNDERS: So about a year.
3 A. Yes, 9 months.
4 MR COOPER: Well, we've heard other bodies having tea and
5 biscuits three days after the Manchester Arena atrocity
6 and putting something in place. This does, can
7 I suggest to you, take the biscuit, that it's taken over
8 a year to have a meeting, which never happened because
9 the man the subject of the meeting in between time had
10 murdered 22 people. Is that the top and bottom of it?
11 A. Yes, so of course I regret the fact that this wasn't
12 faster at the time, but I would also say, because I do
13 want to be clear to the inquiry, that in implementing
14 this process for Salman Abedi and other closed SOIs,
15 it would have triggered the start of some low level
16 investigative inquiries.
17 SIR JOHN SAUNDERS: Of course it may not have led to

18 something, but even --
19 A. I would add, sir, even if it had been something that was
20 run earlier, and I do completely accept the point you're
21 making, Mr Cooper, about that, I wouldn't want it to be
22 the case that you thought that this was going to be
23 something that triggered a whole range of intrusive
24 actions at a high priority because the process was more
25 about developing initial understanding of people's

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1 engagement.
2 SIR JOHN SAUNDERS: I understand that, but it would start an
3 investigation and you don't know (^) and we can't
4 speculate where that investigation would have led.
5 A. It may have sparked an investigation.
6 SIR JOHN SAUNDERS: No one's suggesting if it had been done
7 earlier and closer to the time of the offence that
8 necessarily the attack would have been prevented. It's
9 just an opportunity to look at it more carefully.
10 A. I completely accept that, yes.
11 MR COOPER: Those are my questions, but I was asked by the
12 family if I could read on their behalf a short statement
13 to the inquiry. I can show it to you in advance.
14 SIR JOHN SAUNDERS: Would you mind?
15 MR COOPER: Not at all. It was given to me just before

16 I got on my feet.

17 (Pause).

18 This comes direct from the family rather than legal
19 advice.

20 SIR JOHN SAUNDERS: Do you want to have a look at it?

21 MR COOPER: I'm sorry, Mr Greaney, it came to me as I was
22 literally standing up.

23 SIR JOHN SAUNDERS: It's as one would expect it to be, an
24 emotive plea, and I well understand why there is that
25 emotive plea.

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1 (Pause).

2 MR GREANEY: Yes, it is understandable, but obviously
3 emotive.

4 SIR JOHN SAUNDERS: Do you mind if we consider it and you do
5 it tomorrow?

6 MR COOPER: By all means. Should I leave it with you?

7 SIR JOHN SAUNDERS: Yes. We just need to be very careful.

8 MR COOPER: I would have given you more notice.

9 SIR JOHN SAUNDERS: We're not suggesting it won't happen.

10 MR GREANEY: That was to be my suggestion, that all of us
11 reflect on the best way to deal with an understandable
12 request and ensure that we deal with it in the best way
13 possible tomorrow morning or at some stage tomorrow.

14 MR COOPER: Of course.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED].

11 MR GREANEY: 9.30 tomorrow when we will hear the questions
12 of Mr Atkinson.

13 (5.30 pm)

14 (The inquiry adjourned until 9.30 am on Tuesday,
15 26 October 2021)

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Questions from MR COOPER41

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