

## **ANNEX A: INFORMATION DISCLOSED**

### **STARTS:**

'DRAFT LETTER FOR SIGNATURE BY PPS/HOME SECRETARY  
TELLING THE STORY OF 7/7

We have considered this further and this note sets out our proposed approach.

#### Scope

A number of aspects of the events of July are, as you know, already the subject of scrutiny by, for example, the ISC, HAC and IPCC. There will also be inquests into the deaths which occurred as a result of the explosions of 7 July and criminal trials in relation to the attacks of 21 July.

None of these, however, will produce an authoritative narrative of what actually happened on 7 July. As a result the public are dependent on the police briefings at the time and some media speculation and rapportage, like the BBC radio programme on Mohammed Saddiqi Khan last week.

This is not satisfactory. The 7/7 bombing was, apart from Lockerbie, the biggest terrorist attack in the UK and the first attack in Britain by suicide bombers. It has lessons not just for the police... but for society as a whole. In particular, we are arguing that it calls for a much more determined campaign among British Muslims to tackle extremism within their communities. Such a campaign needs to be based on a shared understanding of what happened. The difficulties we face were brought home to the Home Secretary in recent days when, even in Parliament, he was faced by open disbelief of the police... account of the threats we face...

Such a narrative would bring home to the public in a vivid way the nature of the threat we face, would provide a better foundation for our conversation with British Muslims and other communities on how to tackle extremism, and would help to counter conspiracy theories that are already circulating particularly in some Muslim circles.

#### Method

In order to ensure that this work is seen as authoritative, we believe it is essential that the author is independent of Government and that they have access to all the material they consider they need to piece together the story. We do not think he/she would require powers to compel witnesses to give evidence.

One way both to establish the narrative's independence and to limit the pressures to widen it out into a public inquiry would be to persuade the ISC to commission the work as part of preparing the report they are doing in any event. The ISC are hoping to report by the end of February.

The report would have to be careful not to expose sensitive intelligence nor to prejudice current and future prosecutions. The safest course would be to wait until all the cases have been closed but that would postpone any such report for at least two years and possibly much longer.

Our aim would be to arrive at the sort of narrative contained within a number of chapters of the Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9-11 Commission), published in 2004, which told the detailed story of how the terrorists involved in 9-11 came to do what they did and what happened on the day.

#### Next steps

I should be grateful to know whether the Prime Minister is content with the approach outlined here.

A copy of this goes to the Private Secretaries to the Foreign Secretary; Lord Chancellor; Attorney General and Cabinet Secretary.'

**ENDS.**

2.

**STARTS:**

'From: John Gieve

25 October 2005

Home Secretary

INQUIRY INO 7/7

You asked for a note on the options for an inquiry into the July bombings.

2. ...Publicly you have not ruled out a public inquiry; you have said there is bound to be an inquiry of some sort and that you are considering what form it should take.

3. I attached a note which is largely the work of ... and describes the different forms an inquiry might take and the different issues it might cover.

Whether to have an inquiry

4. The first question is whether to have a further inquiry at all. We already have the ISC and HASC looking at aspects of the attacks, the IPCC is looking at the shooting of De Menezes, we are going to have a series of criminal trials on 21 July (and possibly at some stage in respect of the events of 7 July as well); and there will be inquests into the deaths of those who died as a result of the 7 July explosions. Any other inquiry is going to take some time and cost and risks diverting the police ... from other work.

5. On the other hand, we hold inquiries into events and accidents much less serious and far reaching than the attacks of 7 and 21 July whether they be train or air crashes, deaths in custody, or the Soham murders. This is partly to meet public demand but it is also to find out what happened so that lessons can be learned for the future.

6. Apart from Lockerbie, this was the biggest terrorist attack in the UK. It was our first suicide attack and the first attack by British born Muslims. It has implications not just for government policy but for society as a whole. We have argued in particular that it calls for action from British Muslims. An informed discussion and engagement has to be based on a shared understanding of what happened. The fact is that at present we and the public know only a little of the story – broadly what the Met have included in their public briefings. That is enough to show that our prior analysis of the main risks, for example in the Cabinet Office paper on Muslim disaffection, is inadequate. An independent and authoritative account of what happened and why would be a very useful basis for analysis and public debate. This could normally come from a trial but the 7/7 bombers are dead so they will not be tried and their inquests are unlikely to go much beyond the question of what happened on the day.

7. The calls for a public inquiry have come mainly from Muslim groups and leaders and it was a strong theme of your meeting on 22 September. There has not been pressure yet from victims or victims' families. I would expect that to change and experience of other events from Mubarek to Wormwood Scrubs is that the pressure can grow over time rather than evaporate.

#### Scope

8. I don't see any call for an inquiry into how the emergency services responded.

9. So the two possible ambits are:

a) Narrow – What happened on 7/7? Who were the bombers and how did they come to that extreme position?

b) Broad – What are the broader social and political conditions that have permitted or caused the rise of Islamic extremism in the UK?

10. In my view the case is strongest for a narrow inquiry ie simply telling the story of 7/7 and what led up to it.

11. While anyone set that narrow remit would be bound to say something about the broader social conditions in which these young men became suicide bombers, the broader remit would put those issues centre stage and would require a much more extensive enquiry into the state of race and faith relations in Britain. That would overlap to some degree with the work of the Commission on Integration. Because it would be opining on hotly contested issues (multiculturalism, segregation faith schools etc) it would also be less likely to be seen to be authoritative.

#### Method

12. The new Act provides for almost any form of inquiry with any combination of powers. In this case, it seems to me we want something low key and probably non statutory. It is not intended to allocate blame or guilt so there should be no need for powers to compel witnesses and legal representation etc. The inquirer would need complete access to the police ... material and probably want to talk to the families and associates of the bombers if they were willing.

13. A key issue here is credibility. I don't believe that any account of the events which comes direct from the policy... or government would take the trick. We would need someone manifestly independent and that points to a judge or a Lord Carlisle figure.

14. But simply appointing one of the good and great may not work either. The experience of Hutton, Butler and so on is that the media can quickly become hostile and feed doubts among the families and the public. One way round that could be to engage others about the method and the appointment. For example, you might make the appointment with the HASC and have the inquiry report to Parliament (which also has advantages in terms of immunities). At the least you might consult the other Parties and the chairs of the ISC and HASC.

## Timing

15. Any inquiry will need to be careful about sub judice rules. Although there are as yet no prosecutions relating to 7/7, the police are still working on the case and hope still hope for a breakthrough. Any inquiry into 7/7 is bound also to look at 21/7 if only to look at possible connections and there are court cases pending on that.

16. The conventional response to that would be to defer any inquiry until all such cases are completed. However that would delay any public account for at least 18 months and possibly much longer if there are appeals of new cases emerge. It is not obvious to me that a factual account would be prejudicial to prosecutions but we would need to take legal advice before publication. One approach would be to appoint someone to undertake a short narrow inquiry with – say – three months, assure them of full access to police ... and indicate that we would plan to publish as much of their account as we could without prejudicing prosecutions; with full publication to follow as soon as the cases were effectively closed.

## Resources

17. There would be some resource implications for the department in pursuing an inquiry. And there would be implications for the workload with CTID and LAB.

## Recommendation

18. My preference would be to approach HASC and possibly the ISC to explore whether they would support a narrow inquiry on the lines set out above. If so we would then jointly chose a suitable reviewer.

19. If you agree the next step is to clear our lines within government including with the police...

JOHN GIEVE

## **INQUIRY INTO THE LONDON BOMBINGS IN JULY 2005-09-25**

### **Background**

Call for an Inquiry mainly coming from the Muslim Community.

Key reasons for Muslim community calls for an Inquiry are:

- Publicly dispel conspiracy theories that these attacks were into carried out by Muslims
- Understand the causes and extend of Muslim communities disaffection and marginalisation and increase actions to tackle it
- Strengthen the hand of reformers in the Muslim communities who believe the ineffectiveness of some of its structures and organisations contribute to the context of extremism and radicalisation.

**(i). What purpose might an Inquiry serve?**

Inquiries can serve a range of purposes: to establish facts (e.g. Cattle), allocate causation/blame (Hutton, for example); to draw out policy consequences (Butler, for example); to review long-run social and economic trends and their implications (Royal Commissions down the ages, for example). Broadly speaking, an inquiry into the July bombings could potentially add value in four ways:

a. by examining who committed the London bombings, how and why; In the absence of a trail of the suicide bombers themselves (and as things stand any accomplices) an Inquiry on these lines would establish the facts publicly and dispel conspiracy theories. Some members of the community will continue to cast doubt on the police account of events in the absence of authoritative, independent verification;

b. by investigating whether better intelligence or law enforcement action could have prevented the bombing and making recommendations about improvements in intelligence gathering and law enforcement in future. This would focus on the performance of the ... law enforcement agencies in building an intelligence picture of extremist activity and how they might do better in future.

c. Effectiveness of emergency services in responding to 7/7 and 21/7

d. By reviewing what factors – ideological, social and economic – account for violent extremism within UK communities and what policy responses are available.

These are not mutually exclusive. An inquiry focused on any one of these themes would be likely to spill over to some extent into the others. And it would clearly be possible to establish an Inquiry with terms of reference wide enough to embrace some or all themes.

**(ii.) How far will existing Inquiries address these issues?**

Even in the absence of a trial of the 7 July bombers, many of these issues will in practice be addressed in part or in full by impending Inquiries of one kind or another.

a. the Inquests into the deaths of the victims of the bombings and the perpetrators will establish the facts about how they died and should, therefore, confirm that those publicly identified as the bombers by the police were indeed responsible. However, an Inquest must normally be adjourned when a person is charged with the homicide of the deceased or another offence connected with the death. And the Inquests will not, of course, go very far into motives or causation;

b. the IPCC Inquiry will address the circumstances of the shooting of De Menezes, any criminal culpability and any implications for police use of firearms. It is difficult to see how a further inquiry could add value. And the policy on the use of firearms to confront suicide bombers has separately been reviewed by ACPO, with HMIC support (though there is no public visibility of this process to establish its credibility);

c. the ISC Inquiry into the July bombings will look at the intelligence background... and police coverage of extremism, and any policy implications. Arguably the ISC is too much part of the "Establishment" to have strong public credibility: hence the Inquiries headed, respectively, by Lord Hutton and Robin Butler to look at the Kelly affair and the intelligence record on weapons of mass destructions;

d. the criminal trails of the 21 July bombers will seek to establish the reality of a plot to bomb the underground. This may have some read-across to July 7 even if, as is possible, no criminal proceedings result from the 7 July bombings as a result of the deaths of the bombers themselves.

e. Commission on Integration and Cohesion, although it goes wider than the Muslim communities, will touch on social-economic issues. It will consider:

- How to engender an increase sense of Britishness that is inclusive of all communities
- How to push further to tackle inequalities which can trap people into segregated lives
- How to create a shared sense of cultural norms and behaviour, particularly in relation to difference faiths and cultural identities
- How to encourage and incentive communities who choose to live segregated lives to engage more broadly.

(iii.) What form might an Inquiry take?

It would be difficult for any inquiry bearing on possible criminal proceedings arising from the bombings to get underway until the current criminal investigations are complete (though that would not necessarily prevent an Inquiry focused on the broader ideological, social and economic drivers of extremism). The policy advice is that their investigations will last well into 2006 and possibly 2007. Subject to that, key options/issues would be:

a. Should an Inquiry established under statute, with the power to compel witnesses and testimony, or not? A statutory Inquiry – which could be established under the Inquiries Act 2005 – would be appropriate for an Inquiry aiming primarily to establish facts and any culpability. A non-statutory Inquiry would suffice for any exercise where credibility would not be undermined by the refusal of some potential witnesses to give evidence or where voluntary co-operation could be relied on;

b. If a non-statutory Inquiry were established, how should it be conducted? A non-statutory Inquiry could have varying degrees of formality depending on its objectives and the preferences of its chair. There is no set pattern. At one end of the spectrum it could, in the style of Hutton, be essentially a personal Inquiry, or, in the style of Scott, could have the full paraphernalia of a quasi-Court. Witnesses could have legal representation or not (probably essential if blame

were to be allocated). Counsel for various interested parties could be enabled (or not) to question witnesses.

c. A Royal Commission? Would only really be appropriate if the events of July were perceived to have raised profound questions about the integration of different faith and ethnic groups into British society which needed to be addressed on a consensual, cross-party basis (and at a leisurely pace).

A helpful and fuller note on Inquiries is attached at the annex.

(iv.) Other considerations

The value-added by an Inquiry is one side of the equation. The other is the potential costs. Aside from costs for the Inquiry itself, these would mainly take the form of:

a. diversion of effort by...law enforcement agencies required or invited to give evidence. The "Bloody Sunday" Inquiry gives an extreme taste of what might be involved.

b. potential community tension in the event that any Inquiry came to be perceived as an exercise in special pleading by one community, or alternatively if it was believed that it focused negatively on the Muslim community. However, there is strong pressure from Muslim communities involved in the working groups for an inquiry.'

**ENDS**



**3. Comments made by senior civil servants Sir John Gieve and Bill Jeffrey at the PM's Counter Terrorism meeting 10 October 2005.**

**STARTS:**

'John Gieve said that there was no mechanism currently available for there to be an authoritative account of the events of 7/7.

Bill Jeffrey said that he had discussed the scope of the ISC's inquiry into 7/7 with Paul Murphy. It seemed likely, given their remit, that the ISC would concentrate on intelligence matters.'

**ENDS.**

#### **4. Email exchange between official regarding the issue of an inquiry.**

##### **STARTS:**

'From:

Sent: 14 October 2005 12.22

To:

Cc: ... Neale Mark (DG)

Subject: RE: Public Inquiry

Thanks for this which ... has seen. He has suggested that we revise our current line – as attached – which could be drawn on as a basis for a response to requests you receive (...has moved a lot of the lines into background information).

However, I am copying this to Mark Neale and to ... in Sir John Gieve's office in case they wish to amend further.

From:

Sent: 14 October 2005 9:49 AM

To: ... Neale Mark (DG)

Cc:

Subject: Public Inquiry

Hi Mark

I thought I would just let you know that I have received a couple of emails and was button holed... on Monday regarding the Public Inquiry. They wanted to know what has been decided following the meeting you had with them. Richard was quite insistent and said that he had spoken to many people in the Muslim community and they really wanted to have some kind of inquiry, Not necessarily into the events of 7/7/21/7 but more into what led the four men and others to embark on their particular path – I would imagine a part II as was suggested at the meeting you hosted with Muslim leaders.

We do have lines around the public inquiry should we just send them that or come up with something new. I have attached the current lines for your information.

Cohesion & Faiths Unit

From: Nye William

Sent: 19 October 2005 4:10 PM

To: Neale Mark (DG;...

CC:...

Subject: RE: – POLICY: Public Inquiry into 7/7 – help for JG

I very much agree with Mark on this – while there is a case for an authoritative account, I don't think we need to go down the inquiry route at all.

On a practical matter – any involvement with the proposal would be a little stretching – but (subject to ... and ... views) while I imagine it would be possible to support the production of an account by someone who is willing to operate on a similar basis to Lord Carlisle or perhaps even the ISC, it would be a potentially significant diversion of resources (here but more so in the Met ... to have to respond anything which ultimately turned into an inquiry of the traditional kind.

There is also a question of timing. Before commissioning anything we should think carefully about timing of work and publication, to take account of their potential effects on Parliamentary business (this and subsequent Bills), as well as the effect on criminal proceedings.

William

From: Neal Mark (DG)

Sent: 19 October 2005 2:46 PM

To:...

Cc:... Nye William

Subject: RE: – POLICY: Public Inquiry into 7/7 – help for JG

...

I shall leave the sub judge rules to colleagues.

I very much agree with the note until it reaches the "Method" section. Here I am not so sure it would surely be possible – and preferable? – to invite a demonstrably independent person – a serving or retired, Judge, say – to enquire into the circumstances of the bombings and write an authoritative account without equipping him/her with the statutory powers to compel access to evidence?

Indeed, precisely because of the sub judge difficulties, I would thought our approach ought to be low key. We could announce that we had commissioned an authoritative account of what happened

and indicate that we would publish as much of that account as did not fall foul of sub judice rules by whatever date we nominate and the full account as soon as the sub judice concerns were disposed of. We could say that the police and... had undertaken to offer full cooperation and that the investigators would indicate in his/her report whether there were any matters on which the investigation had not made progress because of a failure by any individual or organisation to give evidence.

Would not this be a better way of proceeding?

Mark

From: ...

Sent 20 October 2005 11:58 AM

To: Neale Mark (DG); Nye William

Cc:...

Subject: FW – POLICY: Public Inquiry into 7/7 – help for JG – Message

The latest – for completeness.

...

From:...

Sent 19 October 2005 10:30 AM

To: Nye William;...

Subject: RE: – POLICY: Public Inquiry into 7/7 – help for JG

William – I'm really concerned about this in timing terms as well as resources. If we have an inquiry whilst the current Bill is in the House or the next one (Spring/Summer) it will make handling much more difficult as well as divert scarce resources. We already know that ... - do you know if anything has happened to change this? ...

From: Nye William

Sent: 18 October 2005 8:02 PM

To:...

Subject: FW: – POLICY: Public Inquiry into 7/7 – help for JG

Importance: High

Tba this idea is still around

I can see why John wants an “authoritative account” produced – and have quite a lot of sympathy for that. But if the HS blesses this we will need to think what support/effort it will need from here

William

From:...

Sent 20 October 2005 10:52 AM

To: Neale Mark (DG)

Cc: Nye William...

Subject: RE: – POLICY: Public Inquiry into 7/7 – help for JG

Mark,

Just for completeness (and I agree with the line that William has taken if it is decided to have some sort of inquiry) I attach an exchange of e-mails I have had with ... on this.

...'

**ENDS**