



# Intelligence and Security Committee

## **Could 7/7 Have Been Prevented?**

Review of the Intelligence on the London  
Terrorist Attacks on 7 July 2005

Chairman:  
The Rt. Hon. Dr Kim Howells, MP



Intelligence and Security  
Committee

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Presented to Parliament by the Prime Minister  
by Command of Her Majesty  
May 2009

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ISBN: 978-0-10-176172-7

*From: The Chairman, The Rt. Hon. Margaret M. Beckett, MP*

**INTELLIGENCE AND SECURITY  
COMMITTEE**

70 Whitehall, London SW1A 2AS

8 July 2008

Rt. Hon. Gordon Brown, MP  
Prime Minister  
10 Downing Street  
London SW1A 2AA

*Dear Gordon,*

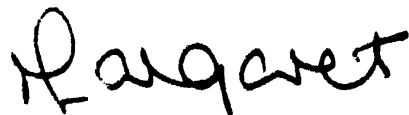
I enclose the Intelligence and Security Committee's *Review of the Intelligence on the London Terrorist Attacks on 7 July 2005*, commissioned last year by your predecessor. Our investigation, which began in May 2007, has taken a considerable time to conclude due to the very detailed nature of our inquiries and the substantial volume of evidence we have reviewed.

The Review addresses the many unanswered questions which arose following the conviction of the 2004 fertiliser bomb (CREVICE) plotters. In making our judgements about whether anything was missed or overlooked, we have focused on the information available at the time.

The Review contains some highly sensitive intelligence and an unprecedented level of operational detail. As a result, there are some instances where we have agreed that information must be redacted from the published version of the Review in order that individuals are not put in danger, that current operations are not compromised and that our enemies do not learn of the capabilities of the UK's intelligence and security Agencies. There are also some instances where the courts have ruled that information cannot be published. These redactions have been agreed with the Agencies, the police, the Crown Prosecution Service and government departments. We wish to note that the

Security Service, the Metropolitan Police Service and West Yorkshire Police not only co-operated fully with our inquiries, but were helpful in seeking to ensure that we could publish as much material as possible and thereby provide the public with as full an account of these matters as possible.

Given the seriousness of this issue and the considerable public interest in this Review, we trust that you will publish the Report as soon as possible (subject to the conclusion of certain legal proceedings), and that debates will be held in both Houses of Parliament shortly thereafter.

A handwritten signature in black ink that reads "Margaret". The letters are cursive and connected, with a prominent loop at the start of the 'M'.

MARGARET M. BECKETT

*From: The Chairman, The Rt. Hon. Dr Kim Howells, MP*

**INTELLIGENCE AND SECURITY  
COMMITTEE**

35 Great Smith Street, London SW1P 3BQ

6 May 2009

Rt. Hon. Gordon Brown, MP  
Prime Minister  
10 Downing Street  
London SW1A 2AA

*Dear Prime Minister*

Further to my predecessor's letter of 8 July 2008, covering the Committee's *Review of the Intelligence on the London Terrorist Attacks on 7 July 2005*, I am writing to provide you with an update.

The Review was a complete and thorough investigation of, and report on, the facts as they were known up until July 2008. However, since the Committee sent you the Review there have been further developments in relation to two specific issues covered in the Review. These developments do not affect the central theme of the Review – the links between the CREVICE fertiliser-bomb plotters and the 7/7 bombers – or our overall conclusions. Despite this, we felt that it was important that when the Review was published it was brought up to date. We have therefore produced an “Update” to the Review – enclosed here – which we trust you will publish with it, as an Annex.

The “Update” also explains why the Review could not be published when it was originally sent to you in July 2008. We are aware of the frustration caused by the delay in publishing the Review and consider that it is important that – now that it is possible to do so – the legal reasons for the delay are made public.



**KIM HOWELLS**

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# INTRODUCTION

## *Purpose of this Review*

1. On Monday 30 April 2007, after one of the longest terrorism trials in UK history, five men were convicted of terrorist offences relating to a plot to detonate a fertiliser bomb in the UK in 2004. The arrests were the result of a police and MI5 operation codenamed CREVICE.

2. Following the trial, the media reported that, at the time MI5 had been investigating CREVICE, the bomb plotters had been in contact with two unidentified men whom we now know were called Mohammed Siddique KHAN<sup>1</sup> and Shazad TANWEER. These men were two of the four who, on 7 July 2005, detonated bombs on the London transport system, killing 52 people and injuring several hundred others.

3. The question therefore being asked was: “If MI5 had come across Mohammed Siddique KHAN and Shazad TANWEER before, why didn’t they prevent this outrage?”

4. The Prime Minister asked the Intelligence and Security Committee (ISC) to look at this question and the Committee agreed to do so. In a statement to Parliament, the Home Secretary said:

*... the independent cross-party Intelligence and Security Committee... has been asked again, through the Chair, to reappraise all these matters and questions, following the evidence arising from the trial.<sup>2</sup>*

## *Why the Intelligence and Security Committee?*

5. The ISC is an independent parliamentary body, set up under the Intelligence Services Act 1994, whose role is to examine the work of the intelligence and security Agencies – MI5 (officially known as the Security Service), MI6 (officially known as the Secret Intelligence Service) and the Government Communications Headquarters (GCHQ). The ISC consists of eight MPs and one Member of the Lords – drawn from the Labour party, the Conservative party and the Liberal Democrat party – and is given access to a wide range of the Agencies’ secret material.<sup>3</sup>

6. Following the attacks on 7 July 2005, the Committee had investigated the work of MI5, MI6, GCHQ, the police and relevant government departments covering the period before the attacks took place. We published our *Report into the London Terrorist Attacks on 7 July 2005* in May 2006. This covered a wide range of issues including the threat level system, radicalisation and the relationship between the police and MI5, as well as the intelligence aspects.

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<sup>1</sup> An explanation of the various spellings of “Siddique” is included on page 94.

<sup>2</sup> Statement by the Home Secretary, The Rt. Hon. John Reid MP, 30 April 2007, Hansard column 1235.

<sup>3</sup> Further information on how the Committee works, its membership, its powers and its reports is contained at the end of this Report, on page 95.

7. One of the Report's findings was that MI5 had come across two of the 7/7 bombers on the edge of other investigations. It said: "A review of related surveillance data showed that Siddeque KHAN and Shazad TANWEER had been among a group of men who had held meetings with others under Security Service investigation in 2004." These "others" were the CREVICE group.

8. MI5 had told the Committee about the CREVICE plot shortly before and after the group were arrested, and then again in late 2005 and early 2006 as part of the Committee's inquiry into the 7/7 attacks. However, at the time we published our report, the CREVICE trial was still under way and *sub judice* rules restricted what details we could mention.

### ***Sub judice rules***

The *sub judice* rules mean that information relating to current criminal proceedings cannot be disclosed outside a court. The rules apply to any potential disclosure – whether by a newspaper, on television or in any published document – which could be seen by a member of the jury and therefore could prejudice a fair trial.

The Committee have not included any information in this Report which could prejudice pending criminal trials or breach reporting restrictions imposed by the courts. This is in line with the approach the Committee took in their original report.

9. Now that the trial is over, there is no longer any such restriction and the details which emerged from the CREVICE trial can be published in full.

### ***How we have conducted this Review***

10. The 7 July 2005 bombings were the single largest terrorist attacks on these shores. That there remain questions in the minds of those who were affected by the attacks, and the wider public, is of grave concern.

11. We decided, in light of the different perspective given by what emerged from the CREVICE trial, to start afresh, and we have been prepared to revisit and challenge our earlier judgements. We have therefore started again from the beginning.<sup>4</sup> We have gone back to MI5, MI6, GCHQ and the Metropolitan and West Yorkshire police services to investigate exactly what they knew and when, and what they did at the time. We have also looked at what they might have missed and what more they could have done. We have gone even further into the detail, looking at the raw evidence – reviewing operational documents, surveillance photographs, transcripts of conversations, police action logs and covert recordings.<sup>5</sup> This has required the Agencies and the police to search back through their records to re-examine all the information they held on these matters and, in some cases, this has yielded further evidence and led to further detailed questioning.<sup>6</sup>

<sup>4</sup> The Committee decided not to set any formal terms of reference for this Review since it was felt that this might artificially restrict its investigation. It was important that the Committee was able to follow up any questions it thought relevant.

<sup>5</sup> A list of the witnesses and detailed evidence that the Committee has considered in the course of this extensive Review is included at Annex C.

<sup>6</sup> The Head of MI5 (known as the Director General) explained: "one of the things that has dogged us is that we have not known exactly [what happened when] we gave some of the [earlier] evidence... As we have dug back more and... put pieces together, [so] I think we have got a better understanding now... than we did [either] in the period shortly after the event [or] when you took some of the first evidence... As I said, it is unsatisfactory for you, as it is unsatisfactory for us, that even in the last week or two there have been additional references to Mohammed Siddique KHAN... which we did not know until last week and which had not in fact reached our records..." (19 June 2007).

12. During our Review, a group representing some of those bereaved by, or injured in, the attacks requested a meeting with us.<sup>7</sup> The meeting allowed us to ask what they thought the unanswered questions were and what they wanted to see reviewed. We are indebted to the group for the perspective they provided.

**13. We have concentrated on what information was available at the time of CREVICE and before the 7/7 attacks. Although it is always easy, with the benefit of hindsight, to criticise decisions made in the past, we have looked at what was known and what should have been known prior to the attacks.**

### *How we have written this Report*

14. In writing this Report we have tried wherever necessary, and wherever possible, to explain how MI5, MI6 and GCHQ work. As with any organisation, they each have their own jargon, processes and working practices with which those outside may not be familiar. We have therefore included in this Report a considerable amount of background detail. In particular, we have tried to show the limitations of the intelligence that the security Agencies rely on to do their work.

#### **What is “intelligence” and what are its limitations?**

In previous reports, the Committee has commented on the nature and limitations of intelligence. Secret intelligence is information that is lawfully gathered by the Agencies, but without the consent of the target. It can come from an individual, an organisation or a country. Intelligence, as defined by the security Agencies, can include anything from a report from a recruited agent or intercepted telephone calls to covert eavesdropping in a person’s home. Intelligence has to be assessed to decide how reliable it is, including the reliability of the source. It also has to be analysed to decide which facts are important and which are not. There are many limitations to intelligence – it may be very fragmented and only give a partial picture. It rarely gives the full story and so there will inevitably be gaps in what MI5 and other Agencies know at any given time.

15. We believe that the links between the CREVICE group and the 7/7 attackers is, at times, a complicated story to explain. To attempt to summarise it would mean missing out some of the detail that is so crucial to understanding what happened, and why. Therefore this Report, unlike those we have published previously, does not provide a summary of our conclusions.

**16. The Report is divided into three key sections. Part A describes what happened during Operation CREVICE and subsequently. Part B describes when MI5 and the police came across some of the 7/7 bombers, considers the questions these events raise, and looks in greater detail at how MI5 work. Part C of the Report considers the bigger picture, and also what lessons can be learnt as a result.**

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<sup>7</sup> This is a group of 25 individuals, represented by Oury Clark Solicitors, who were injured in, or are relatives of those killed or injured in, the 7 July bombings.

17. We have also included, for the first time, an exceptional level of operational information. This is because we consider it important that as much as possible is known about the events leading up to 7/7. At the same time, however, there is some background and operational information which the Committee has been given but which we cannot mention publicly because it would damage national security.<sup>8</sup> It is important that the public know as much as possible, but we must also ensure that what we publish does not undermine the efforts of MI5, MI6 and GCHQ in the fight to counter the very real threat we all still face from terrorism. The nature of MI5's, MI6's and GCHQ's work is such that, if we were to reveal exactly how they work, and what they can and cannot do, then that would show our enemies how to evade them. It could put lives at risk. We cannot take that chance. We must not damage the Agencies' ability to do their job and we are sure that the general public will understand this.

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<sup>8</sup> *Such information is included in the full version of this Report submitted to the Prime Minister. It is marked in this published version by asterisks (\*\*\*) . Although we cannot reveal this information, we believe it is important that the public know that we have seen it and therefore that we have considered all the facts.*

## PART A: WHAT HAPPENED?

### *Operation CREVICE*

18. In early 2003, MI5 obtained intelligence indicating that an individual called Mohammed Qayum KHAN, from Luton, was the leader of an Al-Qaida facilitation network in the UK. (“Al-Qaida facilitation network” is a term used by MI5 to refer to groups of extremists who support the Al-Qaida cause and who are involved in providing financial and logistical support, rather than being directly involved in terrorist attack planning.) He also appeared to be a contact of \*\*\*<sup>9</sup> (\*\*\* \*\*).

As a result of this intelligence, MI5 made Mohammed Qayum KHAN a “desirable” target<sup>10</sup> and began an investigation into the facilitation network. This operation was given the codename CREVICE.<sup>11</sup>

19. The investigation indicated that there was a further key member of the network based in the UK. He was identified in late January 2004 as Omar KHYAM<sup>12</sup> and he appeared to be acting as a courier for the network. Given his role as a courier, MI5 decided to put him under limited surveillance as part of their operation to find out more about the network.

20. However, in early February 2004 MI5 received intelligence which changed things dramatically – \*\*\*

\*\*\*.

\*\*\*

\*\*\*.

21. This meant that MI5 were no longer looking at a facilitation network providing financial support to Al-Qaida overseas, but had instead found a bomb plot probably aimed at the UK (\*\*\*). At this point, KHYAM became one of MI5’s top targets and Operation CREVICE became their top priority. This meant that the focus was not only on preventing the plot from succeeding, but also on gathering evidence – such as eavesdropping and surveillance – that could be used in court if the men were brought to trial. At this time an Executive Liaison Group (ELG) was formed to manage the operation.

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<sup>9</sup> \*\*\*.

<sup>10</sup> The investigative categories used by MI5 at that time are set out on page 27.

<sup>11</sup> Further information on codenames is provided in the glossary on page 94.

<sup>12</sup> Omar KHYAM was also known as “AUSMAN” to his contacts in Pakistan.

### Executive Liaison Groups

Executive Liaison Groups (ELGs) are unique to major covert terrorism investigations. An ELG provides a secure forum in which MI5 and the police work closely together. They enable MI5 to share safely secret, sensitive and, often, raw intelligence with the police, on the basis of which decisions can be made about how best to gather evidence and prosecute suspects in the courts.

Each organisation works in partnership throughout the investigation, but MI5 retain the lead for collecting, assessing and exploiting intelligence. The police take lead responsibility for gathering evidence, obtaining arrests and preventing risks to the public.

ELGs are vital to the effective co-ordination of the operation and meet frequently. They are briefed on the progress of investigations and co-ordinate responses to any significant developments. The ELG will make a formal decision about when responsibility for the tactical direction of the overall investigation should transfer from MI5 to the police, and also decide when to take executive action (e.g. arrest suspects).

The ELG for Operation CREVICE was formed on 11 February 2004, and set out its aims and objectives as being:

- *to ensure public safety;*
- *to investigate intelligence relating to terrorist activity centring on the three named individuals [Omar KHYAM, Mohammed Qayum KHAN and \*\*\*] with a view to arresting and prosecuting them and any others against whom intelligence is developed, or moving towards other forms of disruption, to be agreed by the ELG;*
- *to protect sources; and*
- *to progress the investigation with a view to identifying possible targets, and to progress contingency planning and consequence management.*

22. Ensuring public safety was the ELG's top priority and so it needed to gather as much intelligence as possible on the main targets – Omar KHYAM, Mohammed Qayum KHAN<sup>13</sup> and \*\*\*.<sup>14</sup> MI5 and the police watched what they did, where they went and who they met. It was at that stage the largest operation they had ever run.

23. All of the people that KHYAM met and spoke to were assessed to see if they were involved in the plan to attack the UK. Most were not. However, some were thought to be involved in criminal activity, others were thought to be in the "facilitation" part of CREVICE, and a few were thought to be actively involved in the fertiliser bomb plot. As public safety was their top priority, MI5 and the police concentrated on those who were actually talking about a terrorist attack. This was the immediate priority and absorbed nearly all of MI5's resources.

<sup>13</sup> Mohammed Qayum KHAN was assessed by MI5 to be involved in the facilitation network, but not the fertiliser bomb plot part of CREVICE. \*\*\*.

<sup>14</sup> \*\*\*, with Mohammed Qayum KHAN, co-ordinated the Luton-based CREVICE facilitation network. He had previously come to the attention of MI5 through his associations with \*\*\* and \*\*\* (two prominent clerics alleged to have links with extremism or terrorism). \*\*\*. On \*\*\*, the ELG decided that \*\*\* was not a principal target in relation to the bomb plot, although he continued to be a target of interest for MI5 following the arrest and disruption of the CREVICE plotters. \*\*\*.

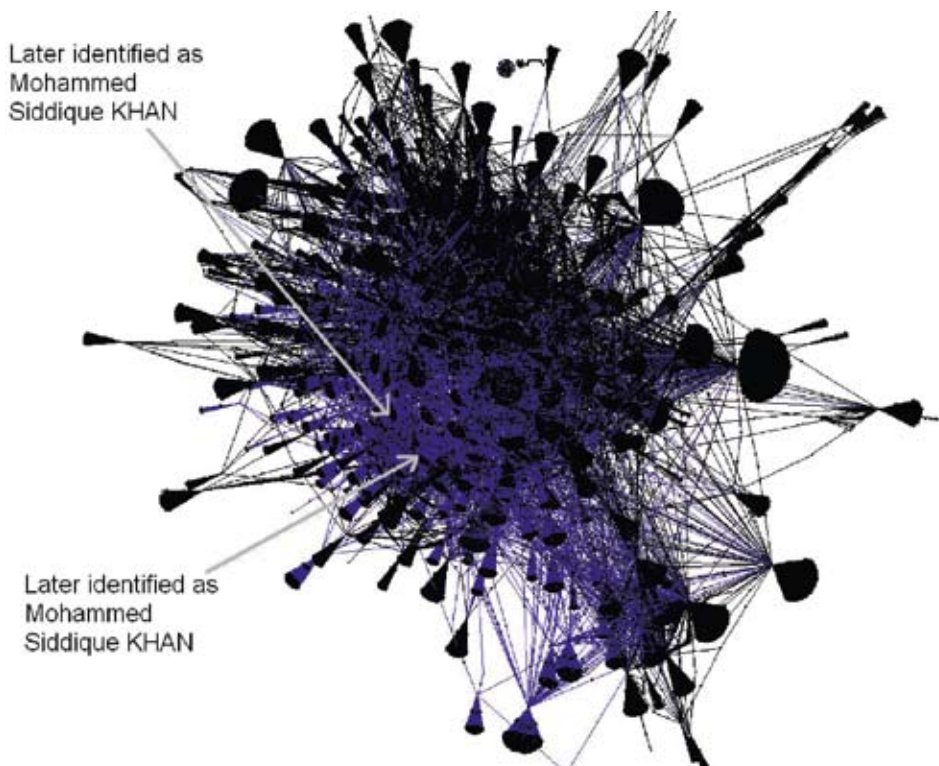
### The size of Operation CREVICE

CREVICE was the largest operation MI5 and the police had ever undertaken. It spanned a variety of countries across the world. In terms of the resources deployed by MI5, there were in the order of:

- 30 addresses searched;
- 45,000 man-hours devoted to monitoring and transcription;
- 20 CCTV operations;
- 34,000 man-hours of surveillance;
- \*\*\* covert searches of targets' property and baggage; and
- \*\*\* eavesdropping devices deployed.

MI5 needed to prioritise and focus their limited resources on those individuals they knew were directly involved in the plot to kill people. In the case of CREVICE, all their resources went on KHYAM, with any spare resources focused on the rest of the core CREVICE group who they knew, from eavesdropping and other intelligence, were directly involved in the attack plan. What this meant was that resources to follow up other individuals who were not involved in the attack plan were very limited.

The scale of Operation CREVICE is demonstrated by the following diagram. It shows all calls assessed to relate to international counter-terrorism, between unique parties, between 1 January and 1 April 2004 (with each line representing one or more calls). There are \*\*\* unique numbers (tens of thousands) with \*\*\* links between them. Of these, 4,020 are linked to CREVICE. The vast majority of these were eventually assessed not to be related to the bomb plot itself, or even to the wider facilitation network, and were in fact wholly innocent or irrelevant. Each was a potential lead, however, that had to be checked to see if it was relevant or not. The diagram identifies two numbers which were later associated with Mohammed Siddique KHAN.





24. Then, on 20 February 2004, the picture changed again. An electronics expert arrived from Canada to meet KHYAM. Surveillance showed that he was advising KHYAM and his associates on the construction and operation of remote detonation devices.<sup>15</sup> This confirmed to MI5 that KHYAM was actively planning an attack.

25. Separately, but also on 20 February, the police anti-terrorist hotline received a telephone call from staff at a storage depot saying that someone had been storing a 600kg bag of fertiliser since 11 November 2003 and they felt it was suspicious. The police visited the storage unit later that day and obtained details of the fertiliser and the rental agreement. What they found confirmed intelligence previously received and indicated that the fertiliser was intended for use in a bomb attack. This showed MI5 that KHYAM not only had the intention to launch an attack, he also had the capability.

### **Fertiliser bombs**

Fertiliser can be a key ingredient in producing improvised explosive devices. MI5 have told the Committee that the fertiliser explosive planned by the CREVICE group would have had, if successfully detonated, a roughly similar effect to that of the military explosive TNT. The consequences, had the group set off the bomb, could have been catastrophic. The court heard evidence from Gary Smart, General Manager of the Ministry of Sound (one of the potential targets mentioned by the bombers), who said that if the packed club were to be attacked:

*It is clear that the consequences could be devastating. With such a large number of people in such a confined space, the impact could result in loss of life, injury or structural damage.*

It is a testament to the awareness and vigilance of the staff at the storage depot that they recognised there was something suspicious about the storage of this fertiliser and decided to call the police. It is intelligence such as this that enables MI5 and the police successfully to detect and disrupt plots.

26. Then, on 22 February 2004, KHYAM was heard considering a number of possible targets which would cause either mass casualties (such as Bluewater shopping centre or the Ministry of Sound nightclub) or mass disruption (like the gas supplies). This indicated to MI5 that the plot was gathering pace – in the space of just three weeks MI5 had gone from a relatively routine investigation of a facilitation network to a top-level operation to prevent a large-scale bomb attack in the UK.

27. The investigation moved into an even more intensive phase, with consistent monitoring of KHYAM, so that MI5 and the police could find out who else was involved and, crucially, prevent an attack. To minimise the chances of an attack, MI5 replaced the fertiliser with an inert substance so that it could not be used as an explosive. However, they could not be 100% sure that the group did not have more fertiliser stored elsewhere.

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<sup>15</sup> The events of 20/21 February 2004 are covered in detail on pages 30 to 32.

28. With every development, MI5 and the police had to decide whether to continue to gather more evidence and intelligence or whether to make arrests. More evidence might have helped secure convictions, and more intelligence might have led MI5 to other plots and networks. This had to be balanced against their primary objective – to ensure public safety. Should they make the arrests or let KHYAM and his associates continue with their planning?

29. This dilemma came to a head during March 2004. It appeared from eavesdropping that KHYAM was becoming “jumpy” – he and the other CREVICE plotters were heard talking about leaving the country. MI5 thought this might be an “escape plan” for after an attack and, therefore, that the attack might be imminent.

30. MI5 and the police decided they could not take the risk that an attack might be launched, so between 29 March and 1 April 2004, the core CREVICE suspects, including KHYAM, were arrested.

#### **Alleged CREVICE conspirators**

Eight people were arrested on suspicion of involvement in the fertiliser bomb plot. Five of the men were found guilty of conspiracy to cause explosions, with two (KHYAM and GARCIA) also convicted of possessing articles for the purposes of terrorism:

- Omar KHYAM (British)
- Jawad AKBAR (British)
- Salahuddin AMIN (British)
- Waheed MAHMOOD (British)
- Anthony GARCIA (dual British/Algerian citizen, British resident)

Of the remaining individuals, two (Shujah MAHMOOD and Nabeel HUSSAIN) were acquitted of all charges and the remaining man (Mohammed Momin KHAWAJA – a Canadian) is currently standing trial in Canada.

Omar KHYAM, Waheed MAHMOOD and Anthony GARCIA were each given indeterminate life sentences with 20-year minimum terms (although GARCIA’s was subsequently reduced, on appeal, to 17½ years). Jawad AKBAR and Salahuddin AMIN were given indeterminate life sentences with 17½-year minimum terms (although AMIN’s was subsequently reduced, on appeal, to 16¾ years).

#### ***What happened next?***

31. Once the immediate threat to life had been dealt with, MI5 then returned to the contacts of KHYAM and the other CREVICE conspirators – over 4,000 telephone-based contacts plus those they were seen meeting. Whilst MI5 had assessed that these people had not been directly involved in the fertiliser bomb plot, they still needed to see what some of these contacts were up to – whether they were planning a different attack, or helping to raise funds for Al-Qaida, or indeed were completely unconnected and innocent. In the case of most, MI5 very quickly discounted the need for any further investigation – for example, if a frequently telephoned number was for a business that was known to have no feasible links to a terrorist cell – but in some cases further investigation was considered justified.

### **Investigating extremist networks**

During an investigation into a plot to attack the UK, such as CREVICE, huge numbers of contacts will be unearthed. Most of these people will be entirely blameless and they will be completely unconnected to terrorist activity. But establishing this requires that those individuals are investigated in some way – there is an extremely difficult balance to be struck between the invasion of innocent people’s privacy and digging deep enough to discover that a person may have extremist views or may represent a threat to the UK.

32. However, soon after the CREVICE arrests, and whilst MI5 were following leads from that investigation, a different group of men whom MI5 already had under investigation (separately to CREVICE) started talking about possible terrorist attacks in the UK and the US. Immediately, this threat to life became MI5’s new top priority (just as CREVICE had been in February and March 2004).

33. This new operation was codenamed RHYME.<sup>16</sup> The RHYME terrorist plotters were planning a series of co-ordinated attacks in the UK, including packing three limousines with gas cylinders and explosives before setting them off in underground car parks. The group were also believed to be planning to use radiological material in bombs. Investigating the RHYME group again absorbed most of MI5’s resources.

### **Operation RHYME**

In early 2003 a young British extremist known as Abu Issa AL HINDI was reported \*\*\*  
\*\*\*  
\*\*\*. He had been tutored by \*\*\* in \*\*\* skills and identified by \*\*\* as having \*\*\*  
\*\*\*.

In mid-2004, reporting confirmed that AL HINDI was in fact Dhiren BAROT. The investigation into AL HINDI/BAROT and his UK-based associates (which was given the codename RHYME in mid-June 2004) intensified still further, involving the deployment of a significant amount of covert investigative resource. Resource allocations for RHYME were in the order of:

- six weeks of 24-hour coverage;
- up to 15 surveillance teams deployed at any one time;
- 20 CCTV cameras installed and monitored (8,000 hours of product);
- 25,000 man-hours devoted to monitoring and transcription;
- \*\*\* covert searches;
- \*\*\*;
- 60 property searches; and
- analysis of seized hard drives amounting to 2.5 terabytes of data (roughly 12 times the height of Everest if printed out and stacked).

On 3 August 2004, 13 individuals, including BAROT, were arrested and 8 of these faced trial. BAROT pleaded guilty and was sentenced to life imprisonment in November 2006. The other seven members of the group – Mohammed Naveed BHATTI, Junade FERZE, Zia UL HAQ, Abdul Aziz JALIL, Omar Abdur REHMAN, Nadeem TARMOHAMED and Qaisar SHAFFI – were convicted of terrorist offences on 15 June 2007.

<sup>16</sup> Further information on codenames is provided in the glossary.

34. Shortly after the RHYME group were arrested, in August 2004, Deputy Assistant Commissioner Peter Clarke, the Head of the Metropolitan Police Service Counter-Terrorism Command and National Co-ordinator of Terrorism Investigations, said of the plot: *“This could have caused huge loss of life. The plans to set off a dirty bomb in this country would have caused fear, panic and widespread disruption.”* By foiling the RHYME plot, MI5 and the police had, again, stopped a terrorist attack which could have killed or injured a considerable number of people.

35. Once this immediate threat to life had been dealt with, MI5 again returned to follow up on the 4,000 contacts they had come across during CREVICE, and they also added the contacts they had found during Operation RHYME. But new plots were being discovered all the time, and each new plot demanded considerable resources and pushed this follow-up work lower down the scale of priorities. In each instance, the potential threat to life had to be dealt with first.

36. Some of these operations resulted directly from CREVICE:<sup>17</sup>

- (i.) In early 2004, MI5 launched Operation SC\*\*\* to investigate individuals \*\*\*. There were \*\*\* key targets in this operation (including \*\*\*). Some remain the subject of current investigation.
- (ii.) Between early 2004 and November 2005, MI5 was running Operation UL\*\*\*. The investigation centred on the activity of around \*\*\* core members – the key target was an individual named A\*\*\*. This man was known to be \*\*\*. A\*\*\* was arrested on 25 November 2005 having attempted to procure weapons and rocket-propelled grenades \*\*, and was convicted in April 2007.
- (iii.) In spring 2005, MI5 launched another operation (codenamed FL\*\*\*) to identify associates of the CREVICE network named by a detainee as “IMRAN” and “\*\*\*”. “IMRAN” was identified as Zeeshan SIDDIQUI and was arrested on false documentation charges by Pakistani authorities in May 2005. On his return to the UK, he began to associate with other extremists, and was placed under a control order in April 2006. Investigation continues into “\*\*\*” and his associates and this remains an active operation.
- (iv.) From spring 2005, MI5 was running yet another operation (codenamed CA\*\*\*). This was centred on a core of \*\*\* extremists associated with a man named \*\*\*. He was tentatively identified in May 2005 and was assessed to be a significant Al-Qaida-linked facilitator and radicaliser who tried to supply Al-Qaida with funds and, in 2006, tried to recruit a \*\*\*. One of the group – \*\*\* – was sentenced in \*\*\* 2007 to \*\*\* years’ imprisonment.

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<sup>17</sup> *The Head of MI5 described to us the problems of interconnected networks of extremists: “This is the real needle in haystack activity, which is why if you look at almost any of the investigations and plots that we have got you will find some crossover into others. Therefore CREVICE does not stand alone as a discrete activity. It actually links into others... So we will find that an individual that we believe to be part of [one] group actually is also part of another group...” (19 June 2007).*

37. There were still further operations which were completely unconnected to CREVICE:

- (i.) In March 2003, MI5 began Operation SN\*\*\*. The investigation was to identify two unknown operatives who had reportedly been dispatched to the UK to undertake a suicide mission. They were known only as Abu YUSEF and Abu ADEL. Significant investigative resources were used (through 2004 and beyond) as a large number of leads were pursued and discounted. Both men were eventually identified – one is in prison for an unrelated offence and the other was investigated until 2006, at which time it was assessed that he appeared to have turned away from extremism.
- (ii.) There was also Operation QU\*\*\* (launched in 2003). This involved the investigation of a South London-based Islamic extremist network led by \*\*\* (also known as “\*\*\*\*”) and connected to \*\*\*. This network was central to MI5 Al-Qaida investigations throughout 2002, 2003 and 2004. By mid-2004, the investigation was focused on nearly \*\*\* targets who continued to provide support for Al-Qaida in Pakistan. MI5 built up a substantial list of group members who had travelled overseas for training since the early 1990s, including \*\*\* (the “\*\*\*\*”). \*\*\* was arrested on \*\*\* 2004 following an American extradition request.

38. The number and scale of the operations we have detailed here show that throughout 2004 and 2005 MI5 were playing catch-up, moving resources from one plot to the next, whilst each time unearthing still more people of interest on the sidelines of each plot that they would need to return to and investigate when they had time.

39. In the midst of all this work, on 7 July 2005, four men blew themselves up on London Underground trains and a London bus, killing 52 people and injuring several hundred.

## PART B: QUESTIONS RAISED

### *Who were the 7 July bombers?*

40. Immediately after 7/7, MI5, MI6, GCHQ and the police tried to work out who the bombers were. Over the following days the four bombers were formally identified<sup>18</sup> as Mohammed Siddique KHAN, Shazad TANWEER, Jermaine LINDSAY and Hasib HUSSAIN.

#### **How were the bombers identified?**

- 7 July, 22:19 – “Hasib HUSSAIN” reported as a missing person by his family.
- 7 July, 23:40 – Metropolitan Police Service (MPS) message refers to articles found at Aldgate bearing the names “Mr Sidique KHAN” and “Mr S TANWEER”.
- 8 July, 19:50 – MPS message refers to a Barclaycard found at Edgware Road bearing the name “Mr M S KHAN”.
- 9 July, a.m. – MPS message refers to checks on the articles found at Aldgate. A membership card is confirmed as belonging to “Shazhad TANWEER” of 49 Colwyn Road, Leeds. “Mohammed Sidique KHAN” of 11 Gregory Street, Batley, West Yorkshire is identified as the holder of an HSBC credit card and a Halifax current account card.
- 9 July, a.m. – Checks on intelligence databases find that the name “Mohammed Sidique KHAN” had appeared during Operation CREVICE. The MPS begin liaison with West Yorkshire Police.
- 9 July, 23:59 – Message created that collates the inquiries into the items found at Aldgate and Edgware Road and provides details on the cardholders.
- 10 July, 07:19 – A number of items of property in the name of “Hasib HUSSAIN” are recovered from Tavistock Square. This information is linked to the missing persons report.
- 10 July – Pathologist reports suggest that the men later identified as HUSSAIN, KHAN and LINDSAY were in possession of, or in close proximity to, the bombs at the times of the explosions.
- 11 July, 09:00 – Intelligence is received giving Mohammed Sidique KHAN’s current address as 69 Lees Holm, Dewsbury. KHAN’s car is seen parked outside this address.
- 11 July – Hasib HUSSAIN’s family tell the police that he had travelled to London on 6 July with a number of friends including Mohammed Siddique KHAN and Shazad TANWEER.
- 11 July – Pathologist report suggests that the man later identified as TANWEER was in possession of the bomb at the time of the explosion.
- 11 July – KHAN, TANWEER and HUSSAIN become key suspects and the police apply for warrants to search associated addresses and vehicles.

<sup>18</sup> “Formal identification” in this context means the evidential process by which the police linked evidence found at the bomb sites with the identities of the bombers. MI5 use the term “identification” differently and this is explained fully on page 26.

**How were the bombers identified? (continued)**

- 12 July, 13:00 – KHAN, TANWEER and HUSSAIN are identified from CCTV at King’s Cross.
- 12 July – Checks of CCTV from Luton railway station point to the involvement of Jermaine LINDSAY. He becomes a key suspect.
- 13 July – Wife of Jermaine LINDSAY reports her husband missing and that he knew the occupants of the address in Lees Holm which she had seen being searched.
- 13, 15, 16 July – DNA analysis confirms that TANWEER had died at Aldgate, HUSSAIN at Tavistock Square, LINDSAY at Russell Square and KHAN at Edgware Road.

***Had MI5 and the police previously come across any of the bombers?***

41. Our initial report said that MI5 had “*come across two members of the 7 July group before on the peripheries of other investigations*”. These two people were Mohammed Siddique KHAN and Shazad TANWEER. We were told about these connections when conducting our original inquiry (although we could not mention them), but in the new investigation we have gone back to source records and started afresh. Some of the information we now have was only discovered as a result of this new investigation and some we have revisited in even greater detail.

42. In this inquiry, for the first time, we have brought together all the key events related to CREVICE and the 7/7 bombers. It has proved difficult and time consuming to draw this together as the information was provided piecemeal by a number of different organisations, some pieces of the story have changed as we have investigated them further, and during our inquiry some new information has emerged in relation to active MI5 and police investigations and operations. The detailed timeline of events is included at Annex A (page 57).

43. The following sections explain in detail the nature and extent of MI5 or police contact with the bombers prior to 7 July 2005.

***So when did they first come across the 7 July bombers?***

***Mohammed Siddique KHAN***

44. It is now known that, prior to Operation CREVICE, Mohammed Siddique KHAN had crossed the path of the police on three occasions.

45. In 1993, a man called “Sidiqie KHAN” was arrested for assault by West Yorkshire Police and received an official caution. A police record was created and a prisoner photograph was taken. This was a routine police matter unconnected to national security and, accordingly, none of the details were shared with MI5.

46. Then, in 2001, a group of 40 men were observed by West Yorkshire Police attending a training camp organised by two known extremists. Stills were produced from video footage of the camp and these pictures were shown to a number of sources, resulting in nine of the 40 men being identified at the time. (After 7/7, once it was confirmed that Mohammed Siddique KHAN was one of the bombers, the police went back through their files and found that one of the images, taken at this training camp, was of Mohammed Siddique KHAN. They had not been able to identify him in 2001.)

47. On 14 April 2003, a West Yorkshire Police surveillance team were following a known extremist as part of a joint West Yorkshire Police and MI5 operation. During this surveillance, the extremist was seen to be given a lift in a car registered to a "Sidique KHAN". This contact lasted only three minutes and was not considered significant in the context of the operation (\*\*\*) (\*\*\*)).

**48. Of these three events, only the training camp in 2001 was a significant lead. MI5 and the police attempted to pursue it at that time and sought to identify the men attending the camp, but they could identify only nine of them (Mohammed Siddique KHAN was not among these nine).**

#### *Shazad TANWEER*

49. It is now known that Shazad TANWEER had had contact with the police on two occasions, unrelated to national security. West Yorkshire Police first came across Shazad TANWEER in 1995 when he was arrested for a reported burglary. His full personal details were taken; however, no fingerprints, photographs or DNA were obtained as he was released without charge. West Yorkshire Police next came across TANWEER in April 2004 when he was given a criminal caution for a public disorder offence. On this occasion a photograph, fingerprints and DNA were taken, and entries made on the Police National Computer (and other systems).

#### *Jermaine LINDSAY*

50. Police records relating to Jermaine LINDSAY are also unrelated to national security. A Fiat Brava registered to him drove off from the scene of a robbery in Luton on 27 May 2005, and he was subsequently named as a suspect. The vehicle was not located and it appears that LINDSAY was never interviewed regarding the matter.

51. After 7/7, the police investigated a savings account belonging to Jermaine LINDSAY and discovered a telephone number which MI5 checked and matched with a number in their historical records.



### **MI5 records relating to Jermaine LINDSAY**

In 2002, MI5 were investigating \*\*\*. During the investigation MI5 ran checks on a mobile telephone believed to be linked to the target and found that there was no registered owner – no further action was possible given the lack of any useful information.

After 7/7, once it was known that Jermaine LINDSAY was one of the bombers, the police investigated his savings account details and discovered a telephone number provided on the application to open the account.<sup>19</sup> MI5 checked this telephone number against their historical records and discovered that it was the same number they had seen before in 2002.

### *Hasib HUSSAIN*

52. Whilst there was no connection to CREVICE, we also note that Hasib HUSSAIN had crossed paths with the police when, in October 2004, he received a police caution for shoplifting.

### ***So when did MI5 first come across them in connection with CREVICE?***

53. During 2003 and January 2004, the main target of Operation CREVICE was Mohammed Qayum KHAN. CREVICE was not a priority investigation at this time and Mohammed Qayum KHAN was not a priority target, since there had been no indication that there was any connection with attack planning. However, even though he was not a priority target, MI5 were interested to learn more about his facilitation network and so they investigated him and, amongst other things, obtained information about his telephone calls.

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<sup>19</sup> When LINDSAY applied to open an ISA account through the Britannia Building Society on 31 January 2004, he provided two telephone numbers on the application form. One of these numbers was for a mobile phone and this number was included on a list of numbers sent to MI5 in connection with the 7/7 investigation. LINDSAY's girlfriend also provided the same number when reporting him missing.

**Telephone calls in July and August 2003  
discovered, after 7/7, to involve Mohammed Siddique KHAN**

*13 July 2003*

Data from a mobile phone associated with Mohammed Qayum KHAN (see paragraph 18) shows a number of calls with a telephone number MI5 had not seen before. Checks reveal that the telephone number in question is registered to “Siddique KHAN” of 49a Bude Road, Leeds (the address of a bookshop selling extremist literature). MI5 cannot match the name “Siddique KHAN” with any in their databases, and the contact is not investigated further since there is nothing to suggest involvement in any terrorist-related activity. \*\*\*. Information on this call is recorded, as a matter of routine, on Mohammed Qayum KHAN’s file as follows: “*INFO: Several calls to and from an [untraced individual] on [telephone number] \*\*\** \*\*\*. *Calls are made \*\*\* and \*\*\*.*”

*19 July 2003*

The mobile phone associated with Mohammed Qayum KHAN is used to call an untraced phone number \*\*\*. Checks on this pre-pay mobile phone do not reveal a registered keeper. There is no intelligence to suggest that this telephone contact is linked to the facilitation network and so no further action is taken.

*24 July 2003*

The same pre-pay mobile phone number as that used on 19 July 2003 is used again to call the mobile phone associated with Mohammed Qayum KHAN and \*\*\*. There is still nothing to suggest that this telephone contact is linked to Al-Qaida or extremism. No further action is taken.

*17 August 2003*

The mobile phone associated with Mohammed Qayum KHAN is used to call another untraced telephone number \*\*\*. There is no further intelligence regarding \*\*\* and no action is taken to investigate it.

54. *What did MI5 do at the time?* As standard practice, MI5 checked the telephone numbers of calls made and received by the phone associated with Mohammed Qayum KHAN. The call on 13 July 2003 is the only one where they found more information. They found that the telephone was registered to a “Siddique KHAN”. Whilst there was no guarantee that the person using the telephone was the registered keeper, MI5 nevertheless checked the name against their records. They did not find any further information. Given that there was no intelligence showing a connection with the facilitation network, no further action was taken. In line with standard procedure, a record of the call was added to the file of Mohammed Qayum KHAN’s telephone contacts.

55. **After 7/7, when the bombers had been identified, and MI5 were searching back through their records, they assessed that these four telephone calls were with Mohammed Siddique KHAN. At the time, however, there was nothing to indicate that these telephone calls were significant.**

## ***When did MI5 first see Mohammed Siddique KHAN and Shazad TANWEER meeting the CREVICE bomb plotters?***

56. From the beginning of February 2004, MI5 had Omar KHYAM under limited surveillance as they believed him to be a courier within the facilitation group – there had, at this stage, been no indication that KHYAM was a bomb plotter.

### **Meeting on 2 February 2004**

*2 February 2004*

Surveillance of Omar KHYAM sees him parking his car in Crawley (with another occupant) and then a green Honda Civic (registration R480 CCA) with three occupants parking alongside. After two minutes the Honda (with two occupants later assessed by surveillance to be KHYAM and an unidentified male (UDM)) leaves and drives up and down the A23<sup>20</sup> while the other three individuals remain in KHYAM's parked car. There are no listening devices in either car, but surveillance believes that KHYAM and the UDM are driving around for the purpose of a meeting (although it is not known what is discussed). The men return to their original cars and both cars drive off. The Honda is followed to try and obtain some further information on the UDMs in case, at a later date, they are thought to be of interest and followed up on. At Toddington Service Station on the M1, the MI5 surveillance team secretly photograph the three UDMs in the Honda and classify them as UDMs C, D and E.<sup>21</sup> The Honda continues its journey and two men alight at Lodge Lane and Tempest Road, Leeds. The car then drives towards Dewsbury and is seen to park outside 10 Thornhill Park Avenue.

57. The reason MI5 were following KHYAM at this time was to discover as much as they could about the facilitation network. So when KHYAM met some new contacts, whom MI5 had not seen before, the surveillance team decided to follow them back to West Yorkshire to try and find out an address they could use for further investigation if necessary.<sup>22</sup> The car registration was checked<sup>23</sup> and the car was found to be registered to a "Hasina PATEL"<sup>24</sup> at the same address in Dewsbury to which the car had been followed.

**58. At this time there was no evidence to indicate that the individual was not an innocent contact (not everyone KHYAM met could be assumed to be part of the facilitation network), but nevertheless MI5 asked West Yorkshire Police to check the name "Hasina PATEL" and the address (10 Thornhill Park Avenue, Dewsbury) against their databases in order "to enable us to fully identify any potential associates of KHYAM". Nothing significant was found and, with no evidence to justify further action, none was taken.**

<sup>20</sup> It has been suggested that the unidentified person meeting KHYAM should have been of particular interest for MI5, because his driving involved basic "anti-surveillance" manoeuvres. It would have been difficult for the surveillance team to make any assessment of its significance at the time, and even had it been considered significant, the surveillance team would have done nothing more than they did at the time, which was to "house" them.

<sup>21</sup> After 7/7, these UDMs were formally identified:

- UDM C is now known to be Shipon ULLAH (also known as Waheed ALI).
- UDM D is now known to be Shazad TANWEER (one of the 7/7 bombers).
- UDM E is now known to be Mohammed Siddique KHAN (the leader of the 7/7 bombers).

<sup>22</sup> MI5 call this process "housing" a contact – this is explained fully on page 23.

<sup>23</sup> Further details on the checks carried out can be found on page 24 and also in the timeline at Annex A.

<sup>24</sup> After 7/7, it was discovered that "Hasina PATEL" was Mohammed Siddique KHAN's wife and that they had married in October 2001.

***Did MI5 see Mohammed Siddique KHAN and Shazad TANWEER meeting Omar KHYAM after they had discovered the bomb plot?***

59. In early February, Operation CREVICE changed dramatically. MI5 found that Omar KHYAM was a much more serious threat than had been thought – intelligence showed he had both the intent and the capability to launch an attack. He was therefore MI5’s top priority and surveillance on him was intensified.

60. Over the next six weeks, monitoring of KHYAM and the rest of the CREVICE group showed them in contact with a large number of people – including over 4,000 telephone-based contacts. It is now known that two unidentified men out of these contacts were in fact Mohammed Siddique KHAN and Shazad TANWEER.

**Meeting on 28 February 2004**

*28 February 2004*

Intelligence coverage of Omar KHYAM \*\*\* a UDM. MI5 surveillance observe the Honda Civic seen on 2 February (R480 CCA) with UDMs C, D and E meeting KHYAM and Shujah MAHMOOD in a car park in Crawley at 08:56. They make a series of visits to builders’ merchants, travel to a mosque in Slough, and then stop for approximately 30 minutes at KHYAM’s address in Hencroft Street (\*\*\* \*\*\*). They then travel to Wellingborough (near Northampton), via Toddington Service Station near Luton (where they meet Mohammed Qayum KHAN at 17:30 hours), before returning to Slough to drop off KHYAM and MAHMOOD at 23:35 (nothing of significance was discussed in KHYAM’s car during the day). The MI5 surveillance team stay with KHYAM, but the Metropolitan Police Service surveillance team follow the remaining unidentified men back to West Yorkshire – again with the aim of finding something as a reference point should it be assessed that these men were suspicious and needed following up later. They stop again at Toddington Service Station, and at Castle Donington Service Station (near Derby), Tempest Road (Leeds), outside a church in Lodge Lane (Leeds), and finally park in Pickles Field, Batley (near Leeds). CCTV stills from Toddington Service Station are requested by the police, but there is no indication that these requests were received by MI5.

61. On 28 February 2004, the three unidentified men (UDMs C, D and E) who had been seen meeting KHYAM on 2 February were seen meeting him again.<sup>25</sup> There was nothing of interest discussed in KHYAM’s car and \*\*\*  
\*\*\*.

62. When the unidentified men left KHYAM, the MI5 surveillance team stayed to monitor him overnight. But a separate Metropolitan Police Service surveillance team followed the UDMs back to West Yorkshire to try and link them with an address, to obtain a reference point to go back to should any follow-up action be needed.<sup>26</sup>

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<sup>25</sup> A full account of these meetings is included in the timeline at Annex A.

<sup>26</sup> MI5 call this process “housing” a contact – this is explained fully on page 23.

63. *What did MI5 do next?* MI5 checked the details of the Honda Civic again<sup>27</sup> and this time it was found to be registered to a “Sidique KHAN”, living at a different address from the addresses in Leeds and Batley at which the car had previously been observed. MI5 and the police ran checks against their databases on the name and all the addresses, but no results were found. Because they had found various different spellings of the name, and there were no significant traces found, the police believed that it might be an alias.

#### **Meeting on 23 March 2004**

*23 March 2004*

Further surveillance on KHYAM observes him and four UDMs travelling from Crawley to Slough. The individuals travel in KHYAM’s car and a green Vauxhall Corsa (YB52 LUF) with the words “Car Clinic” and a telephone number on the side. The surveillance team believe that the driver of the Corsa is identical to the driver of the Honda Civic on 28 February (UDM E). Another of the individuals is described as being identical to one of the passengers in the Honda Civic on 28 February (UDM D). During the afternoon, in KHYAM’s car, KHYAM and an unidentified male speak briefly about the “success of the Madrid bombings”. KHYAM and UDM E visit an internet café before returning to KHYAM’s flat. (\*\*\*) Eavesdropping at KHYAM’s flat in the evening hears that the men are from Leeds and the conversation is largely related to financial fraud. Video stills are produced from surveillance. The police later find that the Vauxhall Corsa is registered to Lombard Vehicle Management Ltd.

64. Three weeks later, on 23 March 2004, Omar KHYAM was seen to meet four unidentified men who were in a green Vauxhall Corsa. The surveillance team believed that the UDMs they had seen on 28 February were amongst this group. MI5 was able to eavesdrop on their conversation and heard a brief discussion about the success of the Madrid bombings and a discussion about financial fraud.<sup>28</sup>

65. *What did MI5 do next?* Given that the UDMs were only discussing financial fraud, and there was no mention of a bomb plot, they were assessed as not posing an immediate threat to life and were therefore classified as “desirable” (i.e. not a top priority). However, once Operation CREVICE finished and some resources became available, some additional checks were carried out on them to assess them further. MI5 provided West Yorkshire Police with details of the Honda Civic and Vauxhall Corsa seen during CREVICE, together with a total of 12 names (including “Sidique KHAN”) and 13 addresses (including three linked to Mohammed Siddique KHAN). West Yorkshire Police did not find anything significant linked to the vehicles, names or addresses provided.

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<sup>27</sup> Further details on the checks carried out can be found on page 24 and also in the timeline at Annex A.

<sup>28</sup> The conversations on 23 March 2004 are explained in more detail on pages 27 and 28.

66. In summary, when MI5 knew that KHYAM was an attack planner he was seen to meet UDMs D and E on two occasions.<sup>29</sup> There was no intelligence to show whether the UDMs were suspicious or innocent until the final meeting when they were heard discussing financial fraud. This was sufficient for MI5 to run routine checks and exchange information on them with West Yorkshire Police and the Metropolitan Police Service.<sup>30</sup> However, given that they were not discussing attack planning and did not pose a threat to life, they were not made priority targets.

### *What did MI5 do about these unidentified men they saw with KHYAM?*

*(i) Did they put the men under surveillance?*

67. No. Mohammed Siddique KHAN (UDM E) and Shazad TANWEER (UDM D) were never themselves targets of MI5 surveillance.

#### **Contacts and “housing”**

Surveillance teams are often tasked by investigators to establish patterns of activity involving the main targets. When a primary target such as KHYAM comes into contact with other individuals, the surveillance team then has to decide whether to follow the new contact or whether to ignore them in favour of staying with the main target. A whole series of factors will be taken into consideration, such as \*\*\*, \*\*\*, etc. This is often a split-second decision by the surveillance team and would later be reviewed as part of the wider investigation.

Following the new contact may mean “housing” them. This means establishing a link between a person and an address with which they appear to be connected so that, if necessary, further inquiries can be pursued at a later date. Essentially it provides a reference point to come back to in the future if the person being followed looks to be of interest.

Over the final six weeks of Operation CREVICE, the police recorded a total of 1,154 vehicles connected to KHYAM in some way (the vast majority of these were innocent or irrelevant connections). MI5 “housed” approximately \*\*\* people in these cars (i.e. followed them to one or more addresses). The Metropolitan Police Service “housed” approximately \*\*\* subjects. As a matter of routine, checks similar to those described below would have been completed on each occasion.

<sup>29</sup> These meetings, which MI5 knew about at the time they took place, were on 28 February and 23 March 2004. After 7 July 2005, during investigation of the four bombers, it was discovered that Mohammed Siddique KHAN also met with the CREVICE group on 21 February 2004 (it is possible, although unconfirmed, that Shazad TANWEER may also have been present although MI5 did not see him at the time). This is covered in detail on pages 30 to 36.

<sup>30</sup> MI5 shared information with the police on a counter-terrorism basis. They have no legal power to pass intelligence originally collected for a counter-terrorism operation, but which hints at criminal activity, unless such disclosure is necessary to protect national security or would assist the police in the prevention or detection of serious crime.

68. On 2 February 2004, the surveillance teams' primary objective was to discover more about the facilitation network. When the surveillance team saw that KHYAM (who they thought at that point was a courier) had gone home for the night, they took the opportunity to "house" the people KHYAM had met (UDMs C, D and E) and try and obtain further information on them so they could follow up on them later if they thought they were of interest.

69. By 28 February, the surveillance teams' primary objective was to stay with KHYAM (who by that point they knew had the intent and capability to mount an attack), to find out more about the plot, and to ensure that an attack did not take place. After KHYAM met the UDMs on this occasion, the MI5 surveillance team therefore stayed with KHYAM. This time a police surveillance team followed UDMs C, D and E, again to try and obtain further information on them so they could follow up on them later if necessary.

70. **Both MI5 and the police therefore followed three unidentified men, one of whom we now know was Mohammed Siddique KHAN and another we now know to be Shazad TANWEER, after they were seen meeting the target of a surveillance operation. This did not mean that MI5 or the police had these UDMs "under surveillance". It meant that they were "housing" them to obtain a lead to run checks on if necessary or to come back to if they needed to in the future.**<sup>31</sup>

*(ii) Did they follow up on the leads they had?*

71. Yes. After both 2 February and 28 February 2004, MI5 and the police ran checks on the Honda Civic and the addresses to which the UDMs had been followed.

#### **Levels of checks undertaken by the police**

There are four levels of checks that the police carry out when following up leads from investigations. Level 1 and 2 checks are the most basic, and include information on the Police National Computer, police intelligence systems, vehicle registrations and the electoral register. Checks at levels 3 and 4 include progressively more sources of information (for example, level 3 checks may include benefits and council tax records, and level 4 checks may include checks with credit reference agencies and utility companies).

The level of checks actually undertaken will depend on the nature of the investigation and the relative importance of the subject or target.

72. After the meeting on 2 February 2004, "level 1" checks were carried out which showed that the car was registered to a "Hasina PATEL" at 10 Thornhill Park Avenue, Dewsbury. MI5 then asked West Yorkshire Police for any details they had on a "Hasina PATEL" in order "*to enable us to fully identify any potential associates of KHYAM*". No information was discovered.

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<sup>31</sup> The events of 2 and 28 February 2004 have been described on pages 20 and 21.

73. After the meeting on 28 February 2004, when the car had been seen a second time, “level 2” checks of the car were carried out and it was found now to be registered to “Sidique KHAN”, who lived at 11 Gregory Street, Batley, near Leeds. His date of birth (obtained from his insurance policy, the details for which are supplied by the customer and not verified) was given as 20 October 1974. The car was linked to two previous addresses: 10 Thornhill Park Avenue, Dewsbury, and 99 Stratford Street, Leeds. These new details were then cross-checked against MI5 and police databases, but did not produce any significant results.

74. **From what was known about them after the two sightings, MI5 concluded that the UDMs did not merit resources being diverted to them (as opposed to other individuals who were known to be involved in attack planning). Nor did they meet the strict criteria for intensive surveillance. MI5 and the police did, however, run appropriate checks to try and ensure that there was nothing on record to suggest that the UDMs should be a higher priority.**

*(iii) So they did have details on Mohammed Siddique KHAN prior to 7/7?*

75. Yes. Prior to 7/7, Mohammed Siddique KHAN’s name had appeared on a number of occasions in different versions, linked to different addresses, telephone numbers and vehicles, on various databases and in connection with separate incidents. We have collated these instances here, but at the time they were not connected.

#### **Police and MI5 records relating to Mohammed Siddique KHAN**

- 3 February 1993: Record of caution for criminal assault and prisoner photograph – **“Sidique KHAN”**, DoB 20/10/74. (Information held on Police National Computer.)
- April 2003: Checks on a car (BMW) seen with another person who was being followed show it registered to **“Sidique KHAN”, 11 Gregory Street, Batley**. (Information held by West Yorkshire Police (WYP) Special Branch.)
- 13 July 2003: Telephone calls to and from a phone associated with the CREVICE facilitator. Telephone registered to **“Sidique KHAN” of 49a Bude Road, Leeds**. (Information held by MI5 on the record of the CREVICE facilitator.)
- 16 February 2004: Checks on a car (Honda Civic) seen with KHYAM on 2 February show it registered to **“Hasina PATEL”, 10 Thornhill Park Avenue, Dewsbury**. (Information held by MI5, WYP and Metropolitan Police Service (MPS).)
- 29 February 2004: Checks on a car (Honda Civic) seen with KHYAM on 28 February show it registered to a **“Sidique KHAN”, 11 Gregory Street, Batley**, DoB 20/10/74. Car also linked to **10 Thornhill Park Avenue, Dewsbury** and **99 Stratford Street, Leeds**. Checks on a storage facility at **99 Stratford Street** registered to **“Mohammed Sadique KHAN”**. (Information held by MI5, WYP and MPS.)
- 27 January 2005: Police statement taken in relation to a hire car (Vauxhall Corsa), seen with KHYAM (ten months earlier), registered to **“Mr S. KHAN”, 10 Thornhill Park Avenue, Dewsbury**. Various names, addresses and other details are checked, including a voter check on **11 Gregory Street, Batley** which shows a **“Mr Mohammed KHAN”** residing. (Information held by MPS.)



76. In each case the names were linked to cars or telephones that were connected to unidentified individuals meeting or talking with people under investigation – MI5 could not assume that the registered keepers of these telephones or cars were necessarily the ones using them.

77. Nevertheless, MI5 had come across variations of the name “S. KHAN” on a number of occasions. So the question is: should MI5 or the police have connected all these pieces of information?

78. **With the resources and time to do so, MI5 could have connected the names, albeit without 100% certainty given the different spellings and addresses. (We note that West Yorkshire Police believed the name “Sidique KHAN” could have been an alias due to a combination of both the multiple spellings and lack of traces on databases.) However, the more important question is: what difference would it have made had MI5 connected these pieces of information?**

79. **MI5 have said that even if “S. KHAN” had been discovered to be the same individual appearing on each occasion, there was still nothing to indicate that he was involved in a plot to carry out terrorist attacks and therefore they would not have done any more to investigate him given what else was going on at the time.**

*(iv) So why did they say they had not identified Mohammed Siddique KHAN?*

80. Even though Siddique/Sidique/Sadique KHAN was not assessed to be significant, it is nevertheless surprising, given the amount of information MI5 and the police had on him, that they said they had not identified Mohammed Siddique KHAN prior to 7/7. We questioned MI5 in detail on this point.

81. We have found that the confusion has arisen from a difference in terminology. Most of us think of identification in terms of name, address and date of birth. However, MI5 use the term in a far more limited way. For them, formally identifying someone involves both who they are and what they are.

82. For MI5, what they are comes first. If an unidentified person is assessed to be an attack planner, it is vitally important that MI5 then verify exactly who they are. To do this they look at details such as date and place of birth, nationality and addresses (and attempt to cross-reference this with official and commercial databases). Only when this personal information is verified will MI5 be sure that they are investigating the right “Joe Bloggs” or “John Smith” and not an innocent person who happens to have the same name. After this bureaucratic but necessary process the person is then formally “identified”, in MI5 terms, and a “personal file” can be created.

83. However, the opposite is not true. If an unidentified person is not a threat, it does not matter to MI5 who they are. If MI5 have details of someone who is innocent, they will not keep digging deeper and deeper to try and find out everything about them. This is not simply a question of resources – such action would not be warranted in most cases and may not even be legal. MI5’s actions are, rightly, driven by the assessment of the known threat that a person poses.

84. MI5 have told the Committee that they could easily have verified the information they had and formally identified who UDM E was, but there was no reason to take this formal step because of what they thought he was. There was nothing at the time to suggest that UDMs D or E were more than small-time fraudsters who had some minor contact with the CREVICE plotters. MI5 did not, therefore, verify the details they had on the men or open “personal files” for them. There was nothing, at the time, to suggest that MI5 should divert resources away from investigations of known terrorist plots in order to investigate someone whom they believed was a minor criminal.

85. Whether this assessment was correct (based on what MI5 knew at the time) and whether MI5 should have known more is considered in detail over the following pages.

### ***Why was UDM E (Mohammed Siddique KHAN) only “desirable”?***

86. At the time, MI5 prioritised investigative effort based on the threat posed by individuals. Those assessed to be involved in actively planning an attack were generally designated as “essential” targets and those not directly involved with attack planning were a lower priority. (The system now in place sets priorities which are based on the threat posed by whole networks and plots, rather than individuals, and uses different categories.<sup>32</sup>)

#### **MI5’s investigative categories (in 2004/05)**

***Essential*** – An individual who is likely to be directly involved in or have knowledge of plans for terrorist activity, or an individual who may have knowledge of terrorist activity.

***Desirable*** – An individual who is associated with individuals who are directly involved in or have knowledge of plans for terrorist activity or who is raising money for terrorism or who is in jail and would be an essential target if at large.

***Other*** – An individual who may be associated with individuals who are directly involved in, or have knowledge of, plans for terrorist activity.

These categories were fluid and, depending on the latest available intelligence, targets might move between them.<sup>33</sup>

87. UDMs D and E (Shazad TANWEER and Mohammed Siddique KHAN) were of some interest to MI5 because they were seen meeting Omar KHYAM, a known attack planner, and were heard (on 23 March) talking about financial fraud and possible travel to Pakistan. This was sufficient to categorise them as “desirable” targets.

<sup>32</sup> This change was, in part, brought about by lessons identified as a result of the 7/7 attacks. We look in more detail at these lessons on pages 44 to 53.

<sup>33</sup> MI5 now use “Priority 1” and “Priority 2” as their major investigative categories for networks and plots (with “Priority 3” and “Priority 4” replacing “Other”).

### Conversations on 23 March 2004

On 23 March, four UDMs – including two who the surveillance team believed were UDMs D and E from surveillance on 28 February – spent most of the day with KHYAM and their conversations were monitored. The majority of what they talked about throughout the day was unconnected to terrorist activity. There were two relevant pieces of conversation.

During the afternoon of 23 March 2004, an eavesdropping device in KHYAM's car picked up KHYAM talking about the Madrid bombings with unidentified men (UMs) and this was initially transcribed by MI5 as: *“UM says that's amazing isn't it, everything turns around. Another UM says look on the success of the Madrid bombing, change of power”*.

After 7/7, in preparation for the CREVICE trial, more detailed evidential transcripts were produced which showed that this conversation was between KHYAM and Shazad TANWEER.

During the evening of 23 March 2004, eavesdropping at KHYAM's flat heard him talking with unidentified men (who mentioned they were from Leeds). The real-time monitor's notes recorded that there was a discussion of possible fraudulent activity.

In preparation for the CREVICE trial (and prior to 7/7), a full transcript was produced which showed that the group received detailed advice from a fraud expert about raising money fraudulently, selling cars bought on credit, lying about wages in loan applications, skimming credit cards, and obtaining and defaulting on bank loans. UDM E also mentioned that he worked in a school counselling children, and that he had to return his Vauxhall Corsa hire car and pick up his repaired car from the garage.

The key element of the conversations that day for MI5 – who were focused on listening for any indication that KHYAM might launch his attack – was KHYAM saying that he was moving to Pakistan for good. This was the main part of the conversation which was of interest to MI5 as it suggested that KHYAM was planning his escape, presumably after launching his attack.

**88. So, on 23 March, MI5 had heard UDMs D and E talking to KHYAM,<sup>34</sup> but they did not mention the bomb plot. At no time during Operation CREVICE did MI5 obtain any intelligence that indicated that UDMs D and E were involved in attack planning. On this basis, they were not categorised as “essential” targets.**

89. To assess whether this decision was reasonable, on the basis of what was known about them at the time, we have looked at other individuals in the “essential” and “desirable” categories.

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<sup>34</sup> This was the only occasion when MI5 had any indication that they could have been listening to UDMs D and E.

(i) “Essential” targets

90. We have described in detail what made Omar KHYAM an “essential” target. Others known, at the time, to have posed a serious threat (and therefore also categorised as “essential”) included A\*\*\* and H\*\*\* (\*\*\* – also known as \*\*\*).

91. A\*\*\* was known to be \*\*\*  
\*\*\* whom MI5 had intelligence to suggest was \*\*\*. MI5 knew that he was \*\*\*. He therefore had both the intent and capability to launch an attack and posed a serious threat. (A\*\*\* was eventually arrested in November 2005 whilst attempting to purchase automatic weapons and rocket-propelled grenades \*\*\*)

92. H\*\*\* was an individual in continual direct contact with KHYAM (both by telephone and in person) between January 2004 and March 2004. KHYAM provided him with a large sum of money, and they planned the procurement of a flat in Pakistan, which MI5 believe that KHYAM was planning to use as a safe house after the fertiliser bomb attack. (H\*\*\* is a US citizen and in July 2007 was extradited to the US, where he is currently awaiting trial on terrorism charges.)

(ii) “Desirable” targets

93. “Desirable” targets included individuals such as Mohammed Qayum KHAN.<sup>35</sup> He was assessed to be a trusted associate of \*\*\* (\*\*\*), he was linked to Al-Qaida networks in Pakistan, and he was a trusted member of the CREVICE network and was seen meeting Mohammed Omar KHYAM (the CREVICE attack planner) on many occasions. Qayum KHAN was not assessed as being an attack planner himself.

94. Another “desirable” individual had been known to MI5 since November 2001 and was a contact of KHYAM during Operation CREVICE. This individual is believed to have provided financial support and co-ordination for KHYAM and carried out large numbers of money transfers between numerous accounts. He was also a direct contact of Mohammed Momin KHAWAJA in Canada (the person who advised KHYAM on detonation devices) and \*\*\* (an individual involved in terrorist training camps in Pakistan).

**95. These examples show the range of individuals that MI5 were interested in and give an idea of the “league table” of targets. Whilst it was significant that UDMs D and E had met Omar KHYAM on three occasions (that MI5 knew about at the time), individuals who had been seen meeting KHYAM on only these occasions, and were not known to be involved in attack planning, would not have ranked as “essential” targets alongside people assessed to pose a real threat to life (such as A\*\*\*).**

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<sup>35</sup> Mohammed Qayum KHAN was the original target of Operation CREVICE when the group was being monitored because it was providing logistical and financial support to Al-Qaida in Pakistan. \*\*\*.

***If MI5 overheard Mohammed Siddique KHAN with the CREVICE group and Mohammed Momin KHAWAJA when they discussed bomb-making in February 2004, surely that should have made him an “essential” target?***

96. Had UDM E been overheard discussing bomb-making, MI5 would almost certainly have prioritised him as an “essential” target. This did not happen, however, because no such discussion was overheard.

97. On 20 February 2004, key members of the CREVICE group met an electronics expert from Canada called Mohammed Momin KHAWAJA. MI5 know that bomb-making was discussed, and who was present, because they had good surveillance and eavesdropping coverage.

**KHAWAJA’s visit – the “bomb-making” meeting on 20 February 2004**

Omar KHYAM and Shujah MAHMOOD travelled to Heathrow on the morning of 20 February to pick up KHAWAJA. The three men arrived back at KHYAM’s home address (Hencroft Street, Slough) shortly before 13:00. Around this time, KHYAM and KHAWAJA were monitored having a discussion about the construction and components of a remotely detonated explosive device. At approximately 14:30, the three men left on foot to visit the Universal Video internet café. They remained there for approximately one hour, during which time KHAWAJA is thought to have shown them web-based photographs of the device he had built.

98. So on 20 February 2004, when MI5 knew that bomb-making was discussed, they were confident that UDM D (later identified as Shazad TANWEER) and UDM E (later identified as Mohammed Siddique KHAN) were not present.

99. The following day, MI5 again observed KHYAM and Shujah MAHMOOD with KHAWAJA for most of the day.

**KHAWAJA’s visit – 21 February 2004 (daytime)**

On 21 February 2004, after travelling to various addresses in Slough during the morning, KHYAM, Shujah MAHMOOD and KHAWAJA again visited the Universal Video internet café. They arrived at about 12:30 and left approximately 45 minutes later. \*\*\*

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\*\*\*.

Later that afternoon, KHYAM, Shujah MAHMOOD and KHAWAJA travelled to Abdul Waheed MAHMOOD’s house in Crawley. KHYAM entered Waheed MAHMOOD’s house and remained there for approximately 40 minutes. There was \*\*\* no indication as to what was discussed. Meanwhile, KHAWAJA and Shujah MAHMOOD remained outside in KHYAM’s car where, amongst other things, they discussed “micro controller chips”.

100. During the day on 21 February, although there were periods when MI5 did not know what was discussed (\*\*\*) , they did have good surveillance coverage and again they knew that UDMs D and E were not present.

101. In the evening of 21 February, there was a gathering at a house in Crawley – \*\*\*’s house. It was assessed that this was probably for a farewell meal before KHAWAJA returned to Canada.

**KHAWAJA’s visit – 21 February 2004 (evening)**

KHYAM and two unidentified males left Waheed MAHMOOD’s house (90 Langley Drive, Crawley). KHYAM and one of the UDMs joined Shujah MAHMOOD and KHAWAJA in KHYAM’s car and travelled to the farewell meal – the police transcript identifies the UDM as “Abdul WAHID” (which could refer to Abdul Waheed MAHMOOD). The other man left Waheed MAHMOOD’s house in a “Morrisons” van which was later seen outside the house where the farewell meal was being held.

KHYAM, Shujah MAHMOOD, KHAWAJA and the UDM (probably Waheed MAHMOOD) joined the farewell meal at about 19:30. At approximately 20:50, the surveillance team saw two people leave and board KHYAM’s car – this was recorded as: “Possibly [Shujah MAHMOOD] and [KHYAM] out of [the address] and towards [KHYAM’s car].” The two men drove to a local takeaway and returned at approximately 21:05 where they remained in the car talking before returning to the house at 21:34. (The subject of this conversation is discussed in the next section of the Report.<sup>36</sup>)

There were various movements in and out of the house including approximately eight men (seven of whom were unidentified at the time) leaving at around midnight. KHYAM, KHAWAJA and Shujah MAHMOOD left the following morning at approximately 09:10.

102. \*\*\* MI5 did not know what was discussed that evening.

103. MI5 did have surveillance in the area because they were following KHYAM. However, at this stage they had to be cautious in their surveillance – they had had KHYAM under surveillance for over two weeks by this stage and the longer this continued, the more likely it was that he would become aware of it.<sup>37</sup> This cautious approach was made even more important because the house had not been a target of surveillance before, and was therefore unfamiliar territory – the surveillance teams had to keep their distance in order not to compromise the operation. To further complicate the matter, \*\*\* which meant \*\*\*. This emphasised the need for the surveillance teams to keep their distance – they could not risk being seen – if KHYAM knew he was under surveillance he might disappear, and that would increase the likelihood of him launching his attack undetected. Not having “eyes on” meant that MI5 did not know precisely how many people, or who, attended this “farewell meal”.

<sup>36</sup> See pages 32 to 36.

<sup>37</sup> This is also covered in paragraphs 114 and 115.

104. After 7/7, new intelligence (not available at the time) came to light which showed that Mohammed Siddique KHAN (and possibly Shazad TANWEER) had a conversation with Omar KHYAM in his car at about 21:00 that evening (this is explained in the following section of the Report). It is therefore likely that Mohammed Siddique KHAN (and possibly TANWEER) attended this “farewell meal”. However, with only limited surveillance possible, this was not something MI5 could have known at the time, or that we can confirm even now.

105. **What the events of 20 and 21 February show is that when MI5 had evidence that bomb-making was being discussed, they were confident that UDMs D and E were not present. The only time that UDMs D and E might have been present, MI5 had no intelligence to show what was discussed.**<sup>38</sup>

106. **MI5 had to focus on those who they knew were talking about bomb-making. This did not include UDMs D or E.**

***But MI5 did hear Mohammed Siddique KHAN talking about operations in Pakistan – should that not have made him an “essential” target?***

107. It was only after 7/7 that MI5 knew that KHYAM had described going over the Pakistan border to carry out an “operation” in a conversation with Mohammed Siddique KHAN (although it was actually KHYAM doing most of the talking). This conversation took place on the evening of 21 February 2004 and was picked up by an eavesdropping device in KHYAM’s car.

#### **What was known at the time**

MI5’s surveillance operations summary for the evening of 21 February 2004 states:

*At 20:49 (Omar KHYAM) and (Shujahuddin MAHMOOD) exited [the address] and boarded the Silver Suzuki, they went to a Kebab shop on Langley Parade where they purchased food. At 21:05 the Silver Suzuki arrived back in the area [and] (KHYAM) and (MAHMOOD) remained in the vehicle chatting until approximately 21:34 when it is believed they re-entered [the address].*

The eavesdropping device in the car picked up the conversation and the relevant part of MI5’s live (real-time) monitoring notes for 21 February 2004 say:

*Operation, indistinct speech/do something.*

At that time, therefore, it seemed only that KHYAM and Shujah MAHMOOD were in the car chatting. (The live monitoring note from the eavesdropping suggests that two people were present, although it refers only to “UM”, indicating unidentified males.)

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<sup>38</sup> It could be argued that KHAWAJA’s presence at this “farewell meal” meant they were bound to have discussed bomb-making – however, the conversations in the car (which were recorded) did not mention bombs, so it cannot be taken as given.

### **What was known at the time** *(continued)*

Then, on 22 February 2004, this conversation was partially transcribed by MI5 (an initial transcription is done to aid the investigation rather than for evidence) and this account says:

*UM2 is heard to ask about the camp. UM answers UM2 will be going to the (words indistinct) with a set of families and he will be with ?Arab ?Brother and ?Sister. UM (words indistinct) operation tomorrow and you get up, go over the border, do your (indistinct word) ?training and you come back into camp.*

The transcribers' account refers simply to UM, UM2 and UM3 (i.e. three unidentified males) and there is no reference to more detail about them, such as their accents. The live monitoring (and later transcription) and surveillance operations are run separately from one another. When the live monitoring note suggested two people were talking and the surveillance team reported that KHYAM and MAHMOOD were in the car, but the transcription of the conversation suggested there were three unidentified people in the car, it was for the investigating officer to bring this information together and make an assessment as to what had actually happened. Such an assessment was made at a time when there was a great deal of significant activity and MI5 was strongly focused on gathering intelligence on an imminent threat to life. The assessment was that it was KHYAM and MAHMOOD in the car who had discussed what sounded like possible training and operations in Pakistan.

108. The assessment at the time, based on surveillance, was that KHYAM was talking to Shujah MAHMOOD. Based on the information available to MI5, there was little reason to doubt this assessment. MI5 were closely monitoring these two individuals as part of an operation to disrupt a bomb plot, and so this conversation was not considered particularly significant (compared with other conversations they had heard the men having).

### **What was discovered after Operation CREVICE**

After the CREVICE arrests, the eavesdropping material was assessed and summary transcripts produced (4 April 2004). This particular conversation was described as involving “Asian male voices including Omar KHYAM and his father.”<sup>39</sup> This first version suggested that Omar KHYAM was talking to two unidentified males with northern accents.

After the CREVICE group were charged, full transcripts were prepared (22 May 2004). The transcript of this conversation still refers to “Asian male voices including Omar KHYAM and his father” and refers to unidentified males.

Nine months later (and a year after the conversation took place), a further transcript was produced in readiness for the CREVICE trial. This third version (10 March 2005) now suggested that the conversation involved “Asian male voices including Omar KHYAM and two unknown males one with a northern English accent”. This version, whilst referring to unknown males, also suggests that Shujah MAHMOOD was in the car. This confirmed that there were at least three people present in KHYAM's car during this conversation.

<sup>39</sup> The reference to KHYAM's father appears to be a mistaken reference to Shujah MAHMOOD – KHYAM's younger brother. The Metropolitan Police Service are unable to clarify where this reference came from, although they note that this reference was removed from later versions of the transcript.



109. These police transcripts, produced in slower time (each took a further 20–24 man-hours to transcribe just this 45-minute conversation), also suggested that it was not just KHYAM and MAHMOOD who were in the car – there were others present too.

110. Following the bombings on 7 July 2005 and the provisional identification of the bombers, the police searched their records to find that they previously had done research on Mohammed Siddique KHAN as part of Operation CREVICE. They therefore reviewed their surveillance and eavesdropping material and were able to identify that the UDM who had been recorded talking with KHYAM on 23 March 2004<sup>40</sup> was Mohammed Siddique KHAN. Further analysis and comparison of a number of sources of information during July and August 2005 revealed that Mohammed Siddique KHAN also featured in the recording of 21 February 2004.

**What was discovered about this conversation after 7/7**

In August 2005, as a result of further analysis of surveillance and eavesdropping material from CREVICE, the police were able to identify Mohammed Siddique KHAN's voice in the recording from 21 February 2004. The Committee has seen a transcript dated 21 August 2005 which specified that the conversation involved *“Asian male voices including Omar KHYAM and two originally unknown males, one with a northern English accent the other is identified as Mohammad Sidique KHAN”*.

This fourth version of the transcript was formally completed to an evidential standard on 24 October 2005.

The assessment that Mohammed Siddique KHAN was involved in this conversation was confirmed \*\*\*, in the autumn of 2005, \*\*\*  
\*\*\*.

111. Therefore, only after 7/7, when the police had identified Mohammed Siddique KHAN as their main suspect and further investigated material from CREVICE, was it discovered that Mohammed Siddique KHAN had been in the car during this conversation on 21 February 2004.

112. Still later, in February 2008, it was alleged during preparations for another terrorism trial that other individuals had also been in the car.

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<sup>40</sup> See page 22.

**What was discovered about this conversation (arising from the THESEUS trial<sup>41</sup>)**

On 20 February 2008, a Detective Constable from West Yorkshire Police began work on the transcript of the conversation in the car that took place four years previously. The eavesdropping product contained a number of languages (including English, Quranic Arabic, Urdu and Punjabi) along with strong Yorkshire accents which had together resulted in gaps in earlier transcription where the officers had been unable to decipher what had been said.

The Detective Constable was from West Yorkshire and was fluent in most of the languages used (and had some understanding of the others). He spent two weeks working on this 45-minute conversation and was able to fill in some of the gaps and produce a new revised version of the transcript.

The key difference between this and earlier versions was that the officer believed he was able to identify five people involved in the conversation – namely Omar KHYAM, Mohammed Siddique KHAN, Shujah MAHMOOD, Shipon ULLAH and (possibly) Shazad TANWEER.

In the course of his trial, Shipon ULLAH (UDM C) has admitted that he was present during this conversation. The assessment that Shazad TANWEER was present has not been corroborated.

113. The many hours of expert analysis dedicated to transcribing this conversation has now shown that the surveillance team's assessment on 21 February 2004 was inaccurate.

114. *Why did MI5 miss this?* The house where the “farewell meal” was held was unfamiliar territory for the surveillance teams – they therefore had to proceed cautiously – and the situation was complicated by the fact that the target address \*\*\*. The surveillance teams were already at risk of being spotted – simply by virtue of the fact that as surveillance continues, the target is more likely to become aware of it. This was uppermost in their minds – if KHYAM did spot them there was a chance that he could evade them and launch his attack and they could not risk this.

115. MI5 had planted a tracking device on KHYAM's car so they knew where he went, and this meant they were able to stay further back from the target, with – crucially – less risk of being spotted. This meant that often the surveillance teams did not have “eyes on”. In addition, these events occurred at around 21:00 on a February evening and so it was dark. They therefore could not be sure how many people, or who, got in or out of the car. However, they were not focused on other people – at this advanced stage of the operation they were completely focused on KHYAM and the bomb, not on how many people, or who, went with him to a kebab shop.

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<sup>41</sup> Operation THESEUS is the Metropolitan Police Service's codename for the investigation of the 7 July 2005 bombings. The trial referred to is the 2008 trial of Shipon ULLAH (Waheed ALI), Sadeer SALEEM and Mohammed SHAKIL.

116. Despite not being able to see who was in the car, MI5 could hear the conversation because, as well as a tracking device, they had planted an eavesdropping device in his car. *So why didn't they know there were more people in the car?* The real-time monitors (who are back in MI5 headquarters and work independently of the surveillance team) are listening only for extraordinary events – someone saying they are about to detonate a bomb or kill people, or someone saying they think there is a bug or that they are being watched (which would compromise the operation). They are not listening to the detail.<sup>42</sup> (We have listened to the recordings of this conversation and it is almost impossible to hear in real time what is being said, let alone in any detail.) It is also important to note that at this time the individuals listening live to these conversations were each monitoring up to \*\*\* devices at once (far beyond their usual tasking of about \*\*\* devices).

117. The transcribers, working the next day, then try and pick out more of the detail. Again, however, in a fast-moving operational environment where the focus has to be on disrupting the terrorist plot, MI5 were listening only for key words or phrases that might be related to the imminent threat.<sup>43</sup> If there appears to be nothing related to an imminent threat, MI5 will not spend weeks (and precious resources) transcribing the material.

118. It was only after the operation had finished and the immediate threat to life had been disrupted that, in preparation for the CREVICE trial, time could be spent fully transcribing the conversation. Only after considerable effort (approximately 60 hours' work) did the Metropolitan Police Service pick out that there were three people involved in this 45-minute conversation in the car. And only after a further 24 man-hours of analysis did West Yorkshire Police assess that there were possibly five people in the car.<sup>44</sup>

**119. The question is: what difference would it have made had MI5 seen other people in the car?**

**120. Given the surveillance conditions, even if they had known at the time that there were more than two people in the car, MI5 may still have been unable to identify who the others were.**

**121. However, even if we assume that MI5 saw and identified the others, it is then a question of how significant those people were. MI5 were completely focused on how, when and where KHYAM was planning to detonate his bomb and who else was involved. A conversation about arrangements to go to Pakistan and committing fraud was of lesser significance by comparison.**

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<sup>42</sup> *Outlining the work of MI5's real-time eavesdropping monitors, the Head of MI5 told us: "In an operational context the critical thing is speed because what you need to know is what happened last night, not to go through it in full detail because on the basis of what you will be seeing you will be making your operational decisions for the following day. Therefore speed is of the essence here... We do not have the resource to go back and, as it were, at a later stage transcribe the whole thing in detail because we are always, as it were, on the operational sort of front edge." (19 June 2007)*

<sup>43</sup> *The Head of MI5 told the Committee: "We recognise that we are not necessarily getting all the intelligence out of this material because we have not got the resource to do it... If we had to go through everything in great detail we would only be able to do 20% of what we do." (19 June 2007)*

<sup>44</sup> *Although an independent forensic consultant specialising in the analysis of speech and language samples who was commissioned to prepare a further separate transcript of the recording for the THESEUS trial could only identify two male speakers, with much of the conversation attributed to unknown or unidentifiable male voices.*

***Nevertheless, surely someone who had been training in Pakistan or Afghanistan should be a serious target for MI5?***

122. The potential threat posed by individuals receiving terrorist or jihadi training in the tribal areas of Pakistan had been a concern for some time. Individuals known to have attended terrorist training camps in the region were of interest to MI5 (despite the fact that attending these camps was not made a criminal offence until after 7/7). MI5 therefore sought to follow up on intelligence they received about individuals known to have attended these camps.

123. It has become clear, since 7/7, that Mohammed Siddique KHAN had been training in Pakistan (on at least two occasions) and also possibly in Afghanistan.

*(i) Two individuals training in Pakistan in 2003*

124. In April 2004, a detainee said that two men called "IBRAHIM" and "ZUBAIR" had travelled to Pakistan in 2003, and that they had been introduced to the CREVICE group while there. This information was separately confirmed by another source soon afterwards.

125. Because both the detainee and the other source had indicated that the men were from West Yorkshire (Leeds according to one and Bradford according to the other), MI5 passed the information to West Yorkshire Police to see if they could help identify them. But with so little information West Yorkshire Police could not pursue the investigation.

126. Packs of photographs of unidentified individuals from the CREVICE investigation that MI5 and the police were keen to identify were circulated to a number of foreign intelligence services and detaining authorities to see if anything more could be discovered about these people.<sup>45</sup> No one in the pictures was named as "IBRAHIM", "ZUBAIR", Mohammed Siddique KHAN or Shazad TANWEER.

127. On 12 August 2004, the aforementioned detainee was shown a set of photographs (fairly good quality, medium distance group photographs, some of which included photographs of UDMs D and E) – he did not name "IBRAHIM", Mohammed Siddique KHAN or Shazad TANWEER. \*\*\*. The photographs were returned to MI5, although there is no record of any specific actions having been taken as a result.

128. It is not clear why no one named UDMs D and E from the photographs they were shown (which, for surveillance photographs, were of fairly good quality). It is possible that UDMs D and E had changed their appearance between training in Pakistan and when they were seen during CREVICE. It is also possible, of course, that some individuals deliberately chose not to name them.

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<sup>45</sup> Photographs are discussed in greater detail on pages 80 to 88.

129. In May 2005, Zeeshan SIDDIQUI was detained in Pakistan on false documentation charges. He had been identified as the associate of the CREVICE network, named by a detainee as “IMRAN”, \*\*\*.

\*\*\*.

On 21 June 2005 (two weeks before 7/7), MI5 stated in a message to West Yorkshire Police that in light of the identification of Zeeshan SIDDIQUI, they were “*optimistic that continued coverage will shed light on other leads from CREVICE including [Operation] DO\*\*\* [the search for ‘IBRAHIM’ and ‘ZUBAIR’]*”.

**130. However, “IBRAHIM” and “ZUBAIR” had still not been identified before the attacks took place on 7 July 2005. All that was known was that they were possibly from either Bradford or Leeds and had been training in Pakistan in 2003.**

131. In mid-July 2005, the detainee was shown unmarked press photographs of Mohammed Siddique KHAN and identified him as “IBRAHIM”. Following this, MI5 were able to ascertain \*\*\* that “ZUBAIR” was a man called Mohammed SHAKIL. Later in July, the detainee confirmed this identification when he recognised a photograph of SHAKIL as being “ZUBAIR”. \*\*\*

\*\*\*.

*(ii) An extremist in Afghanistan in the late 1990s*

132. Separately, in January 2005, West Yorkshire Police received information (\*\*\*) that a man named “Saddique \*\*\*” and a man named “IMRAN” had undergone training in Afghanistan in the later 1990s and early 2000s. The intelligence indicated that both men were extremists.

**“Saddique \*\*\*” in Afghanistan**

*17 January 2005*

West Yorkshire Police Special Branch receive intelligence alleging that a man named “Saddique \*\*\*” and a man named “IMRAN” had undergone training in Afghanistan in the late 1990s/early 2000s. The information indicates that both men lived in Batley (“Saddique \*\*\*” in the Soothill area) and were committed to the extremist cause. West Yorkshire Police cross-check this information against their records with no result. The intelligence is shared with MI5 a few weeks later and they too check their records with no result.

*1 March 2005*

West Yorkshire Police Special Branch and MI5 both receive minor additional details, including that “Saddique \*\*\*” is in his early thirties and had reportedly received some military training in a mujahaddin camp in Pakistan in early 2001. This was the total of the relevant information received and it was not possible to corroborate it or investigate to find out more.

*11 July 2005*

Intelligence received after the bombings indicates that “Saddique \*\*\*” was in fact Mohammed Siddique KHAN.

133. As we have described earlier, intelligence has to be assessed to judge its potential value. In this case it was not possible to make a judgement on the reliability of this intelligence and the information could not be corroborated. As a result, MI5 and the police took no further action to investigate “Saddique \*\*\*”.

*(iii) If MI5 had identified “IBRAHIM” or “Saddique \*\*\*” as Mohammed Siddique KHAN, would that have made a difference?*

**134. MI5 attempted to find out more about “IBRAHIM” and “Saddique \*\*\*”, but with very little information to go on, they had been unable to make much progress. There was no intelligence to link together “IBRAHIM”, “Saddique \*\*\*”, UDM E and Mohammed Siddique KHAN.**

135. The Head of MI5 explained that, had the detainee identified “IBRAHIM” as Mohammed Siddique KHAN, they might have made him a higher investigative priority before July 2005. However, they would not necessarily have put significantly greater resources into pursuing him, given other investigative priorities:

*In order to get on the “essentials” list you needed to be doing something which suggested you were involved in some form of life-threatening activity... We had not got to that point with Mohammed Siddique KHAN.*

136. Individuals known to have been training in Pakistan were of interest to MI5 and they sought to identify them wherever possible, but their main focus had to remain on disrupting plots involving a threat to life. MI5 say they had to prioritise based on the seriousness of the known threat.

137. It is the consequences of this prioritisation that are so vital, and we consider what this means, in practical terms, in the next section.

## PART C: WHAT DOES THIS MEAN?

### *Introduction*

138. MI5 had seen two of the 7 July bombers and it is therefore frustrating to think how close they could have been to preventing the attacks. But it is not that simple.

139. With hindsight, we are now able to consider past events, connect them and understand what might have been happening. But this is only with the benefit of hindsight, focusing in on just two individuals rather than all the people MI5 were investigating at the time. We are now able to understand more fully what happened, but we must be careful, when looking at whether past decisions and judgements were correct, to look only at the information available at the time.

140. This is not just the view of this Committee. The judge who presided over the CREVICE trial made this point clearly – when the prosecution argued that the jury should be told about the links between CREVICE and 7/7, he ruled that the two should not be connected:

*The hindsight leap from 7 July 2005 to early 2004 is too great to allow this evidence to assist the jury in coming to a conclusion about the state of mind of those attending the meetings. It does not possess the value placed on it by the prosecution.*

141. In addition, of course, at the time when MI5 saw the men, they were not heard talking about an attack and, as CREVICE had shown, individuals can move from facilitation and low-level extremist activity to attack planning in just a few weeks. A person may appear completely innocent or merely on the fringes of an extremist network when they are first investigated, but just a short time later they may have adopted a more radicalised and extremist ideology and may have become involved in plots to attack the UK.

142. Nevertheless, it might be argued by some that MI5 should put everyone they came across under surveillance, gathering intelligence on them until they were sure they did not pose a threat. **Had MI5 put UDMs C, D and E under surveillance for the next 15 months, it is very possible that they would have heard them talking about their plan to bomb London and they could have stopped them.**

143. **But for MI5 to have carried out consistent surveillance on the very large numbers who fell into the same category as these three, it would have needed to be a very different organisation, both in terms of its size and how it operates, which would have huge ramifications for our society and the way we live.**

## *The constraints on MI5*

### *(i) Resources*

144. In 2004, MI5 had \*\*\* “essential” targets – people suspected of direct involvement in, or knowledge of, terrorist attack planning. They also had \*\*\* “desirable” targets (and \*\*\* individuals categorised as “other”).<sup>46</sup>

145. MI5’s capability to cover these \*\*\* targets was as follows:

Level of coverage	Number	% of all targets
Good	***	0.13
Less good (some gaps)	***	6
Significant gaps	***	33
Inadequate	***	42
None <sup>47</sup>	***	19

146. In 2004, therefore, MI5 only had the capacity to provide good intelligence coverage of \*\*\*, with less good coverage of \*\*. In other words, they could only provide a reasonable level of coverage for 6% of the overall known threat. Over 60% of MI5 targets had coverage described as “inadequate” or “none” – among these were 52 “essential” targets that had no coverage at all.<sup>48</sup> These are astounding figures.

147. It is only in the light of these figures that it is possible to understand the difficulty of the decisions MI5 had to make at the time. Priorities were (and still are) fundamental to everything they do. MI5 assess the threat that an individual poses, given what they know about them. With very limited resources the priority allocated to an individual determines, very broadly, how much further work is done to investigate them.

148. MI5 has told the Committee: “*At that time, a decision as to whether, and to what extent, specifically to devote resources would only have been made were a target assessed to be ‘essential’*”. In other words, it was only if an individual was known to be involved in attack planning that MI5 even assessed whether to follow them up. They had to prioritise even within the “essential” group. Therefore a “desirable” target did not even get close to attracting a share of the limited resources available.

<sup>46</sup> The Committee has asked MI5 what happened to these targets, but has been told that the computer records holding the information (from which these figures were obtained) are no longer accessible following an update of their IT systems.

<sup>47</sup> In terms of surveillance resource, UDMs D and E fell within the category “none”.

<sup>48</sup> The Head of MI5 told the Committee: “At that stage, anybody who was ‘desirable’ was highly unlikely to have got any coverage at all. Of those who were categorised as ‘essential’, most of those didn’t have much coverage either... and \*\*\* assessed to have good coverage.”



149. Whilst UDMs D and E may have met Omar KHYAM on several occasions and were heard talking about financial fraud, serious as this was it was still only sufficient to put them in the “desirable” category. Only those involved in attack planning were categorised as “essential”, and UDMs D and E were therefore not serious enough to warrant diverting resources away from people like KHYAM. Speaking at the height of Operation CREVICE, on 26 February 2004, the former Head of MI5 was clear that their priority for the use of limited surveillance resources was those involved with attack planning:

*We have a counter-terrorist operation on at the moment which is highly sensitive, which will probably lead to arrests within the next week, ten days, which is using every surveillance officer we have...*

*It's a very, very important case... you know if we'd wanted some surveillance to do something with a \*\*\* this week you'd have had not a hope in hell, because we were dealing with... live bombs.<sup>49</sup>*

**150. If MI5 is expected to follow up not just on “live bombs” but on people such as UDMs D and E, it will need to be a far larger organisation with vastly increased resources. As a crude measure, to provide comprehensive intelligence coverage would require several hundred thousand officers as opposed to their current 3,500. This would be unachievable and unacceptable.**

*(ii) Intelligence before intrusion – the legal constraints*

151. Whilst the coverage figures show the limitations of what MI5 is able to do, it is not simply a case of “throwing money at the problem” – MI5 operates under legal constraints too. MI5 must have good reason to investigate an individual before they are permitted to use intrusive techniques – the law is designed to protect an individual’s right to privacy.

152. In order to get authorisation to investigate someone, there is an approval procedure which tests how valid the reasons are. MI5 cannot covertly investigate someone just because of their name, where they live, who their friends are, the religious centre they attend or the telephone numbers they call.

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<sup>49</sup> Oral evidence from the Head of MI5, 26 February 2004.

### **What MI5 can and cannot do to check up on individuals**

There are strict limitations on what MI5 is allowed to do when investigating an individual. There are laws (covering MI5 and others) which ensure that an individual's right to privacy cannot be overridden without very good cause.<sup>50</sup> In addition, MI5 has its own Act of Parliament that demands it only obtain information in order to carry out its lawful work – in particular, the protection of national security.

MI5 can use what it calls “intrusive techniques” against an investigative target if there is sufficient justification on national security grounds. These techniques might include intercepting telephone communications, interfering with property (for example, planting eavesdropping devices in a person's house or car), “intrusive surveillance” (watching and eavesdropping on private homes or vehicles), or carrying out “directed surveillance” (following and photographing targets and recording where they go, who they meet, and so on).

There must be good justification for using these techniques. In order to intercept telephone communications, interfere with property or conduct “intrusive surveillance” a warrant must be obtained which authorises precisely what action will be taken. Such warrants are issued by the Secretary of State and remain valid until the operation is complete, or for up to six months (whichever is the shorter). The authorisations are reviewed by independent Commissioners to ensure that they comply with the law.

In urgent cases warrants may be signed by a senior official within the Home Office, but only where the Secretary of State has given express permission to the official. These warrants last for between only two and five days (depending on the type of action) unless they are confirmed by the Secretary of State.

“Directed surveillance” is deemed less intrusive (a person being watched in public is a lesser invasion of privacy) and this kind of action can be authorised by officers within MI5. Nevertheless, such authorisations are still subject to independent review by the Commissioners.

The warrant and authorisation system, together with the independent review process, is a legal safeguard which ensures that MI5 does not use any intrusive techniques without very good reason.<sup>51</sup>

153. MI5 did not make any application for a warrant to use intrusive techniques on UDM D or E, and we are informed that there is no record of any internal discussions about doing so. With no intelligence to indicate that UDMs D and E were planning an attack, intrusive action against them would not, in the circumstances, have been assessed to be necessary or proportionate.

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<sup>50</sup> The main legislation covering these authorisations is the Regulation of Investigatory Powers Act 2000, the Intelligence Services Act 1994 and the Security Services Act 1989.

<sup>51</sup> This section explains the authorisations processes as they apply to MI5. The police operate under broadly similar legal safeguards and procedures which we have not sought to describe here.

154. **These constraints are vital. The law allows MI5 and other agencies to intrude into people’s lives only when there are serious and justifiable grounds for doing so. Any intrusion beyond that would be intolerable in a free society – people cannot be put under surveillance and have their conversations listened in to, on the “off-chance” that they might, at some point in the future, decide to plan a terrorist attack even when there is no evidence that they had any intention to do so.**

*(iii) The nature of intelligence*

155. Resources and legality are tangible constraints which determine what MI5 is able to do. More difficult to grasp is the nature of working with intelligence. Intelligence is fragmentary: small pieces of information come from a wide variety of sources; some of it is misleading and much of it is irrelevant. MI5 must gather and sift through it, assessing each piece and trying to pull the picture together.

156. To give an idea of the scale of information that MI5 needs to assess, in relation to their international counter-terrorism work only, between March 2004 and July 2005:

- there were \*\*\* unique telephone numbers intercepted (75% of the total number of intercepts during this period);
- these \*\*\* numbers involved approximately 2.4 million call events (\*\*\*);
- these \*\*\* numbers were in contact with \*\*\* unique telephone numbers; and
- there were approximately 30,000 requests for communications data.

In addition, between July 2004 and July 2005, 130,000 man-hours of surveillance were dedicated to international counter-terrorism targets, including support to approximately 70 technical operations.

157. **These numbers demonstrate just some of the vast amount of intelligence that MI5 gathered and assessed in this period. Sometimes, therefore, the investigative officer’s skill is not enough – luck is needed. Had MI5 not received intelligence about Mohammed Qayum KHAN (which then led them to Omar KHYAM) and if they had not then received intelligence that KHYAM was seeking to build a bomb, they would not have been able to stop the CREVICE attack. This is far from unique to the CREVICE operation.**

*Have lessons been learnt?*

158. Since they had no intelligence of the plot, the attacks on 7 July 2005 came as a shock to MI5 and the police. Clearly lessons had to be learnt and improvements to counter-terrorism work had to be made – and many were. We described many of these improvements in our original report into the London bombings.<sup>52</sup>

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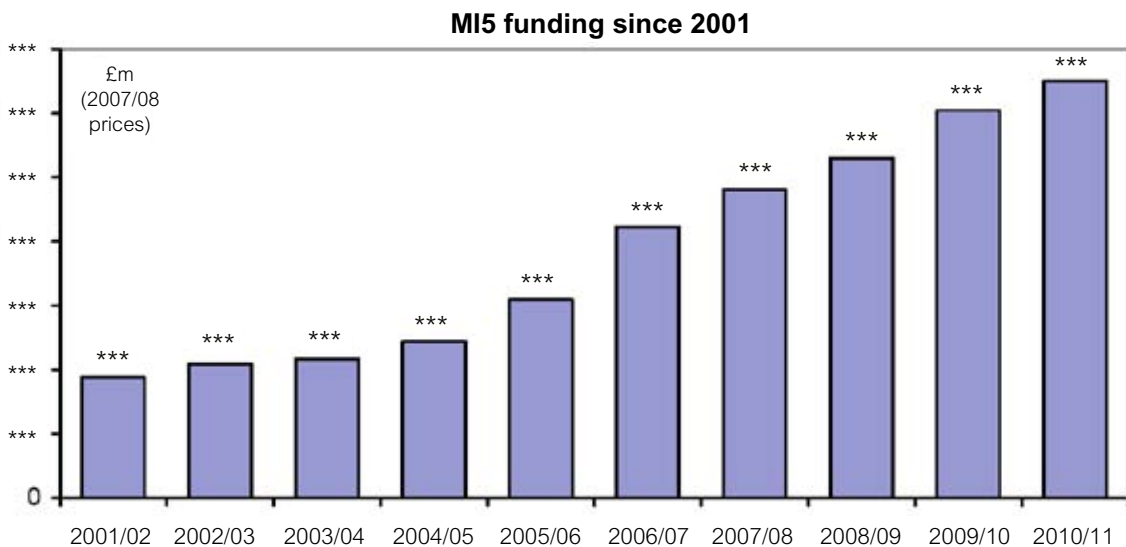
<sup>52</sup> Our original report looked at a wide range of issues and lessons learnt (including, for example, the threat level system).

159. In this Review we have looked specifically at the questions that arose from evidence from the CREVICE trial, and whether the lessons identified from that trial have been addressed.<sup>53</sup>

*(i) A lack of adequate resources*

160. We have pointed out above how the nature of intelligence work means that it is not possible to provide a guarantee that attacks will be prevented. However, extra resources can increase the chances of foiling a plot – more resources enable the authorities to investigate more potential terrorists.

161. **What has changed?** MI5’s resources had already grown considerably since 9/11, and this growth was accelerated after 7/7. Their budget has more than tripled since 2001 (from £\*\*\* million in 2001 to £\*\*\* million for 2010/11) and most of this extra money has been used to improve front-line counter-terrorism capability.



162. **What difference has this made?** In 2004, MI5 were only able to provide a reasonable level of coverage<sup>54</sup> of \*\*\* individuals (out of their \*\*\* targets). The extra resources provided to MI5 since 2004 have enabled them to increase their capability significantly. In 2007, they were able to provide a reasonable level of coverage of \*\*\* networks.<sup>55</sup>

163. **Is this sufficient?** Whilst the increase in surveillance capability is welcome, the Committee remains concerned that not enough targets can be covered adequately. The Head of MI5 explained that they still need to prioritise ruthlessly. This means that, even today, they can still only “hit the crocodiles nearest the boat”.

<sup>53</sup> The Committee is aware of major changes made by all three intelligence and security Agencies – MI5, MI6 and GCHQ – in their work to tackle the terrorist threat. However, given the focus of this Review, this section concentrates primarily on MI5 and the police.

<sup>54</sup> This includes those with “Good” coverage and “Less good (some gaps)”. It does not include those with “Significant gaps”, “Inadequate” or “None”.

<sup>55</sup> MI5 now categorise their coverage by networks rather than individuals. (Coverage of a network will be focused on a number of the individuals involved depending on MI5’s assessment and prioritisation.)

164. ***Would it have made a difference in 2004?*** No. MI5 action is driven by the assessment of the threat and there was nothing to suggest that Mohammed Siddique KHAN and Shazad TANWEER warranted attention above other targets.

165. ***What more needs to be done?*** Extra resources help, but they cannot provide the complete answer. We have already explained that MI5 would have to be unacceptably large if they were to provide full coverage.<sup>56</sup> The focus then, rather than on gathering more intelligence, will be on the need to make better use of the intelligence they have gathered.

*(ii) Using intelligence better*

166. We have explained earlier that intelligence is not an exact science.<sup>57</sup> But the events described in this Report show that there are lessons to be learnt as to how intelligence can be put to better use.

167. ***What has changed?*** One of the changes MI5 have made is to create a small “legacy team” to look back at some of the most important previous operations, in order to follow up on intelligence that, given limited resources and the original operational focus, was not prioritised for further action at the time. It has also allowed them to look back at individuals whom they came across in these cases (whether identified or unidentified) to reassess if the threat they pose has changed, and to see if there are any new leads to pursue.

168. ***What difference has this made?*** This change was implemented by MI5 a year ago and it is therefore too early to assess fully the difference it will make. The Committee has, however, been told of some of the tangible benefits this team has already delivered. The legacy team’s reviews conducted so far have, with the benefit of hindsight, allowed material to be interpreted in new ways. This has led to new casework and has identified new leads. The reviews have also added to MI5’s overall knowledge and have helped their conduct of future operations – for example, allowing them to analyse the way terrorists work, connections between operations and possible future targets for attack, and improving their understanding about how best to deploy their resources during operations.

169. ***Is this sufficient?*** MI5’s own investigations, and this Review, have highlighted examples where new information has been uncovered from the files of old operations. Although none of this new information has significantly altered the facts of the case, it has nevertheless shown that there could be some value in revisiting old intelligence. We therefore welcome the fact that MI5 have now established a team to make the review of old intelligence part of normal business, and we believe there may be considerable value in expanding this work.

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<sup>56</sup> See paragraph 150.

<sup>57</sup> See paragraph 14.

170. ***Would it have made a difference in 2004?*** No. We have found no reason to believe that if a legacy team had reviewed the intelligence from CREVICE between March 2004 and July 2005, there would have been anything in the old intelligence which would have raised more significant concerns about Mohammed Siddique KHAN or Shazad TANWEER. It could be argued that fresh checks could have been carried out during this time, and that this might have made a difference, but, as we have described earlier, these would not have been possible in law or justified in terms of resources, based on how much of a threat KHAN and TANWEER appeared to present.

171. ***What more needs to be done?*** We believe that the legacy team is a welcome new development and that they fulfil an important role. However, the idea of searching back through the records of old operations to discover new leads brings us on to a more general concern. There is a tension between MI5's need to keep a record of their activity and decisions on the one hand and being hindered in their day-to-day work by the level of record keeping on the other. MI5 believe that they keep a fully adequate record of their work and decisions. In the course of this Review, however, we have found that new information has come to light, sometimes as a result of current MI5 investigations, but often because of the questions we have asked and the specific issues we have pursued with them. For example, when MI5 gave evidence to the Committee during the original inquiry, they did not know that a pack of surveillance photographs had been shown to a detainee in 2004, despite the fact that the photographs had been returned to MI5 annotated by him, as was later discovered.<sup>58</sup> This has suggested to us that, whilst MI5 might keep adequate records of what they do, they are not always easy to search and retrieve. The Head of MI5 conceded that their systems are not as good as they could be:

*As I said, our records, although I think they are fit for the purpose of supporting our investigative work, are not to the level that we would choose them to be. One of the investments that we are seeking to do is to bring them up to a better state, and we are in that unsatisfactory state at the moment of partially on paper, partially electronic, and that makes the searching process both very labour intensive and also not quite as reliable as we would wish to be, and I apologise for that.*<sup>59</sup>

172. There tends to be an assumption, fuelled by their portrayal in the media and fiction, that MI5 can access any information from any database in an instant. We know this is not the case but nevertheless, as the Head of MI5 acknowledges above, their record keeping is not as good as it should be. In 2006, MI5 began a significant investment programme (called "information exploitation") that will address some of these issues and should improve the way that intelligence is brought together, stored and analysed. This will help investigators to analyse large quantities of data covering a significant number of targets. It enables investigators to better identify targets and their associates from fragmentary information, analyse their activities, establish connections between people and will help to focus limited resources. We believe that this new programme will provide a substantial improvement in MI5's ability to make the most of the intelligence that they gather, and we hope also to see a general improvement in their record keeping (and consequently in their ability to provide a clear audit trail).

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<sup>58</sup> These photographs are discussed in detail on pages 80 to 88.

<sup>59</sup> Oral evidence from the Head of MI5, 19 June 2007.

### *(iii) The speed of radicalisation*

173. Radicalisation and extremism were already a serious concern for the authorities as a result of attacks such as 9/11 and the Madrid bombings, but the events of 7 July 2005 reinforced this. The speed with which the 7/7 bombers moved from being “desirable” targets to something much more serious, without it being spotted and seemingly without the knowledge of their families and local communities, came as a shock to MI5 and the police.

174. As we have seen, in February and March 2004 (15 months before 7/7), Mohammed Siddique KHAN and Shazad TANWEER talked about financial fraud and conducting jihad in Pakistan. They were not talking about attacks in the UK. We now know from evidence uncovered after 7/7 that, in November 2004, Siddique KHAN made a home video in which he says goodbye to his daughter before departing for Pakistan (from where he did not expect to return).<sup>60</sup> Therefore, eight months after CREVICE there still appeared to be no intention to conduct a suicide attack in the UK. Within a further eight months, however, KHAN and TANWEER had launched just such a suicide mission.

175. ***What has changed?*** The Government strategy for dealing with terrorism is known as “CONTEST”, and the part of that strategy that deals with countering extremism and radicalisation is called “PREVENT”. This work is co-ordinated by the Office for Security and Counter-Terrorism (OSCT) in the Home Office.

176. Re-working the PREVENT strategy was one of the early priorities for the OSCT when it was established in March 2007. The new strategy has:

- a clear aim: to “*stop people becoming terrorists or supporting violent extremism*”;
- five key objectives: to challenge the ideology behind extremism and support mainstream voices; to disrupt those who promote violent extremism and support the institutions where they operate; to support individuals who are vulnerable to recruitment by proponents of violent extremism; to increase the resilience of communities to violent extremism; and to address the grievances that ideologues are exploiting; and
- two cross-cutting workstreams: developing intelligence, analysis and information; and strategic communications.

Government departments across Whitehall are engaged and have performance targets on PREVENT. In addition, PREVENT is now a core element of the performance management framework for the police and local authorities.

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<sup>60</sup> During the recent trial of Shipon ULLAH (UDM C), Mohammed SHAKIL (“ZUBAIR”) and Sadeer SALEEM the jury was shown this footage, which was also released to the media.

177. The new strategy has also led to new ways of working across government and new organisations – for example the Research, Information and Communications Unit is a strategic communications unit owned jointly by the Home Office, Foreign Office and the Department for Communities and Local Government, and was established to counter the impact of terrorist propaganda and to ensure that the Government and official communications support the strategy.

178. The Government’s research has included work on the “path to extremism”. MI5 have themselves been focusing on understanding the processes and psychology of radicalisation and extremism since 2004.<sup>61</sup> They have found, for example, a high proportion (60%) of terrorists involved in other types of criminal activity, typically violent crime and fraud. Today, with a better understanding of the path to extremism, the police and MI5 now look much more closely at those involved in criminal activity related to extremism. As a result of changes to the law,<sup>62</sup> both before and after 7/7, the authorities can now take action against those who might be in the early stages of radicalisation, before these people reach the point where they might consider taking others’ lives. This has allowed MI5 and the police to focus on key individuals (typically influential figures within social networks and local communities).

179. MI6’s counter-radicalisation work includes: contributing to a better understanding of the factors that drive radicalisation; providing information on the nature and success of counter-radicalisation strategies being used in other countries; and supporting other countries’ counter-radicalisation work. \*\*\*  
\*\*\*.

180. ***What difference has this made?*** Much of the effort thus far has been spent creating the new teams, developing new programmes and putting the groundwork in place – it is therefore not yet at the stage where real practical differences can be seen. The Home Office has said that it is too early to see any significant change either in the threat levels or attitudes in the UK, and that changes should be seen “*at least in certain areas and institutions in the short- to medium-term (i.e. one to two years)*”, although they are cautious about even this, saying that they are “*realistic about the timescale for significant change and aware that extraneous factors could blow us off course*”.

181. However, the greater priority now being giving to the PREVENT strategy has made a difference in terms of some practical steps now being taken, as well as increased funding. The OSCT have told us that action taken already includes:

- a revised approach to use of language and tone, which they say has been noticed by, and works well with, UK Muslim communities;

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<sup>61</sup> There is also a large amount of open source material, including articles, books and academic research, on this topic.

<sup>62</sup> Offences under the Terrorism Act 2000 relate to: membership of proscribed terrorist organisations; fundraising (and money laundering) and the use of money or property to support terrorism; terrorist training; articles or information connected with terrorism; and incitement of terrorism. The key legislative changes since July 2005 relate to the Terrorism Act 2006. Offences under the Act include: encouragement/glorification of terrorism or distribution of terrorist publications (including via the internet); terrorist training (including attendance at dedicated training camps); construction and possession of devices or materials for the purposes of terrorism; terrorist threats relating to devices, materials or facilities; and trespassing on nuclear sites.



- providing funding for 200 projects in over 70 priority areas aimed at preventing violent extremism;
- a police PREVENT strategy and delivery plan, with £11 million for 300 new PREVENT officers;
- working with communities to improve take-up of citizenship education programmes in mosque schools;
- providing funding to youth offender panels for programmes to support vulnerable individuals; and
- a major programme to tackle radicalisation in prisons.

182. *Is this sufficient?* The PREVENT strand of the CONTEST strategy is the weakest element. This is not because of a lack of effort, but because of the nature of the work and the difficulty of the problem. The fact that the OSCT have taken a fresh look at what needs to be done, have set new structures and plans in place, and are now taking action is a good start, however it is likely to take a considerable time before this has any significant impact and any assessment can be made as to whether it is sufficient.<sup>63</sup>

183. *Would it have made a difference in 2004?* When we still do not know what impact PREVENT will have, it is impossible to know whether it would have made a difference had it been started in sufficient time prior to 2004.

184. *What more needs to be done?* It appears to us that the structures now in place, coordinated by the OSCT in the Home Office, have put this work on a firmer footing for the future, but we will have to wait and see how the work progresses.

185. Key priorities for PREVENT for 2008/09 include: further support to community organisations; a framework of minimum standards for Muslim chaplains used by public service institutions; tackling violent extremism in schools, colleges and universities; PREVENT teams in all police priority Basic Command Units; and developing a range of interventions to protect vulnerable individuals.

186. £140 million has been allocated to these and other priority initiatives on counter-radicalisation for 2008/09 (with a further £30 million yet to be allocated). Whilst we recognise that other large funding streams such as overseas aid indirectly contribute toward PREVENT, it nevertheless receives only a small proportion of the total spent on counter-terrorism and intelligence by government departments, intelligence Agencies and the police (around £2,500 million per year). We must not underestimate the importance of this work – as the Head of MI5 said:

*We will do our utmost to hold back the physical threat of attacks, but alone, this is merely containment. Long-term resolution requires identifying and addressing the root causes of the problem...*<sup>64</sup>

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<sup>63</sup> The cross-Government CONTEST Board is responsible for measuring progress towards achieving the objectives set out in the PREVENT strategy.

<sup>64</sup> Speech by the Head of MI5, 5 November 2007.

In due course, once PREVENT starts making an impact and it is possible to assess how well it is working, then a further assessment must be made as to whether the funding being allocated to this important programme of work is sufficient.

*(iv) Training camps*

187. Whilst there is no single process of radicalisation, experience since the 7/7 attacks has shown that it often involves attendance at extremist or jihadi training camps in the UK or overseas, such as those that Omar KHYAM, Mohammed Siddique KHAN and Shazad TANWEER attended.

188. **What has changed?** Since 9/11 and 7/7, MI6 and GCHQ have received considerable increases in counter-terrorism funding (although not as much as MI5) which among other things have allowed them to increase intelligence gathering and improve coverage of terrorist-related activity overseas (\*\*\*). MI6 have dedicated significant effort and resources into developing co-operation and co-ordination with the Pakistani authorities.

189. The significance of terrorist training camps, in the UK or overseas, and the potential threat posed by those attending them, was reflected in the Terrorism Act 2006, which made attendance at extremist or jihadi training camps a criminal offence.

190. **What difference has this made?** The funding has allowed MI6 to increase significantly the number of \*\*\*.  
\*\*\* (\*\*\*)<sup>65</sup>.

191. Furthermore, MI6 now have \*\*\*.<sup>66</sup>  
\*\*\*.

MI6 work actively with MI5 to \*\*\*. This is already starting to yield promising results.

192. The improvements made in \*\*\* (\*\*\*) have resulted in a number of extremists being convicted under new legislation. These convictions are of course preventative in nature, and so we cannot know what those convicted might have gone on to do. However, it is possible – even likely – that a number of these people may have gone on to commit more serious terrorism-related offences.

193. **Is this sufficient?** Approximately 400,000 British residents visit Pakistan every year, of which more than \*\*\* fit the broad demographic of potential MI5 targets (\*\*\*). The overwhelming majority of these people visit for entirely innocent purposes. However, MI6 estimate that \*\*\* British nationals travel to Pakistan and its border areas every year to attend terrorist training camps. A small proportion of these are thought to attend camps tied to Al-Qaida and take part in terrorist training (potentially) against UK interests. \*\*\*  
\*\*\*.

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<sup>65</sup> \*\*\*  
\*\*\*  
\*\*\*

<sup>66</sup> \*\*\*

194. ***Would it have made a difference in 2004?*** \*\*\*

\*\*\*. At the time of the attacks, \*\*\*.

\*\*\*.

\*\*\*, it is unlikely that Mohammed Siddique KHAN's or Shazad TANWEER's attendance at these camps would have been detected.

195. ***What more needs to be done?*** \*\*\*, we believe there may be gains to be achieved by \*\*\*. There is also potential for further development through MI6's co-operation and co-ordination with the relevant Pakistani authorities and the United States, \*\*\*.

#### *(v) Regionalisation*

196. We have seen, during CREVICE, that there was communication between MI5 and the police, and a good exchange of information. But there were some missed opportunities in the way that the police and MI5 communicated and worked together. One of the problems was the relationship between MI5 and Special Branches at the time – as can be seen, the nature of their relationship was that MI5 made requests of the police rather than fully involved them (whilst they asked West Yorkshire Police to run checks on people of interest from CREVICE, they did not fully involve them by explaining the detailed background behind those requests).

197. ***What has changed?*** Both the police and MI5 have told the Committee that their relationship and the way that they work together have changed dramatically.

198. MI5 had already begun a programme of regionalisation before 7/7, and this was accelerated substantially as a result of lessons learnt about those who carried out the attacks. This has allowed MI5 to improve their intelligence coverage across the UK, including: an increase in local intelligence sources over the past year; a better understanding of the local threat; a faster response to operations or attacks outside London; and better co-ordination of investigations through working more closely with the police in key regions.

199. For the police, the key organisational change since 7/7 has been the creation of three new Counter-Terrorism Units (CTUs), located in the West Midlands, Greater Manchester and West Yorkshire, with a fourth, smaller unit under development in the Thames Valley.<sup>67</sup> CTUs have both intelligence-gathering and investigation roles. In 2006, a national Counter-Terrorism Command was created within the Metropolitan Police Service (MPS), bringing together intelligence analysis, investigations and operational support.

200. The regionalisation of MI5 intelligence teams and the establishment of police Counter-Terrorism Units have resulted in a local focus for counter-terrorism work that did not exist prior to 7/7.

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<sup>67</sup> In Wales, Special Branch forces were subsumed within the Welsh Extremism and Counter-Terrorism Unit (analogous to the MPS's Counter-Terrorism Command) with regional offices in each of the Welsh police forces. There are also five police Counter-Terrorism Intelligence Units covering the rest of Great Britain (these are intelligence-gathering units that facilitate better joint working between the police and MI5).

201. ***Is this sufficient?*** The regionalisation of MI5, together with the formation of regional police Counter-Terrorism Units, has been one of the most important changes arising from the lessons of 7/7. It has brought considerable improvements to joint investigations and intelligence and information sharing.

202. ***Would it have made a difference in 2004?*** It is not possible to say whether closer working would itself have made a difference – the exchanges between MI5 and West Yorkshire Police have clearly demonstrated that there was a significant amount of communication relating to leads from CREVICE, including on vehicles and addresses that were connected to Mohammed Siddique KHAN.

203. However, MI5's presence in West Yorkshire and the resulting increase in local sources may have meant that with a wider net they may have picked up intelligence on a greater number of individuals – this may or may not have included Mohammed Siddique KHAN or Shazad TANWEER.

204. ***What more needs to be done?*** Despite the improvements from regionalisation, we still consider more could be done. For example, MI5 does not automatically receive notification if there is information of interest on police Special Branch databases – it can only be discovered through specific requests and tasking. Of course, there needs to be effective safeguards in place when it comes to information sharing, and data and source protection, but these considerations need to be carefully balanced against the need to achieve results and stop terrorist attacks.

205. There remain, even today, many different IT systems that are not connected. There should be much better connectivity and automation between counter-terrorism and intelligence databases (especially between police forces, MI5 and the regional counter-terrorism organisations). This would allow the connections that we have now been able to draw (over the course of our 13-month investigation) between the name Siddique KHAN and a number of counter-terrorism operations to be flagged up automatically in the future. It is difficult to predict precisely what impact this might have, although we firmly believe that this would be an extremely useful tool for MI5 and the police.

*(vi) Have they done enough?*

206. We have set out above the changes that have been made by MI5, MI6 and the police and the work they have done, on a number of fronts, to address the changing nature of the terrorist threat. However, whilst these changes do improve their chances of detecting another 7/7, we recognise that the problem goes far wider.

207. Other government departments and other organisations have a crucial role to play in tackling radicalisation, but CREVICE showed that members of the public can also play a vital role – the call from the storage company that alerted the police to the existence and location of the fertiliser that KHYAM was planning to use in his bomb was crucial in saving many lives.

**208. Intelligence and security Agencies and the police face an extremely difficult job tackling the terrorist threat, and despite their hard work, the scale of the problem means that they cannot always succeed on their own. The awareness and vigilance of the public, families and local communities is a significant tool in the fight against terrorism – as important as the resources, manpower, technology and capabilities of our intelligence and security Agencies.**

### ***Could 7/7 have been prevented?***

209. This Committee has read original source material, taken formal evidence and questioned witnesses, and asked many hundreds of questions for over 13 months, seeking to answer this question.

210. It has been a painstaking process – the story, at times, has not been clear and it has taken a great deal of work to uncover the chain of events described in this Review. This has not been due to any attempt by MI5, or the police, or others, to withhold information from the Committee. All those we spoke to fully understood the importance of this Review and the need to provide the Committee with all the relevant facts. However, as we have delved deeper, we have uncovered new information that even the organisations involved had not connected together.<sup>68</sup> The Committee has had to assure itself that it has established the full facts, before we could assess the actions of those concerned.

211. Despite the emergence of new information during this Review, the Head of MI5 told the Committee:

*In my judgement the overall facts of the story have remained broadly the same; even as some of the specific details have been clarified with the benefit of the material that has come into light. And we have not found any intelligence which, in my judgement, would have identified Mohammed Siddique KHAN and TANWEER as potential suicide bombers, nor indicated their intention to mount terrorist attacks in the United Kingdom... I believe that given the same circumstances and resources, which I think is an important point, as were available to us in 2004, we would probably have made the same operational decisions.<sup>69</sup>*

**212. Having taken everything into account, and having looked at all the evidence in considerable detail, we cannot criticise the judgements made by MI5 and the police based on the information that they had and their priorities at the time. Even considering material that was discovered after 7/7, and that which arose from the CREVICE trial, we believe that the decisions made in 2004 and 2005 were understandable and reasonable.**

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<sup>68</sup> The Head of MI5 explained how they have continued to discover new information as investigations linked to CREVICE and 7/7 have progressed: "I am satisfied, re-reading, that we did not seek to withhold anything from the Committee that would have helped your inquiries. I am also confident that we answered as fully as possible, on the evidence, the questions that you raised... But it is also very clear that we have come across a number of extra pieces of the jigsaw as we have continued to dig into our records, and as others have done as they dug into their records. This has been, I am sure, unsatisfactory for you as it has actually been unsatisfactory for us..." (14 June 2007).

<sup>69</sup> Oral evidence from the Head of MI5, 14 June 2007.

### ***Can we stop it happening again?***

213. We appreciate that everyone wants to be reassured that there will never be another 7/7. Such an absolute assurance cannot be given.

214. **However, the intelligence and security Agencies and the police have prevented a number of attacks. Since 2000 they have prevented 12 terrorist attack plots in the UK. Most of these have taken place since CREVICE in 2004.<sup>70</sup> All of these plots could have resulted in the loss of life, in some cases on a massive scale. They have also disrupted a number of groups from reaching the attack-planning stage. We do not underestimate the amount of work this took, the pressure MI5 and police staff were under, or the scale of this achievement.**

215. The changes implemented within MI5 in recent years, including those outlined in the previous section, have improved the chances of terrorist plots being detected and disrupted. This, however, has to be considered against the background of an increasing threat – in terms of both the scale and sophistication of those groups who would wish to target the UK.

216. **Since 9/11, the scale of the threat that we face has increased significantly – this means that there can be no guarantees. The figure of 2,000 terrorist targets that the Head of MI5 referred to publicly in his speech is not scaremongering. It is a frightening figure that some have suggested cannot be right. We would suggest that there are a great deal more people out there who pose a threat to the UK, beyond those known to MI5.**

217. **What our Agencies can do is to build an intelligence network that gives them as much information as possible and then try and stop those that it comes across – which is what they have been doing. But we must be realistic. Despite the increased efforts of the Agencies, and the increased resources at their disposal, the odds are stacked against them:**

*Fighting terrorism is like being a goalkeeper. You can make a hundred brilliant saves but the only shot that people remember is the one that gets past you.<sup>71</sup>*

218. **The attacks on 7 July 2005 – together with the attacks on 21 July 2005, and the attempted attacks on London and the attack on Glasgow airport in summer 2007 – demonstrate that there will always be gaps in intelligence coverage. It is an uncomfortable truth that, at some time in the future, and without any prior warning, it is very possible that the UK will be the subject of another terrorist attack.**

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<sup>70</sup> We asked the Government to provide a full list of terrorist convictions since CREVICE. The information that they were able to provide is included in Annex C at paragraph 291.

<sup>71</sup> Professor Paul Wilkinson, Chairman of the Centre for the Study of Terrorism and Political Violence, University of St. Andrews (Daily Telegraph, 1 September 1992).

## **ANNEX A: DETAILED TIMELINE**

### **Detailed timeline of MI5 and police contact with Mohammed Siddique KHAN and Shazad TANWEER**

*3 February 1993*

A man named “Sidique KHAN” (gives his date of birth as 20/10/1974 and place of birth as Leeds) is arrested and cautioned for a Section 47 assault (medium level) committed on 26 December 1992. As is normal procedure, a police record is created and his photograph is taken. Previous addresses shown on West Yorkshire Police records are given as 30 Runswick Place, Holbeck, Leeds (as at 2001) and 99 Stratford Street, Leeds (as at 1993). This incident is not related to national security and so the information is not passed by West Yorkshire Police to MI5.

*1995*

Shazad TANWEER is arrested by West Yorkshire Police for an alleged burglary. His personal details are recorded, but are not added to the Police National Computer (PNC) as the charges are dropped.

*January 2001*

As part of West Yorkshire Police’s Operation WARLOCK, a number of unidentified men are photographed taking part in an “outward bound” expedition organised by two known Islamist sympathisers and attended by approximately 40 men. Efforts are made by MI5 and police to identify them, and 9 of the 40 individuals are identified.

*Late March 2003*

MI5 initiate Operation CREVICE to investigate a network providing support to overseas jihadi activity.

*14 April 2003*

West Yorkshire Police “pattern of life” surveillance (unconnected to CREVICE) of a known extremist, as part of an investigation with MI5, sees the extremist leaving a mosque in Beeston, Leeds, with four or five others, getting into a BMW and being given a lift for three minutes towards the city centre before being dropped off. On 16 April 2003, West Yorkshire Police checks on the PNC reveal that the keeper of the BMW is “Sidique KHAN” of 11 Gregory Street, Batley (near Leeds). The contact lasted only three minutes, and it was assessed not to have any national security significance or be relevant to the subject of the investigation.

### **Detailed timeline** (*continued*)

*13 July 2003*

Data from a mobile phone associated with Mohammed Qayum KHAN (see paragraph 18) shows a number of calls with a telephone number MI5 had not seen before. Checks reveal that the telephone number in question is registered to “Siddique KHAN” of 49a Bude Road, Leeds (the address of a bookshop selling extremist literature).<sup>72</sup> MI5 cannot match the name “Siddique KHAN” with any in their databases, and the contact is not investigated further since there is nothing to suggest involvement in any terrorist-related activity. \*\*\*. Information on this call is recorded, as a matter of routine, on Mohammed Qayum KHAN’s file as follows: “*INFO: Several calls to and from an [untraced individual] on [telephone number] \*\*\** \*\*\*. *Calls are made \*\*\* and \*\*\*.*”

*19 July 2003*

The mobile phone associated with Mohammed Qayum KHAN is used to call an untraced phone number \*\*\*. Checks on this pre-pay mobile phone do not reveal a registered keeper. There is no intelligence to suggest that this telephone contact is linked to the facilitation network and so no further action is taken.

*24 July 2003*

The same pre-pay mobile phone number as that used on 19 July 2003 is used again to call the mobile phone associated with Mohammed Qayum KHAN and \*\*\*. There is still nothing to suggest that this telephone contact is linked to Al-Qaida or extremism. No further action is taken.

*17 August 2003*

The mobile phone associated with Mohammed Qayum KHAN is used to call another untraced telephone number \*\*\*. There is no further intelligence regarding \*\*\* and no action is taken to investigate it.

*Late January 2004*

Omar KHYAM is formally identified (in MI5’s terms) as a member of the CREVICE facilitation network and is placed under limited surveillance as part of MI5’s attempts to learn more about the network.

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<sup>72</sup> A member of the public, Martin GILBERTSON, has alleged that he sent a pack of material to West Yorkshire Police that provided details on the IQRA bookshop, extremism, Mohammed Siddique KHAN, Shazad TANWEER and others. West Yorkshire Police have told the Committee that these allegations were investigated by their Homicide and Major Investigations Review Team, which found that they were without substance.



### **Detailed timeline** *(continued)*

#### *2 February 2004*

Surveillance of Omar KHYAM sees him parking his car in Crawley (with another occupant) and then sees a green Honda Civic (registration R480 CCA) with three occupants parking alongside. After two minutes the Honda (with two occupants later described by surveillance as KHYAM and an unidentified man) drives up and down the A23 while the other three individuals remain in KHYAM's parked car. \*\*\*, but surveillance believes that KHYAM and the UDM are driving around for the purpose of a meeting (although it is not known what is discussed). The men return to their original cars and both cars drive off. The Honda is followed to try and obtain some further information on the UDMs in case, at a later date, they are thought to be of interest and followed up on. At Toddington Service Station on the M1, the MI5 surveillance team secretly photograph the three unidentified males in the Honda car and classify them as UDMs C, D and E. The Honda continues its journey and two men alight at Lodge Lane and Tempest Road, Leeds. The car then drives towards Dewsbury and is seen to park outside 10 Thornhill Park Avenue.

#### *Early February 2004*

MI5 receive intelligence to suggest that there was a bomb plot probably aimed at the UK (\*\*\*). Surveillance on KHYAM is increased.

#### *11 February 2004*

The CREVICE Executive Liaison Group is formed to manage the operation. They set out their aims to ensure public safety and to investigate the bomb plot (with a view to arresting and prosecuting those involved).

#### *16 February 2004*

MI5 runs checks on the green Honda Civic (seen on 2 February), which is shown to be registered to a "Hasina PATEL" at 10 Thornhill Park Avenue, Dewsbury. MI5 ask West Yorkshire Police for any details they have on "Hasina PATEL" in order "*to enable us to fully identify any potential associates of KHYAM*". There is no record of a written response to this request.

#### *20 February 2004*

A call to the Metropolitan Police Service (MPS) Special Branch anti-terrorist hotline reveals that KHYAM is connected to a storage facility where a suspicious quantity of fertiliser is being held. MI5 realise that the CREVICE group now have both the intention and capability to mount an attack in the UK – this triggers consistent intensive surveillance coverage on KHYAM. The core CREVICE group are monitored discussing bomb making.

### **Detailed timeline** (*continued*)

*20–22 February 2004*

An electronics expert arrives from Canada to advise KHYAM and some of the other bomb plotters on the construction and operation of remote-controlled detonation devices.

*21 February 2004*

Surveillance shows KHYAM and Shujah MAHMOOD (a man assessed at the time to be part of the CREVICE group but later acquitted of CREVICE-related charges) driving to pick up food in KHYAM's car.<sup>73</sup> Surveillance reports that "At 21:05 the Silver Suzuki arrived back in the area [and] (KHYAM) and (MAHMOOD) remained in the vehicle chatting until approximately 21:34". The note made during the live monitoring of eavesdropping devices says "operation, indistinct speech/do something". The MI5 surveillance team report that they saw two people in the car. Taking this information together, the assessment was that the meeting was between KHYAM and Shujah MAHMOOD.

*28 February 2004*

Intelligence coverage of KHYAM \*\*\* an unidentified individual. MI5 surveillance then observe the Honda Civic seen on 2 February (R480 CCA) with UDMs C, D and E meeting KHYAM and MAHMOOD in a car park in Crawley at 08:56. They make a series of visits to builders' merchants, travel to a mosque in Slough, and then stop at KHYAM's address in Hencroft Street (\*\*\*). They then travel to Wellingborough (near Northampton), via Toddington Service Station near Luton (where they meet Mohammed Qayum KHAN at 17:30 hours), before returning to Slough to drop off KHYAM and MAHMOOD at 23:35 (nothing of significance was heard discussed in KHYAM's car during the day). The MI5 surveillance team stay with KHYAM, but the MPS surveillance team follow the remaining unidentified men back to West Yorkshire – again with the aim of finding something as a reference point should it be assessed that these men were suspicious and needed following up later. They stop again at Toddington Service Station, and at Castle Donington Service Station (near Derby), Tempest Road (Leeds), outside a church in Lodge Lane (Leeds), and finally park in Pickles Field, Batley (near Leeds). CCTV stills from Toddington Service Station are initially requested by the police (but later cancelled).

*29 February 2004*

The MPS check on the Honda Civic and find it is registered to "Sidique KHAN", who lives at 11 Gregory Street, Batley, West Yorkshire. (The vehicle registration document for the Honda Civic shows ownership was transferred to "Sidique KHAN" on 1 February 2004.) His date of birth (obtained from his insurance policy, the details of which are supplied by the customer and not verified) is given as 20 October 1974. The car is linked to two previous addresses: 10 Thornhill Park Avenue, Dewsbury, and 99 Stratford Street, Leeds.

<sup>73</sup> It is now thought that there were at least four people in KHYAM's car at around 21:00 on the evening of 21 February, including Mohammed Siddique KHAN. Further information on the events of this evening can be found on pages 31 to 36.

### **Detailed timeline** (*continued*)

*2 March 2004*

MI5 ask West Yorkshire Police about a storage facility at 99 Stratford Street that may be linked to KHYAM. The MPS's investigation of the address names three individuals, including a "Mohammed Sadique KHAN" with a date of birth of 20 October 1974. The name on his driving licence is spelt "Sidique". The MPS note in their records (CREVICE Action 990) that "*due to a lack of significant traces of Sidique KHAN, consideration might be given to the [possibility] that this name is an alias*".

*21 March 2004*

A green Vauxhall Corsa (registration YB52 LUF), driven by a then unidentified person, arrives at an address in Crawley and picks up KHYAM and MAHMOOD, and they drive around for 40 minutes before returning to the same address.

*22 March 2004*

Intelligence coverage of KHYAM \*\*\* a man called "Millie" (the assessment now is that this refers to the meeting with Siddique KHAN on 23 March).

*23 March 2004*

Further surveillance on KHYAM observes him and four UDMs travelling from Crawley to Slough. The individuals travel in KHYAM's car and a green Vauxhall Corsa (YB52 LUF) with the words "Car Clinic" and a telephone number on the side. The surveillance team believe that the driver of the Corsa is identical to the driver of the Honda Civic on 28 February (UDM E). Another of the individuals is described as being identical to one of the passengers in the Honda Civic on 28 February (UDM D). During the afternoon, in KHYAM's car, KHYAM and a UDM speak briefly about the "*success of the Madrid bombings*". KHYAM and UDM E visit an internet café before returning to KHYAM's flat (\*\*\*). Eavesdropping at KHYAM's flat hears that the men are from Leeds and the conversation is largely related to financial fraud. Video stills are produced from surveillance. The police later find that the Vauxhall Corsa is registered to Lombard Vehicle Management Ltd.

*30 March 2004*

The men alleged to be involved with the fertiliser bomb plot are arrested.

*March 2004 onwards*

Out of the several thousand contacts monitored during Operation CREVICE, MI5 are unable to identify 150. Of these unidentified individuals, based on the threat that they are thought to pose to national security, 15 are categorised as "essential" targets and 9 new MI5 operations are launched. UDMs D and E are among a group of 40 of the 150 unidentified contacts categorised as "desirable" targets.

MI5 are then diverted from the follow-up work by an even bigger and more sophisticated operation – Operation RHYME – which absorbs their resources.

### Detailed timeline (*continued*)

*4 April 2004*

Shazad TANWEER is given a criminal caution by West Yorkshire Police for a public disorder/verbal harassment offence. His personal details are taken, together with a photograph, fingerprints and a DNA sample. These details are added to the West Yorkshire Crime Information System, and to the Viewdata system, and a Police National Computer (PNC) entry is created.

*April–May 2004*

A detainee says that two men from the UK, known as “IBRAHIM” and “ZUBAIR”, had travelled to Pakistan in 2003 and that they had met those who were to become the CREVICE plotters whilst there.

*\*\*\* May 2004*

Another intelligence source reports that two men known as “IBRAHIM” and “ZUBAIR”, from Leeds, had travelled to Pakistan in 2003. \*\*\*.

\*\*\*.

\*\*\*.

In connection with CREVICE more generally, \*\*\*.

*25 May 2004*

The MPS provide MI5 with a summary “cluster” of intelligence found on the Honda Civic (R480 CCA), which confirms “Hasina PATEL” as the registered owner in 2003.<sup>74</sup> Her address is given as 10 Thornhill Park Avenue, and the cluster also confirms her date of birth as 23 November 1977. It also shows that the new keeper of the car is “Sidique KHAN” of 11 Gregory Street, Batley, and provides his date of birth (20 October 1974) and previous addresses as 10 Thornhill Park Avenue and 99 Stratford Street. This cluster also shows that there was no Automatic Number Plate Recognition (ANPR) trace for the Honda Civic on 3 March 2004, but that “*the details have since been entered on Operation WEDGE*”. (The ANPR system enables police units to identify vehicles from registration plates, and is used when the vehicle is suspected of involvement in crime or where intelligence is needed on the vehicle. The details of the Honda Civic are not added to the WEDGE counter-terrorism database, contrary to the cluster message.)

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<sup>74</sup> A “cluster” is a secure form of communication/messaging system used by MI5 and the police that contains operational intelligence and requests for information/checks to be carried out.

### **Detailed timeline** (*continued*)

*8 June 2004*

MI5 provide West Yorkshire Police with details summarising CREVICE connections to the Leeds area – this includes information on 12 individuals, 13 addresses and related data. Amongst these details is the green Honda Civic registered to “Sidique KHAN” of 11 Gregory Street, Batley (near Leeds), and previously registered to “Hasina PATEL” of 10 Thornhill Avenue, Dewsbury. Checks of publicly available records reveal that “Sidique KHAN” has links to 10 Thornhill Park Avenue, Dewsbury, and 99 Stratford Street, Leeds. The communication also notes the addresses in Tempest Road, Lodge Lane and Pickles Street where the Honda Civic was observed to be picking up and dropping off individuals during the CREVICE investigation. MI5 state that they believe the driver of the Honda Civic on 28 February was the same person as the driver of the green Vauxhall Corsa on 23 March. Separately, MI5 also ask West Yorkshire Police for any information they might have that could enable “IBRAHIM” and “ZUBAIR” (the men that the detainee and other source of information had said had trained in Pakistan) to be identified.

*14 July 2004*

The North East Regional Intelligence Cell (NERIC) respond to the details provided by MI5 on 8 June 2004 (this response was dated 14 July, but sent on 17 July). They find no positive results for the Honda Civic against the databases of the NERIC, West Yorkshire Special Branch, or local police systems. A check against the PNC shows 22 inquiries have been made on the car between August 2003 and July 2004, 21 of which are related to Operation CREVICE. (The 22nd was a routine check made on 20 August 2003, which did not warrant any further action.)

In the same response NERIC provide MI5 with details of “Sidique KHAN” and his various addresses and date of birth, together with the photograph from his caution in 1993. Information that the police hold on “Hasina PATEL”, as well as a number of other individuals, is given. West Yorkshire Police are unable to provide any insight as to the identities of “IBRAHIM” or “ZUBAIR”. No further action is taken independently and West Yorkshire Police await any further tasking.

*12 August 2004*

The detainee is shown black and white photocopies of fairly good quality, medium-distance group photographs and CCTV stills of unknown males (including UDMs D and E) which were provided by the MPS. The detainee says that they cannot tell who UDMs D and E are from the photographs provided.

*17 January 2005*

West Yorkshire Police Special Branch receive information indicating that a man named “Saddique \*\*\*\*” and a man named “IMRAN” had undergone training in Afghanistan in the late 1990s/early 2000s. Both men are reported to live in Batley (“Saddique \*\*\*\*” in the Soothill area) and are committed to the extremist cause. West Yorkshire Police cross-check this information against their records with no results. This report is shared with MI5 a few weeks later and they too check their records with no result.

### Detailed timeline (*continued*)

*27 January 2005*

In the process of gathering evidence for the CREVICE trial and completing actions relating to the operation, the MPS take a statement from the “Just Car Clinic”, a collision repair company that leased the Vauxhall Corsa to an individual at the time of Operation CREVICE (see entry on 23 March 2004). From this statement the police are able to “*nominally identify the driver*” as “Mr S. KHAN”.

*9 February 2005*

MPS Action A4076 (one of the records of actions undertaken during a police investigation) reveals one result on “Sidique KHAN” that relates to his Honda Civic (R480 CCA) being placed on the ANPR “*should the vehicle enter the confines of Heathrow Airport (re Op Crevice)*”. This is standard operating procedure for vehicles that feature in surveillance during a counter-terrorism operation. This was instigated by the Counter-Terrorism Command National Joint Unit (NJU) on 17 February 2004, and was one of 72 vehicle registrations of interest (including 39 others from CREVICE). Instructions were that “[*should*] activations occur the vehicles are not to be stopped but NJU are to be notified immediately...” The MPS Action also confirms that the Vauxhall Corsa was leased by “Just Car Clinic” to a “Mr S. KHAN” whilst his Honda Civic (R480 CCA) was being repaired. The individual had given his mobile telephone number and his address (11 Gregory Street, Batley), and asked for his car to be picked up from 10 Thornhill Park Avenue, Dewsbury, West Yorkshire. A driving licence check reveals a last known address of 99 Stratford Street, Leeds.

*1 March 2005*

West Yorkshire Police and MI5 receive further information about “Saddique \*\*\*\*” indicating that he is in his early 30s and has reportedly received some military training in a mujahaddin camp in Pakistan in early 2001. This was the total of the relevant information received and it was not possible to corroborate it or investigate to find out more.

*March 2005*

A detainee confirms that “IBRAHIM” and “ZUBAIR” (who he describes as coming from Bradford, West Yorkshire) had been, in 2003, at the same training camp in Pakistan as individuals who later became the CREVICE plotters, \*\*\*.

\*\*\*.

\*\*\*.

*12 April 2005*

Operation DO\*\*\*\* begins. The purpose of the operation is to identify “IBRAHIM” and “ZUBAIR” and to establish whether they pose a terrorist threat.

### Detailed timeline (*continued*)

*4 May 2005*

MI5 provide a summary of the intelligence they have on Operation DO\*\*\* to West Yorkshire Police. They provide West Yorkshire Police Special Branch with details of two possible “ZUBAIRs” from West Yorkshire and ask if they can provide “*any trace on your records for both of these individuals*” (neither of these was Mohammed Siddique KHAN). MI5 also say that, in “*the near future*”, they hope to provide \*\*\* with photographs of the two individuals “*in the hope of positively identifying ‘ZUBAIR’*”.

*21 June 2005*

West Yorkshire Police Special Branch telephone MI5 to state that they can find no information on “IBRAHIM” or “ZUBAIR”.

*21 June 2005*

MI5 send a “cluster” message to West Yorkshire Police Special Branch stating that they have provided the photographs of the two potential “ZUBAIRs” to \*\*\* but have not yet heard \*\*\*. MI5 also say “*we can’t move forward and deploy more intrusive investigative resources until we can be more certain we have the correct ‘ZUBEIR’ [sic] in our sights*”. MI5 also inform West Yorkshire Police Special Branch that, as part of Operation FL\*\*\* (created to follow up on other leads from CREVICE), they have identified “IMRAN” as Zeeshan Anis SIDDIQUI and that they “*are optimistic that continued coverage will shed light on other leads from CREVICE, including [identifying ‘IBRAHIM’ and ‘ZUBAIR’ from] DO\*\*\**”.

*7 July 2005*

Terrorist attacks on the London transport network kill 52 people and injure more than 700.

*7–13 July 2005*

The MPS begin to piece together the identities of the bombers. A detailed account of these events is included on pages 15 and 16.

*9 July 2005*

Following the discovery of credit cards at two of the bomb sites that are in the name “Mohammed Sidique KHAN”, the police check this name against their records. They discover that the name features on intelligence records relating to Operation CREVICE. (This link was documented in Message M173 of Operation THESEUS – the 7/7 investigation – at 09:10 on 10 July 2005.)

*11 July 2005*

Before it became clear that Mohammed Siddique KHAN had died in the attacks, but when he was the prime suspect for the bombings, new intelligence indicated that “Saddique \*\*\*” (see 17 January and 1 March 2005) was Mohammed Siddique KHAN.

### **Detailed timeline** (*continued*)

*11 July 2005*

The MPS ask West Yorkshire Police to investigate their primary suspect, and as a result West Yorkshire Police obtain authorisation to place tracking devices on four cars parked outside Mohammed Siddique KHAN's address in Leeds.

*11 July 2005*

Mohammed Siddique KHAN, Shazad TANWEER, Hasib HUSSAIN and (on 13 July) Jermaine LINDSAY become the police's primary suspects, and search warrants are executed on related addresses and vehicles.

*13–16 July 2005*

DNA checks confirm that KHAN, TANWEER, HUSSAIN and LINDSAY had died carrying out the attacks.

*Mid-July 2005*

A detainee identifies "IBRAHIM" from unmarked press photographs of Mohammed Siddique KHAN. MI5 investigate further and are able to ascertain \*\*\* that "ZUBAIR" is a man called Mohammed SHAKIL. \*\*\*.

*Late July 2005*

The assessment that "ZUBAIR" and SHAKIL are the same person is confirmed when a detainee identifies a photograph of SHAKIL as being the man he knew as "ZUBAIR".

*Late July/August 2005*

An intelligence officer working in West Yorkshire Special Branch reviews photographs of unidentified individuals who had attended training camps, and recognises one of the photographs taken during Operation WARLOCK in 2001 as being Mohammed Siddique KHAN. This information comes to the attention of MI5 in May 2007 in the course of this Review.

*Autumn 2005*

\*\*\*

\*\*\*. This indicates that Mohammed Siddique KHAN was also in the car, with KHYAM and Shujah MAHMOOD, on 21 February 2004.

*December 2005*

Two MI5 sources are shown photographs from Operation WARLOCK (the 2001 extremist training camp) and identify Mohammed Siddique KHAN as one of the attendees.

*February 2008*

In preparation for a terrorism-related trial, a Detective Constable from West Yorkshire Police further analyses the recording of the conversation in KHYAM's car on 21 February 2004. This new analysis confirms that Mohammed Siddique KHAN was in the car, and suggests that Shazad TANWEER may also have been present.



## **ANNEX B: OTHER ALLEGATIONS**

219. There are a number of questions that, whilst they do not directly relate to the CREVICE connections, are nevertheless important and need answering. We have therefore addressed them below.

220. We note that there have been a number of inaccurate allegations with regard to the attacks and the bombers – some based on incorrect information and some on out-of-date information. Several of these allegations have come from those who might, at first glance, be regarded as “in the know”. These have therefore unjustly gained credibility. We regard this as unfortunate – it causes distress to those affected by the attacks and it provides an inaccurate picture to the public more generally. We caution against believing all that is said or reported, particularly when it is not supported by solid evidence.

### ***Why did MI5 call the bombers “clean skins”?***

221. MI5 did not call the bombers “clean skins”. This phrase is not one that MI5 use and they did not use it in relation to the bombers. MI5 have told the Committee that the phrase they used with the media was “not on our radar”, which was an accurate reflection of what they knew in the days immediately following the attacks. The Committee has also reviewed the Metropolitan Police Service’s press releases, statements and question and answer material from 7 July to 10 July 2005 and can find no mention of the phrase “clean skins”.

222. On the morning of 8 July 2005 (on Radio 4’s *Today* programme), the then Home Secretary (Charles Clarke) said that the attacks had come “*out of the blue*”. His comments followed the Cabinet Office Briefing Room (COBR) intelligence assessments immediately after the attacks. These said that the Agencies had not been aware of any credible plots to attack the UK immediately prior to July, that they were unaware of any intelligence that would have given specific warning of the attacks, and that the “*attacks still do not appear to be connected to any Security Service priority investigations*”.

223. Only after these statements were made did MI5 and the police discover the names of the suspected bombers from remains found at the bomb sites. This assessment was therefore an accurate reflection of what was known at the time. Once the bombers had been identified, MI5 and the police, when checking their records, discovered that two of the bombers had been seen on the sidelines of a previous priority investigation – the CREVICE operation. They also had a historical record of a telephone number which they subsequently discovered had been used by another of the bombers.

### ***Was there a police/MI5/Transport for London exercise taking place on the morning of 7 July 2005 to train for multiple bomb attacks on the tube?***

224. No. We have asked MI5, the police and Transport for London (TfL) if there was any such exercise taking place – there was not. However, stories and exercises related to multiple bomb attacks on the London transport network have occurred in the past.

225. For example, on 16 May 2004 the BBC aired a *Panorama* programme called “London Under Attack”. This programme mixed drama, research and discussion and presented what might happen in London as a result of a terror attack – the fictional events were shown unfolding on a rolling news channel. The scenario the BBC used for this attack had some similarities to what happened on 7/7, and included the following fictional news item:

*In the past hour there have been three major explosions on the London Underground. The first occurred at 10 past 8 on the Piccadilly Line between Knightsbridge and Hyde Park Corner. The second, at 16 minutes past 8, on the Central Line between Tottenham Court Road and Oxford Circus, and the third at 27 minutes past 8 as a train was arriving at Vauxhall Station in Stockwell on the Victoria Line.*<sup>75</sup>

226. The Metropolitan Police Service told the Committee that they had, in the past, run exercises with scenarios similar to what actually happened on 7 July 2005. Since 2003, they have run an annual exercise known as Operation HANOVER which develops different scenarios for attacks on London and rehearses how the Metropolitan Police Service would respond. By coincidence, their 2005 exercise, run by the Security Co-ordinator’s office in the Anti-Terrorist Branch, took place just a few days before the attacks – on 1–2 July. The office-based scenario for this exercise was simultaneous bomb attacks on three London Underground trains at Embankment, Waterloo and St James’s Park stations. Once again, the scenario is quite similar to what actually took place, and the fact that it took place so close to the actual attacks is an interesting coincidence.

227. On 7 July 2005, after the attacks took place, the Managing Director of a private crisis management company appeared on radio and television, stating that that same morning he had been in an office in London running a theoretical exercise with an unnamed company,<sup>76</sup> evaluating how their crisis management procedures would respond to a bomb attack in London. He said that his fictional scenario included almost exactly the same stations where the bombs went off in real life. That the scenario closely resembled what actually happened, is not, as we have shown, that remarkable (this Managing Director also featured as a panellist on the *Panorama* programme mentioned above). However, that the exercise was taking place at roughly the same time that morning is indeed an astonishing coincidence. Unfortunately, his remarks were interpreted by some as direct evidence of a conspiracy. He himself has denied this, and we have not uncovered any evidence that this is anything other than a coincidence.

228. It would seem that multiple and near-simultaneous bomb attacks on the Underground is a fairly routine scenario for rehearsing crisis management in London – this seems entirely reasonable to us, and actually shows that people involved in this type of work clearly had understood the potential threat to the transport system.

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<sup>75</sup> The actual attacks were at Aldgate, Russell Square and Edgware Road underground stations and on a bus at Tavistock Square.

<sup>76</sup> MI5, the police and TfL have said they have no knowledge of, or involvement in, this privately run exercise.

***If Mohammed Siddique KHAN was not a key target, why was he on an FBI “no-fly” list?***

229. He was not – this is a case of mistaken identity.

230. On 19 June 2006, *The Times* newspaper serialised the book *The One Percent Doctrine*, by US author Ron Suskind. The book claimed that Mohammed Siddique KHAN had made two trips to the US to contact extremists in 2002, and that in March 2003 he was placed on an FBI “no-fly” list. Suskind told *The Times*: “*British Intelligence was certainly told about Khan in March and April 2003*”. The allegations were repeated over the following days, despite the FBI making a statement saying that they believed there could have been confusion over names.

231. On 27 June 2006, the Committee were informed that the Head of MI5 had received categorical assurances from FBI Headquarters that Mohammed Siddique KHAN had never featured on any US watch list.

232. The allegations appear to have resulted from a case of mistaken identity. The individual who had visited the US to contact extremists and who was refused permission to board a flight for the US in 2003, and who was placed on a US “no-fly” list, was actually Mohammed Ajmal KHAN, not Mohammed Siddique KHAN. (In fact it was information from MI5, shared with the FBI, which resulted in Ajmal KHAN being placed on the “no-fly” list.)

**Mohammed Ajmal KHAN**

Mohammed Ajmal KHAN is a British national of Pakistani descent who was arrested on 1 March 2005. He was a senior member of Lashkar-e-Tayyiba (LeT) who was allegedly \*\*\*. In the UK, he was assessed to be \*\*\*.

In \*\*\*

\*\*\*. This was the subject of various exchanges of intelligence between MI5 and the US authorities around this time, which resulted in Ajmal KHAN being placed on the “no-fly” list in August 2003.

On 17 March 2006, Ajmal KHAN was sentenced to eight years for directing a proscribed organisation (LeT) and a further year for contempt of court. He remains in custody.

233. The Committee has since seen the telegram from the FBI to MI5 (sent via the US Embassy in London on 23 June 2006) which states: “*The FBI has no record of Mohammed Siddique KHAN ever traveling to the United States and has no record of Mohammed Siddique KHAN being placed on the ‘no-fly’ list.*”

***If Mohammed Siddique KHAN was not a key target, why was his car “bugged”?***

234. It was not. The only time that any of Mohammed Siddique KHAN’s cars were ever fitted with any kind of device was after he killed himself during the attacks of 7 July 2005. That device was a tracking device, not an eavesdropping “bug”.

235. By 9 July 2005, the Metropolitan Police Service had found evidence at more than one of the 7/7 bomb sites<sup>77</sup> that an individual called “Mohammed Siddique KHAN” might have been involved in the attacks in some way and also, checking their historical records, found that his name appeared (in relation to a car) connected to Operation CREVICE. At this stage, it was not known that he was dead or that he was one of the bombers and so the Metropolitan Police Service began liaison with West Yorkshire Police in order to investigate him.

236. In the early morning of 11 July 2005, West Yorkshire Police Special Branch obtained authorisation to plant tracking devices on four vehicles, believed to be linked to Mohammed Siddique KHAN, that were parked outside his home address (10 Thornhill Park Avenue).<sup>78</sup> Senior officers at the Metropolitan Police Service were informed of this action by West Yorkshire Police.

237. When, by 12 July 2005, it was believed that Mohammed Siddique KHAN was one of the bombers, the Metropolitan Police Service seized all four cars (including a silver Honda Accord registration V57AFW) and took them to London for forensic tests. By the time the cars were seized, West Yorkshire Police had only planted tracking devices on the silver Honda Accord<sup>79</sup> (as a result, the authorisations to plant devices on the other three cars were cancelled later that day). The Metropolitan Police Service then removed the tracking devices from the Honda.

238. On 27 June 2006, in response to questions from the media relating to the “bugging” of Mohammed Siddique KHAN’s car, the Metropolitan Police Service (MPS) issued a statement saying: *“In view of speculation in the media, the MPS would like to make it clear that we have no knowledge of any technical device being fitted to Mohammed Siddique Khan’s car prior to the July 7 bombings.”*

239. This was interpreted by some to mean that, if the Metropolitan Police Service did not know about the device, then it must have been planted on Mohammed Siddique KHAN’s car by MI5. In fact, **the devices had been planted by the West Yorkshire Police Special Branch, after 7/7, as a result of a Metropolitan Police Service request for their main suspect (Mohammed Siddique KHAN) to be investigated.**

### ***Did MI5 withhold information from West Yorkshire Police?***

240. No. The Chief Constable of West Yorkshire Police has confirmed in evidence to this Committee that several exchanges between the two organisations took place (the detail of the exchanges are listed in the timeline and we have seen these documents). In particular, there was a full exchange of information about UDM E’s car and linked addresses, as well as photographs of the unidentified men (UDMs C, D and E) taken at Toddington Service Station. West Yorkshire Police checked this information against their records but, as the information did not match anything in their databases, they took no further action and were not asked to do so by MI5.

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<sup>77</sup> Credit cards in the name of “KHAN” and “Mr M. S. KHAN” were found at Aldgate and Edgware Road.

<sup>78</sup> The documentation related to these authorisations states: “Khan’s credit cards found at scene of two of the explosions close to the scene of each explosion. It is not known if Khan died in either incident. Khan has not been reported missing and is known to the Security Services.”

<sup>79</sup> West Yorkshire Police Special Branch fitted two separate tracking devices on the Honda Accord.

241. In response to requests from MI5 related to Operation DO\*\*\*, West Yorkshire Police also made a number of checks against the limited amount of information available on “IBRAHIM” and “ZUBAIR”. These are described in some detail earlier in this Review. The allegation that MI5 did not pass vital information to West Yorkshire Police is therefore incorrect.

### **MI5/Special Branches relationship**

Police Special Branches exist primarily to acquire intelligence (by various means) and to assess the potential operational value of that intelligence in order to contribute to the safety of communities across the UK and, in doing so, to local policing. In particular Special Branches assist MI5 in carrying out their duties to protect national security – with a key priority being work on countering terrorist threats. (MI5 also set the priorities for the gathering of national security-related intelligence by Special Branches.) All key terrorism-related intelligence obtained by Special Branches is assessed locally before, in most cases (depending on that assessment), being shared with MI5.

The relationship has developed over the last few years. In the past, the relationship was one where MI5 might task a Special Branch to find information or run checks, without necessarily sharing the full details and background. This is known as the “need-to-know” principle (i.e. it might be that Special Branch can help with an aspect of the investigation without a “need to know” all the details). In 2004, the partnership between MI5 and Special Branches was beginning to improve, with “need to know” being replaced by a presumption of “need to share”. At the time of CREVICE, however, the exchanges between MI5 and West Yorkshire Police Special Branch appear to us to have been rooted in the “need-to-know” principle. The Chief Constable of West Yorkshire Police told the Committee:

*In fact, there was an unwritten protocol that we did not act; we in a sense did not get out of bed until we had received a cluster message or unless there had been a very high-level conversation between somebody at Thames House and the head of the Special Branch...*

*Special Branches were predominantly, but not exclusively, responsive and not proactive. The Met SB and... the other Special Branches operated independently.*

Today, the partnership between MI5 and counter-terrorism policing (including Special Branches, and regional Counter-Terrorism Units and Counter-Terrorism Intelligence Units) has evolved and improved. There is now much more intensive joint working on operations. These improvements (including MI5’s establishment of regional offices) had already begun before the July bombings, but the experiences and lessons from those attacks resulted in an acceleration of these changes.

***Wasn't MI5 warned about 7/7 by other intelligence agencies?***

242. The UK receives hundreds of reports each day based on intelligence about threats or attacks, some of which will be directly relevant to the UK or UK interests overseas. These are generally not specific and, in the absence of sufficient detail, there is often little our intelligence Agencies can do to follow up on them (although these reports might contribute to the background intelligence picture of the threat facing the UK).

243. It is alleged by the Saudis that they provided intelligence of the 7 July attacks to our Agencies before they took place. We have investigated this allegation. The only intelligence we have seen that may be relevant relates to intelligence \*\*\*. This was provided to MI6 by the Saudis in December 2004.



244. There are some minor similarities between this intelligence report and the events of 7/7 (\*\*\*) but nevertheless it differs substantially from what actually took place.

245. We wrote to the Saudi Ambassador on 16 January 2006 asking for further information on the intelligence passed to the UK Agencies that these allegations refer to. We did not receive a response. Following comments made by King Abdullah on the eve of his State Visit to the UK, we wrote again on 21 November 2007 and again on 9 January 2008 asking for clarification. On 21 January 2008, we received a reply from the Saudi Ambassador to the UK saying that he would look into the matter and then reply. We have not yet received any further correspondence.

246. Whilst we have seen the intelligence, MI6 have insisted that details cannot be published, since it would damage national security. This is despite the fact that, in our opinion, the full facts would exonerate MI6 of the allegation that they failed to heed a warning of 7/7.

247. We note, however, that the Saudis themselves appear to have briefed the media on this matter. On 4 September 2005, the *Observer* newspaper published the following:

*Saudi authorities claim they obtained the information [about a plot] after a Saudi militant was arrested returning to the Gulf kingdom from Iraq, where he was fighting with insurgents. He was held after arriving with a false passport in the name of a fellow Saudi jihadi known to have been killed in Iraq.*

*The Saudis claim that during his interrogation the militant told them he was on a mission to fund a plot to target the Underground or a London night club within six months. He handed over a Syrian telephone number that he had been given in Iraq, which he said was for the contact who would give him orders.*

*He described the main “dispenser” of funds to Islamic extremists in Britain as a Libyan businessman, who is the subject of an international intelligence operation. His current whereabouts are unknown, but he is understood to have been in Britain recently.*

We cannot comment on the accuracy of this report, compared with the actual intelligence relating to the Saudi warning, without disclosing the details of the intelligence.

**248. We said in our previous Report that the intelligence “was materially different from what actually occurred on 7 July and clearly not relevant to these attacks”, and we can confirm that we have seen nothing in this investigation that alters this view, or that would substantiate the Saudi claims.**

249. It has also been alleged that warning of the attacks had been sent to MI5 and MI6 by the Pakistani authorities prior to the attacks. We have been told that \*\*\*. We have been told that no specific warnings were received from Pakistan which might have pointed towards the 7 July attacks or those who carried out the attacks.

250. In January 2006, it was reported<sup>80</sup> that the French Interior Minister (M. Sarkozy at the time) had claimed that members of the 7/7 cell had been subject to “partial arrest” in 2002. We understand that this was not a specific or actionable warning related to the 7/7 attacks themselves. The Committee wrote to the French Ambassador on 17 January 2006 seeking clarification of these reports. We did not receive a response.

***Surely Mohammed Siddique KHAN talking about saying goodbye to his daughter should have alerted MI5?***

251. MI5 did not hear Mohammed Siddique KHAN say this at the time. It is only after 7/7, when the conversation with KHYAM on 21 February 2004 was analysed further, and it is found that he was talking to Mohammed Siddique KHAN, that it is clear that KHAN considers saying goodbye to his daughter.

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<sup>80</sup> This refers to a report in the 15 July 2005 edition of the *Independent* on Sunday.

252. However, he says this in the context of going to Pakistan. At that time it would appear that his intention was to travel to Pakistan and not to come back. Therefore, even if MI5 had heard someone say this, and then had been able to identify that person, it still does not indicate he was planning a suicide attack in the UK. This is reinforced by Siddique KHAN's video messages to his daughter (recorded in November 2004) in which he made clear his intention, at that time, to travel overseas – there was no indication of any intention to conduct an attack in the UK.

### ***Was there a fifth bomber or mastermind involved in 7/7?***

253. It has been alleged in the media that there was a mastermind of the July bombings called Haroon Rashid ASWAT, and that he was linked to both the CREVICE fertiliser bomb plot and the 7/7 bombers. Mobile phone records are alleged to have confirmed that he was in contact with Mohammed Siddique KHAN hours before the London bombings.

254. After the bombings, MI5 investigated whether or not there was a “mastermind” who left the UK before the attacks. They found no intelligence to suggest that this was the case and no indication that ASWAT had any part to play in 7/7. There were some strands of intelligence, shortly after the bombings, which led MI5 to believe that ASWAT may have been involved in the attack, but these have since been discounted. Given that ASWAT and Mohammed Siddique KHAN lived in the same area of West Yorkshire, it is possible that they knew each other. ASWAT was detained in Zambia on 20 July 2005 and deported to the UK on 7 August. On arrival, an extradition warrant requested by the Americans was served on him. He is currently awaiting possible extradition to the United States (he has gone through the domestic extradition process, and a ruling from the European Court of Human Rights on whether his extradition would be human rights compliant is expected in the summer of 2008).

255. \*\*\*  
\*\*\*.

256. It has also been alleged that ASWAT was protected from prosecution by Western intelligence services, and that he was able to leave the UK despite being on a terror watch list. We have found no evidence to substantiate these allegations.

### ***Is the CCTV still of the bombers at Luton (released by the police) authentic?***

257. On 18 July 2005, Deputy Assistant Commissioner Peter Clarke (Head of the Metropolitan Police Service Anti-Terrorist Branch) released details of the bombers and their journey from Luton railway station to King's Cross. He appealed for information from the public to aid the investigation and released an image of the bombers, produced from CCTV, at Luton railway station:





258. There have been a number of questions raised about the authenticity of this image. The main allegation is that the railings behind TANWEER (centre rear, in the white baseball cap) appear, in places, to actually be in front of him.

259. Capturing still images from moving CCTV video does not provide the same pristine image that would be obtained using photography. This explains some of the unusual effects that can be seen in the image that some people have taken to support allegations about the authenticity of the image.

260. The Committee asked the Metropolitan Police Service to provide additional images from momentarily before and after the original frame in order to indicate how the men were moving. These new images (below), shown in sequence with the original (middle of the three images), demonstrate that some of the effects in the original image are the by-product of the image being captured from a relatively low-quality video source:



261. To corroborate the authenticity of the original image, we have also looked at evidence<sup>81</sup> tracing the CCTV from its recovery by the police from Luton railway station, its subsequent analysis at the Metropolitan Police Service's CCTV laboratory, through to the production of the image. This audit trail, together with the additional images we have provided, show that the allegations surrounding the authenticity of the original image are unfounded.

***What is the connection with the extremist group Al Muhajiroun?***

262. There is no evidence of any links between the London bombings and Al Muhajiroun.

263. \*\*\*.

\*\*\*. Whilst membership or links with extremist groups might appear significant, it is not something that would, of itself, greatly influence the actions of MI5. Individuals who pose a threat are investigated irrespective of whether or not they belong to an extremist group (and irrespective of whether or not the group is banned).

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<sup>81</sup> *The Committee has been provided with copies of the statements and log detailing the recovery and evidential production of this CCTV material, including the isolation and production of the original Luton CCTV image (timed at 07:21:54) which was released to the media.*

## ANNEX C: BACKGROUND INFORMATION

### *Evidence and other material considered*

264. In the course of this Review, the Committee has looked at all the evidence in great detail. We have considered written and/or oral evidence and other material from the following:

- **7/7 Survivors' Group** – Representatives of the Group, Oury Clark Solicitors
- **Government Communications Headquarters** – Sir David Pepper KCMG (Director of GCHQ), other officials
- **Secret Intelligence Service (MI6)** – Sir John Scarlett KCMG OBE (Chief of SIS), other officials
- **Security Service (MI5)** – Hon. Dame Eliza Manningham-Buller DCB (Director General of the Security Service until 20 April 2007), Mr Jonathan Evans (Deputy Director General and, since 21 April 2007, Director General of the Security Service), other officials
- **Metropolitan Police Service** – Assistant Commissioner Andy Hayman, Assistant Commissioner Bob Quick, other officers
- **West Yorkshire Police** – Chief Constable Sir Norman Bettison, other officers
- **Joint Intelligence Committee**
- **Joint Terrorism Analysis Centre**
- **Members of Parliament**
- **Crown Prosecution Service**
- **Cabinet Office**
- **Department for Transport**
- **Media** – Various media reports concerning CREVICE and 7/7
- **Institute for Policy Research and Development** – *Inside the CREVICE*

265. In addition to, and in support of, the written and oral evidence we have received from MI5 and the police, we have reviewed a significant quantity of original documentation, including (but not limited to):

- MI5 and police operational documents;
- witness statements;
- MI5 and police surveillance logs;
- contact reports from human intelligence sources;<sup>82</sup>

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<sup>82</sup> The Committee does not see any details that might identify the source, in order to protect them.

- 72 packs of covert surveillance photographs taken during Operation CREVICE including two packs containing pictures of UDMs D and E;
- other photographs and CCTV stills from Operation WARLOCK and Operation CREVICE, including prisoner photographs of Mohammed Siddique KHAN and Shazad TANWEER taken following their arrests in 1992 and 2004 respectively;
- covert recordings of conversations involving Mohammed Siddique KHAN, the notes of live monitoring and initial transcripts of those conversations (produced by MI5 at the time), and the associated evidential transcripts (produced by the police after 7/7);
- the minutes of all 50 of the Executive Liaison Group (ELG) meetings held during Operation CREVICE (between 11 February and 30 March 2004);
- over 35 logs of Metropolitan Police Service actions; and
- 10 intelligence clusters (emails) sent between MI5 and West Yorkshire Police.

266. We cannot publish all of the material we have considered during this Review. Much of the material contains extremely sensitive intelligence that would damage national security if published.

267. Where the material we have seen is directly relevant to a section of this Review, the appropriate sections of the documents have been quoted directly in that section.

268. Where the material provides useful background information and context, which we believe it would be useful for people to see, we have included some examples in this annex. For example, minutes from the ELG show precisely what the priorities of MI5 and the police were when they began the investigation of the bomb plotters, and give some idea of what decisions they were taking. Emails between West Yorkshire Police and MI5 also show how the investigation was progressing – particularly MI5’s interest in finding out about unidentified people seen during CREVICE. We have also included here a section containing a number of key photographs related to CREVICE and 7/7, since there was some confusion surrounding our comments on photographs in our earlier Report.

### ***Minutes of the Executive Liaison Group***

269. The ELG met on 50 occasions between 11 February 2004 and 30 March 2004, and a minute of each meeting was produced. We have reviewed all of these minutes in some detail, and have found only one reference relating to a vehicle (that we now know was Mohammed Siddique KHAN’s car). The minute, describing events of 28 February 2004, stated:

*MPSB provided information that another vehicle (VRN R480 CCA) met AT [KHYAM] and SPORTS BAG [Shujah MAHMOOD] and had been travelling around builders [sic] merchants in convoy with them. SB was believed to be in this other car, which resolves to an address in Dewsbury, W Yorks and has previously featured in Op CREVICE.*



270. The minutes of the ELG meetings are highly classified. They contain large amounts of extremely sensitive information and so cannot be reproduced in the published version of this Review. In the classified version of the Review we have sent to the Prime Minister we have included copies of two sets of minutes:

- the first (totalling four pages) is from the first ELG meeting held on 11 February 2004, in which the aims of the investigation are established; and
- the second minute (also four pages) is from the meeting on 28 March 2004, in which the rationale behind the timing of the arrest of the CREVICE conspirators is recorded.

### ***MI5/West Yorkshire Police correspondence***

271. Detailed information related to Mohammed Siddique KHAN was shared between MI5 and West Yorkshire Police. There were a total of ten “clusters”, or secure emails, between MI5 and West Yorkshire Police that referred to an individual (and his vehicles) who we now know was Mohammed Siddique KHAN. These documents are extremely sensitive and, additionally, contain details of a large number of people, vehicles and addresses (that had no connection to attack planning) that were checked as leads were followed up. We have seen all these “cluster” messages, and – although we cannot include them in the published version – have included two of them, as examples, in the classified version of the Report sent to the Prime Minister. These two messages are:

- A message, dated 8 June 2004 (see timeline), sent by MI5 to West Yorkshire Police Special Branch and the North East Regional Intelligence Cell (NERIC) summarising CREVICE connections to the Leeds area – this includes information on 12 individuals, 13 addresses and related data. This message is two pages long.
- A response, dated 14 July 2004 (see timeline), from NERIC to MI5 outlining the results of their research on the information provided in the above message. This response is nine pages long.

### ***Photographs***

#### ***Photographs taken during CREVICE***

272. In our original inquiry, we were told by MI5 that photographs of UDMs C, D and E had been taken covertly by the MI5 surveillance team on 2 February at Toddington Service Station. (It has been suggested that MI5 withheld surveillance pictures from the Committee during our original inquiry into 7/7. This is not the case. The Committee was told about these photographs but did not ask to see them since they simply showed the nature of the contact between KHYAM and UDMs C, D and E – something the Committee had already been told about in formal evidence.)

273. The main focus of the Committee’s previous investigation relating to photographs was to determine which photographs had been, or should have been, shown to detainees. We were told that one of the MI5 surveillance photographs (of UDM E) had been circulated to foreign intelligence services and foreign detaining authorities but had not been shown to the detainee who, after 7/7, identified Mohammed Siddique KHAN as “IBRAHIM”. We were shown this photograph:



Mohammed Siddique KHAN (UDM E)

274. We concluded that it was a “missed opportunity” that this photograph had not been shown to the detainee (since he identified a press photograph of Mohammed Siddique KHAN as “IBRAHIM” after 7/7). However, we also said that the photograph was of “very poor quality” and therefore there was no guarantee that had the detainee been shown it he would have been able to identify Mohammed Siddique KHAN from it.

275. On 27 March 2007, after our initial report but before this investigation, MI5 told us that they had just been informed that in fact the Metropolitan Police Service had, at the time unknown to MI5, provided a set of photographs including UDMs D and E (TANWEER and Siddique KHAN) taken during Operation CREVICE, and these photographs (black and white copies of the colour originals) were shown to the detainee on 12 August 2004. These included fairly good-quality, medium-distance, group photographs, some of which included UDMs D and E – some of these are shown below (the annotations show the detainee’s comments when asked to identify the people in the picture):

COULD BE  
NADEEM ASHRAF  
A.K.A. NADZ

USMAN

(1)



SHUJA

MIGHT BE  
MASHUP  
USMAN'S  
COUSIN



USMAN OTHERS DON'T KNOW





●  
●  
UNSURE

OTHERS CANNOT  
TELL IN THIS  
PHOTOGRAPH

USMAN



●  
●  
CAN NOT TELL FROM THIS PHOTOGRAPH



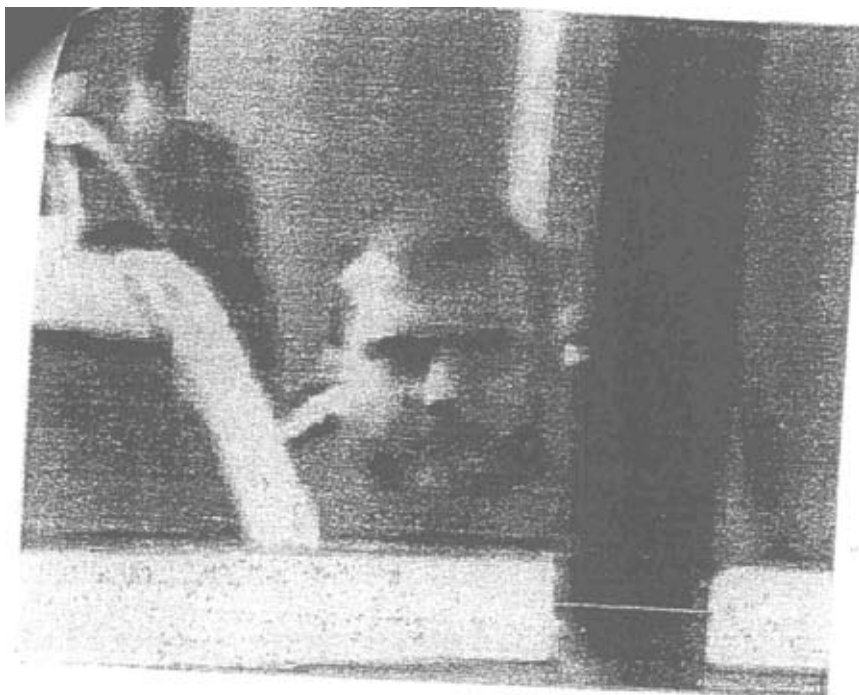
USMAN

DON'T KNOW THESE OTHER GUYS



UNSURE

SHUJA



276. These annotated photographs were returned to MI5, although there is no record of MI5 having taken any specific action as a result of the detainee's comments. We found it surprising that MI5 did not believe they had received these photographs at the time of our original inquiry.<sup>83</sup> However the key point, in terms of this Review, is that the detainee did not identify UDM D (TANWEER) or UDM E (Mohammed Siddique KHAN) – \*\*\*

277. The fact that the detainee had been shown photographs of Mohammed Siddique KHAN means that it was not a “missed opportunity”, as we stated in our original Report. Nevertheless, the key point is that even with fairly good-quality photographs of both men, the detainee did not identify either man. Mohammed Siddique KHAN was only identified by the detainee, after 7/7, from a clear photograph.

278. In addition to the above set of photographs (\*\*\*), a poor-quality picture of TANWEER taken by MI5 during CREVICE surveillance was also shown to the detainee (on 6 April 2004), \*\*\*. TANWEER was not identified. This picture is shown below:



Shazad TANWEER (UDM D)

279. It is not clear why UDM D and E (TANWEER and Mohammed Siddique KHAN) were not recognised from the photographs (whilst some of the photographs were of poor quality, others were of fairly good quality).<sup>84</sup> It is possible that UDMs D and E had changed their appearance between training in Pakistan and when they were seen during CREVICE.<sup>85</sup> It is also possible of course that some individuals deliberately chose not to identify them.

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<sup>83</sup> We believe that this reflects poorly on MI5's record keeping – see paragraph 283.

<sup>84</sup> We have, as part of this Review, examined the surveillance photographs that MI5 took during Operation CREVICE (72 packs in total). Of these there were two packs that included photographs of UDMs C, D and E, which were taken at Toddington Service Station on 2 February. These included the original photograph that was shown to \*\*\* and that we saw a copy of during our initial inquiry.

<sup>85</sup> There is also no indication that TANWEER was at the camp with “IBRAHIM” (Mohammed Siddique KHAN) and “ZUBAIR” (Mohammed SHAKIL).

*Photographs shown to police and MI5 sources in 2001*



280. This photograph was taken from CCTV footage from a surveillance operation of an “outward bound” expedition in January 2001 attended by 40 individuals. The police and MI5 showed pictures of the attendees to their sources and were able to identify nine of the people who had attended. The man in this image, along with 30 other individuals, was not identified at the time.

281. It was only several weeks after 7/7, when Mohammed Siddique KHAN was already known to have been one of the bombers, that a West Yorkshire Police Officer was looking through their files of old operations and recognised that this was Mohammed Siddique KHAN.

*Identification of photographs*

282. \*\*\*

\*\*\*. Comparing photographs and recognising suspects is very resource-intensive, and there generally has to be some intelligence or reason to suggest that it might be worthwhile reviewing or comparing pictures or showing them to detainees, sources, agents or overseas partners.

*Record keeping*

283. The matter of which photographs were shown to detainees has now been resolved to the Committee’s satisfaction. Whilst it does not alter the facts of the case, the confusion in MI5’s evidence has concerned the Committee. As we stated earlier, it was only after the Committee’s original Report had been published that we were informed that the detainee

had, in fact, been shown photographs of UDM E (Mohammed Siddique KHAN) via the police \*\*\*. In addition, it was as late as June 2008 before we were provided with the correct copy of the photograph of TANWEER which had been shown to the detainee and other source (over the previous two years, on two occasions, we were provided – accidentally – with the wrong photograph, for which MI5 apologised as soon as they realised the error). These examples, in our view, reinforce our earlier comments<sup>86</sup> that some aspects of MI5's record keeping are not as good as they should be.

### ***The results: convictions of terrorists***

284. During the course of its inquiry the Committee requested from the Home Office and the Crown Prosecution Service details of those convicted for terrorism offences between March 2004 and the present date. This was to see the results of the operations MI5 and the police have been running.

285. We were told, however, that the figures do not exist in this form. All that could be provided were statistics on arrests between 11 September 2001 and 31 March 2007 (produced via the National Co-ordinator for Terrorist Investigations<sup>87</sup> and published on the Home Office website) and detailed convictions data starting from 2007.

286. We were also told that the Home Office and Crown Prosecution Service now recognise the importance of this information and are currently working with the Attorney General's Office and the National Co-ordinator for Terrorist Investigations to improve the quality of data on arrest, charge and conviction under terrorist legislation, and those convicted under other legislation but following a terrorist investigation. Once work on this is complete (by autumn 2008) a detailed statistical bulletin covering terrorist-related arrests, charges and convictions will be published.

287. The Committee is surprised that this work could not have been completed in time to feed into this inquiry as it would have been helpful to have had the information and also to be able to publish it. However, what is far more concerning is that these details were not immediately to hand.

288. The Government's counter-terrorism strategy is wide-ranging and absorbs a great deal of resources (£2.5 billion) and the hard work of a great many people, not least in the Agencies. CONTEST – as the strategy is known – has been criticised heavily in the past for lack of co-ordination, leadership and forward planning. One of the key criticisms the Prime Minister's Delivery Unit made of the strategy in 2005 was that “*real world impact*” was not measured – this lack of data on convictions for terrorist offences is a key case in point.

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<sup>86</sup> See page 47.

<sup>87</sup> Deputy Assistant Commissioner John McDowall in the Metropolitan Police Service.



289. The Committee is both disappointed and concerned that such a simple, yet essential, piece of the evidence base – the successful conviction of terrorists – was not only unused, but was not even available. This is basic information that should have been being analysed to assess how well aspects of the strategy were working and what changes needed to be made – particularly in terms of legislation.

290. The lack of data is also unfortunate because it serves to obscure the success, on the part of MI5, the police and the prosecuting authorities, which has been achieved. We note, however, that this work is now being taken forward and hope that it will be used in the future.

291. The Home Office have provided a conviction table for the last two years and this is reproduced below:

Found Guilty	Pleaded Guilty	Total	Details
1	6	7	<p>23 April 2007 – (1) Mohammed Naveed BHATTI pleaded guilty to Conspiracy to Cause Explosions (Sec 3 Explosive Substances Act 1883).</p> <p>25 April 2007 – (2) Junaid FEROZE, (3) Zia UL HAQ, (4) Abdul JALIL, (5) Omar REHMAN all pleaded guilty to Conspiracy to Cause Explosions.</p> <p>2 May 2007 – (6) Nadeem TARMOHAMED pleaded guilty to Conspiracy to Cause Explosions.</p> <p>13 June 2007 – (7) Qaiser SHAFFI found guilty of Conspiracy to Murder.</p> <p>15 June 2007 – Sentences handed down as follows:</p> <ul style="list-style-type: none"> <li>• 1) Mohammed Naveed BHATTI – 20 yrs</li> <li>• 2) Junaid FEROZE – 22 yrs</li> <li>• 3) Zia UL HAQ – 18 yrs</li> <li>• 4) Abdul JALIL – 26 yrs</li> <li>• 5) Omar REHMAN – 15 yrs</li> <li>• 6) Nadeem TARMOHAMED – 20 yrs</li> <li>• 7) Qaiser SHAAFFI – 15 yrs</li> </ul> <p>(To NOTE: Dhiren BAROT pleaded guilty in 2006, therefore he is not included on this table.)</p>
5	0	5	<p>On 30 April 2007, the jury delivered their verdicts. They found 2 people not guilty and the following 5 guilty:</p> <p><u>Omar KHYAM</u> – Sentenced to life, minimum term of 20 yrs  Found guilty of:</p> <ul style="list-style-type: none"> <li>• Conspiracy to Cause Explosions (Sec 3 Explosive Substances Act)</li> <li>• 2 counts under Sec 57 The Terrorism Act (TACT) 2000</li> </ul> <p><u>Anthony GARCIA</u> – Sentenced to life, minimum term of 20 yrs (reduced to 17½ on appeal)  Found guilty of:</p> <ul style="list-style-type: none"> <li>• Conspiracy to Cause Explosions (Sec 3 Explosive Substances Act)</li> <li>• 1 count under Sec 57 TACT 2000</li> </ul> <p><u>Jawad AKBAR</u> – Sentenced to life, minimum term of 17½ yrs  Found guilty of:</p> <ul style="list-style-type: none"> <li>• Conspiracy to Cause Explosions (Sec 3 Explosive Substances Act)</li> </ul> <p><u>Waheed MAHMOUD</u> – Sentenced to life, minimum term of 20 yrs  Found guilty of:</p> <ul style="list-style-type: none"> <li>• Conspiracy to Cause Explosions (Sec 3 Explosive Substances Act)</li> </ul> <p><u>Salahuddin AMIN</u> – Sentenced to life, minimum term of 17½ yrs (reduced to 16¾ on appeal)  Found guilty of:</p> <ul style="list-style-type: none"> <li>• Conspiracy to Cause Explosions (Sec 3 Explosive Substances Act)</li> </ul>

Found Guilty	Pleaded Guilty	Total	Details
0	3	3	On 4 July 2007, TSOULI, MUGHAL and AL-DAOUR pleaded guilty to Inciting Terrorism Overseas, namely murder (under Sec 59 TACT 2000). The other charges will lie on their files. These were the first convictions under this section and also the first conviction for using the internet for terrorist purposes. On 18 December 2007 the Court of Appeal increased their sentences as follows: TSOULI from 10 yrs to 16 yrs/MUGHAL from 7½ yrs to 12 yrs/AL-DAOUR from 6½ yrs to 10 yrs.
1	1	2	5 July 2007 – Omar ALTIMIMI found guilty of 8 counts, as follows: <ul style="list-style-type: none"> <li>• 6 counts of Possession of Article for Terrorist Purposes (Sec 57 TACT 2000)</li> <li>• Acquiring Criminal Property (Sec 32(1))</li> <li>• Dishonestly Retaining Wrongful Credit (Sec 24(a) Theft Act)</li> </ul> Yusuf Mohammed ABDULLAH pleaded guilty on 4 June 2007 to 2 counts as follows: <ul style="list-style-type: none"> <li>• Obtaining Property by Deception (Proceeds of Crime Act 2002)</li> <li>• Acquisition</li> </ul> On 6 July 2007, Yusuf ABDULLAH was sentenced to 3 yrs and Omar ALTIMIMI was sentenced to 9 yrs' imprisonment.
0	3	3	On 11 June 2007, 3 individuals (KAMOKA, BOUROUAG, ABUSALAMA) pleaded guilty to Sec 17 TACT 2000 (Entering Into or Becoming Concerned in an Arrangement as a Result of Which Money or Other Property is Made Available or is to be Made Available for the Purposes of Terrorism). Sentences: KAMOKA – 3 yrs 9 mths/BOUROUAG – 22 mths/ABUSALAMA – 22 mths.
4	2	6	On 9 July 2007, the following were found guilty: <ul style="list-style-type: none"> <li>Muktar IBRAHIM – guilty of Conspiracy to Murder</li> <li>Yassin OMAR – guilty of Conspiracy to Murder</li> <li>Ramzi MOHAMMED – guilty of Conspiracy to Murder</li> <li>Hussein OSMAN – guilty of Conspiracy to Murder</li> </ul> On 11 July 2007, all 4 above sentenced at Woolwich Crown Court to life sentences to receive a minimum of 40 yrs. <p>The jury failed to reach a verdict on Adel YAHYA and ASIEDU and the CPS decided on a retrial. On 5 November 2007, YAHYA pleaded guilty to Sec 57 TACT 2000 (Possession of Information for Terrorist Purposes). He was sentenced on the same day to 6 yrs 9 mths. On 9 November 2007, ASIEDU pleaded guilty to Conspiracy to Cause Explosions. He was sentenced on 20 November 2007 to 33 yrs.</p>
1	0	1	13 July 2007 – NASSARI found guilty of 1 count of Sec 58 TACT (Possessing a Document of a Kind Useful to a Terrorist). A second individual was found not guilty of failing to disclose information about terrorism. <p>17 July 2007 – NASSARI sentenced to 3½ yrs.</p>
0	1	1	On 17 July 2007 AL FAQIH pleaded guilty Sec 58 TACT 2000. On 17 July 2007, he was sentenced to 4 yrs. He has been remanded in custody for 16 mths awaiting trial. It is not clear how this may affect his sentence. He will spend at least 12 mths in custody.
1	0	1	17 September 2007 – Mohammed Atif SIDDIQUE found guilty of all counts as charged: <ul style="list-style-type: none"> <li>• 1 count of Sec 57(1) TACT 2000 (Possession for Terrorist Purposes)</li> <li>• 1 count of Sec 58(1) TACT 2000 (Collection of Information)</li> <li>• 1 count of Sec 54(1) TACT 2000 (Weapons Training)</li> <li>• 1 count of Breach of the Peace</li> <li>• 1 count of Sec 2 TACT 2006 (Dissemination of Terrorist Publications)</li> </ul> 23 October 2007 – SIDDIQUE sentenced to 8 yrs' imprisonment.
1	0	1	26 September 2007 – The jury reached a verdict in the trial of Abdul Muneem PATEL. They acquitted PATEL on 1 count of Sec 57 TACT 2000 (Possessing an Article for Terrorist Purposes) and found him guilty on 1 count of Sec 58 TACT 2000 (Collecting Information for Terrorist Purposes). <p>26 October 2007 – PATEL sentenced to 6 mths in a Young Offenders Institute.</p>



Found Guilty	Pleaded Guilty	Total	Details
1	2	3	On 2 November 2007, Hassan MUTEGOMBWA found guilty of Sec 15 TACT 2000 and sentenced on the same date to 10 yrs. On 10 September 2007, Atilla AHMET pleaded guilty to 3 counts of soliciting murder. On 13 November 2007, Mustafa ABDULLAH pleaded guilty to Sec 58 TACT 2000 (Collection). He was sentenced to 2 yrs but released immediately due to time already served.
0	1	1	On 2 November 2007, DITTA pleaded guilty to 2 charges of Sec 58(1) TACT 2000 (Possession of a Record). On 17 December 2007, DITTA was sentenced to 4 yrs.
0	1	1	21 November 2007 – Abdul REHMAN pleaded guilty to: Possession of Terrorist Material (Sec 57 TACT 2000); Circulating Terrorist Material (Sec 2 TACT 2006); and Aiding and Abetting a Person on a Control Order Under the Prevention of Terrorism Act 2005. On 22 November he was sentenced to 6 yrs' imprisonment.
0	1	1	12 October 2007 – Steven Kerr ROBINSON pleaded guilty to two offences under Sec 113(1) Anti-Terrorism, Crime and Security (ATCS) Act 2001 (Use of Noxious Substances or Things to Cause Harm and Intimidate). He was sentenced on 25 January 2008 to 6 yrs. (Wayne COOK was found guilty in January 2008, therefore he is not included on this table.)
<b>2007 TOTALS</b>			
	<b>21</b>	TOTAL Pleading Guilty (2007)	
	<b>36</b>	TOTAL Convicted (2007)	
0	1	1	On 8 January 2008, Sohail Anjum QURESHI was sentenced on the same day to 4½ yrs' imprisonment after pleading guilty to Preparation of Terrorist Acts (Sec 5 TACT 2006) and to Possession for Terrorist Purposes (Sec 57 TACT 2000).
1	0	1	Wayne COOK found guilty on 17 January 2008 of two offences under ATCS. COOK and ROBINSON (ROBINSON pleaded guilty in 2007) were sentenced on 25 January 2008. Both were sentenced to 6 yrs' imprisonment on 25 January 2008.
8	1	9	<p>On 4 February 2008, 5 people found guilty and sentenced for assisting an offender/ withholding information. Sentences are:</p> <ul style="list-style-type: none"> <li>• Siraj ALI – 12 yrs</li> <li>• Ismail ABDURAHMAN – 10 yrs</li> <li>• Abdul SHARIF – 10 yrs</li> <li>• Wahbi MOHAMED – 17 yrs</li> <li>• Muhedin ALI – 7 yrs</li> </ul> <p>On 19 February 2008, Mohamed KABASHI (21/7 Trial 2) pleaded guilty to Assisting an Offender (Sec 4(1) Criminal Law Act (CLA) 1967) and Failing to Disclose Information about an Act of Terrorism (Sec 38(b)(1)(b) TACT 2000). He was sentenced to 9 yrs (sentenced on 12 June with three individuals below).</p> <p>On 11 June, 3 individuals found guilty (sentenced on 12 June) in 21/7 Trial 2, as follows:</p> <ul style="list-style-type: none"> <li>• Yeshiemebet GIRMA – found guilty of Assisting an Offender (Sec 4 CLA) and Failure to Disclose Information (Sec 38b TACT) – 15 yrs</li> <li>• Essayas GIRMA – found guilty of Assisting an Offender (Sec 38 TACT 2000) and Failure to Disclose Information – 10 yrs</li> <li>• Muluemebet GIRMA – found guilty of Failure to Disclose Information. Jury undecided on Assisting an Offender – 10 yrs</li> </ul> <p>2 individuals were found not guilty (Shadi Sami ABDELGADIR – found not guilty on all counts and; Omar Nagmeloin ALMAGBOUL – found not guilty on all counts).</p>

Found Guilty	Pleaded Guilty	Total	Details
1	4	5	<p>4 out of 6 defendants pleaded guilty – Parvaiz KHAN/Basiru GASSAMA/Mohammed IRFAN and Hamid EL ASMAR pleaded guilty in 2008. Guilty pleas as follows:</p> <ul style="list-style-type: none"> <li>• Parvaiz KHAN – 2 counts of Sec 5(1) TACT 2006 (Engaging in Conduct with Intention to Commit Acts of Terrorism) and 2 counts of Sec 58(1)(b) TACT 2000 (Possession of a Document). Sentenced to life to serve a minimum term of 14 yrs.</li> <li>• Mohammed IRFAN – 1 count of Sec 5(1) TACT 2006 and 1 count of Sec 58(1)(b) – remains on file. Sentenced to 4 yrs.</li> <li>• Basiru GASSAMA – Sec 38(b) TACT 2006 (Failure to Disclose Information). Sentenced to 2 yrs (served with intention to deport).</li> <li>• Hamid ELASMAR – 1 count of Sec 5(1) TACT 2006 and 1 count of Sec 58(1)(b) TACT 2000. Sentenced to 3 yrs 4 mths.</li> </ul> <p>On 15 February 2008, Zahoor IQBAL was found guilty of Sec 5(1) TACT 2006 (Engaging in Conduct with the Intention to Commit Acts of Terrorism). Sentenced to 7 yrs.</p> <p>On 15 February 2008, Amjad MAHMOOD was found not guilty.</p>
4	2	6	<p>On 20 February 2008, the jury found 4 out of 6 defendants guilty. 1 defendant was found not guilty and 1 (Atilla AHMET) pleaded guilty last year (AHMET was sentenced to 6 yrs 11 mths on 7 March 2008) and is therefore detailed on the 2007 table.</p> <ul style="list-style-type: none"> <li>• Mohammed HAMID – found guilty of 3 counts of Soliciting Murder (Sec 4 Offences Against the Person Act 1861) and 3 counts of Providing Training for Terrorism (Sec 6(1) TACT 2006). Sentenced to 7½ yrs.</li> <li>• DE COSTA – found guilty of 1 count of Providing Training for Terrorism (Sec 6(1) TACT 2006) and 2 counts of Attendance at a Place Used for Terrorist Training (Sec 8(1)&amp;(2) TACT 2006) and 1 count of Sec 58(1)(b) TACT 2000. Sentenced to 4 yrs 11 mths.</li> <li>• Kader AHMED – found guilty of 2 counts of Attendance at a Place Used for Terrorist Training (Sec 8(1)&amp;(2) TACT 2006). Sentenced to 3 yrs 8 mths.</li> <li>• Al FIGARI – found guilty of 2 counts of Attendance at a Place Used for Terrorist Training (Sec 8(1)&amp;(2) TACT 2006) and 2 counts of Sec 58(1)(b) TACT 2000. Sentenced to 4 yrs 2 mths.</li> </ul> <p>On 26 February 2008, Yassin MUTEGOMBWA and Mohammed KYRIACOU pleaded guilty at Woolwich Crown Court to Attendance at a Place Used for Terrorist Training. Both sentenced to 3 yrs 5 mths.</p>
0	1	1	<p>Khalid KALIQ pleaded guilty on 10 March to 1 count of Possession of an Article for Terrorist Purposes (Sec 58 TACT 2000). Sentenced to 16 mths' imprisonment on 11 March 2008.</p>
0	1	1	<p>On 14 March 2008, Mohammad BILAL pleaded guilty to Possessing a Terrorist Publication with a View to Selling or Distributing It (Sec 2(1) TACT 2006). He was sentenced to 3 yrs on 19 March 2008.</p>
0	1	1	<p>On 11 April 2008, Sabeel AHMED pleaded guilty to Failure to Disclose Information (Sec 38(a) TACT 2000). He was sentenced to 18 mths' imprisonment but due to time already served he was handed to immigration service for administrative removal to India.</p>

Found Guilty	Pleaded Guilty	Total	Details
6	0	6	<p>On 17 April 2008, 6 men were found guilty as follows. They were sentenced on 18 April 2008. There was a hung jury result for 2 other individuals.</p> <p><u>Abu IZZADEEN (Omar Trevor BROOKS)</u> – Total sentence: 4½ yrs  Found guilty of:  • Inciting Terrorism Overseas (Sec 59 (1)&amp;(2)(a) TACT 2000). Sentence: 4½ yrs  • Fundraising (Sec 15 TACT 2000). Sentence: 2½ yrs</p> <p><u>Simon KEELER</u> – Total sentence: 4½ yrs  Found guilty of:  • Inciting Terrorism Overseas (Sec 59(1)&amp;(2)(a) TACT 2000). Sentence: 4½ yrs  • Fundraising (Sec 15 TACT 2000). Sentence: 2½ yrs</p> <p><u>Ibrahim Abdullah HASSAN</u> – Total sentence: 2 yrs 9 mths  Found guilty of:  • Inciting Terrorism Overseas (Sec 59(1)&amp;(2)(a) TACT 2000)</p> <p><u>Shah Jalal HUSSAIN</u> – Total sentence: 2 yrs 3 mths  Found guilty of:  • Fundraising (Sec 15 TACT 2000). Sentence: 2 yrs  • Breach of Bail. Sentence: 3 mths</p> <p><u>Abdul SALEEM</u> – Total sentence: 3 yrs 9 mths  Found guilty of:  • Inciting Terrorism Overseas (Sec 59(1)&amp;(2)(a) TACT 2000)</p> <p><u>Abdul MUHID</u> – Total sentence: 2 yrs  Found guilty of:  • Fundraising (Sec 15 TACT 2000)</p>
1	0	1	<p>On 24 June 2008, Martin GILLEARD was found guilty of 1 count of Preparation of Terrorist Acts (Sec 5 TACT 2006) and 1 count of Possession or Collection of Information for Terrorist Purposes (Sec 57/58 TACT 2000). He was sentenced to 16 yrs.</p>
<b>2008 TOTALS</b>			
	11		TOTAL Pleading Guilty (2008)
		32	<b>TOTAL Convicted (2008)</b>

## *Glossary*

### *Abbreviations*

MI5	formally known as the Security Service
MI6	formally known as the Secret Intelligence Service (SIS)
UDM	unidentified male
MPS	Metropolitan Police Service

### *Codewords for operations*

292. The codewords assigned to the operations of the Armed Forces, the police and the intelligence and security Agencies are randomly generated by computer. This is to provide a degree of security for operations so that there is no way to know, for example, that CREVICE is related to the network we have described. Similarly, the Armed Forces deployment to Iraq was called Operation TELIC – again providing no clue as to what it was related to.

293. A similar random system is used to assign nicknames for individual targets. For example, during CREVICE, Omar KHYAM was called “ALL TOGETHER” and Anthony GARCIA (another of the bomb plotters) was known as “MARKET VALUE”.

### *Different spellings of Urdu names*

294. That the name Siddique has been spelt in various ways, e.g. Sadique and Siddeque, is a result of those who have heard the name, which in its original Urdu is written as **صديق**, transcribing it phonetically into the English alphabet. (A similar situation arises with Arabic names hence, for example, the many different English spellings of the name “Mohammed”.) At times there is no specific substitute in the English alphabet for letters in Urdu and this can also result in various spellings of the same name.

## *About the Intelligence and Security Committee*

Members:            *The Rt. Hon. Dr Kim Howells, MP (Chairman)*<sup>88</sup>  
                          *The Rt. Hon. Michael Ancram, QC, MP*  
                          *The Rt. Hon. Sir Menzies Campbell, CBE QC, MP*<sup>89</sup>  
                          *Mr Ben Chapman, MP*  
                          *The Rt. Hon. Lord Foulkes of Cumnock*  
                          *The Rt. Hon. George Howarth, MP*  
                          *The Rt. Hon. Michael Mates, MP*  
                          *Mr Richard Ottaway, MP*  
                          *Ms Dari Taylor, MP*

295. The Intelligence and Security Committee (ISC) was established by the Intelligence Services Act 1994 to examine the policy, administration and expenditure of the three UK intelligence and security Agencies: the Security Service (MI5), the Secret Intelligence Service (MI6) and the Government Communications Headquarters (GCHQ).

296. The Committee also looks at the work of the Joint Intelligence Committee (JIC) and the Intelligence and Security Secretariat (which includes the Assessments Staff in the Cabinet Office), and the Defence Intelligence Staff (DIS) in the Ministry of Defence.

297. The Prime Minister appoints the ISC members after considering nominations from Parliament and consulting with the leaders of the two main opposition parties. The Committee reports directly to the Prime Minister and is required by the Intelligence Services Act to produce an Annual Report on the expenditure, policy and administration of the Agencies, which the Prime Minister is required to lay before Parliament. The Committee can also produce other reports on specific topics. Sometimes we are asked to look into a matter, but most of the time we set our own agenda. We determine how and when we conduct and conclude our programme of work – this gives the Committee the freedom to pursue every avenue of inquiry to its satisfaction. Often this means that the Committee's inquiries are very detailed or wide-ranging.

298. The Members of the Committee are notified under the Official Secrets Act 1989 and are given access to highly classified material in carrying out their duties. The Committee holds evidence sessions with Government Ministers and senior officials (for example, the head of MI5). It also considers written evidence from the intelligence and security Agencies and relevant Government departments. This evidence may be drawn from operational records, source reporting, and other sensitive intelligence (including original records when relevant), or it may be memoranda specifically written. The Committee often revisits issues over the course of an inquiry, requesting further information or greater detail, until it is completely satisfied.

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<sup>88</sup> *The Rt. Hon. Paul Murphy, MP was Chairman of the ISC until 24 January 2008. The Rt. Hon. Margaret M. Beckett, MP was Chairman of the ISC from 29 January to 3 October 2008. The Rt. Hon. Dr Kim Howells, MP was appointed Chairman on 21 October 2008.*

<sup>89</sup> *From 4 December 2008. The Rt. Hon. Sir Alan Beith, MP stood down as a Member of the Committee on 28 October 2008.*

299. The Prime Minister publishes the Committee's reports – the public versions have sensitive material (that would damage national security) blanked out. The Committee agrees what material will be blanked out with the Government, and to date no material has been blanked out without our consent.



Intelligence and Security  
Committee

**Could 7/7 Have Been Prevented?**

Review of the Intelligence on the London  
Terrorist Attacks on 7 July 2005

**ANNEX D: UPDATE**

Chairman:  
The Rt. Hon. Dr Kim Howells, MP

### ***Why was publication of the Review delayed?***

300. The Committee sent its *Review of the Intelligence on the London Terrorist Attacks on 7 July 2005* to the Prime Minister on 8 July 2008, after a 13-month investigation. Publication of the Review (which is a matter for the Prime Minister) was delayed, however, due to reporting restrictions imposed during the trial of three people alleged to have conspired with the 7/7 bombers. We refer to this trial at paragraph 112 of the Review.

301. On 1 August 2008, the jury in this case was dismissed after it failed to reach a verdict. Shortly afterwards, the Crown Prosecution Service was granted permission for the three men to be retried. The judge imposed the same reporting restrictions as those in place for the first trial and, again, this meant that our Report could not be published. The retrial, which began in January 2009, concluded on 28 April 2009, and this means it is now possible to publish the Report.

#### **The THESEUS trial**

Between April and July 2008, Shipon ULLAH (also known as Waheed ALI), Sadeer SALEEM and Mohammed SHAKIL stood trial for allegedly conspiring with the 7/7 bombers – specifically, it was alleged that these men conspired in the identification and reconnaissance of potential terrorist targets in London.

Shipon ULLAH was known to the police and MI5 as unidentified male C (UDM C) and was seen with other unidentified males (later found to be Mohammed Siddique KHAN and Shazad TANWEER) meeting the CREVICE plotters in 2004.

Mohammed SHAKIL was discovered, in late July 2005, to be the man known as “ZUBAIR” who had attended terrorist training camps in Pakistan with “IBRAHIM” (Mohammed Siddique KHAN) in 2003.

Sadeer SALEEM is not thought to have featured in the CREVICE fertiliser bomb plot.

The jury failed to reach a verdict in the original case and the Crown Prosecution Service sought a retrial, which was granted by the Court and which took place between January and April 2009. On 28 April, the jury delivered its verdicts:

- Shipon ULLAH (also known as Waheed ALI and, during CREVICE, as UDM C) was found not guilty of conspiring to cause explosions, but guilty of plotting to attend a terrorist training camp;
- Mohammed SHAKIL (also known as “ZUBAIR”) was found not guilty of conspiring to cause explosions, but guilty of plotting to attend a terrorist training camp; and
- Sadeer SALEEM was found not guilty of conspiring to cause explosions.



### ***Why is this new section necessary?***

302. We state in the Review that police and MI5 investigations into the terrorist attacks of 7 July 2005 are still continuing, and that new leads and new information are being discovered all the time, even though it is now more than three and a half years since those devastating attacks. In the Review we say:

*“It has been a painstaking process – the story, at times, has not been clear and it has taken a great deal of work to uncover the chain of events described in this Review. This has not been due to any attempt by MI5, or the police, or others, to withhold information from the Committee. All those we spoke to fully understood the importance of this Review and the need to provide the Committee with all the relevant facts. However, as we have delved deeper, we have uncovered new information that even the organisations involved had not connected together.”* (Paragraph 210)

303. The Head of MI5 explained to the Committee how they have continued to discover new information as their investigations have progressed:

*“It is also very clear that we have come across a number of extra pieces of the jigsaw as we have continued to dig into our records, and as others have done as they dug into their records.”* (Footnote 68)

304. The Review was therefore a complete and thorough investigation of, and report on, the facts as they were known at the time. However, since the Review was sent to the Prime Minister, in July 2008, there have been further developments. Whilst these do not alter the central theme of the Review – of the links between the CREVICE fertiliser-bomb plotters and the 7/7 bombers – or our overall conclusions, we believed that it was nevertheless important to ensure that the Review was brought up to date. This Update – which provides further details on these developments – was sent to the Prime Minister on 6 May 2009.

305. There are two updates:

- (i) Annex B to the Review is entitled “*Other allegations*” and includes answers to a number of important questions and allegations which are not covered in the main section of the Review (since they do not directly relate to the connections between the 7/7 bombers and the CREVICE conspirators). Amongst these is the question of whether there may have been a fifth bomber or mastermind involved in the 7/7 attacks (see paragraphs 253 to 256 of the Review). Since the Review was sent to the Prime Minister, the Committee has been provided with additional information which, whilst it does not answer this question, is nevertheless connected and therefore we have included it in paragraphs 306 to 312 below, for the sake of completeness.
- (ii) We have also been provided with further information relevant to our investigation of photographs shown to detainees (see paragraphs 272 to 283 of the Review). New information has emerged which may help explain why the detainee did not identify Mohammed Siddique KHAN when he was shown photographs of Unidentified Male E (UDM E) – this is covered in paragraphs 313 to 318 below.

### ***Was there a fifth bomber or mastermind involved in 7/7?***

306. In our Review we covered the allegation that there may have been a fifth bomber, or mastermind, involved in the 7 July 2005 bombings, who left the country before the attacks. It was also alleged that such a person (named in media reports as Haroon Rashid ASWAT) was protected from prosecution and allowed to leave the country. We concluded (paragraph 256) that there was no evidence to substantiate these allegations.

307. In late 2008, MI5 and MI6 wrote to the Committee to inform us that, in the light of recent analysis of intelligence received between the 7/7 attacks and \*\*\*, they assessed that another individual (not ASWAT) may have had some involvement in the attacks of 7 July 2005. \*\*\*. We have previously explained in the Review that such fragmentary intelligence cannot provide the complete picture and cannot be completely verified. There is (at this stage at least) no evidential link.

308. \*\*\*.  
\*\*\*.  
\*\*\*.

309. \*\*\*.

310. The UK Agencies (MI5, MI6 and GCHQ) have provided us with a joint assessment of this individual's involvement with \*\*\*, and his contacts with \*\*\* extremist groups. It suggests that he may have acted as a \*\*\*, and specifically that:

(i) \*\*\*.

(ii) \*\*\*.

(iii) There is a strong possibility that the individual was involved in \*\*\* and \*\*\* for Mohammed Siddique KHAN and Shazad TANWEER, was \*\*\*  
\*\*\*.

311. In terms of this last point, there is no intelligence to show that the individual was directly involved in the 7 July attacks, and uncertainty remains as to the nature and extent of the individual's role, but based on this assessment he could be considered a "facilitator".

312. Despite this development – which we have included here for completeness – there remains no specific confirmed intelligence that there was a fifth bomber or a "mastermind" directly involved in the attacks of 7 July 2005. The Agencies do however assess (i.e. they do not know for certain, but judge it is likely) that the bombers were directed in some way by elements of Al-Qaida based overseas.

### ***Photographs taken during CREVICE***

313. In the Committee's original inquiry into the 7 July attacks (published in May 2006), the Committee concluded that it was a "missed opportunity" that photographs from CREVICE had not been shown to the detainee who, after 7/7, identified the man known as unidentified male E (UDM E) as Mohammed Siddique KHAN.

314. However, in this Review we described how new information had come to light which showed that, in fact, the Metropolitan Police Service had arranged for photographs taken during CREVICE to be shown to the detainee. We concluded that the fact that the detainee had been shown photographs of UDMs D and E meant that it was not a “missed opportunity”, as we stated in our original Report. Nevertheless, the key point is that even with fairly good quality photographs, the detainee did not identify either man (paragraphs 272 to 279). We said that it was possible that UDMs D and E had changed their appearance between training in Pakistan and when they were photographed during CREVICE, but that it was also possible that the detainee deliberately chose not to identify them.

315. In July 2008, the Metropolitan Police Service provided us with a photograph of Mohammed Siddique KHAN taken by the Pakistani immigration authorities as he arrived in Pakistan on 25 July 2003. (Photographs of all foreign nationals arriving in Pakistan are recorded by the authorities as a matter of routine.)

316. This photograph had been obtained by the police, in August 2005, as part of their investigation into the 7/7 attacks. It was an exhibit in the THESEUS trial referred to in paragraphs 300 and 301 above, and was provided to the Committee as a result of a trawl of documentation from that trial.

317. This photograph shows Mohammed Siddique KHAN as the detainee would have seen him when they travelled in Pakistan:



318. Comparing this to the photographs taken during CREVICE, it shows some superficial differences in Mohammed Siddique KHAN’s appearance – he appeared thinner and did not have a beard on his arrival in Pakistan in 2003. This, however, does not change the facts as related in paragraphs 272 to 279 of the main report.



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