

IN THE CROWN COURT AT TEESSIDE

Before:

HIS HONOUR JUDGE STROYAN: Q.C.

Held at the Law Courts,
Victoria Square,
Middlesbrough.

TUESDAY 24TH MARCH 1981

(Evidence of Mr. Hawkey,
Mr. Osborne and Mr. Sims)

R E G I N A

- v -

J. A. SYMONDS

MR. RIVLIN Q.C. assisted by MR. RADCLIFFE appeared as counsel for the Crown
MR. SYMONDS represented himself

(Transcript of the shorthand notes of Mrs. L. Pearce of Messrs. Humphreys,
Barnett & Co., Official Shorthand Writers, 19 Queen Victoria Street,
Leeds.)

A

Tuesday 24th March 1981

B

I N D E X

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1	Evidence of Mr. Hawkey (cross-examination ctd.)
40	" " " (re-examined)
49	Evidence of David Osborne (in chief)
53	" " " (cross-examined)
61	" " " (re-examined)
62	Evidence of Colin Russell Sims (cross-examination)
64	" " " (re-examination)

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TUESDAY 24TH MARCH 1981

Continuation of the evidence of Mr. Hawkey (cross-examination by Mr. Symonds)

MR. SYMONDS:

A Q. Mr. Hawkey, if you remember yesterday I was asking you about your attitude to this whole case. I think you said that you were not at all happy about being involved in this business. Is that correct? -

A. That is true, yes.

Q. And that you tried to withdraw yourself in some way. - A. Sorry?

Q. You tried to withdraw yourself in some way just to do your basic job. -

A. Yes.

B HIS HONOUR JUDGE STROYAN: We have had this once, we need not have it again.

MR. SYMONDS:

Q. Now you know that Miss Millard is being called as a defence witness, do you? - A. I believe she is, yes.

C Q. So the situation was that there were five of you involved on this: the criminal Mr. Perry, who obviously had something to gain from the successful observation, and that is that the police officers who were chasing him would be put out of action, two newspaper reporters who were obviously looking for a story to write, because that is their job after all, but as far as you and Miss Millard were concerned, you were just employees of Location Sound Facilities who had been sent to do a job, which was to supply equipment and fit it up and work it. Is that correct? -
D A. That is correct.

Q. So therefore you and Miss Millard had nothing to gain from this other than your normal weeks pay or months pay at the end of the month. -
A. That is correct, yes.

E Q. Now we have had evidence of the reporters urging Mr. Perry to make numerous phone calls to numerous police officers, and I believe we did mention the names of some other police officers that you heard and recall from those days of telephoning. - A. Yes.

Q. And would it be right to say that the only telephone tapes which are left in existence are those which could be called successful, i.e. a contact was made? - A. That is right.

F Q. One tape between Perry and myself, one tape between Perry and Harris and so on. - A. Correct.

Q. Now about the other tapes, they were considered of no use, were they, because no contact had been made and these tapes were, is it right to say, eventually cleaned off? - A. That is correct.

G Q. Now further to that, further to the reporters asking Mr. Perry to make these phone calls, did Mr. Perry ever seem reluctant to make any phone calls at the urgings of the reporters? - A. No he did not, no.

H Q. He did not. And continuing it from that, were you present on one occasion when Mr. Perry suggested offering or paying a fairly large sum of money to a police officer on the one occasion, and did you hear the reporters advise him that it would be better for him to pay on the instalment plan because this would facilitate making more tape recordings? -
A. I do not remember the exact words, but you have got the essence of it, yes.

Q. So the reporters were not only urging Mr. Perry to make telephone calls and contact police officers, but they were also advising him to pay small sums of money in order to facilitate further tape recordings.

HIS HONOUR JUDGE STROYAN: He did not say that at all.

MR. SYMONDS: What did he say then Your Honour?

HIS HONOUR JUDGE STROYAN: The jury have heard it. Yes.

MR. SYMONDS: Well would you put me right and the jury right?

HIS HONOUR JUDGE STROYAN: Carry on.

MR. SYMONDS:

Q. Well then I suggest that what I actually said was right, and furthermore were you present when the reporters were advising Mr. Perry on how he should behave in certain circumstances, what words he should say, for example, that he was encouraged to wait for the police officers to ask for the money; he was encouraged to speak clearly and to make it quite clear on the tape recordings what was happening about the handing over of money etc. Do you recall that? - A. Yes I do.

Q. And you recall that photographers were present and do you recall Mr. Perry being advised to hand over money in a certain way, with the notes fanned out so the photographers could take the photograph? - A. No, I did not hear that actual conversation.

Q. Now in the first instance, as you said you did not really know the full scope of the investigation and where it was likely to lead to and such, but later on it became clear to you from listening to the tape recordings what was happening, and did you find that you were being asked, together with Miss Millard, to take a more and more active participation in these observations? By this I mean towards the later end of the inquiry were you asked in fact to go with Miss Millard, may I say to the front line, that you and Miss Millard should go close to the police cars with your mobile outfit while the reporters stayed some way away out of sight? - A. In actual fact I would not say we tried to get closer. The circumstances were that when the cars came in with a particular person in it they happened to drive up beside us or a few yards away, which made contact that much nearer.

Q. And the fact that you were now so reluctant to be a part of this observation, the fact that you now find yourself right in the very front of it, did this disturb you in any way? - A. Yes, it wasn't a very pleasant feeling, yes.

Q. You became nervous about the whole thing? - A. Yes we did.

Q. And did Miss Millard become nervous?

HIS HONOUR JUDGE STROYAN: He cannot answer that.

MR. SYMONDS:

Q. Did Millard complain to you?

HIS HONOUR JUDGE STROYAN: Cannot answer that.

MR. SYMONDS:

Q. Was there a conversation one day at the Times when you and Miss Millard ...

HIS HONOUR JUDGE STROYAN: Cannot answer that either. You can ask Miss Millard these questions.

MR. SYMONDS:

A Q. Was there a conversation one day at the Times when you, together with another person, expressed your dissatisfaction to the reporters about being involved any longer in this inquiry? - A. Yes, I believe we did have some words because we were getting fairly worried, yes.

Q. And did you then go to see your boss Mr. Hales and tell him about your fears? - A. Yes we did, I believe we did.

B Q. And did Mr. Hales advise you to see a solicitor and was it his solicitor he advised you to see? - A. He did.

HIS HONOUR JUDGE STROYAN: This is all wholly inadmissible, members of the jury. I am not stopping it. You appreciate why, in fact, evidence of what other people say on other occasions is not evidence in the case. Yes, go on.

C MR. SYMONDS:

Q. Mr. Hawkey, you did not give evidence during the committal proceedings at Wells Street where I was committed for trial. Do you recall that? -

A. I do not, no.

Q. You did not give evidence, and in fact at one stage your name was submitted to us as a potential defence witness. Did you receive a letter from my Solicitors asking to interview you in respect of defence matters?

D HIS HONOUR JUDGE STROYAN: No, no, no, no, this wont do.

MR. SYMONDS:

Q. And some months later did it come to your knowledge that an allegation had been made by Miss Millard in respect of certain matters?

E HIS HONOUR JUDGE STROYAN: No. You can ask Miss Millard. You cannot ask him.

MR. SYMONDS:

Q. And were you yourself interviewed by police some months later in respect of certain matters arising out of this investigation and in respect of an unmentionable lady who made an unmentionable allegation and did you in fact make a statement supporting her allegation?

F HIS HONOUR JUDGE STROYAN: No. Ask him what he said if you want.

MR. SYMONDS:

Q. Did you make a statement which tended to show in fact that according to your recollection the reporters must have given false evidence in another case? - A. Have I written a statement?

G HIS HONOUR JUDGE STROYAN: This really wont do. You have heard what I said about this already.

MR. SYMONDS: What, about the fact ...

HIS HONOUR JUDGE STROYAN: About suggestions other people have been accused of giving false evidence in other cases just wont do.

H MR. SYMONDS: I think the jury will be very interested to hear about this.

HIS HONOUR JUDGE STROYAN: No, no, sorry.

MR. SYMONDS: And I think that Mr. Rivlin did stand up and very fairly say that this was a fair point to make at the time, if you recall that, it should be on the court record somewhere, and that he agreed that I was entitled to make ...

A

HIS HONOUR JUDGE STROYAN: What is the question you want to ask?

MR. SYMONDS: The question I am trying to get round to is the fact that after they finished this inquiry and after reporters have given evidence in another case, Miss Millard felt driven to go and make an allegation that they had given false evidence and Mr. Hawkey, with great courage I might say, agreed and supported her statement to that effect, and I think that is very important and that the jury should know about this.

B

HIS HONOUR JUDGE STROYAN: You have said it now. Yes, next point.

MR. SYMONDS:

Q. Mr. Hawkey, who is Miss Dors? - A. I have no idea

Q. You mentioned a Miss Dors in your evidence.

C

HIS HONOUR JUDGE STROYAN: Some of us may have heard it in a different context.

MR. SYMONDS:

Q. Taking your mind back to the very first meeting on the 28th, there were two sound engineers present, and I understand that one was not Miss Millard. Can you recall who the second sound engineer was? - A. It was not a sound engineer, it was a boom operator.

D

Q. Who was present at the meeting outside the Rose? - A. I believe he brought some equipment down.

Q. Would that be Mr. Stephenson? - A. Possibly.

Q. Because we have heard evidence that there were present at the Rose on that occasion, was the reporters, photographer and two sound engineers, so to your recollection the other one was Mr. Stephenson? - A. You gave me a name, I assume there was another boom operator who brought some equipment down from Location Sound. I cannot remember his name, but the name Stephens was one of the boom operators.

E

Q. Were there many boom operators to your acquaintance at that time in Location Sound? - A. Yes, about six.

F

Q. So it could have been someone else. You see the point is this, that searching through my records yesterday, if you recall I tried to make a point and prosecuting counsel jumped up and I was told it was a false point etc, etc. I searched through my records and I did find a record whereby one of the reporters says that on the 28th, after the meeting and the cars were gone, went to look for Ken who switched off recording machine, yes, and they played the tape back on the Uher.

G

HIS HONOUR JUDGE STROYAN: No, I am afraid this wont do.

MR. SYMONDS: This is, if you remember my Lord, there was a big fuss about this yesterday, about the Uher.

HIS HONOUR JUDGE STROYAN: Yes, we have heard that.

H

MR. SYMONDS: And here we have evidence of the fact that the tape was played back on the Uher.

MR. SYMONDS:

Q. Mr. Hawkey, continuing from that, would you say that a Uher will only play a 5 inch tape? It will not play a 7 inch tape, is that true? -

A. That is true.

A

Q. Would you look now please at exhibit 2. Is that exhibit 2? -

A. Yes it is.

Q. Now is that a 5 inch tape? - A. It is.

Q. And would that fit on a Uher? - A. It would.

B

Q. Now as a professional sound engineer with two machines at your disposal, one a Nagra and one a Uher, and with either a number of tapes in your possession or with an unlimited supply of tapes of all shapes and sizes a phone call away, yes? - A. Yes.

Q. Would it not be normal to you to fit, say, a 7 inch tape onto a Nagra machine?

C

HIS HONOUR JUDGE STROYAN: You are going back to this point which we dealt with exhaustively yesterday.

MR. SYMONDS: Yes, because this point has come up my Lord, which I sat up until 3 o'clock in the morning looking through these papers, as I have to do everything myself.

D

MR. RIVLIN: Your Honour if the defendant will show me his record where Mr. Lloyd - just a moment please, if the defendant will show me his record that he claims to have where Mr. Lloyd said this, then I shall agree it and save a lot of time and trouble, if he is prepared to show it to me.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Right.

E

MR. SYMONDS: Well having words put into my mouth again, but I am getting quite used to that in this case Your Honour. I said a reporter. Will you show that please to him? I did not say Mr. Lloyd, and it is just another trick, now water off a duck's back as far as I am concerned because I am going to speak up for myself. I said a reporter and I know I said a reporter.

F

MR. RIVLIN: Would you just allow me a moment?

HIS HONOUR JUDGE STROYAN: Yes of course.

MR. RIVLIN: Thank you, and I shall be only too happy to agree this passage, a short passage in the statement of Julian Mounter. It is this one here Your Honour, it is the copy of his notes of pocket book.

G

HIS HONOUR JUDGE STROYAN: Yes, I have got it.

MR. RIVLIN: Would you like me to read it?

MR. SYMONDS: Yes, surely.

MR. RIVLIN: He is talking about the Rose.

H

HIS HONOUR JUDGE STROYAN: Which page?

A MR. RIVLIN: This is the first page, bottom of the page. This is Mr. Mounter, he is talking about the Rose. "Walked past car, the two were talking and Symonds did not look at me. Stood behind corner of Rose, when looked round corner saw cars were gone. Went to look for Ken who switched off recording machine. Played it on the Uher and heard only snatches, but enough to make me think that there could be substance in Perry's allegations." So it is Ken switching off the recording machine and then the tape being played on the Uher, and I am quite content, if it helps the defendant, for him to draw that to the jury's attention that that was said by Mr. Mounter in his original notes.

B HIS HONOUR JUDGE STROYAN: Yes, well that deals with that. Thank you. Next point now please.

C MR. SYMONDS: Well, make the jury feel absolutely sure, would you let me continue the question I half put to Mr. Hawkey which will finish, and that is, Mr. Hawkey, I was putting to you the fact that if you had a Nagra machine and a Uher machine in action during this exercise and you did have sufficient tapes or you did have access to tapes, you could make a telephone call, that means that you could have either 7 inch tapes or 5 inch tapes as you desired, and if you did set up the Nagra in the boot of Mr. Perry's car connected to the direct microphone on this occasion, would you under normal circumstances fit a 7 inch tape onto the Nagra?

MR. HAWKEY: Would I normally?

D MR. SYMONDS:

Q. Yes. - A. Yes, I would do.

Q. Because it is a 7 inch machine, is that right, takes a 7 inch spool? -
A. I am not saying I did, but it would be the normal thing to do.

E Q. Because you had no idea how long the conversation was going to last, for one thing, might have gone on for an hour, and in this way by having a 7 inch spool and 7 inch Nagra machine it would record the conversation at a suitable length of time, and therefore we could assume from that, could we, that the tape on the Nagra in the boot of Perry's car was a 7 inch and we must agree that the tape on the Uher was a 5 inch because it doesn't take a 7 inch tape? - A. Are you asking me if I agree with you?

F Q. Yes, I am asking you if you found a way to fit the 7 inch tape on the 5 inch Nagra machine. - A. No, there is no way you can do that.

MR. RIVLIN: Your Honour he has not agreed that it was a 7 inch tape.

HIS HONOUR JUDGE STROYAN: No.

MR. SYMONDS: Pardon?

G HIS HONOUR JUDGE STROYAN: No, never mind. Go on.

MR. SYMONDS:

Q. Is this a Uher machine present here in the court at the moment in this black case? Can you see it? - A. Myself?

Q. Yes. - A. It looks like one.

H MR. SYMONDS: I wonder if this machine could be opened for the benefit of this witness, just to have a look at it and see if it is a Uher.

MR. SYMONDS:

Q. Is that machine similar or identical or perhaps a later model to the Uher machine you were using during these days? - A. It is an earlier model, but basically the same machine.

A Q. Now is there any way in which you could fit a 7 inch tape onto that machine? - A. No.

Q. Thank you. So therefore it would have been a 5 inch tape? - A. It would have been a 5 inch tape.

B Q. Thank you, that is the point I was trying to make. Thank you very much. Now we have heard that the Uher can use the half track function. That means it can play the one tape twice, two tracks. Does a Nagra have a half track function? - A. No, it is a full track.

Q. It is a full track. So when you use a Nagra you can only record the full track all the way along. - A. That is correct.

Q. Cannot record the top half then the bottom half. - A. No.

C Q. Now if you made two tape recordings on a Uher, the first on the top half and the second on the bottom half, could you later copy, for example, the second, the bottom half onto a Nagra, from the Uher to the Nagra, in which case the copy would be a full track Nagra recording, a full track recording off the Nagra? - A. You could do that, yes.

D Q. You could do that. But you couldn't do it the other way round, is that right? You couldn't copy from a Nagra to a Uher to copy a full track to a half track, could you? - A. Oh yes you could.

Q. You could do it either way, it doesn't matter.

MR. RIVLIN: Your Honour whilst we are having this pause, may I say this, and I hope the defendant can hear me. We have in fact spent hours discussing the 28th and the two recordings on the 28th.

E HIS HONOUR JUDGE STROYAN: Yes.

F MR. RIVLIN: The jury knows that the first is a telephone conversation and the second one in the afternoon is the broken up recording where one can hear snatches. If it is the defendant's case that either of those is fabricated, would he please put it to somebody so that at least we all know where we stand with his suggestions, because we are having interminable questions about whether it is a one machine or another machine or a half track or a full track, and may I say that we do not agree with what he says, but the fact is that there has to be a point to all of this. So that the jury can understand what the point is, if he is saying that either of these recordings is fixed, to put it crudely, could he please make it clear so that we all know what he is suggesting.

G HIS HONOUR JUDGE STROYAN: I think he should. No doubt it would help the jury to know that. Mr. Symonds, is it your suggestion that either of these conversations are fixed or rigged or anything of that sort? Is that your case?

H MR. SYMONDS: Well if no-one understands what I am trying to get at now, I am astonished, that is all I can say, and I believe prosecuting counsel knows full well what I am trying to get at. I am sure at least he knows what I am trying to get at and he is trying to do everything he can to try and thwart me and turn me aside. I intend to get to the bottom of this.

HIS HONOUR JUDGE STROYAN: I am asking you a straight and I hope quite simple question. Yesterday I asked you is the suggestion that this conversation never took place at all. I asked you that in relation to the telephone conversation, and you said no. From that I assumed that you were accepting that the conversation did take place. Is that right?

MR. SYMONDS: Your Honour following on from that ...

HIS HONOUR JUDGE STROYAN: Well is it right?

MR. SYMONDS: What are you saying?

HIS HONOUR JUDGE STROYAN: Are you accepting or denying that either of these conversations took place? Very difficult for the jury to follow.

MR. SYMONDS: Let me say this very very slowly and very clearly and hope that everyone will understand so there is no more misunderstandings, muddles, yes. The whole point that I am trying to work up to with these questions is to do with the alleged original recordings and how they came into existence, and it all hinges on this business that in the first place there were only 14 recordings and there are now 15. Now how could this extra recording have come about, because we have heard evidence from Mr. Lloyd, supported by his pocket book, that originally tape 1 and 2 could well have been on the one tape, the one 5 inch Uher, the top track and bottom track recorded, and that is on the top track telephone calls in the morning and on the bottom track the meeting in the afternoon. We have also heard evidence from Mr. Mounter, under considerable instructions and difficulties, but Mr. Mounter's evidence is supported by the statement that he made to Mr. Lambert and Sergeant Hadrill on the night of the 28th November when he handed over 14 copy tapes, and the first copy tape he handed over was described as being recorded on both sides, one side being a telephone conversation and the other side the meeting on the 28th. Right. They also handed over evidence to show that 14 quarter inch tapes had been copied, statements made, and their own statements, and so therefore the position is there should only be 14 tapes. But we now have 15 and it now seems that in some way the original tape 1, the original 5 inch Uher which was used in the morning to record the telephone conversation and in the afternoon to record the meeting outside the Rose, it would seem that the original tape was recorded on both tracks. Now in some way, and I suggest to Your Honour it becomes obvious from Mr. Lloyd's notebook, in some way this double recording was split up into 2 tapes, and by looking at exhibit 10, page 30, top paragraph, anyone can see in half a line exactly how this happened, because the original tape 1, according to Mr. Lloyd's records, was recorded on both sides and this was recorded onto two copies, and he has written down there as plain as anything, "both sides recorded, copied onto two tapes". To make sure that no-one jumps up and accuses me of misquoting false points, I will read it out word for word what Mr. Lloyd said, and that is the case in a nutshell really, of what I am trying to get to. But I am up against enormous opposition, and I don't blame the prosecution, it is his job and he is doing it extremely competently, but I am determined to bring this point out and I will not be stopped by any threats of being imprisoned for contempt, of later facing huge fines or having 10 minute or 15 minute limits put on me about how long I can question.

HIS HONOUR JUDGE STROYAN: Just listen to me for a second. Are you prepared to answer the question, because I think the jury might like to know the answer, whether you are suggesting that these tape recordings about which you are asking all these questions are rigged or not.

MR. SYMONDS: Yes. They are rigged.

HIS HONOUR JUDGE STROYAN: They are rigged.

MR. SYMONDS: They are rigged. Tapes 1 and 2 produced as originals are not the originals, they are copies. I hope to call experts who might ...

A HIS HONOUR JUDGE STROYAN: Just listen for a moment. What may be a very important consideration to the jury is whether in fact those conversations ever took place. That may be the consideration which is of great importance at the end of the day. Are you suggesting that the conversations recorded in these tapes never took place?

B MR. SYMONDS: I am suggesting that the conversations have been interfered with and I am also suggesting to the jury that the reason why certain original tapes are not present before this court is because the only way you can interfere with tape, the main and most useful and most common method of editing is to cut it with a pair of scissors at an angle of 45 degrees then cut it down here, throw that bit away, bring the two ends together and stick them with a bit of sellotape. Now that tape has had surgery and anybody can look at that tape and see this tape has been edited because this bit is stuck together with sellotape. Now, what to do now. Well what you do then to hide the fact that you have edited the tape is you copy it onto another tape which does not show obvious signs of surgery where bits have been cut out, yes, and then you produce the copy tape and say this was the original, this was the original, yes, and that is why it is very important whether or not from the jury's point of view that they should know whether these are the true original tapes or whether they are copy tapes. Now I hope to prove through experts later on during my defence that some of those tapes are copy tapes and they are copy tapes because the originals cannot be produced because they have been edited and it will stick out a mile, like a sore thumb. That is what it is all about.

D Now I want to know where those two tapes came from which are now before the court as exhibit 1 and exhibit 2, because the whole point that I am trying to make, and I have been trying to make, but I know I am not all that bright and that and I am not a barrister, but I am doing my best, is the whole point I am trying to make is where is tape 1 which was originally recorded on track 1 and 2? Why isn't it before the court now? Why have two copies been put before the court in this case, and why, when there are 14 original tapes, why is there now 15 tapes before the court? And if you look at Lloyd's notebook you can see, exhibit 10 page 30, right, "both sides recorded on tape 1 and copied onto brand new tapes."

E HIS HONOUR JUDGE STROYAN: That is enough, I think that is enough of this speech. We have all heard the point, more than once. Yes, any more questions?

MR. SYMONDS: A lot more questions, Your Honour, a lot.

Q. Now, Mr. Hawkey, you heard all that lot. You understand now quite clearly I hope what I am trying to get at about the original tape 1? -

A. To be honest I am completely baffled, completely baffled.

F HIS HONOUR JUDGE STROYAN: Well never mind, Mr. Hawkey. Just ask one or two questions and let us get on.

MR. SYMONDS:

Q. Mr. Hawkey could it have been, to finish off this subject, could it have been on the 28th you recorded the telephone conversations in the morning on the top track of the Uher and at the afternoon you recorded the meeting at the Rose on the bottom track? - A. If you look at the schedule, if that is what I said that is correct. It is 12 years ago, I cannot actually remember it.

Q. Now when you made the schedule was it made some time later? -

A. Well I believe we had this question on Friday and I said it was made at the time of the statement I believe.

A

Q. And when you made your statement and schedule, did you make some mistakes? Did you have to alter them later? - A. Not as far as I remember. They were dictated to an officer.

HIS HONOUR JUDGE STROYAN: We have had all this.

MR. SYMONDS:

B

Q. When you made the schedule did you have a tape recorder in front of you to refer to? - A. Tape recorder?

Q. Yes, were you asked "And when was this tape made?" - A. No.

Q. You made it all out of your memory? - A. And notes.

Q. And the notes we have seen, which are before the court.

C

HIS HONOUR JUDGE STROYAN: Yes, well we have had this point more than once. Let us go onto the next point.

MR. SYMONDS: I think I would like to exhibit these notes Your Honour.

HIS HONOUR JUDGE STROYAN: Well you can't.

D

MR. SYMONDS: So the jury can - pardon?

HIS HONOUR JUDGE STROYAN: I said you can't.

MR. SYMONDS: Can't exhibit them?

HIS HONOUR JUDGE STROYAN: Unless Mr. Rivlin is prepared to agree them.

MR. RIVLIN: Yes, which notes would the defendant ...

E

HIS HONOUR JUDGE STROYAN: I am not quite sure.

MR. SYMONDS: Hawkey's four or five sheets of paper on which he recorded equipment use etc.

MR. RIVLIN: I have no objection.

F

HIS HONOUR JUDGE STROYAN: Very well.

MR. SYMONDS: Well this will be exhibit 46.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

G

Q. Now Mr. Hawkey, was there a Union at Location Sound Facilities? -
A. Two.

Q. Two Unions. Were you a member of either of them? - A. I was not.

Q. And is it a fact that the only reason you came on this job in the first place was because you were a non-Union member, in fact the only one? - A. Would you repeat that.

H

Q. The only reason you came on this job was because you were a non-Union member, right? -

A. No reason was given. Anybody could have actually done the job. It had nothing to do with me belonging or not belonging to a Union.

Q. But this is not exactly anything to do with the cinematograph trade or making television films or operating booms, etc. This is a sort of private bugging job. - A. Yes, but anybody else in the firm, or somebody else in the company ...

Q. Could it have been that Union people would not have gone on this? - A. Not at all, if the money was there they would do it.

Q. The fact is you were the only non-Union member and you were chosen for this job.

MR. RIVLIN: Your Honour I do sometimes ...

MR. SYMONDS: Mr. Hales, it is possible to come along later and back that up, if it saves prosecuting counsel, if he wants any support on it.

MR. RIVLIN: Your Honour I wonder if the defendant realises that we are only objecting to about one in a hundred inadmissible questions, and perhaps the jury do not appreciate that that is the case, but if he is going to ask questions in this trial, which has already taken some time, and is going to take longer, about union matters, it is just a pure waste of time in our submission, pure waste of time.

HIS HONOUR JUDGE STROYAN: Union matters cannot have the faintest thing to do with this so let us get onto something clearer.

MR. SYMONDS:

Q. Yesterday I was asking you about tape 3 if you recall, 3(a) and 3(b). If you recall I was asking you why you set up tape 3(b) just before the meeting with half of one track left on it. I think you could not offer an explanation for that, could you? - A. No, I said it was an accident didn't I.

Q. An accident. - A. You mean the overlap?

Q. The overlap and the fact that this particular tape was used. - A. Inconvenience I said was the word.

Q. Inconvenience, but if you wanted to get hold of a new 5 inch tape, could you have done so quite easily? - A. By phoning up and getting somebody down with one, I should imagine.

Q. Did you have any new spare 5 inch tapes with you that day? - A. I wouldn't remember.

Q. But you may have done, may you, and you may have just decided to save tape space or whatever, just to use up the tape. Would that be so? - A. Well waste not want not.

Q. Waste not want not. And you also set up another tape on another recorder which I think you described that was a brand new tape. Is that right? - A. That is correct.

Q. Do you recall taking it out of its box and tearing the sellophane wrapping off and all this procedure? - A. Well that is how all tapes come and obviously to take a tape out you would have to do that.

Q. Yes, and when that recording session was finished did you see the reporters mark the tape and take it away. Would you look at tape 5 please, exhibit 3? - A. Yes.

A

Q. Do you see writing on there? - A. I do.

Q. And does that writing show you that that was in fact the other tape recording made on that day? - A. Yes.

Q. Now would you look at the reel on that tape, at the white leader, and do you see a batch number on there? - A. No I don't.

B

Q. Now is that unusual in any way in your experience? - A. Not really, I don't look for batch numbers to be honest, but most tapes do have them and it is generally on the leaders, so I will say yes, I suppose it is unusual.

C

Q. And so there is no point really in looking at the number on the box, because if there is no number on the tape there is nothing to compare against. - A. The only thing is the end of the leader tape is broken, so it could be that that part did have a batch number on.

Q. I see. Is the batch number only on the white leader or is it sometimes on the red trailer as well? - A. I wouldn't know to be honest, but I am sure if you undone a reel you would find out.

Q. Is that unusual, the white leader being broken? - A. No, not at all.

D

Q. I see. You see on the back end of that tape there is a recording, another recording which is from another meeting on I believe another day, or it might have been, I am not sure on that, but it is another meeting, and this is agreed between the experts, it is agreed in fact that that tape is not a continuous tape recording and that the first part of that tape is in fact made over the top of another recording. How would you explain that could have happened, in view of your evidence that it was a brand new tape and all the rest of it? - A. Well the only explanation I can give to that is that - what date was this tape made?

E

Q. 31st. - A. 31st. That this particular tape was on and only had a very snatch of a conversation, and for some reason, unknown reason it was used twice.

F

Q. You see I am going to suggest to you another reason how that could have happened, how that bit could have got on the end, right. I am going to suggest to you that when that original tape was given to you, as was the procedure we have heard, when they gave you back tapes with just a snatch on or nothing on, that you took them back to your office and you handed them in so they were cleared up stockwise, yes, and you handed them in, left them for someone to polish them off, clean them, put them in a bulk eraser is it called? - A. Bulk eraser, yes.

G

Q. And I would suggest to you that this wasn't cleaned or perhaps wasn't done. I am going to suggest to you that when the brand new fresh original tape which you fitted on that machine on that morning was eventually copied, yes, instead of being copied onto a brand new tape, it somehow became copied onto that one, right? - A. That is your way of thinking; I disagree with you.

H

Q. That is what I am suggesting to you. This could have happened, could it not? - A. No, I don't think so.

Q. And that I further suggest that the reason that the original brand new fresh virgin tape was copied was because it had been edited. -

A. For what reason? For what reason?

Q. To cut something out, something that the reporters did not want. -

A. For what reason?

Q. To cut something out the reporters did not want. - A. I am afraid I disagree.

Q. And that therefore not being able to retain the mutilated tape, stuck together with sellotape and what not, it was necessary to copy. I am going to suggest that unfortunately for the person who copied it, instead of copying it onto a brand new tape (and there would have been a good chance of getting away with it), it was unfortunately copied onto a tape which had not been properly cleaned off in the bulk erase machine as it should have done, and in this way we have remnants of another meeting tacked on the end and in this way it is quite obvious to everybody that the tape - and I am not saying that you did not use a brand new tape, please understand that, I am not saying you did not use a brand new tape on every occasion; I wasn't there, you are a professional man, this is the normal procedure. Not saying that at all, Mr. Hawkey. I am saying that someone edited that tape at some time and to hide their edits they made a copy of it onto another tape, yes, and unfortunately for them, instead of picking up a brand new tape on which to make the copy onto, they picked up one which had not been properly cleaned, someone had not put it in the bulk erase machine, and in this way we have this conversation from another time and place added onto the end, and in this way I am going to suggest to this court that they can see that this tape is not the true original because the true original was, as you have said, a virgin, factory fresh tape taken out of its protective wrapping and all the rest of it and it cannot be the true original.

HIS HONOUR JUDGE STROYAN: Mr. Symonds that is quite a long speech you have made and it is quite wrong to put it as a discussion. Would you please stop making speeches and carry on with questions.

MR. RIVLIN: Might we hear what Mr. Hawkey has to say?

MR. SYMONDS: Yes, it was a question.

HIS HONOUR JUDGE STROYAN: Have you any observations after that?

MR. HAWKEY: None at all.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. Before I leave the 31st, I will suggest to you that 3(b) is also a copy, because it makes no sense to anybody that you would set off on an observation of a criminal meeting a policeman and you would set up a tape with a, well I don't know how long, but not many minutes to run on the back end of a tape which is already three-quarters used, the top track used for telephone calls, half the bottom track used for recording somebody else. I am going to suggest to you the reason why this conversation now appears on that part of that tape is because it was copied onto it. Turning now to the ...

HIS HONOUR JUDGE STROYAN: Can you possibly answer that question?

MR. HAWKEY: No my Lord, no.

MR. SYMONDS: Pardon, Your Honour?

HIS HONOUR JUDGE STROYAN: Yes, he says he cannot possibly answer that question. I am not surprised. Yes, go on, you were going on I think to the next incident.

A

MR. SYMONDS: Yes.

Q. Yes, so the next thing that happened in this case was the copying, was it not, on the 11th? - A. After the meeting, yes.

Q. Two meetings, 28th, 31st, then the copying on the 11th, then the meeting on the 21st, is that right? - A. That is correct.

B

Q. Now do you recall, I think you have said you recall the occasion of the copying, the day that some tapes were brought to you to be copied? - A. That is correct.

Q. Do you recall who came to your factory on that day? - A. There was one of the reporters and I believe a young lady.

C

Q. Can you remember who the young lady was? - A. On one instance it was an Australian lady.

Q. And on the other? - A. I know the reporter had somebody else with him but who it was I couldn't remember.

D

Q. We imagine from that that it was the lady with him was, would you imagine that she was also an employee of the Times? - A. I got that impression, yes.

Q. Not a personal friend? - A. No, a secretary from the Times.

Q. When you made these recordings, I understand you had some assistance, is that right, to make them, some of your assistants from the factory? - A. I did, I had one assistant come in and help me set the machines up, yes.

E

Q. Can you remember his name? - A. Offhand, no.

Q. Clark or Watson ring a bell? - A. The names seem familiar, but I would not like to put a name to it.

F

Q. Now when you made these copies, did you make them all together with many machines going all connected up, or did you make them independently. By that I mean did you first copy one tape from one machine to the other? - A. No, we had ...

Q. Several machines going. - A. Several machines going.

G

Q. And is that the reason why you used, according to your notes, I think you called it a multi mains, which you drew from the, a mains multi, is that something to do with the connecting up? - A. Yes, that is an extension lead with a four socket assembly on it so that you can plug four machines in.

Q. Thinking carefully about the 11th, what was the procedure exactly. Were you given, do you draw all your tapes from the stores, do you? - A. Yes, new batch of tapes from the stores.

H

Q. And so did you take your recorded tape and put it down somewhere or open the box? - A. Yes. Well the tapes are handed to us from the reporters and we put the box down on the side and put the original onto

the machine and then there was a connecting lead between that machine and another machine where we put a new tape on and that tape was then transferred to the other one.

Q. Yes. Now the new tape was in a box as well which was opened, yes? -
A. That is correct.

Q. So you had two opened boxes containing two tape recordings? -
A. Yes. You had say on the left for instance, you have got the original tape with the writing on the box and on the spool, and on the right hand side you have got a new tape.

Q. And when you looked at these boxes and spools, I think you said all the writing is on the back of the box or the front of the box. Did you ever see any writing on the inside of the box? - A. I believe I have done, I am not sure.

Q. I do not want to go through all the boxes, Your Honour, but I do not think there is any writing on the insides of any of the boxes. The point I am trying to make is this, that when Mr. Hawkey opened the box up, yes.

HIS HONOUR JUDGE STROYAN: Can you do it by way of asking him a question.

MR. SYMONDS:

Q. Mr. Hawkey when you opened the boxes up, if there was no writing on the inside of the box, yes, when the two tapes were on the two machines you would have two boxes lying there opened, two empty boxes. -
A. One by each machine.

Q. One by each machine. And you had a number of machines going. -
A. I believe, I am not exactly sure of the number, I think it was four or six, I am not sure.

Q. Four or six machines going, so in that case you would have four or six empty boxes opened up waiting to receive back either the original tape or the copy tape. - A. That is correct.

Q. And would you say that it is quite impossible, absolutely impossible for someone, either you, your assistant, the reporter or his lady secretary or whatever, to have put say the copy tape into the wrong box or the original tape into the wrong box using that system? -
A. I say it is very unlikely because we were watched over by the reporters and his secretary. She actually came along as a witness I believe.

Q. You said it is very unlikely, but would you say it is quite impossible? - A. Well nothing is impossible.

Q. Nothing is impossible. Because you see, Mr. Hawkey, throughout this case so far we have had a lot of evidence of the wrong tape being in the wrong box you see, and I hope to adduce evidence from an expert, and I think you said yourself, or someone has said that normally each tape has its own box because there is a number on the tape and there is a number on the box.

HIS HONOUR JUDGE STROYAN: We have had this countless times. Can you say what the next point is. Put it to the witness in the form of a question. There is no good repeating evidence we have all heard dozens of times already.

MR. SYMONDS: But unfortunately you see, when this evidence was heard dozens of times before already, unfortunately ...

HIS HONOUR JUDGE STROYAN: Just ask the next question.

MR. SYMONDS: Unfortunately this witness was not in court Your Honour, so he never had the chance to hear it.

A HIS HONOUR JUDGE STROYAN: Just ask the next question. You can ask him what he did or suggest what he did.

MR. SYMONDS: Well would you like me to go through all the evidence of what tapes are in the wrong boxes etc., or is it alright for me to say there is evidence and there has been evidence before the court that the wrong tapes are in the wrong boxes?

B HIS HONOUR JUDGE STROYAN: The jury have heard that.

MR. SYMONDS: Because I have a list here of all the tapes that were in the wrong boxes.

HIS HONOUR JUDGE STROYAN: The jury have heard the evidence. There is no good going through it again. You can make a speech at the end.

C MR. SYMONDS:
Q. I must ask you again Mr. Hawkey, will you accept that a number of the tapes ended up in the wrong boxes? - A. The copy tapes?

D Q. Originals, copies. - A. I do not agree that the originals ended up in the wrong boxes but I could see there was a possibility that the copy tapes that were taken out of the box were not put back into their original ones, because there would be no markings on them and the only way you could distinguish that is by the batch number.

Q. Yes. - A. But there was no reason at that time, it did not make any difference whether you put it in a different box or not as there was no writing on the boxes at the time.

E Q. Yes. Because you see some of these tapes do not have 'master' written on them, still, and for instance I can show you one box now which is patently obviously holds the wrong tape, if you would like to look at it to be convinced that there is at least one example of the wrong tape in the wrong box. I could give you an example from all three of the series to look at.

F HIS HONOUR JUDGE STROYAN: Could you ask the next question. We have all heard the evidence once already. The jury have, I am sure; appreciated the point you are making and it may be they are tired of it being made over and over again.

MR. SYMONDS:

G Q. So agreeing or not, I am not quite sure, getting muddled now, I am not quite sure whether we agree or not or whether I am allowed to continue asking you or whether the jury have heard it too many times or what, but if we agree or if we do not agree that the wrong tapes are in the wrong boxes on several occasions, yes, would you say that this could have happened at the time of copying? - A. I do not agree that the master tapes or the originals ones got put back into the wrong box.

H Q. You do not agree. - A. I do not agree with that. I do agree that the copy tapes after they were made may not have gone back into their original box which would have no writing on it.

Q. Well would you look at tape number 7 please.

MR. RIVLIN: Exhibit 7 or tape 7?

MR. SYMONDS: Tape 7.

MR. RIVLIN: Tape 7 is nothing to do with this case.

MR. SYMONDS: Well prosecuting counsel did show one of the witnesses a whole load of copy tapes which had nothing to do with this case as well, so I would say one of the original tapes is a lot more to do with this case than all of the copy tapes Mr. Mounter looked at.

Now will you look at the number on the white leader of that tape, tape 7?

HIS HONOUR JUDGE STROYAN: Is this the point, the number on the tape is different from the number on the box?

MR. SYMONDS: Yes, because Mr. Hawkey said he could not accept that one of these original tapes could have got into the wrong box. I am showing him one.

Q. Now do you see the number written on the white leader of that original tape? - A. I do.

Q. Will you read it out please? - A. 35553.

Q. Very good. Now will you look at the batch number on the box please. What number do you see? - A. 35611.

Q. Now would you say that is the wrong tape in the wrong box? - A. Batch wise, yes.

HIS HONOUR JUDGE STROYAN:

Q. Can you say whether you were present when that particular copying was done? - A. I was present when all the copies were made.

HIS HONOUR JUDGE STROYAN: Yes, go on.

MR. SYMONDS:

Q. So now we have established to your satisfaction, I hope, that we have, there is one and I could show you others, but one tape is in the wrong box. Now could this have happened at the time of copying? - A. No I don't think so.

Q. Now when you copied these tapes on November 11th, did you copy them onto brand new tapes? - A. We did, yes.

Q. And did the brand new tapes come in brand new boxes? - A. They did.

Q. Brought from your stores? - A. Yes, they did.

Q. Spanking brand new, absolutely fresh, virgin, yes? - A. Yes.

Q. And in that case will you please look at copy tape 1, exhibit 44. Now will you first look at the number on the tape, on the white leader. - A. Would you like me to read the number?

Q. Yes please. - A. 35323.

Q. And now will you look at the number on the box. - A. There isn't one.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. And will you look carefully at the box and see what writing you see upon it? - A. Yes, it is one we had on Friday I believe, or yesterday. Would you like me to read it?

A Q. Yes. - A. "Copy phone call, October 28th, 3³/₄ to Symonds."

Q. Yes. - A. In the left hand corner there is "A master?(inaudible)" and there is some writing in the middle which says "Symonds at the Grove, November" and then there is a date which looks like 21st, "mobile" and then ...

B Q. Now bearing in mind that when you copied these tapes you copied them onto brand new tapes which came out of brand new boxes, how do you account for that tape now being in that box which has words on it referring to another meeting, another time and place, which have been scrubbed out, including the word "master"? - A. No idea at all.

C Q. Now could it have been that during the copying some sort of mistake had been made and perhaps the wrong tape put in the wrong box? - A. No, I disagree with that, I do not think any mistakes were made at copying at all, if that answers your questions.

Q. Well obviously that box, if that was a brand new tape which was drawn from the stores on which to copy on tape 1 to, do you agree that that couldn't be the box? - A. Do I agree that ...?

D Q. That that couldn't be the box in which tape 1 originally came out of the stores in. - A. I wouldn't like to say.

Q. Drawn out of the stores on which to be copied. - A. I wouldn't like to say.

Q. Now when Mr. Lloyd came to you on the 11th with a number of tapes to be recorded, yes? - A. Yes.

E Q. Now you were keeping track all this time, weren't you, on what tapes were being used and kept by the reporters and what tapes they were giving back to you and you were then returning to your stores invoice wise etc., because it was your job. You were going in, taking tapes out of the stores, returning some, the reporters were keeping some. So would it be right to say that on the 11th November you had a fairly good idea of how many tapes had been used? - A. On the 11th November.

F Q. Up to that date. - A. Yes.

Q. Because you had supplied them and you were going to charge the Times for them eventually. So did you receive advance notice of this copying, were you told the previous day you were going to be asked to copy some tapes? - A. I believe we had pre-warning.

G Q. Pre-warning. So would you have gone to your stores and drawn a suitable number of tapes to copy the ones you knew to be in existence at the time the reporters come? - A. At the time the reporters come I would go to the stores, find out how many they wanted copying and draw the necessary tapes.

H Q. Now is it right to say that when the reporters brought these tapes to you on the 11th, you realised from your records and from your memory they had not brought all of them. They had not brought all of the tapes that had been used, and did you in fact point out to the reporters that there were a couple of tapes missing? -

A. No. The reporters brought some tapes in and asked me to copy them, which I did. I did not know how many tapes at that particular time they had in their possession, unless you go back in the record, but at that precise moment in time I did not know how many tapes they were going to bring in to be copied.

A

Q. But didn't you know how many tapes you had recorded and given to them to take away? - A. We did, and as I told you previously, if you look in the invoices of Location Sound Facilities you will see how many were charged for.

Q. Were you interviewed on the 24th January 1971 by Mr. Emmment? -
A. Possibly.

B

Q. And did you say to Mr. Emmment that when you did the transfer on the 11th you realised that there was a tape missing? - A. I would not have any idea whether I made a statement like that, not unless I could see it.

Q. Perhaps you could see this statement, the statement made on the 24th January 1971. If you look on the back page, page 3. See that bit, you read it? - A. Yes, I have not finished yet. Yes, I did make the statement.

C

Q. You did mention to the reporters that there was a tape missing? -
A. I did, yes.

Q. And they disagreed with you? - A. At first.

D

Q. They thought they had them all, and later on did they produce the tape to you? Did you find out that in fact it had fallen down behind a cabinet or something? - A. According to this, yes.

Q. And in fact you copied it later on the 25th, is that right? -
A. That is correct.

E

Q. And then was the next meeting or the next thing as far as you were concerned to do with me, did that take place on the 20th. Is that right? Did you go to a house in Beckenham on the 20th? Do you remember that, 76 Cromwell Road. - A. I remember going to Beckenham. On what date, I am not sure. Yes, I did go to a house in Beckenham.

Q. And while you were in Beckenham, when you went there did you take your telephone recording device with you? - A. I believe we did, yes.

F

Q. And were a number of calls made by Mr. Perry at the instigation of the reporters to a number of police officers? - A. I believe there were.

Q. Were any of these calls successful? - A. You would have to refer to the schedule, but I do not think so at the time.

G

HIS HONOUR JUDGE STROYAN: Do you mean were there recordings, or did they get what information they wanted?

MR. SYMONDS:

Q. Did they get through to the reporters and make a recording, by that I mean successful. - A. From memory I do not believe we made any recordings at that time.

H

Q. So therefore that tape or those tapes used that day would go through the normal channels and be sent back to be cleaned off. -

A. If it was not used, because if it had been in the pause position it would not have been used, that tape would have been kept aside because it had never been used. If you put a tape on a machine and it is in the no go mode, then you have not used the tape, because you can just monitor the calls through the monitoring system.

Q. So were you saying that when Mr. Perry made these calls, the telephone was connected up to the recording machine, you saying the telephone was connected up to the recording machine but the recording machine had a button on which you called a pause button? - A. Pause control, yes.

Q. Which was pressed down, right, and when Perry was getting through to the various police stations this button was kept down? - A. Yes.

Q. And because there was no contact made it was never lifted in fact. - A. That would be the procedure.

Q. But supposing he had got through, what would happen then? - A. Then we would have released the button and a recording would have been made.

Q. So then a recording would start off something like in the middle of a conversation, because if he had got through, say, to me, I would have been in fact speaking, talking about something or other, by the time you lifted the button up, by the time you identified me and lifted the button up. - A. No. If you phone a local police station and ask if Mr. Jones is in and the operator says "Yes, I will put you through", then you automatically know that Mr. Jones is going to be on the other end, 9 times out of 10, but if she turns round and says "No, Mr. Jones is not in", you leave the machine in, you know, no movement mode.

Q. And if the operator just put you through to the CID room, what would you do then?

HIS HONOUR JUDGE STROYAN:

Q. Well there were not any recordings on this day as far as you know? -

A. Not as far as I know.

HIS HONOUR JUDGE STROYAN: Need not bother about recordings that never happened.

MR. SYMONDS:

Q. Because, you see, the recording we have heard, it was considered very important that the preamble, shall we say, considered very important from the point of view evidence wise that there should be a recording of Perry making a call and in fact he was asked to speak to the operator to confirm that it was a police station and he was asked to mention the name of the officer, and if you listen to tape 1 exhibit 1 that is all there, but the system that you are offering up, you were using on that day, you would lose all this, I suggest valuable preamble and identification, and you would start off with an unknown voice halfway into a conversation which I suggest would be an unsatisfactory recording, bearing in mind what you were after. - A. Are you asking me to agree to that or not?

Q. I am asking you to agree that that does seem to be the more sensible way to do it and I am saying to you ...

HIS HONOUR JUDGE STROYAN: You can ask him what happened. Make your comments about it afterwards. He has said what happened, let us get on.

MR. SYMONDS: He said the machine was kept in the pause mode and the pause button would have been lifted from the pause only when contact was made.

HIS HONOUR JUDGE STROYAN: We have heard that Mr. Symonds, let us get on.

MR. SYMONDS:

Q. And are there any recordings in existence which start off in that fashion, where you come straight into the middle of a telephone conversation where contact has already been made and you decided to lift the pause button, to your knowledge? - A. To my knowledge no, there is not, because after that we did not make any telephone calls did we.

Q. Okay. - A. I think we gave up on the telephone situation.

Q. So on the 21st did you set up some equipment in order to observe a meeting between Mr. Perry and myself? - A. On the 21st.

Q. Yes. - .

HIS HONOUR JUDGE STROYAN: Of November.

MR. HAWKEY: Yes we did.

MR. SYMONDS:

Q. Can you recall the equipment you set up on that day? -

A. Three Nagra tape recorders with two radio mikes, that is transmitters and receivers, a mini mike, I think that might be referring to the small...

Q. Grundig.

HIS HONOUR JUDGE STROYAN: Yes, well we all know there is a Grundig and it is on Mr. Perry and it has got the Grundig recorder on Mr. Perry and we all know there were three Nagra recorders, two of which made suggestible recordings and one of which did not. Now what more ...

MR. SYMONDS: I beg your pardon Your Honour, that was a most uncalled for little interjection. You completely ruined my cross-examination. You did it deliberately. You knew what point I was going to come to there and you know what this man said on previous evidence.

HIS HONOUR JUDGE STROYAN: You have come to this point more than once already in this case.

MR. SYMONDS: Oh Tim, make a note of that, make it very carefully.

MR. RIVLIN: Your Honour might we have a short adjournment whilst the defendant collects himself.

HIS HONOUR JUDGE STROYAN: I think it would be a good idea. I shall rise for a moment.

(SHORT ADJOURNMENT)

MR. SYMONDS:

Q. Mr. Hawkey, you were talking about the events of the 21st November and I think you described setting up a number of machines, three Nagras and a Grundig. Is that right? - A. That is correct, yes.

Q. Is it right that Mr. Perry had on him a transmitting device? - A. He did, he did.

Q. And was this transmitting device connected up to transmit to two separate machines? - A. It was.

Q. Was there also a direct recorder to one of the Nagra's? - A. Yes, we had a microphone under the dashboard to the Nagra in the boot.

A

Q. And was one of the machines receiving from Mr. Perry's transmitter in the boot of his car? - A. Would you say that again.

Q. Was one of the Nagra's - were there two Nagra's in the boot of Mr. Perry's car, one direct and one receiving from a transmitter? -

A. I believe that is correct.

B

Q. And was the third Nagra which was receiving from the transmitter on Mr. Perry, was that in your car? - A. I believe it was, yes. Yes it was.

Q. And were you in that car with Miss Millard? - A. Yes.

Q. And were you present in the Grove car park when in fact the meeting took place? - A. I was.

C

Q. And were you in a position to hear through headphones - would it be headphones or would it be the loudspeaker on the machine? - A. Headphones.

Q. Were you in a position to hear through headphones the conversation that took place? - A. Yes.

Q. And then was Miss Millard also in a position to hear the conversation that took place? - A. Yes, because she was in the same car sitting beside me.

D

Q. And did she have headphones as well? - A. Well you can turn the phones round and have one each.

Q. She was sharing yours? - A. Sharing a headset.

Q. And then after the meeting when cars have driven off, yes? - A. Yes.

E

Q. Were you joined by one of the reporters in your car for the drive back to Beckenham? - A. I cannot remember, you would have to refer to statement for that correct answer.

Q. And in any event during the drive back to Beckenham did you play back the recording and listen to it, that had been made? - A. Well normally we play back the recordings within the vicinity of the actual meeting itself.

F

Q. Yes. I think Mr. Perry had driven off back to Beckenham by himself, is that right, on that day? - A. I believe on that day he did, yes.

Q. And so either sitting in your car after the meeting or during the time you were driving back to Beckenham you listened to this recording again. - A. Yes.

G

Q. Can you say what the quality of the recording was? - A. No I cannot from sheer memory, but if you refer to the statement or schedule I am sure that will give you some idea.

Q. Could you say whether it was good, bad or indifferent? -

A. I believe the one in my car - I am only going from memory now - I think it was broken up.

H

Q. Broken up. Now is it a fact that it was your idea, I believe, that before a meeting took place Mr. Perry should switch on his car radio? -

A. That is correct, yes.

Q. And I think you thought that from this method of switching on the car radio it could help you to establish the time, the time that the meeting took place? - A. The time and also if there were two machines they would be picking up the same signals and both recordings would be identical.

Q. Yes, and was it also your advice to Mr. Perry that after the meeting he should switch on the car radio again immediately after the meeting? - A. Yes.

Q. And your idea was that this would fix the ending of the time of the meeting? - A. That is correct.

Q. In this way you could say, well 20 minutes between this programme and that programme, something like that. - A. Well you could do.

Q. And do you recall whether Mr. Perry switched on his radio before or after the meeting on this day? - A. Well if we asked him to I am sure he would have done, and it would be on the tape.

Q. Now if Mr. Mounter, for example, had joined you in your car after the meeting to ride back to Beckenham with you, would he have followed his normal procedure in respect of that one tape that you had taken, i.e. signing it in some way on removing it from the spool and marking on the box in some way? - A. Yes.

Q. And would it be right to say that Mr. Mounter would only follow this sort of procedure if the recording had been successful in some way. For instance, casting your mind back to other unsuccessful occasions when the tape was blank because no-one had been in the car or because some machinery had failed, do you recall whether the reporters were in the habit of signing the boxes and the spools on those occasions? - A. If there was absolutely no relevance on that tape they wouldn't sign it, but if there was some conversation the tape was handed to them and they signed the actual tape and put it in a box with the necessary information on it.

Q. So it would follow then that - in fact we have heard evidence that Mr. Mounter joined you and came back with you to Beckenham in your car, that Mr. Lloyd in fact went back with Mr. Graham. So it would follow then in this instance in respect of this tape recording Mr. Mounter would have signed the spool and the box? - A. If there were snatches of conversation on it, yes.

HIS HONOUR JUDGE STROYAN: Just a moment.

Q. He would sign it if there was conversation on it? - A. Yes.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. And I believe at this stage Mr. Mounter was writing on the boxes at the same time, is that right, on the tapes? - A. I do not know whether he actually signed in the car at that time because we left the tape on the machine till we got back to Beckenham. We took the tape off at Beckenham, he would have done the necessary then.

Q. And the box? - A. And the box.

Q. Now when you were describing the tapes you described some as direct, for example some tapes are marked "direct to boot of BLU". Now this would refer, would it not, to a direct tape recording resulting from the direct microphone? - A. To the tape recording in the boot.

Q. Direct to the boot, and I believe someone marked "radio transmitter to boot of BLU", so this would be the marking, would it not, for the Nagra with the radio transmitter on in the boot? - A. That is correct.

Q. And some tapes are marked, are they not, "mobile"? - A. Yes.

Q. And mobile, would it be, the mobile recording is the one which is kept either in your car or in someone else's car or in the bag to be used mobilely if necessary? - A. Yes.

Q. And so would it follow then that the tape recording that you made with Miss Millard in which you - with Miss Millard, with Mr. Mounter also, would follow this tape would be marked along the lines of "November 25th, 21st, the Grove, mobile to Nagra". Would it be marked something like that? - A. Yes.

HIS HONOUR JUDGE STROYAN: Can you remember if it was marked?

MR. SYMONDS:

Q. But if it was marked it would be marked like that. - A. If it was marked ...

HIS HONOUR JUDGE STROYAN:

Q. Can you remember if it was marked? - A. I cannot remember.

MR. SYMONDS:

Q. Well to help your memory would you now please look again at exhibit 44, copy tape 1. Now can you read the writing which is underneath the scratching out on that box? - A. In the middle. "Symonds to Grove, November 21st, mobile" and then an illegible word.

Q. Nagra, could it be? - A. Could be Nagra, yes, "mobile Nagra".

Q. So would it appear to you that that could well^{be} the box which once housed the tape which was made on your Nagra machine in your motor car at the Grove on November 21st? - A. Possibly.

Q. Possibly.

HIS HONOUR JUDGE STROYAN: We have had this point at great length with other witnesses. Can we deal with it quite shortly with this witness.

MR. SYMONDS:

Q. Now that tape is not before the court Mr. Hawkey. We have the box I believe, but we do not have the tape. Can you offer any explanation as to what happened to that tape eventually, was it cleaned off for some reason or did it just disappear? - A. Well if it was so badly broken up and it wasn't thought to be of any use, it would have been sent back, cleaned and returned for workshop use only.

HIS HONOUR JUDGE STROYAN:

Q. If it is not thought to be of any use it would be sent back to workshop, that right? - A. Yes my Lord, after being cleaned.

Q. Yes. A. Or bulk erased, as Mr. Symonds would say.

MR. SYMONDS:

Q. Now having been cleaned or bulk erased, would it be put back in its old box? - A. Possibly.

Q. Possibly. So is it possible then that that tape which now holds the copy recording of exhibit 1 originally held the recording on the third

Nagra on November 21st? - A. Sorry, can you say that again.

A

Q. Is it possible that that tape is the one which was used on November 21st which is now the copy recording of tape 1, the tape inside the box, having been as you said returned to the stores, cleaned, put into the laboratory for laboratory use, could it have been used to make a copy on a later date? - A. No, no.

B

Q. I suggest it is even more unlikely, because if there is writing on the box it would be fairly certain there would have been writing on the spool as well, and there is no such writing on that spool is there? - A. No.

Q. Now can you remember how long it took you to get back to Beckenham. Will it be about half an hour, something on that line? - A. Possibly.

Q. And when you got back to Beckenham was Mr. Perry already there or did he come later? - A. I can't remember. I may have said in my statement. I can't remember.

C

Q. Now did you, when you got back to Beckenham did you see Mr. Perry being questioned by the reporters or searched or something like that? - A. That is something you would have to check in statement again. Being 12 years, I cannot honestly remember.

D

Q. Alright. Now do you recall a second copying occasion when a young lady, I think you said she was an Australian, came to your factory on the 25th? - A. Yes.

Q. And you were present at that copying? - A. I was, yes.

Q. And was anybody else present? - A. Yes, one of the reporters with somebody else, with a young lady, and if my memory serves me right, Miss Millard or the assistant was there at the time.

E

Q. So can you remember which reporter was with the lady on that day? - A. No I couldn't. It might say in the statements. I cannot remember from memory alone.

Q. And Miss Millard was also present? - A. That I am afraid again you would have to check in statement.

Q. And any members of your staff? - A. Yes, I would say the young assistant would be helping.

F

Q. The young assistant. You see Mr. Hawkey I must put it to you that there were copyings, copying sessions of the tapes on more than just these two occasions which have been given in evidence. I must put it to you that in fact the procedure ...

G

HIS HONOUR JUDGE STROYAN: Well let us have an answer to the first question. Q. Do you recall whether there were any occasions apart from the 11th and the 25th November when people came from the Times for you to copy tapes? - A. No my Lord.

Q. There were not. - A. No, not unless it is in the actual statement I made.

HIS HONOUR JUDGE STROYAN: Yes.

H

MR. SYMONDS:

Q. Well following on from that I would say the obvious next question is do you recall copying a large number of tapes, in fact the complete set, for the Times some time later? - A. I know I made copies of the tapes.

Q. With Mr. Duffy present. - A. That was off the Grundig, yes.

Q. No, a complete set. Do you recall ever making a complete set of tapes later? - A. Is it in the statement or schedule?

Q. No. - A. Alright, if Mr. Duffy was present I would say I did, yes.

Q. No, that was not the point I was getting at. The point I was getting at is that I put it to you that the normal procedure at the end of a day of tape recording ...

MR. RIVLIN: Your Honour it is in a statement. The witness said "Is it in a statement", the defendant said "No." It is on page 34 of Mr. Hawkey's statement.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: "On another day in December Mr. Mounter and another lady came to Location Sound Facilities with the original tapes and I made a further copy of them." So it is there.

HIS HONOUR JUDGE STROYAN: Thank you.

MR. SYMONDS: Glad the jury know that the past two or three weeks the prosecuting counsel has caught me out once or twice.

HIS HONOUR JUDGE STROYAN: Don't let us have any speeches, please get on with your cross-examination.

MR. SYMONDS: So they can assume from that that everything else I say is dead right because everything else I say the slightest wrong he would be up on his feet immediately.

HIS HONOUR JUDGE STROYAN: Mr. Symonds we are not having speeches. Just get on with your point. That intervention was very much in your favour, if you didn't realise. You shouldn't be cross as he is helping you. Yes.

MR. SYMONDS:

Q. Going on about copying, back to my question again about copying with Mr. Duffy present, which I believe was the question, do you recall any occasion when you copied any tapes when Mr. Duffy was present? - A. I believe I do.

Q. Pardon? - A. I believe I do.

Q. And was this to do with copying the Grundig tapes? - A. It was... no, Mr. Duffy asked me to make some copies. Whether Mr. Duffy was present at the time I wouldn't know.

Q. And can you recall how exactly you got those Grundig tapes? - A. Through memory I think it was from the actual Grundig itself to a Truvox tape recorder.

Q. So were you copying them from the Grundig through a Truvox onto another Grundig cassette, or just from the Grundig onto the reel quarter inch tape? -

A. I probably made it onto a reel of quarter inch tape.

Q. And then from that reel of quarter inch tape did you later copy those words onto other Grundigs? - A. To make copies, yes.

A Q. Now when you were passing this speech from the original Grundig through a Truvox or onto a Truvox, did you use any form of device to cut out say background noise or whatever? - A. No.

Q. Filtering device? - A. No.

Q. But you know about filtering devices. - A. I do, yes.

B Q. Now your evidence has been that on every other case you made just one copy for one tape, right? - A. That is correct, yes.

Q. But on this occasion is it not a fact that you made three or four, I believe on one occasion five copies of these Grundigs? - A. Of that original recording, yes.

C Q. Now why did you do that? - A. As I said in my statement, I believe, you will find that the reason was that there was quite a bit of background noise, and I was to make a couple, two or three copies, and then I would ask the chappie in our transfer room to see whether in fact he could do anything with background noise so that it would bring speech out clearer, in other words cut down motor noise, etc., background noise.

D Q. Yes. - A. And they said it wasn't very successful so we left the recordings as they were.

Q. So that is why you made four or five copies, different attempts to cut down the background noise or cut out the background noise. -

A. That is right, to make speech come out clearer because I think there was a lot of heavy static or background noise.

E Q. And did you try to cut out background noise and make speech clearer on any of the other tapes? - A. No.

Q. The quarter inch EMI. - A. No because the quality is quite good on some of them and there is no reason to.

F Q. And did it cross your mind that when you were playing with these tapes, as it were, to cut out background noise and to make things clearer, did it cross your mind that this could be regarded as a form of editing? - A. Editing background noises but not speech.

HIS HONOUR JUDGE STROYAN: No, no.

MR. SYMONDS:

Q. Editing the background noise but not the speech. - A. Yes.

G HIS HONOUR JUDGE STROYAN: It is really a quite innacurate and misleading use of language to suggest that eliminating background noise is editing. He has said what has happened.

H MR. SYMONDS: What would emerge would not be a true picture of the scene at that time, because if you have got a heavy lorry going past making an enormous racket, yes, I would submit that it is possible for someone to say something which the other person does not hear because of this enormous racket of a lorry going past, and then it is possible to take away the noise of the lorry, which I understand can be done, and

you then have a conversation or words being spoken which the other person did not hear at the time because of the background noise.

A HIS HONOUR JUDGE STROYAN: Mr. Symonds it may help you to appreciate that perhaps a very important thing that the jury will have to consider at the end of the day is not so much what was happening about the copy tapes but whether you said the words which the jury have heard. That is going to be what they want to know. You see that is a different thing from copying of tapes.

B MR. SYMONDS: The jury have heard me say several times that these tapes have been edited and they are not the true originals and I think whether or not the tapes which have come before the court, and the jury are expected to believe the originals, whether or not they are originals or whether or not they are copies I think is a very important point. I do not want to have to go into again about when you edit tapes you cut out bits etc., and therefore ...

HIS HONOUR JUDGE STROYAN: I am trying to help you Mr. Symonds.

C MR. SYMONDS: The copies are of great interest.

HIS HONOUR JUDGE STROYAN: Let's not have another speech. I am trying to help you by drawing your mind to what the jury at some stage may have to consider as an important point.

MR. SYMONDS: Well I would also point out ...

D HIS HONOUR JUDGE STROYAN: Let's get on with it.

MR. SYMONDS: That this case is being run backwards and that really for the benefit of the jury they should have called the first person first, who is the criminal, then they should have called other people who took part and then they should have called ...

HIS HONOUR JUDGE STROYAN: Mr. Symonds we are not making speeches.

E MR. SYMONDS: These people last, and that is why I am obliged to ask questions which might appear irrelevant because the case is being run upside down in order to confuse the jury in my opinion.

F MR. RIVLIN: Your Honour one would hardly credit the fact that the defendant was a serving police officer who knows something about court procedure. He knows perfectly well what speaking out loud to his Solicitor is likely to have in terms of the effect upon the minds of the gentlemen of the jury who are listening to it, and he must behave himself. He has got to behave himself.

G HIS HONOUR JUDGE STROYAN: This just wont do, Mr. Symonds. We cannot have you addressing remarks to your Solicitor, which you are perfectly entitled to do, which are contentious and obviously designed for the ears of the jury. That simply wont do. If you want to talk to your Solicitor ...

MR. SYMONDS: In that case I suggest I will always ask for an adjournment in future to talk to my Solicitor in privacy.

H HIS HONOUR JUDGE STROYAN: You can do it perfectly easy if you keep your voice down as you have been doing hitherto. If you raised your voice on those occasions I should have thought it plain for the jury to hear what you say. Now let us get on with it. I think the most satisfactory way of dealing with this is for me to rise for a couple of minutes. The prisoner can go behind the door and talk with his Solicitor.

MR. SYMONDS:

Q. Mr. Hawkey you were talking about copying and about how new tapes were used for copying. You were referring specifically to exhibit 44 which is copy tape 1 which you looked at. You found there that there is the wrong tape in the wrong box and in fact the box had originally had "master" on it which had been crossed out, and as I believe it came out, there was in fact another copying session, pointed out by the prosecuting counsel, and this took place on December 2nd when the complete set of tapes were copied again for the Times. Do you recall that occasion? - A. I do, yes.

Q. And was Mr. Mounter present on that occasion? - A. I am afraid I would have to refer to statement but I would say yes.

Q. Now were all brand new tapes used on that occasion of the copying? - A. Yes.

Q. You drew them from the stores? - A. Yes.

Q. And when you drew these tapes from the stores, would they have been wrapped up in sellophane paper and boxed in brand new boxes? - A. Yes, I think I said this before.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. Now during that copying process would it have been possible once again, for example, for the wrong tape to have got in the wrong box? - A. Not masters. As I said previously the copies could have quite easily have been put into an unmarked open box with no markings on.

Q. What I would like you to look at now, like you to look at one of those tapes you made for the Times. I would like you to look at tape 7 inch number 4 which is in the custody of the court.

MR. RIVLIN: Your Honour whilst this is being done, so that there is no question of anyone being misled, Your Honour will recall the position about the Times copy tapes and the defendant's stance about these copy tapes, and I would respectfully invite him to make the same admission before you and the jury now as has previously been made so that there can be no possible misleading.

HIS HONOUR JUDGE STROYAN: Yes, well there is no dispute about the Times copy tapes.

MR. RIVLIN: No. If he wishes to make some point about muddle, fair enough. Any point that he wishes to make about muddle he is fully entitled to, but I hope that it is not going to be suggested that any of the Times copy tapes are anything other than copies.

MR. SYMONDS: Yes, I do not make that suggestion Your Honour, but the point I am going to bring out now is not whether the copy tape which will be looked at is truly a copy tape, but particularly about the boxes.

MR. RIVLIN: Very well, as long as the jury understand that the defendant is not suggesting that any of the Times copy tapes are other than copies.

MR. SYMONDS:

Q. In respect of all these copy tapes, Mr. Hawkey, I accept, and I believe everyone else accepts that there is no dispute whatsoever about any of the other tapes in as much as that all the tape batch numbers on the tape correspond with all the tape batch numbers on the box.

Everything was absolutely correct as far as all the other tapes are concerned, but there is a query about this one tape that I would like to put to you, and in the first place I would like you to look at the number on the white leader of that copy tape. - A. Which is 35462.

A Q. Very good, and now will you please look at the number on the box.

HIS HONOUR JUDGE STROYAN:

Q. What? - A. 35462 my Lord.

HIS HONOUR JUDGE STROYAN: We have seen it before and we know that the number on the box is different. Yes.

B MR. SYMONDS:

Q. Will you read out the number on the box? - A. The number on the box is 32994 and there is another number but it is obliterated; could be a 5.

Q. So would you say that it appears from that that that tape is in the wrong box batch number wise? - A. I fully agree.

C Q. And will you look carefully at the box and at the writing on the box and read out what you see. - A. "Copy 7 inch number 4, November 3rd, Grove in" - looks like Grove in, and "Robson".

Q. Yes. Do you see any writing crossed out on the box? - A. On the back of the box?

D Q. Yes. - A. "Master" and it is crossed out.

Q. "Master" crossed out. Now you make these copies. Can you offer any explanation why this box amongst a series of I believe 15 boxes should have had the word "master" written on at some stage? - A. No explanation at all.

Q. And that afterwards been crossed out. Thank you very much.

E HIS HONOUR JUDGE STROYAN: This is not a tape which has got anything to do with this case.

MR. SYMONDS: The point is, Your Honour, to show ...

HIS HONOUR JUDGE STROYAN: Yes, we have got the point.

F MR. SYMONDS: ...some form of incompetence.

HIS HONOUR JUDGE STROYAN: We have got that point. Yes.

MR. SYMONDS:

Q. Now during the course of this inquiry you drew a number of tapes from your stores, did you not? - A. I did.

G Q. Did you draw them in batches? Would you say that you drew them half a dozen at a time or something like that? - A. I just drew them as I needed them, two, three, four.

Q. And I think we have heard that a number of those tapes that you drew were handed over to the reporters and that another number were returned to stock invoice wise. - A. They were returned to workshop, not to stock, so as to be renewed.

H

Q. I think you said that tapes that had been returned to stock or to the workshop, that the Times would not be charged for them. -
A. That is correct.

A Q. And at the end of this inquiry did you submit some sort of report to your superiors on the amount of equipment used or hired and number of tapes used and in fact the number of hours you had worked? - A. Yes.

Q. And on that information did your employers make up an invoice which they then sent to the Times? - A. Yes.

Q. To charge them. - A. I assume they did. I assume they did.

B Q. Now you looked at that invoice the other day I believe and I would like to ask you to look at it again now.

HIS HONOUR JUDGE STROYAN: What point do you seek to draw from it?

C MR. SYMONDS: Point I am going to seek to draw from this Your Honour is that the Times were eventually charged for more tapes than have been accounted for in the evidence. For example we have had evidence of so many tapes being made and of so many copies being made.

HIS HONOUR JUDGE STROYAN: Yes, very well. How that is going to help us I do not know, but there we are.

D MR. SYMONDS: I suggest the jury would be very interested to hear that a large number of tapes have just gone missing and the Times have been charged for them, because when editing tapes of course you must mutilate them. You must cut them with a pair of scissors and they are used for very little after that, Your Honour, professionally speaking or ...

HIS HONOUR JUDGE STROYAN: Yes. What is the next question?

MR. SYMONDS: It can be thrown away.

E HIS HONOUR JUDGE STROYAN: What is the next question?

MR. SYMONDS:

Q. The next question is I would like Mr. Hawkey to look at that invoice. Do you have it? - A. Yes.

Q. And is that the only invoice that was submitted to the Times or is there more than one? - A. I would have no idea at all.

F Q. But looking at that invoice can you say that in fact the Times were charged for more tapes than would appear to have been used according to the evidence you have given today? - A. I wouldn't know to be honest.

HIS HONOUR JUDGE STROYAN: Well there we are. Yes.

G MR. SYMONDS: Yes, I would like to assist this witness Your Honour by now asking him to look at the documents that he made, and those are the transfer notes and documents that he completed when he drew tapes from stores and such, because I would submit that it is rather an important point that should be investigated.

MR. HAWKEY: What notes are we talking about now. These notes?

H MR. SYMONDS:

Q. Yes, do you recognise your handwriting - no, on the notes you submitted to your employer regarding the number of tapes used. -

A. I will have a look through.

MR. SYMONDS: Perhaps the witness could be shown the transfer notes.

HIS HONOUR JUDGE STROYAN: Is there any way of short cutting this Mr. Rivlin?

MR. RIVLIN: I do not know if there is. If the defendant feels able to come to the point and say how many tapes he says were invoiced for and how many have in fact been used, then the jury would have two figures to compare.

HIS HONOUR JUDGE STROYAN: I do not think he can do that. Can you do that Mr. Symonds?

MR. SYMONDS: I can put the question Your Honour.

HIS HONOUR JUDGE STROYAN: Very well, you put it.

MR. SYMONDS:

Q. According to the invoice you are holding, how many tapes were the Times invoiced for eventually? - A. Without counting the whole thing up I wouldn't like to say, but obviously you have got a figure so would you like to put it, because I am sure there is a difference if you say there is.

HIS HONOUR JUDGE STROYAN: Well you have got the figures and they can be checked afterwards.

MR. SYMONDS: Your Honour I would suggest that we can go into this matter after the adjournment or something like that.

HIS HONOUR JUDGE STROYAN: No, we are going on now. It is a peripheral point and we are going on now.

MR. SYMONDS: You say peripheral point. Do you mean by that, what do you mean exactly?

HIS HONOUR JUDGE STROYAN: Your Solicitor will explain to you.

MR. RIVLIN: Your Honour the defendant has been given all the documents that relate. If he wishes to put some figures based on the documents that he has been given, even though strictly speaking it is inadmissible with this witness I have no objection, if he will just put the figures so the jury can nail how many he says were invoiced for and how many he says were in existence so that we have got something to compare.

HIS HONOUR JUDGE STROYAN: Well perhaps we can go on with something else and deal with this after the adjournment.

MR. SYMONDS: Very good.

Q. Mr. Hawkey did you ever offer to remove any words from any of these tape recordings for the reporters? - A. No reason to.

Q. But did you? - A. No.

Q. And if the reporters had asked you to remove any words from any of these recordings, would you have? - A. No.

Q. On the very first day of the inquiry before you knew its importance and that the matter would end up in court proceedings etc., would you have agreed this? - A. No.

Q. Well what was the term of your hire, as it were, to them? Were you hired to them as Sound Engineer to operate a machine and to use your skills? - A. But I am not a skilled editor. If they wanted anything edited, as you say, they would have to get a skilled editor in to do it.

A Q. But are you not a Sound Engineer? - A. That does not mean to say I am an editor. Completely different job.

Q. What are your qualifications as a Sound Engineer? - A. I have got no qualifications at all as such, except my RAF training etc. I am self taught.

B Q. So you couldn't really call yourself an Engineer then? - A. You are saying that, not me.

Q. And are you occupied now as a Sound Engineer? - A. I am, and self employed.

Q. And as a Sound Engineer does this mean dealing with all forms of, as far as you are concerned, tape recorders and tapes and such? -

C A. It does.

Q. And have you ever edited a tape in your life? Have you ever removed ... -

A. In my younger days I possibly did, but I have got no interest in editing at all. It gives me no pleasure and no reason to do it.

Q. Have you ever repaired a broken tape? - A. On many occasions.

D HIS HONOUR JUDGE STROYAN: Mr. Symonds this really cannot have anything to do with it. This witness has said he never offered to remove any words for reporters and said he would not have done so if asked. You may not like those answers but those are the answers he has given. Now let us get on.

MR. SYMONDS: Well Your Honour in that case I suggest we adjourn till after lunch because the remainder ...

E HIS HONOUR JUDGE STROYAN: We will go on a little for a few minutes. You have wasted quite enough time in this case.

MR. SYMONDS: Well I must go back to the point I started on before then, that is these invoices and transfer notes and such.

HIS HONOUR JUDGE STROYAN: Just ask the next question will you. Is there any other point. There is this point with the invoices you are going to deal with. Have you any other point now?

F MR. SYMONDS:
Q. Did you ever have any occasion to make any marks on these tapes? -
A. Any marks?

Q. Yes. - A. No. I am sorry, did you hear my answer?

G Q. No. - A. No, I said.

Q. And when you were using a part used tape, for example, how would you find your place where to go to? - A. Well you played the tape recorder till you hear the end of the recording then go on a little bit then start your new recording.

H Q. Have you ever heard of a system by marking something on the spool whereby you could see roughly? - A. You could put a white sticky label

on a spool, which was shown in the court previously, and you could make lines on it which will give you a rough indication. It is only purely a rough indication.

A Q. But as far as making marks on the back of the tape were concerned, you have no knowledge of that. Because you see some of the marks which have been found on the tapes, which are called editing marks, come at very crucial points in those tape recordings.

HIS HONOUR JUDGE STROYAN: Well he really cannot deal with this. You are going to call experts, I understand, to deal with this.

B MR. SYMONDS: Well the point that I should put to this witness, Your Honour, is that it has come out in evidence that tape 3(b), which is my meeting with Perry, and this is the tape where recorder was set up for just the last quarter of the tape space available.

HIS HONOUR JUDGE STROYAN: Do you want to ask him if he marked that tape?

C MR. SYMONDS: Yes, I would like to point out to him that there is a mark right at the beginning of my conversation on that day.

HIS HONOUR JUDGE STROYAN: Very well. Did you put that mark on?

MR. HAWKEY: I did not put any marks on any of the tapes in this case.

HIS HONOUR JUDGE STROYAN: There we are.

D MR. HAWKEY: That answers your question.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. I would like you to refer to your statement you made to police on the 4th January 1971.

E HIS HONOUR JUDGE STROYAN: 4th January 1971.

MR. HAWKEY: Would you like to take your pick? There is four of them.

MR. SYMONDS:

Q. Starting off "I have been asked by Detective Chief Inspector Emmet" relating the detail of what happened on the 21st October. - A. Yes.

F Q. Do you have that before you? - A. I do.

Q. Looking on the second page halfway down, you say "I was joined in the kitchen by Mr. Lloyd, Mr. Mounter and Mr. Perry. Mr. Lloyd broke the seal on a 5 inch spool of tape which I had brought to the premises for this purpose. I only had this one tape which was brand new." -

A. I am sorry, I think I must, there is another one which is "I have been asked by Chief Detective Emmet", so there is another one. Sorry.
G Page 2.

Q. Yes.

HIS HONOUR JUDGE STROYAN: What is the point, that he had one occasion where he said he had only one tape? That the point?

H MR. SYMONDS: Yes, the 5 inch Uher Your Honour. 5 inch to go on the Uher. So on a later occasion questioned by police you recall that on that morning you only had the one 5 inch tape, brand new, with you on that day.

HIS HONOUR JUDGE STROYAN: Well you can deal with it after the adjournment.

(COURT ADJOURNS FOR LUNCH)

2.15 pm

A

MR. RIVLIN: Your Honour we are under some little pressure both from Mr. Hawkey and from Mr. Osborne. They are both private businessmen. Mr. Osborne has been here for two days and I should tell Your Honour that I did give Mr. Osborne an undertaking that he would be dealt with today.

HIS HONOUR JUDGE STROYAN: Yes.

B

MR. RIVLIN: And if it becomes necessary I would ask that Mr. Osborne be interposed so that he could be dealt with today because I do not want to break that undertaking if I can possibly do so.

HIS HONOUR JUDGE STROYAN: No, quite. Well as I understood Mr. Symonds just before we rose there was not a lot more you have got to ask this witness. Is that right Mr. Symonds?

MR. SYMONDS: Not a lot more to ask.

C

HIS HONOUR JUDGE STROYAN: Very undesirable that these two gentlemen should have to spend a lot of time up here.

MR. SYMONDS: Beg your pardon?

HIS HONOUR JUDGE STROYAN: It is undesirable these two business gentlemen should have to spent a lot of time up here.

D

MR. SYMONDS:

Q. Mr. Hawkey you were looking at a statement when we broke for lunch. Do you have that statement before you? - A. Can I just confirm that I have the right statement because there was a little bit of confusion prior to the lunch break. Is it one that starts "I have been asked by Detective Chief Inspector Emmet to relate to a default" it looks like.

E

Q. "To relate in detail what happened." - A. Exactly. Thank you very much.

Q. Yes, you have that one? - A. Page 2 I believe.

F

Q. Yes, and this was, interview was in connection with the making of tape 1 and about certain things being erased etc., but during that interview, do you see halfway down page 2, "I was joined in the kitchen by Mr. Lloyd, Mr. Mounter and Mr. Perry and Mr. Lloyd broke the seal on a 5 inch spool of tape which I had brought to the premises for this purpose. I only had this one tape which was brand new. Mr. Lloyd fitted the tape to the recorder", you set it up and dialled TIM to test it. Now it has come out in evidence that you later sent for further equipment to be brought to you at your location, and I will adduce in evidence later on that amongst the equipment brought to you later that day were some 7 inch tapes, but no 5 inch tapes were sent, further 5 inch tapes were sent out to you on that day. The 7 inch tapes would presumably be to fit the Nagra machine you had brought out. Following on from that Mr. Hawkey, do you now recollect whether or not this one and only 5 inch tape you had was used for the second track for the meeting in the afternoon? - A. Whether it did.

G

Q. On the Uher. You said "I believe it did". - A. I believe it did, yes.

H

MR. SYMONDS: Thank you very much. Thank you for that, Mr. Hawkey.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. Now Mr. Hawkey, we are now going to discuss the invoice business, and I believe you have the invoice in front of you, do you, which was sent by your company to the Times? - A. No I do not at this present moment.

Q. Can you look at it please? - A. Yes, I have got the invoice.

Q. Now attached to that invoice, do you have a number of invoices there, do you have an invoice number 2676? - A. 26...

Q. What is the number on your invoice? - A. I have got a pile. I will have to go through.

Q. Is the first one dated 28th November?

HIS HONOUR JUDGE STROYAN: Mr. Symonds can you put the point?

MR. SYMONDS: Well the point to cut through everything is this, is that when the Times were eventually invoiced they were in fact invoiced for more tapes than we have heard evidence about. For example, we have heard evidence about ...

HIS HONOUR JUDGE STROYAN: Well how many do you say they were invoiced for?

MR. SYMONDS: 53 Your Honour.

HIS HONOUR JUDGE STROYAN: Can you find that on the invoice?

MR. SYMONDS: 53 5 and 7 inch, not talking about the Grundigs.

MR. RIVLIN: Well perhaps the defendant would tell Mr. Hawkey where he has got to look to find 53 5 and 7 inch tapes were invoiced.

MR. SYMONDS: I am very grateful for that interruption Your Honour, because I was about to set out, to take Mr. Hawkey through the various invoice notes and transfer notes which leads to this figure, and I would agree with the prosecuting counsel that it is probably very difficult for Mr. Hawkey to look at the invoices.

HIS HONOUR JUDGE STROYAN: Mr. Symonds I have already told you last night in clear terms that there is going to be a limit to the amount of time you can have a witness. Would you please get on with it.

MR. SYMONDS: Well are you putting a limit on me?

HIS HONOUR JUDGE STROYAN: Would you please get on with it?

MR. SYMONDS: Would you imagine this is important?

HIS HONOUR JUDGE STROYAN: Will you please get on with it. I am not here to answer questions from you.

MR. SYMONDS:

Q. Mr. Hawkey do you accept that the Times were eventually invoiced for a larger number of tapes than would appear to have been used? -

A. If they were invoiced for a larger number of tapes than were actually used, that is down to Mr. Hewsdon - not Mr. Hewsdon, Mr. Hales.

Q. What do you mean by that, do you mean by that that Mr. Hales has made a mistake? - A. Not actually Mr. Hales but obviously if the number of tapes used in comparison with the number that was actually invoiced, there is a difference between the two, then I would say there is a clerical error as such in the office establishment.

A. Q. You see in evidence we have evidence of 45 quarter inch tapes, that is 15 originals, 15 copies which we will call the police copies, they are the ones handed to the police, and 15 copies which we will call the Times copies, these were the ones made for the Times. That makes a total of 45. Can you think of any reason why other tapes might have been invoiced apart from clerical error or a mistake of Mr. Hales? - A. Well whether Mr. Hales decided to charge for the tapes that were returned to workshop I wouldn't know, but I wouldn't have thought so, but being a businessman he may have thought that he was entitled to charge and perhaps he did.

Q. Well were you in fact interviewed by senior police officers some time after the end of this inquiry in connection with these missing tapes? - A. On various occasions, yes.

C. Q. And were you interviewed specifically in connection with a number of tapes which have been invoiced to the Times but were not shown either in the records of the Times, the police or Location Sound Facilities. Which have just gone missing in fact. - A. I may have been and if I did there will be a statement referring to that fact I am quite sure.

D. Q. Now every time you drew tapes from the stores, was there some sort of record made somewhere, either by yourself or by the storeman? - A. The storeman, I always informed the storeman that I was drawing tapes from Location Sound. I would say it was mainly on trust from Mr. Hales. Generally I would take tapes from the stores, inform the storeman that I was taking them and then it was up to me to inform Mr. Hales how many tapes had been used.

MR. SYMONDS: Your Honour as far as I am concerned we are not getting the point I want to get at using this method.

E. HIS HONOUR JUDGE STROYAN: Perhaps it is not there.

MR. SYMONDS: What?

HIS HONOUR JUDGE STROYAN: I said perhaps it is not there.

F. MR. SYMONDS: Well I would suggest the only way the jury can see whether the point is there or not is if the point is brought out and made before them.

HIS HONOUR JUDGE STROYAN: This document is not a document made by this witness so he cannot strictly speaking be asked about it. I have been extremely lenient with you about it so far. We have been going on about it for a considerable amount of time. I am not going to go on about ...

G. MR. SYMONDS: But you see, Your Honour, there are in existence documents which were made by this witness which are called transfer notes and invoice notes, and upon these documents made by this witness in which Mr. Hales and his staff based their invoice ...

H. HIS HONOUR JUDGE STROYAN: The jury are not concerned with bills sent to the Times. They are concerned, among other things, with whether what is recorded as your speech on the original, or alleged original tape recordings is right or wrong. Now I am not going to waste any more time going on about bills.

MR. SYMONDS: I would submit to Your Honour that the fact of these missing tapes was considered of some importance by other people before me, by various counsel who made a point of subpoenaing various people.

A HIS HONOUR JUDGE STROYAN: Mr. Symonds you can submit that to the jury. I am anxious to get the unfortunate Mr. Hawkey away. You have been cross-examining him for a very long time indeed.

B MR. RIVLIN: I wonder if I can help Your Honour. Your Honour I wonder if I can help. The defendant as I understand it wishes to make the point that there are statements in existence from other people, not yet witnesses in this case. That in all, 53 of these tapes, that is the 5 inch or 7 inch tapes were supplied. Whether they were invoiced for is another matter altogether, but what the position is, that I accept that there is statements to the effect that there were 53 supplied. I do not accept for the time being that they were all invoiced for.

HIS HONOUR JUDGE STROYAN: No.

C MR. RIVLIN: And he is making the point with Mr. Hawkey, well there you are, we seem to be in possession of information that 53 were originally supplied and yet there are in court 45.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Now if it helps the defendant for me to say that, then he has got his point.

D HIS HONOUR JUDGE STROYAN: Yes.

E MR. SYMONDS: Well that helps me half way Your Honour, because what I am saying, I am not saying that 53 tapes were supplied to Mr. Hawkey in all throughout the inquiry. I am saying that of all the tapes given to Mr. Hawkey, of which there were very many, and some were returned to stores later on as we have heard, of all the tapes that were given to Mr. Hawkey 53 did not come back in any way, 45 went to the Times and 8 disappeared into thin air. Now if the prosecution will accept that then I would be a very happy man.

F MR. RIVLIN: No I cannot accept that because in the very documents that I have given to the defendant there is reference to Mr. Hawkey not using all the tapes that he took away with him and I have actually, we have been into this Your Honour, and so I am not going to accept a point that cannot really be properly put before the jury as true. I am sorry, but I am not going to concede some improper and dishonest point.

HIS HONOUR JUDGE STROYAN: No. Well you have made your point Mr. Symonds, for what it is worth. I am now going to go on and leave those invoices. You can look at them afterwards, you can see what they say. They may be admissible before another witness. They are not even strictly admissible ...

G MR. SYMONDS: In that case could Mr. Hawkey be asked to return to court in that event?

HIS HONOUR JUDGE STROYAN: No. Mr. Hawkey has been here under cross-examination by you for a very long time indeed.

MR. SYMONDS: Well I would point out to your Honour that I have just received a bundle of rather complicated invoices not 5 minutes ago.

H HIS HONOUR JUDGE STROYAN: Mr. Hawkey is not the person who prepared those invoices. He has said so. I really do not see why the unfortunate man

should be kept here answering questions that are not even legally admissible.

MR. SYMONDS: Well as you told me to leave it, Your Honour, I will leave it.

A HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS: But under protest.

Q. Mr. Hawkey, with reference to your notebook which I believe is now exhibited ...

HIS HONOUR JUDGE STROYAN: Yes, we have looked at these notes already.

B MR. SYMONDS: I wonder if I could have a copy of this notebook please, this exhibit.

Q. Looking at a copy of your notebook Mr. Hawkey, first question I would like to ask you is are these your original notes? - A. You mean did I make them?

Q. Did you make them on the day and at the place at the time? -

C A. I made a note of all the equipment I used on those particular days, yes.

Q. And this is the original note, is it? - A. As far as I remember, yes.

Q. Now I notice that some days have been crossed out. Could that have been because you were a day out in your recollection throughout a period of a number of days?

D HIS HONOUR JUDGE STROYAN: Mr. Symonds you asked these questions a very short time ago, the last time this witness was in the box yesterday. I am not going to go through it again.

MR. SYMONDS: You direct that, do you Your Honour? Good. If I am being refused to ask this witness any questions I might just as well leave it.

E HIS HONOUR JUDGE STROYAN: You have been asking him questions for nearly two days.

MR. SYMONDS: Been stopped on my last two points.

HIS HONOUR JUDGE STROYAN: If you want to ask any more relevant questions you may do so. You have had ample opportunity to cross-examine him over two days and more.

F MR. SYMONDS: I refuse to ask any more questions.

HIS HONOUR JUDGE STROYAN: If you want to ask any more questions and they are relevant, you may do so. Very well.

MR. RIVLIN: Yes, well Your Honour the first thing that I am going to do is to hand to the defendant's Solicitor my note of these documents that have been handed to the defence relating to tapes used, and if he would be so kind as to hand it to the defendant and point out to the defendant where there is reference to a number of tapes but only so many of them being used, and I say that because I do not wish the jury to be under the impression that all the tapes that were issued originally were used.

G

H HIS HONOUR JUDGE STROYAN: No.

MR. HAWKEY RE-EXAMINED BY MR. RIVLIN

MR. RIVLIN:

Q. Yes. Now Mr. Hawkey, you were asked many questions about how many tapes there were, 14 or 15, do you remember that? - A. Yes I remember it.

Q. And do you remember saying on a number of occasions you would have to go to your schedule in order to verify just how many tapes there were, because all this was such a long time ago? - A. That is correct.

Q. And you have had in front of you, haven't you, your long police statement, that is the statement you originally made to the police? - A. Yes.

Q. And is this right - keep your voice up - is it many, many pages long? - A. It is very thick, yes.

Q. And can you remember how long it took to make that statement. Was it all made in one day or did it have to be made over a period of time? - A. It was made over a period of time.

Q. Now it so happens that we have got, I think, the original handwritten statement in court and I would like you to look at it please. - It has been shown to the defence Your Honour.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN:

Q. Is that the original handwritten statement, many pages of it? - A. It is, yes.

MR. RIVLIN: And Your Honour the situation is this, that this one was subsequently typed up and became the witness's typewritten statement.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN:

Q. What is the date on the top of the handwritten statement Mr. Hawkey? - A. 15th, Monday the 15th December 1969.

Q. Monday 15th December, and it was later that this was typed up and I think you signed the typewritten one on the day that it was handed to you. - A. That is correct, yes.

Q. Which was in January 1969. - A. That is correct.

Q. And when you told the jury in evidence that you thought that you had made a statement earlier, well it seems that you had, the one that is in your hand now. - A. Yes.

Q. Right. Now would you look at the end of the statement, and is it right that there is a schedule there, a handwritten schedule of all of the equipment that was used? - A. Yes, that is correct, it is handwritten.

Q. Yes, and before you get to the handwritten statement, it is the end of the body of the statement and you have in fact been referred to this page by the defendant in cross-examination. Does it refer to the fact that you have examined 19 tapes? - A. Yes I see it.

MR. RIVLIN: It is page 34 Your Honour.

MR. HAWKEY: "I have examined 19 tapes".

MR. RIVLIN:

Q. "I have examined 19 tapes shown to me by D.S. Osborne and" -

A. "identify them as the original tapes described."

Q. Described in? - A. In this statement.

Q. Yes, and then do you go on to say that you now list the tapes.

"I now list the tapes", immediately after that last sentence. -

A. "...19 tapes shown to me by D.S. Osborne and identify them as the original tapes described. I now list these tapes in date order."

Q. In date order. - A. Yes.

Q. And then we get to your schedule, don't we. Now look at the schedule would you please Mr. Hawkey. Is that a schedule listing 19 tapes in all? -

A. It is, yes.

Q. Four of which are Grundig tapes. - A. Yes.

Q. Yes, and so in December of 1969 you were telling the police, is this right, that there were 19 originals, 4 Grundigs and 15 - obviously a simple mathematical subtraction - 15 7 and 5 inch spools? -

A. That is correct.

Q. Right, and would you look please at the schedule. At the time that you made this list were the matters then fresh in your mind? - A. As I remember they were very fresh in my mind.

Q. Very fresh in your mind. Well just look at the first one, tape number 1. Tell the jury, would you please, what that tape was? -

A. It was a telephone recording to a Uher, and the persons concerned was Perry and Symonds. The remarks were "quality good, see photograph" etc.

Q. "See photograph, exhibit number" and there is nothing there. I do not think there is a photograph. Would you now look at tape number 2 because this is the one that the defendant is very concerned about. Look at tape number 2 and what have you written? - A. PM, 28/10/69.

Q. PM, 28th October 1969.

HIS HONOUR JUDGE STROYAN:

Q. Pm meaning what, afternoon? - A. Yes My Lord, "Rose public house meeting, radio microphone to Nagra carried in bag."

MR. RIVLIN:

Q. "Meeting, microphone to Nagra carried in bag", right? -

A. "Persons concerned Perry and Symonds, remarks: snatches of conversation only, see photograph X number."

Q. And there is no number there. - A. No, there is no number.

Q. Because there is no photograph, right. Now would you please go to the body of your statement and go to page 5 of it. That is December 1969. Go to page 5, because you told the defendant more than once that the tape that you used on the afternoon would appear in your statement, right?

MR. SYMONDS: Your Honour I must object to putting the statement to the witness. I never did and I understood right at the beginning that it should not be put because it was so old.

MR. RIVLIN: Well Your Honour I am sorry about that, but I have a note that the defendant did put it but put the schedule only and did not put the body of the statement.

MR. SYMONDS: What happened was Your Honour put the schedule to the witness and put the schedule only and then Your Honour asked the witness a question about the schedule and then I had to ask him a question about the schedule following on from that.

A MR. RIVLIN: No, I do not think that is right.

MR. SYMONDS: Well if you are going to put this statement in I must have the right to cross-examine in full on this statement following on your re-examination, surely.

B MR. RIVLIN: Your Honour I am searching for my note about the particular matter, but I remember it. Here we are. It was put to the witness, "The only notes you have made were these that we have been looking at, two to three pages", and I made a special note of that because he was talking about the schedule there. "The only notes that you have made were these that we have been looking at."

HIS HONOUR JUDGE STROYAN: Yes.

C MR. SYMONDS: Yes, that is his statement which is exhibited, two to three pages.

MR. RIVLIN:

Q. Well now with His Honour's leave, would you please look at the body of your statement made in December, and is there reference to what equipment was used on the afternoon of the 28th, right?

D MR. SYMONDS: I would like Your Honour to rule on whether the statement can be used or not, apart from just going ahead.

HIS HONOUR JUDGE STROYAN: This is a perfectly proper re-examination in the circumstances.

MR. RIVLIN: Yes, I am obliged. It is your page 4 Your Honour.

Q. Do you have it Mr. Hawkey? - A. Yes.

E Q. Can I just have it please. Let me just take you straight to it, to the correct page. Yes. Thank you. Now you are looking at a handwritten statement aren't you?

MR. SYMONDS: Unsigned and undated, Your Honour.

MR. RIVLIN:

F Q. Are you looking at a handwritten statement? - A. I am.

Q. Is it your handwriting or not? - A. No, it is the handwriting of a police officer.

Q. It is dated, as we have seen, on the first page. - A. Yes, that is correct. "I fitted Perry with a radio microphone which was" it is very hard to ... oh, "which would go to a radio transmitter inside his pocket. I fitted a fixed frequency receiver to a Nagra tape recorder into a Ford Cortina." I am afraid I cannot read the writing all that well.

G Q. Doesn't matter. The Ford Cortina, is there an index number given there of the motor car? - A. No there is not.

Q. Is there any reference to whose motor car that was? If you cannot read it just say so. - A. I cannot read it to be honest.

H

Q. No, very well. Now there you are, in your statement you made in December 1969 you said that you fitted a fixed frequency receiver and that it was linked to a Nagra tape recorder. - A. That is correct.

A

Q. Right. In your schedule you say that there was a radio microphone to a Nagra carried in bag. - A. Yes.

Q. Now do those documents help you to recall what equipment was used that afternoon? - A. Yes, it was a radio receiver and a Nagra tape recorder.

B

Q. And do you remember it being put to you early in cross-examination by the defendant that there must have been some more equipment used that afternoon, a direct line? - A. Yes.

Q. Microphone to ? - A. A Nagra.

Q. Nagra in boot, and you agreed with that. - A. Yes, that was going from memory.

C

Q. Going from memory. Is there any reference to that in either of your original notes about it? - A. In my original notes?

Q. Well the ones that you have just been looking at. - A. Oh I am sorry, you mean the statement.

Q. Yes, in your ^{original} statement is there any reference to any such equipment being used? - A. There doesn't seem to be.

D

Q. No, and now you were cross-examined about your original notes when it was suggested that that meant that such equipment was used - Your Honour the defendant has asked that this be exhibited. It has been and we have had copies made for the jury.

HIS HONOUR JUDGE STROYAN: Yes.

E

MR. RIVLIN:

Q. Would you look at your original notes please?

HIS HONOUR JUDGE STROYAN: Do you want the jury to see it?

MR. RIVLIN: Yes, I think that they ought, Your Honour. Exhibit 46. Would you please mark this 46, members of the jury. Now could the jury please find the page headed "Times equipment used".

F

HIS HONOUR JUDGE STROYAN: My front page.

MR. RIVLIN: It is my front page too, but I do not know if it is the jury's front page. "Times equipment used". It is their last page, I understand, or may be. Is that right? "Times equipment used." Do you have that Mr. Hawkey?

G

MR. HAWKEY: I do, yes.

MR. RIVLIN:

Q. 28th October, Tuesday, and what does it read? - A. "One Uher tape recorder serial number 334045. One telephone adaptor. One Nagra TR (which stands for tape recorder) serial number 7157.

H

Q. Yes. - A. One radio mike serial number 1985, frequency 117.2 megacycles.

Q. So that in your notes of the equipment used there is reference to a Uher and a Nagra and a radio mike. - A. That is correct.

A Q. And does that accord with the original statement that you made to the police about the equipment that was used? I think it does, doesn't it Mr. Hawkey? - A. It does, yes.

Q. Now this is how it all started. Would you then please go on to a page that begins at the top of the page EW3. EW3, big letters at the top of the page, EW3, and then it says "outstanding equipment", right. Do you have that Mr. Hawkey? - A. Yes sir.

B Q. And you see it was from this document that you were asked to say that an extra Nagra had been used that afternoon, do you understand? - A. I understand.

Q. Yes. Now just let us see first what is this document all about. "Outstanding equipment", what does outstanding equipment mean? - A. Equipment that was used all the time and was still outstanding at the end of the meeting or meetings.

C Q. At the end of the meetings. Now there are some lines there, aren't there? - A. Yes.

Q. And that those lines lead from one DIG, is it? - A. That is one D19.

Q. D19, and one 20 foot mike cable, right? - A. That is correct.

D Q. And then the lines lead down to the word "from 27 Oct. to 24 Novem. - A. 1969.

Q. 1969, right? - A. That is correct.

Q. And do you remember being cross-examined about all this and what it meant? - A. I did.

E Q. Yes, and it was put to you on the basis of this, do you understand, that it must mean that an extra Nagra was in use on the afternoon of the 28th? - A. Yes, I got that impression.

F Q. You see that is the proposition that is being put to you, that because a D19 and a one 20 foot mike cable have lines leading down to the 27th October, that therefore the motor car that was used on the 28th was wired up, that is Perry's motor car, was wired up for sound. Does that follow so far as you are concerned Mr. Hawkey? - A. Yes, we put microphones under the dashboard and left a microphone cable there because we always took the machines away on a night-time but we left the microphone and the cable there constantly.

Q. From which day? - A. Right from the very first day.

G Q. From the very first day. Now do you know whether the meeting actually took place in his car on the first day? - A. Yes I believe it did.

Q. Well you see that is, do you know whether the meeting took place in Perry's car on the first day? - A. On the very first day, that is when we made the recordings at the flat, and in the afternoon, is that when we went to the Rose public house?

H Q. Yes, at the Rose public house. - A. The meeting did not actually take place in the car itself.

Q. The meeting did not take place in the car, and so if there was any equipment wired up in Perry's car that afternoon would it have recorded anything? - A. No.

A Q. No. Yes, well let us go on, shall we, ask you about another matter, and that is this. You were asked questions about the copying that was made on November the 11th, weren't you? - A. Yes I was.

MR. RIVLIN: Now Your Honour the problem here is this, that on a number of occasions the defendant put to this witness the contents of Mr. Lloyd's original statement, exhibit number 10.

B HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: And Your Honour the point that I did make and that I would like to make is that that statement does not say what the defendant says that it says.

HIS HONOUR JUDGE STROYAN: Yes.

C MR. RIVLIN: And Your Honour as so many references were made to that particular page, might the jury please have a copy of it?

HIS HONOUR JUDGE STROYAN: Page 30.

MR. RIVLIN: That is page 30.

HIS HONOUR JUDGE STROYAN: Well the defendant was heavily relying on it.

D MR. RIVLIN: This is November the 11th Your Honour.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS: I would suggest 30 and 31 Your Honour so we can see the full picture.

E MR. RIVLIN: Yes, can we have the jury see page 30 and 31.

HIS HONOUR JUDGE STROYAN: Only those pages?

MR. RIVLIN: Yes, pages 30 and 31.

MR. SYMONDS: Could you cross out the top bit on page 30 which has nothing to do with me but might put the wrong idea in the jury's head. It is a comment regarding a meeting between other officers.

F HIS HONOUR JUDGE STROYAN: I do not think we need that Mr. Rivlin.

MR. RIVLIN: No we don't, we can have the top bit on page 30 excised.

HIS HONOUR JUDGE STROYAN: Cut off.

G MR. RIVLIN:
Q. While that is being done let me ask you about one or two other matters. Do you remember it was put to you on a number of occasions that you were unhappy about what was going on and you said that you were? - A. That is quite correct.

H Q. Yes, and that you were troubled about being involved in this and that you became upset about it? - A. Yes I did.

Q. Yes you did. Well now as you have been asked the question you can answer the question. What was it, Mr. Hawkey, that was upsetting you and worrying you? - A. Well I was a witness to police corruption, which I had no dealing with before, and we thought that, I was quite amazed at the time what was happening, and I thought that the police would try in some way, or the people involved would in some way try to get back to us so that we wouldn't be able to give any evidence.

MR. RIVLIN: Very well.

MR. SYMONDS: Was that rehearsed at lunchtime?

MR. RIVLIN: That is an outrageous suggestion.

HIS HONOUR JUDGE STROYAN: Mr. Symonds that is a suggestion which ought never to have been made at all. You are quite sufficiently in possession of your wits to understand dealings in court, you have been a police officer quite a considerable time. You must know more than anybody else that was a disgracefully improper remark and you must not make such a remark again.

MR. RIVLIN:

Q. Has anyone spoken to you over lunchtime about this case Mr. Hawkey? - A. No sir.

Q. Or told you what to say about this matter at all? - A. No, I made a point of not speaking to anybody about the case.

MR. RIVLIN: And Your Honour finally in the light of that suggestion by the defendant, you may recall that the same topic arose in the absence of the jury in the trial within the trial and roughly the same answer was given.

HIS HONOUR JUDGE STROYAN: Yes, and it was improper on that occasion.

MR. RIVLIN:

Q. And so it was that that was frightening you, Mr. Hawkey? - A. Yes it was.

Q. Now would you just look back to your schedule please, because we have dealt with the first day, haven't we, that is the 28th, and your notes as to what recordings were actually made on the first day, right? - A. Yes.

Q. Would you just go to the second day, the 31st October. Does that refresh your memory as to what equipment was used and as to whether recordings came out or not? - A. On the 31st.

Q. 31st October. - A. There was a meeting with Symonds and there was a microphone direct to a Nagra in the boot of Perry's car. There was also a radio microphone to a Uher in the boot of Perry's Wolseley.

Q. Does it say whether the recordings were good ones or not? - A. In the first instance which was the meeting direct microphone from the dashboard to the Nagra in the boot of the car, the quality was good. The radio microphone to the Uher in the back of Perry's Wolseley, the quality was poor.

Q. Now would you please come to the 21st November, and do you make reference there to the tape recordings that were made, the equipment that was used and as to whether the quality was good or not? -

A. Yes. The meeting on the 21st November 1969 was at the Grove public house, meeting was a radio microphone to the boot of Perry's Wolseley which was a Nagra. The meeting was between Perry and Symonds and the quality was good.

A HIS HONOUR JUDGE STROYAN: Is he looking at a schedule now, I can't see?

MR. RIVLIN: Yes, he is indeed.

HIS HONOUR JUDGE STROYAN: Page 37.

MR. RIVLIN: Your page 37, yes.

B HIS HONOUR JUDGE STROYAN: I have got that.

MR. RIVLIN: But he is looking at the original I hope, yes?

MR. HAWKEY: There was a mircophone under the dashboard and a Nagra in the boot of Perry's Wolseley and the quality was good.

C MR. RIVLIN:

Q. And you make no reference, is this right, to any mobile recording in your original schedule? - A. No I do not, no.

Q. Now why is that Mr. Hawkey, why would you make no reference to it? -

A. Well if there was one made in the mobile and it wasn't any good, we would not put it down in the actual shcedule itself.

D Q. You would not put it down in the schedule if it was no good, very well. Now the jury are being handed pages 30 and 31 of Mr. Lloyd's, of the transcript of Mr. Lloyd's original notes, and can you go through it with me please Mr. Hawkey. - A. I have not ...

Q. Well you will be shown it. Just let us see what it says. "Tuesday November the 11th", right? - A. Oh yes, Tuesday November the 11th.

E Q. "10.55 Location soundproof cutting rooms, D.S. Symonds, October 28th 1969, Rose public house, Camberwell, Perry and Symonds." Right? -

A. Yes sir.

Q. "Uher to Uher, 4,000 report 7½ IPS. Copy taken at the speed at which it was recorded. Copied onto brand new tapes. Both sides recorded. Taken on Nagra originally by automatic recording." - A. Yes.

F Q. In your original notes you have reference to it being a Nagra. We have been through that today, haven't we? - A. Yes sir.

Q. That is the afternoon of the 28th. What does Uher to Uher mean? -

A. Well that is when you make a record you put a tape which has a recording on it on a Uher number one. You connect a lead to another tape recorder with an empty tape and you transfer one recording to the other.

G Q. And that is copying process? - A. That is copying process.

Q. The next one, that is tape number 1 that was taken on that day, the next one tape 2 has nothing to do with this case or to do with Harris, right? - A. Yes sir.

H Q. The next one, tape 3, bottom of the page, November 3rd, Grove Inn, Robson, nothing to do with this case. - A. Yes sir.

Q. "Uher to Uher, October 31st, Grove Inn, duplicate." Right? -

A. Yes sir.

Q. The next one - oh I am sorry, I say nothing to do with this case, although October the 31st, Grove Inn, duplicate, radio mike meeting with Symonds. - A. Yes.

Q. Yes, well that is our tape 3(b), and then the next one, tape 5 on the left, Nagra to Nagra, October 31st, tape of Symonds at Grove, tape 5. - A. Yes.

HIS HONOUR JUDGE STROYAN:

Q. Nagra to Nagra of course refers to a copying process. - A. Yes my Lord, from Nagra tape recorder to another Nagra tape recorder.

MR. RIVLIN:

Q. Yes. Then tape 6, November the 5th, Grove Inn, that has nothing to do with this case. Tape 7, November the 3rd, Grove Inn, that has nothing to do with this case. Is there any reference at all there that you can see to a tape recording of a telephone conversation of the 28th October going along on that day? - A. To the telephone conversation.

Q. Yes, to the telephone conversation on the morning of the 28th. - A. No sir.

Q. No. Thank you. Right, well that has put that document down. You were asked a number of questions about tampering and copying. Did any such thing ever arise in this case Mr. Hawkey? - A. So far as I am concerned, no sir.

Q. You were asked about your statement of the 4th January 1971, and could you just get the one that begins "I have been asked by D.C.I. Emmet to relate in detail what happened on the 28th October."

HIS HONOUR JUDGE STROYAN: That is the 24th January one.

MR. RIVLIN:

Q. Yes, one of the 24th January ones. And you were asked about a Uher that was in use on that day. Do you have that statement and do you have the part, it is on my page 2 of it, "I believe that Michael Perry, Mr. Lloyd and Mr. Mounter were talking in the lounge at this time." Do you have that? - A. I am sorry, I will be with you in a moment. How did the sentence ...?

Q. "I believe that Mr. Michael Perry, Mr. Lloyd and Mr. Mounter were talking in the lounge".

HIS HONOUR JUDGE STROYAN: That was the part that was put to you.

MR. RIVLIN:

Q. Do you have that please Mr. Hawkey? - A. Yes I do, yes.

Q. Just read it to yourself, that little paragraph. Does it refer to the fact that an adaptor was fitted to the telephone? - A. Yes it does.

Q. And that it was connected by wire to a Uher tape recorder? - A. It does, yes.

Q. And this is at Mrs. Perry's home. - A. That is correct, yes.

Q. So that a Uher recorder was used on the morning as you say in your schedules at Mrs. Perry's home? - A. Yes, that is right.

Q. Finally I would like to ask you about the 25th, that is the day it has been put to you that Miss Worre came along from the Times to bring some tape recordings for copying. - A. That is correct.

Q. Was this during normal business hours or outside business hours? - A. As I recollect it was during business hours.

Q. During business hours. So far as Miss Worre was concerned, what did she actually do? - A. She watched what actually was going on in actual fact.

Q. Did she behave improperly in any way? - A. No sir.

Q. And when she had finished watching what was going on, what did she do with the tapes? - A. As I remember the reporter took the tapes away with him.

Q. On such occasions as the reporters did come along when copying was in progress, you said that they looked to see what was going on. -

A. Yes. By this time they were getting rather particular of the procedure that was going on, so they were standing there watching what we were actually doing.

Q. They were standing watching what you were doing. And that is what I would like to come to finally. What appeared to be their attitude to all this in terms of security? - A. As the case progressed they got more and more security wise and taking more and more precautions all the time. That is why we doubled up, well trebled up on the tape recorders and made sure everything was, you know, in order all the time.

MR. RIVLIN: Yes, thank you Mr. Hawkey, I have no further questions.

HIS HONOUR JUDGE STROYAN: Thank you Mr. Hawkey. You are released.

MR. SYMONDS: There is two things I should be allowed to cross-examine on on the basis of the statement.

HIS HONOUR JUDGE STROYAN: There is nothing in re-examination that would justify me in allowing you to do so. You have already had over a day in which to cross-examine Mr. Hawkey. He is now released.

MR. RIVLIN: Your Honour may I just tell you that that original statement was disclosed, its existence which came to my knowledge yesterday afternoon was immediately disclosed to the defence, so that it was known to the defendant yesterday afternoon.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RADCLIFFE: I call David Osborne please. Your Honour this witness's statement is in a bundle of additional evidence dated the 31st October 1980.

HIS HONOUR JUDGE STROYAN: Thank you.

DAVID OSBORNE (SWORN)

EXAMINED-IN-CHIEF BY MR. RADCLIFFE

MR. RADCLIFFE:

Q. Your full names please. - A. David Osborne.

Q. And your address. - A. 21 Brougham Hayes, Bath.

Q. And Mr. Osborne did you used to be in the Metropolitan Police? -
A. Yes sir.

Q. What was the rank at which you retired? - A. Detective Chief Inspector.

Q. And before that in December 1969 were you a Sergeant? - A. Yes I was sir, yes.

Q. And were you then put onto the Times inquiry? - A. Yes sir.

Q. As exhibits officer. - A. Yes sir.

Q. And having been made exhibits officer, did you come into possession of some tapes? - A. Yes sir.

Q. Can you remember how many there were altogether? - A. In all there were 19 sir.

Q. In all 19, and when you got them did you enter them into an exhibits book? - A. Yes sir.

Q. May the witness see exhibit 41 please. Do you see an entry there for the 3rd December 1969? - A. Yes sir.

Q. What does that say? - A. It is entry number one and it says "15 original tapes, tape recordings found at the" - "where found" is the heading of the column, "Times offices, 3rd December by me."

Q. Did you go to the Times offices? - A. On that day, yes sir.

Q. And from whom did you receive the tapes? - A. From the reporters Mr. Lloyd and Mr. Mounter.

Q. Yes, and do you have another entry for the 5th December? -
A. Yes sir.

Q. What does that say? - A. That says that on the 5th December at the Times offices I took possession of four Grundig cassettes originals from Messrs. Lloyd and Mounter.

Q. And did you number 19 of them 1 to 19? - A. Yes sir.

Q. Would you be able to identify those tapes now if you saw them? -
A. Yes.

Q. May the witness see exhibits 1 to 7 please. Would you look at exhibit 1 first. - A. Yes sir.

Q. Did you write on that anywhere? - A. On the lid of the box containing the tape I have written in my writing 1/28/10.

Q. Have you written anything else? No. - A. No sir.

Q. Did you write on the spool at all? - A. No sir.

Q. No. But do you recognise the spool? - A. Yes sir. I did not write on the spool itself but there are some labels on it with writing on it.

Q. Do you recognise them from that time? - A. Yes I do sir.

Q. Because you yourself later, did you not, played some part in transcribing that tape, did you? - A. Yes sir.

Q. And the other tape? - A. Yes sir.

A Q. Yes. Would you look at exhibit 2 please. Do you recognise any writing on the box? - A. I recognise the writing on the box, which is not mine in fact, but I recognise it.

Q. Did you write anything? - A. Not on the box, no.

B Q. Is there anything in red biro there? - A. Not on the box, no. There is a red biro figure 2 on a stick on label on the spool itself.

Q. Oh yes. Whose writing is that. Do you know? - A. I couldn't swear to it, it is just a number 2 sir, in red biro but it could well have been mine but I couldn't swear to that.

Q. Do you recognise that spool and that box? - A. Yes sir.

C Q. And did you get those from the Times on the 3rd December? - A. On the 3rd December sir.

Q. Would you look at exhibit 3 please. - A. There is nothing in my writing on the box, although I recognise some writing on the back of the box from that time.

D Q. Yes. - A. And I recognise some markings, graduation markings of mine on a stick on label on the spool.

Q. Graduation markings, that was so you could distinguish one part of the tape from another. - A. That is right sir, yes.

Q. And that is what you got from the Times is it? - A. It is sir, on the 3rd December.

E HIS HONOUR JUDGE STROYAN:

Q. Did you put the graduation marks on the spool? - A. I did in this instance.

Q. When was that? - A. Shortly after receiving them when I had been playing them over Your Honour.

HIS HONOUR JUDGE STROYAN: Thank you.

F MR. RADCLIFFE:

Q. Exhibit 4 please. - A. Again I recognise writing on the box from that time, and on the spool itself there is a similar, there are similar graduation marks on a stick on label.

Q. Did you make them? - A. I did make them at the time sir, yes.

G Q. And you got that from the Times. - A. On the 3rd December sir.

Q. Yes. Exhibit 5 please. - A. The same thing applies to the writing on the box as on the previous exhibits. I recognise it from the time at the time. The spool has a similar stick on label with small red graduation marks which would have been made by me. This is one of the 14 tapes that I took from the reporters on the first occasion on the 3rd December.

H Q. Do you have a note of how many you got from the Times on the 3rd December? - A. 3rd December, I think I did say there were 15. I

have just said 14, I am sorry, I meant 15, 4 on the 5th December, the 4 cassettes. I am sorry about that.

Q. Alright. Exhibit 6 please. - A. The box has writing on it again that I recognise from the time.

Q. And the spool? - A. And the spool has a similar, there are two labels on it. Both have graduation marks, this time in blue. I may well have put them on but I cannot say.

Q. And you got that from the Times? - A. This is one of the 15 that I got on the 3rd.

Q. Thank you. Would you look at exhibit 7 please. Do you recognise that? - A. It is one of the cassettes which I referred to on the 5th December I think.

Q. Yes. - A. I cannot recognise any of my writing on it in fact, but it is one of the cassettes that I took possession of from the reporters at that time.

Q. Where did you keep these 7 tapes? - A. I kept them in my possession from that time on in the office where the investigation was going on. Or, later on, having finished transcriptions, in my personal possession in my briefcase as I commuted from the office to EMI laboratories and back.

Q. That is where they were being examined? - A. Being examined by experts sir, yes. When they were not in transit with me or out of my possession they were locked in a cabinet in the office and I had the key and I kept them under those circumstances in my care and control until I left investigation very early in April the following year, 1970, when I handed the keys ...

HIS HONOUR JUDGE STROYAN:

Q. How many keys were there? - A. One key Your Honour, and I handed the key - one key to the particular cabinet for this; I had other keys for other cabinets and other exhibits, and I handed this key and others to Detective Collins who had worked with me on the exhibits from the beginning of the inquiry, and I had nothing more to do with the inquiry sir from that time on.

MR. RADCLIFFE: Thank you.

HIS HONOUR JUDGE STROYAN:

Q. That is April 1970 you say? - A. Yes.

MR. SYMONDS: Your Honour I wonder if I could ask for a short recess at this time.

HIS HONOUR JUDGE STROYAN: Yes, if we are going to finish this witness tonight.

MR. SYMONDS: Certainly Your Honour.

HIS HONOUR JUDGE STROYAN: A very short one this time. Very important, Mr. Osborne, not to talk to anybody about your evidence during this short adjournment and do not let anybody talk to you about it.

MR. OSBORNE: I will stay in court Your Honour.

(SHORT ADJOURNMENT)

CROSS-EXAMINED BY MR. SYMONDS

MR. SYMONDS: Shall I continue Your Honour?

HIS HONOUR JUDGE STROYAN: Yes please.

MR. SYMONDS:

Q. Mr. Osborne, on what date did you come onto this inquiry? - A. I was warned that I would be on it on the morning that the article was published in the Times, which was the 29th November 1969. That was a Saturday morning and I joined the investigation on the Monday.

Q. On the Saturday, were you at work at Scotland Yard? - A. No I wasn't. I called in there, in fact I was weekend off but I called in there because I had also read the newspapers.

Q. And on the morning that you started your duties as exhibit officer did you then prepare an exhibit book? - A. No.

Q. Did you eventually prepare an exhibit book? - A. Yes, it is before the court now.

Q. And when you started your duties as exhibit officer on the morning of the Monday, December the 1st I imagine, were there any exhibits in existence at that time to come into your care? - A. Exhibits, do you mean tapes and things like that?

Q. Yes. - A. Yes there were.

Q. And did you have control of these exhibits, tapes and documents, from the morning when you commenced your duties? - A. Yes.

Q. Did you also take control of copies of statements which had been made thus far? - A. Yes.

Q. Would you please look at a statement made by a Mr. Mounter to Detective Superintendent Lambert on the night of the 28th. - This is the statement we have referred to on previous occasions Your Honour.

HIS HONOUR JUDGE STROYAN: You can ask him if he took possession of it. You cannot ask him about its contents.

MR. SYMONDS: I must call the man who made the statement for that, must I? See, this statement is in fact no more than a list of the evidence which had been handed over to Scotland Yard. It is that and no more.

HIS HONOUR JUDGE STROYAN: Mr. Mounter has already given his evidence. You had an opportunity to cross-examine him and you cross-examined him at very great length.

MR. SYMONDS: Well the other way would take more time in as much as that is to extract from the exhibit book exactly what documents and statements and tapes were handed over.

MR. RIVLIN: I have no objection to this Your Honour, if the defendant has a point to come to perhaps we can get to the point.

HIS HONOUR JUDGE STROYAN: Yes, what is the point?

MR. SYMONDS: Whether Mr. Osborne would look at this statement which he would have taken control of, the original, and to see whether or not it is a list of copy tape recordings and documents handed over to police by a Times reporter on the night that the paper was published.

MR. OSBORNE: This statement is made by Julian Mounter the reporter, and apart from other things it says that he called at Scotland Yard and he handed over parcels containing envelopes, statements, etc.

MR. SYMONDS:

A Q. Yes, and does he list over the next two or three pages exactly what the parcels and the envelopes contained? - A. Yes.

Q. Now this has been gone through in detail before the court, but in actual fact this statement lists 14 tape recordings. Would you be prepared to accept that without counting them? - A. Yes.

B Q. Now I draw your attention particularly to the first tape recording listed at the bottom of page one, in an envelope marked number 5, a tape recording containing on one side conversation during the above mentioned meeting, that is a meeting between Sergeant Symonds and Mr. Perry on October 28th, and on the other side a telephone call to Sergeant Symonds by Perry. - A. Yes.

C Q. So would you agree from that that the very first tape handed over was in fact a twin track tape recorded on both tracks, according to that? - A. I was not there when they were handed over, I don't know.

Q. Did you examine the copy tape recordings that had been handed over? - A. Yes, I played them.

Q. And did you eventually make transcripts? - A. I did.

D Q. And when you played the copy tape recording of the meeting on the 28th, did you notice whether it was a twin track recording? - A. I can't remember.

Q. And did you make any record in any book of these items of property which had come into your possession? - A. No.

E Q. Why was that? - A. Because it wasn't an ordinary inquiry. This wasn't an ordinary inquiry, this was an investigation into serious allegations against police officers, including yourself, and these things are not done in that sort of fashion. A lot of the documents ...

F Q. Are you saying that because this was an inquiry against a police officer you did not follow the normal procedure in making up an exhibit book and entering the exhibits? - A. The normal procedure was followed up in due course. When I had originals which were going to be exhibits they were put in an exhibits book. These were copies handed over for our use.

Q. Will you look at the exhibits book now please? - A. Yes, I have it in front of me.

G Q. And will you look to see the first reference to tape recordings in that book. - A. Yes.

Q. And those are the alleged originals, are they not? - A. They are the originals, yes.

Q. And you said that you did not put any copy tape recordings in because they would not be exhibits. - A. That is right.

H Q. Now will you look if you have a reference to Grundig tape recordings in that book. - A. Yes I have.

Q. Which you took possession of later, and did you make an entry regarding the copies of those Grundigs? - A. I did.

A Q. Well how would you explain that? Did you consider the copies of the Grundigs might become exhibits? - A. No that was not the reason they were entered in there at all. I entered it in there because they were one of several things that I took from the reporters at that time. There is no reason for me to miss it out.

Q. But did you in the first place take possession of these copy tapes from somebody? - A. Yes.

B Q. So is the situation you do not enter into your book any record of the 14 or 15 copy tapes handed over to the police, but you have made an entry in your book of the copy tape recordings of the Grundigs handed over? - A. Yes.

Q. Now this statement refers to a number of envelopes containing statements from various people concerned in the investigation, Times staff and such, was there ever a record of those statements? - A. Of course.

C Q. And where is that record? - A. That would be in the system, in indexes to systems etc. The statements go into the statements system as you know, they do not go into an exhibits book. They are statements.

D Q. So is it a fact then that of the two parcels handed over to police on the night of the 28th, all the bits of paper, the statements and such were properly entered somewhere, but the 14 copy or 15 copy tape recordings were entered nowhere. - A. They are entered on the statement taken from Mounter, are they not?

Q. The physical tape recordings were entered nowhere. - A. Oh yes they were. They were listed by me. I had taken them into my possession, I have got to put them in various categories. I have got to sort them out, get them into some sort of system to transcribe them. I had lists on bits of paper in folders.

E Q. And where are these bits of paper and folders now? - A. 12 years ago, goodness knows. They would have been destroyed, quite properly, a long time ago.

F Q. And is the reason you did not enter these copy tapes anywhere because you thought that they would not become exhibits eventually? - A. At that time yes, I had lists and I did not have an exhibits book as such and in fact I used those copy tapes, but when I got the originals I put them in the exhibits book. They were originals which were evidence, or would be evidence.

Q. And what was the date you took possession of those originals? - A. The 3rd December in the first instance and the 5th December when I took the four cassettes.

G Q. And was it known from the very first moment, that is from the 28th November, that the originals would eventually become available to the police? - A. No. It was assumed, and in fact it turned out to be so.

Q. So was there a stage when the copy tapes were in fact the only evidence you had? - A. Yes.

H Q. Now when you were getting these copy tapes, where did you keep them? - A. In the same circumstances as I described with regard to originals. They were locked up.

Q. Where? - A. In the office.

Q. In what? - A. In a steel cabinet and I had the key.

A Q. In the one steel cabinet? - A. In these, as far as these tapes are concerned, yes, they only took up half a drawer or less.

Q. So the originals and copies were together in the one steel cabinet. -
A. In the one steel cabinet, but not in the same drawer, and they were not mixed up either, ever.

B Q. And when you transcribed these tapes, as you have given evidence, which tapes did you use to make transcriptions from? - A. The copies mainly, then I checked them with the originals, only to see that the originals were in fact, or rather the copies were copies of the originals and to match them up. Both were the same speech, same everything.

Q. And when you made graduation marks, was it in connection with transcribing or what? - A. Transcribing, yes.

C Q. But are the graduation marks not made on the originals? -
A. They are. I have described it in my evidence, they are the originals, they have got graduation marks on the stick on labels.

Q. And the graduation marks were to assist you in transcribing? -
A. Yes, I said I used them both.

D Q. I believe you gave evidence of writing on the box of exhibit 1, is that right? - A. Yes.

Q. May I see that box, exhibit 1 please. I am sorry, I did not quite hear you identify this. Did you write "Master telephone call, November 28th"? - A. No and I did not say I did either.

Q. Because you wrote the figure 1 and 28 days. - A. That is right.

E Q. Is that your writing also on the label inside in red ink, "phone calls"? - A. Yes.

Q. Will you look at the box of exhibits 5 and 6 please? - A. I have exhibit 5.

Q. Do you recognise any writing on that box? - A. Yes.

F Q. Any of your writing? - A. Not my writing, no.

Q. And the word "master", is that your writing? - A. No it is not.

Q. Will you look at the other exhibits. Will you look at the writing on that box? - A. Yes.

G Q. And the word "master", is that your writing? - A. No, it would not be my writing.

Q. But did you not give evidence before that that was your writing, the word "master"? - A. I said it looked like my print, yes, but I know it is not, and the reason, it is quite obvious that there is no way under any circumstances would I write anything on the actual box or on the spools.

H Q. Why did you give evidence on oath on a previous occasion that you had in fact written those words? - A. I did not say I had. I said it looked

like my writing and it could be my writing, but I was doubtful then and I am quite certain now that it is not, because I would not desecrate an exhibit by writing on it. All my writing on these things you will notice is on stick on labels.

A Q. And when these tape recordings were kept locked up in this box, was it a box or a filing cabinet did you say? - A. I said a filing cabinet, similar to that one.

Q. Filing cabinet. You say there was one key in existence. - A. Yes.

B Q. Could there have been two keys? - A. Well one could obtain master keys, if one had lost one one could pick the lock; one could make another key, cut another key from it. I had the one key as far as I knew to that.

Q. And if a senior officer desired to come and look at those tapes for any particular reason, would he be able to go to this cupboard and take out these tapes and look at them? - A. Not without my knowledge.

C Q. But as you said yourself, these locks can be picked and forced and opened. Would it be possible for a senior officer to have looked at those tapes or to have got at those tapes during the time ... -

A. In clandestine fashion perhaps, out of hours, in the early hours of the morning, anybody could have done it, senior officer or not.

Q. Would it be true to say that the security of those tapes was not in the cabinet they were contained in but in the building they were in? -

D A. Both. More than that. It was also in the offices, the office that the cabinet was contained in as well. They were secure.

HIS HONOUR JUDGE STROYAN:

Q. Did any senior officer so far as you know take any tapes out without your knowledge? - A. No Your Honour.

Q. Or with your knowledge? - A. No Your Honour.

E Q. Were there any signs of burglary by senior officers? - A. No Your Honour.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. And when you were away at weekends or what not, what happened to the key? - A. I had it.

F Q. Did you have an assistant? - A. Yes, Detective Collins.

Q. And did he ever hold this key? - A. No.

Q. Never? - A. No.

G Q. Now you have given evidence of transcribing these tapes. Did you transcribe them yourself? - A. Yes.

Q. And what equipment did you use? - A. I used a tape recorder.

Q. What sort? - A. An ordinary tape recorder.

Q. Can you recall the name? - A. No.

H Q. So there is nothing special about it? - A. No.

Q. And did you use headphones? - A. No.

Q. Or any sort of device for slowing down or playing back? -

A. Playing back is a device that exists on all tape recorders and I used the play back, of course I did, and the stop button and the play forward and the fast forward and the fast reverse. The one exception that was taken off the tape recorder by sealing off with tape of course was the record button to prevent accidental erasure. That was done before I even started.

Q. And when you were making these transcripts, did you have access to the Times transcripts? - A. Yes.

Q. And did you follow those as a general guide? - A. No.

Q. Did you ever later compare the Times transcript against your own transcript? - A. Yes.

Q. And did you find that in general they were more or less the same, except for certain, shall we say vital passages? - A. No, I can't say that.

Q. When you were transcribing these tapes did you have any assistance in transcribing them? - A. Detective Collins.

Q. And anybody else? - A. No.

Q. Did, for example, Detective Chief Superintendent Moody help you in any way? - A. No.

Q. Did he have any part in transcribing these tapes? - A. He had access to us whilst we were transcribing them, as much as he wanted, and he could come in and listen to us. We were locked away in a room, and as a senior officer, quite rightly, he occasionally came along and listened. Sometimes we would refer certain passages to him for him to listen to, and that is all, listen.

Q. And who was the senior officer in the case at the beginning of this inquiry? - A. Detective Chief Superintendent Lambert.

Q. And after some months he became Detective Chief Superintendent Moody, is that right? - A. That is right.

Q. Now when you set about transcribing these tape recordings, was it to your knowledge that there was in fact a specialist establishment which had been set up only some months before that date with specialist equipment for the transcribing of tape recordings? - A. Yes, several establishments all over the country.

Q. Would you look at this police order please of the 30th September 1969?

HIS HONOUR JUDGE STROYAN: Well if it is the same one it says something about another establishment where you could transcribe. How that helps in this case I will never know.

MR. SYMONDS:

Q. Do you recognise that police order? - A. It looks like a photostat copy of general format of police orders as I remember them, yes. I cannot remember it in particular of course.

Q. Well would you look at it carefully please? - A. Yes.

MR. SYMONDS: I think I would like to exhibit that order my Lord.

HIS HONOUR JUDGE STROYAN: It is an order made by somebody else. I have told you several times today ...

MR. SYMONDS: Could you sent that back to me please.

A HIS HONOUR JUDGE STROYAN: ...that that is not admissible. Ask him what he did with it. You cannot ask him what other people said in his absence.

MR. SYMONDS:

Q. Having looked at that police order did you see that it was headed "Tape recordings, transcripts". - A. Yes.

B Q. "The receiver has recently purchased equipment to assist investigating officers in processing transcripts of tape recordings which are of poor quality." - A. Yes.

C Q. "This equipment is held at Telecommunication Branch R & D Section Denmark Hill, and request for processing should be made direct to that Branch." Further to that, did it say "Equipment is available to assist investigating officers requiring transcripts of tape recordings which were distorted or of poor quality" and it refers to this quarter inch tape here. Now why, in view of the fact that recent police order dated the 30th September bringing the attention of all officers to the fact that these facilities were now available, why didn't you send these tape recordings to Denmark Hill to be transcribed? - A. As I said earlier on this was not a normal investigation was it. It is a question of security apart from anything else at that time. That is why Collins and I were the only ones that were transcribing them. That is why all the normal procedure did not go on. We were investigating police officers who were alleged to have committed serious offences. It was a matter of national interest. It had been in the Times.

Q. Have you finished? - A. I am answering your question Mr. Symonds.

Q. What is your warrant number Mr. Osborne, as a matter of interest?

E HIS HONOUR JUDGE STROYAN: Now this is quite irrelevant.

MR. SYMONDS: It is sir, I am afraid. I might well have relevance.

HIS HONOUR JUDGE STROYAN: No.

MR. SYMONDS: Pardon?

F HIS HONOUR JUDGE STROYAN: I said no.

MR. SYMONDS: He is not allowed to give his warrant number?

HIS HONOUR JUDGE STROYAN: He can give it if he wants to. He needn't if he doesn't want to.

MR. SYMONDS:

G Q. Well do you want to? - A. I don't mind in the least. 138722.

MR. SYMONDS: Thank you.

HIS HONOUR JUDGE STROYAN: Yes. What is the next point.

MR. SYMONDS:

H Q. So your answer as I understand it is that the reason that these tape recordings were not sent to the normal, or to the official place to be transcribed is because there was a security aspect? -

A. Yes, and we were not obliged to send them there. That police order as you read out is purely informative.

Q. And had you ever transcribed tape recordings before? - A. Yes I had.

Q. You had? - A. Yes.

Q. On many occasions? - A. Several.

Q. Several, and when you were transcribing these tape recordings did you find any difficulties in any passages? - A. You are back to the tape recordings in this case.

Q. Pardon? - A. Are you referring to the tape recordings in this case?

Q. Yes. - A. Well yes, yes I did, and I noted so accordingly in the transcript.

Q. And did it cross your mind to use any form of machinery to improve the reception, as it were, of these difficult passages? - A. Not whilst I was preparing the transcripts, no.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. You see, Mr. Moody has given evidence on oath on a previous occasion to the effect that he was responsible and solely responsible for making these transcripts.

HIS HONOUR JUDGE STROYAN: That wont do.

MR. RIVLIN: Your Honour not merely wont it do ...

MR. SYMONDS: Would you like me to read out the passage?

MR. RIVLIN: No. Not merely will it not do, but the defendant knows and he has been told several times that that sort of thing wont do, and what is more, he knows that when he comes out with something like that without notifying us so that we can object, in the presence of the jury, the damage, if there is any damage, is done and no-one can repair it. This is entirely inadmissible. The defendant has insisted, as Your Honour knows, that Mr. Moody be called as a witness so that he can cross-examine him. We have reluctantly agreed to tender him as a witness. That is the time for the defendant to ask him questions, when he comes into the witness box.

HIS HONOUR JUDGE STROYAN: Go on to something else Mr. Symonds. That was a wholly improper question. I am coming to the conclusion that you know you are asking improper questions.

MR. SYMONDS:

Q. Before, just before you went onto this inquiry, what squad were you on Mr. Osborne? - A. I was on murder squad, C1 Department, New Scotland Yard.

Q. And working with which officer? - A. I can't remember. We changed officers from time to time according to requirements.

Q. And do you know of a Sergeant Jones, Cyril Jones. Was he on your inquiry squad as well? - A. Can't remember.

Q. Turning to another matter, did you ever take these tapes out of New Scotland Yard to be examined elsewhere? - A. Yes, I have said so. I, over a period of three months I took them daily to the EMI laboratories at Hayes.

A Q. And were they being examined by a Mr. Taylor? - A. They were.

Q. Did Mr. Taylor ever have these tapes to himself, as it were, when you were not present? - A. Never.

Q. And when Mr. Taylor was examining these tapes was it right within your sight? - A. Yes.

B Q. Everything he did? - A. At all times.

Q. So if Mr. Taylor had been minded to make some sort of mark, editing mark on these tapes with a chinagraph pencil or a felt tip pen, would you have seen this? - A. Yes.

C Q. And are you in a position to say that this certainly did not happen during the time you were present? - A. That is so.

Q. Now was any other officer responsible for taking these tapes to EMI apart from yourself? - A. No.

MR. SYMONDS: No more questions Your Honour.

RE-EXAMINED BY MR. RIVLIN

D MR. RIVLIN:

Q. Just a couple of points Mr. Osborne. The first is this. I do not want there to be any mistake about this and about the key. To whom did you give the key after you had left the post as exhibits officer? - A. My assistant Detective Collins.

E Q. Yes, thank you. The other matter is this, that in relation to graduation marks you have told the jury that there are some on the original tapes and that you were listening to both originals and copies. - A. That is so, yes.

Q. Just have a look at a couple of copies. Look at these two copies if you would please. Do you see, are there any graduation marks on those as well? - A. Yes, and that is my writing.

F Q. That is in your handwriting. So that if you made graduation marks, if you were listening to copies and to originals you might make graduation marks on both? - A. Yes. There were times when I was required to play over certain passages of the originals at a later stage, such as conference and so on.

G Q. Yes. Yes, thank you very much. Well it has been noted Mr. Osborne that no allegation has been made against you in this case, but may I just ask you this question. With what degree of seriousness and care were you treating the originals? - A. The utmost, the absolute utmost from the off.

MR. RIVLIN: Yes, thank you very much.

MR. OSBORNE: Thank you sir, I am obliged sir.

H HIS HONOUR JUDGE STROYAN: I am sorry you have had to wait such a very long time.

MR. OSBORNE: Thanks for letting me come in sir.

MR. RIVLIN: Your Honour our following three witnesses are photographers. The first in order of time is Mr. Sims. He relates to the 28th October. He did not in fact take any photographs and so I propose to tender him to the defendant for cross-examination if he wishes. That is Colin Russell Sims.

HIS HONOUR JUDGE STROYAN: Yes. Do you want to cross-examine Mr. Sims who took no photographs?

MR. SYMONDS: Yes, there are one or two questions I would like to ask him, but I would like to have a look at my records.

MR. RIVLIN: Depositions page 50 Your Honour.

HIS HONOUR JUDGE STROYAN: Thank you.

COLIN RUSSELL SIMS (SWORN)

MR. RIVLIN:

Q. What is your full name and address please? - A. Colin Russell Sims, Old Malt Cottage, Station Road, Lingfield, Surrey.

MR. RIVLIN: Now would you please wait there Mr. Sims.

HIS HONOUR JUDGE STROYAN: Yes, what questions do you want to ask this witness?

CROSS-EXAMINED BY MR. SYMONDS

MR. SYMONDS:

Q. Mr. Sims do you recall on the 28th October 1969 you received an assignment? - A. I don't recall the date but, I can't say that, you know.

Q. Do you have your statement before you or anything you can refresh your memory from? - A. No I don't.

MR. SYMONDS: Your Honour I wonder if this gentleman could be allowed to refresh his memory from the statement he made shortly afterwards.

HIS HONOUR JUDGE STROYAN: If he made a note at the time he can. Did you make any note at the time?

MR. SIMS: No personal note, no.

HIS HONOUR JUDGE STROYAN:

Q. No. What is the first written record you made of this? -

A. I wouldn't claim to have a written record Your Honour.

MR. SYMONDS: Well in that case Your Honour may Mr. Sims refer to his deposition which was taken on the 5th March at Wells Street Magistrates Court. It is only two pages, perhaps he could be allowed to refer to that to see, so that he can see what he said on oath before.

HIS HONOUR JUDGE STROYAN: Well it is not admissible you know.

MR. RIVLIN: Your Honour I have no objection at all, if the defendant is allowed to ask leading questions, he can cross-examine, he can ask the witness what happened and if the witness denies it he can put whatever he likes really, providing it relates to what this witness has said.

HIS HONOUR JUDGE STROYAN: The way to do it Mr. Symonds is to ask questions. If you do not get the answers you want and there is a different answer given in his deposition, well you can put it to him. But you must ask him the questions before you put the statement to him. You may get the right answer or you may not.

MR. SYMONDS:

Q. 1969 were you working through Southern News Pictures Ltd., 283a High Street, Croydon, Surrey? - A. Yes indeed.

Q. And on a date late in 1969 do you recall receiving an assignment to go to meet some people in a public house at East Dulwich? - A. Yes, though speaking in order I do not recall that it was 1969, but I am sure it was. I will take your word for it rather.

Q. And do you recall when you went to meet these people did you meet two newspaper reporters from the Times? - A. Yes indeed.

Q. And do you recall that they were making telephone calls to contact someone, a police officer? - A. Yes I do.

Q. Do you recall as a result of one of these telephone calls the time for the meeting was brought forward? - A. Yes.

Q. And do you recall that there was a young fair haired man with them, a Mr. Perry? - A. Yes I do.

Q. Do you recall the newspaper reporters fitting Mr. Perry with broadcasting equipment? - A. Yes I do.

Q. And do you recall the reporters producing a large sum of money which was then given to Mr. Perry? - A. Yes.

Q. Can you recall where they got the money from? - A. I believe one of them produced it from their pockets.

Q. One of the reporters produced it from his pocket. And then did they count the money which was in £5 notes? - A. That is correct.

Q. And then before they gave the money to Mr. Perry did you see them fanning it out and saying something to the young man indicating that this should be the manner in which he handed over the money so that you would in fact have an opportunity to photograph it? - A. Yes.

Q. And I believe you then went on to observe a meeting but due to circumstances you paid no further active part in that and you did in fact not take photographs. - A. I certainly did not take any photographs. I vaguely recall being asked to do one or two minor things, but precisely what they were I certainly cannot recall.

Q. Do you recall one of the reporters carrying a small tape recorder about with him in order to try to get a better recording? - A. Technically I do not know quite how you describe what he had on him. I thought it was more of a sort of microphone - sorry, could you repeat?

Q. The reporter, one of the reporters, was he carrying around a tape recorder to try to get nearer to the car? - A. I can't say I recall that.

Q. So the two main points, Mr. Sims, I would like to cover again are that the reporters produced the money, one of the reporters produced the money and gave it to Mr. Perry.

HIS HONOUR JUDGE STROYAN: Mr. Symonds I do hope you will give the jury credit for being able to hear questions and answers. I am sure they do not want to hear everything twice.

A MR. SYMONDS: Just to make everything clear so I cannot be accused of twisting words and what not.

HIS HONOUR JUDGE STROYAN: We all heard what was said. We do not want to hear it again, I will not permit it.

MR. SYMONDS: Well in that case Mr. Sims I have nothing more to ask you. Thank you very much.

B RE-EXAMINED BY MR. RIVLIN

MR. RIVLIN: Well I do.

Q. Mr. Sims do you remember making a statement to the police about this. I shall not cross-examine you on the statement, I just want to ask you if you can remember making a statement to the police. - A. Yes certainly.

C Q. Would you just look at this document please. Just look at the date on that would you. What is the date please? - A. Dated 14th January 1970.

Q. At the time that you made that statement to the police were these matters then fresh in your mind? - A. Almost certainly. Yes, certainly. It was quite, I imagine it was within a year or thereabouts.

D Q. I do not think it was a question of within a year. I think it was within a, let me think, it was within two and a half months. -

A. Well within a year.

Q. And you say that the matters were then fresh in your mind almost certainly. - A. Oh yes.

MR. RIVLIN: Then might he refresh his memory from that statement?

E MR. SIMS: Yes.

MR. SYMONDS: Well I would like to ...

MR. RIVLIN: Would you please have a look at the statement.

F MR. SYMONDS: Your Honour I do protest about this because I was stopped from putting the statement and depositions to the witness then the prosecuting counsel says he is not going to cross-examine on the statement then he puts the statement. It is outrageous.

HIS HONOUR JUDGE STROYAN: You are quite mistaken I am afraid. This is a perfectly proper question.

MR. RIVLIN: Just read the statement through to yourself if you would please.

G MR. SYMONDS: If Your Lordship remembers you were saying did he make a note at the time.

HIS HONOUR JUDGE STROYAN: Sit down.

MR. SYMONDS: It is nonsense. It is a farce. It is a farce.

H HIS HONOUR JUDGE STROYAN: You have got yourself in a muddle.

MR. SYMONDS: We will take this to the Appeal Court. The appeal Judges will love this.

HIS HONOUR JUDGE STROYAN: You do not advance your case by being rude to me.

A MR. RIVLIN: Your Honour may I say that the defendant has had a copy of this statement provided to him so he knows what it says.

I am sorry this is taking time, it is a fairly long statement but I have only got really one question to ask about it.

B HIS HONOUR JUDGE STROYAN: Yes, well you read it. I am just saying take his time and read it carefully.

MR. RIVLIN: Yes.

HIS HONOUR JUDGE STROYAN: Can you read it alright?

MR. SYMONDS: I have never had a copy of this statement.

C MR. SIMS: With a little difficulty but it is coming along.

MR. RIVLIN:

Q. Would you just tell me when you have got past the part about the money? -

A. I am just starting on that.

MR. RIVLIN: Very well.

D MR. SYMONDS: How many pages has this statement as a matter of interest?

MR. RIVLIN:

Q. You have? - A. Yes.

Q. Now have you signed that statement Mr. Sims? - A. Yes.

Q. Just check, make sure that you have signed it. - A. Yes I did.

E Q. And is that the statement that you made at that time? - A. Yes it is.

Q. Now it was suggested to you by the defendant that what happened was that the reporters handed over the money to Mr. Perry. - A. Yes.

Q. Do you understand? - A. Yes.

F Q. And I certainly do not criticise him for that, because Your Honour let it be said that is what this witness said before the Magistrates Court.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: So that it is not suggested for a moment that the defendant was trying to take a bad point.

G HIS HONOUR JUDGE STROYAN: No.

MR. RIVLIN:

Q. You have read the statement that you first made to the police. -

A. Yes.

H Q. Does that refresh your memory as to what in fact happened in relation to money? - A. Not particularly, it is a little like reading a sort of something, you know, sort of an essay that you wrote x number of years ago. I do not recall it precisely and I do not think I could be expected to after such time.

Q. No, I am not suggesting for a moment that you should recall it precisely. Just answer this question yes or no. Do you give an account in your first statement to the police about what happened in relation to money? -
A. Yes I did.

A Q. Yes. At the time that you gave that account to the police was the matter fresh in your mind? - A. Yes it was.

Q. Was your account true? - A. I am sure it was.

B Q. Yes. Well now in relation to the question of money and as to who gave who the money and what happened with regard to the money, using your statement to refresh your memory if it is true, can you please help us as to what in fact did happen with regard to money. Now what did happen? - A. I must admit I shall have to read this again.

Q. Well do. Do. Yes. - A. Well the young man in question handed, produced a bundle of notes which were then counted out. They asked me at the time to observe what was going on.

C Q. Who asked you to observe it? - A. Either one or both of the Times reporters.

Q. Yes. - A. I saw them count out £50, they asked me to observe the fact that he was not carrying any other money or whatever, having searched his pockets and so on, and then gave the money back to him.

D MR. RIVLIN: Yes. Now that is all I have to ask of the witness. I heard the defendant say that he thought that he had not seen this statement.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Now it is my understanding that it has been disclosed but I think that he should have the opportunity of looking at it, with respect Your Honour, to make sure that he has seen it.

E HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: So he can see the thing for himself. Could you let me have it please.

HIS HONOUR JUDGE STROYAN: That is a copy statement in your hand.

F MR. SYMONDS: No, I have got edited section 2 statement which was served before the committal, Your Honour, which obviously contains rather less information than is contained in the full statement. If I could have a copy of the full statement, a photocopy.

MR. RIVLIN: Your Honour yes, certainly.

HIS HONOUR JUDGE STROYAN: I am anxious this witness should get away tonight.

G MR. RIVLIN: So am I Your Honour. Can the defendant work from the original?

HIS HONOUR JUDGE STROYAN: Yes certainly. Mr. Symonds you have heard Mr. Rivlin ask some questions about the passing of money relating to that document, which arises from that document. If you want to ask any questions about the passing of money, well then you shall.

H MR. SYMONDS: Only on the passing of money?

HIS HONOUR JUDGE STROYAN: It is the only matter that was raised on the document.

A MR. RIVLIN: I am sorry Your Honour, but if the defendant feels that he has just been handed a statement that is new to him that he has never seen before that contains other material, then I apologise for the fact that he has never been shown that statement before and I would have no objection to him cross-examining on it.

HIS HONOUR JUDGE STROYAN: Well I am very keen that this witness should get away this evening.

B MR. RIVLIN: I know Your Honour, but we have done our best throughout to disclose all original statements and if one has managed to get away then I am sorry and I certainly would not object to the defendant cross-examining on any relevant matter.

HIS HONOUR JUDGE STROYAN: Yes, providing it is relevant.

C MR. SYMONDS: Well Your Honour could I suggest that I have 5 minutes with my Solicitor because I want to ask him about two or three points in here.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS: Then I will spend another few minutes on cross-examination then we will finish with this witness today.

D HIS HONOUR JUDGE STROYAN: Yes.

(SHORT ADJOURNMENT)

MR. SYMONDS: I have taken advice from my Solicitor Your Honour and I have decided to ask no questions of this witness.

HIS HONOUR JUDGE STROYAN: Very well.

E MR. RIVLIN: Well that is the end of this witness's evidence Your Honour.

HIS HONOUR JUDGE STROYAN: Well that is a convenient moment to adjourn till tomorrow. Members of the jury that is all for today. Would you be kind enough to leave court now and be back tomorrow morning at half past 10.

(JURY LEAVE)

F HIS HONOUR JUDGE STROYAN: Mr. Symonds there is one thing I ought to say to you before I rise and that is that some of your discourtesy to me earlier today could perhaps be said to amount to contempt of court. I better warn you about that. I am going to warn you again about it. It may be necessary at the end of these proceedings to take action on it. I very much hope I shall not have to do so, but I must ask you to behave yourself and to bear that warning in mind.

G MR. RIVLIN: Your Honour before you leave the court may I just make it absolutely clear to you, as I did in the pre-trial review before Your Honour, that the witnesses who are giving evidence in this case are by and large being shown their statements before they come to give evidence.

HIS HONOUR JUDGE STROYAN: Yes.

H MR. RIVLIN: And I wish it to be known, Your Honour, that that procedure has taken place, or is taking place in relation to Mr. Perry as well.

HIS HONOUR JUDGE STROYAN: Yes.

A MR. RIVLIN: This is quite an exceptional case, one in which witnesses are having to remember back many, many years. When I raised the matter before Your Honour in the pre-trial review there was no objection to it and we have never heard any objection voiced, but I thought it right to mention the matter in open court before you and I hope that Your Honour approves of that course, even with somebody such as Mr. Perry, when, as I say, he is having to remember back many, many years.

B HIS HONOUR JUDGE STROYAN: It is a course that is taken in many cases without anybody objecting, and in view of the delay of some, of all of 11 years in this case, I can see no objection to it now, provided of course it is understood that that has happened.

MR. RIVLIN: Oh Your Honour it has been made very very clear.

HIS HONOUR JUDGE STROYAN: Yes, well now tomorrow we have one or two short witnesses followed by Perry, is that right?

C MR. RIVLIN: Tomorrow we have two more photographers followed by Perry.

HIS HONOUR JUDGE STROYAN: Is Hyde a photographer?

MR. RIVLIN: We are going to call Hyde a little later on Your Honour, he is an expert.

D HIS HONOUR JUDGE STROYAN: Oh yes.

MR. RIVLIN: He is our expert in relation to tapes and we are going to call him after the main, after all the witnesses as to fact, apart from the police officers.

HIS HONOUR JUDGE STROYAN: Yes, I am just looking at your order of witnesses so far.

E MR. RIVLIN: Your Honour yes, he is to be taken out. Your Honour may I say this, that I have made enquiries of the defendant as to whether it is his intention to call expert evidence, because may I make it absolutely clear that if it was not his intention to call expert evidence I would not seek to waste the court's time by calling experts myself.

HIS HONOUR JUDGE STROYAN: No.

F MR. RIVLIN: But the defendant has been good enough to let us know that he will call expert evidence and in those circumstances, and those circumstances only, I am going to call our experts.

HIS HONOUR JUDGE STROYAN: Yes, I can follow that. Well that is something which no doubt the defendant's Solicitor can consider over the adjournment.

G MR. RIVLIN: Your Honour yes.

HIS HONOUR JUDGE STROYAN: At all events we shall have Prigmore and Perry.

MR. RIVLIN: Prigmore, Grevitt and Perry.

HIS HONOUR JUDGE STROYAN: I see. Whether we get any further or not we shall have to see.

H MR. RIVLIN: I am led to believe that will see the day through. Well Your Honour there are one or two others who could be read I think.

HIS HONOUR JUDGE STROYAN: Yes. Well we can deal with that matter as we go along. Very well.

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I certify that I took shorthand notes in the case of R - v - J. A. Symonds on Tuesday 24th March 1981 and I certify that the pages numbered 1 - 69 are a true and complete transcript of the said shorthand notes to the best of my skill and ability.

F

Linda Pearce
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H