

IN THE CROWN COURT

Before:

HIS HONOUR JUDGE R. A. R. STROYAN Q.C.

Held at:

The Law Courts,
Victoria Square,
Middlesbrough.

On:

Thursday, 5th March, 1981

R E G I N A

- v -

JOHN ALEXANDER SYMONDS

MR. G. RIVLIN Q.C. assisted by MR. F. RADCLIFFE appeared as counsel on behalf of the Crown.

MR. SYMONDS was unrepresented.

Transcript of the Shorthand Notes by Mrs. D. Smith and Mrs. C. Bowe of
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Thursday 5th March 1981

Trial within a Trial Continued

A Mr. Rivlin: Your Honour, might I please mention two matters? The first is this, that we have been given notice by the Defendant that it is his intention to call on his behalf in this trial within a trial, three witnesses, two of whom certainly appear as it were/ ^{on} the back of the indictment. They are the ex-police officer Moody and also Mr. Pridmore, the photographer. And he also wants another officer called Lambert to come. And we have made, I say, made it clear that we are perfectly willing to undertake to have those people here. What concerns me is quite simply this; whether their evidence would be relevant in this trial within a trial and whether they could really assist you in deciding that which you have to decide, because we are worried that a great deal of time is being taken in this particular venture and that the expense and the trouble of getting them here - in particular of course Moody, who has to be brought from another prison - is really going to be justified. And that is a problem that I would like to ventilate before you. The other matter is this

His Honour Judge Stroyan: Who are those witnesses? Lambert?

D Mr. Rivlin: Lambert, Moody and Pridmore the photographer, and they have asked for Price as well, I am obliged, who together with Moody, interviewed the Defendant. They were the two interviewing officers. Now, the other matter is this; and it is, again I mention it simply because I am concerned to save time, and that is that the only reason why we for our part would call Perry in this trial within a trial, may I say he was not called in the previous one, the only reason we would call him would be to prove the voices and I should not for my part be asking Perry I think any other questions, or at least if I did very few other questions. Now, Your Honour, I know you took a note and so did we of something Mr. Symonds said a couple of days ago, when he was questioning Mr. Lloyd, "You have probably listened to my voice innumerable times on the tapes", and we took that to be an acceptance by Mr. Symonds that his voice does appear on the tapes.

His Honour Judge Stroyan: Yes, well, I did too.

F Mr. Rivlin: And if that is so then again we feel very strongly that we could save a lot of time if it was not necessary to call Mr. Perry. May I say this, Your Honour? I hope Your Honour will accept I am not advancing these matters before you now because we fear we have anything to lose if we did call these witnesses. It is just that they would and could take a great deal of unnecessary Court time.

G His Honour Judge Stroyan: Yes, well now, Mr. Birnberg, I know that you have got no real say in this Court, but I would find your assistance valuable about these witnesses.

Mr. Birnberg: Yes, Your Honour, essentially I have been thinking, going to the question of continuity of handling, which is obviously a very material matter concerned with the admissibility of these tapes.

H HIS Honour Judge Stroyan: Lambert has not been mentioned so far in

relation to continuity.

A Mr. Birnberg: No, Lambert and Moody were of course the investigating officers in the police investigation and certainly it will be the Defence case that Moody had custody of these tapes at some time during the investigation, therefore, obviously interrupting the continuity of handling. I know that is the matter which will be evidentially in dispute, but certainly that is the Defence case, and I think the evidence will be also that the same goes so far as Lambert is concerned, Lambert being the senior officer in the matter and then his case was really taken over by Moody at a later stage in, I think, 1971. So that is the relevance of those two particular officers. Price was another officer who was concerned I think in the enquiry and indeed so was Duffy and Duffy was certainly called at the Old Bailey at what I may call the abortive trial last year and gave relevant evidence, material on the question of the handling of those tapes after they came into police control at the time of the investigation. Therefore, Price and Duffy are in my submission relevant witnesses. And so far as obtaining production of Moody is concerned, he is serving a sentence as you know, Your Honour, and of course the actual cost and trouble and so on involved in actually getting him here must be fairly minimal. It is simply a question of transferring him from one prison where he is at the moment to another for production no doubt thereafter.

B

C His Honour Judge Stroyan: What I am concerned with is whether, when they turn up, they are going to give evidence on the very narrow point I have got to decide.

D Mr. Birnberg: Well, on the point of continuity of handling, I think their evidence would assist, of all those witnesses.

His Honour Judge Stroyan: There is no suggestion that Price ever had anything to do with it.

E Mr. Birnberg: Well, Price and Duffy were two officers in the investigation. They were not - they were junior officers at that stage, under the supervision of Moody and Lambert, but they certainly were involved and I think it will be the Defence contention that they had custody of these tapes or opportunities for custody of the tapes at the relevant time, and it was a fairly extensive investigation. It went over a period of months in fact and it does break the continuity of handling.

F His Honour Judge Stroyan: Do they all cover the same period?

G Mr. Birnberg: Broadly speaking yes, that is to say Moody and Lambert, well, Lambert followed by Moody and Moody was involved in the investigation from the outset as well and Lambert was in charge until about the middle of 1971, and then I think Moody took over, and both Price and Duffy were at the outset of the investigation, immediately the Times handed the alleged evidence, these original tapes, over to the police, all officers were involved certainly. I think that is right, Mr. Rivlin?

Mr. Rivlin: Yes.

H His Honour Judge Stroyan: I am worried about having as many witnesses as that. I am only concerned with having a prima facie case. I am not trying the issues, as you know, beyond reasonable doubt.

Mr. Birnberg: No, we are only concerned with the narrow issue as to how authentic these tapes are, as to whether what is before the Court are originals or copies and it is the Defence case, and very relevant in that, who had custody of these original tapes.

A His Honour Judge Stroyan: Is the suggestion that they have been dishonestly tampered with?

B Mr. Birnberg: I don't think the suggestion goes as far as all that, but it is certainly - I think this is common ground between the sides - that the technical evidence would suggest that certainly some of these tapes could not be original tapes if the explanation offered by the Prosecution is to be accepted and that these must be or there is reason to believe that they must be in fact copy tapes.

Mr. Rivlin: No, that is not common ground at all. Your Honour, with respect to my friend, it is not common ground.

C Mr. Birnberg: Certainly, so far as the Defence is concerned there will be evidence to that effect, that these cannot be original tapes and the central issue is whether these are original tapes and what has happened to those tapes between the time of their creation and their production in Court. And if the Defence can show there has been a substantial break in handling, the continuity has been destroyed, well then it does, in the Defence submission, cast doubt on the authenticity and the originality of those tapes. I can take further instructions from my client if there is anything else that D in fact would assist you in deciding on this?

His Honour Judge Stroyan: I am concerned not to waste more time than is essential.

Mr. Birnberg: Yes, I think broadly speaking that is what the Defence will be saying.

E His Honour Judge Stroyan: Yes, I am grateful. Well, I think if I say that the Defendant could have leave to call Lambert, he was the senior officer in charge.

Mr. Rivlin: Yes, he was.

F His Honour Judge Stroyan: And one can then see where one goes from there.

Mr. Rivlin: Yes.

Mr. Birnberg: I think, Your Honour, in many ways although Lambert is of assistance I think Moody is the officer I think, that would be of more assistance to the Court, because he was the man who had a more direct control over these tapes at the outset certainly.

G Mr. Rivlin: Your Honour, if we have an assurance that these witnesses are really considered to be vital to Your Honour's consideration then I shall say no more. Your Honour, my learned friend and I both know what Duffy had to say in the trial within a trial last time, when he was called on behalf of the Defence and what assistance he was to the Defence when he came to give evidence and I am happy to show my friend a transcript of Duffy's evidence H if he wishes it in order to decide whether he really is necessary.

His Honour Judge Stroyan: I have not got Duffy down at the present time. Lambert, Moody, Pridmore and Price?

A Mr. Rivlin: Yes, but he has been mentioned. Your Honour, may I just say this, because it seems to me there may be some fundamental misunderstanding on the part of the Defendant about the case that is being presented against him and that is this; the fact that the tapes may be proved not to have been factory fresh or virgin tapes as they are called, is neither here nor there in our submission. What we have got to prove is that the tapes, exhibits numbers 1 - 7 in this case, are the original recordings and if it be proved that one or two or three of the tapes had been used before by somebody, B it will be our submission that that is of no account whatsoever. And if the Defendant's argument is going to be before Your Honour these tapes were not factory fresh when they were used to record these interviews with him, these conversations

His Honour Judge Stroyan: That is not the point.

C Mr. Rivlin: That is just not the point at all and there may be some fundamental misunderstanding. The Defendant, I don't know, may be under the misapprehension that we have got to prove that these tapes were factory fresh, but we have not. All we have to prove in our submission is that the tapes that you have been listening to and that have been produced were the tapes upon which the original conversations were recorded.

D His Honour Judge Stroyan: Yes.

Mr. Birnberg: Yes, Your Honour, I think the Defence accepts that. Can I just raise one other matter concerning other witnesses?

His Honour Judge Stroyan: Yes.

E Mr. Birnberg: There are a number of witnesses that the Defendant wants to call at the trial within a trial and at some stage I think it would be of assistance to the Court if my client could mention those specifically and their relevance to his case. I don't know whether now would be a convenient opportunity or perhaps if he might be given an opportunity before the Court rises tomorrow, at which he can mention the individuals concerned.

F His Honour Judge Stroyan: Yes, so far as Pridmore is concerned I cannot see what possible evidence he can give?

Mr. Birnberg: Yes, I think the position there is it very much depends on the rest of the cross-examination of Lloyd as to whether Pridmore is of relevance. I think it probably would only go to credit in any event.

G His Honour Judge Stroyan: Well obviously we cannot have that. I cannot for the moment see any possible ground on which Pridmore would be relevant.

Mr. Birnberg: No.

H His Honour Judge Stroyan: Well, I think what I will do is to see how it goes and if you tell me it is vital that we should have these witnesses here I think I should like to approach it by stages and try the one which you think is most important and see if he is going to help and if he does not then we need not call others; if he is

A going to help, well then the others should be called, but if the one that you think is going to be your best witness turns out not to be of assistance on this particular point, then I can see no point of going to the expense of calling others. That is my present view about it, Mr. Birnberg, but I would like your assurance that you think they are going to be of assistance and, well then I would certainly give leave to call at all events the first one and then to see where we go from there. So far as Perry is concerned, I cannot see that he is going to be of any possible assistance on this issue. The Defendant has accepted, as I understand it, during his cross-examination his voice was one on the tapes.

B Mr. Birnberg: Well, I am not certain that it goes as far as that. I think he put it on the basis on the assumption that this was his alleged voice, that the witness had had plenty of opportunity of hearing it. I don't think that it constituted in my respectful submission an admission by him.

C His Honour Judge Stroyan: The notes I have got are, "I don't dispute you have listened to my voice innumerable times on the tapes".

Mr. Birnberg: Yes, I think one has to read that in the context of the way the question was put. This, after all, was his alleged voice and I think as, as far as he is prepared to go, I don't think it is an admission that it was in fact his voice. I don't think it was intended in that way, but I can take instructions certainly on that.

D His Honour Judge Stroyan: You see one is faced with the problem that if the suggestion is going to be that it was not the Defendant's voice then I think it is right other people there should have an opportunity of answering the allegation.

E Mr. Birnberg: Indeed and that is why the Prosecution have indeed called Perry, as I understand it. I think that is why it was indicated at the outset he made no admissions, Perry was to be called and is indeed here and Perry had, had obviously spoken to the Defendant before that, so that he was in a position to, and I think that is the very reason that Perry is before the Court.

His Honour Judge Stroyan: I suppose Perry may be relevant on the question of whether it was his voice, but on that issue only, he is certainly not relevant in any way about the tapes.

F Mr. Birnberg: No.

His Honour Judge Stroyan: Yes, yes, very well, it looks as if we will have to call Perry on that very limited issue.

Mr. Rivlin: Your Honour, yes, we ask Mr. Lloyd to come back into the witness box.

G Mr. Lloyd Brought into Witness Box

Mr. Rivlin: Yes, you are still giving evidence under oath, Mr. Lloyd.

His Honour Judge Stroyan: Have you any more questions?

H Mr. Symonds: Mr. Lloyd, I believe we were speaking yesterday about

the transcribing of the tapes by a number of secretaries? -

A: Yes, sir.

A Q: And that this transcription was being done I think you said in the News Room? - A: Yes.

Q: And I am not quite/sure on this, did you say that the steel cabinet was supplied at some later stage? - A: Oh no, we had the steel cabinet by the time the tapes were being transcribed.

B Q: And were the tapes being transcribed immediately after being recorded? - A: No, not immediately after being recorded. Very shortly after.

Q: Very shortly afterwards. So, is it reasonable to assume that, for instance tape 1 and tape 2 were transcribed within a couple of days of being taped? - A: If that is the one with the significant snatches of conversation, probably not. I don't remember when that was transcribed, but then there was nothing very much on it. So if I saw The Times transcriptions I could probably tell you.

C Q: Would you please look at a copy of the transcriptions of tapes prepared by The Times? My Lord, this has been exhibited at some stage, but might very well have been in the other

D His Honour Judge Stroyan: I don't think I am really concerned with transcription. I am concerned with original tapes and the custody of the tapes. What was transcribed does not seem to me to - I appreciate you have got a point about the fact that the tapes were taken out of the cabinet for the purposes of being transcribed and they were presumably being played over to the secretaries - I appreciate you have got a point about that, but what the transcription shows has got actually nothing to do with it.

E Mr. Symonds: My Lord, I believe the witness said that if he could see a copy of the transcription he could refresh his memory from that as to when the transcriptions were made. I then asked that the witness be allowed to ask to have a look at the copy of the Times' transcription.

His Honour Judge Stroyan: Well, we have got his evidence about when the transcriptions were made. He said they were made when the secretaries were transcribing in the News Room.

F Mr. Symonds: Then, yes, My Lord, but when were the secretaries transcribing them in the News Room? This enquiry lasted one month, My Lord.

His Honour Judge Stroyan: Can you remember that? - A: It was in a matter of days after we obtained the tape recordings.

G Mr. Symonds: Had the steel filing cabinet been supplied to you by the time you went to LSF to make copies on the first occasion? - A: Yes sir.

Q: Had it been long supplied before that? - A: Oh, I cannot recall the dates, but yes, I think it had. We had the filing cabinet very early on because we were concerned about the custody of the tapes.

H Q: When these tapes were being transcribed were you always present?

- A: No sir.

Q: So, when you were not present was Mr. Mounter present? -

A: Yes, I think one or other of us were always present when the transcriptions were taking place.

Q: Are you absolutely sure that either you or Mr. Mounter were always present when these tape recordings were being transcribed? -

A: No sir.

Q: So it is possible that tape recordings were being transcribed over a period of days when you and Mr. Mounter were not present? -

A: Well, it is quite conceivable that tape transcription was going on while we were not there, but it would only be for a matter of hours.

Q: Did any other person have care of the original tape recordings other than you and Mr. Mounter? - A: No, only us, Sir.

Q: I believe you mention that Miss Woore took them to be copied on one occasion? - A: Oh yes.

Q: And did she have custody of these tape recordings on other occasions other than the copying? - A: No, not to my recollection.

Q: In your statements to The Times do you recall writing that these tapes have been "in the custody of Mr. Mounter, myself and Miss Woore only"? - A: Yes, well, that would have been the case.

His Honour Judge Stroyan: Is this the position then, that they were kept in the filing cabinet under lock and key? They were removed, as you have just told us, for transcribing. Who would undo them when they were being removed for transcribing? - A: Either myself or Mr. Mounter, Sir.

His Honour Judge Stroyan: Did anyone else have a key? - A: No sir.

His Honour Judge Stroyan: How many keys were there? - A: Two.

His Honour Judge Stroyan: You said Miss Woore took them to be copied on one occasion? - A: That is right, Sir.

His Honour Judge Stroyan: Was there any other occasion when they left your custody apart from when Miss Woore took them to be transcribed, until they were handed over to the police? - A: No sir.

His Honour Judge Stroyan: None at all? - A: Not that I can recall in any way, Sir.

Mr. Symonds: You say there were two keys, Mr. Lloyd? - A: Yes sir.

Q: Was Miss Woore given a key to this cabinet? - A: No sir.

Q: So there was no way in which she could go to the cabinet and remove tapes? - A: There was no way anybody could go to the cabinet other than Mr. Mounter and myself, Sir and we insisted upon that and we insisted upon there only being two keys when we asked for the filing cabinet from The Times.

Q: So, if Miss Woore could not unlock the cabinet to take tapes out she also could not unlock it to return tapes you may have been transcribing? - A: She would not have needed to.

A Q: Why? - A: Well, we had the team of secretaries working on them. All Miss Wooredid on that particular occasion was, she was handed this package of tapes.

His Honour Judge Stroyan: Is this the occasion when she took them to be copied? - A: Yes sir.

B His Honour Judge Stroyan: Well, we have heard about that. You have given evidence about that? - A: Yes sir.

Mr. Symonds: So, if Miss Woore's memory was that she did have a key and that she did have sole access to these tapes for a period of 7 to 10 days, her memory would be incorrect, is that so? - A: That is right, sir.

C Q: If Miss Woore was to say that before she started transcribing the tapes a number of other secretaries?

His Honour Judge Stroyan: Now just listen to me for a moment. She has not said it. It is no good arguing about it. It is a comment, you can perfectly well make at a later stage, not in this cross-examination.

D Mr. Symonds: Did Miss Dippey at any time have control of any one of these tape recordings? - A: Well, she would have had control of it to the extent that she would have them on the machine and she would be running the machine back and forth for the purposes of transcription, yes.

Q: And if she said that you or Mr. Mounter were not present during the time you were transcribing the tape could she be correct? - A: She could be, yes, when she means by not present?

E Q: In the room? - A: Well, it is a large room, the News Room, we had one wing of it with tables set up and these machines and I think foot pedals to work the tape recorders, and we would be in and out.

F Q: If Miss Dippey said that on the 11th of November she was engaged in copying tape 5 and she could identify it from the speech, could she be right there? - A: Copying it, Sir?

Q: Transcribing it? - A: Yes.

Q: She could be right? - A: Yes.

G Q: Even though you have a record in your notebook of copying the tape on that day? - A: If Miss Dippey is saying that she was transcribing the tape I took or Miss Woore took to - oh, these are the tapes I took.

Q: Yes? - A: She could have been transcribing a tape before I took it to, to location, Sir.

Q: Not while you were away on location? - A: No, obviously not.

H Q: If Miss Woore were too. You therefore say it would have been quite impossible for Miss Woore to have had sole control of the tapes

and in actual fact to have left one tape recording, an original tape recording, on her desk overnight in the News Room? A: No, there was certainly no recording ever left on anybody's desk.

A Q: This is impossible because the cabinet was locked and you had the keys and? - A: And we were very careful about locking it too, every time we took them out the cabinet was locked and when we put them back the cabinet was locked.

B His Honour Judge Stroyan: Was there any check on the tapes when it was locked? - A: I don't recall that, Sir. I mean we would have retrieved the tapes, if we had four tapes being transcribed at one time by the secretaries, we would have retrieved those four tapes and made sedulously sure that they went back into the cabinet.

C Mr. Symonds: Going on from the transcribing, Mr. Lloyd, I think you did say that The Times' transcriptions were made by secretaries, but you and I believe Mr. Mounter checked them over very carefully and in fact made some alterations after listening carefully to the tapes? - A: Yes, we did not check them over very carefully, quite a lot of the material on the tapes we were not really able to understand. I mean we did not understand the thieves' jargon that you talked in and some of the things we listened to over some several times and had only an approximate transcription of it. We never claimed The Times' transcriptions of the tapes to be particularly accurate.

D His Honour Judge Stroyan: Well, I am not really concerned with the transcript. I am concerned with the tapes. - A: Yes sir.

Mr. Symonds. Your interest in this enquiry as far as I was concerned was purely the handing over of money, is that correct, Mr. Lloyd? - A: No, not a bit of it.

E Q: Ah, your interest was in the main what? - A: Our interest initially, as I explained, was the behaviour of Inspector Robson and Sergeant Harris.

Q: My part? - and A: Well, your part of it, certainly the handing over of money/assistance that Mr. Perry said you were in the habit of giving to criminals for money.

Q: Oh, did you make a note of that remark when he said that to you? - A: Which remark?

F His Honour Judge Stroyan: Now, this is not helping me either.

Mr. Symonds: Well, My Lord, these things are being said and they can be simply stamped on.

His Honour Judge Stroyan: Well, I am not making a note of it.

G Mr. Symonds: Mr. Lloyd, I would ask you to try to refrain from introducing such remarks.

His Honour Judge Stroyan: Let us just get on with the questions, please?

H Mr. Symonds: And try to answer the questions. If you were not so interested in the handing over of money, I take it from that, you could only be interested in parts of the speech. Nevertheless, if you had heard references to the handing over of money, would you have

considered it important? - A: Oh yes, we were - we were centrally interested in the handing over of money.

A Q: And, therefore, if words could be heard clearly on the tape which apparently referred to the handing over of money would you have made sure that those words were included in the transcript? - A: Yes, we would. What we tried to

His Honour Judge Stroyan: The question is the tapes, not the transcript.

B Mr. Symonds: My Lord, the tapes have been edited. - A: The tapes have not been edited, Mr. Symonds, in any way at all.

His Honour Judge Stroyan: Well, I am not going to have a dispute about this now. I am interested in the tapes and not in the transcripts.

C Mr. Symonds: I submit that it is relevant that the fact that references to money which are now so clearly heard are not referred to in the Times' transcript and some of them are not even in the first police transcript.

His Honour Judge Stroyan: I do not mind about that. It does not help me to decide whether the transcripts are original and untampered with.

D Mr. Symonds: My Lord, I would suggest that if on the first hearing of a tape, there is no reference to a rather, what could be described as an almost vital exchange of words and then at some stage later this vital exchange of words suddenly appears on the tape and this, combined with the Defence contention that such words have been put on the tape by some form of editing process - and, My Lord, I would then suggest that these words were not heard on the tapes by any people who listened carefully to them in the early stages and their custody is very relevant.

E His Honour Judge Stroyan: The tapes, yes, the transcript, no.

F Mr. Symonds: Yes, My Lord, well this is all appearing, of course, these words, upon a tape and I would like to know why this witness and his secretaries who spent many hours transcribing these tapes did not hear these words which are now on this machine as clear as anything. I find it very - I find it a point of great interest, My Lord.

His Honour Judge Stroyan: I dare say you do. What I am concerned with is whether the tapes are original and untampered with. If you are suggesting that this witness has dishonestly tampered with the tapes, well then you should put that suggestion to him directly.

G Mr. Symonds: My Lord, the suggestion will be put in due course, but I will put it now as it has been put many times before to this witness in several Courts. Mr. Lloyd, I suggest that you have dishonestly tampered with these tape recordings? - A: Rubbish.

H Mr. Symonds: My Lord, do I understand that - My Lord, may I ask Mr. Lloyd to produce as an exhibit the original transcript of tapes prepared by The Times?

Mr. Rivlin: Your Honour, I want to try and cut the matters short.

A I have been handed copies of these and there are innumerable references to money and if one looks, for example, at October the 31st, the Grove, it starts off: "P: you know a bit more dough. I see. S: Yeah. P: that Roy, you know, I wondered if you could do anything for Roy like. S: For the what?" And so to put to the witness that there is no reference to money simply is, in our respectful submission, misleading the Court. Now, we have got The Times' transcripts. The point that is being made by the Defendant is that so far as Mr. Lloyd was concerned when they first listened to these tapes there was no reference to money and that the whole thing has been fabricated to include references to money. Now, if the Defendant really seriously wishes to take that point, then we are happy that Mr. Lloyd should look at the transcripts and produce them, but I wonder whether he has read them himself very carefully, because to make a point like, for example, "There is no reference to money on them and that you fabricated the tapes"

B Mr. Symonds: Your Honour, please, I said there is no money.....

C His Honour Judge Stroyan: You will have an opportunity in a moment.

Mr. Rivlin: Must be known by the Defendant to be misleading.

His Honour Judge Stroyan: Yes, well you have heard what Mr. Rivlin has said, do you want to pursue that point?

D Mr. Symonds: I would like to pursue the point, Your Honour.

His Honour Judge Stroyan: Very well, I think I had better have a copy as well.

Mr. Symonds: I would like

E Mr. Rivlin: Would you hand a copy of the transcripts to the witness, please?

His Honour Judge Stroyan: Yes, do you want to pursue this?

Mr. Symonds: Mr. Lloyd, do you identify that transcript as the one made in The Times offices and eventually handed over to the police?
- A: These are the transcripts, Sir, yes.

F Q: Are they typed or hand-written? - A: Typed.

Q: Will you produce that transcript as Exhibit 35D please in this case? - A: With pleasure, Sir.

G Q: May I please examine this Exhibit, My Lord? Mr. Lloyd, I see there are many alterations and further additions to the original typing on that Exhibit in a written hand, do you identify the hand-writing? - A: Well, I am looking at the moment, My Lord, at October 31st, The Grove

His Honour Judge Stroyan: Page? - A: Which is not one referring to

His Honour Judge Stroyan: Yes, what page? Five?

H Mr. Rivlin: Five. - A: Five. There are certainly alterations on this. They are not in either my hand or that of Mr. Mounter, Sir.

I fancy it is the hand of the secretary.

His Honour Judge Stroyan: Yes? - A: One referring to Mr. Symonds here, the 21st of November.

His Honour Judge Stroyan: What page? - A: Well, I don't have a page number, Sir, because I have got the original, but 21 is the number appended to the top.

Mr. Symonds: So there are, would you describe them as many, hand-written additions and alterations to the typed copy? - A: I don't see one on that particular one.

Q: Well, will you just glance through them generally?

His Honour Judge Stroyan: Well, I can see them, you need not go on. - A: But I accept there are alterations. As we went through these recordings it was necessary to go through them several times to understand the words.

Mr. Symonds: And these were made very carefully you have stated? - A: Well, with as much care as we were able to do with the equipment and the time at our disposal. We never pretended that these transcripts were supposed to be the best version of them.

Q: And has it come to your notice at any time that there are a number of differences between this transcript prepared by yourself and your staff at The Times and a transcript later prepared by police officers? - A: Yes, the police got very much more out of them than we did.

Q: Very much more out of it? - A: Exactly.

Q: Now, did this mean that they had managed to hear words that when you were making this transcript - Mr. Lloyd, was the transcript made by the normal human ear? - A: Yes Sir.

Q: You did not use any machines to increase the clarity of the recording? - A: No, no, we had headphones on them, the secretaries eventually had headphones, but I think at the outset we were simply trying to do it through the loud speaker and output of the recorder.

Q: And the normal ear? - A: And the normal ear.

Q: And you continued to say that the police got very much more out of those tape recordings than you did? - A: Yes.

Q: And by - when you say that are you referring to a number of parts on the tape recordings which you have described as garbled? - A: Yes.

Q: Which you could not really hear with the normal ear? - A: We could not really hear and we could not understand. We were not familiar with the lingo.

Q: Yes? - A: Which would rather point to the nonsense of even thinking of editing them.

His Honour Judge Stroyan: Yes, what is next?

Mr. Symonds: There are several references to money in the police recordings which are not in this recording, My Lord, but I think that I won't take Mr. Lloyd through them now.

A His Honour Judge Stroyan: I am sure that is wise, yes. Yes, anything else?

Mr. Symonds: Mr. Lloyd, I think when we broke off yesterday we went through matters in a **chronological** order on the events of the 28th?

His Honour Judge Stroyan: Of November?

B Mr. Symonds: Of November. If you refer to your book? - A: Yes Sir.

Q: Now, I think that there were in actual fact two tape recordings made on that day in this case - correction, yes, two. The first one being in the morning, which is? - A: Oh yes.

C Q: Tape 1, Exhibit 1, 'phone calls?

His Honour Judge Stroyan: You mean October then, not November?

Mr. Symonds: Correct, My Lord, and the second one was the Tape 2, Exhibit 2? - A: The meeting at The Rose?

D Q: Now, when you made those tape recordings that day you took them back did you, take them back with you to The Times? - A: Yes Sir.

Q: And at The Times did you play these tape recordings to your superiors? - A: Yes Sir, we did, Sir.

Q: Can you remember which superiors you played the tape recording to? - A: I think we played them to Colin Webb, who was then the News Editor and I think we played them to Michael Cudlip, who was the Home Editor.

E Q: And were you present when these tape recordings were being played? - A: Oh yes.

Q: At all times when your superiors listened to them? - A: I was.

F Q: Going on from that point in general, there were a number of occasions when your superiors showed great interest in these tape recordings and asked to listen to them? - A: Indeed.

Q: Including your Editor, Mr. Rees-Mogg? - A: Yes sir.

Q: You were present on all those occasions? - A: I was present on all those occasions. The Editor did not hear them a great deal. He heard them at times when it was felt that he ought to hear what the progress was.

G Q: Yes, what exactly is the policy of The Times on tape recordings or was on tape recordings?

His Honour Judge Stroyan: No, that cannot help, can it? You have been asking perfectly sensible questions about these tapes and now you have gone off on a tangent.

H Mr. Symonds: Right, My Lord. So, can we continue on from the 28th,

which I think we have covered? - A: Yes Sir.

Q: On the 29th did you have any contact with Mr. Perry? -

A: No, there is a note in my notebook which says a message from Messrs. Perry, Robson, to 'phone 10.00 a.m. on Thursday. Robson telephoned Perry, which would suggest to me we did not.

Q: And did you have any contact with Mr. Perry on the following day, October the 30th? - A: Yes.

Q: And did you make any tape recordings on that day? - A: Yes.

Q: Do you recall recording some telephone conversations in the morning? - A: Yes, with Inspector Robson.

Q: Will you look at? - A: Or with Sergeant Harris in fact it was.

Q: Will you look at Tape 3, Exhibit 4, please? - A: Yes sir.

Q: Will you look at the tape itself? - A: Yes Sir.

Q: Do you see anything on that tape in respect of 'phone calls? -
A: Yes, I see my hand-writing which says, " 'phone calls".

Q: Are you sure it is your hand-writing? - A: Yes, I am sure it is my hand-writing.

Q: Positive? - A: Positive.

Q: You see, Mr. Mounter has identified that hand-writing as his on another occasion? - A: On the back of it?

Q: Yes, the word " 'phone calls"? - A: Well, it looks like mine, but if he says it is his; it is neither here nor there. We were both writing on the spools.

Q: I think it is rather important? - A: Well

Q: May I help you. You did write " 'phone calls" on another occasion on tape 1, of course, so may be it might help you to look at the writing " 'phone calls" on tape 1, which you have given in evidence as your writing and the writing, " 'phone calls" on Tape 3, which you also thought was your writing and perhaps that will refresh your memory as to whose writing it is? - A: There is no writing on the centre spool on that one - oh, wait a minute

Q: I think it is on a bit of envelope? - A: Yes.

Q: Can you compare those two writings? - A: Well, I mean it looks to me very much like my writing. It is faded now. It is hard to decipher, but it looks like a scrawl of mine, " 'phone calls".

Q: So, I think your evidence has been that you were in the habit of putting writing on the tape recording shortly after or immediately after The Times tape recording was made? - A: Well, these would be the early ones. I really cannot remember when the writing was put on them, at that stage, we only had one or two tapes.

Q: Yes, right? - A: And it was easy to identify one from the other by listening to it. I mean we could tell that the first one related to 'phone calls to you and we could tell the second one

related to 'phone calls to Robson and Harris just by playing them.

Q: And in respect of Exhibit 3, Exhibit 4 you are holding now? -
A: Yes Sir.

Q: Do you remember writing the word " 'phone calls" on several occasions? - A: No, on boxes.

Q: On tapes? - A: No.

Q: Well? - A: No, I don't.

Q: Does it cross your mind that you might have marked two spools with the word " 'phone calls", for example, in respect of that tape? - A: I might have done, Sir, yes.

Q: Might have done? - A: I don't remember.

Q: The other one would be on the copy you made or Miss Woore made, a copy? - A: No, I don't think it would be a copy. I honestly cannot remember.

Q: But that is the original, you have given evidence that is the original, identification on the original spool, is that correct? -
A: To my recollection, yes.

Q: And you have given evidence to that? - A: Yes.

Q: And it is the original tape recording, your writing on the label? - A: Yes.

Q: Now, would you look at that tape recording once more please, Mr. Lloyd? - A: Yes Sir.

Q: And do you see a bit of coloured ribbon attached to the end of the tape? - A: Do you mean 'white leader'? There is 'white leader', yes.

Q: 'White leader'? - A: Yes..

His Honour Judge Stroyan: Which tape is this, Exhibit 4? - A: I do not know what the Exhibit now is, Sir.

His Honour Judge Stroyan: Exhibit 3? - A: It is 3 plus 3A plus 3B.

Mr. Symonds: My Lord, may I speak to an expert before I ask the next question?

His Honour Judge Stroyan: What is the point about this?

Mr. Symonds: My Lord, I thought I had a point which appears to have been swept from under my feet, but I am just checking up on that, My Lord, or the experts are checking up because I was making a point from an expert's report.

His Honour Judge Stroyan: I expect the expert will make it himself.

Mr. Symonds: I beg your pardon?

His Honour Judge Stroyan: I expect the expert would make it himself.

Mr. Symonds: I would just like to ask what they saw when they examined the original tape in their laboratories in 1970.

A His Honour Judge Stroyan: Well, Mr. Symonds, nobody seems to know what this point is, so perhaps the experts can deal with it themselves when they give evidence.

Mr. Symonds: Mr. Lloyd I apologise for the delay. I will return to that point later.

His Honour Judge Stroyan: Yes?

B Mr. Symonds: So, on the morning of the 30th when you made 'phone calls which were recorded on one side of Exhibit 4, and then looking at your notebook did you have a meeting later that day with Inspector Robson, your page 15 of the transcript? - A: Yes, we did, Sir.

Q: And at that meeting did you make in fact two recordings? - A: Yes, I think we did, Sir.

C Q: And is one of those recordings now what is known as tape 3A? - A: I will take your word for it, Sir.

Q: Well, is that the first part? - A: We certainly made a recording of it. What its Exhibit number is, I don't know.

D Q: Perhaps you had better look at the Exhibit again. Look at your writing on the other side of the Exhibit, where you identify the occasion on the back of the box.

His Honour Judge Stroyan: Well, that is a meeting with Harris outside the Edinburgh Castle. Yes, yes, I have got that point. Yes, I have got that. On we go.

E Mr. Symonds: And after that meeting, continuing with the box, Mr. Lloyd, I see you wrote on the box something to the effect the batteries ran down, did you have a perfect copy somewhere? - A: Yes, this was another recording.

F Q: Could you read out that writing? - A: Start of tape included meeting with Harris outside the Edinburgh Castle, a duplicate but of little use because the batteries of the Uher ran down, that is the recorder. We have a perfect recording from a Nagra recording, so it did not matter very much.

Q: And was that an occasion when you made the writing on the Exhibits at the time? - A: I think that would have been, yes.

Q: When removed from the recorder? - A: I really cannot say that with any conviction, when I wrote that.

G Q: Because you see, Mr. Lloyd, refresh your memory, at that time you were sitting in a sound engineer's car in one street with your batteries run down and a ..inaudible .. recording? - A: It certainly was not written then.

H Q: Because there was no way for you to know that the other one has been recorded in fact? - A: No, we attached no magic to these labels. All they were there for was to enable us to identify which

Q: So despite the previous occasion that is one occasion anyway when you must have marked the box sometime later? - A: Yes.

Q: In fact after meeting Perry again? - A: Yes.

Q: After the meeting, after removing the tape and after playing it to know it was a perfect recording? - A: Absolutely.

Q: So, your markings would then have been made sometime afterwards? - A: Entirely so.

Q: And on the other recording which was being made in the boot of Perry's car, I believe there was nothing recorded? - A: Of that occasion?

Q: Yes, because I believe that the officer got - Mr. Perry got into the officer's car?

His Honour Judge Stroyan: Well, that does not matter.

Mr. Symonds: I beg your pardon, My Lord?

His Honour Judge Stroyan: I said that does not matter.

Mr. Symonds: Well, My Lord, if you could be patient for a couple of minutes you will see where I am leading.

His Honour Judge Stroyan: You have just asked a perfectly sensible question about the tape I am concerned with and then you go on to ask

Mr. Symonds: I am sure this will be in connection with a tape with which you will also be concerned. If you could be patient, My Lord. Mr. Lloyd, continuing back to the marking procedure in respect of the other tape recording, would you have marked it when you removed it from the recorder and before listening, because weren't you going to question Perry first? - A: No, we were not marking any of these tapes before we listened to them.

Q: Before you listened to them? - A: Certainly not, no.

Q: Always marked them after you listened to them. Very good. But, this tape, did you play this tape and discover there was nothing of interest recorded on it? - A: The one I have in my hand, Sir?

Q: The other tape of the morning of the 30th, the twin, what you have described as the duplicate to 3A? - A: No, according to my note here we have a perfect recording from a Nagra direct recorder, which would have given us an extremely good recording of it.

Q: I see, that is on the 30th? - A: This says the 31st, Grove Inn meeting, Symonds.

Q: On the 31st? - A: Wait a minute.

Q: Very good, what does it say? - A: On the front of the box says October 31st, 1969, Grove Inn meeting with Symonds. Duplicate taken with radio mike and 'phone calls. On the other side of the box it says start of the tape includes a meeting with Harris outside the Edinburgh Castle. A duplicate, but of little use because batteries of Uher ran down. We have a perfect recording from a

Nagra direct recorder.

A Q: Is there a date on it? - A: No, there is no date on it. I somewhat recollect what you are talking about. If that was the occasion when Mr. Harris went to the other car all we would have had was the start of the meeting, "Come and sit in my car".

Q: On that tape recording there are two recordings in respect of the 30th and one in respect of the 31st? - A: Yes.

B Q: Is that one? - A: That may have been an occasion when Mr. Hawkey did not have another tape with him.

Q: Well, in view of your procedure of, after recording tapes, taking them off, marking them, taking them back to The Times, locking them up? - A: Yes Sir.

C Q: How did this - did you bring this tape out again with you on the morning of the 31st, did you take it away from The Times and bring it to make this recording? - A, I don't remember.

Q: How did it happen? - A: I don't remember. I think this one we would have discovered as soon as we played it back, that it was of little use because the batteries had run down. Now, it may have been that Mr. Hawkey took this one with him and used it on the following occasion, but I don't recall.

D Q: On the other side of that tape, you see Mr. Lloyd, is the 'phone calls respecting Harris which played a very important part in the evidence against him and was in fact an Exhibit at his trial. The 'phone calls on the other side refer to tape recording between Perry and Mr. Harris? - A: The short answer, Mr. Symonds, is I don't remember.

E Q: Would you agree that tape 3 was very important to you? - A: I would agree they were all very important to us.

F Q: And, therefore, one would assume on the 30th after you had succeeded in persuading Mr. Harris to talk to Mr. Perry on the telephone and he said some incriminating things would you have taken that tape straight back to The Times and would you have put it into your secretary system? - A: Well, I don't remember, but in fact on this occasion, if that was the occasion when Harris went to, took Perry into his own car, we would have had no valuable account of what went on because it would not have been recorded.

Q: No, this was tape 3, Mr. Lloyd? - A: Telephone calls.

G Q: Telephone calls which were regarded by you as very valuable and interesting and I assume you would have taken it back to The Times 'hot foot' after catching this recording? - A: Well, I am sorry, I just don't remember that kind of fine detail. If you tell me what you are trying to get at I will try to help you.

H Q: I am trying to get at that in view of the evidence we have heard about the security system and tapes being locked up and under control and transcribed and you had with you a sound engineer, a fully equipped sound engineer, I would like to know why you thought you had to take this tape recording out of the custody of The Times either on the night of the 30th or the morning of the 31st and take it back on location to record another conversation with another officer? - A: Well, I can think of

one very ready explanation and that is that we would want to listen to it and the fact is Mr. Hawkey had all the recorders. The only one we would be able to listen to it on was on one of Mr. Hawkey's recorders. We did not have any recorders at the time.

Q: In that case how were your secretaries transcribing these tapes? - A: Were they transcribing them on that date, the 31st, they probably were.

Q: Did you have any recorders at The Times?

His Honour Judge Stroyan: I think the evidence about transcribing related to November? - A: We had to hire recorders rather than, when we actually came to retrieving the information we gathered. I don't think we were doing any transcripts at that time.

Q: So you say you took this Exhibit out of The Times building because you wanted to listen to it on Mr. Hawkey's machine? -

A: I - what I am saying, Sir, and I repeat again - I do not readily remember this amount of fine points, but I can say one ready explanation would be if we wanted to listen to it we would have to do so on one of Mr. Hawkey's machines, which we did not have.

Q: So when you listened to this tape your .. inaudible ..? -

A: He did not have to be kind about it. We were paying him to do so.

Q: What about when you were playing these tapes to your superiors in The Times? - A: Then Mr. Hawkey's machines would have been taken to The Times. We had no machines available in The Times for this kind of procedure.

Q: And did you not make arrangements with LSF for them to hire tape recorders to The Times for which you were later, which the Times were later of course charged on an invoice which is in existence? - A: Yes.

Q: And if the invoice showed that in fact this tape recorder had been hired to The Times from the 28th, would you disagree with that? - A: No, I would not and that may well have been one of the recorders we were using.

Q: So there would have been a machine at The Times on that date capable of playing this recording? - A: I do not know if that was the machine.

Q: So is it correct you are offering this theory, that you took this Exhibit away from The Times?

His Honour Judge Stroyan: Mr. Symonds, I do not think you will get much more out of that. The witness says he does not remember and it is hardly surprising after eleven years, it is hardly a suprising matter. If it had been dealt with in 1972 it might have been different.

Mr. Rivlin: Mr. Lloyd has been in the witness box a very long time and in my respectful submission if there are allegations which the Defendant wishes to put against Mr. Lloyd it is time they were put and we really came to the point of the Defendant's cross-examination. If he is going to suggest that Mr. LLOYD has falsely

put signatures on the tapes or the tape boxes or any of the hand-writing or he has been somehow involved in fabricating the tapes that we have heard, then I think really the time has come when he must put that.

A His Honour Judge Stroyan: Well, yes he has been cross-examined for more than

Mr. Symonds: If I can recall, if you are urging that I put a series of quite serious allegations to Mr. Lloyd, I did so some days ago that his notebook was concocted, etc.

B Mr. Rivlin: The Defendant is absolutely right, Your Honour. They have all been denied and with great respect it seems to me we are probably just going round in circles at the moment.

His Honour Judge Stroyan: That I confess is the impression I got. Is there anything else? You see, you have dealt with all these matters more than once and I am not going to let you go on.

C Mr. Symonds: The Prosecution make the point that Mr. Lloyd has been engaged with this Court for many days and is quite right and I appreciate this but I would like to make the point that since Mr. Lloyd first came here to give evidence the Prosecution have come to the Defence with many requests that first one person should be interposed because his wife was going to face an operation and that kept Mr. Lloyd waiting for a morning and then the next day and the next day someone else

D His Honour Judge Stroyan: Mr. Symonds, the conduct of this case is in my hands and it was perfectly proper to do what was done. Now, is there anything else you want to ask this witness?

Mr. Symonds: Yes, My Lord, there are a number of questions, My Lord.

E His Honour Judge Stroyan: Well, let us deal with them succinctly and relevantly.

Mr. Symonds: Yes, My Lord. Mr. Lloyd, continuing on from that, on the 30th the recordings made on the 30th, which was in fact tape 3 and tape 3A, there was a back-up tape too that I believe which did make a recording as you noted on the box? - A: Yes, that is right. That is so.

F Q: Now, you note on the box the word "duplicate" I believe, is that right? - A: Well, we would have regarded that - I have got it - it looks like "a duplicate but of little use because the batteries of Uher ran down".

G His Honour Judge Stroyan: We have dealt with this time and again, I am not going to have any more of this. Let us go on to another point.

Mr. Symonds: My Lord, there is one small point here and that is that where my conversation under the Sound of Music starts, which goes on for some time before a conversation starts, the tape 3B part of tape 3A is in fact erased.

H His Honour Judge Stroyan: Well, that is something your experts can deal with.

Mr. Symonds: Yes, My Lord, and there is a mark on the tape at that point. Now, the so called duplicate tape has a very serious defect and a mark also and at that point which is in Robson and Harris

A His Honour Judge Stroyan: Well, that can be dealt with by your experts.

Mr. Symonds: Thank you. The following morning on the 31st, Mr. Lloyd, correction, on that night after leaving the meeting at the Edinburgh on the 30th, did you go to the house of a relative of Mr. Perry at the bottom of your notebook, page 17? -

B A: Yes.

Q: And did you engage in recording some telephone conversations in that house? - A: I don't think

Q: Of Perry's brother? - A: I don't think we recorded any. I have no note of it.

C His Honour Judge Stroyan: This has got nothing whatever to do with what I am trying to decide. - A: I do not think we recorded them.

His Honour Judge Stroyan: No, I am not interested in this. Let us go on to something that is of relevance. Can we go on to tape number 5?

D Mr. Symonds: My Lord, this is rather important, this bit of evidence, that is coming. I would like to put it, if necessary I will explain to you in very full detail.

His Honour Judge Stroyan: No, I do not want explanations in full detail. If you have got a relevant and admissible question put it and then I will rule on it.

E Mr. Symonds: Mr. Lloyd, you said that you were in the habit in the early days of taking tape recordings home for security? -

A: It may have happened on one or two evenings before we got the filing cabinet.

Q: The filing cabinet, yes, so on the evening of the 30th did you decide to take some tape recordings home for security? -

F A: Well, I really don't remember, Sir.

Q: Did you make a 'phone call to The Times office in connection with this?

His Honour Judge Stroyan: Is the suggestion that the tape which is Exhibit 4, was tampered with on the evening of the 30th October, is that the suggestion?

G Mr. Symonds: My Lord, the suggestion and this is going to be the evidence of

H His Honour Judge Stroyan: Is that the suggestion, Mr. Symonds, just listen will you for once. Is the suggestion that the tape which is Exhibit 4 was tampered with on the evening of the 30th October after the recording. If that is the suggestion you can certainly put it. If it is not it is not relevant.

A Mr. Symonds: My Lord, it is relevant that Mr. Lloyd made a telephone call to The Times on the night of the 30th and asked for the original tape recordings to be left with the Hall Porter at The Times and he also asked for the photographer, Mr. Pridmore to come and at some later date a hire car driver named Owen and a photographer, Mr. Pridmore went to The Times and collected these original Exhibits, which presumably were Exhibits 1 and 2 in my case only, from the Hall Porter at The Times and they are then, in Mr. Owen's hired car, taken down to a pub in Camberwell where Mr. Lloyd and Miss Woore and some other people were having a drink while Mr. Perry was left alone in his brother's house with the telephone equipment all fitted up and Mr. Lloyd was handed B these original tape recordings by this hire car driver by the name of Mr. Owen and I suggest, My Lord, that this is a rather serious breach in continuity and I would like to continue questioning this witness along those lines.

His Honour Judge Stroyan: Did that happen? - A: I don't remember it, Sir.

C His Honour Judge Stroyan: Very well, what is the next point?

Mr. Symonds: Can I put some questions on it?

His Honour Judge Stroyan: He said he cannot remember.

D Mr. Symonds: My Lord, I was not questioning him. I was explaining to him.

His Honour Judge Stroyan: He heard what you said and he said he cannot remember. - A: I can't think why on earth, Mr. Symonds, a hire car driver should be commissioned to go to The Times to pick up original tape recordings and bring them up to us. I cannot think why he should do that.

E Mr. Symonds: There were no copies in existence on the 30th? - A: I have no recollection whatsoever and I cannot think what the value of it would be at all.

Q: The value would be, Mr. Lloyd, that you wanted to take them off for safe custody as you have told the Court earlier? -

A: If they were at The Times they would be in safe custody and there would be no access to them other than by Mr. Mounter and myself.

F Q: At that time the evidence was the filing cabinet was not in existence? - A: I really cannot remember.

Q: And they were in the hands of some typists in the corner of the News Room?

G His Honour Judge Stroyan: No, that is not, that is not the evidence.

Mr. Symonds: Well

His Honour Judge Stroyan: Yes, let us get on.

H Mr. Symonds: You want me to drop that altogether, My Lord, is that it?

His Honour Judge Stroyan: The note I have got is this witness has

no recollection of a hire car driver going to take the tapes to a public house on that evening.

A Mr. Symonds: A Mr. Pridmore, do you have a recollection of Mr. Pridmore taking important tapes? - A: I do not and unless you refresh my memory in a great deal more detail rather than these sinister illusions I really cannot tell you.

Q: If Mr. Pridmore and Mr. Owen and may be even someone from the Times came to this Court to say this in fact happened would you say that they were

B His Honour Judge Stroyan: No, that is a comment. - A: If you care to explain to me what the circumstances of the

His Honour Judge Stroyan: No, we are not going into this again. Let us try and get on with things that matter.

C Mr. Symonds: The last point from that, Mr. Lloyd, is that if something to that effect did happen this would explain you having - alright, My Lord. On the morning of the 31st did you make, page 18, did you make some more tape recordings with other officers? - A: Yes sir.

Q: Were these tape recordings successful?

D His Honour Judge Stroyan: I am not concerned with that, unless you are asking about tape number 5.

Mr. Symonds: Yes, My Lord, that is a good point, My Lord, thank you very much. Mr. Lloyd, will you turn back to page 15 please? - A: Yes sir.

Q: Do you see on page 15 - sorry page 20, Mr. Lloyd, do you see on page 20 a note describing a conversation with Mr. Perry which was when you recorded certain things he said to you? - A: Yes.

E Q: Can you look quickly through that? - A: Yes.

His Honour Judge Stroyan: Which document is this?

Q: This is Exhibit - A: My notebook, Sir.

Q: Exhibit 10.

F His Honour Judge Stroyan: This one? - A: The transcript of my notebook.

Mr. Symonds: Starting from "Robson leant over and opened the back door", this is the meeting on the 30th, yes?

G His Honour Judge Stroyan: I have not got this document. - A: 31st.

Mr. Symonds: It is referring to a meeting on the 30th, My Lord, between Perry and Robson.

His Honour Judge Stroyan: How is a meeting

Mr. Symonds: Having quickly read through that? - A: Which page are you referring to?

H Q: Page 20.

His Honour Judge Stroyan: And which document?

Mr. Symonds: Exhibit 10, My Lord.

A His Honour Judge Stroyan: What is that?

Mr. Symonds: Transcript of Lloyd's notes, My Lord. - A: That appears to refer to Friday October the 31st.

Mr. Rivlin: It is marked D, Your Honour.

B Mr. Symonds: Friday October the 31st? - A: Yes, meeting between

Q: Can you quickly look through a conversation you recorded shorthand of Perry's allegations to you representing a meeting which took place on the morning of the 31st? - A: Yes, "Perry told me that the Blue Hillman Minx driven by Detective Sergeant Harris"

C Q: Starting from "Robson did all the speaking". There is no need to read it out, just glance through that and take a note of those paragraphs? - A: About two thirds of the way down, Sir?

Q: Do you see certain things, notes, you made? - A: "Come to a twoer".

D Q: Yes and would you look to page 22 and do you see a note there about "Who is that in the maroon Wolseley" and "A man and a woman just pulled up. I thought they were with you".? - A: Yes.

Q: This was a note of a conversation you were having with Mr. Perry regarding the abortive recording attempt on the morning of the 31st? - A: That is so, Sir, yes.

E Q: Now, will you please look at Exhibit 35A, which is the unedited transcript?

How

His Honour Judge Stroyan: /Is that going to help me? Mr. Symonds, if I assume in your favour there is a difference between what is said in the note and what is said in the transcription, how does that help me?

F Mr. Symonds: My Lord, I am not making any such

His Honour Judge Stroyan: I do not see what the point is. I do not see what the point of this is.

Mr. Symonds: My Lord, one minute please, one minute please, My Lord. Are you looking at a copy of Exhibit 35A? - A: Yes Sir.

G Q: Will you look at transcription regarding alleged conversation on the 31st which is now tape 5 Exhibit 3 and exhibit 4.

His Honour Judge Stroyan: What page are you looking at in 35A. It will say at the bottom of the page what page number it is.

Mr. Symonds: I find page 38, My Lord.

H His Honour Judge Stroyan: 38, yes? - A: 38.

Mr. Symonds: Page 38, yes and if you look down page 38 do you see

a conversation there recorded? - A: Yes I do.

Q: On page 38? - A: Yes.

A Q: Could you look through it quickly? - A: Yes.

Q: Do you see one or two points there that you note immediately as being similar to the notes recorded in your pocket book regarding £200, "Who is that in the Wolseley?" he said, etc.? - A: No, I do not see anything

B Q: Are you looking at Exhibit 35A page 38?

Mr. Rivlin: Your Honour, it is page 18, page 38 is at the top of the Exhibit.

Mr. Symonds: Oh, I am sorry, it is page 18? - A: Yes.

C Q: Now, looking at this recorded conversation, looking through it quickly? - A: Yes.

Q: Do I recognise some remarks which you have similar to those recorded in your pocket book? - A: Yes.

Q: As referring to an event on the morning of the 31st? For example, may I help you, "£200 quid he wants", something about a Wolseley? - A: Who is that?

D Q: He said, "Who said the Wolseley?", page 19 now, looking at your Exhibit 10. Can you recognise the conversation or do you see similarities in it? - A: Yes, I do, perfect, yes and there is nothing unusual about that. This is the following day. What happened was

E Q: Yes? - A: Harris saw Julian Mounter sitting with Joan Millard in the maroon Wolseley.

Q: Mr. Lloyd, excuse me, I am not going to ask you about that - the Robson/Harris case? - A: He brought this up with you the following

F Q: The point is, that would you say that a conversation recorded in your notebook as taking place on the morning of the 31st, shortly after an abortive meeting between Mr. Perry and Mr. Robson in which tape recordings were not, were, made but not retained and which are not before this Court as exhibits, would you say the conversation recorded in your notebook is very similar to a conversation which appears at the end of tape 5? - A: On that particular page, page 18?

Q: Yes? - A: No, after this abortive meeting

G His Honour Judge Stroyan: I do not see how this can possibly help me.

Mr. Symonds: My Lord, what I am trying to say very briefly is, Mr. Lloyd would you accept that the latter part of the conversation on tape 5 refers in actual fact to the events on the morning of the 31st?

H Mr. Rivlin: Your Honour, may I help the Defendant because I have

done that, have I not, yesterday? I said that this particular passage is in relation to an earlier conversation and that there is a 'cut out' point on page 8.

A His Honour Judge Stroyan: 'Cut out' point on page 6 and the rest of the conversation I was told yesterday related to something that happened on an earlier occasion and has nothing to do with this case.

Mr. Symonds: That is a conversation I am trying to identify, My Lord.

B Mr. Rivlin: I am sure the Defendant is doing his very best and he is trying to make what he considers is a fair point and may I say, the point he makes is accepted by us. We say this has nothing absolutely whatever to do with the issue you have to determine at the moment. But there is no point, in our submission, in going over and over again a point we have already agreed yesterday.

C His Honour Judge Stroyan: Yes.

Mr. Symonds: My Lord, one thing I should make clear about the point accepted, is we do not accept that this was not a new tape used on this occasion. We accept that there is a break in the tape recording and there is the conversation on that tape recording, tape 5, which does not apply to the afternoon of the 31st and was made on a different occasion. So, My Lord

D His Honour Judge Stroyan: Yes, well, I have got all that.

Mr. Symonds: I was trying to identify that for you. The point that this is recording a conversation that could very well have taken place that morning because there are marked similarities, Mr. Lloyd, continuing on to the 31st, afternoon, page 22 of your notes? - A: Yes sir.

E Q: Did you make arrangements to attend another meeting on that afternoon? - A: Yes, between you and Mr. Perry.

Q: Did you prepare some equipment? - A: Well, Mr. Hawkey did, yes.

F Q: Mr. Hawkey prepared it? - A: Yes, he was in charge of the tape recording equipment.

Q: He was in charge? - A: Yes, of the tape recording equipment. He was the recording engineer. He was responsible for setting up the tapes and putting them in the cars and so on.

G Q: And he was responsible for supplying brand new tapes, of course? - A: And responsible for supplying the tapes.

Q: I think you did impress upon him on occasions

His Honour Judge Stroyan: Yes, we have got all this. We have heard it umpteen times now.

H Mr. Symonds: Did you say you were present when these recording devices were set up? - A: I do not remember. It is quite possible I was.

Q: Is it possible you were not present? - A: Yes, it is possible I was not present.

A Q: And after the recording had taken place did you remove tapes 3 and 5B, 5 and 3B? - A: Yes, I made a note about watching the tapes being removed.

Q: And turning then to the events of the 11th November, which, Mr. Lloyd, was when you took some of these tape recordings to be copied and it is number 30 in your transcript, your book? -
A: Yes sir.

B Q: Now, I think we have already dealt briefly with tape 1, Exhibit 1, and I think the questions I have put to you there referring to your notes was, why did you put "copy" on to brand new tapes?

His Honour Judge Stroyan: I have heard it all once.

C Mr. Symonds: And we left that there, but you did in fact take two more tapes in connection with my case which we have now just dealt with on page 31, you took tape 3 for copying? - A: Yes.

Q: And you note that this tape was transferred at $7\frac{1}{2}$ IPS, is that right? Originally recorded at $3\frac{3}{4}$ and transferred at $7\frac{1}{2}$ IPS, do you see that? - A: Whereabouts is that?

D Q: On page 31?

His Honour Judge Stroyan: I can read that too.

Mr. Symonds: Yes and if you look at the bottom of the page you are referring to another tape, tape 7, that was transferred at 15 to 15? - A: Yes.

E Q: If you look just above that at tape 6 you see, transferred at 15 IPS. If you look above that in respect of the copying of tape 5 you put transfer to transfer. Now, of course, that means copy to copy? - A: Well, no, it does not mean copy to copy.

Q: Transfer to transfer, what does it mean, Mr. Lloyd? -
A: I really do not know what it means.

F Q: Well, you were being particularly careful? - A: Well, I was asking Mr. Hawkey to describe what was going on, what was happening, and I think it would mean, it would mean that the recording copy was being, it was being copied at 15 IPS.

Q: Yes, but you see in respect of all the other tapes you put simply and quite clearly transferred at 15 to 15? - A: Well, I do not know

G Q: Or transferred at 15? - A: There is nothing sinister about it at all, I can assure you.

Q: But with your experience is a copy sometimes referred to as a transfer? - A: We refer in television to transferring sound from 'magstripe' ? film to recorded tape as a transfer, yes.

H Q: Was it in your knowledge at that time that tape 5 was not a ...?
- A: If you are trying to suggest to me that in any way

His Honour Judge Stroyan: Was not what?

A Mr. Symonds: I am trying to word it, My Lord, you have no explanation for that entry, why you have written transfer to transfer? - A: No, it is meaningless to me now.

His Honour Judge Stroyan: Well, I think the suggestion probably is in some way you were tampering with tape number 5 on that day, is that right?

B Mr. Symonds: I suggest that it is possible that this was a copy made from another copy according to what I see written before me, that there may already have been a copy in existence? - A: Well, I can deal with that very readily and the answer is no, I took original tapes to be copied and that is what I did.

Q: And you record in the book 7 tapes to be copied? - A: That would appear to be the case.

C Q: Yes, you made careful notes, did you take any more tapes on that occasion? - A: No.

Q: You are quite sure you took 7? - A: I have notes of 7, as far as I recollect that is all I took.

D Q: And is it to your knowledge at a later date Miss Woore took 7 tapes also? - A: She took a number but I cannot remember which she took.

Q: You took 7 and if she took 7, Mr. Lloyd, that makes 14 which have been copied. Now, there are 15 tapes in existence and I wondered if you could help me as to when tape number 15 was copied? - A: No, I cannot.

E Q: Perhaps if you looked at any writing on that tape it would help you? - A: It would not help me, if that is the one that fell down the back of the slide (?) inside the filing cabinet.

Q: No, that one there is a record of copying later? - A: I do not know, I do not know which one you are referring to.

Q: Could you look at tape 10?

F His Honour Judge Stroyan: Is this anything to do with this enquiry?

Mr. Symonds: It is now, My Lord, because it is very much bound up now, My Lord, because this is the tape which there is no record of ever having copied.

G His Honour Judge Stroyan: I cannot see how it is possibly going to help me.

Mr. Symonds: My Lord, I cannot see that I can

His Honour Judge Stroyan: I am not concerned with

H Mr. Symonds: I can at the end myself properly, if I am allowed to, refer to the Robson/Harris case.

His Honour Judge Stroyan: The Robson/Harris case is no concern of

this Court.

Mr. Symonds: My Lord, some of the tapes are ~~are~~ common.

A His Honour Judge Stroyan: I am concerned on this occasion with - I am not deciding the case. I am deciding whether Exhibits 1 to 7 inclusive are original. That is what I have got to do. I have not got to come to any conclusion about the different tapes and I do not propose to do so.

B Mr. Symonds: I submit in coming to your conclusion about originality you must also bear in mind continuity and I submit, My Lord, that such an event is

His Honour Judge Stroyan: Of course I shall take continuity into account, but I am concerned with continuity in relation to Exhibits 1 to 7 and not in the continuity in relation to another tape.

C Mr. Symonds: My Lord, how it affects me is, I hope to adduce evidence before you that one of the tapes that Mr. Lloyd claims to have been taken to be copied on this occasion was in fact being transcribed by a typist at the time and when he made his notes regarding the 7 tapes it might well have been this particular tape that he took for copying and he might have made an error in his notebook and this leads us back, My Lord, as to when tape 5 was actually copied and there were many queries arising out of that. Mr. Lloyd was interviewed on several occasions by police officers, as Mr. Hawkey, and there is much doubt as to when tape 5 was copied.

D His Honour Judge Stroyan: Please do not make speeches. Ask questions if they are relevant.

Mr. Symonds: Thank you, My Lord. My Lord, at the trial of Robson and Harris my tapes were

E Mr. Rivlin: My Lord, at this point I am going to make a formal objection. My formal objection is as follows, that the Defendant has been permitted, if I may say so, during the last few days to ask many hundreds of questions which, if he had been represented by a counsel, simply could not have been asked and we have all listened to these questions and to the answers because we have all appreciated that the Defendant is representing himself and that he might not know the laws of evidence that apply, although one suspects he has some idea of the laws of evidence because he has been a police officer for some years. My **F** objection is that the Defendant who is not asking questions at the present time that have anything whatever to do with the issue before Your Honour and I feel on behalf of the Prosecution the time must come and indeed has come when I should say that because we have witnesses waiting to be called, there are experts here on behalf of the Defendant who have been sitting here for days on end, we have got our own experts who may or may not be called and in our **G** respectful submission the time must arrive when we have got to formally object to questions that really have nothing to do with the issue whatsoever. I am very sorry to do it and we do not do it lightly.

His Honour Judge Stroyan: Yes, now you must confine yourself precisely to the matters in issue.

H Mr. Symonds: My Lord, was the objection taken in connection with

the Robson/Harris case?

His Honour Judge Stroyan: Ask the next question.

A Mr. Symonds: Well, I do not understand the objection, My Lord, I am sorry.

B His Honour Judge Stroyan: The objection is that you have been asking far too many quite irrelevant questions and that seems to me to be right. Now, get on with the next question, if it be relevant, I am not going to go on allowing you to ask questions about things which have got nothing to do with the issue I have got to decide. Now, we have got as far as the 11th November, page 31.

Mr. Rivlin: Two days ago we had got as far as the 21st November.

His Honour Judge Stroyan: Yes, we have gone back.

C Mr. Symonds: Yes, My Lord, we have had two witnesses interposed I would remind you at the request of the Prosecution and to my great inconvenience. Regarding the 11th, Mr. Lloyd, regarding the copying, did you go along to make these copies? - A: I did, Sir, yes.

Q: Are you quite sure of this? - A: As far as I remember I went along, yes.

D Q: Could Mr. - could one or two other persons have been with you? - A: Nobody was with me.

Q: No possibility whatsoever? - A: No, well, I say, I do not remember.

E Q: Do not remember? - A: But I see no reason why anyone else should have gone with me. It was a purely routine visit to Location Sound to get some tapes copied.

His Honour Judge Stroyan: Yes, we have covered this before. Let us get on to the next incident.

Mr. Symonds: We have covered it before with another witness.

F His Honour Judge Stroyan: Yes, we have covered it before with this witness and we are now going on to the next incident.

Mr. Symonds: I think it is a point to be covered with this witness, My Lord. Turning now to the events of the 21st, rather turning back to the events of the 20th, on the 20th November did you cause Mr. Perry to contact, to make a contact with Camberwell Police Station? - A: Yes Sir.

G Q: You did? - A: Yes sir.

Q: And was Mr. Perry successful in making this

His Honour Judge Stroyan: That has got nothing to do with these tapes. It has nothing to do with these tapes.

H Mr. Symonds: If the calls were recorded and the tapes were missing, My Lord?

His Honour Judge Stroyan: It has nothing to do with these tapes.

A Mr. Symonds: I would respectfully point out that such a missing tape of such a telephone conversation would be of some importance in view of the importance placed on tape number one? -

A: I do not think there was any recording of that, Sir.

Q: So continuing on to the 21st, did you make preparations for recording and observing a meeting between Mr. Perry and myself? -

A: Yes.

B Q: Can you remember the equipment which was prepared for that meeting? - A: There was a Uher tape recorder.

His Honour Judge Stroyan: That was dealt with by Mr. Hawkey in great detail.

Mr. Symonds: But Mr. Hawkey was unable to give satisfactory answers to rather important points, My Lord.

C His Honour Judge Stroyan: I heard what Mr. Hawkey said and he dealt with the equipment in great detail. I do not think we need have it again now.

Mr. Symonds: Alright then, very briefly, My Lord. How many machines were in use on this day? - A: On the 21st?

D Q: Yes? - A: Well, if you are referring to the, I have got a note in my notebook that we ran a test on a Uher recorder attached by microphone to telephone.

His Honour Judge Stroyan: Mr. Symonds, you said yesterday that you regarded Mr. Hawkey as an honest and good witness. He gave you the answers to these questions. We do not want them again. You said you were not disputing

E Mr. Symonds: Unfortunately Mr. Hawkey was unable to help us on one rather important matter, My Lord. A rather important matter, My Lord, in the question of continuity of handling of these tapes. I would submit, My Lord

His Honour Judge Stroyan: What does that matter? What is the question you want to ask and ask it?

F Mr. Symonds: Were two recordings made by machines attached to a radio receiver receiving from a transmitter attached to Perry? - A: Are you talking about the Army and Navy Stores?

Q: No, I am talking about the 21st in the afternoon?

G His Honour Judge Stroyan: Mr. Hawkey's evidence was he was listening to a tape with Miss Welburn and Miss Millard and I think the evidence is that three of the tapes are in existence but that that particular one is not. That is the point. Now?

Mr. Symonds: Did you hear that, Mr. Lloyd? - A: I did, Sir.

Q: And can you explain what happened to this tape recording? - A: No Sir, I do not remember.

H His Honour Judge Stroyan: Yes, well what is the next point?

Mr. Symonds: My Lord, Mr. Lloyd has identified hand-writing on the tapes which were retained in this case and also another witness has identified hand-writing on tapes.

A His Honour Judge Stroyan: Yes?

Mr. Symonds: Now, My Lord, the box of the missing tapes has been discovered, My Lord. - A: Are we talking about this meeting at the

B Mr. Symonds: I wondered if Mr. Lloyd had a look at the hand-writing on this box which has now been discovered on which is written D.S. Symonds?

His Honour Judge Stroyan: Which box is this? Is there a spare box without a tape in it?

C Mr. Symonds: No, this is a tape in which the wrong tape is in the wrong box and on the lid of the box is hand-writing which is crossed out, which says, "D.S. Symonds, mobile to Nagra", which is the missing tape, November the 21st, The Grove. So we have the box, you see My Lord, but we do not have the tape. I wondered if Mr. Lloyd, who so kindly identified the hand-writing on the brother boxes of the two tapes which are in existence, could identify the hand-writing on the box of the missing tape? - A: I do not know what you mean by missing tape, Sir. I have a note in my notebook which says, two direct recorders, one on hand set, one with radio mike in boot of Perry's car.

D His Honour Judge Stroyan: Yes, there are in fact three recordings of the events of the? - A: One on a small hand set.

His Honour Judge Stroyan: And the evidence of Mr. Hawkey, I think, was that there was another one which he was listening to at the time which he has not got. You are quite right in referring to those three, there are three in evidence. - A: Yes, I was not aware there was another one. I cannot remember it.

E

His Honour Judge Stroyan: Well, there we are.

Mr. Symonds: So you are not aware there was another recording made? - A: No.

F His Honour Judge Stroyan: That deals with that.

Mr. Symonds: My Lord, the question of the hand-writing.

His Honour Judge Stroyan: This witness is not aware that there was another recording made. I do not see how the hand-writing can possibly help you.

G Mr. Symonds: As he has used the other boxes and tapes for contemporaneous notes to refresh his memory

His Honour Judge Stroyan: Very well, if I can look at the box?

H Mr. Rivlin: I think it is one of the copy tape boxes and I think it is copy tape box number one, just a moment, yes. I think that is the one, isn't it, Mr. Symonds? Would you like to show it to Mr. Symonds, please? Yes, alright, this is the one. Would you have a look at this, please, and then perhaps hand it to His

Honour afterwards?

Mr. Symonds: Yes? - A: Yes, I see it, Sir, yes Sir.

A Q: Now, looking closely at the crossed out writing, Mr. Lloyd? -
A: Yes, that is Mr. Mounter's writing.

Q: Mr. Mounter's writing? - A: Yes.

Q: The word "master" is that the same, in Mr. Mounter's writing also? - A: It looks like it, Sir.

B Q: Thank you very much.

His Honour Judge Stroyan: Yes, you keep going. Any more questions?

Mr. Symonds: So having recognised Mr. Mounter's writing on that box and the words he has written does this help you?

C His Honour Judge Stroyan: He has not said he recognised the words that were written. He said he recognised Mounter's writing crossed out.

Mr. Symonds: Mounter's writing crossed out?

His Honour Judge Stroyan: Yes.

D Mr. Symonds: Well, I wonder if he could identify the crossed out writing? - A: I very probably can, Sir, and I think if you want to get to what this is about I think probably that note was put on or crossed out as we were taking the tapes off the transcription machines and identifying them in a box. I think at one time some of the tapes were put in envelopes.

E Q: Oh, so the tapes were not always kept in their boxes? -
A: Well, I do not know. This is an old box. This is certainly not a mint new box as far as I recall.

Q: You say there was a lot of care taken in this matter? -
A: Mr. Symonds, please, a lot of care was taken with these tapes all the time. They were not allowed 'willy nilly' to be bandied about around the country.

F Q: Moving everyone forward to the events of the 21st November you have a note in your pocket book? - A: Which date, Sir?

Q: On the 21st? - A: Yes.

Q: Well, we will go ahead then, Mr. Lloyd to the events of the 5th November? - A: Yes Sir.

G Q: When Miss Woore took these other 7 tapes for copying. Do you have a note in your pocket book? - A: No, I do not have any references to it at all.

Q: Going ahead to the 2nd of December is it right that some more copying was going on? - A: 2nd December?

H Q: Yes? - A: I do not remember.

Q: You do not know? - A: Subsequently quite a lot of copying

was done of the tapes but as I recall it the Yard insisted that they had both originals and the copies that we made and some copying was done so that we at The Times had a full set of them. That was probably the date it was done, but I do not recollect.

Q: Do you recall, Mr. Hawkey coming to The Times' offices to carry out a further series of copyings? - A: I remember him coming to The Times' office. I think I recall the copying of some of the hand set recordings.

Q: The Grundig's? - A: The Grundig's, yes, but I had nothing to do with it. It was done in another room, another part of the building somewhere.

Q: Were these tapes, the Grundigs, kept in the same secure conditions as the other tapes? - A: At no time, if they were in the custody of Mr. Hawkey, I would not have considered them in any way insecure. Mr. Hawkey was there to counsel and advise us on the subject of recording you and Mr. Perry and these other officers and he was the expert.

Q: Mr. Lloyd, I would agree with you there to a certain extent, but what I would point out to you is evidence has been given of previous occasions, you see, that you and Mr. Mounter had, subsequently had, custody of these tapes?

His Honour Judge Stroyan: No, let us ask questions about these tapes, no, not about other occasions.

Mr. Symonds: My Lord, one of these tapes is an Exhibit in this case.

His Honour Judge Stroyan: Well, ask questions about it if you want to.

Mr. Symonds: Well, will you look at Exhibit T15 JDM16?

His Honour Judge Stroyan: Exhibit 7?

Mr. Symonds: Exhibit 7?

His Honour Judge Stroyan: I thought we had already left November the 21st? - A: Yes, I see it, Sir.

Mr. Symonds: Now, do you see the word "master" written there? - A: No sir.

Q: On the box? - A: No Sir, oh yes, I do, yes.

Q: And do you identify the writing? - A: Yes, my writing.

Q: And can you recall when you put that writing on the box? - A: No, I cannot.

Q: So if you were not present at the copying it would not have been at the time of copying? - A: Oh no, it may have been when a decision was made to copy this tape as well. We decided that we should have copies of all the tapes.

His Honour Judge Stroyan: I do not want to go back and back and back to things we have already covered. 2nd December was the last

date you mentioned.

A

Mr. Symonds: Yes, My Lord. Could I take legal advice, My Lord? I have been passed a note in connection with this matter of the white leader and I am afraid I do not understand it.

His Honour Judge Stroyan: We will deal with it at the end. Have we now got to the end of your questioning apart from that?

Mr. Symonds: No, My Lord, we have not.

B

His Honour Judge Stroyan: Well, we can deal with that at the end of your cross-examination. What is the next point, 2nd December?

Mr. Symonds: By the 2nd of December this newspaper article had been published, is that right, Mr. Lloyd? - A: Yes, it had.

Q: And my name had been spelt Symonds? - A: That is right. We had taken steps to find out it had been spelt properly.

C

Q: Did you, because I see you had noted it for some time Simmons? - A: Yes, which might indicate the contemporary nature of my notebook.

His Honour Judge Stroyan: I am not going to have this - a mistake in spelling a name. Just listen to me. A mistake in spelling cannot help you one way or the other. My name is quite frequently mis-spelt.

D

Mr. Symonds: My Lord, if thousands of copies of a newspaper are printed on the 28th November and the 29th November spelling my name correctly, I just wanted to know why on the 2nd December, some days later, a whole series of copies are made and my name has suddenly reverted to being Sim.....?

His Honour Judge Stroyan: It is quite irrelevant. What is the next point?

E

Mr. Symonds: My Lord, I would have thought it would have pointed out

His Honour Judge Stroyan: It is quite irrelevant. What is the next point? Perhaps you would like to deal with a tape now? Have you got some other point before you deal with that? I wondered whether you had got to the end and wanted to deal with that tape with the white leader at the end of the tape, you had some question you wanted to ask?

F

Mr. Symonds: Very well, My Lord, I wonder if I could speak to my expert about that?

His Honour Judge Stroyan: Yes.

G

Mr. Symonds: Mr. Lloyd, a couple of days ago you gave your evidence in chief and there were several points raised there that I would like to ask you one or two questions on. I think you started off by saying that you were referring to your pocket book notes and your statements to The Times and you told the Court that they were contemporaneous? - A: That is right.

H

Q: By contemporaneous do you mean made on the day or at the time?

His Honour Judge Stroyan: We have been into this once already I

think.

Mr. Symonds: I can show you quite definitely these pocket books cannot be contemporaneous at all.

His Honour Judge Stroyan: You have already cross-examined this witness and he has been asked about it in chief and he has

Mr. Symonds: I have made some notes to bring to your attention things where Your Lordship can see quite clearly these notebooks cannot be contemporaneous. They are the only notebook in existence allegedly. The other two witnesses destroyed their notes.

His Honour Judge Stroyan: What is evidence in this Court is the evidence given from this witness box.

Mr. Symonds: Yes, My Lord, but the evidence is being referred to a notebook in which to identify tape recordings as original, which is the crux of this whole matter. I am saying, as I have put to the witness, that the notes are concocted.

His Honour Judge Stroyan: Very well. You put that. - A: Rubbish.

Mr. Symonds: Does Your Lordship direct me not to continue along those lines?

His Honour Judge Stroyan: You ask the question and then I shall decide whether it is relevant.

Mr. Symonds: You also said that you made statements to The Times on the day of the enquiry, is that correct? - A: Well, they were not always on the day of the enquiry. As far as I recall what we tried to do as far as possible was to keep up to date. The paper work did get out of hand. There was a lot of. That is why we employed all these secretaries.

His Honour Judge Stroyan: Yes, we have had this.

Mr. Symonds: And I think you said you transcribed your shorthand notes that day? - A: No, I did not say anything of the sort and I corrected that several times to you. Now, let me make it absolutely clear. I transcribed my shorthand note when the police required me, when they began their investigations of our allegations.

Q: Mr. Lloyd, I put it to you again that your notebook produced as a contemporaneous note is a concoction? - A: You can put it to me until you are blue in the face, Mr. Symonds, it is not so.

Q: You have also told the Court you have never investigated police officers before?

His Honour Judge Stroyan: I am not going to have this ground gone over again. You have done it in great detail once already. Move on to the next point.

Mr. Symonds: On the day Perry made his first allegation to you did he make a statement to you at The Times? - A: I think it was that day, yes.

Q: Did Mr. Webb read this statement? - A: I cannot remember,

very probably.

Q: Is the statement in existence now? - A: It was certainly handed to the police.

Q: Now, I note that looking through your notebook, Mr. Lloyd, there are many references to times to give an impression of exactitude? - A: It was not intended to give an impression of anything, Mr. Symonds.

Q: The times were exact were they? - A: The times were very

Q: Were careful? - A: Of course.

Q: On the events of the 28th you made a note in your notebook about Mr. Perry going in his car to have a meet at

His Honour Judge Stroyan: I am not going to go back over this ground again.

Mr. Symonds: My Lord, this is the most important point of the whole thing coming up, now, it has been kept to last because it is so important.

His Honour Judge Stroyan: Well, you tell me what it is.

Mr. Symonds: I will tell you what it is, My Lord.

His Honour Judge Stroyan: And put it in the form of a question to the witness. What is the question?

Mr. Symonds: Question to the witness?

His Honour Judge Stroyan: What is the question?

Mr. Symonds: Going back to the events of the 31st of October which details the meeting at the Grove

His Honour Judge Stroyan: Yes, what is the question?

Mr. Symonds: I am going to refer the witness to his notebook, My Lord, page 22, have you got that? - A: Yes.

Q: Where, "Meeting at Grove for 2.30 p.m."? - A: That is right.

Q: Now, I think in your evidence in ~~chief~~ when you were describing that meeting you told the Court how you walked past the car park at - you did not make an identification, you said you could see two or three figures sitting in the car? - A: That is right.

Q: Do you see that? - A: Yes.

Q: Now, two or three figures, that is rather important? - A: That is right.

Q: Mr. Lloyd, because if there had been three figures - could there possibly have been three figures? - A: I do not know what my notebook says, my contemporaneous notebook, which you say I have concocted - it could be two or three figures sitting in Perry's car which I could see at a glance. The windows were misted up. It was difficult for me to say, a fairly honest observation, Mr. Symonds.

Q: What? - A: A fairly honest observation.

A

Q: Yes, you were being very careful in your account and you also noted at the time? - A: I have a note of the meeting.

Q: You told the Court a couple of days ago, you said you walked past at 2.20 p.m., is that correct? - A: Yes, I have a note. It was about, yes, 2.20 p.m.

B

Q: Yes, you say 2.20, so what happened was the meeting was arranged for 2.30, but Perry had gone to the car park early on that occasion, is that correct? - A: That is right.

Q: And you had followed him down to the car park with other people? - A: That is right.

Q: And Perry had driven into the car park just before you and parked beside a white Vauxhall? - A: That is right.

C

Q: And shortly afterwards you drove through the car park and were you surprised to see the Vauxhall there already? - A: I did not drive through the car park. I walked past the car park entrance.

Q: At 2.20 p.m. and you saw two or three people in Perry's car at 2.20 p.m.? - A: Yes.

D

Q: You are quite sure of that? - A: Well, that is what my note says.

Q: That is what your notes say. You see, by playing through the tape recording which I believe was Mr. Hawkey's idea, that a wireless programme should be switched on to establish the date and the times

E

His Honour Judge Stroyan: Mr. Symonds, what is the question which is going to point out this most important point in the case?

Mr. Symonds: My Lord, to explain to you or to ask

His Honour Judge Stroyan: Just ask the question. We have gone over this ground a number of times. Now you say we are going to have the most important point in the case. I want to know what it is.

F

Mr. Symonds: According to the tape recording given in evidence of the meeting at 2.20 p.m. there was only one person in the car because if you listen to the recording which I would like to play to the Court you will hear some music and you will hear the radio announcer say, "The time is now 2.05"? - A: I would not dispute that at all, Mr. Symonds.

G

Q: Followed by 19½ minutes or so of music. Maybe we should play this, My Lord?

H

His Honour Judge Stroyan: No, I am not going to have it played again. - A: Mr. Symonds, you can go through all the convolutions you like about that, Mr. Symonds, the fact of the matter is when I put this in my notebook, which is at or around the time of this meeting, I think I saw two or three figures sitting in Perry's car. I could not see properly because it was misted up and it was at a glance. Eventually we established that there was

only you and Mr. Perry at the meeting.

Q: You established that? - A: Of course we established it.

A Q: And so, therefore, you are now saying at 2.20 p.m. you only saw two figures? - A: At 2.20 p.m. I walked past, around 2.20 p.m.

His Honour Judge Stroyan: Just listen, your point is, is it, that this note says two or three figures and the tape recording you say says only one. That is the point is it?

B Mr. Symonds: My Lord, not at all, My Lord.

His Honour Judge Stroyan: What is it?

C Mr. Symonds: The point is that not only this witness but other people who have made statements in this affair, in the first place they identified two or three people sitting in the car in which it was alleged only two people were sitting. That is interesting because on this tape there is the laughter of a third person here. - A: I have never heard it.

D Mr. Symonds: The second thing, My Lord, which I will attempt to bring evidence to adduce, the second thing, My Lord, is according to the tape tendered in evidence, if that is a true tape, the conversation does not start until 2.30 and the conversation is preceded I believe by the noise of a car door opening.

His Honour Judge Stroyan: Very well, I have got that point. Is there anything else you want to ask?

Mr. Symonds: So one could assume from this that either Mr. Lloyd's visual identification

E His Honour Judge Stroyan: No, no.

Mr. Symonds: Or the tape

F His Honour Judge Stroyan: If you have another relevant point or a fresh point to make you may ask it. I am not going to have a speech. You can address me when you come to your part of the case. You are not making a speech now. Have you any other relevant question you want to ask this witness?

Mr. Symonds: Mr. Lloyd, in your evidence to the Court you say you cannot remember why you went to LSF, maybe you looked it up in the Yellow Pages? - A: You mean in the first place?

Q: To contact Mr. Hawkey? - A: Yes, I cannot remember why.

G Q: Had you ever dealt with them before? - A: I cannot recall having dealt with them before.

His Honour Judge Stroyan: That does not help.

Mr. Symonds: My Lord, if I can seek to adduce evidence that in fact Mr. Lloyd has in fact dealt with Location Sound Facilities before?

H His Honour Judge Stroyan: That does not help either.

Mr. Symonds: And he has been engaged in trying to tape police officers before. I thought that might persuade your mind in some way. - A: Neither is it true, you can adduce whatever evidence you like. I have never tried to tape police officers before.

Q: Have you tried to investigate police officers before?

His Honour Judge Stroyan: We have had this once already. I am not having it again.

Mr. Symonds: Very good, very good. My Lord, thank you.

Re-examination by Mr. Rivlin

His Honour Judge Stroyan: Yes, Mr. Rivlin?

Mr. Rivlin: There is only one matter that I want to ask you about, Mr. Lloyd, and that is this. It is suggested to you, do you understand, that you have concocted your notes and perhaps in some way you have been responsible for concocting tapes? - A: Yes Sir.

Q: It may, I do not know, later be suggested to His Honour that the police have had some hand in this and that is the matter that I would like to cover now with you and I think for it would you look please at Exhibit number 35D, which is the transcript of tapes prepared by The Times? - A: Yes Sir.

Q: And Mr. Lloyd, these transcripts were prepared by Times' secretaries? - A: Yes.

Q: Were they prepared before or after the police played any part in this case? - A: Before, Sir.

Q: Before. Now, may I say so the Defendant can hear this, that we accept that not every reference to money appears on these transcripts? - A: Yes Sir.

Q: But I would just like you to follow through the following references? - A: Yes Sir.

Q: Would you please go first to page 3? - A: Yes Sir.

Q: Which relates to tape number 2 at The Rose? - A: Yes Sir.

Q: Alright, can you see the words there, "P" for Perry, "garbled"? - A: Yes.

Q: "I can scrape up a few"? - A: That is a reference to money, Sir.

Q: Well, "I can scrape it up"? - A: That is a reference to money.

Q: Now, I would like - don't you worry about what it is a reference to, Mr. Lloyd, I am just pointing these matters out to His Honour. - A: Yes Sir.

Q: Could you now, please, turn to page 5, which is the beginning of the meeting at The Grove. Does it begin "P" for Perry, "Got a bit of dough"? - A: Yes.

Q: "I got a bit more done". That is what it says here, doesn't it?

- A: Yes.

Q: Right, would you now please turn to page 11, bottom of the page?

- A: Yes Sir.

Q: Does it say, "You can more than that, you see, you can have more than help you can have fucking, you know, you can have sort of earners"? - A: Yes, yes Sir.

Q: And these are part of The Times' transcripts? - A: These are The Times' transcripts.

Q: Would you now please turn to page 17 and we are now on the 21st November, and look at the top of the page? - A: Yes Sir.

Q: "How are you doing, Micky?". "Alright there.", Perry, "I ain't got". "Pardon?", "I've only got fifty again, alright?"? - A: Yes Sir.

Q: Would you now please turn to page 21? - A: Yes Sir.

Q: About ten lines up from the bottom of the page you see a "P" for Perry, "I can't, I don't know when I'll get the money"? - A: Yes Sir.

Q: "It could be this week like, but no it's a bit late this week now - not this week now"? - A: Yes Sir.

Q: "But that other cunt on my back from the Yard, he's er I can't do fuck all"? - A: Yes Sir.

Q: Right, now would you now please turn to page 25? - A: Yes Sir.

Q: And you can see at the top of the page "S" says something and then "P" for Perry says, "Yes" or "Yeh"? - A: Yes.

Q: And then "S" "Anyway Michael, thanks very much for that"? - A: That is right, Sir.

Q: And these are all matters that were transcribed before the police? - A: That is right, Sir.

Q: Ever laid hands on these tapes, is that right? - A: Yes Sir.

Q: Yes, that may help about another part of the case, Mr. Lloyd, I am sure you appreciate. Thank you very much indeed. Might the witness be released, please?

His Honour Judge Stroyan: Yes.

Mr. Rivlin: Yes, thank you.

Witness Withdrew and Released

Mr. Rivlin: Your Honour, do you wish me to call Mr. Mounter now? Your Honour, it is my intention to take matters fairly shortly with Mr. Mounter. He is in the deposition bundle at about page 32.

Mr. Mounter Sworn

Examination in Chief by Mr. Rivlin

A Mr. Rivlin: Mr. Mounter, what is your full name, please? -
A: It is Julian d'Arcy Mounter.

Q: Your address? - A: It is 11 Brookfield Road, Chiswick.

Q: By whom are you employed at the present time? - A: By Thames Television.

B Q: In what capacity? - A: I am an Executive Producer in the Current Affairs Department.

Q: In 1969 were you employed by The Times Newspaper as a journalist? - A: I was.

C Q: And for how long had you been employed by The Times? -
A: For about five years, no sorry, three years in 1969.

Q: Were you a general news reporter? - A: I was.

Q: Certainly at the time with which we are concerned? - A: I was.

D Q: And in October and November 1969 did you together with Mr. Lloyd the last witness become involved in what we know to be called the Times ^{en}quiry? - A: I did.

Q: Into allegations made by a man called Perry? - A: Yes.

Q: Were you involved in making arrangements for the tape recording of various meetings held between Perry and certain police officers? - A: Yes Sir.

E Q: Had you ever been involved in anything like that before, that is tape recording conversations? - A: No, never.

Q: Now, I am going to try to take matters short if I can. You were present in Court, were you not, two days ago when certain tape recordings were played? - A: Yes.

F Q: Or was it three days, it is difficult to say now. I think it was Tuesday, anyway, two days ago, and you heard, did you not, first a tape recording of what purported to be a telephone conversation made on the 28th October 1969? - A: Yes.

Q: Exhibit number 1, tape 1. Now, did you listen to that? -
A: Yes, I did.

Q: Did you recognise it when you listened to it? - A: Yes.

G Q: What do you say about it? - A: To the best of my knowledge and memory it is the same tape that we made at the time.

Q: Yes. Did you listen to the tape recordings in 1969 after they had been made? - A: Yes.

H Q: How long did you wait before you listened on each occasion to the recording of a particular conversation? - A: That varied. I think sometimes it was immediately, sometimes it was half an hour

or an hour and we would then hear them two or three times.

Q: Yes, so you would first hear them on the same day? - A: Yes.

A Q: And within a fairly short period of time? - A: Yes.

Q: Now, Exhibit number 2, tape number 2, that was played, purports to be a tape recording of a meeting held on the afternoon of the 28th at The Rose Public House, and just to refresh your memory because you did listen to it a couple of days ago, that tape appears to be very badly broken up? - A: Yes.

B Q: Do you remember it now? - A: I do.

Q: What do you say about that one? - A: We were very new at it and the sound engineer brought along a radio microphone.

Q: Well, don't worry about the details of it, what do you say about its authenticity? - A: It, as far as I can remember, is the same tape.

C Q: Well, I am going to ask you to look at tapes and tape boxes in a moment. At the moment we are simply concerned with identifying what you heard when these tapes were first played to you. Now, the third tape that was played to you was a tape purporting to be of a conversation held on the 31st October 1969, Exhibit number 3, tape number 5, and that was I think we would all agree a much better recording. When you listened to it, Mr. Mounter, in Court, what did you think in terms of its authenticity, its content, and the like? - A: It was the same tape as was made at the time.

D Q: And finally we heard a tape, tape number 14, Exhibit number 5, of a conversation alleged to have taken place on the 21st November 1969 and you listened to that didn't you? - A: Yes.

E Q: Again I think we would all agree a pretty good recording, what did you think about that recording when you listened to it in terms of its authenticity? - A: It was again to the best of my knowledge the same tape.

Q: Have you at any time tampered with any of these tapes? - A: Absolutely not, Sir.

F Q: Has anyone else to your knowledge tampered with any of these tapes? - A: No Sir.

G Q: I would now like you to look at boxes and spools to see if you can help us, but before you embark upon that process, may I ask you whether you can recall doing anything with the original tapes that were made, in terms of identifying them? - A: Yes, from fairly early on in the investigation and for the purposes, for your purposes, Sir, I am talking of the whole investigation involving this case and others, early in that investigation we realised the importance of what we were doing and we had a system where we would watch the tape being placed on the recorder and then when it was taken off I would sign on it and write on it or Mr. Lloyd would on the spool inside and similarly mark the box on the outside.

H Q: Now, would you please - I am going to show you the 7 tapes with which we are concerned in this case. It may be that you can help with only some and not others, but that does not matter. Let us go

A through each one individually. Tape number 1, Exhibit number 1 - just look at the box and the spool, both sides of the spool, and tell His Honour whether in the first place you have written anything on those objects? - A: Yes, I have written JDM 1, I have signed my initials, JDM 1 on the little label.

Q: JDM 1, those are of course your initials? - A: Yes.

Q: And you have written that where? - A: On a label that is stuck on here.

B Q: On the label? - A: Yes, I do not think that that would have been at the time.

Q: No, not at the time, sometime later, is that what you are saying? - A: Yes.

Q: What, before or after the police came involved? - A: I think after the police became involved.

C Q: Right, subject to that, is there anything on the box or the tape in your hand-writing? - A: No.

Q: Now, I suppose you can see, can you not, some writing on the box and on the tape. Are you able to recognise the writing? If you are not, say so? - A: I do not recognise the writing on the back of this box.

D Q: Where it says, "Master"? - A: Where it says, "Master", but I think, I would not be certain that the "October 28 'phone" is Garry's, Garry Lloyd's.

Q: Yes, that is Garry Lloyd is it? - A: Yes.

E Q: Now, can you help to this extent, Mr. Mounter. On any occasion that either you or Mr. Lloyd wrote on the box or on the tape, when did you do it? - A: Immediately after the tape was taken off the machine.

Q: After the recording? - A: Yes.

F Q: Now, I would like you to look please at tape number 2, Exhibit number 2. Just go through the same process. You can forget I think about any labels with JDM on e, two or three after it. We appreciate those were put on after the police came on to the scene. What do you say about 2, anything in your hand-writing or not? - A: No.

Q: Right, now would you please have a look at 3, that is tape Exhibit 3, tape 5? - A: Yes, on the box.

G Q: On the box, yes? - A: I have written "7" number 2".

Q: Just a moment, yes, I do not think that this appears on your schedule?

His Honour Judge Stroyan: No, it does not.

H Mr. Rivlin: Your Honour, but there is a note here about that. "7" number 2", you have written that have you? - A: Yes, the rest of the writing on the box looks like Garry Lloyd's.

A Q: Right and what about the writing on the spool, please? -
A: I have signed it. Garry has signed it and I have written
"October 31st 1969 Tape of Symonds (Detective Sergeant) the Grove Pub"
and then there is writing which I think is Garry's, which says
"Original" on it.

Q: So apart from the word "Original" and Garry Lloyd's signature
the rest of the writing is yours and your signature appears on
that? - A: That is so.

B Q: Would you please have a look now at Exhibit number 4, which
includes tape 3B? - A: I think the writing on the box is
Garry Lloyd's, the writing on the label which now seems to be faded
looks like mine.

Q: What does it say, please? - A: It says, "Meeting" with a word
I cannot read, it says "31st" I think it says "31st", I am not sure.
It is very hard for me to say, Sir, it is very faded.

C Q: Very faint, it is, yes, and that is you say in your hand-writing?
- A: It looks in my hand-writing, yes.

Q: Yes and what about the rest of the writing on the tape? -
A: On the other side there is a thing saying " 'phone calls",
which is not my writing.

Q: Whose is that, can you say? - A: It looks like Garry Lloyd's.

D Q: Looks like Garry Lloyd's. Well, we have dealt now with the
tapes covering the 28th and the 31st and having seen those and
held them in your hand and examined them, what do you say about
them? - A: Those are the tapes and those are certainly the
spools that we had recorded at the time.

Q: Well now, we are now going to come on to the 21st. Do you wish
me to?

E His Honour Judge Stroyan: I think that would be a convenient
moment to break off. It is very important not to talk about your
evidence in this case with anybody at all during this
adjournment. - A: Yes.

Luncheon Adjournment

G I certify that I took the shorthand notes in the
case Regina V J. Symonds and the transcript pages
1 - 45 is a true and correct transcript of the
said shorthand notes to the best of my skill and
ability.

H Signed *A. J. Smith*

In the absence of the jury

A MR. RIVLIN: Your Honour, might I mention one or two administrative matters, as I have been doing at various adjournments. The first matter is this, that concerns the vexed question of Miss Woore's evidence. May I tell Your Honour that solicitors on both sides have had an opportunity of telephoning Miss Woore, and the situation is this. There is no secret about it. Mr. Birnberg put to Miss Woore, the various questions he wished to on behalf of his lay client, and Mr. Ord, my instructing solicitor listened to the telephone call, both solicitors made notes of what was said, and there is an agreed note of what was said.

B HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: May I just tell Your Honour what our attitude is. Our attitude is that we are quite happy to admit the agreed note of the telephone conversation, and it matters not whether the answers assist our case, or assist the defendant's case.

C HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: And to have those matters admitted under Section 9, together with the Section 9 statement of Miss Woore.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: That is our attitude.

D HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: And we feel that it would be appropriate for Your Honour to invite the defendant to state what his attitude is.

The other matters, Your Honour, is this, that no doubt the court will be anxious to know how many more witnesses we wish to call on the voir dire.

E HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: May I tell Your Honour that our present inclination is to call Mr. Perry to prove the voices.

HIS HONOUR JUDGE STROYAN: I was wondering whether that was necessary.

F MR. RIVLIN: I am obliged for that. We have Mr. Perry here, and he can be called by the defendant if he wishes.

I propose to call Detective Chief Inspector Vernol, who had custody of the tapes between 1970 and 1980.

G My present inclination is that we do not need to call Sergeant Stone, Mr. Penna or Mr. Eley. And may I say, I have in mind what Your Honour has heard this morning about The Times transcripts, and what clearly was on the tapes at the time that The Times were transcribing them, and before they ever went into police custody; and the way in which I would like to deal with the matter, with Your Honour's leave, is as follows. If the defendant tells me which witnesses he wishes to have available for him to call, I will do my utmost to co-operate with him, but I am not going to take time up in my case by calling witnesses whom I do not consider to be necessary.

H HIS HONOUR JUDGE STROYAN: Yes, well, that's surely right.

MR. RIVLIN: So far as we are concerned, therefore, the only other witness we will call will be Detective Chief Inspector Vernol, although certainly we will have Mr. Perry here.

A HIS HONOUR JUDGE STROYAN: I haven't looked at the evidence with that particular issue in view, but if there is prima facie evidence that Perry was present in the car, doesn't seem to have been seriously disputed so far, one wonders whether it is necessary to call him.

B MR. RIVLIN: May I tell Your Honour, quite frankly, my fear is if we call Mr. Perry to deal with one very small matter that really is not in dispute anyway as we see it, the man will be cross-examined for a very long time about matters that have nothing to do with this particular application; and so my inclination is to say, if the defendant insists Mr. Perry could help him in some way, then he should call him, although I appreciate that would be an odd situation.

HIS HONOUR JUDGE STROYAN: Yes.

C MR. RIVLIN: But we do feel very strongly that it is possible to direct our minds to the issue here, and to see what we have proved, and what needs to be proved, and we would submit that there is little else that we need to prove, to this extent. If Your Honour is, as it were, unsatisfied with the evidence you have currently heard, it is not very likely we are going to satisfy you by calling a lot of other people besides.

HIS HONOUR JUDGE STROYAN: No.

D MR. RIVLIN: So I hope that is of some assistance both to you and the defendant, and which may assist the defendant in arranging his future programme, as it were.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: We would like to know what his attitude is about Miss Woore, then I shall go on to call Mr. Mounter back into the witness box.

E HIS HONOUR JUDGE STROYAN: Yes. Mr. Birnberg, that is right, that there has been this conversation, and there is this agreed note?

MR. BIRNBERG: Yes.

HIS HONOUR JUDGE STROYAN: And you have put all the questions you think right on behalf of your client, and that is recorded in the note?

F MR. BIRNBERG: That is so, yes, but Your Honour I would ask ... I have tendered certain advice to my client. I would ask that you put it to him specifically.

G HIS HONOUR JUDGE STROYAN: I shall. Now then Mr. Symonds, first of all, you have heard what has passed. She has been asked the relevant questions by Mr. Birnberg, and a note has been made of them. It seems to me quite unnecessary, in those circumstances, that since she only deals with a very limited part of the case, that she should be brought over from Australia.

H DEFENDANT SYMONDS: It is said that the note is agreed, but I have only just received a copy of the police ... There are two notes, My Lord, in existence. One made by my solicitor, and one made by the prosecution representative who also listened in to the call, and there appear to be considerable differences, My Lord.

A MR. BIRNBERG: I think I can clear that up. I only made a few sketchy notes. Mr. Ord, who was listening in and was not, therefore, talking to Miss Woore - she was not aware anyone else was listening in - had a better opportunity of taking a fuller note. I accept that the note he has made of the questions and answers is a more accurate record than the sketchy notes which I made and handed up to my client.

HIS HONOUR JUDGE STROYAN: I am most grateful to you, Mr. Birnberg.

B DEFENDANT SYMONDS: Following on from that, My Lord, when I looked at the prosecution version of the note for the first time a very few minutes ago, which is the one proposed to be offered in evidence, I must say, My Lord, I am not at all happy at the prosecution's ... At certain things that were said by Miss Woore, according to the prosecution version, My Lord.

HIS HONOUR JUDGE STROYAN: Well, you heard Mr. Birnberg accepts that that is accurate.

C DEFENDANT SYMONDS: Mr. Birnberg says that was the general tone of the conversation, and I accept that, My Lord, I accept that, but I do not accept that that is the questions asked, and the replies obtained from Miss Woore. I am not satisfied with those, rather than having sight of her original statement to the police, which is lost.

HIS HONOUR JUDGE STROYAN: You have seen all the statements which there are.

DEFENDANT SYMONDS: Her original statement to The Times, which is also lost.

D HIS HONOUR JUDGE STROYAN: There are no more statements made by Miss Woore which are available, which you have not seen. You have seen them all.

DEFENDANT SYMONDS: I have seen an edited part of a statement which was served on the defence before the Committal, My Lord. I have not seen her original statement.

HIS HONOUR JUDGE STROYAN: Mr. Rivlin, would you like to deal with that once more?

E MR. RIVLIN: The original was brought from the (Bailey?) and lodged with the court. Your Honour has seen it. I assume Mr. Birnberg and Mr. Green have seen it. They have had, certainly, a full copy of it for some little time; and whatever the defendant may say - and may I tell Your Honour that we have searched high and low for any other statement allegedly existing, and there isn't one. We have not got a statement of her statement to The Times. There isn't one available. There is no other statement which she made to the police. I am sure the defendant appreciates that, having read the contents of the telephone conversation. I do hope he doesn't think that anyone has tried to conceal some statement that that lady has made, from him. And indeed, we have given his solicitor the opportunity of covering any matters that he wishes in the telephone conversation.

F HIS HONOUR JUDGE STROYAN: Now, Mr. Symonds. I think it would be a good idea if I saw the note of the telephone conversation. Do you object to me seeing it?

G DEFENDANT SYMONDS: No, My Lord. I would like you to see the note.

HIS HONOUR JUDGE STROYAN: Yes.

H MR. RIVLIN: Yes, I am handing ... Would you like to have a copy that you can mark, Your Honour?

HIS HONOUR JUDGE STROYAN: Yes. The defendant has got a copy as well?

MR. RIVLIN: The defendant has a copy, certainly. And I have got the original here. Your Honour can see the first answer: "One to the Times, I think".

HIS HONOUR JUDGE STROYAN: Yes. She seems to be ... At the end, she is prepared to give an authority to the Metropolitan Police and The Times to produce any statements made.

MR. RIVLIN: Yes, and what we have done is, we have sought to obtain her statement, and we have contacted The Times, and The Times claim that they provided her statement to the police, a very long time ago. We have searched high and low throughout all of our documents, and there are mountains of them; and in particular, our files relating to statements to The Times, and we have not got any statements that Miss Woore made to The Times. But it seems to us, with respect, that here the defendant has had the opportunity of putting the matters that concerned him to this lady. She has answered them. There are some answers that Your Honour can see that might be construed as being in his favour, others that might be construed as being against him. Our attitude is, we are perfectly happy to admit the statement if he wishes it.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: There cannot now, we submit, possibly be any conceivable justification in having that lady brought from Australia.

HIS HONOUR JUDGE STROYAN: Well, Mr. Symonds, it looks to me as if it has all been properly put to her by your solicitors, and I can think of nothing more which would be gained by bringing her here from Australia.

DEFENDANT SYMONDS: My Lord, Miss Woore made her statement to The Times. This is lost.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS: Miss Woore made a long statement to the police, and if you refer to the telephone conversation, My Lord, you will see she says she does remember being asked about the transcribing process she took part in. I submit, My Lord, it is only natural she would be asked, being mainly responsible for the transcribing. I showed you Miss Ann Dippy's statement, which was made during the investigations, and the questions being asked of the secretaries, and you saw the line the questioning took. Now, knowing Miss Woore's part in this, having the custody of the tapes for the copying, and having the key to the cabinet, and having control over them for a period she described as seven to ten days ...

HIS HONOUR JUDGE STROYAN: What?

DEFENDANT SYMONDS: Engaged on transcribing them, My Lord, for seven to ten days.

HIS HONOUR JUDGE STROYAN: That is wholly different from having control of them.

DEFENDANT SYMONDS: But she had a key. Answer, Page 2, quarter of the way down: "There was a filing cabinet for the tapes. I think I had a key." That means, if the reporters weren't in the room, surely My Lord, she was there, and she had custody or control over them if she had a key. Apart from the fact that Mr. Lloyd had them, and denied some of these things quite strongly. There are aspects of this, My Lord, which concern me very much.

A I am struggling here on the matter of continuity; the two points, as I understand it, that we have to find for in this case in the trial within a trial, are the matters of originality and continuity of handling. My Lord, experts will eventually give evidence to you on the matter of originality, and I have taken it upon myself to investigate the alleged continuity, and to hope to severely damage it, My Lord, in your eyes for when you come to make a decision, and put some doubt into your mind.

B It is very sinister. My Lord, there was a statement made to the police, a lengthy statement. In fact, there are officers going to give evidence before you who were in charge of this investigation, My Lord; and one of them has made a witness statement to the defence about this very matter of Miss Woore, My Lord, and I am prepared to show it to you. I think I have shown it to you, My Lord.

Well, My Lord, I think it is very sinister that this statement, which one of the original investigating officers talks about in an interview to my solicitors, as being of vital importance. I forget the exact words, but I think we have found a copy there now. And it is a statement which would severely damage, if not destroy, the prosecution case for continuity.

C My Lord, I think in the very sinister event that this statement has mysteriously disappeared from police custody - is of great importance My Lord; and I think it is very important to me, and to you, so that you can come to a perfectly ... so that you can see all aspects of this, that Miss Woore should be brought here to clear this matter up, because otherwise, My Lord, it will go on and on, the question of Miss Woore and her missing statements. The answer to that, My Lord, is to bring her here and ask her to tell us about them.

D HIS HONOUR JUDGE STROYAN: I shall make no such order.

DEFENDANT SYMONDS: My Lord, continuing on from the Perry aspect. Do I assume you now have ruled I have identified my own voice and Perry is not to be called?

E HIS HONOUR JUDGE STROYAN: I have not ruled that at all. All I have noticed is that you for yourself, in the course of your cross-examination, made it absolutely clear you were cross-examining witnesses on the basis you were in the car.

DEFENDANT SYMONDS: My Lord, out of many hundreds, or maybe thousands of words now ...

HIS HONOUR JUDGE STROYAN: Is that right?

F DEFENDANT SYMONDS: If, on one occasion, I forget to say: "My alleged voice", and if ...

HIS HONOUR JUDGE STROYAN: Just listen to me for a moment. Am I to understand that you are going to be submitting, as part of your case, that you were not in the car?

G DEFENDANT SYMONDS: My Lord, what I am saying now ...

HIS HONOUR JUDGE STROYAN: Can I have an answer?

DEFENDANT SYMONDS: What I am saying now is, I would like the prosecution to carry out their duty.

H HIS HONOUR JUDGE STROYAN: Mr. Symonds, can I have an answer to my question? Am I to understand you were cross-examining as I have not so far thought your case is going to be when you come to put it to Mr. Mounter, that you were not in the car at the time?

DEFENDANT SYMONDS: My Lord, I am going to allege ... I am going to point to specific parts of the alleged conversation, My Lord, and I am going to put it to Perry that that is, in fact, his voice when he comes, My Lord, and I think that he should come.

A HIS HONOUR JUDGE STROYAN: You still have not answered my question.

DEFENDANT SYMONDS: My Lord, you are pressing me to lay out my defence in the presence of the prosecution, to unroll the whole defence at this stage, which is not even the main trial, My Lord, and I think you are putting me in a very difficult position.

B HIS HONOUR JUDGE STROYAN: I am not pressing you to unroll your whole defence. It is the last thing I want to do. What I should like to know, and it may help you as well, is whether you are going to be putting to Mr. Mounter that you were not in the car at the time that the recordings were made, but somebody else was? That is a straight question.

DEFENDANT SYMONDS: My Lord, if I was going to put that question, My Lord, I would put it to Mr. Lloyd.

C HIS HONOUR JUDGE STROYAN: You are not going to answer me. I am not going to take the matter any further. I can draw my own conclusions.

Now, what about the other witnesses? I take it Inspector Vernol is going to be called?

MR. RIVLIN: Yes, he is.

D HIS HONOUR JUDGE STROYAN: Stone, Penna and Eley?

MR. RIVLIN: I shall not call. I shall have them available if the defendant insists on their giving evidence, but I certainly do not propose to call them as part of my case. Mr. Eley and Mr. Penna could give expert evidence, but they can do that, if necessary, in rebuttal.

HIS HONOUR JUDGE STROYAN: Yes. Very well.

E
F So far as Miss Woore is concerned, it is perfectly plain that the defendant's solicitor has had an opportunity of asking her such questions as he thinks right on the telephone. A note has been made of them, which is agreed. And it was Mr. Birnberg's express request, in the light of that situation, that I should put the matter to Mr. Symonds, Mr. Birnberg having done what he could perfectly properly. I have heard what the defendant has said. I have heard what Mr. Birnberg has said, and it would be quite an unjustifiable expense, in my view, in the circumstances of this case, were I to order that this woman should be brought over from Australia with her husband in order to give evidence.

MR. RIVLIN: The practical effect of that, Your Honour, as I understand it is, technically there is no evidence of hers before the court.

HIS HONOUR JUDGE STROYAN: Yes.

G MR. RIVLIN: And the problem from the defendant's point of view, is that there is no evidence before the court that she had a key to the filing cabinet, or that she thought she did. That is why I was really trying to help by being prepared to admit it. Perhaps he would like to think about it a little further, but certainly we are not going to have her from Australia.

H HIS HONOUR JUDGE STROYAN: No.

Examined by Mr. Rivlin:

A Q. Mr. Mounter, we were coming on to the 21st of November, 1969. There are three tapes there involved, say the Crown, that are relevant. Now, you have told the court this morning, that you listened to one of them? - A. Yes.

Q. You have expressed your view about that one, but I would like you to look at the boxes and the tapes now, if you would please. Would you please have a look, first, at Exhibit No. 5, Tape 14? - A. Yes.

B Q. Now, look at the box, and look at the tape, and what do you have to say? - A. The writing: "Master, Simons at Grove, November 21st", is mine.

HIS HONOUR JUDGE STROYAN:

Q. Are we on the box, or the tape? - A. On the box.

C Q. Box writing, which words? - A. "Simons at Grove, November 21st", and "Master".

D Q. "Simons at Grove", is it? - A. Yes. "Master, Simons at Grove, November 21st", that's my writing; and the "7 inch No. 7" on it, I don't think is my writing. It is hard to tell. I could not be certain, but I don't think it is. And inside, on the label, I have signed it, and I have written: "November 21st, Simons at The Grove, Direct to Nagra in boot of BLU". That means it was connected directly to the microphone and it was in the boot of Mr. Perry's car, the number of which was BLU.

Q. "Simons at Grove, direct ..."? - A. "Direct to Nagra".

Q. Yes? - A. "In boot of BLU". That's my writing.

MR. RIVLIN:

E Q. Now, when did you write those things on the box and on the tape? - A. Immediately after it was taken off the machine, sir.

Q. So, what do you say about that tape? - A. That is the same tape.

Q. Is it a copy or the original? - A. No, that is the original.

F Q. Would you look, please, at Exhibit No. 6, Tape 13. Now, Mr. Mounter, what do you say about first the box, and then the tape? - A. The writing on the box that says: "Master, Radio Mike in boot of BLU, Simons at The Grove, November 21st", is mine; and on the spool ...

HIS HONOUR JUDGE STROYAN: Just a moment please. Yes.

G WITNESS MOUNTER: On the spool, I have signed it, and I have written: "Simons, Grove, November 21, Radio Mike in boot of BLU".

MR. RIVLIN:

H Q. When did you write those things on the box, and on the tape? - A. That would have been immediately after it was taken off the machine.

Q. And what do you say about the tape? - A. It is the same that I took off the machine.

Q. It is ...? - A. The original.

Q. Now, would you please have a look at Exhibit No. 7, Tape 15? - A. The writing on the back, there is one word which is not mine: "Master", and it looks as if it was written by Mr. Lloyd.

HIS HONOUR JUDGE STROYAN: Just a moment, please. Exhibit No. ...?

MR. RIVLIN: Seven, Tape No. 15, JDM 16.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN:

Q. So the word: "Master", is Mr. Lloyd's handwriting? - A. Handwriting.

Q. What about the rest? - A. Then it says: "November 21st at Grove, Simons Grundig used Direct", and I have signed it. And all that is in my writing.

HIS HONOUR JUDGE STROYAN:

Q. Everything except: "Master"? - A. Yes. Yes sir. And then on the cassette itself, there is a piece of tape on which I have written: "Simons at The Grove, November 21st, Direct Grundig Pocket", and I have signed it. And then, written on the cassette is: "October 21st, Grove".

MR. RIVLIN:

Q. October, is it? - A. October 21st.

Q. On the reverse, October 21st, yes. - A. And "Simons", but it is "Sim ..." anyway, and I have signed it again.

Q. Is that date, October 21st, in fact correct? - A. No sir. I don't think so. I think it was November 21st.

Q. At all events, November 21st appears on the obverse side? - A. Yes.

Q. And November 21st appears on the box? - A. Yes, it would have been made at the same time.

Q. Now, when did you write those things on the box and on the tape? -
A. As soon as we had disconnected it from Mr. Perry's wrist.

Q. And what do you say about that tape? - A. That that is the original tape.

Q. Yes. Would you please put that down now. Thank you. I am/^{now}going to ask you whether you ever saw, on any of these three occasions - the 28th of October, the 31st of October, or the 21st of November - ever saw who was in the car in question? That is, who it was who was in the motorcar where the conversation was taking place? - A. Yes, on one occasion. I can't remember which, sir, but it would be in my original statement to the police. I did see somebody with Mr. Perry who I could then identify.

Q. You could then identify? - A. Yes.

Q. Who was it? - A. That was Sergeant Symonds.

Q. Now, is it right, Mr. Mounter, that a number of these tapes, in fact all of them, were copied? - A. They were, yes.

Q. Did you play any part in the copying, or making the arrangements for the

copying of the tapes? - A. I would have played a part in the arrangements. I don't recall being involved in making a copy.

A Q. What part ... And I am not going to ask about individual dates, because we have already been talking about individual dates with Mr. Hawkey, do you understand? - A. Yes.

Q. What part did you play in that exercise, of getting tapes copied? - A. I would have been involved in arranging for them to be taken over to be copied.

B Q. Yes. Were you ever present when they were being copied? - A. Not that I can recall sir. I believe that another set of copies were made after they had been handed to the police. I may have been at that, but I can't recall it.

Q. You can't recall it? - A. No. I have some recollection of being at the offices, Mr. Hawkey's office location, but I can't remember exactly when it was.

C Q. Can you remember why you were there? - A. Not really. I have some ... I have some ... Some vague recollection that I may have gone with policemen, which would have meant it was afterwards, but I am not sure.

Q. Now, another matter, Mr. Mounter, and that is this. Did you make statements to The Times? - A. I made statements, yes sir.

D Q. I would just like you to have a look at them, please. Not because I want to ask you any detail from them, but just so that you can identify them in the event you are asked detailed questions, so that you may have some assistance, do you follow? Just look at those documents there. Do you recognise those documents? I think they are signed by you, are they not? - A. They are.

Q. A number of different statements signed by you? - A. Yes.

Q. And also by Mr. Lloyd? - A. I have only got mine here, sir.

E Q. You have just got yours there. Well, in relation to yours - and I think you will find you did sign some jointly with Mr. Lloyd - when were the statements made in relation to the events about which you were speaking? - A. On most occasions, we typed up statements at the end of each day. There were one or two days when, I think, because meetings were late or something, we typed them the following day, but on most occasions it was that day.

F Q. And were the matters then fresh in your mind? - A. Yes.

MR. RIVLIN: Yes. Well, that is all that I propose to ask you Mr. Mounter.

JULIAN d'ARCY MOUNTER

Cross-examined by the Defendant Symonds:

G Q. Mr. Mounter, you say: "On one occasion I saw somebody who I could then identify? - A. That is so.

H Q. Can you remember which occasion this was? - A. No, I can't. I remember on one occasion walking past the cars and seeing who was in the seats, the front seats of a car; and I remember another occasion when a white Vauxhall, which had been at the meeting, drove off and I recognised the driver of that. That had been parked next to, or very close to the other car.

Q. You say who you could then identify?

HIS HONOUR JUDGE STROYAN:

Q. One moment. On one occasion a white Vauxhall. Were you able to identify the driver of that? - A. At the time.

Q. Who was that? - A. At the time, Sergeant Symonds.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. And what did you base that identification upon? - A. Well I recognised the man. I had a look at the man. The reason I say 'at the time' is that in the lower court, the first court, I didn't actually ... I was asked whether I could see that person in court, and didn't recognise him. I didn't recognise you. But at the time, I thought I would recognise that person well. I think it just wasn't possible at the time.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS: And on what did you base that original identification? What knowledge? - A. On seeing the person in the car.

Q. For the first time, yes? - A. Yes.

Q. But how did you know it was Sergeant Symonds? - A. Well, I now know what you look like. I now know that you were Sergeant Symonds.

Q. You now know? - A. Yes.

Q. How do you know? - A. Because I have had a good look at you now.

Q. So by looking at me now, here, yes? - A. No actually. I should be careful about this because you look very different. I was asked whether I identified you in the court, whether I could see the person I had seen in the car in the court, and I looked around the court, and I wasn't absolutely certain, and I said 'No'. But after some time in that lower court I felt I was sure it was indeed you. You do look somewhat different now.

Q. So when you were giving evidence in the court, you were asked the question of identification at an early stage, is that what you are saying, and you didn't recognise me then; and then during the time you were giving evidence, you suddenly decided that you did recognise me? - A. No, I didn't say that. I said that in the brief time I looked around the court I was not certain, but after having had a good look at you in the lower court ...

Q. Yes? - A. I was then certain it was the same person who I had seen in the car.

Q. Where was I sitting in the lower court, do you remember? - A. No, I can't.

Q. You can't remember? - A. No.

HIS HONOUR JUDGE STROYAN:

Q. When was this? - A. This was in 1969 sir, or 1970.

DEFENDANT SYMONDS:

Q. Would it have been the dock, for example? - A. I would presume it was the dock, but I don't know, sir.

A Q. So having looked at me early on in your evidence, and being asked if you could identify me sitting in the dock, you said no?

HIS HONOUR JUDGE STROYAN: I think ...

DEFENDANT SYMONDS:

B Q. Later on, after looking at me in the dock for sometime longer, you decided you could recognise me, is that basically what you are saying Mr. Mounter? - A. That is what I have said.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

C Q. Now, you have statements in front of you, and I think you have just described them as contemporaneous - that is, they were made on the day? - A. Broadly speaking they were, yes.

Q. And did you make those statements from memory at the end of the day? - A. Yes.

D Q. You sat down and recorded what happened that day, and wrote out the statements? - A. The system that we used was that Mr. Lloyd kept very full notes. In general, I didn't; and that is why things like numbers of money were written on the backs of envelopes. I spent time making sure that tapes were signed, that meetings were ... Cars were ready, watching Mr. Hawkey as he switched on recorders and things like that, so I didn't have time to take full shorthand notes. Also, Mr. Lloyd's shorthand is much better than mine.

HIS HONOUR JUDGE STROYAN: I have got the picture, yes.

E DEFENDANT SYMONDS:

Q. So when you typed out these statements, you typed them out from memory? - A. That is so.

Q. In company with Mr. Lloyd? - A. Separately.

F Q. Separately. You didn't ask Mr. Lloyd maybe, to refer to his notebook on any one occasion to refresh your memory? - A. No, I wouldn't have done that. I have a very good memory in the short term.

Q. You had a very good memory. So, there was never a notebook in existence as such? - A. No. I, from time to time, made jottings; but I don't ... I did not keep a full notebook.

G Q. Did you prepare a notebook at any later stage at all, maybe from these statements? - A. I think I may have done, for my own reference, from the statements, but I didn't keep a full record at the time.

H Q. You see, on a previous occasion Mr. Mounter, you have given evidence in a court of law, referring to a notebook which you said, at that time, was made contemporaneously, and you promised the Q.C. cross-examining that you would keep it safely. Do you recall that? - A. I don't recall it. I recall very clearly I did not keep contemporaneous notes, and had I done so, the numbers of the money would have been in those notebooks.

Q. Well, what happened to those notes you were referring to on a previous occasion? Do you have those still? - A. I do not.

Q. Those have been lost since giving evidence? - A. Any notes/I have made, other than the notes of money, I have not got. I do have the statements in front of me, and they were made, broadly speaking, contemporaneously.

HIS HONOUR JUDGE STROYAN: Mr. Symonds, I would like you to deal with the issues regarding these tapes, if you would please. Yes.

DEFENDANT SYMONDS:

Q. You say the only notes you made were notes of money. Yes? - A. Those, yes, as far as I remember.

Q. And you wrote down the numbers, did you? - A. Yes.

Q. On what? - A. I think once was on a cheque book, and may have been both on cheque books.

Q. And did you keep that, the cheque book with the numbers written on? - A. Yes I did.

Q. When you made the only notes you made, which were relating to the numbers of money ... May I take instructions? ... Mr. Mounter, will you please look at Document 570?

HIS HONOUR JUDGE STROYAN: Document what?

DEFENDANT SYMONDS: 570.

MR. RIVLIN: Your Honour, this is a transcript of some notes taken by Mr. Mounter a long, long time ago, we have found and that has been shown.

HIS HONOUR JUDGE STROYAN: I have not seen that.

MR. RIVLIN: No, Your Honour, I had not seen it until not very long ago.

HIS HONOUR JUDGE STROYAN: Is it going to help?

MR. RIVLIN: Well, I don't think so, but it is for the defendant really.

DEFENDANT SYMONDS:

Q. Do you recognise that document? - A. Can you just give me a moment to read it?

HIS HONOUR JUDGE STROYAN: Am I going to be allowed a copy?

MR. RIVLIN: Certainly, Your Honour. We haven't made any copies, I don't think. Your Honour, if it becomes material, we will give you a copy.

HIS HONOUR JUDGE STROYAN: Yes.

WITNESS MOUNTER: Yes, I see from this that I did make notes.

HIS HONOUR JUDGE STROYAN: I can't hear.

WITNESS MOUNTER: I see from this, sir, I would have made notes. I did make notes in notebooks, because it says here that I did. But they would not have been made at the time. I think it is possible that I made notebooks after having made these statements, but I am not sure.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. When you gave evidence on a previous occasion, would those have been the notes you referred to? - A. If I referred to notes, it is possible, yes.

DEFENDANT SYMONDS: My Lord, could we have copies of those notes made, please?

MR. RIVLIN: I will get copies of those made Your Honour, most certainly.

DEFENDANT SYMONDS: Then, I will come back to that.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. For the moment, Mr. Mounter, will you refer to your statements made to the police. I believe that these statements ... These were the statements handed over to the police at the time that you handed over copies of tape recordings? - A. Sorry. Are you talking about statements which I made at the time?

Q. No. I think you will see shortly. - A. I have the statements that were made at the time.

Q. The statements made at the time, yes. Is the first statement you are looking at headed: "Statement No. 1 by Julian Mounter, The Times Enquiries, October 28th"? - A. Yes.

HIS HONOUR JUDGE STROYAN: I don't think I have got that, but perhaps it doesn't matter.

MR. RIVLIN: I don't think you have Your Honour. Would you like copies of these?

HIS HONOUR JUDGE STROYAN: If it is going to be material, but it is not evidence.

MR. RIVLIN: It isn't evidence, no. But I think we do have copies if you need them.

HIS HONOUR JUDGE STROYAN: You ask the questions, and we will see what comes.

DEFENDANT SYMONDS: Referring to the notes you made on that day ...

HIS HONOUR JUDGE STROYAN: Which day?

DEFENDANT SYMONDS: October 28th, My Lord.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. Did you make arrangements to record a telephone conversation? - A. Yes, we did.

Q. And did you have to make ... Do you recall whether you were successful at the first attempt? - A. No, I was not.

Q. Was a telephone conversation eventually held between Mr. Perry and a police officer at Camberwell police station? - A. There was eventually

a conversation between yourself and Mr. Perry, yes.

A Q. Did you listen in to that conversation? - A. I can't remember whether we listened in to it, or whether we played it back immediately after it was recorded, but I heard it.

Q. And was a tape recording made? - A. Yes.

HIS HONOUR JUDGE STROYAN: I have already said this isn't, in my view, the most important part of this case.

DEFENDANT SYMONDS: Regarding Tape 1, My Lord?

B HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS: Does this mean that I have no need to ask any more questions of any witnesses? Have you come to a decision in your mind, My Lord, about this tape, or should I continue?

C HIS HONOUR JUDGE STROYAN: I have not come to any decision about anything. What I have indicated to you is, I regard this as a relatively small part of the case, and it doesn't seem to be worth spending much time on it.

DEFENDANT SYMONDS: Following that, I would suggest the evidence of these tape recordings is very much intertwined, and that in fact, if you consider even one of these tape recordings to be doubtful, it must cast doubt on the others.

D HIS HONOUR JUDGE STROYAN: I didn't say I considered it to be doubtful. I said I didn't consider it to be the most important. Yes.

DEFENDANT SYMONDS:

Q. As a result of that telephone call, was a meeting arranged for later that day? - A. Yes.

Q. And did you attend that meeting? - A. Yes.

E Q. Was tape recording equipment set up? - A. Yes.

Q. Do you recall the details of that? - A. Yes.

Q. How many tape recorders were set up? - A. One.

F Q. Are you quite sure of that? - A. Yes.

Q. Is that because just one tape is in existence now? - A. No, I remember the circumstances. At this time of the enquiry ...

HIS HONOUR JUDGE STROYAN: We have had this once already with Mr. Hawkey, whose evidence I understand you accept.

G DEFENDANT SYMONDS: Yes, and he says ...

HIS HONOUR JUDGE STROYAN: Do we need it again?

DEFENDANT SYMONDS: He says there were in fact two tape recordings on that day, and one tape in actual fact was lost.

H This witness, My Lord, is just swearing blind there is only one tape recorder, and he is about to tell me in great detail how he remembers this is so, My Lord. I would respectfully suggest this is of some interest in the matter of Tape 2, My Lord.

Q. So, continuing on from that, Mr. Mounter, you say you recall perfectly, there was only one tape recorder in use? - A. I am pretty certain there was only one tape recorder. That wouldn't necessarily mean ... I can't remember whether there was one or two.

Q. You can't remember now? - A. I am not saying that. Let me finish please. I am not saying that I can't remember whether there was one tape or two, whether the meeting went on too long, or what happened. I seem to remember that at this stage we were not very used to the system, and how to go about the thing; and that Mr. Hawkey turned up with equipment which didn't work very well, and that it was played on to one tape recorder, because I seem to remember being in the car when we were trying to pick up the sounds from the conversation you were having.

Q. Can you recall whether this conversation was taking place in Mr. Perry's car or another car on that day? - A. Without reference to these, I could not tell you that. No.

Q. Well, would you make reference to your statement you made? - A. Mhm.

Q. Top of Page 2. Second page? - A. Yes, that says Mr. Perry got into your car.

HIS HONOUR JUDGE STROYAN:

Q. Was that right?

DEFENDANT SYMONDS:

Q. Was that correct? - A. If it was typed up on this statement it would have been, yes. Although, I can't recall at the time.

HIS HONOUR JUDGE STROYAN:

Q. Does that note help you to say who was in that car? - A. Yes, it says that Mr. Perry parked the Wolsley next to the Vauxhall, got out and went across to Detective Sergeant Symonds, and sat in the front passenger seat.

HIS HONOUR JUDGE STROYAN: Thank you.

DEFENDANT SYMONDS:

Q. Was that the time that you made the identification of Detective Sergeant Symonds? - A. No it was not.

Q. Was that the occasion? - A. No it is not.

Q. On what grounds did you base writing those words down: 'Got out and went across to Detective Sergeant Symonds'? - A. Because he said he was seeing Detective Sergeant Symonds. Identified your car and its number to us. He said that after he had seen you, he had met with you, and we had a tape recording.

Q. He identified the car number before the meeting took place? - A. No, afterwards, I think.

Q. After the meeting? - A. Yes, I can't remember. We did, through the period, know the number of the car. Noted it from that meeting, I would have thought.

Q. Were these statements made on the same day, Mr. Mounter? - A. I have

already said that most of them were. There were occasions - I can't remember how many - that statements referring to either your case, or the others, were made the following day.

A Q. So, if Perry had gone across into another car, presumably a tape recorder connected to a microphone in his car would not have recorded that? - A. The recording system of that meeting was that Mr. Perry was wearing a radio microphone.

B Q. Yes, we have had evidence of that, and about the other one. - A. Sorry, can I finish? There was no direct Nagra in the boot of his car. What happened was, at that point there was only one tape recorder. I seem to remember it quite clearly. The second recording system that was installed in his car was used on subsequent meetings. What happened was that in one of the early meetings, and I can't remember whether it was one of yours, or one of Detective Robson's, the couple went and stopped too far away, or the recordings by the radio microphone were not working. I think it was this particular recording, and Mr. Hawkey suggested that on subsequent meetings, if we put a microphone with a direct line to the boot of the car in Mr. Perry's car, then ...

C HIS HONOUR JUDGE STROYAN: Unhappily, what Mr. Hawkey told you in the absence of the accused is not evidence. Yes.

DEFENDANT SYMONDS:

D Q. I see you have a number of bank note numbers. I am now looking at a photo-copy of your pocket book, which is now said to have been made, probably, sometime after the statements. Yes? - A. Yes.

MR. RIVLIN: Your Honour, this is the document.

DEFENDANT SYMONDS:

E Q. There is a difference between the notes listed in your pocket book, and in your statement on Page 3. - A. If there is a difference. It is possible. The correct notes of those numbers, the absolutely contemporaneous note of those numbers ...

HIS HONOUR JUDGE STROYAN: So far as I am concerned, the numbers on the notes don't help me come to any conclusion about whether the tape recording was genuine. Yes. Next point.

DEFENDANT SYMONDS:

F Q. Having ... After this meeting, did you take possession of a tape? - A. I did ... in broad terms. I can't remember whether it was Mr. Lloyd or myself.

Q. Yes. All the writing on this tape was put on, I think you said, by Mr. Lloyd, yes? - A. I would have to be shown the tape again. Yes, I think it was. On the 30th.

G HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. When did you start this system of marking tapes and boxes? - A. Right at the beginning. But ...

H Q. The very first day? - A. I can't remember whether it was on the telephone calls, or the following one. But as soon as there would have been the possibility of getting the first two mixed up, we would

have started that system.

Q. So, when you had two tape recordings, you decided to start marking them? -

A. I do remember that the system was adopted very early, and I think your meeting was the first of the meetings that we tape recorded.

Q. But that morning, you had tape recorded a telephone call. Yes? Which is the first. - A. That is so.

Q. Will you have a look at Exhibit 1, please? - A. Yes.

Q. Can you identify any of the writing on that box? - A. I think I have already said that I think the writing ...

HIS HONOUR JUDGE STROYAN: We have had this.

WITNESS MOUNTER: ... Is Mr. Lloyd's, but I am not sure.

DEFENDANT SYMONDS: My Lord, yes.

HIS HONOUR JUDGE STROYAN: What is the point?

DEFENDANT SYMONDS: He was taken through it by prosecution counsel, you see.

HIS HONOUR JUDGE STROYAN: I know. The evidence is there.

DEFENDANT SYMONDS: The evidence is there, My Lord.

HIS HONOUR JUDGE STROYAN: What do you want to ask about?

DEFENDANT SYMONDS: I don't understand.

HIS HONOUR JUDGE STROYAN: We have had evidence about the writing on the box and on the tape from Mr. Lloyd.

DEFENDANT SYMONDS: Yes, My Lord.

HIS HONOUR JUDGE STROYAN: And also from this witness. I heard the evidence. I don't want to hear it again.

DEFENDANT SYMONDS: You have made your mind up.

HIS HONOUR JUDGE STROYAN: No I have not anything of the sort. I have heard the evidence. I don't want to hear the same evidence again.

DEFENDANT SYMONDS: There are one or two minor points about this writing, My Lord, which I consider very important to the case.

HIS HONOUR JUDGE STROYAN: The evidence so far is that the writing was, I think, largely that of Mr. Lloyd. Is that right?

DEFENDANT SYMONDS: No My Lord, in actual fact, as I understand it.

HIS HONOUR JUDGE STROYAN:

Q. Well, you tell me what writing it is. Whose writing is it, Mr. Mounter, please? - A. It is not mine, sir. There is, on one label, some writing which I think may be Mr. Lloyds, saying: "October 28, Phone Calls".

Q. Yes. Mr. Lloyd told us that. Any other writing yours? - A. No.

HIS HONOUR JUDGE STROYAN: Very well, what question do you want to ask about that?

DEFENDANT SYMONDS:

Q. Well, that is not Mr. Lloyd's writing either, or yours. Have you any idea whose writing it could be? - A. I didn't say that.

HIS HONOUR JUDGE STROYAN: You can't ask him that question. That is a question that can only be asked of a handwriting expert.

DEFENDANT SYMONDS: Well ...

HIS HONOUR JUDGE STROYAN: No. What is the next question.

DEFENDANT SYMONDS:

Q. Can you see any writing at all on the spool of that? - A. I did just say that there is writing on the spool.

Q. No. Alright. So, the situation now is, on the first day, is it, we have two tape recordings in existence. One, carefully marked by Mr. Lloyd on both the box and the spool; and the other one, there is no writing at all on the spool, but a bit of writing on a small piece of scrap paper stuck to the spool, and strange, unidentified writing on the box. Is that basically the situation? - A. I can't answer that. I do know that on this tape - and I haven't got the other one with me - some writing, which appears to be Mr. Lloyd's, is on the spool.

Q. Yes. On a piece of paper, stuck to the spool? - A. On a piece of paper stuck to the spool.

Q. There is no writing on the spool. And the writing on the box is unidentified, it is a stranger? - A. It is not mine. I don't know whether it is Mr. Lloyd's or not.

Q. You see, on nearly all the other tapes ... Well, all the other tapes in this series, you see there is writing which is done quite carefully on the boxes? - A. Yes. I did explain that a system did not start immediately. We got used to it, and things developed. For instance, in the first couple of tapes, they were not brand new tapes, but later we had a system where we made absolutely certain that we saw the cellophane being taken off and the tape being put on, signed it immediately it came off, wrote on the box in great detail. But this would not have happened on this occasion, because at this point we didn't know that Mr. Perry was telling the truth. Or, we didn't know anything about it at all. We were just trying to establish whether or not Mr. Perry was telling the truth.

Q. So, you didn't have a system to start off with? - A. No.

HIS HONOUR JUDGE STROYAN: I have got that written down once already. I don't want to write it down more times than once.

DEFENDANT SYMONDS:

Q. So, will you please, now, look at Copy Tape 1? - A. Yes.

Q. Do you see any writing on that box? - A. Yes.

Q. Can you identify it? - A. Yes.

Q. Whose is it? - A. Well, there is some writing which I think is probably Mr. Lloyd's, saying: "Copy, Phone call, October 28".

HIS HONOUR JUDGE STROYAN: This is on the box? - A. It is. "3 $\frac{3}{4}$ to Symonds". Then there is writing in my handwriting which has been marked out, says:

"Master, Symonds at Grove, November 21st".

Q. Just a moment. "My writing crossed out". What is it? - A. "Master, Symonds at Grove, November 21st Mobile Nagra.

A HIS HONOUR JUDGE STROYAN: Yes, I have got that.

DEFENDANT SYMONDS:

Q. Can you recall the time and place when you in actual fact crossed out that writing, and put that tape into that box? - A. No, I can't.

Q. Pardon? - A. No, I can't.

B Q. Casting your mind back, you can't think of any occasion where you needed a box? - A. I would imagine that the only possibility is that this was used again, this box used again, and that is why it was done this way.

Q. What do you think? - A. I suppose it could have been done the other way round, but I don't think so, because copies were made much later.

C HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. We have basically, we have your handwriting on the box, the copy; and a stranger's handwriting on the box of the one produced as a master. Is that it?

D HIS HONOUR JUDGE STROYAN: I have got this already. You can comment on it when you make your speech. Yes.

DEFENDANT SYMONDS:

E Q. Regarding the other tape on the 28th, the one in the boot of Mr. Perry's car, if there was one. Could you ...? - A. I don't recall a second recorder used on the first meeting.

F Q. If, during the occasions of these meetings, a tape recorder operated in a car which was unoccupied, or in some other way became of little use to you, nothing interesting on it, what would you do with the tapes, the first tapes? - A. I don't know whether in the early days, whether tapes were used again. I think, not. But it may have been that they were. Certainly in the later part of the investigation, after the first meeting or so, they were all fresh tapes, and they were all kept.

Q. After the first meeting, they were all fresh tapes. I think you said you saw ... - A. I am afraid unless I look at the tapes with the dates of both the Robson trial and yours, I wouldn't be able to be certain of that. But I know it was fairly early on in the investigation.

G Q. When you made your statement to the police, your memory was fresher then, I suppose, on that matter? - A. Do you mean the police statements, or the statements I made at The Times.

Q. To the police? - A. The ones I made to the police, I made the statements about a month later, but yes, I think it was still fairly fresh in my memory.

H Q. Well, when you made your statements to the police, you were of the opinion that new tapes were used on each occasion, I believe? - A. No, I don't

believe that is so. I don't believe I would have been of that opinion at all. I may have said that at the time, but I remember very clearly that in the early days ...

A Q. Well, this was the very earliest ...

HIS HONOUR JUDGE STROYAN: Mr. Symonds, may we get to the meat of this?

DEFENDANT SYMONDS: Yes, Mr. Mounter ...

HIS HONOUR JUDGE STROYAN: No. Listen to me. What I would like to know is whether you are going to suggest that this witness has been tampering with the tapes himself in any way?

B DEFENDANT SYMONDS: May I ask what point of my cross-examination has led/^{you}up to this?

HIS HONOUR JUDGE STROYAN: No. I want to get to the meat of the case, and not waste time.

DEFENDANT SYMONDS:

C Q. May I suggest that these tapes have been tampered with on some occasion? - A. Absolutely not.

Q. On the 28th, was this the occasion when you carried the tape recorder out of the car, in the vicinity of a public house? - A. I can't remember that. May I refer to these? Yes, it says here that I did.

D Q. Says you did what? - A. Says I then carried the receiver and tape recorder to a spot about 40 yards from the station wagon, and stayed there until Detective Sergeant Symonds drove off and the meeting ended.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

E Q. And referring to your statement again, you made a remark as to the reason imagined at that time. Yes? Did you think the batteries were low? Page 2? - A. Looking at this, I do recall. I think what happened was, the tape recorder had a pair of earphones, and we were sitting in a car trying to listen, and Mr. Hawkey, if it was Mr. Hawkey I was with - I believe it was - and I both tried to hear, but the reception was breaking up, so what we then decided would be better, if I tried to walk close to the car. So I carried the tape recorder, or the receiver and the tape recorder, to a spot closer to your car.

F Q. I see. So in your statement you made to the police, that night you thought you had got a bad reception from your tape recording through batteries being low? - A. Said it appeared afterwards that the batteries were low, and that this had affected reception.

HIS HONOUR JUDGE STROYAN: Yes.

G DEFENDANT SYMONDS:

Q. And by the time you made your notebook, sometime later, had you come to a different conclusion about the reason for the poor reception on Tape 2? - A. I can't remember that. I can't remember having come to a different conclusion, but it is possible that I had with more knowledge.

H Q. And is that probably the reason why, when you made your notebook, that statement does not appear in your notebook? That statement, would you check that? - A. It is possible.

Q. So, then, your notebook has been brought up to date in some way by yourself when made from the statement to the police made on the day? - A. Made from the statements we made at The Times, yes.

Q. On the day you made the statement, you thought the batteries were low? You put it in the statement?

HIS HONOUR JUDGE STROYAN: I am concerned with the tape recorder, the tape recording, and not the notebook. Can we get on?

DEFENDANT SYMONDS: If the batteries were low, My Lord ...

HIS HONOUR JUDGE STROYAN: Can we get on to the tapes, please?

DEFENDANT SYMONDS: I would like to ask this witness one or two questions as to his credit, and which I am entitled to do. He has made rather serious allegations against me. I stand here in a very serious position, and I think I should be allowed to ask one or two questions as to his credit, and I would like to do that.

HIS HONOUR JUDGE STROYAN: What would you like to ask him questions on his credit of?

DEFENDANT SYMONDS: Having on Page 2 ...

HIS HONOUR JUDGE STROYAN: I would like to know what you want to ask about his credit.

DEFENDANT SYMONDS: Very well. We have heard a lot of talk here now about how these statements were made on the day. This one is dated 28th, made on the day, brought into court, and referred to as contemporaneous notes.

MR. RIVLIN: I am sorry. Both this witness, and the last one, have frequently protested they were not claiming that all their notes were made on the day; and Your Honour, I didn't lead this witness through any of this evidence at all. I just concentrated on the tapes. And may I say, we fully accept that these are matters which obviously, genuinely concern the defendant, and he is worried about them, but with respect to him, these just are not relevant to the considerations we have to-day. They are really not. If they were in any way relevant, I would be the first to say so, but they are just not, with all due respect to him. I am sure he is worried about all of these little tiny matters, but if he is going to propose to go through all of this witness's statements to The Times, and his statements to the police in the same way as he did with Mr. Lloyd, we really are, in our submission, going to be wasting our time.

HIS HONOUR JUDGE STROYAN: Yes. Well, you stick to the relevant matters. I am not going to let you go on and on about things which don't matter. You have got some points which ought to be investigated, and I would like you to deal with them.

DEFENDANT SYMONDS: My Lord, I have already suggested to Mr. Lloyd, and I will suggest to Mr. Mounter later on that Mr. Lloyd and Mr. Mounter together and between them concocted the allegation against me.

HIS HONOUR JUDGE STROYAN: Well, I hear you say that. Yes.

DEFENDANT SYMONDS: I think that if I can bring to your notice one or two very obvious concoctions, when I do eventually make the allegation directly to Mr. Mounter that he in fact sat down and concocted these notes one day later on in the investigation - in fact after legal advice from a retired police Superintendent who is Security Officer at The Times - I think, My Lord, it might affect your opinion as to the credit of this witness.

A HIS HONOUR JUDGE STROYAN: I am not deciding, beyond reasonable doubt, the issues in this case. What I am deciding is whether there is a prima facie case on the balance of probabilities that these tapes are original and authentic. If this, or any other witness, whether called by you or called by the Crown, gives evidence in one way, and someone else gives evidence in another way, then the result may very well be that there is, nevertheless, a prima facie case, and I shall be very reluctant to decide who was telling the truth, because in my judgment that is what the jury are going to have to do at the end of the day. So it is no good going on, chipping away at tiny little things. If you have got something important, which goes to credibility, put it, and put it shortly.

WITNESS MOUNTER: I can't answer all that.

B HIS HONOUR JUDGE STROYAN: Of course not. It all happened eleven years ago.

WITNESS MOUNTER: No, I mean I could answer what Mr. Symonds has just said very briefly, and it is simply that the notes that I made at the time on the meetings were on a cheque book, and were notes of money. We typed up statements most nights ... On occasions, a day later, and I believe these to be them, although I think re-typed.

C HIS HONOUR JUDGE STROYAN: Yes.

WITNESS MOUNTER: And I recall now, having seen a transcript of notes, having made notebooks. But I know they were not made at the time, and they would have been made for my own purposes at a later date.

D HIS HONOUR JUDGE STROYAN: Yes. I think you ought to understand, Mr. Symonds, that I am not deciding whether you are innocent or whether you are guilty, that is nothing to do with me. That is going to be something the jury may have to decide at a later date. What I have got to decide is the particular and limited question, whether there is on the balance of probabilities, a prima facie case, and that is something quite different from what the jury are going to have to decide.

DEFENDANT SYMONDS:

E Q. Continue on to the 30th of October. Did you go to Mr. Perry's home address in order to tape record a telephone call from Mr. Perry to myself, in the morning? - A. Yes, I believe I did.

Q. Pardon? - A. I believe I did. I can't remember the exact date.

F Q. And was a recording made on this morning, a tape recording of a conversation between Mr. Perry and a police officer? - A. Yes. You mean at the meeting?

Q. No, a telephone conversation which was recorded? - A. I can't remember. I would have to see the ...

G Q. Would you look at Tape 3, please? Do you read what is on the box? - A. Yes, it says: "Grove Inn meeting with Symonds, duplicate taken with radio mike, and phone calls".

Q. Does it give a date for that? - A. October 31, 1969.

Q. 31st? - A. Mhm.

H Q. And is there any other writing on the box, on the back for example? - A. Yes, quite a lot. "Start of tape includes meeting with Harris (something) Edinburgh Castle on duplicate but of little use because batteries of Uher ran down. We have perfect recording from Nagra (something else) (something else)."

Q. Anything else on the box? - A. Yes: "Later on Sergeant Symonds written on spool of box ..." No. "Other (something) Camberwell phone calls". "On other side Camberwell phone calls".

A Q. And anything else written on the box? - A. "Master".

Q. To help, are the words "Phone calls" written on the box? - A. Yes.

Q. They are. And is there a date attached to the phone calls, showing what date the phone calls were made? - A. No, there is not.

B Q. There is not. By referring to your notebook, or your statements, could you say whether or not that recording is a recording of phone calls made on the morning of October 30th? - A. No, I could not.

Q. Will you look at the spool of Tape 3, please? - A. Yes.

Q. Do you see any writing on the spool? - A. Yes, I have already said ...

HIS HONOUR JUDGE STROYAN: We have been through this time and again.

C DEFENDANT SYMONDS:

Q. And the other side? - A. It says: "Phone calls" on the other side.

Q. And do you identify that writing? - A. Yes, I think that is Gary Lloyd's.

Q. You think? - A. I think so.
quite

D Q. But you are not/sure? - A. I am not sure, certainly.

Q. Could you, on one of these occasions, have identified that as your own writing? - A. It is conceivable, but looking at it, it doesn't look like my writing. It looks like Gary's writing.

E Q. So, it is possible, when you gave evidence of hand writing at a previous trial, you identified it as your handwriting. If you did, during the previous trial, you are mistaken? - A. Where it says "Phone calls", it does not look like my writing. I don't know what I said at an earlier trial, but it certainly doesn't look like my writing. On the other side, there is very different writing, and that is my writing.

Q. I see. And is the word: "Phone calls", very obviously in Mr. Lloyd's writing? - A. I can't be certain it is Mr. Lloyd's.

F Q. Right. Thank you very much. So, having tape recorded those phone calls, what would you normally do with the tape? - A. Sorry?

G Q. Well, you have a/tape recording now which contains a phone call which you consider valuable. What would be your procedure with that tape? - A. The tapes, after they were made, were taken to The Times. They were locked in a filing cabinet. The filing cabinet was in the centre of our office. They were taken out occasionally to play to the News Editor, or to I think on occasion our lawyer, and to listen to ourselves.

HIS HONOUR JUDGE STROYAN: Thank you. We have had this evidence and it was not challenged.

DEFENDANT SYMONDS: I beg your pardon, Your Honour?

H HIS HONOUR JUDGE STROYAN: I said, we have had this evidence once before, and it wasn't challenged.

DEFENDANT SYMONDS: I don't understand.

HIS HONOUR JUDGE STROYAN: You heard what Mr. Lloyd said about this, and you didn't disagree with it.

A DEFENDANT SYMONDS: What, about the custody of the tape recordings, My Lord?

HIS HONOUR JUDGE STROYAN: No, about the tapes being locked in a filing cabinet, and brought out and listened to by various members of The Times staff.

B DEFENDANT SYMONDS: My Lord, I spent several hours attempting to disagree with this, and proposing that this was not true, and that Miss Woore had in fact had these tape recordings, and other typists.

HIS HONOUR JUDGE STROYAN: You are not with me at all. I have heard what you have been saying. What I am concerned with now, is that you did not, as I have understood it, disagree that the tapes had been played to a number of members of The Times staff.

DEFENDANT SYMONDS: Of The Times?

C HIS HONOUR JUDGE STROYAN: Of The Times staff. In fact, you suggested it.

DEFENDANT SYMONDS: My question in actual fact was about the custody of these tape recordings after they had been recorded, and Mr. Mounter answered that question, as I recall - it can be checked on this. The answer to this question is, in fact, that they were taken back to The Times office.

D HIS HONOUR JUDGE STROYAN: I have got that.

DEFENDANT SYMONDS: And they were safely locked away. They were taken out from time to time to be transcribed, and they were sometimes played to Mr. Wade and to Mr. Evans.

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

E DEFENDANT SYMONDS: The only thing I don't dispute there, My Lord, is the very last sentence of quite a long reply about the first part of his ...

HIS HONOUR JUDGE STROYAN: I have got that. Let's go on to the next question.

DEFENDANT SYMONDS: The first part of his reply ...

F HIS HONOUR JUDGE STROYAN: I have got that. I am not going to let you go back.

DEFENDANT SYMONDS: You are not going to let me question this witness about the safe-keeping of the tape recordings at The Times.

HIS HONOUR JUDGE STROYAN: I am going to let you question this witness when you ask admissible questions. Now, ask a question.

G DEFENDANT SYMONDS: When was this steel safe supplied for the safe custody of the tapes? - A. I don't recall.

H Q. Was it in the first days of the enquiry, or sometime later? - A. I can't recall that either. I don't know whether ... There were many filing cabinets in the offices. Most of us had a drawer. Whether or not we were using a drawer that was from somebody else's cabinet, or some cabinet that had been used before for other purposes, or whether a separate one was sent for, I can't remember. But I do know that the tapes were locked up, kept under lock and key by Mr. Lloyd and I, and treated with great care throughout the investigation.

- A Q. I understand you to have said just now, and I believe again during your evidence in-chief, that the tapes had been kept locked in this filing cabinet more or less since the beginning of the enquiry? - A. They will have been kept locked up. To the best of my knowledge, it was in the filing cabinet, throughout. But if there was a change in the middle of the investigation, they would have been locked, and kept under lock and key by Gary and myself from the beginning of the investigation until the end. Whether it was in that filing cabinet throughout, or not, I can't recall now; but we treated them with great care, and made sure that they were not accessible to anybody else unless we were present.
- B Q. And you said that these tape recordings were, from time to time, taken out to be transcribed? - A. That is so.
- C Q. Can you recall the names of the secretaries engaged on transcribing these tape recordings? - A. No, I can't. But when they were transcribed, to the best of my recollection, we were present, or one of us was present.
- D Q. At all times? - A. I am not absolutely certain, but I would think that at all times that they were on a recorder they would have been in the custody of either Mr. Lloyd or myself.
- E Q. Is it at all possible that these tape recordings could have been left in the custody of one of the secretaries of The Times for the purposes of transcribing? - A. I don't recall that it was so, although I do remember that in the very early days, before the system was really worked out, Ann Dippy, I do remember her, Mr. (Name - Inaudible)'s secretary, transcribing a tape. She had to spend some time ... I think it was an early tape, and I don't remember whether it would have been. It is possible, but it could have been left in her custody. This was before we realised the full import of the investigation.
- F Q. I see. So, it is possible that the tape was. Could that have been Tape 5 that was left in Miss Ann Dippy's custody? - A. I don't know which is Tape 5.
- G Q. That is the tape with reference to a meeting on the 31st? - A. October 31st, I am not sure.
- H Q. So, it is possible then that at least one tape was left in the custody of Miss Dippy? - A. I am not saying that it was. I think it is possible that in the early days, it is possible. I can't recall. You have asked me a direct question. I am trying very hard to think. I do know we were very very careful from fairly early on in the investigation, to make sure that we were there all the time. I am not absolutely certain. I do remember Ann Dippy trying to transcribe a tape early on, and before we got down to doing it in an organised fashion.
- Q. And I think you said that when Ann Dippy was transcribing this tape, you had not yet realised the seriousness of the allegations? - A. No, you must be very careful. You are saying I might, or I have. I am not absolutely certain, and where I am saying that, that is my answer. I did not say that it was. I said that I could not be sure, but there was a possibility of that.
- Q. As you were not aware of the seriousness of the allegations at that time, could it have been possible?

H HIS HONOUR JUDGE STROYAN: He didn't say that.

WITNESS MOUNTER: I didn't. I was aware of the seriousness of the allegations. At that point, I was trying to establish whether or not the allegations were true. I did not know we would end up gathering evidence for a trial.

DEFENDANT SYMONDS:

A Q. So, is it at all possible that during these early days, tape recordings may have been left with Miss Woore for transcribing? - A. I don't recall that. I don't think it is possible.

Q. You don't think it is possible? - A. Because I think Miss Woore joined us later. I may be wrong.
when

B Q. Is it possible that Miss Woore joined you to assist in transcribing, that two or three other secretaries had been engaged on transcribing before her? - A. I can't remember whether it was before her, or after her. I do know that two or three secretaries were employed on trying to transcribe the tapes towards the middle, and towards the end of the investigation. And the system was that we put together a large number of tables in one half of The Times office, and we would set the tape recorder up there, and either Gary or I would be at that table working while the secretaries were transcribing.

C Q. So, you made sure to always be present, with this one possible exception of Miss Dippy. Is that right? - A. I remember on one instance, somebody suddenly looking up and saying: "Ah, Sergeant Symonds, I know him", and we were quite disturbed at the time because we thought this secretary might tell you what was going on. I remember that. I remember several occasions.

D Q. Do you remember which secretary that was? - A. No, I don't. I remember several occasions. I mean, I can clearly see it in my mind, the part of the office, the system that was used, the fact that either I or Gary was there.

E Q. So, if I suggested to you that maybe Miss Woore had these tapes for a week or so, all to herself for transcribing, that would be quite wrong, would it? - A. If you are suggesting she had it for a week or two for transcribing, that would be totally wrong, yes.

Q. Or for any time at all, for that matter? - A. No. I have already answered that question. I have said it is possible, but I can't recall it. If it was ... If she did have the tapes for transcribing, to the best of my knowledge, either Mr. Lloyd or I would have been there.

F Q. Yes? - A. And in any case, it would have been done in The Times. She would not have been left them on her own for a week, or any time at all. I heard the tapes regularly at that time, and if anyone had tampered with them during that period, I would have known; and I am absolutely certain that they were not tampered with during that time because I can tell. I heard them before they were handed over. I played them to the lawyers, and I know they were the same tapes as we heard on the days when we recorded them, clearly the same tapes.

G Q. If one or two words had been altered only on one of the tapes, would you have immediately have recognised that there was something different about it? - A. Yes, that is a very relevant question. There were lots of sections of it which were garbled, and I wouldn't know. But the major sections, particularly some of the most important and relevant quotes, one was surprised and shocked at in the early days. They were the same all the way through, and as they are engraved on my memory, I know that they are the same to-day.

- A Q. And is it on that basis, you identified this tape recording as being the same to-day as the one which you made twelve years ago, the one or two phrases engraved on your mind? - A. The vast majority, the tone; the things like the music; the rattling of the car engine; a thousand things which were so important at that time, which I have heard many times since, and I know to be the same as I heard them immediately after they were recorded.
- B Q. And if two or three words had been taken out, or put in on one of these tape recordings, are you sure that you would have recognised it? - A. If two or three words had been put in or taken out in those recordings, in the relevant sections, yes I would have recognised it.
- C Q. The relevant sections being, scandalous phrases/would you say, such as ...? - A. The phrases which in my opinion, the opinion of Mr. Lloyd, and the other people at The Times who heard them, were suggesting that corrupt practices were being carried out.
- D Q. In general, or in particular: "Throughout the police force (inaudible) a firm in a firm", or in particular, a corrupt meeting between one man and one policeman? - A. They are your phrases. In some parts, it is a particular thing. In other parts you appear to be alleging that other police officers are in it with you. It is hard for me to say which is which, but they are very very memorable things. We were not used to the language, but it was startling conversation.
- E Q. So, did you find the startling conversation about general corruption, and was it say of more interest to you than the particular corruption on that particular occasion? For example, any reference to money which might be on the tape recording, would you find that less interesting than references to massive corruption? - A. It is impossible to quantify whether I find one thing more interesting or not. Clearly your suggestion that you might have been able to deal with other policeman was your suggestion, whereas where you are directly involved in something that is corrupt, that is something which I was aware of and was getting evidence for. Similarly, with Mr. Robson and Mr. Harris.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

- F Q. I see you refer to Miss Ann Dippy on Page 2 of Statement No. 2, as: "... who has transcribed them, and has neither altered, added, nor subtracted from them". So, is that a reference to the occasion you told me about, where you thought that she might have had one of the original tapes for a time? - A. Sorry, I am just reading it.
- G Q. Right at the bottom of Page 2? - A. Yes, that is so, and I attached a statement from her saying she had not added or subtracted from them.
- H Q. "And her testimony to this effect is attached", yes. Is this statement in existence now, do you know? Was it handed over to the police? - A. It would have been handed to the police, yes.
- Q. Would you look at this statement? - A. Yes.
- Q. To see if it is the same one?

MR. RIVLIN: I would like to enquire what the relevance of this is. I, at the moment, don't see it. In my submission, all he is being asked to do is look at a document by someone who is not a witness in this case, and

obviously with a view to seeing what he says about her account, which appears to be hearsay and inadmissible, apart from the fact it is irrelevant.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS: My Lord, we have here a slight break in continuity, I think. Mr. Mounter has told this court that on one particular occasion, that one particular tape left his custody.

WITNESS MOUNTER: I didn't say that. I said it could have been done. I said it is possible. You asked if it was possible, and I said it was possible.

DEFENDANT SYMONDS: That it is the one occasion, and this one person on this one occasion where the tape possibly left his custody was in fact given into the custody of Miss Ann Dippy.

HIS HONOUR JUDGE STROYAN: You have asked him about it. It is not relevant.

DEFENDANT SYMONDS: Is it relevant or not that there is a break in continuity here? An original tape recording has got out of the custody ...

HIS HONOUR JUDGE STROYAN: That is your contention, it is not the evidence.

DEFENDANT SYMONDS: Mr. Mounter is not quite sure, you see.

HIS HONOUR JUDGE STROYAN: Don't make a speech to me now. What is the next question?

DEFENDANT SYMONDS: My Lord, may this witness look at the statement made by Miss Ann Dippy, reference her custody of this tape recording?

HIS HONOUR JUDGE STROYAN: No, it is inadmissible and irrelevant.

DEFENDANT SYMONDS: Inadmissible and irrelevant in connection with continuity, is it?

HIS HONOUR JUDGE STROYAN: I have said, no.

DEFENDANT SYMONDS: I see.

HIS HONOUR JUDGE STROYAN: Go on to the next point, please.

DEFENDANT SYMONDS:

Q. You were talking about Tape 3, which is the tape I suggest is of the recording made on the morning of October 30th; and I was asking you about the custody of this particular tape when you took it off the machine; and I was asking you if you could recall whether or not this particular tape was taken back to The Times building on that day? -
A. Yes.

Q. Sure? - A. To the best of my recollection. It was a long time ago. It would have been taken back to The Times and locked up.

Q. On that day. And on the 30th ... Did you attend a meeting between Mr. Perry and two other police officers that same day, the 30th? -
A. I can't remember.

Q. When you were looking at Tape 3 just now, and you read something about a battery running down, or something like that ... At the start of the meeting, have you got it there? Could you read it again, please? -
A. It says: "Start of tape ..."

HIS HONOUR JUDGE STROYAN: We need not have it again. We have had it countless times. What do you want to ask about it?

DEFENDANT SYMONDS: I would like to ask some questions, My Lord.

A HIS HONOUR JUDGE STROYAN: Ask the question. I don't want the thing gone into time and time again. All you are doing is wasting valuable public time. Ask the question if it is relevant.

DEFENDANT SYMONDS:

Q. Were you present when tape recording 3A was made? - A. That is the meeting with you at the Grove, is it? I am sure I was.

B Q. What date was it made? - A. I don't know. I am afraid I can't remember tape numbers and so on.

HIS HONOUR JUDGE STROYAN: No, of course you can't.

DEFENDANT SYMONDS:

C Q. Well, maybe I can help you. Referring to your notebook, October 30th on Page 2 of your notebook. Looking through that quickly, does it refer to the meeting between Perry and Sergeant Harris at the Edinburgh Castle? - A. I haven't got a transcript of that with me.

Q. Oh. Could this witness please have his transcript of his original notebook? - A. Yes, I have it in front of me.

D Q. And on that occasion, were two tape recordings made to your recollection? - A. Yes, as I have said. I think these notes were made later from these statements, and probably by talking to Mr. Lloyd, because I see I have no statement for October 29th, or don't think I do.

HIS HONOUR JUDGE STROYAN: I am not concerned with the meeting with Harris.

DEFENDANT SYMONDS: This is Tape 3A.

E HIS HONOUR JUDGE STROYAN: I know it is, but I am not concerned with that part of it.

DEFENDANT SYMONDS: Are you concerned with its custody, My Lord?

HIS HONOUR JUDGE STROYAN: I am concerned with the tape. You ask the question and I shall rule.

F DEFENDANT SYMONDS: Do you have any interest ...?

HIS HONOUR JUDGE STROYAN: I am not going to answer your questions. You ask the questions, and I will decide whether they are relevant.

DEFENDANT SYMONDS: I am grateful, My Lord.

G Q. When you made this tape recording on the 30th, what did you do with it, the two tape recordings, that one and Tape 4 in actual fact? - A. I don't remember, but we would have taken custody of it, and taken it back to The Times.

Q. Yes. Taken it back to The Times and put it in the safe? - A. In a ...

Q. Safe place. Safe place? - A. In a safe place.

H Q. Now, turning to October 31st, just a little bit further down in your

notebook. There was another meeting in the morning, I believe, between Perry and two officers this time, the same one as the day before, and another one Mr. Robson? - A. If you say so.

A Q. It is in your notebook before you, second page, headed October 31st? -
A. Yes, I see that.

Q. Now, trying to cast your mind back there. There was an occasion when a Minx car was supposed to have driven off and Mr. Perry had to follow him, and the tape recordings in fact failed? - A. I can't remember that.

B Q. Yes. Well, if that had happened, what would you have done with those two tape recordings which had been put on those two machines? -
A. I can't recall that either.

C Q. But would you have followed your general practice of keeping them, or with blank tapes which were of no use to them, what would you do with them? Would you take them back to The Times, or return them to the sound engineer? - A. Unfortunately, I can't recall when we started the system of using brand new tapes. I think, from memory, it would be when you have the large boxes for those meetings. It may have been the small box meetings, but I am not sure. I can't remember.

Q. The large boxes are seven inch tapes? - A. I presume so, yes.

D Q. And what you are saying is, that from the time you started using seven inch tapes, what ...? - A. Mr. Symonds, you must remember it is eleven years ago. My memory is not very clear on this. I do remember very clearly that we instituted a process of making sure these tapes were absolutely fresh, clean and new. Now, whether or not on this occasion there was a tape ... If you are saying to me that a tape didn't work, or didn't have anything on it. Whether we again used that later on and it appears here, I do not know.

E Q. Yes, but from the time until you started using seven inch tapes when you had boxes of them, you never had a position where you used a tape again? - A. Not that I can recall, no.

Q. Yes. Did the sound engineer, in fact, come properly equipped with boxes of tapes and batteries? - A. Yes.

F Q. And when the sound engineer was coming, did a sound engineer come properly equipped to these meetings from the very beginning? - A. No, I think on the first occasion, he was not properly equipped.

Q. He brought only telephone attachment equipment? - A. I think on that occasion, on the first meeting, there was only one tape recorder. There was not boxes where we broke the seals. There were not spare batteries. I can't recall that for certain, but that is what it seems from my memory.

G Q. After the second meeting, the engineer was properly equipped? - A. I haven't said which meeting. I would have to spend several hours looking through the thing.

HIS HONOUR JUDGE STROYAN: We are not going to do that.

DEFENDANT SYMONDS:

H Q. On the afternoon of the 31st ... Sorry. After this meeting on the 30th, do you recall going to the house of Mr. Perry's brother? - A. No.

HIS HONOUR JUDGE STROYAN: You tried to raise this matter once before. I have already ruled.

DEFENDANT SYMONDS: Yes. If you please, My Lord.

WITNESS MOUNTER: I don't remember.

DEFENDANT SYMONDS:

Q. You don't. And do you remember the first occasion Miss Millard joined your team? - A. The first occasion that Miss Millard joined us?

Q. Yes? - A. I don't remember which it was. I remember the first occasion I met Miss Millard.

Q. Was it in a public house in the early days of this enquiry, in Camberwell? -

HIS HONOUR JUDGE STROYAN: That can't possibly help me.

WITNESS MOUNTER: I can't remember.

DEFENDANT SYMONDS:

Q. You can't take your mind back?

HIS HONOUR JUDGE STROYAN: No. It is not necessary. It is irrelevant.

DEFENDANT SYMONDS:

Q. And do you recall an occasion when Mr. Pridmore brought some tape recordings down to you and gave them to you in a public house in Camberwell? - A. I am sorry, do I recall what?

Q. Some tape recordings? - A. That who brought?

Q. Mr. Pridmore. He was being driven in a hired car by Mr. Owen? - A. No, I don't recall it.

Q. You don't recall it? - A. For the moment, I don't recall who Mr. Pridmore is.

Q. Mr. Pridmore is a staff Times photographer? - A. Oh no, I don't recall it.

HIS HONOUR JUDGE STROYAN: I don't know how you expect me to attach much importance, Mr. Symonds, to the witness doing his best to recall something that happened eleven years ago. It would have been very much easier had the case come on when it should have done in 1972. I can attach very little importance to the recollection of a witness of things that happened eleven years ago.

MR. RIVLIN: I wonder if it would assist the defendant to know. I am sure it would assist the court, if we heard from him what it is that he claims that this witness has done to tamper with the tapes, and how he has tampered with them.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: In other words, given that it is being alleged that the reporters did something dishonest with the tapes, if they could just be told what it is they are said to have done, and how they are said to have done it, then we really will be going right to the heart of the matter.

HIS HONOUR JUDGE STROYAN: Yes, what do you say about that?

DEFENDANT SYMONDS: What do I think as to the suggestion made to run my defence?

HIS HONOUR JUDGE STROYAN: No.

DEFENDANT SYMONDS: I think it is nonsense, My Lord, that I should have to keep having to, on the applications of the prosecution counsel, keep telling you what point I am trying to reach, and what I am getting at, and all the rest of it.

HIS HONOUR JUDGE STROYAN: I would like to know, what it is you say that this witness has done wrong. You said he has tampered with the tapes. I would like to know how you suggest he did so.

DEFENDANT SYMONDS: Are you suggesting that I should ask ...?

MR. RIVLIN: He is my witness, a Crown witness, and I am entitled to know, on behalf of the prosecution, what a Crown witness is being accused of.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: That must be right. And in my submission that is our right, to know what he is being accused of, so that if any suggestions are going to be made as part of the defendant's case in a trial within a trial, I will then not be able to complain that these matters have not been put to my witnesses.

HIS HONOUR JUDGE STROYAN: Yes. What is it you say that this witness has done wrong? I shall pay very little attention to a general allegation that a tape has been tampered with, unless you can tell me in what way you suggest that this witness has done anything wrong. Now, you ask him a question which points out what you say he did wrong.

DEFENDANT SYMONDS: You are wanting me to make allegations against this witness, is that right?

HIS HONOUR JUDGE STROYAN: I want to know what the case is.

DEFENDANT SYMONDS: I would like to know what allegations I have made already, apart from the ones suggested by prosecuting counsel?

HIS HONOUR JUDGE STROYAN: It is only fair to this witness, and it is necessary to the other party in this case, who is the Crown representing the public. It is necessary to know what it is that you suggest that this man has done wrong. It won't do just to say he has tampered with the tapes. He is entitled to know what it is you say he has done wrong.

DEFENDANT SYMONDS: Yes, My Lord. But what is the prosecuting counsel suggesting I have said he has done wrong, which is why he said it in the first place?

HIS HONOUR JUDGE STROYAN: If it is something to do ...

DEFENDANT SYMONDS: I suggest it is something to do ...

HIS HONOUR JUDGE STROYAN: You have got hold of the wrong end of the stick. It is your suggestion this man has done something wrong. It is your suggestion he has tampered with the tapes. In what way do you say he has tampered with the tapes? The witness is entitled, in common fairness, to know that.

DEFENDANT SYMONDS: I am entitled, in common justice, to take this witness

through the allegations he has made against me, and ask him questions about them.

A HIS HONOUR JUDGE STROYAN: You are entitled to ask proper questions, but the Crown is entitled to know, and the witness is entitled to know in common fairness, what it is you say he did wrong. If you can't say what he did wrong, I can't take any (inaudible). In what way do you say he tampered with the tapes?

B DEFENDANT SYMONDS: My Lord, how can I answer that question? In what way? I wasn't there. I wasn't looking over his shoulder. I didn't see him snipping bits out of the tapes and sticking them back together. Please advise me what sort of allegation you would like me to make and I will make it, and then I would like to carry on with my questioning.

HIS HONOUR JUDGE STROYAN: It is your case. What is it you say this man has done wrong?

DEFENDANT SYMONDS: My Lord, this man has done some very serious wrongs, My Lord.

C HIS HONOUR JUDGE STROYAN: What is it?

DEFENDANT SYMONDS: And if you listen to me ...

HIS HONOUR JUDGE STROYAN: What is it you say he has done wrong with these tapes?

D DEFENDANT SYMONDS: With these tapes?

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS: Well, let's go back down to the basic question of continuity which, as I understand it, is what this trial is all about.

E MR. RIVLIN: Your Honour, may I assist, because I do want, despite what the defendant may believe, I do want to assist. There are possibilities. If the tapes have been tampered with, it is possible for example, that someone has impersonated Mr. Symonds throughout the tape. In other words, that he has never spoken on the tape at all.

It is possible that Mr. Symonds did say some things on the tape, but that bits and pieces have been edited in and out of it in order to implicate Mr. Symonds.

F Now, with all due respect to Mr. Symonds, he must know what it is he is alleging against these two reporters, because he has accused them both of tampering, and given that he has accused them both of tampering, they are entitled to know whether, for example, it is alleged that they have got someone to impersonate him; whether it is alleged that they have edited the tapes, putting some bits in and taking some bits out; and if it is alleged that they have edited the tapes, then they are entitled to know which bits it is said they have put in, and which bits it is said have been taken out; and surely that is, as Your Honour has said, simply common fairness to the witnesses who are being accused of gross dishonesty.

G HIS HONOUR JUDGE STROYAN: I have been trying to get this out of Mr. Symonds for sometime. What is it you say this witness has done wrong? Has he put something on top of the tapes?

H DEFENDANT SYMONDS: My Lord, going back to this allegation I am supposed to have made, and I think checking the court records, you say I have more or less, then, made up this allegation?

HIS HONOUR JUDGE STROYAN: It is not an allegation you are supposed to have made. It is an allegation you have made.

DEFENDANT SYMONDS: Yes, well, those are two of the allegations; and also that he is telling lies now, that is another allegation. Another allegation is he did not take good and proper care of these tape recordings.

HIS HONOUR JUDGE STROYAN: I have heard all that.

DEFENDANT SYMONDS: And that there is not a proper case for the continuity of handling of the tape recordings; and his evidence which he has given, and the notes and documents which he has produced that these tape recordings were guarded like the Crown Jewels from day one onwards, is in fact false, and it is a concocted story.

HIS HONOUR JUDGE STROYAN: You have put that several times.

DEFENDANT SYMONDS: Well, that is the allegation My Lord.

HIS HONOUR JUDGE STROYAN: What I am anxious to know/if you are suggesting that this witness has interfered in any specific way with any specific tape. Is that your suggestion?

DEFENDANT SYMONDS: Yes My Lord, yes.

HIS HONOUR JUDGE STROYAN: Which tape, and in what way has he interfered with it?

DEFENDANT SYMONDS: Well My Lord, I will come to that.

HIS HONOUR JUDGE STROYAN: You will come to it now.

DEFENDANT SYMONDS: Yes. Is Mr. Perry going to give evidence, My Lord?

HIS HONOUR JUDGE STROYAN: Now, just listen to me. This won't do. I am not having witnesses treated unfairly. Let's do it one by one. Tape 1. In what way do you say this witness has interfered with Tape 1, Exhibit 1?

DEFENDANT SYMONDS: Well, may we ...?

HIS HONOUR JUDGE STROYAN: No we will not. You will not play it. You will not refer to the transcripts.

DEFENDANT SYMONDS: And that applies to all the tapes?

HIS HONOUR JUDGE STROYAN: You must know if this witness has done something wrong to the tape. What is it?

DEFENDANT SYMONDS: I refuse to answer these questions. It can be sorted out in the Appeal Court. I think it is most unfair.

HIS HONOUR JUDGE STROYAN: I will pay very little attention to allegations which are not specific. Have you anymore questions to ask?

DEFENDANT SYMONDS: My Lord, I have many questions to ask of this witness.

HIS HONOUR JUDGE STROYAN: Well, what is the next one?

DEFENDANT SYMONDS: Can I have an adjournment please, My Lord?

HIS HONOUR JUDGE STROYAN: I want to get on with this case.

DEFENDANT SYMONDS: So you refuse, O.K.

A
HIS HONOUR JUDGE STROYAN: Just listen to me, Mr. Symonds. Why do you want an adjournment?

DEFENDANT SYMONDS: I wish to discuss some matters, to receive some advice from my legal advisers.

HIS HONOUR JUDGE STROYAN: I will rise for a few minutes.

Short Adjournment

B
HIS HONOUR JUDGE STROYAN: I understand from Mr. Birnberg that you want an adjournment for the rest of the day?

DEFENDANT SYMONDS: Please.

C
HIS HONOUR JUDGE STROYAN: I think, as it is now half-past four, I am prepared to grant you that. What I want to make quite clear to you is that I am not going to go on having these witnesses treated in the way you have been treating them, for this reason. If you, as a police officer, were accused of framing some defendant, you would want to know chapter and verse what was being alleged against you, whether you had made up false evidence in a notebook, or his signature, would you not?

DEFENDANT SYMONDS: Yes.

D
HIS HONOUR JUDGE STROYAN: Now, what you are suggesting to this witness is simply the equivalent of "You have framed me". You have not given him chapter and verse at all.

E
If your case is that at some point of some tape, words have been erased or words have been put in, well then that must be put to the witness so that he can answer it. Quite unfair on him if you don't do that. And also, when and if you call your experts, if they are going to say - and I don't know what they are going to say - that some words in a particular tape have been erased or put in, well then I shall be able to pay very little attention to what they said about it, unless the question or fact had also been put to the witness who is said to have had the tape. Do you understand?

DEFENDANT SYMONDS: Yes.

F
HIS HONOUR JUDGE STROYAN: That is what I have been trying to get through to you. I hope you now understand it, and I hope you will frame your questions tomorrow accordingly.

MR. RIVLIN: Mr. Symonds did say he would like to put a transcript in the witness's hands to cross-examine him about what was said. I think that is the way in which counsel did it in the case in November of last year; and of course, that is absolutely the right way to do it in our submission, to say, for example: "Well, we say that this has been edited in, or edited out", and to help the witness in that way.

G
HIS HONOUR JUDGE STROYAN: Yes. I don't know what the defendant's case is going to be about it. If he is going to say some words have been edited in, and some have been edited out, obviously he has got to put it to the witness.

MR. RIVLIN: I am sure, in fact, Your Honour did say he could not use the transcript before, but I am sure Your Honour didn't intend ...

H
HIS HONOUR JUDGE STROYAN: I only intended he could not use it at that particular moment.

MR. RIVLIN: That he can use the transcript for this particular purpose.

HIS HONOUR JUDGE STROYAN: Yes. That is as far as we can go for to-day.

MR. RIVLIN: I have a little bit of bad news in terms of time, and that is this. Mr. Radcliffe and I have carefully considered the evidence of identity with regard to voices, and we feel, with the greatest regret, we may have to call Mr. Perry with regard to proof of identity.

HIS HONOUR JUDGE STROYAN: Of the voice?

MR. RIVLIN: Of the voice.

HIS HONOUR JUDGE STROYAN: That is very limited.

MR. RIVLIN: It is something I have to prove, and as it is something very much on Mr. Symonds' mind, he can go away this evening knowing that he will get Mr. Perry in the witness box.

HIS HONOUR JUDGE STROYAN: Yes, and I shall only allow cross-examination which is relevant to that particular issue.

MR. RIVLIN: Well Your Honour, in our submission he will be entitled to ask the witness any question that goes to the question of authenticity. In other words, if he is saying that Perry took some part in framing him in some particular way, then he is obviously entitled to put that.

HIS HONOUR JUDGE STROYAN: Yes. Is it your intention to call Perry after this witness?

MR. RIVLIN: Either after this witness, or after Officer Vernol, and those are to be my only other witnesses.

HIS HONOUR JUDGE STROYAN: Yes, I see.

MR. RIVLIN: But at least Mr. Symonds will know this evening that he is going to get Mr. Perry.

HIS HONOUR JUDGE STROYAN: Yes. That deals with all matters relating to witnesses.

MR. RIVLIN: Your Honour, Mr. Birnberg has told me, and I pass it on to Your Honour for your consideration, that the defendant is quite fresh in the morning, but by about quarter-past four in the afternoon he gets very tired indeed, and I hope that it will assist the defence if I have brought that matter to your attention.

HIS HONOUR JUDGE STROYAN: Yes. Perhaps it will be wiser to sit earlier.

MR. RIVLIN: And rise a bit earlier, because he apparently gets very tired.

HIS HONOUR JUDGE STROYAN: There is only one other matter. That is, I understand Mr. Birnberg wishes to be elsewhere on Monday. So far as I am concerned, I shall be prepared to excuse you on the basis Mr. Greenwell will remain throughout, but I shall have to have the consent of your client. I should have to have it very clearly given, and I will deal with that tomorrow. But obviously, I could not release you, because you are the only qualified person, unless I heard the express consent of your client.

MR. BIRNBERG: Whilst I am on my feet, may I mention a procedural matter regarding our tape experts? One of them is in court. One of them, Mr. Ford, has an appointment in London, he has to lecture on Monday; and

the other one, Mr. Killick, in fact lives in Wales and has a very lengthy journey. Ideally, if it were possible for them to be called to give their evidence next week, commencing on Tuesday afternoon sometime, at least they could be back at court by Tuesday afternoon, both of them. That would be the ideal situation, so that it might then be possible for them to be released tomorrow, and return ...

HIS HONOUR JUDGE STROYAN: I should have thought, on the basis of what we are hearing at the moment, they might be released now.

MR. BIRNBERG: Well, if it is convenient to the court, they could certainly both be back. The only problem is that, as I understand it, the two prosecution tape experts, Mr. Eley and Mr. Penna, are likely to be available to be called tomorrow.

HIS HONOUR JUDGE STROYAN: I don't think Mr. Rivlin is going to call them.

MR. BIRNBERG: I think it might be essential on the question of continuity.

MR. RIVLIN: With respect, they prove continuity from June 1980 to the present time, and I think that I have laid enough evidence before you not to worry about that, and indeed, that was the situation before the Recorder of London. They were not called.

MR. BIRNBERG: So be it. Well then, if it were possible for them to be released to return to this court on Tuesday?

HIS HONOUR JUDGE STROYAN: I don't know how far we shall get.

MR. RIVLIN: I would like to think, although I can't be sure about this, I would like to think Mr. Mounter isn't going to be very much longer. There is Mr. Perry and Mr. Vernol, now. We have got to take up the whole of Monday with something or other. I don't know if the defence will be prepared to call witnesses on Monday?

MR. BIRNBERG: I think there is a question mark over Monday, as to the possibility there might be a strike.

HIS HONOUR JUDGE STROYAN: Not in this court.

MR. BIRNBERG: That is reassuring. There is this third tape expert, prosecution tape expert, who is abroad at the moment, who would be back on Monday.

HIS HONOUR JUDGE STROYAN: I wasn't sure it was going to be necessary for Mr. Rivlin to call him.

MR. BIRNBERG: No, no. He is a defence witness.

HIS HONOUR JUDGE STROYAN: The one you mentioned earlier on?

MR. BIRNBERG: The EMI expert. He would be available.

HIS HONOUR JUDGE STROYAN: Are there any other witnesses, apart from those experts, on the voir dire?

MR. BIRNBERG: There is one, a Miss Millard. Now, she could be available on Monday.

HIS HONOUR JUDGE STROYAN: I don't want to ...

MR. BIRNBERG: And there is the question of (Moody?) being called as well.

HIS HONOUR JUDGE STROYAN: I think I said, in relation to those other witnesses, that we would hear one, the one you thought most useful. I was reluctant to issue orders for others if, at the end of the day, they were not going to help.

MR. BIRNBERG: Yes, I think Miss Millard would assist on the handling of the tapes, without a doubt; and certainly the three tape experts, I think, are essential witnesses.

HIS HONOUR JUDGE STROYAN: Yes, but if you are applying for Legal Aid to enable you to call, I think it was Lambert, Moody, and Price, and if you think it is necessary to call them.

MR. BIRNBERG: Your Honour, I would like to have an opportunity of taking instructions on that, and mentioning that first thing tomorrow morning.

HIS HONOUR JUDGE STROYAN: It doesn't seem to me, at this stage, they would be likely to be of much assistance. I would be reluctant to spend public money if it is not going to be helpful. I think that is all we can do. I rise, with a suggestion you might consider a call to the Bar, Mr. Birnberg.

I hereby certify that I took Shorthand Notes in the trial of Regina -v- Symonds, and that pages numbered 46 - 83 are a complete and correct transcript of my said Shorthand Notes to the best of my skill and ability.

Signed: 