

A **IN THE CENTRAL CRIMINAL COURT**

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Old Bailey
London
EC4M 7EH

Friday, 22nd April 2005

Before:

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THE HONOURABLE MR JUSTICE FULFORD

R E G I N A

D

-v-

SAAJID BADAT

E

MR R HORWELL and MR R WHITHAM appeared on behalf of
the Prosecution

MR M MANSFIELD QC and MR J BENNATHAN appeared on
behalf of **SAAJID BADAT**

F

PROSECUTION OPENING OF FACTS
(14.08 pm - 14.50 pm)

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Friday, 22nd April 2005

PROSECUTION OPENING OF FACTS

MR JUSTICE FULFORD: Yes, Mr Horwell?

MR HORWELL: My Lord, I appear with Mr Whitham, and Mr Mansfield and Mr Bennathan defend.

MR JUSTICE FULFORD: Yes.

MR HORWELL: The following is known about the general life of this man: He was born in Gloucester in 1979. He attended the Crypt Grammar School in Gloucester and he left with A levels in physics, geography, biology and general studies. He was employed as a kitchen porter in London and there is evidence that he lived in London in 1997 and 1998. He was employed as a security officer in 1998 and then, as the evidence in this case discloses, he started to travel the world and was trained as a terrorist. He has no previous convictions.

Evidence of Badat's movements and his association with Richard Reid is found from a number of sources but in particular from the passports Badat used and the passport that was found on Reid and the movements are as follows as disclosed by those documents:

There are three passports connected to Badat. The

A first expired but that shows a visit to
Saudi Arabia in 1994. His second passport was
issued in 1997 and that shows that he visited
B Saudi Arabia and Sarajevo in 1998. On
9th January 1999 he entered Pakistan but the exit
stamp which bears date of just 14 days later,
C 23rd January 1999, is counterfeit and therefore
it is not known for how long he stayed in
Pakistan or where he went and of course we have
D in mind neighbouring countries such as
Afghanistan. The next genuine stamp in his
passport is not in fact until some 30 months
E later.

MR JUSTICE FULFORD: In his basis of plea he says
that he was in Afghanistan.

F MR HORWELL: Yes, my Lord.

In July 2001, Reid was in Amsterdam at the same time
as Nizar Trabelsi, a terrorist later convicted of
G attempting to cause explosions and possessing an
Uzi machine pistol. In July of 2001, whilst
still in Amsterdam, Reid applied for
H a replacement British passport. He claimed that
his original had been lost or stolen. Reid then
visited Israel, Egypt, Turkey and Pakistan on
7th August 2001. There is an entry stamp in

A Badat's passport for Pakistan dated
16th August 2001 but that too is counterfeit.
In September 2001, Reid was again in Amsterdam
B and there is a genuine Pakistan exit stamp in
Badat's passport dated 9th September 2001.

MR JUSTICE FULFORD: I am sorry to interrupt, placing
C him therefore in the (inaudible) countries
in September 2001, concurrently with Reid.

MR HORWELL: That is right.

D MR JUSTICE FULFORD: Thank you.

MR HORWELL: Badat then went to Amsterdam where we
suggest the evidence indicates he must have met
E Reid.

MR JUSTICE FULFORD: Yes.

MR HORWELL: On 12th September 2001, the day after
F the attack on New York, Badat, still in
Amsterdam, emulated Reid's conduct of two months
before and he too applied for a replacement
G British passport because he claimed that his
original had been lost and that, as we will
discover, was a deceit. A deceit in order that
H he could have two passports at the same time, one
with less stamps on it than the other. On that
same day, 12th September 2001, Reid, or someone
using a telephone card later found on Reid,

A contacted the mobile telephone of the terrorist
Nizar Trabelsi on some four occasions and
B a message was left on Trabelsi's mobile telephone
indicating that contact could be made with the
C caller at the same room number of the Amsterdam
hotel at which Badat was then staying and that
D same telephone card found on Reid shows further
E contact with Trabelsi on the following day,
13th September.

D MR JUSTICE FULFORD: I am sorry to interrupt, Mr
Horwell. So that means by implication contact
E between Badat and Reid and both of them with
Trabelsi?

MR HORWELL: My Lord, yes.

MR JUSTICE FULFORD: Thank you.

F MR HORWELL: On 14th September 2001, Badat was in
Brussels and he used his old, purportedly lost,
G passport when he registered at that hotel
indicating of course that he had the use of both.
H Reid's telephone card, the card found on him,
shows further contact with Trabelsi on 14th and
15th September. Badat then returned to Amsterdam
from Brussels and on 21st September 2001, he flew
again to Pakistan, this time using his new
replacement passport. There is a Pakistan exit

A stamp dated 23rd September but it is believed that that is false. Reid's passport and Badat's new passport each contained Pakistan entry stamps dated 20th November 2001. Both stamps are counterfeit and were made either from the same hand stamp or from separate hand stamps from the same source and the evidence shows that it was the same hand stamp or hand stamps which made the counterfeit entry in Badat's passport dated 16th August 2001.

Reid and Badat stayed at Karachi hotels in Pakistan on the opposite sides of the same street very close in time; Reid on 29th November and Badat between 3rd and 6th December. Reid flew out of Pakistan on 4th December 2001 and Badat flew out just two days later and it is the Crown's case that following the terrorist training that Reid and Badat had received, the final plans by then must have been made and that they left Pakistan knowing that within days they would each participate in no doubt simulated attacks, corresponding attacks in time.

MR JUSTICE FULFORD: Do you mean simulated?

MR HORWELL: I mean corresponding attacks in time, simultaneous, I am sorry, on passenger aircraft

A flying from Europe to the United States and the
plot was to cause explosions on two passenger
B aircraft when in flight across the Atlantic. If
they had succeeded, the loss of life would
obviously have been considerable and this outrage
C would have been three months only after the
attack on New York.

The movements are then as follows: Reid went to
Brussels where he obtained yet another passport
D on the premise that his had been lost or stolen
and then he went to Amsterdam. Badat went to
Amsterdam. Then Istanbul and then to Manchester
E where he landed on 10th December 2001. Reid
remained in Amsterdam whilst Badat was here.
Just before Badat returned to the United Kingdom
F and when he was in Amsterdam, he booked the
following series of tickets: Amsterdam -
Istanbul, Istanbul - Amsterdam, Amsterdam -
G Manchester, and then the final journey;
Manchester to Amsterdam and that last flight,
Manchester - Amsterdam, was for 17th December.

H Now, two options are possible: either that he did
intend to return to Amsterdam on 17th December or
that he was intending to take another flight out
of this country. What is certain is that Badat

A did not take that flight to Amsterdam on
17th December.

MR JUSTICE FULFORD: And that would have (inaudible)
B in time to take a simultaneous flight to Reid to
22nd December?

MR HORWELL: My Lord, yes. Yes.

C MR JUSTICE FULFORD: Yes.

MR HORWELL: As events will show, the coordinated
attacks with Reid must have been planned to take
D place just before Christmas but the evidence also
discloses that Badat must have withdrawn from
this plot but Reid did not and it was only good
E fortune that prevented him from achieving his
dreadful objective. These are the events
connected to Reid's actions:

F Reid went to Paris and on 21st December 2001, he
attempted to board a flight from Paris to Miami.

Because of his physical appearance and his
G attitude, he was not allowed to board that flight
and he was questioned and subjected to
a meticulous search. He had with him a personal
H stereo that contained a tape with verses from the
Qur'an on it with references to Israel and he had
both Egyptian and Israeli currency. He was
questioned, he said that he lived at a hotel in

A Brussels and said that he was of Jamaican origin
and was going to Antigua. He said that he
intended to visit Arab countries but having been
B to Israel, he was not allowed to and despite
being subject to a search and checks being made,
no reason was found to detain him and so he was
C released showing plainly the effective nature of
the shoe bomb that Reid must have been wearing.
Because of what had happened to him, in fact the
D airline company provided him with accommodation
that night and so Reid returned to the Paris
airport on the following day, 22nd December 2001,
E and this time he was permitted to take that
flight to Miami. Before he entered the plane,
Reid, of course, was searched and he was scanned
F by a metal detector and nothing was found and he
was allocated a seat in the plane but in fact sat
at another seat which was by a window. During
G that flight from Paris to Miami, and the flight
was now of about two and a half to three hours in
duration, a flight attendant saw Reid go to the
H lavatory, presumably to prepare himself for
suicide. He declined the meal and then a flight
attendant smelt sulfur, the smell of burnt
matches. She approached Reid who was sitting in

A a seat near the over wing section of the plane
and he was holding a lit match. On being
confronted, he put the match in his mouth, the
B pilot was informed, and when the flight attendant
returned, Reid was trying to light a cord
sticking out of his shoe with another match. The
C shoe was in his hand and he was trying to conceal
what he was doing. There was a struggle and
eventually Reid was confined and he was
D effectively from that moment onward held prisoner
on the plane. The plane was diverted to a Boston
airport, intercepted by fighter planes, and when
E the plane landed, Reid was removed. The shoes
that he was wearing were recovered and when
examined, they were found to contain explosives,
F an explosive device. So that is December 2001
and there is then a gap of nearly two years.

MR JUSTICE FULFORD: Before you move on to that, Mr
G Horwell, the device that we have, similar to the
one that this defendant had, had the capacity of
blowing a hole in an aircraft fuselage?

H MR HORWELL: My Lord, yes, I am going to deal with
the devices in fact very briefly for perhaps
obvious reasons but, my Lord, that is right.

MR JUSTICE FULFORD: Thank you very much.

A MR HORWELL: Badat, of course, having returned to
this country in December 2001 enrolled at
a college in Blackburn studying Islamic theology
B in February 2002 and the events are next taken up
by a police raid at two addresses on
27th November 2003. One search was at Reid's
C family home in Gloucester -- Badat's family home,
I am sorry, in Gloucester and the other was at
Badat's college, the Wal-Huda College for
D Islamic Education and Guidance in Blackburn and I
will deal first with that of his home where Badat
was on that day:

E They found Badat in bed and he was arrested and he
said:

"I'm not going to talk to you without a legal
F representative."

He was then conveyed by the police to a number of
police stations and en route, one of the police
G officers in the car received a telephone call
from an officer in Blackburn and that officer in
Blackburn wanted to know the locker which Badat
H used at the college because it was not possible
immediately to identify his locker and Badat told
the police the situation of his locker and he
gave the number and its location. There was

A further conversation in the car and after a period of silence, Badat said the following:

"I was asked to do a shoe bombing like Richard Reid.

B Under my bed is a green suitcase. Under my bed
in zip is a fuse attached to a detonator. Also
C upstairs, black suitcase by the banister on top
of water drums. Pair of black socks rolled in
piece of paper with some plastic explosive. It
was supposed to go in a shoe but I have got rid
D of shoes, explosive is about the size of a ping
pong ball, also orange wire inside green
suitcase. I did not know how to dispose of, an
E Arab gave me all these things in Afghanistan.
I brought them back to England. I knew I had to
keep the explosives and the detonator apart. I
F am aware I have done wrong but I want to help the
police now. I am aware of my rights and don't
have to say anything."

G He was then further arrested for possession of
explosives and he replied:

"I fully understand. I had to tell you."

H And on completion of those notes, Badat later signed
them.

His description of what the police would find at his
home address was correct. The first suitcase was

A found underneath a bed in the front room on the
ground floor and it was x-rayed. In it was found
a fuse attached to an improvised detonator and
B then the second suitcase was found on the first
floor landing and in that the police found the
high explosive and as Badat had described, it was
C in a black sock. Also with it was a length of
detonating cord. In addition to those explosive
items, in the black suitcase video tapes were
D found entitled: "The Return", a documentary about
Palestinian refugees, another entitled "Blood in
the Ibrahimi Mosque", a documentary about a 1994
E massacre in that mosque, "Minarets in the Face of
Destruction", a documentary about how the Israeli
authorities have sold off Muslim places of
F worship, and "Jerusalem: The Promise of Heaven",
another documentary about a mosque and its three
different faiths that were worshipped there.
G They found a letter from the Wal-Huda college
dated 11th August 2002 concerning that Badat
would be a full time student and would be on a
H course that was due to be completed in November
of this year. The police also found the three
passports; the one that had expired and the two
that Badat was using during the currency of this

A plot.

Correspondence was found from Badat to his parents.

B It shows his disillusionment with the life of
Muslims in the United Kingdom. It included his
reasons for leaving home and going to Pakistan
and one of the items of correspondence contained
C this line from the defendant:

"I have a sincere desire to sell my soul to Allah in
return for Paradise."

D Another informed his father that he could find out
more about the Jihad in The Balkans by viewing
a video that was in the home.

E I have said that at the time the police went to his
home address, they also searched the college in
Blackburn and in his locker a document was found
F suggesting that Al'Qaeda was responsible for the
blackout in New York in August of 2003 and there
were documents against the war in Iraq and a note
G pad containing writing and the sketch of a rifle.

Following his arrest, Badat was of course
H interviewed. At first he was interviewed without
a legal representative. The note that had been
taken of that important conversation in the car
was shown to him and, as I have said, he accepted

A it and signed it. He confirmed that the suitcase
under his bed contained a fuse and detonator and
he expressed the hope that it would not explode
B whilst the officers were searching his home. He
said that he thought the main explosive was in
the black suitcase, he said that he knew the
C orange wire contained explosive also and he
described the devices in detail as the police
found them. He said that the plastic explosive
D had been given to him. He said it had been on
the inside of a shoe and he said that he pulled
it from the shoe and made it into the shape of
E a ball that it now was. He said that it had been
in different compartments of the shoe. He was,
of course, asked where the shoes were now because
F they were not found and he said that he had
dumped the shoes in a dustbin in Blackburn and
said that that must have about two years previous
G to the interview.

He went on to say that whatever he had done, whatever
he had brought in, was going to be discovered by
H the police. He said that the only reason that he
did take it was so that he could get back into
the country because he did not have any money.
He said that he was also concerned for the safety

A of the police officers carrying out the search.
He was asked if there was anything else he wanted
to say and he replied that first of all it was
B a bit of him being manipulated and also at the
same time wanting to come home. He wanted to get
away from danger, he said, and to introduce some
C calm to his life. He was then interviewed on
a further 22 occasions, this time with a legal
representative, and made no comment to the
D questions asked of him and then he was charged.
The two explosive devices; that found in Reid's shoe
and that found in Badat's family home, have been
E examined and compared. They are essentially
identical in chemical composition and there is
indeed a mechanical fit from one piece of cord of
F one device to another piece of cord of the other
and they were plainly made at the same time by
the same group. It is a device that could be
G ignited by a match and as my Lord has said and
I confirm, the device was sufficient to make
a hole through the fuselage wall of a passenger
H jet.

The e-mail evidence which is set out in the summary,
I only intend to refer to a number of e-mails
found. The evidence shows that Badat and Reid

A used e-mails to communicate with those who were
handling them and we submit that the evidence
suggests that it was the same handlers handling
B both. The e-mails are important because they
give an insight into the mind of Badat. There is
an e-mail dated 7th December 2001 that shows
C perhaps a positive state of mind:

"Good to hear from you, I've moved myself on, I'm
okay, tell us a bit about what was up with you,
D if you're having problems with her or with
someone else."

That was an e-mail from Badat but there were then
E e-mails to Badat suggesting not so positive
a mind. An e-mail on 9th December starts with
the words:

F "Hi [the words are] hi, what's als (as heard) wrong.
[What else is wrong.]"

An e-mail on 10th December sent to Badat:

G "Hey, what's up?"

And then Friday 14th December, Badat now back in the
United Kingdom, and if he was intending to take
H that flight to Amsterdam, three days away from it
and Badat sent an e-mail to an address plainly
connected to the handlers and it contained these
words:

A "Sorry man, I'm still around but I've been really ill
since joining Briana (as heard) again. I'm
having big problems lately and having trouble
B with playing any sport whatsoever. I'll keep you
informed but you'll have to tell Van Dan (as
heard) that he could be on his own."

C And that, we accept, seems to be an indication from
Badat that his mind was changing or had changed
and that Reid was going to be on his own, as we
D now know he was.

My Lord has all the graphics in this case, I do not
think we can assist you further. That is the
E case for the Crown.

MR JUSTICE FULFORD: One matter, Mr Horwell. One of
the main planks of the mitigation is that having
F withdrawn from this conspiracy some time in the
first part of December 2001, thereafter the
defendant effectively turns his back on terrorist
G activity generally. Was anything found during
the searches in November of 2003 which undermines
that proposition?

H **(Pause)**

MR HORWELL: There is plainly evidence found that
indicates a continuing interest in certain events
taking part in the world and there is the sketch

A of the gun in his locker and the like but there
is no evidence to indicate that Badat was
continuing in any way to communicate with those
B that he had been communicating with.

MR JUSTICE FULFORD: Yes. An interest in current
events combined with a sketch of a gun would be
C a thin reason indeed for suggesting a continued
desire to pursue terrorism.

MR HORWELL: Oh, my Lord, no. An interest and no
D more than that but no evidence to indicate that
he was continuing in any way to communicate with
those who had handled him in the past.

E MR JUSTICE FULFORD: Yes, or having an independent
desire of his own?

MR HORWELL: My Lord, no. No. No.

F MR JUSTICE FULFORD: Thank you. Thank you very much
Mr Horwell.

G

H