

Message

From: Jarnail A Singh [IMCEAEX-
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on Jarnail A Singh <IMCEAEX-
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of 2ESINGH6CEADABD-67E9-4ECA-94F2-005716658847] [GRO] IMCEAEX-
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2ESINGH6CEADABD-67E9-4ECA-94F2-005716658847] [GRO]
Sent: 30 Jun 2013 18:00:07
To: Hugh Flemington [GRO] Alwen Lyons [GRO] Mark M Davies
[GRO] Rodric Williams [GRO]; Lesley J Sewell
Subject RE: A couple of thoughts Balvinder Samra Hurst Lane west Bromwich Birmingham Trial Monday 1st June 2013
t:

Dear All

Further to our conversations and emails on Friday afternoon, I would like to confirm the following:-

1. I think it is unhelpful to refer to Bug 14: it suggests that there have been 13 previous problems etc.

2. I am not aware that the word "bug" has been used openly in court. Of course there has been some discussion in open court about the integrity of the Horizon system, for example:-

(a) In the case of Ishaq in Bradford Crown, the defendant served a Defence Statement containing various comments and allegations. There was also a mention hearing at which issues relating to disclosure and Second Sight were discussed. Gareth Jenkins prepared a report and also met the defendant's expert on the day of trial. Ishaq pleaded guilty part way through his trial.

(b) In the Dixon case, having challenged the integrity of Horizon, the defendant went on to plead guilty on a basis which, I understand, confirmed that there was nothing wrong with Horizon. He had of course delayed his case and taken the opportunity to repay a not insignificant amount of money in the meantime.

3. It follows that in some cases the integrity of the Horizon system has been challenged by the defendant. In other cases the integrity of the Horizon system may become an issue notwithstanding that there has been no specific challenge.

4. The Samra case above in Birmingham involves Horizon. Samra is accused of performing unauthorised transactions on the Post offices current account of a number of vulnerable people. She has consistently denied any wrongdoing and the primary evidence against her is taken from the Horizon system.

5. Simon Clarke, prosecution counsel, and Martin Smith (CK) spoke to Gareth Jenkins on Friday 28th June. He told them that he had only volunteered information about two bugs, present in the system, to Second Sight. He also told them that those bugs would not have affected the integrity of the data being used in the Samra prosecution. If I may speculate a little here, Gareth Jenkins only told Second Sight of two bugs, The Post Office only knew of two bugs. It seems, therefore, unlikely they would find any other bugs without Gareth Jenkins knowing about it due to the mechanics of the system reporting and the checks and balances already built into the system. It looks likely that Second Sight's report will focus on these two bugs.

6. It is not possible to ignore the fact that Second Sight may report in the immediate future. Similarly it is not possible to ignore the fact that there may be high profile debates relating to the integrity of the Horizon system this coming week.

7. Prosecution Counsel proposes to mention the position in private to the Judge in the Samra case, in his Chambers on Monday morning. POL as a public body has to be open and honest for the Judge to ensure fairness to elderly witnesses, prosecution and defendants whose liberty is at stake.

Please let me know if you have any questions.

Jarnail Singh I Criminal Lawyer

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GRO

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-----Original Message-----

From: Hugh Flemington

Sent: 28 June 2013 17:08

To: Alwen Lyons; Mark M Davies; Rodric Williams; Jarnail A Singh; Lesley J Sewell

Subject: A couple of thoughts

1 we have a new criminal case starting in brum next Monday - bau. jarnail to get CK up to speed using alwen to enable CK to say something to judge re bugs po have found and disclosed (po have found them, not ss - that's an important pr point) and fact that an ss interim report may be coming out before mp summer recess (16 july) to offer judge the chance to adjourn the case. That just makes us look open and transparent and seems the prudent thing to do.

2. Mark d - could we prepare an "on the offensive" comms statement to go out on monday - and we send out letters to relevant affected subs / ex-subs of the 14 bug on monday too?

This comms statement to include:

- po found the 64 and 14 bugs and told ss (ie ss didn't find them).
 - po are being open about them
 - get fj to confirm the bugs don't affect the transaction data
 - rod williams / jarnail to confirm that no prosecutions relate to these bugs etc
 - say we have been fixing but acknowledge it's taken us a while to.
 - give details of the two sets of bugs
 - put it in context - size of incorrect balances vis a vis all the transactions we process a day etc
- 3 rod ismay / simon baker to confirm no other bugs or adjustments!