

Tuesday, 12 December 2023

1  
2 (10.00 am)  
3 **MR BEER:** Good morning, sir, can you see and hear  
4 me?  
5 **SIR WYN WILLIAMS:** Yes, I can, thank you.  
6 **MR BEER:** May I recall Rob Wilson, please.  
7 **ROBERT GEORGE WILSON (sworn)**  
8 **Questioned by MR BEER**  
9 **MR BEER:** Thank you very much, please do sit down,  
10 Mr Wilson.  
11 Thank you very much for attending for  
12 a second time today to give evidence. We're  
13 very grateful to you.  
14 Thank you also for devoting the time to  
15 produce a second witness statement for the  
16 Inquiry. If we can look at that, please, it's  
17 27 pages long, excluding the index to the  
18 exhibits. It's dated 15 November 2023 and it  
19 should be at your tab A1 in the bundle. For the  
20 transcript the URN is WITN04210200. If you turn  
21 to the 27th page, please.  
22 **A.** Yes, I've got it.  
23 **Q.** Is that your signature?  
24 **A.** There isn't a signature there, would you like me  
25 to sign it?

1

1 you?  
2 **Q.** With that correction in mind, the contents of it  
3 are true to the best of your knowledge and  
4 belief?  
5 **A.** Yes.  
6 **Q.** Okay. We'll attend to the signature of the  
7 witness statement outside the hearing room, if  
8 you say the contents are true to the best of  
9 your knowledge and belief?  
10 **A.** Yes, they are.  
11 **Q.** Thank you very much. I think you understand the  
12 questions today are focusing on Phase 4 of the  
13 Inquiry, the investigation and prosecution of  
14 subpostmasters for criminal offences?  
15 **A.** Yes.  
16 **Q.** In particular, three case studies, Seema Misra,  
17 Allison Henderson and Khayyam Ishaq.  
18 **A.** Yes.  
19 **Q.** We addressed your professional background and  
20 your career on the last occasion that you gave  
21 evidence, 12 October this year, and I'm not  
22 going to ask you about it again. However,  
23 I have got one question about your employment  
24 status with the Post Office. If I can just ask  
25 you about that, please.

3

1 **Q.** On page 27?  
2 **A.** 27 of 35?  
3 **Q.** Yes.  
4 **A.** Yes, it's just got "GRO" over where I would  
5 sign.  
6 **Q.** Okay, do you remember making a witness statement  
7 and signing it?  
8 **A.** I think I was told not to sign it.  
9 **Q.** Slightly odd.  
10 **A.** I know, on the first occasion, I did sign the  
11 first statement but, on the second occasion, my  
12 instructing lawyers said, "Don't sign it, you'll  
13 sign it there", I think, was -- but I'm very  
14 happy to sign it.  
15 **Q.** The witness statement that's in front of you,  
16 have you read the contents of it?  
17 **A.** Yes.  
18 **Q.** Are the contents of it true to the best of your  
19 knowledge and belief?  
20 **A.** Yes. There's one word wrong, in one of -- I've  
21 forgotten the number, but there's one word wrong  
22 where I've put "audit" instead of "office",  
23 I think.  
24 **Q.** Can you remember which paragraph, by chance?  
25 **A.** I'll look it up at lunchtime, if that's okay for

2

1 **A.** Yes.  
2 **Q.** Can we have on the screen, please, POL00128970.  
3 To give you some context, this is a document  
4 compiled in 2020 during the course of appeals to  
5 the Court of Appeal Criminal Division.  
6 **A.** Yes.  
7 **Q.** We understand that it was prepared before the  
8 Court of Appeal Criminal Division gave its  
9 judgment and that it was prepared by Peters &  
10 Peters, who were the solicitors acting on behalf  
11 of the Post Office. In summary, it's inviting  
12 the Post Office to essentially report lawyers,  
13 including you, to the Solicitors Regulation  
14 Authority?  
15 **A.** Yes.  
16 **Q.** You can see that in the first paragraph, it  
17 says:  
18 "Counsel has advised that the conduct of  
19 Jarnail Singh, Rob Wilson and Juliet McFarlane,  
20 three senior lawyers in the [Post Office/Royal  
21 Mail Group's] Criminal Law Team between 1999 and  
22 2013 (collectively 'the Three Lawyers') is  
23 capable of amounting to a serious breach of the  
24 [Solicitors Regulation Authority's] regulatory  
25 arrangements, having regard to the nature and

4

1 number of cases referred for appeal and the  
2 issues identified through a review of material  
3 in the [Post-Conviction Disclosure Exercise] and  
4 Project Brisbane."

5 We can just see, if we turn to page 3,  
6 please, and look at the second paragraph,  
7 a summary of what was being said:

8 "Counsel has advised that material  
9 identified in the course of [those two exercises  
10 I've just mentioned] identifies potential  
11 misconduct (whether by individual instance or  
12 cumulatively) is capable of amounting to  
13 a serious breach. In particular:

14 a. Inadequate investigation, including  
15 a failure to pursue all reasonable lines of  
16 inquiry whether they pointed towards or away  
17 from the guilt of the defendant and to establish  
18 that an actual financial loss had occurred in  
19 theft cases;

20 "b. Material non-disclosure, in particular  
21 about the reliability of Horizon, in breach of  
22 CPIA duties;

23 "c. Inadequate, negligent or improper  
24 decision making in relation to charging offences  
25 and determining whether to drop charges or

5

1 "vi. Making the acceptance of pleas  
2 conditional on the defendant not making any  
3 explicit criticism of the Horizon system."

4 So they were the issues that have been  
5 identified in a potential report to the SRA. If  
6 we just go back to page 2, please, and we're  
7 going to explore some of those things today. If  
8 we look at page 2, and if we look at the bottom  
9 part of the document under "Other relevant  
10 issues" -- the lawyers have raised above that,  
11 I should say, the pros and cons the benefits and  
12 the risks of making a report to the SRA, the  
13 pluses and the minuses.

14 Then under "Other relevant issues", it says,  
15 under paragraph 2:

16 "However, only one of the Three Lawyers ..."

17 You remember that was a defined phrase at  
18 the beginning of the document --

19 **A.** Yes.

20 **Q.** -- you, Jarnail Singh, and Juliet McFarlane:

21 "... was ever employed directly by [Post  
22 Office Limited]. He is no longer an employee."

23 Were you employed directly by Post Office  
24 Limited?

25 **A.** I think probably when I started in 1986 but then

7

1 accept lesser/partial ones, for example:

2 "i. Misunderstanding or misapplying the  
3 Full Code Test;

4 "ii. Misunderstanding or misapplying the  
5 burden of proof by requiring defendants to prove  
6 they were not responsible for the loss suggested  
7 by Horizon rather than by proving that there was  
8 a loss and that the [subpostmaster] must have  
9 been responsible for it;

10 "iii. Attaching improper weight in decision  
11 making to the financial/commercial interests of  
12 [the Post Office], particularly in terms of  
13 using criminal prosecution as a means of  
14 recovering losses and/or bringing charges as  
15 a means of pressuring [subpostmasters] to make  
16 good losses that they were not necessarily  
17 liable for ...

18 "iv. Failure, in false accounting cases, to  
19 have any regard to the cause of the underlying  
20 shortfall that was being covered up by the SPM;

21 "v. Adding theft charges in circumstances  
22 where the elements of the offence were not made  
23 out and/or potentially with a view to pressuring  
24 defendants to plead guilty to lesser charges (in  
25 particular, false accounting);

6

1 I moved in 2012 into Royal Mail Group.

2 **Q.** So do you think, between '86 and 2012, you were  
3 employed directly by Post Office Limited?

4 **A.** I think they called themselves Post Office  
5 Limited. Having said that, when I first applied  
6 to have representation, because I'd received the  
7 Section 9 statement, POL couldn't find me on  
8 their lists and it took them -- I don't know  
9 whether it's three or four days, before  
10 eventually deciding that I could have legal  
11 advice and I'm not sure whether they ever came  
12 back to me and said, "Yes, you were a POL  
13 employee". But something like that happened.

14 **Q.** What about Jarnail Singh? Was he, to your  
15 knowledge, ever directly employed by Post Office  
16 Limited?

17 **A.** Well, he will have been directly employed by  
18 them from 2012 onwards and he would have  
19 probably -- he'd have been in the same position  
20 as I would have been prior to that.

21 **Q.** What about Juliet McFarlane?

22 **A.** Similarly with Juliet McFarlane, she would have  
23 been in the same position as I was, until 2012  
24 when she moved across into Royal Mail Group.

25 **Q.** So the reference there to only of the Three

8

1 Lawyers being employed directly by Post Office  
 2 Limited, out of the three of you, who do you  
 3 think that's referring to?  
 4 **A.** That's probably Mr Singh, on the basis that he  
 5 was continuously employed by them and never by  
 6 Royal Mail Group.  
 7 **Q.** What accounted for the difference in your  
 8 relative employment status or the identity of  
 9 your employer?  
 10 **A.** As far as I was concerned, it was just  
 11 continuous. I didn't significantly look at the  
 12 change from Post Office to Royal Mail, other  
 13 than I was no longer doing Post Office Limited  
 14 prosecution work.  
 15 **Q.** So if, from 2000 onwards, you had to describe  
 16 the employer of you, Mr Singh and Ms McFarlane,  
 17 how would you describe it?  
 18 **A.** I always thought of it as Royal Mail. In my  
 19 brain, I was -- mainly because most of my work  
 20 was Royal Mail and only -- I put in my statement  
 21 less than 15 per cent was Post Office Limited  
 22 work, and my director, Andrew Wilson, when  
 23 I first was promoted, I'm pretty sure he was  
 24 Royal Mail.  
 25 **Q.** That brings me to my next set of questions.

9

1 their names.  
 2 **Q.** What was the link between you in your position  
 3 and that company secretary?  
 4 **A.** There was no link between me and him or her. My  
 5 link was to Andrew Wilson.  
 6 **Q.** What was the link between Andrew Wilson and the  
 7 company secretary?  
 8 **A.** I think a direct link. I think he reported to  
 9 the secretary.  
 10 **Q.** Did you ever have any direct communications with  
 11 the company secretary about criminal  
 12 prosecutions?  
 13 **A.** No. I remember once getting a telephone call  
 14 from him because a lawyer had contacted him, and  
 15 I took details of the lawyer's number and I rang  
 16 the lawyer and dealt with the problem, and that  
 17 was probably the extent that -- the extent of my  
 18 contact.  
 19 **Q.** How did the Criminal Law Team, with you as its  
 20 head, report on its work to the board?  
 21 **A.** It would be via Andrew Wilson.  
 22 **Q.** How did you report on the work of the Criminal  
 23 Law Team to Andrew Wilson?  
 24 **A.** Well, each report on a case, we collated at the  
 25 end of the month and I sent those reports both

11

1 That can come down, thank you.  
 2 Did the different employment status or  
 3 employer affect lines of reporting?  
 4 **A.** My line of reporting was -- initially when I was  
 5 promoted, was to Catherine Churchard, who was  
 6 General Counsel.  
 7 **Q.** Yes, GC, yes?  
 8 **A.** Then, when Andrew Wilson took the team, as he  
 9 did five or six years into my employment as  
 10 a Criminal Law Team Leader, I had a dotted line  
 11 to a lawyer in the Legal Team, and I worked  
 12 directly to Andrew Wilson.  
 13 **Q.** If you were asked, from 2000 onwards, and if  
 14 there's any change in the answer from 2000  
 15 until, say, 2012, who at board level was  
 16 responsible for the conduct of criminal  
 17 prosecutions, what would your answer have been?  
 18 **A.** The answer would be the current secretary.  
 19 **Q.** So whoever was occupying the role of current  
 20 secretary --  
 21 **A.** Yeah.  
 22 **Q.** -- year on year?  
 23 **A.** Yes, and I think there were probably two,  
 24 possibly even three, while I was there, and, for  
 25 the life of me, at the moment I can't remember

10

1 to Andrew Wilson and to the person that I had  
 2 a dotted line to in Legal Services.  
 3 **Q.** When you say the reports on each case, was that  
 4 whether they had reached a conclusion or not,  
 5 or --  
 6 **A.** I think it was wider than that. I don't think  
 7 it was just final reports; I think it was  
 8 current cases that -- I had an office manager  
 9 who would add up the current cases that we had,  
 10 he would collate the reports that we had on  
 11 finalised cases that month and he would add up  
 12 the new cases that had come in to the team. So  
 13 I think it was a statement that I did once  
 14 a month, at the end of the month, and it went to  
 15 Andrew Wilson and the dotted line person.  
 16 **Q.** Did you understand that that was going to the  
 17 board, either from Andrew Wilson and the dotted  
 18 line person?  
 19 **A.** Probably. Although I'm not 100 per cent sure.  
 20 **Q.** Did you ever get anything back from the board by  
 21 way of direction or suggestion?  
 22 **A.** No.  
 23 **Q.** Was there any communication that you can  
 24 remember, say between 2000 and 2012, back from  
 25 the board about the work of the Criminal Law

12

1 Team?

2 **A.** No.

3 **Q.** Did you ever attend any board meetings?

4 **A.** No.

5 **Q.** Did you ever prepare anything for Andrew Wilson

6 or the dotted line person for their attendance

7 at a board, that you can recall?

8 **A.** I don't think I prepared anything. I may well

9 have been a sounding board in relation to

10 something that he wanted to propose to the board

11 but I didn't prepare anything myself. He did

12 that.

13 **Q.** What was the purpose of the preparation of the

14 monthly reports on current cases and cases

15 concluded?

16 **A.** It was to show them the overall picture of what

17 we were doing, in terms of both results, so

18 whether we were successful, and in terms of the

19 numbers that we were processing.

20 **Q.** Did include figures on recoveries by way of

21 confiscation?

22 **A.** No, I don't think so.

23 **Q.** Was there any performance measure of the work of

24 the Criminal Law Team?

25 **A.** No.

13

1 prosecutions.

2 Were you aware of the scope of the

3 contractual responsibility of Fujitsu to support

4 litigation against subpostmasters?

5 **A.** No.

6 **Q.** Did you ever see the contract between the Post

7 Office and Fujitsu to see what the latter,

8 Fujitsu, had promised to the Post Office by way

9 of support in criminal prosecutions?

10 **A.** No, I didn't.

11 **Q.** Can you recall it ever being mentioned,

12 ie "There's a contract that regulates the

13 support that our supplier must give us in

14 criminal prosecutions"?

15 **A.** Yes, I can recall that, yes.

16 **Q.** Given that you can recall that, as the Head of

17 the Criminal Law Team, is there a reason you

18 didn't see the contractual arrangements that

19 actually mapped that out?

20 **A.** Probably, because it was dealt with before

21 I became the Head of the Criminal Law Team and,

22 afterwards, I didn't -- I never asked to see it.

23 I mean, I heard, from time to time, that there

24 were problems in relation to obtaining ARQ data,

25 and I have seen, from some of the documents that

15

1 **Q.** Were there any key performance indicators for

2 the work of the Criminal Law Team?

3 **A.** KPIs ring a bell. I probably had some, as part

4 of my responsibilities, but I can't remember

5 what they were.

6 **Q.** Was the outcome of criminal proceedings linked

7 in any way to the remuneration of any members of

8 the Criminal Law Team?

9 **A.** No.

10 **Q.** Were there any bonuses paid?

11 **A.** Yes.

12 **Q.** What were they paid for?

13 **A.** They were paid for -- largely, I think it was

14 the performance of the business and I think, if

15 you got a good grade in your appraisal, then you

16 might have got some sort of enhancement.

17 **Q.** But they were not linked to the percentage of

18 successful prosecutions --

19 **A.** No.

20 **Q.** -- or the like? Thank you.

21 Can we move on to the next topic, please,

22 which is obtaining evidence in support of

23 prosecutions and, to start with, the contractual

24 arrangements and the approach by Post Office to

25 Fujitsu for obtaining evidence in criminal

14

1 have been supplied to me, some references to

2 Mr Jenkins running out of time and not being

3 able to do any extra work. I saw those sort

4 of -- I must have seen those sorts of things but

5 I didn't have any involvement with the contract

6 at all.

7 **Q.** What's your view, if you hold one, as

8 a prosecutor, about the wisdom of a prosecutor

9 entering into a contract that regulates the

10 extent to which a third party must supply

11 evidence and cooperate in the provision of

12 evidence to a prosecutor?

13 **A.** Well, my view is that it's not a good idea.

14 **Q.** Could you explain why, please, Mr Wilson?

15 **A.** Well, I think that -- I never was particularly

16 interested in what a case was going to cost and

17 I was never particularly interested in anyone

18 trying to truncate the work that we were

19 required to do, particularly in disclosure.

20 I remember seeing an email which I'd forgotten

21 about amongst the papers here, from I think it

22 was a Mark Dinsdale, who was complaining about

23 the amount of data that he was having to supply

24 because he had a new team.

25 **Q.** We're going to come to that a little later.

16

1 **A.** Okay. So I think my view was, if you want to  
 2 prosecute these cases, you have to pay for them,  
 3 and, if you want to do it properly, we have to  
 4 have access to all the information that we  
 5 require.

6 **Q.** Did you have any understanding of who had been  
 7 involved in the agreement of the contract  
 8 between Post Office and Fujitsu that did  
 9 regulate the nature and extent of the evidence  
 10 that they were obliged to supply?

11 **A.** My understanding now comes from listening to  
 12 Teresa -- I think it was Williamson -- I knew  
 13 her as Teresa Berridge --

14 **Q.** Yes.

15 **A.** -- who said that she had prepared an open-ended  
 16 part of the contract because she was conscious  
 17 that the people dealing with the contract --  
 18 I believe this is what she was saying -- were  
 19 not appreciating that we were doing this from  
 20 a criminal point of view and it wasn't simply  
 21 a contractual issue. And I think she did --  
 22 said that she did that in 2000 and I wouldn't  
 23 have been around in the team at that time.

24 **Q.** During your time in your role as Head of  
 25 Criminal Law, were you ever involved in or aware

17

1 understanding of Fujitsu's obligations under the  
 2 contract?

3 **A.** I know, again from what I've read in the papers  
 4 you've supplied me with, that, at some stage,  
 5 there was difficulty over our expert meeting  
 6 another expert and Jarnail Singh must have come  
 7 to me and said, "Look, Rob, what can we do?" and  
 8 I emailed and said, basically, "If we can't have  
 9 this, we will need somebody in court in  
 10 [whatever timespan it was] to explain from  
 11 Fujitsu why we can't deal with this".

12 **Q.** So, on an individual case basis, you can  
 13 remember becoming involved but nothing more  
 14 strategic or higher level: "Look, Security Team,  
 15 this what the contract says. This is how we're  
 16 going to carry it into effect. This is how it  
 17 works"?

18 **A.** I remember when the Court of Appeal made their  
 19 decision -- which I have to say that I was  
 20 mortified at and felt ashamed, and I couldn't  
 21 begin to understand how the subpostmistresses  
 22 and subpostmasters must have felt, together with  
 23 their families, having -- and for which  
 24 I clearly apologise for, profusely. I remember  
 25 discussing with Dave Posnett the judgment and he

19

1 of any discussions with Fujitsu over the scope  
 2 of the requirements under the contract?

3 **A.** I was aware that there were problems but  
 4 I wasn't aware about discussions going on. It's  
 5 not something that my role touched.

6 **Q.** But you and your team were the people that were  
 7 advising on evidential sufficiency, were laying  
 8 a case before a criminal court as fit to be  
 9 heard by the criminal court and then prosecuting  
 10 it, often to conviction. Does that not mean  
 11 that it was part of your role to get involved  
 12 with a key supplier of evidence and a contract  
 13 that regulated the extent to which they supplied  
 14 such evidence?

15 **A.** I never had the impression when we were  
 16 prosecuting that we were not getting what we  
 17 wanted in terms of ARQ data. Yes, I heard that  
 18 there were -- there was, for want of a better  
 19 word, whingeing about the amount that was being  
 20 required, particularly on Seema Misra, which no  
 21 doubt we will discuss shortly. But I never had  
 22 a worry in my head that we weren't getting what  
 23 we should be getting.

24 **Q.** Thank you. Did you ever become involved in  
 25 assisting the Post Office Security Team in their

18

1 said -- and part of the discussion was about  
 2 backdoors into the system, and he said that he  
 3 was at a meeting with me when I'd challenged  
 4 Fujitsu and said "Are there any backdoors to the  
 5 system?" and they'd categorically said no.

6 I don't know -- but that's what the  
 7 discussion was about but I don't know what the  
 8 meeting was about. I didn't actually recall  
 9 that, he reminded me of it. So I was at  
 10 a meeting with Fujitsu with Dave Posnett but  
 11 I can't remember what the substance of the  
 12 meeting was. It might have been what you're  
 13 alluding to but I don't remember that.

14 **Q.** Can you recall whether that was case specific --  
 15 **A.** All I can --

16 **Q.** -- ie the issue had arisen in the context of  
 17 an individual case?

18 **A.** It could have been. I honestly don't know.  
 19 I hadn't -- I didn't recall the meeting and  
 20 I didn't recall asking them the question. Dave  
 21 Posnett said to me "I was at that meeting with  
 22 you; you asked the question".

23 **Q.** What was your understanding as to the nature and  
 24 type of data that might be drawn from Horizon in  
 25 order to found the basis for an investigation

20

1 and/or a criminal prosecution?

2 **A.** Well, they had ARQ data, transaction logs,  
3 various other logs and information, which  
4 I can't really recall now. I've seen some of  
5 the matters listed in the papers. But, as far  
6 as I was aware, from that data, we should have  
7 been able to prosecute each case.

8 **Q.** Had you heard of the expression "Credence data"  
9 or data obtained from Credence?

10 **A.** I probably did but I can't recall what it is  
11 now.

12 **Q.** You've referred a number of times to ARQ data.

13 **A.** Yes.

14 **Q.** Did you understand that there was a difference  
15 between the nature and species of ARQ data that  
16 could be obtained, perhaps by reference to words  
17 such as "standard" or "enhanced" ARQ data?

18 **A.** Again, I've seen those in the papers. I thought  
19 ARQ data, looking back, was data which  
20 effectively you could see who was detailing each  
21 individual transaction that had taken place.  
22 I may have got that wrong. But I thought that's  
23 what ARQ data was. I can't remember whether  
24 I knew about enhanced data or the standard data.  
25 I probably did but I honestly can't remember.

1 review for the purposes of advising whether the  
2 evidence met the Code for Crown Prosecutors'  
3 standard, which documents concerning the Horizon  
4 system would you expect habitually to review?

5 **A.** I would expect to see transaction logs, the  
6 audit report.

7 **Q.** So the audit report, meaning the auditors that  
8 attended the branch --

9 **A.** Yes.

10 **Q.** -- and conducted a shortfall analysis?

11 **A.** Yes.

12 **Q.** Yes.

13 **A.** Transaction logs, audit report.

14 **Q.** Yes?

15 **A.** I don't think we ever got ARQ data at an early  
16 stage. I think ARQ data was sought once we knew  
17 that we were going to be involved in either  
18 a not guilty or disclosure had been requested.

19 **Q.** Why was that?

20 **A.** Sorry?

21 **Q.** Why was that?

22 **A.** It just -- the way the investigators prepared  
23 their papers for us, just generated not every  
24 document a limited number of documents together  
25 with the interview, obviously, and, from that,

1 **Q.** Irrespective of the distinction, was it your  
2 understanding that the data that you were  
3 getting by way of ARQ data was data which was  
4 capable of showing whether a transaction was  
5 initiated and completed by a subpostmaster, on  
6 the one hand, or was a system generated  
7 transaction, on the other?

8 **A.** I thought it was created by the subpostmaster  
9 and, therefore, was quite important, to see what  
10 he'd been doing.

11 **Q.** It's probably my question that's at fault. Did  
12 you understand from the ARQ data that you were  
13 getting that that data would be able to  
14 distinguish between whether a transaction was  
15 carried out by a subpostmaster, on the one hand,  
16 or by the system, on the other?

17 **A.** I understood it to be the postmaster. Have  
18 I misunderstood your question?

19 **Q.** Yes. Did you understand that all transactions  
20 were subpostmaster initiated and completed?

21 **A.** Yes.

22 **Q.** You didn't understand that some transactions  
23 could be created by the system itself?

24 **A.** I didn't understand that, no.

25 **Q.** Okay. When you were conducting your evidential

1 we made the decision. We didn't -- I can't ever  
2 remember going for ARQ data prior to actually  
3 having a decision being made whether to  
4 prosecute or not.

5 **Q.** On the last occasion, I asked you:  
6 "Would you expect it to be a necessary  
7 element of an investigation to establish the  
8 reliability of the data on which  
9 an investigation and then a prosecution was  
10 founded?"

11 You said, "Yes".

12 **A.** Yes.

13 **Q.** I asked:  
14 "Why would you think that was necessary,  
15 that it was an ordinary part of the  
16 investigation?"

17 You said:  
18 "Well, because if they couldn't establish  
19 that the system was working properly, the  
20 evidence had no value."

21 I asked:  
22 "So the reliability of the data was  
23 a fundamental or an essential part of any  
24 investigation founded upon such data?"

25 You said, "Absolutely".

1 Given those three answers, why wasn't ARQ  
2 data routinely part of the investigation and the  
3 evidence that was submitted for the purposes of  
4 deciding on charge?

5 **A.** Because it wasn't sought by the investigator at  
6 that stage.

7 **Q.** That's not really a complete answer, I think  
8 you'll recognise, won't you, Mr Wilson?

9 **A.** I'm trying to think, to reconcile what you're  
10 saying to me and to actually think back to what  
11 actually happened then, and I'm having  
12 difficulty.

13 I think, in an ideal world we should have  
14 got ARQ data right at the beginning and I may  
15 have convinced myself that that's what we did  
16 do. But, thinking about it from your first  
17 question, I can't remember ever seeing ARQ data  
18 straight away. I may be wrong.

19 **Q.** You said in part of the answer that you gave  
20 that you would, I think, essentially, wait to  
21 see whether it was a guilty or not guilty plea?

22 **A.** Mm.

23 **Q.** If, as you said last time, that it was  
24 an essential element of a prosecution case --

25 **A.** Yes.

25

1 stolen money, we wouldn't have been chasing ARQ  
2 data. So, yes, I think you're probably right.

3 **Q.** Can we look, please, at FUJ00000071. This is  
4 one of the contracts between the Post Office and  
5 Fujitsu and, if we scroll down, we can see this  
6 the codified agreement, thank you, which  
7 regulates a high number of issues between the  
8 Post Office and Fujitsu. Can we just look at  
9 page 97, please.

10 Scroll down, please, to 4.1.9. Thank you.  
11 If we just scroll up a little bit, so we can see  
12 the context. Thank you.

13 Can you see two requirements here under the  
14 heading "Prosecution support", 4.1.8 and 4.1.9.  
15 Under 4.1.8:

16 "The contractor shall ensure that all  
17 relevant information produced by the [Post  
18 Office Counters Limited] Service Infrastructure  
19 at the request of [Post Office Counters Limited]  
20 shall be evidentially admissible and capable of  
21 certification in accordance with the Police and  
22 Criminal Evidence Act 1984 [and equivalent  
23 legislation in Northern Ireland and Scotland]."

24 At 4.1.9:

25 "At the direction of [Post Office Counters

27

1 **Q.** -- to prove the reliability of the data, why  
2 would it only be obtained after plea had been  
3 ascertained?

4 **A.** I think -- I mean, it may be down to cost.  
5 I can't remember ever thinking it's a financial  
6 consideration. I can't remember that. My view  
7 was it didn't matter how much it cost, you know,  
8 get on with it, but I don't know. Maybe that's  
9 why Investigators didn't go for it in the first  
10 place.

11 Alternatively, I think from the papers, some  
12 Investigators had to slow their cases down  
13 because they couldn't get hold of ARQ data and  
14 maybe that was a factor.

15 **Q.** I think you're there talking about cases where  
16 an accused person or a suspect in interview had  
17 raised an issue about the reliability of Horizon  
18 and, as a consequence of that, enquiries were  
19 made about obtaining ARQ data.

20 Was it the case that the system was that the  
21 Post Office waited until a suspect or an accused  
22 person raised an issue about the reliability of  
23 Horizon before undertaking this enquiry?

24 **A.** Yes, I think you're probably right. I think, if  
25 somebody had unequivocally admitted that they'd

26

1 Limited], audit trail and other information  
2 necessary to support live investigations and  
3 prosecutions shall be retained for the duration  
4 of the investigation and prosecution  
5 irrespective of the normal retention period of  
6 that information."

7 This is, I think, amongst the contractual  
8 material that you didn't see at the time; is  
9 that right?

10 **A.** I don't think I've ever seen this document  
11 before. I don't even think it's with my papers.

12 **Q.** I think it is but let's just --

13 **A.** I'm not being critical.

14 **Q.** No, okay. Let's just proceed on the basis that  
15 it's just these two paragraphs I'm asking you to  
16 look at, Mr Wilson.

17 **A.** Right.

18 **Q.** The first requirement under 4.1.8, did you know  
19 that, initially at least, there was  
20 a contractual requirement placed on Fujitsu to  
21 ensure that evidence shall be evidentially  
22 admissible and capable of certification in  
23 accordance with the Police and Criminal Evidence  
24 Act?

25 **A.** I didn't know there was a clause like that, no.

28

1 Q. Does it follow that, when there was an amendment  
2 to this contract, after the repeal of the  
3 relevant provision in Section 69 of the Police  
4 and Criminal Evidence Act, you weren't aware of  
5 that change?

6 A. No, I wasn't aware.

7 Q. Was there any change in practice in the Criminal  
8 Law Team, as between the period before  
9 certification under Section 69 of PACE was  
10 required and after the repeal of Section 69 of  
11 PACE?

12 A. I assume that the standard clause that went in  
13 the witness statement, towards the end of the  
14 witness statement, was omitted after the change  
15 but that's the only thing I can think of.

16 Q. Were you or others in the Criminal Law Team, to  
17 your knowledge, involved in the provision of  
18 advice as to what happens now after Section 69  
19 is repealed? What are the evidential  
20 requirements on computer-based evidence in  
21 a criminal prosecution in the courts of England  
22 and Wales?

23 A. Well, if I was in charge -- and I know we've  
24 been down this street before -- I would have  
25 sought counsel's advice and it would have been

29

1 needed to.

2 Q. Or, indeed, the other way round: that lots of  
3 witness statements continued to contain the  
4 Section 69 --

5 A. Well, yes --

6 Q. -- formulation, even though they were not  
7 required?

8 A. Yes, that's a real possibility.

9 Q. Do you consider that you and others in the  
10 Criminal Law Team had an adequate understanding  
11 at the time of the technical operation of  
12 Horizon?

13 A. Looking back now, I don't think we did, no.

14 Q. What about an adequate understanding of the Post  
15 Office's estate systems and processes --

16 A. Probably --

17 Q. -- including -- I'm sorry?

18 A. I was just going to say: probably not as well.

19 Looking back, I don't think we involved  
20 ourselves on the technical side enough.

21 Q. Including, for example, the operation of  
22 transaction corrections?

23 A. I'm not sure what a transaction correction is.

24 Q. Maybe that proves the point.

25 A. Right.

31

1 the counsel that I referred to before, which  
2 I erroneously included in my first bundle. But  
3 I think that that change was in about 1997.

4 Q. I think the repeal was in '99 and came into  
5 effect in about 2000?

6 A. Right, okay. So I wouldn't have been around in  
7 the team at that time then.

8 Q. After you became involved in the team, can you  
9 recall any standing advice, any instruction or  
10 guidance, as to what was required to adduce  
11 evidence that was computer based in a criminal  
12 prosecution in England and Wales, because what  
13 happened was the statutory provision was  
14 repealed and the common law sprang up?

15 A. Yes.

16 Q. Was there any guidance on what does the common  
17 law now require?

18 A. If there wasn't a general guidance from counsel,  
19 which I would have put my money on, then I think  
20 counsel, on a case-by-case basis, would have  
21 advised us "This doesn't comply" or "You need to  
22 do this", but I can't remember that happening.  
23 I can't remember seeing an Advice from counsel  
24 where they were critical of a witness statement  
25 because it didn't follow the format that it

30

1 Q. Wasn't such an understanding necessary of the  
2 operation of Horizon and the way the Post  
3 Office's estate systems and its processes  
4 worked, in order to be able to apply a critical  
5 eye to the evidence that an Investigator was  
6 sending you to advise on charge?

7 A. I mean, that's very logical now. At the time,  
8 I think it was generally assumed that what the  
9 Investigator was getting was appropriate and  
10 sufficient for the purposes we required it. But  
11 I agree with you that we did not know enough  
12 about the Fujitsu data and the POL information,  
13 with hindsight, yeah.

14 Q. Thank you. That document can come down.

15 Was there any written guidance or policy or  
16 procedure on the obtaining of expert evidence  
17 for the purposes of a criminal investigation or  
18 prosecution?

19 A. No.

20 Q. Why was that?

21 A. Um ... I think -- I think it was -- yeah. I'm  
22 having -- I think it was probably because we'd  
23 never dealt with an expert witness before and  
24 didn't perceive it, because of that lack of  
25 knowledge, to be different in the way that you

32

1 cross-examined me in the first day, I think that  
2 was the reason, that it didn't strike me at the  
3 time that -- through lack of understanding, that  
4 the expert was to be treated in a completely  
5 different way.

6 **Q.** Can we look, please, at POL00097100. Can we  
7 look, please, at page 9 to start with. This is  
8 an email chain that you're not copied into,  
9 I should stress, but I want to ask you some  
10 questions about some of what it says. It is all  
11 about Mr Jenkins, Gareth Jenkins, and the  
12 treatment of him.

13 If we just look at the emails before the  
14 relevant ones, to give you a bit of context, you  
15 can see here an email from Sharron Jennings,  
16 a Security Manager, to a range of people, some  
17 inside Fujitsu, some inside the Post Office,  
18 about the case of Patel:

19 "The case due for trial on Monday at  
20 Peterborough Crown Court has been put back to  
21 14 January 2013 and is listed for a 7 day trial.  
22 [Diary, please]."

23 Then if we scroll up, please. Mr Jenkins  
24 said:

25 "Sorry, I'm not aware of this case or what  
33

1 happening."

2 Then some other details.

3 You'll see there that Sharron Jennings  
4 referred to Mr Jenkins as having produced  
5 an expert report --

6 **A.** Yes.

7 **Q.** -- and Mr Jenkins himself refers to whether he  
8 needs to be an expert witness in a particular  
9 case.

10 **A.** Yes.

11 **Q.** In your time as the Head of Criminal Law, did  
12 you understand that as his status, namely as  
13 a person who gave expert evidence?

14 **A.** Yes.

15 **Q.** From where did you gain that understanding?

16 **A.** From the nature of his work and evidence.

17 **Q.** What do you mean by that, please?

18 **A.** Well, because he, I think, put together a lot of  
19 the Fujitsu, I guess, software, and was regarded  
20 as an expert by his team, from documents again  
21 that you've supplied to me, to the point where  
22 he had a support person, Penny Thomas, I think  
23 her name was. So I viewed him as an expert in  
24 the system, and the person who probably knew  
25 more about the system than anybody else on the

35

1 might be required of me ...

2 "I'm not aware of any outstanding cases  
3 which I might be involved in."

4 Then scroll up.

5 "Hi Gareth

6 "This is the one that you supplied the  
7 expert report and witness statement for the week  
8 before last. Apologies for not explaining that  
9 properly in the previous email, it was a blanket  
10 email for all witnesses! It is unclear at this  
11 stage who will be required as witnesses and  
12 which evidence will be accepted without the need  
13 for attendance. I just thought if I let  
14 everyone know", et cetera.

15 Then if we scroll up, please. We can see  
16 Mr Jenkins' reply:

17 "Thanks for the clarification. I had not  
18 understood that that related to a specific case,  
19 I thought that was a general statement. If I am  
20 required to go to court for that, I think I need  
21 to have some more background on the specific  
22 case and exactly what is being alleged.  
23 I appreciate that it is not covered by my  
24 statement, but if I need to be an expert  
25 witness, I need to understand what is

34

1 planet. So that was my belief.

2 **Q.** Can we distinguish three things, please?

3 **A.** Yes.

4 **Q.** One, a person with expertise in an issue or  
5 discipline --

6 **A.** Mm.

7 **Q.** -- secondly, a person who gives expert evidence  
8 as an expert witness in a court --

9 **A.** Mm-hm.

10 **Q.** -- and, thirdly, a person who is instructed by  
11 a solicitor or an Investigator formally to give  
12 expert evidence by way of written instruction.

13 Looking at the third category that I just  
14 erected there, were you aware of Mr Jenkins ever  
15 being formally instructed in that way?

16 **A.** No.

17 **Q.** Out of the remaining two, how did you view  
18 Mr Jenkins, ie as a person with expertise in  
19 an issue or discipline, who happened to be  
20 giving evidence in court, or, formally, as  
21 an expert witness in court?

22 **A.** Your first scenario.

23 **Q.** So he was a person simply with expertise in  
24 a system?

25 **A.** Yes.

36

1 **Q.** Just for the moment, just by way of short  
 2 excursion, in paragraph 15.1 of your witness  
 3 statement -- I wonder whether we could turn it  
 4 up, please, it's on page 12 -- you say:  
 5 "I do not know how Penny Thomas and Gareth  
 6 Jenkins came to be involved in these proceedings  
 7 against Seema Misra. I believe that Gareth  
 8 Jenkins was identified as an expert on the  
 9 Horizon system at the inception of the computer  
 10 system and had agreed to assist the Post Office  
 11 in relation to its role when conducting private  
 12 prosecutions. This was probably in 1999, prior  
 13 to myself becoming Head of the Criminal Law  
 14 Team."

15 Just stopping there. We have documentary  
 16 material, Mr Wilson, that suggests that  
 17 Mr Jenkins first provided, to use a neutral  
 18 word, assistance in prosecution in 2005, in the  
 19 case of the *Post Office v Teja*. From where did  
 20 you get your understanding that he had a role,  
 21 probably in 1999, prior to you becoming Head of  
 22 the Criminal Law Team.

23 **A.** I just think it was from looking back, that  
 24 I assumed he'd been on board right from the  
 25 beginning. I can't point to any documents or

37

1 "There appears to have been some sort of  
 2 confusion regarding the trail of emails below.  
 3 Gareth was asked to supply an expert report on  
 4 Horizon integrity by the Legal Team and I was  
 5 asked to input this onto a Section 9 witness  
 6 statement in order to produce it in court.  
 7 Gareth was not aware that this related to  
 8 a specific case and was also not aware that he  
 9 would be required in court. [Gareth] is happy  
 10 to attend but as explained below it is over and  
 11 above the usual [Business As Usual] arrangements  
 12 that we have with Fujitsu so some extra  
 13 arrangements are required in order to cover  
 14 extra costs and time etc. This email is to  
 15 request that please."

16 Were you aware of expert reports being  
 17 rewritten into witness statements?

18 **A.** I don't think so.

19 **Q.** What would you say about the practice, if you  
 20 had been aware of it, ie a person with  
 21 expertise, giving opinion evidence, provides  
 22 a report or a written document and that's  
 23 rewritten by an Investigator or  
 24 an Investigations Manager into a Section 9  
 25 witness statement?

39

1 anything. It was just what I believed to be the  
 2 position.

3 **Q.** So are you extrapolating, essentially, the date  
 4 of inception of Horizon --

5 **A.** Yes.

6 **Q.** -- of late '99/early 2000, and thinking he must  
 7 have been involved from inception?

8 **A.** Yes.

9 **Q.** As you've said, you haven't identified any  
 10 documents that establish such actual  
 11 involvement?

12 **A.** No, I haven't.

13 **Q.** Thank you. Can we go back to, after that little  
 14 excursion, to POL00097100, and to page 6. This  
 15 is the Patel chain of emails, page 6, please.

16 Scroll down, please.

17 You remember that there'd been an exchange,  
 18 Jennings and Jenkins, over attendance at a trial  
 19 involving Patel, and the trial date being put  
 20 back to January 2013. Mr Jenkins saying:

21 "I thought I'd given a generic statement.  
 22 If I'm to be an expert witness in this case,  
 23 specific to this case, something more will be  
 24 required."

25 You will see Ms Jennings says:

38

1 **A.** Well, it's odd, and then one or other of the  
 2 documents is going to have to be disclosed. So  
 3 it's an odd way of going about it.

4 **Q.** Why is it odd?

5 **A.** Well, because he is, effectively, giving two  
 6 sets of what might not necessarily be the same  
 7 thing. So it's a dangerous practice to  
 8 undertake something of that nature.

9 **Q.** Were you aware of what's referred to in the  
 10 second part of this email, namely that the  
 11 provision of evidence by Gareth Jenkins was  
 12 outside usual business as usual arrangements  
 13 and, therefore, to provide evidence in this way  
 14 required some special arrangements?

15 **A.** Well, that's slightly odd as well because, in  
 16 2012, he must have been involved in a number of  
 17 our cases. I don't know why they're saying that  
 18 it's outside the usual business arrangements  
 19 because as I say, he'd been, for want of  
 20 a better word, our expert for a number of years.  
 21 You're saying from 2005.

22 **Q.** '05.

23 **A.** So it's, again, a strange, strange email.

24 **Q.** If we go up to page 3, please, and then scroll  
 25 down, please -- thank you -- we can see that

40

1 Jane Owen -- do you remember her --  
 2 **A.** No.  
 3 **Q.** -- a Security Manager within Post Office --  
 4 emails Mark Dinsdale and says, "Please see  
 5 below", and that's essentially the chain. I've  
 6 skipped a number of pages but there was some  
 7 inconsequential chatter:

8 "Please see below -- in a nutshell Gareth is  
 9 required as an expert witness and we have no  
 10 money in the pot for him. I remember this  
 11 happening before and am sure you dealt with it?  
 12 Can you remember?"

13 Then if we scroll up, please. Mr Dinsdale's  
 14 reply:

15 "... I raised a request earlier this year  
 16 which has not been used, so they could use  
 17 a [Post Office] number ... however might be  
 18 worth touching base with Andy/Rob if this is  
 19 a Horizon Integrity case, because they may want  
 20 to challenge why [the Post Office] would pay  
 21 Fujitsu to justify the system."

22 Then, if we look, please, further up the  
 23 page -- just a little in further -- we can see  
 24 that the "Rob" referred to seems to be Rob King,  
 25 rather than you, because now copied in are Andy

41

1 **Q.** You moved I think in April of this year?  
 2 **A.** Yeah, in 2012, yeah.  
 3 **Q.** Would the chain have ended with a discussion  
 4 with Jarnail, then -- Jarnail Singh? It  
 5 wouldn't have come over to you in your new role?  
 6 **A.** No, it wouldn't have come over to me at all.  
 7 I had no dealings with POL once we'd transferred  
 8 the cases across that they took over. So it  
 9 ended in April 2012.

10 **Q.** If we scroll back down, please.

11 Mark Dinsdale says to Jane Owen that the  
 12 Post Office might want to challenge "why [the  
 13 Post Office] would pay Fujitsu to justify the  
 14 system".

15 In your time, did the Post Office see it as  
 16 part of Fujitsu's contractual responsibility to  
 17 "justify the system", in the words of this  
 18 email?

19 **A.** Yes.

20 **Q.** That may be a relatively loaded phrase: "justify  
 21 the system".

22 **A.** Yes.

23 **Q.** You're saying that that's how it was seen at the  
 24 time?

25 **A.** Well, I think they had to -- yeah, they had to

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1 Haywood and Rob King. Ms Owen says:

2 "Hi both. Please see Mark's response to the  
 3 string of emails below.

4 "... please advise how you wish me to  
 5 proceed."

6 Then scroll up to see Mr Hayward's reply:

7 "Need to understand the costs in the first  
 8 instance, please. Then suggest we discuss with  
 9 Jarnail ..."

10 I think that's Jarnail. Would you  
 11 understand that to be a reference to Jarnail  
 12 rather than "Jamail"? Maybe it's just the way  
 13 its printed:

14 "... Jarnail as he is the legal link in to  
 15 the wider Horizon integrity."

16 So looking at that email as a whole --

17 **A.** It is "Jarnail" though. I think there is a gap.

18 **Q.** There's a gap in between, thank you.

19 **A.** Yes. I think there is, yes.

20 **Q.** So that's likely Jarnail Singh?

21 **A.** I think it's almost certainly Jarnail Singh.

22 **Q.** Also the "Rob" referred is to likely Rob King,  
 23 rather than you?

24 **A.** It wouldn't be me because I wasn't in POL at  
 25 that time.

42

1 give us evidence that the system was working  
 2 properly.

3 **Q.** Oughtn't they just to have given evidence as to  
 4 how the system was working and whether it was  
 5 working properly?

6 **A.** Yes.

7 **Q.** That's a more neutral way of expressing it?

8 **A.** Yes.

9 **Q.** The way that an independent prosecutor would  
 10 look at it, with an open mind?

11 **A.** Yeah, I don't disagree with you.

12 **Q.** Was there a mindset or a view that it was for  
 13 the Post Office to pay for Fujitsu to justify  
 14 its system?

15 **A.** I didn't deal with the finances between Post  
 16 Office and Fujitsu. I had no dealings with that  
 17 side of things.

18 **Q.** Was it what the Post Office expected when it  
 19 instructed Mr Jenkins to give evidence or asked  
 20 Mr Jenkins to give evidence, namely to justify  
 21 the system?

22 **A.** Well, that would be part of his  
 23 responsibilities, I imagine, yes.

24 **Q.** Would that be an appropriate role or instruction  
 25 for an expert witness to justify something?

44

1 **A.** Well, I agree with your change of wording, that,  
 2 actually, it's not really justifying the system;  
 3 it's saying that the system was working properly  
 4 at the time that we're concentrating on in  
 5 relation to the suspicious activity.

6 **Q.** Thank you. That can come down.  
 7 To what extent was the Criminal Law Team  
 8 involved, in your time, in editing or tailoring  
 9 statements from Fujitsu employees?

10 **A.** Well, I can honestly say that I don't believe  
 11 that I ever got involved with editing  
 12 statements. I've seen again in the papers  
 13 Ms McFarlane, who was suggesting wording on one  
 14 of her cases, to -- I believe it was Gareth  
 15 Jenkins, it might have been Penny Thomas, I'm  
 16 not sure. But I can't ever remember attempting  
 17 to change or add to, or whatever, a witness's  
 18 statement.

19 My view was that that was the Investigator's  
 20 job and my job was to consider what the  
 21 statement said and, if I needed anything else,  
 22 I would ask the Investigator.

23 **Q.** So let's deal with your personal practice first.

24 **A.** Yes.

25 **Q.** Why wouldn't you, a prosecutor, get involved in

45

1 **Q.** Were you aware of any members of your team, at  
 2 the time that you were Head of Criminal Law,  
 3 engaging in the process of editing or tailoring  
 4 witness statements from Fujitsu?

5 **A.** Well, I've seen the email from Ms McFarlane,  
 6 where she is tailoring the witness statement.  
 7 I can't remember whether I was copied into that  
 8 but, if I was, I think I would have been  
 9 mentioning "This is a dangerous practice, you  
 10 need to be very careful what you're doing and,  
 11 potentially, desist from it".

12 **Q.** Would your answers be any different if the  
 13 individual concerned, the person that was making  
 14 the witness statement, was giving expert  
 15 evidence?

16 **A.** I'd be even more careful because I'm not  
 17 an expert.

18 **Q.** In your mind, was there any different approach  
 19 that was permissible in liaison with a lay  
 20 witness, on the one hand, and an expert witness,  
 21 on another, as to a solicitor or barrister,  
 22 a lawyer, making suggestions for changes to the  
 23 evidence?

24 **A.** Well, I do understand that lawyers do take  
 25 statements from potential witnesses but, if

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1 the editing of witness statements or the  
 2 suggestion of changes to a witness of their  
 3 witness statement?

4 **A.** Because it is almost telling the witness what  
 5 you want them to say, as opposed to them giving  
 6 you their views on what they're seeing or the  
 7 factual position. I wouldn't want to engage  
 8 with a witness where I was maybe not forcing  
 9 them into a corner but, certainly, giving them  
 10 my view as to what I thought they should be  
 11 saying. That would have been inappropriate.

12 **Q.** Would you regard it as improper?

13 **A.** Yes.

14 **Q.** Would you include, amongst the risks that are  
 15 involved, that you yourself may end up becoming  
 16 a witness?

17 **A.** Absolutely. Well, if you're telling somebody  
 18 what to do -- I mean, I've seen it in these  
 19 papers, in the Henderson papers, where  
 20 Mrs Henderson makes comments about what her  
 21 lawyers have told her, and I would never want to  
 22 be in that position for somebody to turn around  
 23 to me and say, "I was told by Mr Wilson I had to  
 24 do this". So I wouldn't be involved with that,  
 25 no.

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1 you're trying to make somebody change their  
 2 statement or change their evidence, presumably  
 3 you'd have to have some sort of factual basis or  
 4 document that you would be putting to that  
 5 witness, in order to get them to change or add  
 6 to what they're saying. So I think it would  
 7 depend on whether they had some other evidence  
 8 in front of them.

9 **Q.** The Inquiry has seen numerous statements from  
 10 employees at Fujitsu who have given evidence in  
 11 support of Post Office prosecutions over  
 12 a period of many, many years, including when you  
 13 were the Head of Criminal Law and, in  
 14 particular, statements from Andy Dunks, from  
 15 Penny Thomas, from Beatrice Lowther and from  
 16 William Mitchell.

17 What was the process for obtaining such  
 18 witness statements? I'm leaving out of account  
 19 Mr Jenkins for the moment.

20 **A.** Well, if we needed a statement to covering  
 21 a particular area, the Investigator would be  
 22 tasked to obtain it and he, presumably, would  
 23 know who to contact for the type of evidence we  
 24 were asking for.

25 **Q.** So it was the Investigator's function, is that

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1 right, to obtain the statements from Fujitsu  
2 employees?  
3 **A.** Yes.  
4 **Q.** Was there any special process involved in  
5 obtaining statements which addressed technical  
6 data outside the expertise of the Investigator?  
7 **A.** I think I recall from Dave Posnett's evidence  
8 that there was some sort of liaison person  
9 involved, who presumably was appointed because  
10 they knew more about the Fujitsu expertise and  
11 individuals who could provide that expertise and  
12 I imagine that the Investigator went via the  
13 liaison point.  
14 **Q.** Was the Criminal Law Team involved in drafting  
15 or amending template statements or boilerplate  
16 statements from Fujitsu employees?  
17 **A.** Not that I'm aware of, no.  
18 **Q.** Were you aware of a template or boilerplate  
19 statement from --  
20 **A.** I've seen several of them in the papers. At the  
21 time, I'm not so sure. I might have been.  
22 **Q.** Do you know how they came to be initially  
23 drafted?  
24 **A.** No.  
25 **MR BEER:** Thank you very much.

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1 "The majority of the statement appears to be  
2 okay Andy. However, if you can insert 'Further  
3 to my previous statement ...' at the top as your  
4 other witness statement and call your new item  
5 ... APD/03 not APD/02 as APD/02 has already been  
6 submitted to the defence. I have spoken to Rob  
7 Wilson of our Legal Team who says that this  
8 should be okay if we let the defence know what  
9 has gone off (the spreadsheet information itself  
10 is not a deal-breaker as it were in respect of  
11 the case).

12 "... sign and send it on to me ASAP bearing  
13 in mind the trial starts two weeks today",  
14 et cetera.

15 If we go up to page 1 please and just scroll  
16 down a little bit. It looks like that wasn't  
17 done immediately in June, because we're into  
18 July now. Mr Whitaker says:

19 "See attached statement.

20 "The content of the statement is fine  
21 however I have changed the date and added the  
22 words 'Further to my previous statement ...' at  
23 the beginning to reflect that this is additional  
24 evidence to your first statement.

25 "... send it to [my house]."

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1 Sir, it's just coming up to 11.15. I wonder  
2 whether that would be an appropriate moment to  
3 take the morning break until 11.30.  
4 **SIR WYN WILLIAMS:** Yes, of course.  
5 Sorry, I've got a frog in my throat. Of  
6 course.  
7 **MR BEER:** Thank you very much, sir.  
8 **( 11.14 am)**  
9 **(A short break)**  
10 **(11.30 am)**  
11 **MR BEER:** Good morning, sir, can you continue to see  
12 and hear us?  
13 **SIR WYN WILLIAMS:** Yes, I can, thank you.  
14 **MR BEER:** Mr Wilson, can we turn, please, to  
15 POL00156485. I'm continuing to explore the  
16 issue of CLT members, Criminal Law Team members'  
17 involvement in amending or altering witness  
18 statements. Can we turn to page 2, please, and  
19 look at the bottom of page 2 and the top of  
20 page 3.  
21 Can we see here an email exchange of June  
22 2011 between Mr Whitaker, the Security Manager  
23 within Security Operations in Midlands, and Andy  
24 Dunks of Fujitsu, and it's the case of Mackrill.  
25 The Investigator says:

50

1 Then Mr Dunks replies.

2 If we scroll down to the bottom of page 2,  
3 top of page 3, we can see that the Investigator  
4 says that he'd spoken to you, who says that this  
5 should be okay; can you see that?

6 **A.** Yes.

7 **Q.** Would you be involved in issues like this?

8 **A.** Not normally, I wouldn't have thought. I mean,  
9 if an Investigator telephoned me up and said,  
10 "Look we've got a problem, will this be okay?",  
11 I would try and help him out as much as I could.

12 **Q.** I mean, this looks like it involved the  
13 provision of a spreadsheet --

14 **A.** Yes.

15 **Q.** -- shortly before the trial was due to commence.  
16 Yes?

17 **A.** Yes.

18 **Q.** This isn't you editing or amending a witness  
19 statement. You're giving approval, as is  
20 recorded here, to the Investigator's approach,  
21 yes?

22 **A.** Yes.

23 **Q.** Would that be how you did things, sort of arm's  
24 length, rather than getting involved yourself?

25 **A.** I mean, there may have been occasions when I got

52

1 involved with something directly myself but  
 2 I can't recall them. I think my general view  
 3 would have been, yes, to have the Investigator  
 4 as the person who was the buffer between me and  
 5 the witness.

6 **Q.** Can we turn, please, to POL00017328. Thank you.  
 7 This is an exchange unrelated to the exchange  
 8 we've just looked at. It's about the case of  
 9 McQue. It's an email from one of your lawyers,  
 10 Juliet McFarlane, to, I think, an Investigator:  
 11 "Jason  
 12 "Gareth Jenkins Fujitsu is our expert in the  
 13 case of McQue due for trial on 28 February.  
 14 Could you please consider his comments below.  
 15 ""Another potential issue is Commercial  
 16 cover for my time. At the moment I've run out  
 17 of the time that the Post Office have committed  
 18 for me to work on such cases and this needs to  
 19 be extended before I can do any more. Penny is  
 20 trying to sort this out with [Post Office], but  
 21 I thought you should be aware and may be able to  
 22 influence things'."  
 23 So this is another exchange, copied to you,  
 24 this time, concerning Mr Jenkins, referred to as  
 25 "our expert in the case of McQue", concerning  
 53

1 copying me in to it.

2 **Q.** That was my next line of questions. Why were  
 3 you becoming involved in this? Why were you  
 4 brought into it?

5 **A.** I don't know. Juliet McFarlane, when she was  
 6 promoted to principal lawyer, it wasn't simply  
 7 a case of her carrying on doing the same sort of  
 8 work, necessarily, that she'd done before.  
 9 I gave her the role of heading up the counties  
 10 cases and she had a meeting, I think, once  
 11 a month in Old Street with other Post Office  
 12 Limited lawyers, plus other staff from Post  
 13 Office, and she would report back to me, as and  
 14 when, if I needed to know some information. So  
 15 she sort of headed up, in the team, the POL side  
 16 of work, and I would have thought that this was  
 17 something that, within her role, she could have  
 18 dealt with the other Post Office Limited  
 19 lawyers.

20 I don't know why she copied it to me. It  
 21 may be she just wanted me to know about it.

22 **Q.** Did you ever give any guidance of exercise any  
 23 supervision over the lawyers beneath you in  
 24 relation to their professional duties concerning  
 25 expert evidence?

55

1 payment by POL, Post Office, yes?

2 **A.** Yes.

3 **Q.** By this time, January 2011, would you have known  
 4 that this was a role that he, Mr Jenkins, was  
 5 performing in multiple cases, many cases on  
 6 behalf of the Post Office?

7 **A.** I think so, yes.

8 **Q.** By this time, did you know that there were, or  
 9 continued to be, commercial issues over payment  
 10 for his time by the Post Office, outside the  
 11 contract?

12 **A.** Well, from this email, yes.

13 **Q.** This is referring to Mr Jenkins as "our expert"  
 14 in the case of McQue. What steps, if any, did  
 15 you take to ascertain how Mr Jenkins had been  
 16 instructed?

17 **A.** I don't recall taking any steps.

18 **Q.** Can you recall taking any steps to ascertain  
 19 whether the evidence that he was providing as  
 20 an expert was properly constituted as expert  
 21 evidence?

22 **A.** No, I don't think I'd have taken any steps.

23 **Q.** Why would that be?

24 **A.** Well, effectively, I think it was Juliet  
 25 McFarlane's case and I'm not sure why she's  
 54

1 **A.** No.

2 **Q.** Why was that?

3 **A.** I thought we were doing it properly. I don't  
 4 think I was alive to the problems that you've  
 5 pointed out to me.

6 **Q.** When you say "alive to the problems", ie the  
 7 difference of approach that's needed when you  
 8 instruct somebody to give expert evidence as  
 9 a witness in court proceedings?

10 **A.** Exactly.

11 **Q.** Does it follow that that topic, the instruction  
 12 of expert witnesses, was never something that  
 13 arose in a continuing professional development  
 14 context for any of your direct reports?

15 **A.** No, unless they specifically requested to go on  
 16 a course that directly involved experts.

17 **Q.** Or an audit of the skills that they had or which  
 18 they needed to have?

19 **A.** No.

20 **Q.** Nor, presumably, in any annual review process  
 21 for, for example, Ms McFarlane or Mr Singh, that  
 22 you can recall?

23 **A.** No, I can't recall at all.

24 **Q.** And, presumably, not an issue that arose, to  
 25 your memory, in any one-to-one reviews?

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1 A. No.

2 Q. Thank you. That can come down.

3 Can I turn to the fourth topic, please,

4 which is bugs, errors and defects, and your

5 knowledge of them. Can we start, please, by

6 looking at POL00070166. Can we look at the

7 bottom of page 1 and on to the top of page 2,

8 please. Can we see here we're in 2006, an email

9 to you from Stephen Dilley. Do you remember

10 Mr Dilley?

11 A. No.

12 Q. A solicitor at an outside firm?

13 A. No.

14 Q. Bond Pearce or Bond Dickinson?

15 A. They will have been civil litigators.

16 Q. Yes. In any event, this is an email from

17 Mr Dilley to you about *Post Office v Castleton*,

18 and he says:

19 "Dear Mr Wilson,

20 "Mandy Talbot may already have spoken to you

21 about this matter. The Post Office is claiming

22 just under 26k from this former subpostmaster

23 for failing to make good unauthorised losses

24 that occurred in January to March 2004 at the

25 Marine Drive branch, Bridlington. The trial

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1 Q. Why would you be informed about a civil case?

2 A. Because I think one of the witnesses on the

3 civil cases we had prosecuted but had to offer

4 no evidence in relation to the prosecution

5 because a large number of pension or allowance

6 orders had disappeared and, from enquiries, the

7 Investigator -- I think it was actually my

8 case -- the Investigator told me that the DWP

9 had removed the pension allowance orders from

10 the file because it was a joint investigation,

11 and were investigating another matter, and they

12 had now been lost and, therefore, we had offered

13 no evidence, I believe, and he wanted me to come

14 to court to give that factual account.

15 Q. Is that what the cross-reference is to the Singh

16 case?

17 A. Yes, I think so.

18 Q. So you're being contacted, not simply because

19 you're Head of Criminal Law but because you have

20 knowledge of this other case?

21 A. I certainly had knowledge of the case, yes.

22 Q. Before this email, which refers to various

23 subpostmasters saying that they have had

24 problems with Horizon, were you aware of any

25 Horizon integrity issues?

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1 starts tomorrow at the Royal Courts of Justice,

2 London and will probably last until the end of

3 next week.

4 "Mr Castleton asserts the losses are

5 entirely fictitious caused by problems with

6 Horizon. He has called various other

7 [subpostmasters] who say they have had computer

8 problems to give evidence."

9 I think that probably means he has called

10 various other subpostmasters to give evidence

11 who say they have had computer problems:

12 "If necessary, would you be able to attend

13 court to give evidence of what happened in the

14 Singh case? I doubt it will be [necessary] but

15 it would be helpful if we could call you if

16 needed.

17 "... we will have a better idea on Thursday

18 how things are going to pan out."

19 Can you help us, looking at that email now,

20 were you being told about this in your capacity

21 as Head of Criminal Law or because you were

22 a potential witness that might need to be

23 called?

24 A. I think I was being contacted because I was Head

25 of the Criminal Law Team.

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1 A. 2006, I don't think I was. In 2006, Mandy

2 Talbot emailed me and, again, I've seen the

3 email in the papers, to ask me had Juliet

4 flagged up any issues with Horizon to me, and

5 I replied, if I can quote it accurately, "No,

6 Juliet hasn't. What do you mean by issues with

7 Horizon?" and I'm not sure I ever got a reply.

8 Certainly, there was no follow-up email on -- in

9 your papers, and I think that was 2006 as well.

10 Q. So this is December 2006, and this would be the

11 first time, then, that you would be aware of

12 subpostmasters alleging problems with Horizon?

13 A. Yes, via this email here.

14 Q. Yes. Did --

15 A. Well, it might not have been. We may have

16 had -- I mean you've mentioned Gareth Jenkins in

17 2005 being called on a case. So I may have been

18 aware of issues then. It wasn't -- we did get

19 defendants saying "We have issues with Horizon".

20 Q. Did you hear about the production of any expert

21 evidence in this case, the *Castleton* case?

22 A. No. I don't think I knew -- I don't think I was

23 given any details on the case. I was simply

24 asked about the case that I may well myself have

25 been prosecuting at the time. I certainly

60

1 remember the pension allowance orders being  
 2 mentioned to me as being missing. That was  
 3 fairly significant. So it may have been my  
 4 case.

5 **Q.** Did you ever have sight of any expert report or  
 6 draft expert report prepared in the *Castleton*  
 7 case?

8 **A.** Not that I'm aware of, no.

9 **Q.** Can we move on, please, to POL00157980. Look  
 10 at page 2, please. Thank you.

11 Can we see an email from Mandy Talbot to  
 12 a range of individuals there?

13 **A.** Yes.

14 **Q.** You're, I think, the third of them; can you see  
 15 that?

16 **A.** Yes.

17 **Q.** Ms Talbot says, again in the case of *Castleton*:  
 18 "This is just to let you know we have been  
 19 completely successful in defending all the  
 20 allegations made by Mr Castleton. You will  
 21 recall that he contended that no genuine losses  
 22 occurred whilst he was a postmaster and that any  
 23 losses were manufactured by the Horizon system.  
 24 The judgment has entirely vindicated the Horizon  
 25 system."

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1 **Q.** That it could be used when, I don't know,  
 2 interviewing a suspect, when talking to  
 3 a defendant or a defence solicitor?

4 **A.** Cases are individual. We wouldn't have been  
 5 referring to another case to try to persuade  
 6 somebody to plead guilty or whatever, in  
 7 an entirely different case. No.

8 **Q.** So you wouldn't seek to cross-deploy the outcome  
 9 of a case in another case?

10 **A.** No.

11 **Q.** Can you help us to identify the other recipients  
 12 of the email: Clare Wardle?

13 **A.** Clare Wardle was a senior person, I believe,  
 14 in -- I thought she was Intellectual Property  
 15 but she may well have been a Head of the Civil  
 16 Litigation Team at that timetable. I'm not  
 17 sure.

18 **Q.** Biddy Wyles?

19 **A.** Biddy Wyles, as I understand it, was a civil  
 20 litigator.

21 **Q.** In Mandy Talbot's team?

22 **A.** Yes.

23 **Q.** If we go up, please, and a little bit more,  
 24 thank you. We can see Rod Ismay's reply, and  
 25 you're on this copy list too.

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1 Did you know at this time, late 2006/early  
 2 2007, that the case, the *Castleton* case, was  
 3 regarded within the Post Office as an important  
 4 one?

5 **A.** I don't think I did, no.

6 **Q.** A vehicle to seek to vindicate the reputation of  
 7 the Horizon system?

8 **A.** No, it was a civil case. I wouldn't have been  
 9 privy to details of the case at all.

10 **Q.** You were on Mandy Talbot's list of people to  
 11 give this news to, yes?

12 **A.** Yes, I imagine she sent it to me because I'd  
 13 been involved because, as you say, Bond -- was  
 14 it Pearce?

15 **Q.** Yes, I can't remember whether they were Bond  
 16 Pearce or Bond Dickinson.

17 **A.** Yes -- had wanted me to go and give evidence,  
 18 and I said I would. So I assume I was added in  
 19 there, plus she probably wanted to tell me that  
 20 Horizon had been vindicated.

21 **Q.** Would that because the outcome of the  
 22 proceedings might be deployed in criminal  
 23 proceedings?

24 **A.** No. How do you mean, deployed in criminal  
 25 proceedings?

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1 **A.** Yes.

2 **Q.** Can you see that?

3 **A.** Yes, I can.

4 **Q.** "Thanks Mandy -- great news. And thanks to  
 5 everyone in this email and in your teams as  
 6 I know you have had to do a lot of work in  
 7 supporting the defence case here. Like you, my  
 8 team faced a stack of witness interviews and  
 9 court attendances at one time so the progress  
 10 and conclusion here is great news.

11 "What can we do on a proactive comms front  
 12 here? We've watched the various inflammatory  
 13 letters in the SubPostmaster letters page, and  
 14 wanted to be able to assure branches and clients  
 15 that they can rely on the integrity of Horizon.

16 "We've had some good articles in the  
 17 SubPostmaster about NBSC, Online Service and  
 18 Cash In Transit. I am planning briefs on what  
 19 P&BA does.

20 "Any thoughts on comms following this case?"

21 So Mr Ismay has expressed a desire for  
 22 proactive communications to make the most of the  
 23 judgment, agreed?

24 **A.** Yes.

25 **Q.** The distribution list includes Keith Baines, is

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1 that right, the Head of Commercial?  
 2 **A.** I didn't know Keith Baines.  
 3 **Q.** David X Smith, the Head of IT?  
 4 **A.** I didn't know him either.  
 5 **Q.** And other people from security across the  
 6 business; can you see that?  
 7 **A.** I can see Tony Utting, I recognise his name, and  
 8 I think he is -- Graham Ward, I think he was  
 9 an Investigator; Doug Evans was actually  
 10 a solicitor to the Post Office; and Clare  
 11 Wardle, Biddy Wyles and Mandy Talbot are the  
 12 only other ones I know.  
 13 **Q.** Clare Wardle, general counsel?  
 14 **A.** No, Clare Wardle -- Doug Evans was General  
 15 Counsel.  
 16 **Q.** Sorry, my mistake.  
 17 **A.** Clare Wardle, I think, probably headed up Civil  
 18 Litigation at that time, although, initially,  
 19 she was an intellectual property lawyer.  
 20 **Q.** Would you agree that, by this point in time,  
 21 early 2007, it was clear to you that the  
 22 business, the Post Office business, regarded it  
 23 as important to defeat any person that alleged  
 24 that Horizon was in any way defective in the  
 25 courts?

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1 can see, just if you take a moment, who is  
 2 present from both the organisations: three from  
 3 Fujitsu, including Mr Jenkins; and the rest from  
 4 the Post Office, including Mr Ismay and Andrew  
 5 Winn. If we scroll down to the foot of page 1,  
 6 please. In the penultimate box, there's  
 7 an action to:  
 8 "Get advice from the [Post Office] Legal  
 9 Team in relation to conversations and  
 10 communications to subpostmasters following  
 11 software issues that impact upon the branch  
 12 accounts."  
 13 Can you see that?  
 14 **A.** Yes.  
 15 **Q.** Just take your time to digest that. So software  
 16 issues that impact on branch accounts. At this  
 17 time -- so this is August 2008 -- were you aware  
 18 of any software issues that impacted upon branch  
 19 accounts?  
 20 **A.** No, I don't believe I was at all, no.  
 21 **Q.** Were you involved subsequently in any  
 22 communications to subpostmasters about software  
 23 issues that impacted on branch accounts?  
 24 **A.** No, I never made any communications to  
 25 subpostmasters, of any sort.

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1 **A.** Well, it certainly seems that way from Rod  
 2 Ismay's email, yes.  
 3 **Q.** Was that a consistent message, in your time as  
 4 Head of the Criminal Law Team, that was cascaded  
 5 down to you?  
 6 **A.** I don't think -- I think these were fairly rare.  
 7 I think there were one or two of them around,  
 8 but they weren't consistently.  
 9 **Q.** Did you yourself cascade this down to any  
 10 members of your team?  
 11 **A.** Probably not.  
 12 **Q.** Why not?  
 13 **A.** Well, like I said before, I mean, our cases were  
 14 individual cases and so Civil Litigation had won  
 15 this case and, clearly, Rod Ismay was delighted  
 16 with that, but it doesn't make any difference to  
 17 what we were doing and it adds no value, in  
 18 a sense, to us because it's not something we  
 19 could use.  
 20 **Q.** Can we move on to FUJ00155230. We've moved on  
 21 from 2006/7 to 2008 now, and this is a Post  
 22 Office and Fujitsu joint Product and Branch  
 23 Accounting workshop. You're not listed as  
 24 present there but I want to pick up something  
 25 that's referred to in these action points. You

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1 **Q.** If this sort of action was raised, "Get advice  
 2 from Post Office Legal Team", would it come to  
 3 you as the Head of Criminal Law to allocate?  
 4 **A.** No. I think that's directed towards Civil  
 5 Litigation.  
 6 **Q.** Why do you think it's directed towards Civil  
 7 Litigation?  
 8 **A.** Well, I think, first of all, Rod Ismay, as I've  
 9 seen from these documents, involved Mandy Talbot  
 10 in a lot of work and they both communicated with  
 11 one another and, secondly, you were critical of  
 12 one of my emails where I've effectively gone  
 13 close to losing my temper about being excluded  
 14 from a meeting, where I'd said -- the first line  
 15 was something like it was imperative that if  
 16 there was a problem that it was dealt with.  
 17 And I don't think I was involved -- yes,  
 18 I wasn't involved on the list of people here and  
 19 I wasn't involved with that meeting, until Dave  
 20 Posnett interjected and said "We ought to be  
 21 telling Rob Wilson these things".  
 22 So I don't think I was in any sort of loop  
 23 or conversation with anybody particularly senior  
 24 and Rod Ismay, as far as I'm aware, the first  
 25 contact I had with him was prior to him doing

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1 his report, and I've forgotten the year -- 2010,  
 2 I think it was.  
 3 **Q.** August 2010 it was concluded, yes.  
 4 **A.** So my -- I believe my first contact with him,  
 5 because I hadn't come across him before -- and  
 6 I did see his YouTube cross-examination by  
 7 yourself, and I didn't recognise him at all. So  
 8 I don't think that I was in the loop for these  
 9 types of communications.  
 10 **Q.** Should the Criminal Law Team have been in the  
 11 loop, if there were software issues that  
 12 impacted upon the branch accounts?  
 13 **A.** Absolutely. That's why I lost my temper or  
 14 close to losing my temper with the email that  
 15 you rightly questioned me about.  
 16 **Q.** Why should, on this issue, the Criminal Law Team  
 17 have been in the loop?  
 18 **A.** Well, because we didn't know that there were  
 19 software issues. It's something that we should  
 20 have known. I would want to know what they  
 21 were.  
 22 **Q.** Were you aware of this or similar workshops  
 23 taking place?  
 24 **A.** I had no idea that this took place, no.  
 25 **Q.** To the best of your knowledge, were any of the  
 69

1 some handwriting next to the words "Kind  
 2 regards, Penny"?  
 3 **A.** Yes.  
 4 **Q.** It appears to read "Roy Wilson, (Legal)" --  
 5 **A.** Yes.  
 6 **Q.** -- can you see that -- which I think is probably  
 7 a reference to you?  
 8 **A.** I'm sure it is.  
 9 **Q.** The next series of questions I'm going to ask  
 10 you concern the extent to which the information  
 11 in these emails was brought to your attention.  
 12 So if we look firstly at the bottom half of the  
 13 page, please, this is an email chain that  
 14 doesn't include you. It's from Wendy Warham  
 15 and, if we scroll to the foot of the page,  
 16 please, I think it's just over the page, you can  
 17 see who she is: an Operations Director within  
 18 Fujitsu, as part of the Royal Mail Account, yes?  
 19 **A.** Yes.  
 20 **Q.** If we just scroll back up, please. She says to  
 21 Sue Lowther and David X Gray, so Post Office  
 22 employees:  
 23 "Sue I have left you a voicemail as I need  
 24 to update you on a recent issue that has  
 25 occurred and been resolved but does have some  
 71

1 Criminal Law Team consulted in relation to  
 2 communications to subpostmasters about software  
 3 issues impacting upon branch accounts?  
 4 **A.** I don't believe anybody was. I'm pretty sure,  
 5 if anybody had been contacted, they would have  
 6 told me.  
 7 **Q.** Would you agree that one of the reasons why the  
 8 Criminal Law Team should have been involved, if  
 9 it had been identified that there were software  
 10 issues that impacted upon the branch accounts,  
 11 would be so that the prosecutor could discharge  
 12 his or her duties of disclosure in criminal  
 13 proceedings --  
 14 **A.** Yes.  
 15 **Q.** -- so that they could bring such knowledge into  
 16 account when considering the evidential  
 17 sufficiency in a particular case --  
 18 **A.** Yes.  
 19 **Q.** -- and when considering the propriety of  
 20 continuing prosecutions?  
 21 **A.** Yes.  
 22 **Q.** Can we move on, please, to 2009, FUJ00155399.  
 23 If we scroll down and look at the bottom half of  
 24 the page, please -- in fact, if we just look at  
 25 the top half first. Do you see that there's  
 70

1 short-term impacts. In summary the issue is as  
 2 follows:  
 3 "In December 2007 an occurrence was reported  
 4 in one office where a stock unit rollover  
 5 coincided with the end of day process running.  
 6 This led to a previously unseen database lock  
 7 where an administrative balancing transaction  
 8 failed to be written to the local message store  
 9 database. This generated a generic and  
 10 non-specific software error ... which went  
 11 unnoticed in the monitoring of events.  
 12 A financial imbalance was evident and was  
 13 subject to Fujitsu's Service Support Centre and  
 14 Post Office Limited. The financial imbalance  
 15 has been resolved.  
 16 "A software correction was applied across  
 17 the estate in early ... 2008 to ensure that such  
 18 event generated would be monitored."  
 19 I think that's "such events generated would  
 20 be monitored":  
 21 "Testing of that correction has established  
 22 that the unmonitored error does not occur  
 23 elsewhere in the system.  
 24 "Impact  
 25 "We need to work with the Post Office to  
 72

1 recheck the ARQs and reconfirm the data  
2 integrity during the period of May '07 to  
3 November '08 -- Penny will do this.

4 "We need to discuss how we disclose the  
5 issue on the witness statements and we have some  
6 words which may be appropriate -- both need to  
7 discuss and agree the words.

8 "Identify which witness statement we have  
9 supplied and are still awaiting court to confirm  
10 whether or not the data provided was May '07 to  
11 November '08 to (a) ensure events have been  
12 checked and (b) to recall and replace witness  
13 statements -- [Post Office]/Penny."

14 Then under "Further Action", second line:  
15 "Education to ensure that this type of  
16 incident is raised as a Major Incident in the  
17 security stack so that we can communicate and  
18 manage this in accordance with incident  
19 timescales."

20 Going up to the top of the page, you'll see  
21 your name written on there, in so many words.  
22 Was this incident, security incident,  
23 communicated to you orally?

24 **A.** Yes, it could have been.

25 **Q.** If you look at the handwriting on the right-hand

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1 email, does it cause you concern?

2 **A.** It should have done, yes.

3 **Q.** Why should it have caused you concern?

4 **A.** Because there was a bug which had been  
5 identified a year before, albeit it was isolated  
6 at one office.

7 **Q.** Why is that of concern?

8 **A.** Well, because it was a bug.

9 **Q.** Now, can you recall what advice you gave, if  
10 any?

11 **A.** I gave very poor advice.

12 **Q.** What was the poor advice you gave?

13 **A.** I think it was the words to the effect that, if  
14 it only impacted one office, then there's  
15 probably nothing to disclose.

16 **Q.** I think you're referring to a later email chain  
17 on this point, aren't you?

18 **A.** Yes, I am.

19 **Q.** Let's track that email chain down. FUJ00155400.

20 If we look at the bottom of page 2, on to the  
21 top of page 3., can we see an email later that  
22 day at 3.54 on 7 January from David Posnett to  
23 you?

24 **A.** Yes.

25 **Q.** It's about the security incident. If we just

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1 side, we think this is written by Penny Thomas  
2 and is referring to two conversations that she  
3 had with David Posnett?

4 **A.** Yes.

5 **Q.** The first one on the 7th:

6 "Spoke to [David Posnett] -- he will liaise  
7 with his Legal Team and advise requirements and  
8 comments for [witness statements]."

9 Then another conversation with David  
10 Posnett:

11 "Spoke to DP [later that day]. He had  
12 liaised with Legal -- they need the checks for  
13 the 400,000 ARQs to be made and results  
14 returned. Their brief will need to contact  
15 counsel in the event that we find any anomalies.

16 "Discuss witness statement -- will review  
17 and talk again at a later date."

18 Putting all of that information together,  
19 the content of the email, the handwritten notes  
20 on the right-hand side, and your name being  
21 written on there, do you think you were  
22 contacted, perhaps by David Posnett, about this  
23 issue?

24 **A.** Yes.

25 **Q.** Looking at the information contained in the

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1 scroll to the end of the chain. You'll see that  
2 he doesn't, in fact, include the email that  
3 we've looked at.

4 **A.** Yes.

5 **Q.** If we scroll up, please. Although the subject  
6 line is forwarding the "Security Incident",  
7 which was the title of the previous email, it's  
8 in fact not included here. Let's see what he  
9 does tell you:

10 "Rob, in relation to the standard witness  
11 statement Fujitsu provide ..."

12 We'll ignore the first one:

13 "2) The following additional paragraphs  
14 have been inserted (page 7). I personally do  
15 not see the need for these if there are no  
16 problems identified with the data relating to  
17 the case in question. Why inform anyone about  
18 a problem we've had within the network, but  
19 possibly only at one branch, if it bears no  
20 relation or relevance."

21 Then there's those two paragraphs that we  
22 did see from the earlier witness statement --

23 **A.** Yes.

24 **Q.** -- the earlier email, which have been cut in.

25 The beginning of the email starts:

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1 "In relation to the standard witness  
2 statement Fujitsu provide ..."  
3 Were you aware, by at least 2009, of  
4 a standard witness statement?  
5 **A.** I imagine I must have been, yes.  
6 **Q.** You were being told here that there had been at  
7 least one missed or unnoticed or unseen error  
8 causing a financial imbalance, which had not  
9 initially been picked up by Fujitsu systems  
10 intended to pick up such issues, correct?  
11 **A.** Yes.  
12 **Q.** On reflection, I think, now you would agree that  
13 this was a considerable cause for concern?  
14 **A.** Yes.  
15 **Q.** Would you include within the causes for concern  
16 that the issue had been reported in December  
17 2007, afflicted data that went back to May 2007  
18 and that the fix had not been introduced, it was  
19 said, until November 2008 --  
20 **A.** Yes.  
21 **Q.** -- and that the Post Office were being told  
22 about it in January 2009?  
23 **A.** Yes.  
24 **Q.** Are you aware whether the Post Office undertook  
25 any independent testing or required Fujitsu to

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1 system missed the event or is it saying the  
2 operatives did not notice the event?  
3 **Q.** The line is "This generated a generic and  
4 non-specific error event which went unnoticed in  
5 the monitoring of events"; that's the line  
6 you're referring to?  
7 **A.** Yes, so the unnoticed bit, you're saying, is the  
8 Fujitsu back-up, as opposed to an operative who  
9 is viewing the data.  
10 **Q.** You've rightly said that you're not sure if this  
11 affects the quality of the decision that was  
12 made?  
13 **A.** No, the quality of the decision was very poor.  
14 **Q.** But, in any event, whether it's a system failing  
15 to identify the previously unseen database lock  
16 or the system identifying it but a human not  
17 taking action, it having been identified, the  
18 problem or the concern is the same?  
19 **A.** Yeah, the concern is the same, albeit it would  
20 be more worrying if the system itself had not --  
21 if it was designed to pick up the problem, had  
22 not picked up the problem. You can understand  
23 human error but, if the system was -- if I'd  
24 read it as the system being bad, in my view that  
25 would have been worse.

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1 provide the results of any testing of the fix  
2 applied in 2008?  
3 **A.** Did that not come later, about a week later?  
4 **Q.** I don't think we've seen evidence of the success  
5 of the fix. I think we've got an email from  
6 Fujitsu which said it's all all right. I'm  
7 talking about some sort of independent testing  
8 or did that kind of thing just not happen?  
9 **A.** I don't think POL would have independently  
10 tested Fujitsu data, no.  
11 **Q.** What about when this happened? We're going to  
12 see that it happened more than once where a bug  
13 is disclosed and Fujitsu say a fix has been  
14 applied and it works. What was the process, to  
15 your knowledge, of checking to see whether what  
16 the contractor was saying was correct?  
17 **A.** I'm not sure POL had any ability to check the  
18 Fujitsu system.  
19 **Q.** Would you agree that what's disclosed here  
20 suggested, fix or not, that other errors might  
21 have been missed or, in the words of the email,  
22 "unnoticed" or "unseen", ie the safety net  
23 that's meant to pick things up was not working?  
24 **A.** I don't want to excuse anything because this was  
25 a bad decision by me, but is it saying that the

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1 **Q.** So the concern would be greater, in fact?  
2 **A.** Yes, the concern would have been greater.  
3 **Q.** On this email, you can't tell which?  
4 **A.** Not on this. I'm not sure that I recall the  
5 discussion I had with Dave Posnett either, so  
6 I couldn't say one way or the other.  
7 **Q.** If we can scroll, then, to the bottom of page 2,  
8 we can see your advice, given just after 4.00  
9 the same day. You say, "Thank you for both of  
10 your emails". Do you think that the first email  
11 that we looked at, the one with your name  
12 written in hand on it, was in fact forwarded to  
13 you?  
14 **A.** Probably. Possibly.  
15 **Q.** Because the email that's part of this chain  
16 doesn't give you much context, does it --  
17 **A.** No.  
18 **Q.** -- whereas the longer email from Fujitsu  
19 themselves does?  
20 **A.** Yes.  
21 **Q.** So that might explain the reference to "both of  
22 your emails" --  
23 **A.** Yes.  
24 **Q.** -- the other one and the one that's underneath  
25 this chain here.

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1 You say:

2 "So far as the addition is concerned ..."

3 The addition is the two paragraphs under  
4 paragraph 2 that aren't in bold, if they can  
5 just be highlighted. Thank you, that's the  
6 addition, the proposed addition.

7 Let's scroll back up, please.

8 "So far as the addition is concerned my view  
9 is that if we are sure that there are no  
10 incidents then there is nothing undermining that  
11 will need to be flagged up to the defence. The  
12 incident will have no relevance to our cases and  
13 as such could only lead to fishing expeditions  
14 if we added anything into the standard  
15 statement.

16 "As soon as we know what the position is  
17 I will advise further."

18 You've said candidly today that you regard  
19 that advice as poor or very poor. Why is that,  
20 Mr Wilson?

21 **A.** Well, it was -- they'd already prepared the  
22 witness statements to add in this. I don't know  
23 why I didn't decide to just rely on that and  
24 then I -- then I compound the mistake by adding  
25 that it could only lead to very fishing

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1 a true one-off; do you agree?

2 **A.** Yes.

3 **Q.** But would you agree that, even the existence of  
4 a one-off, undetected error may be relevant to  
5 undermine any assertion by Fujitsu witnesses  
6 and, in turn, the Post Office that the figures  
7 produced by the Horizon system were robust and  
8 reliable?

9 **A.** Yeah, I agree with you now. At the time,  
10 clearly I didn't address that in the proper way.

11 **Q.** Put another way: if you were being prosecuted,  
12 would you consider this information undermining  
13 of a Post Office case or beneficial to the  
14 defence case, based on a lack of integrity in  
15 Horizon?

16 **A.** Yes, I probably would.

17 **Q.** The advice is only forward looking, ie "What  
18 shall we do in future cases", in the inclusion  
19 or exclusion of the two paragraphs in the  
20 witness statement; do you agree?

21 **A.** Yes.

22 **Q.** Did you consider whether there was a continuing  
23 duty of disclosure in respect of prior  
24 convictions based on Horizon data?

25 **A.** I think I looked at it simply from the point of

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1 expeditions, which was a crass thing to say.

2 **Q.** Was this being sent in an environment which  
3 explains why you did it, namely that it was  
4 important to defend the integrity of Horizon?

5 **A.** No, I've said before, I wasn't in the loop in  
6 relation to the people who were being contacted  
7 in relation to the civil litigation matters that  
8 were going on.

9 **Q.** What explains your poor advice, then?

10 **A.** I'd had a very bad day. I'm not wishing to be  
11 facetious but I made completely the wrong  
12 decision.

13 **Q.** If we scroll up, please. Mr Posnett  
14 communicates that to Fujitsu, to Penny Thomas:  
15 "To note emails below.

16 "I would say Business As Usual re the  
17 witness statements, ie don't include the two  
18 additional paragraphs on the last page.

19 "If any issues materialise in due course, we  
20 can address then -- suggest the ARQs for these 4  
21 cases are assessed first."

22 The view which you took could only be  
23 a legitimate one, on your view of the facts, if  
24 the position was absolutely certain that the  
25 incident could never happen again, ie it was

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1 view that one office was impacted and,  
2 therefore, didn't consider that, no.

3 **Q.** Do you consider, Mr Wilson, with the benefit of  
4 hindsight, in respect of this exchange, that, as  
5 the serious incident referred to raised  
6 questions about the reliability of Horizon data,  
7 there was a responsibility on you to ensure that  
8 past prosecutions, if relevant, had disclosure  
9 made to convicted defendants?

10 **A.** Yes.

11 **Q.** If we just scroll back down to the advice that  
12 you did give, you say:

13 "... if we are sure that there are no  
14 incidents then there is nothing undermining ...  
15 "As soon as we know what the position is  
16 I will advise further."

17 Did you consider what the position was  
18 further?

19 **A.** As I understand it, there was an email about  
20 a week later, which said that they'd conducted  
21 the exercise and it was all clear.

22 **Q.** Overall, do you accept that this exchange raised  
23 some questions about the integrity of Horizon?

24 **A.** I fully accept what you've said and I fully  
25 accept that I made the wrong decision.

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1 Q. Thank you. Can we move on. POL00053723. If we  
2 scroll down, please. Thank you.

3 An email from Mr Dinsdale to you of  
4 11 December 2009. I think this is the email you  
5 were referring to right at the beginning of your  
6 evidence --

7 A. Yes, I think it is, yeah.

8 Q. -- when I said we'd come back to it. In the  
9 case of Seema Misra -- and we're going to look  
10 at that in more detail, I think, probably after  
11 lunch -- he says:

12 "Rob, I am looking for a bit of guidance on  
13 this request for Jon Longman in respect of Seema  
14 Misra -- West Byfleet.

15 "This is a huge piece of work which could  
16 potentially wrap my team up for weeks, and then  
17 only to be asked for more questions of a similar  
18 nature. I also have concerns over the types of  
19 questions that are being asked and whether we  
20 can actually provide the information (two of the  
21 cases are still ongoing).

22 "We are a new team and would really  
23 appreciate your guidance on this on how to move  
24 this one forward. Are these questions that  
25 yourselves need to answer from a legal

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1 accounting as a result of alleged losses on the  
2 Horizon system."

3 If we go back to the start of that email,  
4 please -- and scroll up, and scroll down, thank  
5 you -- would you agree that these proceedings,  
6 the Seema Misra proceedings, involved for the  
7 Post Office perhaps an unusual disclosure  
8 exercise focusing on challenging Horizon  
9 integrity.

10 A. Yes.

11 Q. Why were you being contacted?

12 A. I have no idea. Probably because I was simply  
13 the head of the team, maybe he didn't know that  
14 the case was being dealt with by Jarnail Singh.

15 Q. Or would it be that Mr Singh was absent at this  
16 time?

17 A. Possibly. I don't know.

18 Q. If we scroll up, please, we'll see that somehow  
19 Mr Singh has got the email.

20 A. I think I sent it to him along with my reply to  
21 Mark Dinsdale.

22 Q. He has forwarded it to Warwick Tatford --

23 A. Yes.

24 Q. -- asking for advice on the parameters of  
25 disclosure?

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1 perspective. Clearly some of these questions  
2 are so unspecified, that we could be dragging up  
3 Horizon reports for almost every branch over  
4 a ten-year period for every single week in  
5 operation."

6 Then if we just scroll down, you can see the  
7 questions from the defence request have been cut  
8 into the email.

9 Scroll down a little bit further. Then  
10 scroll a little further.

11 Under the new number (1) there:

12 "The prosecution has always maintained there  
13 is no problem with the Horizon system ... given  
14 the impression that the defendant's defence of  
15 raising issue with the system has no merit.  
16 [We] raise the following cases. Others are in  
17 the pipeline."

18 McDonald, Hosi, then over the page:

19 "In light of the information ... please now  
20 provide details of:

21 "a) All post offices, past and present,  
22 that have experienced losses with the Horizon  
23 system.

24 "b) All prosecutions, past and present that  
25 have been brought for theft and/or false

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1 A. Yes.

2 Q. Not long after this exchange, December 2009,  
3 ie in March 2010, you wrote your long email,  
4 which we examined on the last occasion at some  
5 length, the one where you said you were  
6 exasperated at not being invited to the  
7 meeting --

8 A. Yes.

9 Q. -- concerning the proposal for an independent  
10 expert examination of the Horizon system. You  
11 said in the first line, I'm summarising, "If  
12 there is a genuine issue then, of course, it  
13 must be investigated", but then suggested  
14 a series of consequences if that happened.

15 A. Yes.

16 Q. I'm not going to go back to that email again  
17 today but I think you'll agree that your  
18 intervention, never mind the motivation for it,  
19 had the consequence of stopping the independent  
20 investigation proposed?

21 A. Well, after that, Rod Ismay's report was  
22 prepared.

23 Q. He wasn't in any sense independent though, was  
24 he?

25 A. No, no --

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1 Q. They were talking about, in the exchange,  
 2 getting somebody from outside the organisation  
 3 involved?  
 4 A. Yes, that's probably right.  
 5 Q. Was your intervention in the March email  
 6 exchange in any way connected with this  
 7 disclosure request in the *Misra* case?  
 8 A. No.  
 9 Q. Did you take the view that it was necessary to  
 10 close the proposed independent investigation  
 11 down and limit disclosure where ever possible?  
 12 A. I never saw myself as closing the  
 13 investigation -- independent investigation down.  
 14 I mean, Rod Ismay was senior to me and, if  
 15 he'd -- he and his boss had wanted an  
 16 independent investigation, I wouldn't have  
 17 attempted to stop them, if they felt that that  
 18 was needed, and it seems as though Rod Ismay was  
 19 in a greater position to understand what was  
 20 going on than I was.  
 21 So I didn't see myself as closing that down  
 22 at all but I can understand why you interpreted  
 23 it that way.  
 24 Q. Was there any connection between this  
 25 significant request for disclosure that went to

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1 not consider these issues to be disclosable  
 2 material in the prosecution. I understood that  
 3 the Seema Misra case was prosecuted under the  
 4 Horizon system implemented from 1999. The  
 5 issues raised here I believe related to the new  
 6 Horizon system which was installed from January  
 7 to September 2010 and did not have any relevance  
 8 to the initial system which had now been  
 9 reimplemented as New Horizon (HNG-X). I now  
 10 believe that this was the wrong decision and  
 11 that I should have disclosed this issue in  
 12 relation to all existing prosecutions."  
 13 So I want to explore, if I can, your  
 14 awareness of two sets of issues there. One is  
 15 the receipts and payments mismatch bug, that's  
 16 the two documents that end in 410 and 838, and  
 17 then, separately, the duplicated records issue,  
 18 which is the document that ends in 995.  
 19 Can we explore, please, the reasons that you  
 20 had for not disclosing them. Starting, then,  
 21 with the receipts and payments mismatch bug.  
 22 Can we begin by looking at POL00055410. If  
 23 we look at the bottom of page 1., we can see  
 24 an email of 8 October 2010 from Alan Simpson,  
 25 a member of the Security team, described as the

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1 the fundamental issue of the integrity of  
 2 Horizon, and you advising three months later  
 3 "There will be consequences, adverse  
 4 consequences, if we get an independent expert in  
 5 to examine the integrity of Horizon"?  
 6 A. No, there was no connection at all. The next  
 7 email in this chain is me effectively saying to  
 8 Mark Dinsdale, "This is an important case and we  
 9 need to deal with it thoroughly". I didn't  
 10 acquiesce to his request, if I can put it that  
 11 way, to effectively support him in what he was  
 12 saying. I was saying "Look, get on with it".  
 13 Q. Thank you. Can we move on to something that you  
 14 say in your witness statement, please, at  
 15 page 15.  
 16 Page 15, please, paragraph 17. I'm asking  
 17 you a series of questions here, firstly about  
 18 what's known as the receipts and payments  
 19 mismatch bug and then, secondly, the duplicated  
 20 records issue. You say "I have considered"  
 21 three documents and you give us the numbers.  
 22 You say:  
 23 "At the time I did not consider the issues  
 24 discussed in the correspondence had a relevance  
 25 to the Seema Misra case and, accordingly, did

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1 Security Incident Senior, high importance and  
 2 confidential, subject "Branch discrepancy  
 3 issues":  
 4 "Rob,  
 5 "I am forwarding you the attachments above  
 6 in relation to a series of incidents, identified  
 7 by Fujitsu this week, whereby it appears that  
 8 when posting discrepancies to the local  
 9 suspense, these amounts simply disappear at  
 10 branch level and a balance is shown.  
 11 "The above includes Fujitsu's initial  
 12 analysis and proposed solution/s, whilst the  
 13 other documents the outputs from various  
 14 meetings held this week. My concern is around  
 15 the proposed solution/s, one or more of which  
 16 may have repercussions in any future prosecution  
 17 cases and on the integrity of the Horizon Online  
 18 system.  
 19 "There is a further dial-in meeting this  
 20 afternoon at 3.00 pm to 3.30 pm should you wish  
 21 to attend or failing that, as I know this is  
 22 very short notice, if there are any  
 23 comments/questions you would like me to offer on  
 24 your behalf please drop me a note. The meeting  
 25 details as follows ..."

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1 So he says that what he's enclosing is  
 2 an initial analysis, correct?  
 3 **A.** Yes.  
 4 **Q.** He says that the solutions proposed may have  
 5 repercussions for prosecution cases and may have  
 6 repercussions on the integrity of Horizon  
 7 Online?  
 8 **A.** For future prosecution cases, yes.  
 9 **Q.** Yes. Yes, future prosecution cases, and on the  
 10 integrity of Horizon Online. There's  
 11 an invitation to a telephone conversation. If  
 12 we just scroll up, please, we see you forwarding  
 13 that email to Juliet McFarlane and Jarnail  
 14 Singh, and you say:  
 15 "Clearly I missed the call as we were at our  
 16 meeting."  
 17 So it looks like the invitation to the 3.00  
 18 to 3.30 call you weren't present on because you  
 19 yourself were in a meeting with Juliet McFarlane  
 20 and Jarnail Singh, correct?  
 21 **A.** Yes, I think that's right.  
 22 **Q.** Have I interpreted that correctly?  
 23 **A.** Yes.  
 24 **Q.** Who had responsibility, amongst you,  
 25 Ms McFarlane and Mr Singh, for deciding what was  
 93

1 **Q.** If we look at the attachment, please.  
 2 POL00028838. So this is the thing that  
 3 Mr Simpson has sent on to you, yes?  
 4 **A.** I think there were -- yes, that's the email.  
 5 Yes.  
 6 **Q.** Yes, there were two attachments?  
 7 **A.** There were two attachments to that, yes.  
 8 **Q.** If we scroll on, please, to page 6. That's the  
 9 second attachment, a report from Mr Jenkins.  
 10 **A.** Yes.  
 11 **Q.** So back to page 1, please. You'll see that it's  
 12 either a record of what's happened at a meeting,  
 13 or a record or a statement of what is to happen  
 14 at a meeting?  
 15 **A.** I didn't appreciate the differences but --  
 16 **Q.** You'll see as we go through it --  
 17 **A.** -- I'll accept what you say, yes.  
 18 **Q.** -- there are, I think, four members of Fujitsu  
 19 staff present: Mike Stewart, John Simpkins,  
 20 Gareth Jenkins and Mark Wright; and everyone  
 21 else, including Mr Simpson and Mr Winn, is Post  
 22 Office? Can you see that?  
 23 **A.** Yes.  
 24 **Q.** There are no lawyers present; is that right?  
 25 **A.** Yes, that's correct.  
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1 to happen here by way of disclosure in at least  
 2 the Seema Misra case?  
 3 **A.** Well, Mr Singh was allocated the case, so he  
 4 would have dealt with disclosure.  
 5 **Q.** Why were you forwarding the email to both  
 6 Jarnail Singh and Juliet McFarlane?  
 7 **A.** Well, because they both needed to understand  
 8 what Alan Simpson had said in the first email,  
 9 which I understand had attachments to it.  
 10 **Q.** Why did Juliet McFarlane need to understand?  
 11 **A.** Well, because she had cases. So she needed to  
 12 be in the loop.  
 13 **Q.** Why not all members of the Criminal Law Team?  
 14 **A.** They were the people who dealt with the Post  
 15 Office prosecutions.  
 16 **Q.** There was no one else other than Ms McFarlane  
 17 and Mr Singh?  
 18 **A.** No.  
 19 **Q.** So you're essentially telling the whole of the  
 20 team there's this issue?  
 21 **A.** Yes.  
 22 **Q.** You say Mr Singh had responsibility for deciding  
 23 whether to give disclosure of it in Seema  
 24 Misra's case and Ms McFarlane in her cases?  
 25 **A.** Yes.  
 94

1 **Q.** "What is the issue?  
 2 "Discrepancies showing at the Horizon  
 3 counter disappear when the branch follows  
 4 certain process steps, but will still show  
 5 within the back end branch account. This is  
 6 currently impacting around 40 branches since  
 7 migration on to Horizon Online with an overall  
 8 cash value of around £20,000 loss. This issue  
 9 will only occur if a branch cancels the  
 10 completion of the trading period but within the  
 11 same session continues to roll into a new  
 12 balance period.  
 13 "At this time we have not communicated with  
 14 branches affected and we do not believe they are  
 15 exploiting this bug intentionally.  
 16 "The problem occurs as part of the process  
 17 when moving discrepancies on the Horizon system  
 18 into Local Suspense.  
 19 "When discrepancies are found during stock  
 20 rollover into a new transaction period then the  
 21 user is asked if the discrepancy should be moved  
 22 to Local Suspense. If the branch presses cancel  
 23 at this point the discrepancy is zeroed on the  
 24 Horizon system.  
 25 "Note at this point nothing needs into  
 96

1 POLSAP and Credence ..."  
 2 Did you know what POLSAP and Credence were?  
 3 **A.** I don't think so.  
 4 **Q.** "... so in effect the POLSAP and Credence shows  
 5 the discrepancy whereas the Horizon system in  
 6 the branch doesn't. So the branch will then  
 7 believe they have balanced.  
 8 "If at the next screen the rollover is  
 9 completely cancelled, no harm is done. However,  
 10 if the rollover is reattempted at this point,  
 11 the rollover will continue without any  
 12 discrepancy meaning Horizon doesn't match POLSAP  
 13 or Credence.  
 14 "... following consequences:  
 15 "There will be a receipts and payments  
 16 mismatch corresponding to the value of  
 17 discrepancies that were 'lost'.  
 18 "Note the branch will not get a prompt from  
 19 the system to say there is a mismatch, therefore  
 20 the branch will believe they balanced correctly.  
 21 "When the branch begins the new Branch  
 22 Trading period the discrepancies will show at  
 23 zero, however the receipts and payments mismatch  
 24 will carry over on to the next period."  
 25 Stopping there, would you have understood  
 97

1 cases", would you have understood that that  
 2 referred to both Horizon Online and Legacy  
 3 cases?  
 4 **A.** Not necessarily.  
 5 **Q.** Would you have understood that it was  
 6 restricting the potential impact to only  
 7 existing prosecutions when Horizon Online data  
 8 was being relied on?  
 9 **A.** I'm sorry, could you put that again?  
 10 **Q.** Yes. Would you have understood the potential  
 11 impact to ongoing legal cases, therefore, to be  
 12 restricted to cases where Horizon Online data  
 13 was referred to?  
 14 **A.** What I would have understood it to mean,  
 15 I think, was it was a fault with the new Horizon  
 16 system, if I can put it that way, and it didn't  
 17 occur in the old Horizon system, is how  
 18 I believe I understood it.  
 19 **Q.** How could it impact on ongoing legal cases,  
 20 ie existing cases?  
 21 **A.** Because they'd migrated onto Horizon Online,  
 22 I guess.  
 23 **Q.** So the ongoing legal cases, would you have  
 24 understood that to have been a reference to  
 25 prosecutions that were based, and only based, on  
 99

1 what was being said here?  
 2 **A.** I think, broadly speaking, yes.  
 3 **Q.** Would you agree that it's a significant problem  
 4 in the sense that it directly affects balances?  
 5 **A.** Yes.  
 6 **Q.** It's a significant problem because there is no  
 7 warning or telltale that tells the subpostmaster  
 8 what has gone on?  
 9 **A.** Yes.  
 10 **Q.** It's invisible to them?  
 11 **A.** Yes.  
 12 **Q.** "Impact  
 13 "The branch appears to have balanced whereas  
 14 in fact they could have a loss or a gain.  
 15 "Our accounting systems will be out of sync  
 16 with what is recorded at the branch.  
 17 "If widely known it could cause a loss of  
 18 confidence in the Horizon system by branches.  
 19 "Potential impact on ongoing legal cases  
 20 where branches are disputing the integrity of  
 21 Horizon data.  
 22 "It could provide branches ammunition to  
 23 blame Horizon for future discrepancies."  
 24 In relation to the fourth those bullet  
 25 points, "Potential impact on ongoing legal  
 98

1 Horizon Online data, ie prosecutions that were  
 2 up and running in October 2010, ie had occurred  
 3 in the relatively short period since Horizon  
 4 Online had come online?  
 5 **A.** Yeah, I can see what you're saying. I wouldn't  
 6 have understood -- I don't think I would have  
 7 understood that at the time because, as I said  
 8 before, I understood that the two were separate.  
 9 But I can understand what you're saying from  
 10 that bullet point, yes.  
 11 **Q.** Under the heading "Identifying the issue and  
 12 forward resolution", over the page, please:  
 13 "The receipts and payments mismatch will  
 14 result in an error code being generated which  
 15 will allow the Fujitsu to isolate branches  
 16 affected by this problem, although this is not  
 17 seen by the branches. We have asked Fujitsu why  
 18 it has taken so long to react to and escalate  
 19 an issue which began in May. They will provide  
 20 feedback in due course."  
 21 Again, logically, if the issue only began in  
 22 May, ie May 2010, that previous reference to  
 23 ongoing cases, if you're right that this was  
 24 a problem that could only afflict Horizon Online  
 25 data, could only be a reference to cases where  
 100

1 theft or false accounting had been alleged to  
 2 have occurred between May 2010 and October 2010  
 3 and the prosecution had got up and running by  
 4 then?

5 **A.** Yes.

6 **Q.** "Fujitsu are writing a code fix which will stop  
 7 the discrepancy disappearing from Horizon in the  
 8 future. They're aiming to deliver this into  
 9 test week commencing 4 October. With live  
 10 proving at the model office week commencing  
 11 11 October. With full rollout to network  
 12 complete by 21 October. We've explored moving  
 13 this forward and this is the earliest it can be  
 14 released into live.

15 "The code fix will on stop the issue  
 16 occurring in the future but it will not fix any  
 17 current mismatch at branch.

18 "Proposal for affect Branches

19 "There are three potential solutions to the  
 20 impacted branches, the group's recommendation is  
 21 that solution two should be progressed:

22 "ONE -- alter the Horizon branch figure at  
 23 the counter to show the discrepancy. Fujitsu  
 24 ... manually write an entry value to the local  
 25 account.

1 data. Is that not the kind of backdoor or  
 2 remote access?

3 **A.** Well, it says "Alter the Horizon branch figure  
 4 at the counter". I assume that meant at the  
 5 branch counter. I mean --

6 **Q.** That sounds like backdoor access, doesn't it,  
 7 remote access: altering figures at the counter  
 8 without the subpostmaster's knowledge?

9 **A.** Well, no. It sounds totally dishonest. It's  
 10 appalling but, as I understood that or as  
 11 I understand it, it's not a backdoor in the  
 12 sense that it's Fujitsu premises and Fujitsu  
 13 hardware that's altering the data. It's  
 14 somebody physically going to the counter in the  
 15 Post Office to alter the data. And I don't know  
 16 how they proposed to do that but I didn't read  
 17 that as being a backdoor.

18 **Q.** Surely, if you're right that this was physically  
 19 sending individuals out and altering data, the  
 20 people at the branch would know that was  
 21 happening, and yet this reads "This would have  
 22 moral implications of Post Office changed branch  
 23 data without informing the branch".

24 **A.** Well, yeah, they would know something was  
 25 happening but it depended on what Fujitsu were

1 "IMPACT -- When the branch comes to complete  
 2 next trading period they would have  
 3 a discrepancy, which they would bring to  
 4 account.

5 "RISK -- Significant data integrity concerns  
 6 and could lead to questions of 'tampering' with  
 7 the branch and could generate questions around  
 8 how the discrepancy was caused. This solution  
 9 could have moral implications of Post Office  
 10 changing branch data without informing the  
 11 branch."

12 Just stopping there, reflecting on an answer  
 13 that you gave earlier when you said that, after  
 14 the judgment, you spoke to Dave Posnett about  
 15 remote access --

16 **A.** Yes.

17 **Q.** -- and backdoors into Horizon, and he told you  
 18 that you had been told at a meeting that there  
 19 were no such backdoors or remote access.

20 **A.** Yes.

21 **Q.** This tends to suggest that there was a facility  
 22 for altering figures at the counter by Fujitsu  
 23 manually writing an entry, which would lead to  
 24 questions of tampering and would have moral  
 25 implications of the Post Office changing branch

1 going to tell them was happening or -- I mean,  
 2 it's solution 1 -- well, all the three solutions  
 3 there are totally unacceptable, which is why  
 4 I think I emailed both Jarnail and Juliet so  
 5 quickly on the day that it occurred and tried to  
 6 phone -- is it Alan Simpson -- to find out more  
 7 about what was going on and to agree with him,  
 8 effectively, that these three solutions were  
 9 pretty outrageous.

10 The only solution that I saw was to tell  
 11 each branch individually that we have a problem,  
 12 and I think the closest that that gets to is  
 13 Gareth Jenkins' second attachment, which  
 14 actually does say words similar to that.

15 But these -- these solutions -- I mean,  
 16 I don't know who these people were from Fujitsu.  
 17 The only person I know or knew of was Gareth  
 18 Jenkins. I don't know how senior these people  
 19 were but they were -- but I shared the concerns  
 20 of Alan Simpson and just thought this is  
 21 ridiculous. And I'm pretty sure I will have  
 22 tried to ring him that afternoon and then get --  
 23 and, if I didn't get hold of him then,  
 24 I would've rung him the next day. So I would  
 25 have been in contact with him quickly and said,

1 "Look, we need to come up and tell each branch  
2 there is a problem. Never mind any of these  
3 three solutions, which are pretty appalling".

4 **Q.** The second solution is:

5 "Product and Branch Accounting will journal  
6 values from the discrepancy account into the  
7 Customer Account and recover/refund via normal  
8 provides. This will need to be supported by  
9 an approved Post Office communication. Unlike  
10 the branch 'POLSAP', remains in balance albeit  
11 with an account (discrepancies) that should be  
12 cleared.

13 "IMPACT -- Post Office will be required to  
14 explain the reason for debt recovery/refund even  
15 though there's no discrepancy at the branch.

16 "RISK -- Could potentially highlight to  
17 branches that Horizon can lose data.

18 "SOLUTION THREE -- It is decided not to  
19 correct data in the branches (ie Post Office  
20 will prefer to write off the 'lost').

21 "IMPACT -- Post Office must absorb about  
22 a £20,000 loss.

23 "RISK -- huge moral implications to the  
24 integrity of the business, as there are agents  
25 that were potentially due a cash gain on their

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1 **Q.** If we go over the page, please. There's  
2 a series of action points; can you see that?

3 **A.** Yes.

4 **Q.** Then over the page, you will see that none of  
5 them relates to, I think, disclosure in legal  
6 proceedings?

7 **A.** Yes.

8 **Q.** In the email that was sent to you, no solution  
9 of the three or any other solution is  
10 identified, is it?

11 **A.** What do you mean, no solution?

12 **Q.** That the paper identified three possible  
13 solutions --

14 **A.** Yes.

15 **Q.** -- there was a recommendation --

16 **A.** Mm.

17 **Q.** -- but there was nothing in the paper nor the  
18 covering email that said Solution One, Two or  
19 Three, or another solution, has been selected by  
20 the Post Office client?

21 **A.** No, no, I think this was a -- I think Alan  
22 Simpson must have emailed me this very quickly  
23 and presumably had been put out by Fujitsu as  
24 the discussion point for the meeting. So  
25 I don't think POL -- any senior managers -- will

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1 system."

2 It says here that the group's recommendation  
3 is Solution Two; can you see that?

4 **A.** Yes.

5 **Q.** Would you agree that the thinking here  
6 discloses, as a significant problem, a solution  
7 that reveals to branches that there might be  
8 a problem with Horizon's integrity ie in the  
9 thinking of those involved, disclosed by this  
10 minute, it seems though, "If we do X it's  
11 a relevant consideration that it will reveal to  
12 subpostmasters that there may be problems with  
13 Horizon integrity"?

14 **A.** Yes.

15 **Q.** Was there a belief or mindset within the Post  
16 Office that that is a bad thing: "If we tell  
17 postmasters that there's a problem with Horizon,  
18 even if there is, that is generally a bad  
19 thing"?

20 **A.** The more I read these papers, the more I get the  
21 impression that, certainly at a senior level,  
22 that was the attitude. At my level, we should  
23 have been completely upfront and that's what  
24 I was agreeing with Alan Simpson: "We need to  
25 tell these people".

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1 have had time to consider or say what their  
2 views were in relation to this. It was simply  
3 Alan Simpson's view, which I agreed with.

4 **Q.** You tell us in your witness statement that you  
5 took the view that the receipts and payments  
6 mismatch bug was not disclosable in Seema  
7 Misra's case because, in your understanding, the  
8 issue only afflicted Horizon Online, and the  
9 Horizon records relied on in her case had been  
10 generated by Legacy Horizon?

11 **A.** Yes.

12 **Q.** You now, I think, recognise that view to be --  
13 that advice to be wrong?

14 **A.** Yes.

15 **Q.** You'd emailed the note of the problem to Jarnail  
16 Singh and Juliet McFarlane. Did you  
17 subsequently discuss what was to be done with  
18 either or both of them?

19 **A.** I am pretty sure. I mean, we had an office  
20 meeting that they were -- both will have been  
21 at. I'd gone back to my desk, I'd seen the  
22 email -- I've forgotten the Investigator's name  
23 again.

24 **Q.** Alan Simpson.

25 **A.** I'd seen Alan Simpson's email and, I think,

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1 within an hour of getting it and reading it, I'd  
2 emailed it to both of them, and I'm pretty sure  
3 I will have discussed it -- well, I'm pretty  
4 sure that the first point of call will have been  
5 to try to get hold of Alan Simpson. But then,  
6 I will have discussed it with both of them, and  
7 I'm sure that they will have been pretty shocked  
8 at the suggestion -- the three solutions that  
9 we've just been through. It wasn't something  
10 that I would not have discussed with them.  
11 I would have discussed with them, yes.

12 **Q.** Just before we break for lunch -- we're going to  
13 have to come back to this after lunch -- what  
14 was the outcome of your discussion?

15 **A.** That they agreed.

16 **Q.** Agreed with what?

17 **A.** What I was saying, that, actually, we need to  
18 tell these people.

19 **Q.** The "these people" in that sentence is who?

20 **A.** Is the subpostmasters.

21 **Q.** Which subpostmasters?

22 **A.** The ones that are affected.

23 **Q.** What about disclosure in criminal cases?

24 **A.** I don't think we ever got in to that topic. At  
25 that stage, the main concern would have been

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1 **A.** Horizon Online being the new?

2 **Q.** Yes.

3 **A.** Yes.

4 **Q.** What steps did you take to ensure that it was so  
5 disclosed?

6 **A.** I can't recall.

7 **Q.** We've seen no record of a meeting or email in  
8 which any advice or instruction was given that  
9 it should be disclosed in future cases or  
10 existing cases that relied on Horizon Online  
11 data.

12 **A.** Yes.

13 **Q.** Did you discuss the issue with Jarnail Singh or  
14 Juliet McFarlane?

15 **A.** I certainly discussed the immediate issue that  
16 we had.

17 **Q.** What was the immediate issue that you had?

18 **A.** The immediate issue was notifying each of the  
19 branches individually what had happened.

20 **Q.** Wasn't even more immediate than that any case in  
21 which there was a prosecution founded upon data  
22 that included the relevant period?

23 **A.** Yes.

24 **Q.** Did Mr Singh take a particular interest in this  
25 issue because of the Seema Misra case?

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1 this.

2 **MR BEER:** Thank you.

3 Sir, I wonder whether we might break until

4 2.00.

5 **SIR WYN WILLIAMS:** Yes, 2.00. Thank you very much.

6 **MR BEER:** Thank you very much, sir.

7 (1.01 pm)

(The Short Adjournment)

9 (1.59 pm)

10 **MR BEER:** Good afternoon, sir, can you see and hear  
11 us.

12 **SIR WYN WILLIAMS:** Yes, thanks.

13 **MR BEER:** Thank you.

14 Good afternoon, Mr Wilson. We were looking  
15 at the receipts and payments mismatch bug and  
16 either the record of the meeting or a record for  
17 the meeting in October 2010, which was sent to  
18 you by Mr Simpson.

19 **A.** Yes.

20 **Q.** Even if you thought that the receipts and  
21 payments mismatch issue could not have affected  
22 Mrs Misra's case because her case was one which  
23 relied on data under the old Legacy Horizon  
24 system, did occur to you that it should be  
25 disclosed in any case involving Horizon Online?

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1 **A.** I honestly don't know whether Mr Singh did, or  
2 Ms McFarlane, at the time. I can't think back  
3 other than I recall that -- from -- again, from  
4 the documents, that I responded pretty quickly  
5 and copied them into the email and I'm pretty  
6 sure I will have had a discussion with them  
7 probably prior to even speaking to Alan Simpson,  
8 but I can't recall any further details.

9 **Q.** Can we look, please, at POL00028838 again,  
10 please, and go to page 6, please. This was the  
11 second of the attachments to Mr Simpson's email  
12 to you.

13 **A.** Yes, Gareth Jenkins.

14 **Q.** It's a three-page, four-page report by  
15 Mr Jenkins, dated 29 September. If you look at  
16 the foot of the page, can you see that it seems  
17 to have been saved in or taken from a C-drive  
18 attributed to Jarnail Singh?

19 **A.** Yes.

20 **Q.** Can you see that it was printed at 4.38 on the  
21 8 October?

22 **A.** Yes.

23 **Q.** 8 October was a Friday and Seema Misra's trial  
24 started on Monday, the 11, okay?

25 **A.** Yes.

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1 Q. What discussion was there about whether Mr Singh  
2 needed to disclose either this document or some  
3 other document recording information about the  
4 receipts and payments mismatch bug?  
5 A. I just -- I don't recall.  
6 Q. You said in your witness statement, we saw it in  
7 paragraph 17, that you now accept that the wrong  
8 decision was made --  
9 A. Yes.  
10 Q. -- not to disclose it --  
11 A. Yes.  
12 Q. -- or to not disclose it. Who made that  
13 decision not to disclose the information about  
14 the receipts and payments mismatch bug?  
15 A. It was my -- I'm saying I made the wrong  
16 decision.  
17 Q. Yes. So were you the relevant decision maker  
18 then?  
19 A. You mean in relation to the *Misra* file?  
20 Q. Yes?  
21 A. No, I wasn't, I was saying in general terms my  
22 view was there were two different systems. I'm  
23 not saying that I communicated that with anybody  
24 else or that I persuaded anybody else to be of  
25 that view at all. I can't recall the

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1 Q. This note is written by Mr Jenkins and, if we go  
2 forward to page 9, please, and look at the last  
3 paragraph -- it must be page 8, scroll down,  
4 please. Yes, "Communication with [the Post  
5 Office]". Mr Jenkins says:  
6 "Once we have the information from Section 4  
7 which will enable us to life the full scope of  
8 the issue we need to communicate this to the  
9 Post Office through the problem management  
10 mechanisms. We will then need to get Post  
11 Office Limited to agree if/how we should be  
12 correcting the data.  
13 "Post Office should also be able to check up  
14 on POLSAP to confirm that these discrepancies  
15 are still visible even though they have been  
16 lost in the branch.  
17 "... as discrepancies are normally losses,  
18 then a lost discrepancy would normally work in  
19 the branch's favour and so there is no incentive  
20 for the branch to report the problem. Also, if  
21 we do amend the data to re-introduce the  
22 discrepancy, this will need to be carefully  
23 communicated to the branches to avoid questions  
24 about system integrity."

Was there a concern within the Post Office

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1 discussions. But looking back, that's how  
2 I viewed it.  
3 Q. Isn't it likely that you had a discussion with  
4 Mr Singh, you referred in an email that we saw  
5 before lunch to meeting with him and Juliet  
6 McFarlane on the Friday?  
7 A. Yes.  
8 Q. Mr Singh has printed out Gareth Jenkins' report?  
9 A. Yes.  
10 Q. It's 4.38 on a Friday when this is printed and  
11 he's got a trial starting on Monday.  
12 A. I mean, he may well have printed it out to take  
13 it to court with himself, I don't recall.  
14 Q. If he did, it stayed in his bag because it was  
15 not disclosed. My question is: did you discuss  
16 it with him and Juliet McFarlane, the disclosure  
17 of it into the Seema Misra trial?  
18 A. If I'd said to him, for the sake of argument,  
19 it's not disclosable, I don't see why he's  
20 printing it out on the Friday afternoon at all.  
21 I think that's probably an indication that he  
22 was taking it to court.  
23 Q. The notes we saw showed that Mr Jenkins was  
24 present at the meeting.  
25 A. Yes.

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1 that any communication to the branches about the  
2 problem should avoid questions about system  
3 integrity?  
4 A. Well, I think, inevitably, if you're going to  
5 tell them that this is the problem, people will  
6 question it. I don't think they can get around  
7 that. Whether they like us informing the  
8 branches or not, Post Office Limited are stuck  
9 with the problem.  
10 Q. Mr Jenkins was going to be called as a witness  
11 in a trial that was going to start the following  
12 Monday.  
13 A. Yes.  
14 Q. Did you or, to your knowledge, Mr Singh speak to  
15 Mr Jenkins after your meeting to communicate  
16 what the Post Office's position was concerning  
17 disclosure of this issue in the *Misra* trial?  
18 A. I didn't. I don't know whether Mr Singh did.  
19 Q. Was anything agreed in your meeting with  
20 Mr Singh about what would be communicated to  
21 Mr Jenkins?  
22 A. I'm not sure I had a meeting with Mr Singh  
23 specifically about *Misra*. I think I had  
24 a discussion with him and Juliet about the  
25 problem.

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1 Q. But you're there on a Friday afternoon with  
 2 Mr Singh, knowing he's got a trial starting on  
 3 the Monday, surely the immediate issue, the  
 4 really immediate issue, is: have we got to  
 5 disclose it?  
 6 A. Well, I go back to what I said earlier, that  
 7 I think if he's copying that out at 6.38 --  
 8 Q. 4.38.  
 9 A. -- sorry, 4.38, he must be intending to take it  
 10 to court with him. I mean, I can't see why he  
 11 would print it out otherwise.  
 12 Q. Are you implying that you may have had the  
 13 belief that Mr Singh did intend to disclose this  
 14 in the Misra case?  
 15 A. No, I have no idea. I would like to be able to  
 16 answer your question but I have no idea what was  
 17 in his brain.  
 18 Q. If instructions hadn't been given to Mr Singh or  
 19 Mr Singh hadn't made a decision to communicate  
 20 with Gareth Jenkins, there would be a risk that,  
 21 in the course of the evidence that Gareth  
 22 Jenkins was to give, he might disclose this?  
 23 A. Yes.  
 24 Q. Was there any plan to tell Mr Jenkins what he  
 25 could or could not say when he gave evidence in  
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1 hold of him.  
 2 Q. You now say that you accept that the receipts  
 3 and payments mismatch bug should have been  
 4 disclosed, I think, to the defence in the *Misra*  
 5 case?  
 6 A. To everybody, or anybody in the future, yes.  
 7 Q. Is that acceptance or concession made because  
 8 you know that leading counsel for the Post  
 9 Office in the course of the *Hamilton* trial --  
 10 the *Hamilton* appeal, rather, himself accepted  
 11 before the court that the receipts and payments  
 12 mismatch bug fell to be disclosed in all  
 13 prosecutions?  
 14 A. I wasn't aware of that detail anyway. This is  
 15 something that was in my brain.  
 16 Q. You knew at the time the test for disclosure  
 17 under the CPIA?  
 18 A. Yes.  
 19 Q. The notes that you'd been sent made it clear  
 20 that the bug impacted on balances --  
 21 A. Yes.  
 22 Q. -- and the notes, as we saw before lunch, made  
 23 it clear that there was a potential impact on  
 24 ongoing legal cases?  
 25 A. Yes.

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1 the Misra case?  
 2 A. No. Certainly not from myself, no. I mean,  
 3 personally, I think that Mr Jenkins, dealing  
 4 with this issue, immediately before *Misra*,  
 5 I would have thought he would have told  
 6 Mr Tatford, in any event.  
 7 Q. Why do you think Mr Tatford would be involved?  
 8 A. Well, because he was the person who was going to  
 9 cross -- was going to examine him in chief.  
 10 Q. We've seen from a number of communications that  
 11 when any issue concerning disclosure arose,  
 12 Mr Singh contacted Warwick Tatford for his  
 13 advice?  
 14 A. Yes.  
 15 Q. We've seen that when Mr Singh wanted something  
 16 drafted, he asked Mr Tatford and Mr Tatford  
 17 would sometimes draft letters and, in one case,  
 18 even an email for Mr Singh?  
 19 A. Yes.  
 20 Q. Do you know why, in relation to this issue,  
 21 there was no communication to Mr Tatford about  
 22 the existence of the receipts and payments  
 23 mismatch bug?  
 24 A. No, I don't. It may be that he thought it's  
 25 late on a Friday night, I won't be able to get  
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1 Q. Given those three things, how is it that you  
 2 decided that that it need not or should not be  
 3 disclosed?  
 4 A. I viewed it as being a completely different  
 5 system and, therefore, no chance of the two  
 6 colliding.  
 7 Q. What's changed now?  
 8 A. Well, I've thought about it more. Obviously,  
 9 I've seen lots more papers. I've listened to  
 10 the YouTube, some witnesses, and I just think  
 11 that we should have basically disclosed any bug  
 12 at any time.  
 13 Q. Can we turn to the duplicated records issue.  
 14 That's the third of the references that you gave  
 15 in that paragraph 17 of your witness statement.  
 16 A. Yes.  
 17 Q. In paragraph 17, you say that that too was not  
 18 disclosable because it related to Horizon Online  
 19 and, therefore, didn't affect Horizon Legacy  
 20 cases.  
 21 Can we look, please, at FUJ00122995. Can we  
 22 start with page 5, please, if we just scroll  
 23 down. Thank you.  
 24 13 September, Mark Dinsdale to Juliet  
 25 McFarlane:

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1 "Duplication of transaction records in ARQ  
2 returns":  
3 "Juliet, do you think this draft would be  
4 okay. I'll run it past Penny at Fujitsu and ask  
5 them to 'top and tail' it into a witness  
6 statement, if you're happy with it ..."  
7 Then the draft:  
8 "On audits of transactions, there occurs  
9 a duplication of records when records were in  
10 the process of being recorded purely for audit  
11 purposes from the correspondence servers to the  
12 audit servers. This has always been the case;  
13 however the mechanism used on Horizon to  
14 retrieve audit data took this into account and  
15 only presented one instance of such duplicate  
16 data. As offices have migrated to the new  
17 [Horizon Online] application, any requests made  
18 for audit data during this period, the mechanism  
19 used to filter out duplicates did not remove  
20 them from the audit data.  
21 "The duplicates only occur in the audit  
22 data, and does not affect the actual physical  
23 transactions recorded on any counter at any  
24 outlet.  
25 "This problem has now been resolved, however  
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1 doubt as whether or not it has been previously  
2 audited successfully.  
3 "The Mechanism used on Horizon to retrieve  
4 the data took this into account and only  
5 presented one instance of such duplicate data in  
6 ARQ extracts.  
7 "... it has recently been noticed that the  
8 [Horizon Online] retrieval mechanism does not  
9 remove such duplicates and a quick scan of the  
10 ARQs provided to the Post Office since the  
11 change to the new system indicates that about  
12 35% of the ARQs might contain some duplicate  
13 data. A PEAK has been raised to enhance the  
14 extraction [toolkit] ... However until the fix  
15 is developed, tested and deployed, there is  
16 a possibility that data is duplicated."  
17 Skip the next paragraph:  
18 "... we have identified a scenario with  
19 Postal Services transactions where multiple,  
20 identical mails items are accepted ... but  
21 Postage Labels are printed ..."  
22 I don't think I need to read the rest of it.  
23 Then if we carry on scrolling up, please --  
24 thank you, and again -- we can see that Jane  
25 Owen sends out to a number of people within the  
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1 a small number of audit requests made during the  
2 period from [Legacy Horizon] migration until the  
3 resolve will show the duplicate transactions."  
4 What do you understand is being said by that  
5 email?  
6 **A.** I think it's saying that, under the old system,  
7 there wouldn't be a duplication but under the  
8 new system there is.  
9 **Q.** And it's afflicting data that is or may be  
10 presented to a court?  
11 **A.** Yes.  
12 **Q.** Thank you. Can we move on to POL00169416, and  
13 scroll down to the bottom of the chain, at  
14 page 3 at the bottom and onto page 4. This is  
15 perhaps an easier to understand explanation.  
16 You'll see it's from Penny Thomas to three  
17 people, Sue Lowther, Mark Dinsdale and Jane Owen  
18 in the Post Office:  
19 "We have identified that a number of recent  
20 ARQ returns contain duplicated transaction  
21 records.  
22 "With Horizon counters, the mechanism by  
23 which Data is audited has always worked on the  
24 principle that it is acceptable to audit the  
25 same data more than once -- in particular if in  
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1 Post Office that email we've just read, and  
2 says:  
3 "Mark, Alan Simpson and myself have had  
4 a conference call today to look at potential  
5 problems that this is likely to cause. Firstly,  
6 the suggested workaround will need to be put to  
7 our Legal Team and until that has been agreed  
8 any further ARQ requests, including those which  
9 have been submitted, will be suspended.  
10 "There are 2 cases currently with the  
11 court -- West Byfleet ..."  
12 That's Seema Misra's case, yes?  
13 **A.** Yes.  
14 **Q.** "... and Porters Avenue and I will speak to Lisa  
15 and Jon about these as we need to know what in  
16 the way of ARQs and the corresponding statements  
17 have been presented to court."  
18 Then there is a list of additional cases.  
19 If you scroll down:  
20 "... a lot to digest [ask for clarification  
21 if you need it]."  
22 Then if we carry on scrolling up, we'll see  
23 that's sent on to Jon Longman, who is the  
24 Investigator in the Seema Misra case.  
25 **A.** Yes.  
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1 Q. Can we go, please, to POL00061056. This  
2 a notice of additional evidence in the Seema  
3 Misra case. If we scroll down a page, please,  
4 we will see that it's signed off by Mr Singh.  
5 Then the next page, we'll see it's a witness  
6 statement from Mr Jenkins -- can you see that --

7 A. Yes.

8 Q. -- of 8 July. Then if we go to page 3, can we  
9 see "With Horizon counters, the mechanism by  
10 which data is audited", et cetera? Then the  
11 next paragraph:

12 "In January 2010 a new [Horizon Online]  
13 application was introduced", et cetera,  
14 et cetera.

15 We see him giving disclosure of the --

16 A. Duplicates.

17 Q. -- the duplicate issue, don't we?

18 A. Yes.

19 Q. You've said in your witness statement that it  
20 was your view that it didn't need to be  
21 disclosed because it afflicted Horizon Online  
22 only and not Legacy Horizon?

23 A. Yes.

24 Q. Why did you take that view?

25 A. Well, because, like I said before, I saw them as  
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1 *Misra* case --

2 A. When I was making my statement I just recalled  
3 believing that the two different -- there were  
4 two different systems and, therefore, disclosure  
5 was not necessary. Now, that was my memory of  
6 making the witness statement and, clearly, it  
7 has been disclosed in this particular case and,  
8 clearly, I didn't give anybody an instruction to  
9 that effect.

10 Q. Thank you. That can come down.

11 Can we turn directly to the Seema Misra case  
12 then and start with the charging decision. In  
13 paragraph 5 of your witness statement -- there's  
14 no need to turn it up -- you tell us that you do  
15 not know who authorised the prosecution of  
16 Mrs Misra.

17 A. It's probably in the papers somewhere. I just  
18 couldn't find it.

19 Q. Well, I don't think we can tell who authorised  
20 it either.

21 A. Right.

22 Q. What piece of paper would you expect to exist to  
23 show who authorised the prosecution of Seema  
24 Misra?

25 A. Well, I'd expect to see a letter on the file  
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1 two different systems.

2 Q. In fact, we can see that disclosure of this bug,  
3 I'll call it, was given --

4 A. Yes.

5 Q. -- even though, in your view, it afflicted only  
6 Horizon Online?

7 A. Well, I obviously didn't communicate it with  
8 Jarnail or Juliet because I think Juliet -- was  
9 this -- this was Juliet's duplicate problem.

10 Q. Why was it Juliet's duplicate problem?

11 A. Because she was the one on the email who was  
12 contacted by -- was it Mark --

13 Q. Mark Dinsdale?

14 A. Yeah, and I think she organised the statement,  
15 and, whether this is the same statement or not,  
16 I'm not sure but it certainly was disclosed on  
17 the *Misra* case, yes.

18 Q. So just help us one more time, then. Why did  
19 you think it needn't be disclosed and yet it  
20 ended up being disclosed, because you've drawn  
21 a distinction between things that affect Legacy  
22 Horizon only and things that affect Horizon  
23 Online only --

24 A. Yes.

25 Q. -- as the basis for the explanation for why the  
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1 from the Casework Team informing us who the  
2 decision maker was and that they'd made the  
3 decision.

4 Q. So you'd expect an Investigator's report coming  
5 in with some associated paperwork?

6 A. Yes.

7 Q. You'd expect some advice going out from a member  
8 of the Criminal Law Team with advice on charge?

9 A. Yes.

10 Q. Then you would expect a letter from the Casework  
11 Team saying Mr X or Mrs X has decided to  
12 authorise prosecution?

13 A. Yes.

14 Q. In a case like Seema Misra, would you have seen  
15 papers in and out like that?

16 A. Yes.

17 Q. So to what extent would you familiarise yourself  
18 with the issues, or would you simply say, "This  
19 is a letter concerning Seema Misra, that's got  
20 to go to Jarnail"?

21 A. Yes, I received the post every day, unless  
22 I wasn't in, in which case I delegated it to  
23 whichever lawyer, senior lawyer was in, and so  
24 I will have seen the post, divided it up, and  
25 I will have taken it around to the lawyers and,  
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1 whether they were in or not, and I'd put it in  
2 their in-tray, because they may be in later in  
3 the afternoon. So I would see post coming in to  
4 the office, yes.

5 **Q.** To what extent did you engage with the contents,  
6 rather than seeing to whom it was addressed and,  
7 therefore, to whose in tray it should go to?

8 **A.** Oh, no, I think if there was something in the  
9 contents which was interesting or worrying or,  
10 for whatever reason, I wanted to discuss it,  
11 I would have taken it to the lawyer and  
12 discussed it with them.

13 **Q.** So, at the time, you were presumably aware that  
14 Mrs Misra had been charged with both theft and  
15 false accounting and had pleaded guilty to the  
16 false accounting charge albeit the Post Office  
17 didn't accept that plea and was seeking  
18 a conviction for theft?

19 **A.** Yes.

20 **Q.** When you gave evidence back on 12 October, you  
21 told us that you had directed the lawyers in the  
22 Criminal Law Team not to charge both theft and  
23 false accounting?

24 **A.** Yes.

25 **Q.** Did you discuss with Mr Singh why Mrs Misra had  
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1 accounting as an alternative to theft?

2 **A.** I can't remember now but I imagine where there  
3 were two separate incidents which would justify  
4 separating the two charges.

5 **Q.** Is it fair to say that some lawyers within the  
6 Criminal Law Team took a different view to you  
7 on the propriety and desirability of charging  
8 both?

9 **A.** No, that's a fair comment.

10 **Q.** What reasons, if any, did they give for taking  
11 a different view to you?

12 **A.** I can't remember. I mean, they may have  
13 attempted to argue what we've just been  
14 discussing about charging them both. I don't  
15 know.

16 **Q.** Did anyone give you an explanation along the  
17 lines of "If we put false accounting on as  
18 Count 2, 3, 4, 5, 6 [or whatever] we often get  
19 pleas to those"?

20 **A.** I don't think there would be that -- I don't  
21 think they would say that. They might think it  
22 but I don't think they would say it to me.

23 **Q.** Can I turn to some other disclosure issues in  
24 *Misra*. You've told us already, candidly, today,  
25 that you accept that the wrong decision was  
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1 been charged with both theft and false  
2 accounting?

3 **A.** I don't know whether I did on the *Misra* case but  
4 I certainly remember having discussions with  
5 both Jarnail and Juliet in relation to putting  
6 both sets of charges together because of the  
7 case of *R v Eden*, and it was a bone of  
8 contention that I did have with them.

9 **Q.** What was the nature of your bone of contention?

10 **A.** That they should be following what *R v Eden*  
11 said.

12 **Q.** What was your understanding of what *Eden* said.

13 **A.** Basically, you have to pin your colours to the  
14 mast.

15 **Q.** We've heard some expert evidence who said that  
16 the Court of Appeal in *Eden* made it clear that  
17 there will be cases where it is appropriate to  
18 have a charge of false accounting as  
19 an alternative charge to theft. Did you know  
20 that at the time?

21 **A.** Yes, I read *Eden*, it was a Post Office case. It  
22 was one of the first cases that was drawn to my  
23 attention by my predecessor.

24 **Q.** What did you understand to be the circumstances  
25 in which it was appropriate to charge false  
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1 taken on disclosure in relation to issues that  
2 you believe related only to Horizon Online and  
3 did not afflict Legacy Horizon.

4 But you don't mention in your witness  
5 statement documents that could or did relate to  
6 the Horizon system before the switch in 2010.  
7 I just want to explore some of those with you,  
8 if I may?

9 **A.** Right.

10 **Q.** Can we start, please, with POL00044557. If we  
11 go to the last page of this document, please,  
12 you will see it's an Advice from Warwick  
13 Tatford, dated 5 January 2010. You remember  
14 when we were looking at that long disclosure  
15 request that was cut into an email?

16 **A.** Yes.

17 **Q.** Eventually, Mr Singh sent that on to Mr Tatford  
18 asking for his advice -- do you remember we saw  
19 that this morning --

20 **A.** Yes, yes, yes.

21 **Q.** -- and this was the reply. If we go to page 3,  
22 please, and look at paragraph 7., Mr Tatford  
23 advises:

24 "I also think that our disclosure duty  
25 requires us to ask Fujitsu whether they are  
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1 aware of any other Horizon error that has been  
2 found at any sub post office. I anticipate that  
3 there will be none, but it is important that the  
4 check is made."

5 Did you see this advice?

6 **A.** I don't recall seeing it, no.

7 **Q.** Would it be normal that, as part of the process  
8 for post coming in, post going out, that you see  
9 advices like this?

10 **A.** If it came in via the post, yes.

11 **Q.** Was there any system in place for you to see  
12 significant documents that came in by email  
13 only?

14 **A.** I had access to each of the lawyers' email  
15 addresses for when they were on holiday but  
16 I can't say, other than when they were on  
17 holiday, I accessed their emails.

18 **Q.** You weren't checking whilst they were still  
19 there?

20 **A.** No.

21 **Q.** Did that piece of advice that we see there ever  
22 make its way through to you, so far as you can  
23 recall?

24 **A.** I can't recall, I'm sorry.

25 **Q.** Can you recall whether it made its way through

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1 "When Gareth completes his statement could  
2 he also mention whether there are any known  
3 problems with the Horizon system that Fujitsu  
4 are aware of. If there are none could this be  
5 clarified in the statement."

6 **A.** Yes.

7 **Q.** Would you agree that what Mr Tatford has advised  
8 has been watered down?

9 **A.** Um ...

10 **Q.** Maybe I can help you. The first respect in  
11 which --

12 **A.** Fujitsu.

13 **Q.** Exactly. The first one was asking for  
14 a third-party provider of the computer system,  
15 so a third-party disclosure source, whether it,  
16 the corporation, was aware of any other Horizon  
17 problem at any sub post office.

18 **A.** Yeah.

19 **Q.** That's been translated to an address to  
20 an individual to mention something?

21 **A.** Yeah, I mean, I'm not seeking to argue with you  
22 but the second sentence also goes on to say,  
23 "are any known problems with the Horizon system  
24 that Fujitsu are aware of". So he's sort of  
25 semi-redressing it.

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1 to you, in the context of any other case, that  
2 prosecution counsel was advising that Fujitsu  
3 should be asked of any other Horizon error that  
4 has been found at any sub post office? That's  
5 quite a broad statement, I think, isn't it?

6 **A.** Yes. I don't recall.

7 **Q.** Presumably, if you drew a distinction between  
8 Horizon Online and Legacy Horizon, such advice  
9 might conflict with that distinction?

10 **A.** Yes, but again, I'm not sure I communicated it  
11 with either Mr Singh or Ms McFarlane and  
12 I certainly wouldn't have communicated it with  
13 counsel.

14 **Q.** In any event, if you remember the formulation  
15 there of Mr Tatford:

16 "... our disclosure duty requires us to ask  
17 Fujitsu ... any other Horizon error that's been  
18 found at any sub post office."

19 Can we go forward, please, to FUJ00152902  
20 and look at page 2, please. Can we see an email  
21 here from Mr Longman, dated 1 February, so just  
22 after that advice, and can you see paragraph 3  
23 of Mr Longman's email to Fujitsu?

24 **A.** Yes.

25 **Q.** He says:

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1 **Q.** He's narrowing and then broadening it?

2 **A.** Yes.

3 **Q.** Did this translation or transliteration of  
4 Mr Tatford's advice, asking the Post Office to  
5 address the corporation, into any mention in  
6 a witness statement, get revealed to you at the  
7 time?

8 **A.** No, I don't think so. I understand, though,  
9 that Mr Jenkins did actually put in a witness  
10 statement, I'm pretty sure, in the *Misra* case.

11 **Q.** He did and, before he did -- and I'm not going  
12 to take you through it all in the light of your  
13 answers -- he said that he was unhappy or  
14 unwilling to answer directly question 3?

15 **A.** Without the data.

16 **Q.** No. He was unhappy or unwilling to answer  
17 directly question 3.

18 **A.** I have to say that I'm surprised at that.  
19 I thought he'd said that there was none.

20 **Q.** This kind of exchange of information, would you  
21 expect it to be disclosed in criminal  
22 proceedings?

23 **A.** If he's saying he can't give an answer to that,  
24 and he's working in Fujitsu, definitely.

25 **Q.** You were responsible, in the sense of being

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1 accountable for the work of your lawyers in the  
 2 Criminal Law Team?  
 3 **A.** Absolutely.  
 4 **Q.** But were you also not responsible because others  
 5 sought your guidance on how to approach issues  
 6 of Horizon integrity as we've seen in the emails  
 7 of this morning?  
 8 **A.** Yes, and is this about me endeavouring to help  
 9 them?  
 10 **Q.** Yes.  
 11 **A.** Yes.  
 12 **Q.** To what extent was the Post Office's strategy,  
 13 in the prosecution of Mrs Misra, informed in  
 14 your understanding by an objective of deterring  
 15 other subpostmasters from raising concerns about  
 16 Horizon?  
 17 **A.** That should not have been a concern at all.  
 18 **Q.** I know it should not have been: to what extent  
 19 was it?  
 20 **A.** I don't believe it was.  
 21 **Q.** You've read, I think, what the Court of Appeal  
 22 said about the Seema Misra case in the *Hamilton*  
 23 series of appeals?  
 24 **A.** Yes.  
 25 **Q.** In the light of that, do you agree, on

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1 **Q.** You tell us in your witness statement, it's  
 2 paragraph 15.4, that you do not know, one way or  
 3 the other, whether anyone gave Mr Jenkins any  
 4 explanation as to the duties of an expert  
 5 witness in the Seema Misra case?  
 6 **A.** No, I mean, I assume that Mr Tatford would have  
 7 taken him through that during the course of the  
 8 trial.  
 9 **Q.** You say that in paragraph 15.4 --  
 10 **A.** Yes.  
 11 **Q.** -- where you're addressing the question of  
 12 whether you or anyone else explained the duties  
 13 of an expert to Mr Jenkins, and you say that you  
 14 believe Mr Jenkins would have been questioned in  
 15 court --  
 16 **A.** Yes.  
 17 **Q.** -- about his qualifications, experience, and the  
 18 basis for his opinions?  
 19 **A.** Yes.  
 20 **Q.** Are you by that suggesting that whether  
 21 a prosecution witness was being called as  
 22 an expert and whether their evidence was  
 23 admissible as expert evidence was a matter to be  
 24 determined by the court at trial?  
 25 **A.** No, I don't think I'm saying that. What I'm

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1 reflection, that the Post Office and the  
 2 Criminal Law Team did not fulfil its duties  
 3 under either the Code for Crown Prosecutors to  
 4 evaluate the evidence in support of the relevant  
 5 charges nor discharge its disclosure obligations  
 6 under the CPIA?  
 7 **A.** I wouldn't seek to argue with the Court of  
 8 Appeal.  
 9 **Q.** You confirm in your witness statement, in  
 10 relation to obtaining expert evidence, that,  
 11 firstly, you gave no instructions to Mr Jenkins  
 12 in the course of the Seema Misra case.  
 13 **A.** I can't remember giving any instructions to  
 14 Mr Jenkins in any case.  
 15 **Q.** That's paragraph 15.3 of your witness statement.  
 16 **A.** Yes.  
 17 **Q.** You confirm that you do not know whether  
 18 Mr Singh or anyone else in the Criminal Law Team  
 19 gave Mr Jenkins such instructions in the *Misra*  
 20 case?  
 21 **A.** I mean when you say "instructions", you mean  
 22 directions to do something?  
 23 **Q.** Yes.  
 24 **A.** I can't remember directing any witness to do any  
 25 particular thing.

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1 saying is that him -- counsel would have  
 2 questioned Mr Jenkins, so it was clear to the  
 3 court that he understood that his duty was to  
 4 the court and not to those of us who were  
 5 instructing him.  
 6 **Q.** That may be so and that may be a necessary part  
 7 of adducing expert evidence in court. We're  
 8 interested in the antecedents stage, ie what  
 9 happened before. Are you suggesting that  
 10 because, when it got to court, counsel may ask  
 11 questions about qualifications, experience and  
 12 basis of opinions, there was no necessity to do  
 13 any of that beforehand?  
 14 **A.** No, we clearly got it wrong with how we  
 15 instructed Mr Jenkins in terms of his expertise,  
 16 and I remember you going through a very long  
 17 list with me on the first day of my evidence,  
 18 and I believe I accepted that what you were  
 19 saying was right and that we were wrong -- or  
 20 I was wrong.  
 21 **Q.** I was just checking that what you now say in  
 22 paragraph 15.4 of your second witness statement  
 23 is not a gloss on that, ie because  
 24 qualifications, experience and basis of opinions  
 25 are addressed at court, there's no need to do it

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1       beforehand?

2 **A.** No, I'm not saying that at all. I'm accepting

3       what you said to me on the first occasion that

4       I gave evidence and I'm not trying to gloss it.

5 **Q.** Thank you.

6 **A.** I'm not excusing myself.

7 **Q.** Thank you very much, Mr Wilson.

8             Can we turn to what happened after the

9       trial, then, and look at POL00093686. Look at

10      page 5, please, foot of the page. This is sent

11      by Jarnail Singh's secretary. If you just see

12      in the top right there it says, his secretary

13      "on behalf of Jarnail Singh", sent on 21 October

14      2010 to Mandy Talbot and others, not including

15      you.

16 **A.** No, I'm included.

17 **Q.** Are you?

18 **A.** Yeah, third line down.

19 **Q.** Oh, I'm so sorry. Yes, I completely missed you.

20      Looking at the content, Mr Singh says:

21             "After a lengthy trial at Guildford the

22      above named was found guilty of theft. The case

23      turned from a relatively straightforward general

24      deficiency case into an unprecedented attack on

25      the Horizon system. We were beset with

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1       I understand the trial concluded --

2 **Q.** Yes.

3 **A.** -- and at --

4 **Q.** It's the afternoon of the trial.

5 **A.** -- 14.58. I know from looking at my diaries on

6       that particular date I wasn't in the office,

7       certainly in the morning. I was in an East

8       London Mail Centre and I don't know how long

9       I stayed in the East London Mail Centre but what

10      I do recall is when I saw this email I was quite

11      surprised, not only about the people that it had

12      gone to, some of whom I have no idea who they

13      are, but also about the content, because this is

14      not a report that I would have prepared or any

15      other lawyer would have prepared, and you can

16      see that on the *Henderson* case, where I do the

17      report on the *Henderson*. That's how --

18 **Q.** It's just the facts?

19 **A.** Yeah, absolutely.

20 **Q.** The second thing that Mr Singh told us was that

21      the title of the email, "Seema Misra --

22      Guildford Crown Court -- Trial -- Attack on

23      Horizon" was dictated to him, perhaps by you; is

24      that correct?

25 **A.** No.

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1       an unparalleled degree of disclosure requests by

2       the defence. Through hard work of everyone,

3       counsel Warwick Tatford, Investigation Officer

4       Jon Longman, and through the considerable

5       expertise of Gareth Jenkins of Fujitsu we were

6       able to destroy to the criminal standard of

7       proof (beyond all reasonable doubt) every single

8       suggestion made by the Defence.

9             "It is to be hoped that the case will set

10      a marker to dissuade other defendants from

11      jumping on the Horizon bashing bandwagon."

12             "Jarnail Singh."

13             The subject of the email is called "Attack

14      on Horizon"; can you see that?

15 **A.** Yes.

16 **Q.** When he gave evidence, Mr Singh said that you or

17      Mandy Talbot selected this distribution list for

18      him and told him who to send it to; is that

19      correct?

20 **A.** I certainly didn't.

21 **Q.** Would it be usual for Mandy Talbot, in Civil

22      Litigation, to tell Jarnail Singh, the case

23      holder in Criminal Litigation, who to send

24      an email to?

25 **A.** No. His email is on the same day as

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1 **Q.** The third thing he told us was that he typed

2       these words or more accurately asked his

3       secretary to type these words, including "Attack

4       on Horizon", even though he personally did not

5       believe that the Seema Misra case involved

6       an attack on Horizon. Did he ever express such

7       sentiments to you: "I've been forced to write

8       an email, the title to which and the contents

9       with which, I disagree"?

10 **A.** No.

11 **Q.** He said, fourthly, that a collection of people

12      dictated the contents to him, perhaps involving

13      counsel, perhaps involving you, perhaps

14      involving other lawyers, but then you saw

15      a draft of the email and you approved the final

16      draft, which is his then-secretary sent out; is

17      that true?

18 **A.** No.

19 **Q.** Did you draft any part of this email?

20 **A.** No, I did not.

21 **Q.** Did you authorise the sending of this email in

22      any way?

23 **A.** No.

24 **Q.** Did you share the view expressed by Mr Singh

25      that the Horizon integrity issue was a passing

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1 bandwagon upon which people could jump?  
 2 **A.** No.  
 3 **Q.** Can we turn to POL00169170. So we can see what  
 4 happened to Jarnail Singh's email, if we scroll  
 5 down, please. We can see just the email there  
 6 at the foot of the page and then, somehow, in  
 7 this version of it -- we can't see how it got  
 8 there, but somehow -- it's got from the  
 9 distribution list at the bottom of the page on  
 10 to David Y Smith, Rod Ismay, who was on the  
 11 distribution list, Mike Moores, Mike Young and  
 12 Paula Vennells, yes?  
 13 **A.** Yes.  
 14 **Q.** David Smith, he was the Managing Director of the  
 15 company at the time; is that right?  
 16 **A.** I don't know.  
 17 **Q.** David Y Smith?  
 18 **A.** I don't know.  
 19 **Q.** Paula Vennells was Head of Network, Post Office  
 20 Network?  
 21 **A.** I recognise Paula Vennells' name because I think  
 22 she became the Chief Executive of --  
 23 **Q.** Subsequently. At this time, I think she was  
 24 Head of Network?  
 25 **A.** Right.

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1 people, like Susan Crichton, the General  
 2 Counsel. Do you see any pattern emerging  
 3 between the emails?  
 4 **A.** Yes.  
 5 **Q.** Both followed trials which had challenged the  
 6 integrity of Horizon, yes?  
 7 **A.** Yes.  
 8 **Q.** Both were gleeful that the challenge was  
 9 defeated?  
 10 **A.** Yes.  
 11 **Q.** Both victories were seen as a way of sending  
 12 a message out to the subpostmaster community?  
 13 **A.** Yes.  
 14 **Q.** Both were evidently of interest and importance  
 15 to senior people within the Post Office, weren't  
 16 they?  
 17 **A.** Yes.  
 18 **Q.** You say in your statement that you cannot recall  
 19 what you thought at the time about the outcome  
 20 of the case but you were surprised at the  
 21 audience?  
 22 **A.** Yes.  
 23 **Q.** Why were you surprised at the audience?  
 24 **A.** I didn't realise that it was being watched,  
 25 effectively, by pretty senior people within Post

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1 **Q.** Then if we go on further up the page, please, we  
 2 can then see Mr Ismay redistributes the email  
 3 back to everyone who was on the first list --  
 4 can you see that --  
 5 **A.** Yes.  
 6 **Q.** -- including you?  
 7 **A.** Yes.  
 8 **Q.** "Dear all -- please note Dave Smith's thanks to  
 9 you all for your important work on this case.  
 10 "Dave and the [Executive Team] have been  
 11 aware of the significance of these challenges  
 12 and have been supportive of the excellent work  
 13 going on in so many teams to justify the  
 14 confidence we have in Horizon and in supporting  
 15 our processes.  
 16 "This is an excellent result and a big  
 17 thanks to everyone."  
 18 So Rod Ismay here is making sure that  
 19 everyone saw how pleased David Smith was with  
 20 the outcome, yes?  
 21 **A.** Yes.  
 22 **Q.** This circulation list includes some of the same  
 23 people that we saw in the congratulatory email  
 24 after the *Castleton* trial, including you, Mandy  
 25 Talbot and Rod Ismay, as well as a successor

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1 Office Limited.  
 2 **Q.** How has that come about, as Head of Criminal  
 3 Law, surely you should have been aware that the  
 4 Managing Director, David Y Smith, and the  
 5 Executive Team were aware of the significance of  
 6 the challenges that the *Misra* case presented?  
 7 **A.** Well, I wasn't aware. They weren't contacting  
 8 me; I wasn't contacting them. Mr Singh wasn't  
 9 telling me that lots of people were interested  
 10 in it.  
 11 **Q.** As far as you were aware, was it just another  
 12 run-of-the-mill case, then?  
 13 **A.** Well, it certainly was when I allocated it to  
 14 Jarnail but, in terms of disclosure, it took on  
 15 a life on its own but, I mean, I didn't view it,  
 16 at any particular stage, as a test case, which  
 17 clearly other people were viewing it as. For  
 18 me, it was another case with a lot of  
 19 disclosure.  
 20 **Q.** Given the defence that Mrs Misra was running, in  
 21 short that Horizon had created fictitious  
 22 shortfalls in her accounts --  
 23 **A.** Yes.  
 24 **Q.** -- if she had been acquitted, do you think that  
 25 would have opened up the strong possibility of

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1 attacks on past convictions secured on the back  
2 of Horizon evidence?

3 **A.** I think, looking back now, I think that probably  
4 you're right. I think, having seen the amount  
5 of disclosure and then being told by a jury  
6 "We're not going to convict", would have been  
7 a defining moment, yes.

8 **Q.** It may have called a halt to Horizon  
9 prosecutions?

10 **A.** It may have done, yes.

11 **Q.** Would you agree that, although your department  
12 would have been in the vanguard of driving that  
13 process of looking back at past convictions and  
14 halting current prosecutions, the implications  
15 would have been felt across the entire Post  
16 Office estate, ie they would have had effects  
17 not just on prosecutions?

18 **A.** Inevitably, yes.

19 **Q.** Can you therefore now understand the relief  
20 that's expressed in these emails that she was  
21 convicted?

22 **A.** I saw the -- well, from the senior people?

23 **Q.** Yes.

24 **A.** Not from Jarnail Singh?

25 **Q.** Well, from both, actually.

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1 sent to you, after your email about not setting  
2 up an independent expert evaluation of the  
3 integrity of Horizon, after your sight of the  
4 Ismay report, you can't have been in any doubt  
5 that the business was interested in cases which  
6 challenged the integrity of Horizon, can you?

7 **A.** Well, I wouldn't have been in any doubt seeing  
8 this that the business was interested in the --  
9 the result of cases.

10 **Q.** Well, therefore, you can't have been surprised  
11 at the audience of this "bandwagon" email?

12 **A.** Well, it was a surprise.

13 **Q.** But why? If --

14 **A.** Because I didn't --

15 **Q.** If, after all of the events which had happened,  
16 the last round, the big challenge, was Lee  
17 Castleton, after the proposal to get an expert  
18 evaluation of the integrity of Horizon, which  
19 you, on balance, argued against, after the  
20 disclosure issues that we've looked at, after  
21 the Ismay report, you knew what was riding on  
22 this case, didn't you, and, therefore, how  
23 everyone would be interested in its outcome?

24 **A.** I really don't see that as being in my brain,  
25 no. I think I was quite surprised. I mean, the

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1 **A.** Well, I saw Jarnail Singh as being relieved on  
2 the basis that it was probably a stressful  
3 period for him and that lent towards the  
4 language that he's actually used. So when I saw  
5 the first email, whilst I was surprised, I put  
6 it down to stress because I think, had I not --  
7 or believed that that was the position, I think  
8 I'd have had a word with him about his use of  
9 the language because it was inappropriate.

10 With the senior people here, yes, I mean  
11 I probably wouldn't have seen a congratulatory  
12 email like this at all if the case had been --  
13 if Ms Seema Misra had been acquitted.

14 **Q.** You were on the distribution list, as you  
15 rightly pointed out, of the original email --

16 **A.** Yes.

17 **Q.** -- and of this reply, after its done the rounds  
18 amongst senior people within the Post Office.  
19 You didn't pull Mr Singh up on it, did you?

20 **A.** No, as I say -- I said just now, I thought his  
21 reply was probably generated by a relief --  
22 relieving his stress.

23 **Q.** Or is the truth that you were also personally  
24 invested in the outcome of Seema Misra's case?  
25 After the Lee Castleton congratulatory email

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1 Lee Castleton thing I had virtually nothing to  
2 deal with, because all I did was say, "Yes, I'll  
3 come to court and explain why Mr Singh was  
4 acquitted". The Rod Ismay report, I had very  
5 little to do with that. I think I may have  
6 given some information about cases that we'd  
7 been -- prosecuted but I had very little to do  
8 with that and was quite surprised, because I'd  
9 forgotten about the pending report, when it came  
10 through.

11 And, yeah, these things were happening over  
12 an extended period of time and they weren't  
13 always in the front of my memory. I'm not  
14 trying to make an excuse. Maybe I should have  
15 been aware that there was a big interest in this  
16 but all I can remember about the final email  
17 here was being surprised at the number of people  
18 that clearly had been interested in it and that  
19 I was unaware of.

20 **Q.** That can come down. Thank you.

21 We've looked at a series of emails of what  
22 happens when the Post Office is successful in  
23 civil proceedings or criminal proceedings. Can  
24 we look at what happens when the opposite comes  
25 about.

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1 Anthony Utting, Tony Utting, gave evidence  
2 on 17 November this year and he told us that,  
3 when the Post Office lost the case, there would  
4 be a report, which was written by counsel, that  
5 would go to the Criminal Law Team and the  
6 leadership team about why it had been lost; is  
7 that correct?

8 **A.** Certainly, if we lost a case, I would ask  
9 counsel for a report on the case, giving a view  
10 as to why he believed or she believed that we'd  
11 lost it, yeah.

12 **Q.** What would you do with that report?

13 **A.** Well, that would be forwarded up to my line  
14 manager, whether it was Andrew Wilson or Tony  
15 Utting, or whoever.

16 **Q.** What was the purpose of doing that?

17 **A.** Well, the purpose was, if there was a problem  
18 identified by counsel, we would try and rectify  
19 it or understand what went wrong and provide  
20 training, or whatever was needed.

21 **Q.** In January 2007, Mrs Susan Palmer, after  
22 a three-day trial in which she had raised  
23 Horizon integrity issues, was acquitted of three  
24 charges of false accounting with the jury  
25 acquitting her after about ten minutes. The

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1 by the Post Office?

2 **A.** Well, it could be that it wasn't by email.

3 I mean, counsel may have --

4 **Q.** Okay, reports or any document or piece of paper.

5 **A.** I have no idea how the Post Office disclosed all  
6 these documents on you. But I did ask for -- on  
7 every case that we lost, I asked for a report  
8 from our counsel who is dealing with it and, if  
9 it was an agent's case, I'd also ask for  
10 an agent to give me a report. So I will have  
11 got a report. I'm pretty confident about that.  
12 I don't recall it, though.

13 **MR BEER:** Thank you very much, Mr Wilson.

14 Sir, I wonder if we might take the afternoon  
15 break now until 3.20.

16 **SIR WYN WILLIAMS:** Yes, very well.

17 **MR BEER:** Thank you, sir.

18 (3.04 pm)

(A short break)

20 (3.20 pm)

21 **MR BEER:** Good afternoon, sir, can you see and hear  
22 us?

23 **SIR WYN WILLIAMS:** Yes, Thanks, yes.

24 **MR BEER:** Thank you.

25 Good afternoon, Mr Wilson.

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1 jury asked the question, "What was Mrs Palmer  
2 supposed to do if she did not agree with the  
3 figures that the Horizon system produced?" The  
4 Post Office representatives at court were unable  
5 to answer that question.

6 Was there a post-trial report in that case?

7 **A.** There will have been. I can't remember.

8 **Q.** The jury raised in public a question as to the  
9 reliability of the Horizon system and what  
10 a subpostmaster was supposed to do if, in that  
11 case, she did not agree with the figures, and  
12 the Post Office was unable to answer it at  
13 court. Was any review undertaken in the light  
14 of this outcome?

15 **A.** I don't recall the case at all. I imagine there  
16 should have been a review. I imagine there  
17 would have been a review. But it seems to me  
18 extraordinary that they don't know that she  
19 could have reported that to -- I can't remember  
20 the initials of the group that dealt with  
21 problems. Yeah, I'm surprised at that.

22 **Q.** We haven't got a review or a report back to you.  
23 The only emails we've got are gloating emails  
24 when the Post Office wins. Do you know why that  
25 is? We've got no reviews of when cases are lost

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1 Can we turn -- in fact, before we turn to  
2 that, Ms Gallafent has kindly pointed out to me  
3 that POL00049716 -- needn't be displayed --  
4 shows that David Pardoe was the person who  
5 authorised the prosecution of Seema Misra.  
6 Thank you.

7 Can we turn, please, to Allison Henderson.  
8 You were the relevant lawyer in Mrs Henderson's  
9 case, yes?

10 **A.** Yes.

11 **Q.** Can we look, please, at POL00044501. Can we  
12 scroll to the foot of the page, please. This  
13 is, is this right, a memorandum from the  
14 Investigator to you --

15 **A.** Yes.

16 **Q.** -- dated 20 April 2010?

17 **A.** Yes.

18 **Q.** Then if we scroll up, please. Is this,  
19 essentially, a memorandum seeking your advice on  
20 charges? Just take a moment to read it to  
21 yourself.

22 **A.** It's not the traditional report that I'd expect  
23 to see.

24 **Q.** Have I picked the story up sort of halfway  
25 through? If you look just towards the bottom of

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1 the page where it's being displayed there, where  
2 it says, "I hope ... we can continue with  
3 charge(s) of theft and false accounting".

4 **A.** Yes, I think so. The normal report is slightly  
5 different to that.

6 **Q.** Yes. You tell us in your witness statement --  
7 I wonder whether we can turn it to up, then,  
8 please, page 21 of your witness statement. At  
9 paragraph 33, you refer to some documents  
10 earlier in your statement, and you say:

11 "I believe, after having reviewed the  
12 documents, that the first time I became aware  
13 that the integrity of Horizon data was being  
14 questioned was upon receipt of the amended  
15 defence statement dated 16 November 2010 ...  
16 I received an indication that Mrs Henderson was  
17 highly likely to plead to false accounting. The  
18 receipt of the challenge complaining of the  
19 malfunction of Horizon would have raised  
20 an obligation to serve on the defence any  
21 material that assisted the defence or undermined  
22 the prosecution."

23 Then you say this:

24 "I do not believe that ARQ data was ever  
25 sought in this case."

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1 wonder whether you might accept a plea to false  
2 accounting in this matter as well as full  
3 repayment of the [£12,000-odd] outstanding."

4 To what extent was repayment of alleged  
5 losses ever made a condition of acceptance by  
6 the Post Office of a plea?

7 **A.** To say I wasn't interested in repayment is  
8 underplaying the statement but that was not  
9 a primary concern of mine, and I don't believe  
10 I made it a condition with Belmores. I think  
11 they were offering this.

12 **Q.** Can we just look at what the defence statement  
13 said, POL00044503.

14 Defendant doesn't dispute that £12,000-odd  
15 appears to be missing ...

16 "[She] offers no particular explanation and  
17 does not understand why there is a discrepancy,  
18 however does believe that any discrepancies are  
19 the result of a malfunction of the Horizon  
20 computerised accounting system. [She] believes  
21 that any discrepancy could have been discovered  
22 by the Post Office auditor, particularly as he  
23 initially alleged £18,000 was missing, this was  
24 reduced to the alleged sum in a matter of  
25 minutes. Further investigation by the auditor

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1 That certainly matches the material that we  
2 have got.

3 If, as you said the outset of today, that  
4 ARQ data was fundamental in at least those cases  
5 where Horizon data was being questioned or the  
6 integrity of Horizon was being questioned, why  
7 wasn't ARQ data sought in this case?

8 **A.** Well, I think it will have been sought had she  
9 maintained her not guilty plea but I think the  
10 defence statement of 16 November, crossed with  
11 a telephone call of either the same date or the  
12 date before, with the defence solicitors, who'd  
13 telephoned me to say that it was in counsel's  
14 hands, but it was likely to be a guilty plea.  
15 And then five or seven days later, counsel had  
16 had -- counsel to counsel had had a telephone  
17 call where the defence said that she would be  
18 pleading to -- she would plead to false  
19 accounting and would not be challenging Horizon.

20 Had she maintained a not guilty plea, we  
21 would have been looking at ARQ data, ARQ data.

22 **Q.** Can we look, please, at that train of events,  
23 POL00055807, a letter of 18 November from  
24 defence solicitors Belmores to you. Question:

25 "We act on behalf of the above named and

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1 would have discovered the whereabouts of the  
2 missing sum.

3 "She categorically denies appropriating any  
4 money from [the Post Office].

5 "... not in any financial difficulty ... of  
6 good character and has not moved any monies or  
7 made significant purchases.

8 "[She] accepts that she is contractually  
9 obliged to pay the amount of £12,000-odd to the  
10 Post Office and has instructed her solicitors to  
11 approach prosecution as to how best this can be  
12 [achieved]."

13 Can we see what your response was to the  
14 defence statement, POL00055783. At the top of  
15 the page, 17 November:

16 "Have received a defence statement today,  
17 despite the telephone conversation [today].

18 A hard copy has been put in the post today.

19 "... the defence allege that any discrepancy  
20 was as a result of the Horizon system."

21 Then last paragraph:

22 "Clearly if there were to be a plea to false  
23 accounting but on the basis that the Horizon  
24 system was at fault that would not be

25 an acceptable basis of plea for the

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1 prosecution."

2 Can we look, please, at POL00046865. Look  
3 at page 7, please. This is Allison Henderson's  
4 questionnaire as part of the Complaint Review  
5 and Mediation Scheme. Can you see at  
6 paragraph 6, the second bit of it:

7 "She [that's Mrs Henderson] was advised to  
8 plead guilty to false accounting in return for  
9 dropping the theft charge. She was also told  
10 that she could not mention any problems with  
11 Horizon in court."

12 Can you see that?

13 **A.** Yes.

14 **Q.** I think you know that the Court of Appeal, in  
15 its *Hamilton* judgment, insofar as it concerns  
16 Allison Henderson, noted that the Post Office  
17 conceded that it was improper to make the  
18 acceptability of Mrs Henderson's plea to false  
19 accounting conditional upon making no issue of  
20 the Horizon system. The Court of Appeal  
21 continued:

22 "In our judgment, such conduct on the part  
23 of a prosecutor is improper. The Post Office  
24 had dropped the theft charge and so could no  
25 longer advance any case that she had stolen the

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1 the basis of plea to false accounting  
2 conditional on making no issue of the Horizon  
3 system?

4 **A.** Yes. I think what I've done is wrongly worded  
5 it. What I should have said was that, in the  
6 event that we have a disagreement about  
7 culpability, then it'll probably have to be  
8 dealt with as a Newton hearing, or words to that  
9 effect. Yes, I've put it in the wrong way.  
10 I accept that.

11 **Q.** In Mrs Henderson's case, did you disclose the  
12 receipts and payments mismatch bug  
13 documentation?

14 **A.** No.

15 **Q.** Did you disclose the Rod Ismay report?

16 **A.** No.

17 **Q.** Why was that?

18 **A.** The Rod Ismay report, as far as I was concerned,  
19 was a vindication of the Horizon system and  
20 I didn't see that as undermining our case.

21 **Q.** Did you expressly consider it?

22 **A.** Did I expressly consider --

23 **Q.** It for disclosure?

24 **A.** No, basically because I felt that it didn't  
25 undermine our cases.

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1 money. The Post Office concedes that that  
2 should have left the way open to Mrs Henderson  
3 to suggest that there was no actual loss and she  
4 had only covered up a shortfall that Horizon had  
5 created."

6 Do you accept, as you did before, what the  
7 Court of Appeal says?

8 **A.** I wouldn't seek to argue with the Court of  
9 Appeal at all, in any shape or form, but my --  
10 the reason I was putting that in there was in  
11 the event that she did plead guilty to the false  
12 accounting, then I refer back to what I put in  
13 my witness statement a number of times  
14 concerning the agreement. If there wasn't  
15 an agreement between the prosecution and the  
16 defence, in terms of the difficulties -- I'm  
17 phrasing this really badly -- the difficulty in  
18 the case, then you'd effectively have a Newton  
19 hearing.

20 I mean, that was what I was trying to do but  
21 I accept that I put it in a very different and  
22 difficult way in that document that you've just  
23 shown me, yes.

24 **Q.** With hindsight, to you accept that it wasn't  
25 proper to make the acceptability of the plea or

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1 **Q.** When Mrs Henderson lodged her defence case  
2 statement or her defence statement, did that not  
3 trigger an obligation to review what material  
4 existed within the Post Office generally,  
5 without going to Fujitsu in the first instance?

6 **A.** Yes, it would have triggered disclosure, yes.

7 **Q.** Is it right that there wasn't a central  
8 repository, whether physical or on a server, for  
9 investigators and prosecutors to access, of all  
10 information relating to alleged or established  
11 problems with Horizon?

12 **A.** Yes, it's right. I know it was suggested by  
13 counsel in an earlier case, who represented the  
14 subpostmasters and mistresses, a large number of  
15 them, and I think it was an opportunity we  
16 missed.

17 **Q.** Was active consideration ever given to that, to  
18 have a central repository at which established  
19 problems with Horizon, some of which we've seen  
20 today, or alleged problems with Horizon, could  
21 be accessed?

22 **A.** Not that I recall, but as I say, I think it was  
23 an opportunity missed that we should have done  
24 something like that, yes.

25 **Q.** Who within the Post Office was responsible for

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1 thinking of such an idea and carrying such  
 2 an idea into action?  
 3 **A.** Well, I could have done and I should have done,  
 4 but I don't think it ever occurred to me and  
 5 I don't think anybody ever suggested it as  
 6 a good idea.  
 7 **Q.** Can we turn, lastly, to Khayyam Ishaq's case and  
 8 turn up paragraph 50 to 53 of your witness  
 9 statement which is on page 27. You say:  
 10 "I did not have a role in relation to  
 11 disclosure."  
 12 You weren't aware that Mr Ishaq had raised  
 13 Horizon integrity issues in the course of the  
 14 prosecution and you had no involvement in the  
 15 prosecution after you moved to the Royal Mail  
 16 Group in 2012; is that right?  
 17 **A.** Yes.  
 18 **Q.** Who took over responsibility from you when you  
 19 moved in 2012?  
 20 **A.** Mr Singh would have been the lawyer in Post  
 21 Office Limited.  
 22 **Q.** But you had overall responsibility for the case  
 23 until April 2020; is that right?  
 24 **A.** Yes.  
 25 **Q.** You, a year earlier, had authorised prosecution,  
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1 **A.** Well, that's showing me -- as me, isn't it?  
 2 **Q.** Did you ever analyse or reduce to writing such  
 3 analysis of why there was a realistic prospect  
 4 of conviction?  
 5 **A.** No. I don't think so.  
 6 **Q.** Your advices tend to follow this format, namely  
 7 a statement as to there is a realistic prospect  
 8 of conviction and then the rest of the memo  
 9 turns to evidential queries that need bottoming  
 10 out?  
 11 **A.** Yes.  
 12 **Q.** You don't say why there is a realistic prospect  
 13 of conviction?  
 14 **A.** No, no. I don't.  
 15 **Q.** Was there a separate record kept of why there  
 16 was a realistic prospect of conviction?  
 17 **A.** I don't think so, no.  
 18 **Q.** After April 2012, did you have any involvement  
 19 in the proceedings against Mr Ishaq?  
 20 **A.** No.  
 21 **MR BEER:** Thank you very much, Mr Wilson. Those are  
 22 the only questions I ask. That document can be  
 23 taken down, please.  
 24 I think there are some questions, including  
 25 from Mr Jacobs, to start with.  
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1 is that right, advising there was sufficient  
 2 evidence of a realistic prospect of conviction?  
 3 **A.** Yes.  
 4 **Q.** I'll give the --  
 5 **A.** Oh, no, I -- did I?  
 6 **Q.** Well, let's have a look at it. POL00056596.  
 7 **A.** I thought Cartwright King gave the --  
 8 **Q.** Can you see this is a memorandum dated 5 July  
 9 2011 --  
 10 **A.** Yes.  
 11 **Q.** -- in the case of Khayyam Ishaq. If we go to  
 12 the last page, if we scroll down, we can see  
 13 it's written by you.  
 14 **A.** Oh, right, yes. I was under the impression that  
 15 I hadn't started the case.  
 16 **Q.** If we go back to the first page, please.  
 17 "In my opinion [paragraph 1] the evidence is  
 18 sufficient to afford a realistic prospect of  
 19 conviction ... on the charges set out on the  
 20 attached Schedule."  
 21 **A.** In that case, there is a mistake, then, in my  
 22 witness statement because I put at answer  
 23 number 47 the charge was drafted by Martin Smith  
 24 of Messrs Cartwright King.  
 25 **Q.** Whereas, in fact, it's you?  
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1 **Questioned by MR JACOBS**  
 2 **MR JACOBS:** I just have a quick question to ask you.  
 3 I act for 156 subpostmasters and mistresses who  
 4 were affected by this scandal.  
 5 I want you to cast your mind back but not  
 6 very long, just to 9.15 this morning when  
 7 Mr Beer asked you a question and he said:  
 8 "If you were asked from 2000 onwards, and if  
 9 there was any change in the answer from 2000  
 10 until, say 2012, who at board level was  
 11 responsible for the conduct of criminal  
 12 prosecutions, what would your answer have been?"  
 13 **A.** Yes.  
 14 **Q.** Do you recall that question?  
 15 **A.** Yes, I do, yes.  
 16 **Q.** So I'll remind you of your answer so we've got  
 17 it on the transcript.  
 18 **A.** I think I said the Secretary, didn't I?  
 19 **Q.** You said the answer would be the Company  
 20 Secretary. Then you went on to say:  
 21 "Yes, I think there were probably two,  
 22 possibly even three while I was there and, for  
 23 the life of me, at the moment, I can't remember  
 24 their names."  
 25 **A.** Yes.  
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- 1 **Q.** Now, Howe+Co have been quite diligent and we've  
 2 found Bond documents, the names of the Company  
 3 Secretaries in Post Office Limited who were in  
 4 place from the years when you were in place,  
 5 2000 to 2012. Our clients are very interested  
 6 to know the names of the individuals who would  
 7 have known, or ought properly to have known,  
 8 what was going on with the Horizon system and  
 9 the --
- 10 **A.** The reason I said that I think it was the  
 11 Secretary, it was because I know that my direct  
 12 line, the Security Director, reported to the  
 13 Secretary.
- 14 **Q.** All right. Right.
- 15 **A.** So that was my rationale.
- 16 **Q.** Yes. So your evidence is still, then, that your  
 17 understanding is that the person at board level  
 18 who was responsible for the conduct of criminal  
 19 prosecutions was the Secretary?
- 20 **A.** Yes.
- 21 **Q.** It might help remind you of the names, if I give  
 22 you those names, and you can confirm whether  
 23 that's right. So from 1999 to 2010, the Company  
 24 Secretary was Jonathan Evans.
- 25 **A.** Right.

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- 1 **MR JACOBS:** Okay. Well, I am just going to ask to  
 2 see if I have any more questions.
- 3 I don't, thank you very much.
- 4 **MR BEER:** I think Mr Henry has some questions.
- 5 **Questioned by MR HENRY**
- 6 **MR HENRY:** Thank you, sir, Mr Wilson. I represent,  
 7 among other people, Seema Misra.
- 8 I suggest your evidence today has revealed  
 9 that the Criminal Law Team was the submissive  
 10 servant of the Post Office's commercial  
 11 interests or perceived reputational advantage.  
 12 Do you agree with that?
- 13 **A.** No, I don't.
- 14 **Q.** That your department's duties as a private  
 15 prosecutor were twisted, degraded or suborned in  
 16 the service of the Post Office's interests as  
 17 a business; do you disagree?
- 18 **A.** Yes, I do.
- 19 **Q.** That prosecutorial standards and duties were  
 20 subordinated routinely to ruthless commercial  
 21 imperatives; that's right, isn't it?
- 22 **A.** No.
- 23 **Q.** And that far from displaying candour and  
 24 disclosing information concerning system errors  
 25 to subpostmasters and criminal and civil courts,

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- 1 **Q.** Does that ring a bell?
- 2 **A.** Yes.
- 3 **Q.** Is that right?
- 4 **A.** Yes.
- 5 **Q.** He was one of the three?
- 6 **A.** Yes.
- 7 **Q.** Then from 2010 to 2011, for a period of about  
 8 18 months, it was Susan Crichton, who also held  
 9 the role of General Counsel; do you recall that?
- 10 **A.** She was General Counsel?
- 11 **Q.** She was also, it seems, the Company Secretary as  
 12 well.
- 13 **A.** Right. Okay, I didn't understand that.  
 14 I didn't know that.
- 15 **Q.** Okay. So she wasn't one of the three that  
 16 you -- the two or three, that you --
- 17 **A.** No, she wasn't one of the three I was thinking  
 18 about.
- 19 **Q.** The third one, from July 2011 to 2017, and we  
 20 know that you went to Royal Mail in 2012, is  
 21 Alwen Lyons, is he one of --
- 22 **A.** I've never heard the name.
- 23 **Q.** So you can definitely confirm, from what we've  
 24 now been through, Jonathan Evans?
- 25 **A.** Yes.

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- 1 your department sought to suppress such  
 2 information?
- 3 **A.** No.
- 4 **Q.** You have said, in respect of the documents that  
 5 you received on the 8 October 2010 -- and we'll  
 6 come to one of them very briefly in a moment --  
 7 that, without wishing to be facetious, you said  
 8 that you must have had a bad day at the office  
 9 when you decided that the contents of those  
 10 documents, concerning the receipts and payments  
 11 mismatch bug were not disclosable; do you  
 12 remember saying that?
- 13 **A.** Yes.
- 14 **Q.** I suggest that it was not an isolated error and  
 15 that this was part of -- whether it was reckless  
 16 or Nelsonian -- a policy of taking perverse  
 17 decisions on disclosure to protect the Horizon  
 18 system; what do you say about that?
- 19 **A.** No, I didn't take decisions to protect Horizon.
- 20 **Q.** Could we go, please, to FUJ -- there is  
 21 an equivalent POL document but if we could go to  
 22 FUJ00081584, please. Now, the people in this  
 23 document, some of them were known to you, were  
 24 they not, apart from Mr Simpson?
- 25 **A.** The only name I recognise there, apart from Alan

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1 Simpson, is Gareth Jenkins.  
 2 **Q.** Not Mr Winn of POL Finance?  
 3 **A.** No.  
 4 **Q.** Not Julia Marwood, who was an Investigator and  
 5 part of Network?  
 6 **A.** No.  
 7 **Q.** Not Emma Langfield, who was part of the Post  
 8 Office's Problem Management Team?  
 9 **A.** No.  
 10 **Q.** None of those?  
 11 **A.** No.  
 12 **Q.** You read that document presumably on the  
 13 afternoon of the 8 October?  
 14 **A.** Was I copied into an email with it?  
 15 **Q.** It was sent to you by Mr Simpson.  
 16 **A.** Oh, right. This is the -- right, okay, yes.  
 17 **Q.** Yes. Can we go, please, to the impact section,  
 18 please. This is all predicated on the effect of  
 19 the receipts and payments mismatch bug. Very,  
 20 very quickly, because learned Counsel to the  
 21 Inquiry has all ready gone through it:  
 22 "The branch has appeared to have balanced,  
 23 whereas in fact they could have a loss or  
 24 a gain.  
 25 "Our accounting systems will be out of sync  
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1 drawing that to his attention?  
 2 **A.** I don't know.  
 3 **Q.** Do you accept that this document, in which  
 4 a number of people from the Post Office,  
 5 together with a number of people from Fujitsu,  
 6 were present, reveals a fear that, if flaws in  
 7 Horizon became widely known, that subpostmasters  
 8 might exploit this?  
 9 **A.** That's what it's saying.  
 10 **Q.** Yes.  
 11 **A.** I'm not saying I agree with it though.  
 12 **Q.** But you see and you accept, that that is what it  
 13 says?  
 14 **A.** Yes, I can't dispute what it says.  
 15 **Q.** Right, and that, therefore, the mindset might be  
 16 that it would provide branches ammunition to  
 17 blame Horizon for future discrepancies, in other  
 18 words people could take dishonest advantage of  
 19 it; that must be the import of what that is  
 20 saying?  
 21 **A.** Yes.  
 22 **Q.** Right. What I suggest is that you became aware  
 23 of that document, you forward it to Mr Singh,  
 24 you forward it to Ms McFarlane but the  
 25 vulnerabilities were suppressed, weren't they?  
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1 with what is recorded at the branch."  
 2 Then emphasis, please, with the following  
 3 words:  
 4 "If widely known could cause loose of  
 5 confidence in the Horizon system by branches.  
 6 "Potential impact upon ongoing legal cases  
 7 where branches are disputing the integrity of  
 8 Horizon data."  
 9 I emphasise "ongoing legal cases".  
 10 Then finally:  
 11 "It could provide branches ammunition to  
 12 blame Horizon for future discrepancies."  
 13 Now, none of those concerns, you agree,  
 14 Mr Wilson, would count for anything in the  
 15 discharge of your duties under the Criminal  
 16 Procedure and Investigations Act if that  
 17 material was disclosable.  
 18 **A.** Sorry, say that again, please?  
 19 **Q.** None of those concerns would count for anything  
 20 if the material was disclosable. In other  
 21 words --  
 22 **A.** Yes, no, I understand what you're saying. Yes,  
 23 I agree with you.  
 24 **Q.** Yes. Right. Is there any record of you  
 25 remonstrating with Mr Simpson about that or  
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1 **A.** No, I wasn't suppressing the vulnerabilities.  
 2 I didn't agree with the solutions. I -- my view  
 3 was that all of the subpostmasters and  
 4 mistresses should have been told about the bug.  
 5 **Q.** Well, you accept, do you not, that, by this  
 6 time, October 2010, concerns about the Horizon  
 7 system -- and this was the finding of  
 8 Mr Justice Fraser -- concerns about the Horizon  
 9 system had been in existence for 10 years by  
 10 this time?  
 11 **A.** Yes, if that's -- that's when they first became  
 12 known, yes.  
 13 **Q.** You have, in your evidence today, conceded that  
 14 you were aware from 2005/2006 about suggestions  
 15 about system vulnerability, haven't you?  
 16 **A.** I'm not sure of the dates but I've agreed with  
 17 what counsel put to me, yes.  
 18 **Q.** Well, could we, please -- you've just said that  
 19 you didn't agree with the solution, so it  
 20 follows that you must have read the solutions in  
 21 detail, if you were going to disagree with them.  
 22 **A.** Yes.  
 23 **Q.** Could we go to solution number 1, please.  
 24 I want to concentrate, please, on solution  
 25 number 1:  
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1 "Alter the Horizon branch figure at the  
2 counter to show the discrepancy. Fujitsu would  
3 have to manually write an entry value to the  
4 local branch account.

5 "IMPACT -- When the branch comes to complete  
6 next trading period they would have  
7 a discrepancy which they would have to bring to  
8 account."

9 Then this:

10 "RISK -- this has significant data integrity  
11 concerns and could lead to questions of  
12 'tampering' with the branch system and could  
13 generate questions around how the discrepancy  
14 was caused."

15 That must be the discrepancy referred to in  
16 "IMPACT", do you agree?

17 **A.** In the "IMPACT" above?

18 **Q.** Yes, in the line immediately above.

19 **A.** When the branch comes to next -- yes.

20 **Q.** So a discrepancy would have appeared out of thin  
21 air, which they would then have to bring to  
22 account.

23 Then the final sentence:

24 "This solution could have moral implications  
25 of Post Office changing branch data without

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1 **A.** Well, I didn't read it like that and I never  
2 believed that there was a backdoor into the sub  
3 post offices.

4 **Q.** Mr Wilson, did you make any attempt to clarify  
5 the disturbing contents of those passages that  
6 I have put to you?

7 **A.** I think what I did was I spoke to Jon Longman --  
8 Alan Simpson, and said that the only acceptable  
9 solution in relation to these -- in relation to  
10 this issue was to inform every branch, every  
11 subpostmaster what the problem was and to have  
12 it fixed in line with, I think, the suggestion  
13 that was in the second attachment by Mr Jenkins.

14 **Q.** Mr Wilson, that wasn't the question I asked you.  
15 I asked you: did you do anything to clarify what  
16 appears to be an obvious interpretation of  
17 remote access? Did you do anything at all to  
18 clarify with anybody the disturbing contents of  
19 what I have put to you?

20 **A.** Well, I didn't understand it to be remote  
21 access.

22 **Q.** I suggest that it cannot be interpreted in any  
23 other way, Mr Wilson. It must be remote access.

24 **A.** Well, I didn't understand it to be.

25 **Q.** That, of course, would have been disclosable,

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1 informing the branch."

2 Now, your evidence earlier today was that  
3 you believe that that referred to an individual  
4 visit to each branch to go to, not figuratively  
5 speaking or metaphorically speaking, the counter  
6 but to the actual counter, to alter the data.

7 That was your evidence.

8 **A.** Yes.

9 **Q.** I suggest that that evidence is untenable in  
10 view of the last sentence:

11 "This solution could have moral implications  
12 of Post Office changing branch data without  
13 informing the branch."

14 **A.** Well -- it could have moral implications. If  
15 they're not telling the branch that they're  
16 altering the data at the counter, that's  
17 dishonest.

18 **Q.** Of course it would be but we're not talking here  
19 about them coming along and saying, "I need to  
20 do something with your terminal at the branch,  
21 the terminal which is on the counter". What  
22 we're talking about here is the covert insertion  
23 of data, authorised by the Post Office and  
24 implemented by Fujitsu. That's what we're  
25 talking about, aren't we?

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1 whether it was Legacy Horizon or whether it was  
2 Horizon Online, wouldn't it?

3 **A.** Well, that would have stopped prosecutions  
4 completely.

5 **Q.** Of course it would. But moving on -- and this  
6 is the final matter -- do you not agree --  
7 I mean, you say that it is now, in retrospect,  
8 clearly disclosable, but do you not agree that  
9 a continuum of error, whether it be in Legacy  
10 Horizon or Horizon Online, in other words  
11 complaints about the fragility of the system and  
12 instances of system error, would be disclosable  
13 in a Legacy Horizon case, even if it were to  
14 refer to Horizon Online?

15 **A.** I do now.

16 **Q.** Why didn't you then?

17 **A.** Because I believed that there were two separate  
18 systems and that the new Horizon, as I phrase  
19 it, was not impacting on the old Horizon.

20 **Q.** But if you look at it in this way -- and surely  
21 this would have been apparent to you -- the old  
22 system was perceived to be subject to bugs,  
23 errors and defects and so, therefore, a new  
24 system, which was attempting to be more robust  
25 than the previous system was being rolled out;

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1 correct?  
 2 **A.** Yes.  
 3 **Q.** You follow me?  
 4 **A.** Yes.  
 5 **Q.** Yet the new system, contrary to expectations,  
 6 results in these covert balancing errors of  
 7 which subpostmasters are completely blameless  
 8 and totally unaware. That must be disclosable,  
 9 mustn't it, because it goes to the ability of  
 10 Fujitsu to actually implement a correct system?  
 11 **A.** Well, I agree with you now, yes.  
 12 **Q.** Does this not -- and, again, I ask this and  
 13 I ask you, please, to reflect carefully before  
 14 you answer, does this not reveal a symbiotic  
 15 relationship between Fujitsu and the Post  
 16 Office, the Post Office protecting Horizon at  
 17 all costs, for both its own reputation, and  
 18 Fujitsu aiding and abetting it to serve its own  
 19 commercial interests as well?  
 20 **A.** I think at a high level, having considered all  
 21 of the documents that I've seen, and listened to  
 22 arguments like you're putting now, from counsel,  
 23 that, at a high level yes, there was  
 24 a protection of Horizon.  
 25 **Q.** Of course, you were involved in that high level  
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1 in relation, of course, albeit at a distance,  
 2 but nevertheless in relation to the laudatory  
 3 plaudits you received from David Y Smith, Rod  
 4 Ismay and Paula Vennells, weren't you?  
 5 **A.** No, I wasn't inviting plaudits. I was  
 6 surprised. I didn't know most of the people on  
 7 the list. I had never met either of the three  
 8 that you've just named. I didn't realise that  
 9 the interest was as such as it's been  
 10 demonstrated in the document. I'm very sorry,  
 11 but I didn't.  
 12 **MR HENRY:** Thank you very much.  
 13 **SIR WYN WILLIAMS:** Anyone else?  
 14 **MR BEER:** No, that's it, sir.  
 15 **SIR WYN WILLIAMS:** Well, thank you for returning to  
 16 give evidence, Mr Wilson. It's been a full day  
 17 for you but I'm grateful for your participation  
 18 in the Inquiry.  
 19 **THE WITNESS:** Thank you, sir.  
 20 **SIR WYN WILLIAMS:** 10.00 tomorrow, Mr Beer?  
 21 **MR BEER:** Yes, that's right, sir. Thank you.  
 22 **(4.00 pm)**  
 23 **(The hearing adjourned until 10.00 am**  
 24 **the following day)**  
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81/12 81/17 84/16 90/3 96/4 96/9 97/6 97/11 97/15 97/18 97/20 97/22 97/24 98/15 100/13 100/15 100/19 101/6 101/15 101/16 104/21 105/5</p>	<p>105/8 105/13 105/20 106/11 107/4 107/25 108/20 109/3 109/4 109/6 109/7 112/6 115/7 115/10 115/22 116/5 122/3 124/6 124/9 124/14 125/4 128/24 128/25 130/17 132/12 133/3 142/9 154/7 155/10 158/8 173/25</p> <p><b>William [1]</b> 48/16</p> <p><b>Williamson [1]</b> 17/12</p> <p><b>Wilson [40]</b> 1/6 1/7 1/10 4/19 9/22 10/8 10/12 11/5 11/6 11/21 11/23 12/1 12/15 12/17 13/5 16/14 25/8 28/16 37/16 46/23 50/14 51/7 57/19 68/21 71/4 81/20 84/3 110/14 141/7 153/14 155/13 155/25 167/21 171/6 174/14 179/4 179/14 179/23 182/16 183/2</p> <p><b>Winn [3]</b> 67/5 95/21 173/2</p> <p><b>wins [1]</b> 154/24</p> <p><b>wisdom [1]</b> 16/8</p> <p><b>wish [2]</b> 42/4 92/20</p> <p><b>wishing [2]</b> 82/10 172/7</p> <p><b>within [19]</b> 41/3 50/23 55/17 62/3 71/17 76/18 77/15 96/5 96/10 106/15 109/1 115/25 123/25 131/5 147/15 147/25 150/18 164/4 164/25</p> <p><b>without [10]</b> 34/12 97/11 102/10 103/8 103/23 136/15 164/5 172/7 177/25 178/12</p> <p><b>WITN04210200 [1]</b> 1/20</p> <p><b>witness [78]</b> 1/15 2/6 2/15 3/7 29/13 29/14 30/24 31/3 32/23 34/7 34/25 35/8 36/8 36/21 37/2 38/22 39/5 39/17 39/25 41/9 44/25 46/1 46/2 46/3 46/4 46/8 46/16 47/4 47/6 47/14 47/20 47/20 48/5 48/18 50/17 51/4 52/18 53/5 56/9 58/22 64/8 73/5 73/8 73/12 74/8 74/16 76/10 76/22 77/1 77/4 81/22 82/17 83/20 90/14 108/4 113/6 116/10 120/15 121/5 125/5 125/19 127/6 127/13</p>
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<p><b>W</b></p> <p><b>witness... [15]</b> 132/4 136/6 136/9 138/9 138/15 138/24 139/1 139/5 139/21 140/22 157/6 157/8 162/13 165/8 166/22</p> <p><b>witness's [1]</b> 45/17</p> <p><b>witnesses [7]</b> 34/10 34/11 47/25 56/12 59/2 83/5 120/10</p> <p><b>won [1]</b> 66/14</p> <p><b>won't [2]</b> 25/8 118/25</p> <p><b>wonder [6]</b> 37/3 50/1 110/3 155/14 157/7 159/1</p> <p><b>word [6]</b> 2/20 2/21 18/19 37/18 40/20 150/8</p> <p><b>worded [1]</b> 163/4</p> <p><b>wording [2]</b> 45/1 45/13</p> <p><b>words [17]</b> 21/16 43/17 51/22 71/1 73/6 73/7 73/21 75/13 78/21 104/14 144/2 144/3 163/8 174/3 174/21 175/18 180/10</p> <p><b>work [23]</b> 9/14 9/19 9/22 11/20 11/22 12/25 13/23 14/2 16/3 16/18 35/16 53/18 55/8 55/16 64/6 68/10 72/25 85/15 115/18 137/1 142/2 146/9 146/12</p> <p><b>workaround [1]</b> 124/6</p> <p><b>worked [3]</b> 10/11 32/4 122/23</p> <p><b>working [7]</b> 24/19 44/1 44/4 44/5 45/3 78/23 136/24</p> <p><b>works [2]</b> 19/17 78/14</p> <p><b>workshop [1]</b> 66/23</p> <p><b>workshops [1]</b> 69/22</p> <p><b>world [1]</b> 25/13</p> <p><b>worry [1]</b> 18/22</p> <p><b>worrying [2]</b> 79/20 129/9</p> <p><b>worse [1]</b> 79/25</p> <p><b>worth [1]</b> 41/18</p> <p><b>would [174]</b> 1/24 2/4 8/18 8/20 8/22 9/17 10/17 10/18 11/21 12/9 12/10 12/11 22/13 23/4 23/5 24/6 24/14 25/20 26/2 29/24 29/25 30/19 30/20 39/9 39/19 41/20 42/10 43/3 43/13 44/9 44/22</p>	<p>44/24 45/22 46/11 46/12 46/14 46/21 47/8 47/12 48/4 48/6 48/21 48/22 50/2 52/7 52/11 52/23 53/3 54/3 54/23 55/13 55/16 58/12 58/15 59/1 60/10 60/11 62/18 62/21 65/20 68/2 69/20 70/5 70/7 70/11 72/18 72/19 77/12 77/15 78/9 78/19 79/19 79/25 80/1 80/2 82/16 83/3 83/12 83/16 85/22 87/5 87/15 92/23 94/4 97/25 98/3 99/1 99/5 99/10 99/14 99/23 100/6 102/2 102/3 102/23 102/24 103/20 103/21 103/24 104/24 106/5 109/10 109/11 109/25 115/18 116/20 117/11 117/15 117/20 118/5 118/5 118/7 118/17 121/3 127/22 128/10 128/14 128/17 128/18 129/3 129/11 131/3 131/20 131/21 131/22 133/7 135/7 136/20 139/6 139/14 140/1 142/21 143/14 143/15 148/25 149/6 149/11 149/12 149/15 149/16 151/23 153/3 153/5 153/8 153/12 153/13 153/18 154/17 157/19 158/17 158/18 158/19 158/21 160/1 160/24 164/6 165/20 168/12 168/19 169/6 174/14 174/19 175/16 177/2 177/6 177/7 177/20 177/21 178/18 179/25 180/3 180/5 180/12 180/21</p> <p><b>would've [1]</b> 104/24</p> <p><b>wouldn't [22]</b> 17/22 27/1 30/6 42/24 43/5 43/6 45/25 46/7 46/24 52/8 62/8 63/4 63/8 89/16 100/5 122/7 134/12 138/7 150/11 151/7 162/8 180/2</p> <p><b>wrap [1]</b> 85/16</p> <p><b>Wright [1]</b> 95/20</p> <p><b>write [4]</b> 101/24 105/20 144/7 177/3</p> <p><b>writing [3]</b> 101/6 102/23 167/2</p> <p><b>written [11]</b> 32/15 36/12 39/22 72/8 73/21 74/1 74/21 80/12 115/1 153/4</p>	<p>166/13</p> <p><b>wrong [16]</b> 2/20 2/21 21/22 25/18 82/11 84/25 91/10 108/13 113/7 113/15 131/25 140/14 140/19 140/20 153/19 163/9</p> <p><b>wrongly [1]</b> 163/4</p> <p><b>wrote [1]</b> 88/3</p> <p><b>Wyles [3]</b> 63/18 63/19 65/11</p> <hr/> <p><b>Y</b></p> <p><b>yeah [20]</b> 10/21 32/13 32/21 43/2 43/2 43/25 44/11 79/19 83/9 85/7 100/5 103/24 126/14 135/18 135/21 141/18 143/19 152/11 153/11 154/21</p> <p><b>year [10]</b> 3/21 10/22 10/22 41/15 43/1 69/1 75/5 86/4 153/2 165/25</p> <p><b>years [5]</b> 10/9 40/20 48/12 169/4 176/9</p> <p><b>yes [302]</b></p> <p><b>yet [3]</b> 103/21 126/19 181/5</p> <p><b>you [608]</b></p> <p><b>you'd [6]</b> 48/3 108/15 119/19 128/4 128/7 162/18</p> <p><b>you'll [9]</b> 2/12 25/8 35/3 73/20 76/1 88/17 95/11 95/16 122/16</p> <p><b>you're [33]</b> 20/12 25/9 26/15 26/24 27/2 33/8 40/21 43/23 46/17 47/10 48/1 52/19 59/18 59/19 61/14 63/25 66/23 75/16 79/6 79/7 79/10 94/19 100/5 100/9 100/23 103/18 116/4 117/1 121/6 139/11 149/4 174/22 181/22</p> <p><b>you've [16]</b> 19/4 21/12 35/21 38/9 56/4 60/16 79/10 81/18 84/24 125/19 126/20 131/24 137/21 162/22 176/18 182/8</p> <p><b>Young [1]</b> 145/11</p> <p><b>your [120]</b> 1/19 1/23 2/18 3/3 3/9 3/19 3/20 3/23 8/14 9/7 9/9 10/17 11/2 14/15 16/7 17/24 17/24 18/6 18/11 20/23 22/1 22/18 22/25 25/16 29/17 35/11 36/22 37/2 37/20 43/5 43/15 45/1 45/8 45/23 47/1</p>	<p>47/12 47/18 51/3 51/4 51/24 53/9 56/14 56/25 57/4 58/20 60/9 64/5 66/3 66/10 67/15 69/25 71/11 73/21 74/20 78/15 80/8 80/10 80/11 80/22 82/9 82/23 85/5 85/23 88/3 88/17 89/5 90/14 91/13 92/24 108/4 108/7 109/14 113/6 116/14 116/15 116/19 117/16 120/15 125/19 125/20 126/5 127/13 130/9 130/12 130/13 132/4 136/12 137/1 137/5 137/14 138/9 138/15 139/1 140/22 146/9 147/18 149/11 151/1 151/3 156/19 157/6 157/8 157/10 160/13 165/8 167/6 168/5 168/12 168/16 169/16 169/16 171/8 171/14 172/1 174/15 176/13 178/2 178/7 178/20 182/17</p> <p><b>yourself [7]</b> 46/15 52/24 66/9 69/7 93/19 128/17 156/21</p> <p><b>yourselves [1]</b> 85/25</p> <p><b>YouTube [2]</b> 69/6 120/10</p> <hr/> <p><b>Z</b></p> <p><b>zero [1]</b> 97/23</p> <p><b>zeroed [1]</b> 96/23</p>
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