



**Briefing: Response to Richard Roll's evidence**

**1. OBJECTIVE**

- 1.1 To make Fujitsu provide a witness, preferably Steve Parker, who can rebut the allegations of a former Fujitsu employee, Richard Roll, that Horizon is defective.

**2. HEADLINE SPEAKING NOTES**

- 2.1 Mr Roll's evidence is that Horizon is defective and that is highly damaging to Post Office's case.
- 2.2 He is a former Fujitsu employee, talking about Fujitsu internal operations and therefore only Fujitsu can put up a witness to counter these allegations.
- 2.3 The ideal person is Steve Parker of Fujitsu, but he is refusing to be a witness. Can you help persuade him to support us? Or can you find another witness to help?
- 2.4 If we can't find a witness, Post Office will have to summons Steve to give evidence. That will be damaging for PO's legal case, embarrassing for Fujitsu and even more stressful for Steve.
- 2.5 This needs to be fixed urgently as there is an imminent Court deadline for Post Office's evidence. Can you come back to me on this by tomorrow?

**3. BACKGROUND**

- 3.1 At the Horizon Issues trial in March 2019 both sides will be calling witnesses to give factual background on Horizon. One of the Claimants' witnesses is Richard Roll. He was a Fujitsu employee in 2003 working as part of the team that supported Horizon. In short, Mr Roll gives evidence that:
  - 3.1.1 he witnessed, and corrected, lots of bugs in Horizon; and
  - 3.1.2 Fujitsu were regularly editing branch transaction data through Horizon without the knowledge of Subpostmasters.
- 3.2 These allegations, if not rebutted, will be extremely damaging to Post Office's case. There is a real risk that they will persuade the Judge that Horizon is a flawed system that should not be relied on.
- 3.3 Fujitsu has been investigating these allegations and have provided some good arguments for why Mr Roll's evidence is incorrect. To put these arguments to the Court, we need a witness to speak to these points and that witness must come from Fujitsu as no-one at Post Office can speak to Fujitsu' internal support processes.
- 3.4 Steve Parker of Fujitsu was identified as a good witness. Steve was Mr Roll's team leader in 2003 and is now head of Fujitsu support services centre. He can therefore give evidence of:
  - 3.4.1 Mr Roll's position in 2003 and why, from his relatively junior position, he is not a credible witness.

- 3.4.2 The true scope of Fujitsu's role in supporting Horizon, both in 2003 (when Mr Roll was there) and over the next 15 years.
- 3.5 Steve has been (and continues to be) very helpful in preparing responses to Mr Roll's allegations. From our interactions with Steve we believe he will come across as a measured, knowledgeable and articulate witness.
- 3.6 The deadline for Post Office's responsive evidence is 13 November 2018.

#### **4. THE PROBLEM**

- 4.1 Steve Parker is refusing to be a witness. He has a friend who had a very difficult experience of giving evidence in Court. We also understand that Steve does not consider himself a natural public speaker (he has a slight stammer). He therefore simply does not want to do it for personal reasons.
- 4.2 We have already explored the following resolutions:
  - 4.2.1 We have tried to reassure Steve that he will be well supported, with the full protection of both PO's and FJ's legal teams and having been given specialist training on how to be a witness.
  - 4.2.2 We have tried to find an alternative witness but we are reliant on Fujitsu to do this. They did identify one alternative, but he has also refused to be a witness – we suspect this is because Steve is the head of the support team and as he refused, others are doing the same.
  - 4.2.3 We have escalated this matter as far as we can within Fujitsu. The Head of Legal at Fujitsu is involved (and has been supportive in trying to solve the problem). This led to Steve's line manager speaking to him, but Steve would not change his mind.

#### **5. OPTIONS**

- 5.1 Post Office could issue a witness summons forcing Steve to give evidence in Court. We believe that rebutting Mr Roll's evidence is of such importance that Post Office will, as a last resort, need to do this. Using a witness summons is a bad option that is best avoided if possible:
  - 5.1.1 It will look terrible to the Court and the Claimants (and the media) if Post Office has to force Fujitsu to put up a witness to defend its own IT system.
  - 5.1.2 We lose the opportunity to put in a witness statement now. This limits our expert's ability to take Steve's evidence into account when producing his opinion on Horizon and could lead to him reaching weaker / adverse conclusions.
- 5.2 From Steve's perspective, volunteering to be a witness means that we can prepare a witness statement for him (which we cannot do if he is summonsed). This allows him to give evidence in a controlled fashion and makes the Court process less pressured for him.
- 5.3 Under the contract between Post Office and Fujitsu, Fujitsu are required to provide litigation support to Post Office. Post Office could exercise this legal right, but again that would be a last resort. It would also not reflect the generally positive and pro-active engagement of Fujitsu over the last few months in supporting Post Office with the litigation.
- 5.4 Our preference therefore is for Steve to agree to be a witness, even if he does so under protest. Ultimately however this is outside of Post Office's control, and we need Fujitsu senior management to step in to make this happen.