

Witness Name: Robert George Wilson

Statement No.: WITN04210200

Dated: 15th November 2023

POST OFFICE HORIZON IT INQUIRY

SECOND WITNESS STATEMENT OF ROBERT GEORGE WILSON

I, ROBERT GEORGE WILSON, will say as follows:

This witness statement is made to assist the Post Office Horizon IT Inquiry (the "Inquiry") with the matters set out in the Rule 9 Request dated 19th October 2023 (the "Request"). The statement, my second made in the Inquiry, covers action taken by Post Office Ltd ("POL") against Subpostmasters. My first witness statement, dated 11 May 2023, was made in response to a Rule 9 Request dated 14 April 2023. I repeat the contents of that statement to the extent that they are relevant to the most recent Request.

The Prosecution of Seema Misra

1. I first became involved in the case of Seema Misra when I allocated the case to Mr Jarnail Singh to deal with the prosecution. I make the following comments:

1.1. I recall that Mr Warwick Tatford was instructed as Counsel by Mr Singh and represented POL in the prosecution of Seema Misra. Thereafter my involvement was restricted to a letter I wrote to Miss Issy Hogg, Mrs

Misra's solicitor, dated 15.09.2010 serving a schedule of non-sensitive unused material (**POL00055236**) and serving a disc containing Horizon data on Miss Issy Hogg dated 05.03.2010 (**POL00054303**). I do not recall why I wrote the letters referred to but can only assume that Mr Singh was out of the office at the time and I considered that the letters should not be delayed until his return but I cannot say for certain. Mr Singh may have sought my advice from time to time but I cannot recall any specific instance or advice provided. I can see that an attendance note written by Mr Singh refers to myself being asked about a refusal by Fujitsu to allow Gareth Jenkins to meet the Defence expert. My advice appears to be that someone would need to attend Court from Fujitsu to explain why authority for the experts to meet was not given but I cannot recall this. The authority for the experts to meet was granted shortly after the Fujitsu representative received this message (**POL00054999**). I do recall that issues concerning disclosure were referred to the Judge dealing with the prosecution of Seema Misra but was not involved in these proceedings.

- 1.2. As the Criminal Team Leader ("CTL") I was responsible for all of the prosecutions conducted by POL which included Royal Mail and Parcelforce prosecutions. I was also responsible for advising the Business and dealing with POL's relationships with external bodies such as the Courts. I managed my team, agents and Counsel. I estimate that the time I had to spend on POL work was probably less than 15% of my working time. I did not have a great deal of involvement in other lawyers' cases albeit if there was an issue on any prosecution or any member of

my team required assistance I would always attempt to help them.

2. I have considered the following documents:
 - 2.1. the Audit Report dated 16 January 2008 at **POL00058550**;
 - 2.2. the record of the interview of Seema Misra at **POL00119329** (part 1) and **POL00119330** (part 2);
 - 2.3. the Investigation Report at **POL00044541**;
 - 2.4. Jarnail Singh's memo to the Investigation Team dated 1 April 2008 at **POL00049658**;
 - 2.5. the emails from April 2008 at **POL00049716**;
 - 2.6. Jarnail Singh's memo to the Fraud Team dated 18 November 2008 at **POL00044539**;
 - 2.7. the draft Schedule of Charges at **POL00045010**;
 - 2.8. the letter dated 13 May 2009 at **POL00051441**;
 - 2.9. the emails dated 22 and 27 May 2009 at **POL00119335**;
 - 2.10. the Summary of Facts at **POL00044613**;
 - 2.11. the Schedule of Non-Sensitive Unused Material dated 23 January 2009 at **POL00050750**;
 - 2.12. the Schedule of Sensitive Material dated 23 January 2009 at **POL00050751**;
 - 2.13. the draft instructions to Counsel to settle indictment and advise on evidence and brief for the Prosecution dated February 2009 at **POL00044585**;
 - 2.14. the letter to Counsel's clerk dated 17 February 2009 at **POL00050950**;
 - 2.15. Counsel's email dated 10 March 2009 at **POL00051092**;

- 2.16. the letter from Jarnail Singh to the Castle Partnership dated 17 February 2009 at **POL00050942**;
- 2.17. the letter from the Castle Partnership dated 2 March 2009 at **POL00051045**;
- 2.18. the signed indictment dated 16 March 2009 at **POL00051149**; and
- 2.19. the attendance note dated 3 June 2009 at **POL00051773**

as requested by the Inquiry.

- 3. I first become involved in the case of Seema Misra when I allocated it to be dealt with by Mr Singh.
- 4. The charges that appeared on the summonses were drafted by Mr Singh.
- 5. I do not know who authorised the prosecution of Seema Misra.
- 6. I understand from the documents that the disclosure officer was Mr John Longman.
- 7. As set out above, my role in relation to disclosure in these proceedings was restricted to writing a letter to Miss Issy Hogg dated 15.09.2010 and serving a schedule of non-sensitive unused material (**POL00055236**). I also served a disc containing Horizon data on Miss Izzy Hogg dated 05.03.2010 (**POL00054303**).
- 8. I do not recall when I first became aware that there was a challenge to the integrity of the Horizon IT system in this case but have looked at an attendance note prepared by Mr Singh dated 3/6/2009 (**POL00051773**) regarding the trial that was listed the previous day. I understand from the documents that the issue of the

integrity of Horizon was raised by the Defence at court on 2/6/2009. I believe that I may have been told shortly after this date but cannot recall precisely when.

9. I am not sure when I first became aware of the contractual issue raised in relation to the ARQ material. My view was if ARQ data was relevant to POL's prosecution cases it should be obtained irrespective of any contractual provision in the contract between POL and Fujitsu.
10. I have considered the following documents:
 - 10.1. the letter from Coomber Rich dated 1 October 2009 at **POL00052487** and the enclosed application for disclosure at **POL00052462** and further request for disclosure at **POL00058503**;
 - 10.2. the email from Mark Dinsdale to me, copied to others, dated 11 December 2009 at **POL00053723**;
 - 10.3. Counsel's Advice dated 5 January 2010 at **POL00044557**;
 - 10.4. the letter from Jarnail Singh to Messrs Coomber Rich dated 11 January 2010 at **POL00053746**;
 - 10.5. Jarnail Singh's letter to Messrs Coomber Rich dated 27 January 2010 at **POL00044553**;
 - 10.6. the attendance note dated 27 January 2010 at **POL00053849**;
 - 10.7. Jon Longman's email dated 29 January 2010 at **POL00053880**;
 - 10.8. the audit report dated 14 October 2005 at **POL00093865**;
 - 10.9. the attendance note dated 1 February 2010 at **UKGI00014903**;
 - 10.10. the emails dated January and February 2010 at **POL00053938**;
 - 10.11. the letter from Juliet MacFarlane to Counsel's clerk dated 2 February 2010 at **POL00053954**;

- 10.12. the email from Juliet MacFarlane dated 5 February 2010 at page 3 of **POL00114272**;
 - 10.13. the emails dated January and February 2010 at **POL00053938**;
 - 10.14. the email dated 3 February 2010 at **UKGI00014895**;
 - 10.15. the emails dated 5 February 2010 at **POL00054010**;
 - 10.16. the email dated 24 February 2010 at **POL00054185**;
 - 10.17. the emails from February and March 2010 at **POL00054254**;
 - 10.18. the email dated 1 March 2010 at **POL00054248**;
 - 10.19. the email dated 8 March 2010 and attachment to that email at **POL00054335** and **POL00054346**;
 - 10.20. the attendance note relating to a hearing on 7 May 2010 at **POL00045565**;
 - 10.21. the Schedule of Non-Sensitive Unused Material dated 8 September 2010 at **POL00055217** sent under cover of a letter dated 15 September 2010 at **POL00055236**; and
 - 10.22. the emails dated 6 and 8 October 2010 at **POL00055421**.
11. In relation to those documents
- 11.1. I do not recall my view of the Defence requests in December 2009 (**POL00053723**). I appear to have simply forwarded the email to Mr Singh who was dealing with the prosecution. My view on any issue of disclosure however would have been that if POL could comply with the requests and assist the Defence then such action should be taken.
 - 11.2. I do not recall providing any advice on the merits of disclosure requests made by the Defence at this or any stage of the prosecution.

- 11.3. Counsel provided advice in January 2010. I do not recall the advice which would have been sent to Mr Singh.
- 11.4. I do not recall what the reaction was by POL to Counsel's Advice. I note paragraph 23 of Counsel's Advice and also note Juliet McFarlane's concern. I do not remember either Ms McFarlane or Mr Singh raising these matters with me but, had they done so, I would have asked them to liaise with Mr Tatford Prosecuting Counsel.
- 11.5. I note from the attendance note (**POL00053849**) that reference is made to Prosecuting Counsel being the only person who could comment on "case papers" which I assume was a reference to the prosecution papers concerning Mr Hosi but cannot be sure. I do not recall this case. I understand that Counsel was able to see the case papers as the instructing solicitor was Ms McFarlane and she had instructed Counsel working in the same chambers as Mr Tatford.
- 11.6. I do not recall whether Counsel advised after January 2010 or the nature of any advice.
- 11.7. I have no recollection of Defence disclosure requests in so far as they related to the Horizon IT system. I understand from the document that Prosecuting Counsel was referred to in the attendance note dated 27 January 2010 (**POL00053849**) where he was recorded as saying that:
"... we should disclose everything we can disclose at this stage so the defence will know where we are coming from. We should be seen to be willing".

I believe the PO endeavoured to heed this advice.

11.8. Each morning I received the post and allocated it to the relevant members of my team. Accordingly, as I dealt with this disclosure, I assume that Mr Singh was absent from the office at the time. In order to deal with the schedule of non-sensitive material I will have had to retrieve the case papers, check the previous disclosure schedule of non-sensitive material and then dictate the letter informing the Defence that the additions to the schedule commenced at entry number 19. In addition, had there been copy documents I would have copied them before sending to the Defence Solicitors. I believe I will have reviewed the papers to understand whether the PO's obligations had been complied with but cannot recall doing so. Had I any concerns I would have raised them with Mr Singh or Prosecuting Counsel.

12. I have considered:

- 12.1. the email from Issy Hogg dated 1 March 2010 at **POL00054248**;
- 12.2. the notification of fixture dated 2 March 2010 at **POL00054275**;
- 12.3. the email from Warwick Tatford dated 8 March 2010 and draft skeleton argument at **POL00054335** and **POL00054346**; and
- 12.4. the emails dated 11 and 16 March 2010 at **POL00054430**.

12.4.1. Having considered the above documents, I do not recall when I first became aware that Seema Misra's Defence team were applying to stay count 1 (theft) for abuse. I believe Mr Singh told me of the application in February or early March of 2010. I do not recall whether I had a view concerning the application. I do not believe that I provided any advice. Advice would have been given

by Prosecuting Counsel. I do not recall what the Post Office's response to the application was other than to defend the application to stay the proceedings. I understand from the documents that the Defence application to stay the proceedings failed.

13. I have considered the transcripts from the 11th and 18th October at **UKG100014994** and **UKG100014845**. The Defence renewed their application to stay the proceedings before His Honour Judge Stewart on the first day of the trial on 11th October 2010. His Honour Judge Stewart ordered that the trial should proceed and any issue in relation to the Calendar Square branch could be explored during the course of the trial. If it was felt that the consequence of the trial was not and could not be fair then His Honour Judge Stewart would retain the power to stay the proceedings. His Honour Judge Stewart expressed the view that it was not appropriate at that stage to order a stay of the prosecution. On 18th October 2010 the Defence renewed their application to stay the proceedings alleging that the trial had been unfair. As part of his deliberation His Honour Judge Stewart considered that the issue could properly be dealt with as part of the trial process which the jury could consider when deciding whether or not Mrs Misra was guilty of theft. I believe that I was unaware of the applications referred to above until I read the transcripts submitted with the Request. I was not present in Court during the course of the trial and provided no advice. I understand from the documents that Prosecuting Counsel argued that there should not be a stay to the proceedings. At the end of the trial, Mrs Misra was convicted of the theft.
14. I have considered the following documents:

- 14.1. the report of Charles McLachlan dated 21 September 2009 at **POL00093689**;
- 14.2. the 2nd interim report of Charles McLachlan dated 19 November 2009 at **POL00094101**;
- 14.3. the emails dated 1 February 2010 at **POL00053930**;
- 14.4. the attendance note dated 1 February 2010 at **UKGI00014903**;
- 14.5. the witness statement of Gareth Jenkins dated 2 February 2010 at **POL00053937**;
- 14.6. the 3rd interim report of Charles McLachlan dated 3 February 2010 at **POL00053992**;
- 14.7. the emails dated 3 February 2010 at **POL00054085**;
- 14.8. the email dated 3 February 2010 at **UKGI00014895**;
- 14.9. the emails dated 5 February 2010 at **POL00114272**;
- 14.10. the emails dated January and February 2010 at **FUJ00122804**;
- 14.11. the email sent dated 5 February 2010 at **FUJ00122729**;
- 14.12. the email dated 8 February 2010 and attached witness statement from Gareth Jenkins at **FUJ00122808**;
- 14.13. the emails dated 8 and 9 February 2010 at **POL00054095**;
- 14.14. the emails dated 22 and 23 February 2010 at **POL00054183**;
- 14.15. the emails dated 25 February 2010 at **POL00054198**;
- 14.16. the notice of additional evidence and attached witness statements dated 26 February 2010 at **POL00058450**;
- 14.17. the emails dated 25 and 26 February 2010 at **POL00054220**;
- 14.18. the emails dated 26 February and 1 March 2010 at **POL00054252**;

- 14.19. Jarnail Singh's email dated 1 March 2010 at **POL00054267** (and what appear to be the attachments – the 4th and 5th Interim Technical Expert's reports prepared by Charles McLachlan - at **POL00054126** and **POL00054257**);
- 14.20. Jarnail Singh's email to Jon Longman dated 1 March 2010 at **POL00054250**;
- 14.21. Jarnail Singh's email to Gareth Jenkins dated 1 March 2010 at **POL00054267**;
- 14.22. Jarnail Singh's email to Penny Thomas dated 3 March 2010 at **POL00054282**; The emails dated 4 and 5 March 2010 at **POL00054311**;
- 14.23. the letter dated 5 March 2010 to Messrs Coomber Rich at **POL00054326**;
- 14.24. Gareth Jenkins' witness statement dated 9 March 2010 at **POL00001643**;
- 14.25. the notice of additional evidence and attached witness statements dated 18 March 2010 at **POL00058440**;
- 14.26. Gareth Jenkins' witness statement dated 8 July 2010 at **POL00001759**;
- 14.27. the emails of 15 and 16 July 2010 at **POL00055018**;
- 14.28. the email dated 22 July 2010 at **POL00055059**;
- 14.29. the emails dated 27 July 2010 at **POL00055100**;
- 14.30. the email dated 11 August 2010 at **POL00055150**;
- 14.31. the memo from Jarnail Singh to Post Office Security dated 11 August 2010 (**POL00055146**);
- 14.32. the emails dated 1 and 4 October 2010 at **POL00055356**;
- 14.33. the report of Charles McLachlan dated 4 October 2010 at **FUJ00083736**;

- 14.34. the email dated 6 October 2010 at **UKGI00014898**;
 - 14.35. the emails dated 7 October 2010 at **FUJ00123031**;
 - 14.36. the emails dated 8 October 2010 at **FUJ00123050**;
 - 14.37. the draft statement of Gareth Jenkins at **POL00110275**;
 - 14.38. the addendum report from Charles McLachlan dated 11 October 2010 at **POL00030298**;
 - 14.39. the Joint Statement to the Court by Gareth Jenkins and Charles McLachlan dated 11 October 2010 at **POL00001882**;
 - 14.40. the transcripts of 11, 14, 15 and 18 October 2010 at **UKGI00014994**, **POL00029406**, **POL00001856** and **UKGI00014845**; and
 - 14.41. the transcript of submissions, closing speeches and the Judge's directions on 19 October 2010 at **POL00065708**.
15. In relation to those documents:
- 15.1. I do not know how Penny Thomas and Gareth Jenkins came to be involved in these proceedings against Seema Misra. I believe that Gareth Jenkins was identified as an expert on the Horizon IT system at the inception of the computer system and had agreed to assist POL in relation to its role when conducting private prosecutions. This was probably in 1999 prior to myself becoming head of the CLT. I am not sure when Penny Thomas commenced her role either before these proceedings or in relation to these proceedings. I note the email **POL00053930** in which Dave King confirms that he is happy to speak to Prosecuting Counsel and refers to witnesses needing to come from "*Fujitsu, Network and P&BA*". I note from reading (**FUJ00122670**) a

series of emails that Penny Thomas was a Security Analyst in Customer Support. Her role appears to be to support Gareth Jenkins which included preparation of draft witness statements. Any work that she undertook for Mr Jenkins she logged against "*prosecution support time*". The e-mails show the Investigation Manager contacting Penny Thomas directly regarding matters which appear to relate to Mr Jenkins' evidence. Gareth Jenkins describes himself as a "*Distinguished Engineer and Applications Architect*". I understand from the documents that he was regarded as an expert on the horizon IT system by POL. I understand from the documents that the Investigation Manager will have requested evidence from Mr Jenkins either directly or via Penny Thomas.

- 15.2. I understood that Gareth Jenkins was employed by Fujitsu and had a role in engineering the Horizon IT system. I further understand that Fujitsu owned the data that was to be relied upon in relation to the POL private prosecutions. That data was looked at by Defence experts and I believe that no objections were raised by Defence teams to Fujitsu employees or specifically Mr Jenkins giving evidence. I also understand that no Judge hearing Fujitsu employees or Mr Jenkins giving evidence where deficiencies were alleged to emanate from the Horizon IT system objected to their evidence being given. At the time of the prosecutions it seemed appropriate to obtain the evidence from Fujitsu employees.
- 15.3. I did not give any instructions to Mr Jenkins. I do not know whether Mr Singh or anyone else within the CLT gave Mr Jenkins any instructions in the Seema Misra prosecution.

- 15.4. I considered that Mr Jenkins was acting as an expert. I had a minimal involvement in the Seema Misra prosecution and do not believe I had any contact with Mr Jenkins. I do not know whether anyone else explained to him the nature of his duty as an expert but believe that, when giving evidence, he would have been questioned about his qualifications, experience, and the basis for his opinions, making it clear to the Court and all parties involved why he was qualified to provide expert evidence in the case.
- 15.5. During the course of the Seema Misra case I was notified of three instances where "bugs, errors or defects" were present in the Horizon IT system. The first related to an occurrence in December 2007 impacting on one office where there was a financial imbalance (email FUJ00155400). A software correction was applied to resolve the problem in November 2008. The second concerned duplication of records occurring under the New Horizon System. Ms McFarlane obtained a statement from Gareth Jenkins covering the issue (emails 30 June 2010 FUJ00122903). The third was passed to me by an email from Alan Simpson (POL00028838). This issue concerned discrepancies affecting 40 branches and occurred when moving discrepancies into the local suspense account.
- 15.6. I do not recall speaking to Mr Jenkins about the Seema Misra case or, in particular, any views expressed by Mr Jenkins in relation to disclosure being sought by the Defence in the Seema Misra case.
16. I understand from reading the documents **UKG100014898**, **POL00055100**,

POL00055150 and **POL00055146** that the Defence were requesting access to the system in the Midlands where it appears there were live reproducible errors. The Defence also requested access to operations at Chesterfield to understand how reconciliation and transaction corrections were dealt with and access to the system change requests, known error logs and new release documents to understand what problems had been fixed. I do not recall this request, or anything to do with the response from POL, but believe from the documents supplied that the requests were refused and the Defence were asked if they wished to proceed with the request to make a Section 8 application to the Court. I understand from the documents supplied that Mr Singh sought advice from Prosecution Counsel on this point.

17. I have considered **POL00055410**, **POL00028838** and **FUJ00122995**. At the time I did not consider the issues discussed in the correspondence had a relevance to the Seema Misra case and, accordingly, did not consider these issues to be disclosable material in the prosecution. I understood that the Seema Misra case was prosecuted under the Horizon System implemented from 1999. The issues raised here I believe related to the New Horizon system which was installed from January to September 2010 and did not have any relevance to the initial system which had now been re-implemented as New Horizon (**HNG-X**). I now believe that this was the wrong decision and that I should have disclosed this issue in relation to all existing prosecutions.
18. I cannot recall what my view of the outcome of the case was at the time. I had had very little input into the case but was aware of it and imagine that I was content that a conviction had been achieved as the jury had determined the guilt

of Mrs Misra. There were a number of individuals that the email of 21 October was copied to who I did not know and I was surprised at the audience. I do not believe that I was aware of the interest in the case and would not have expected to see a report of this nature. The usual report would have simply described the outcome and have been copied to a more limited audience. I did not share Jarnail Singh's hope that this would set a marker and believed that challenges to the Horizon system would continue under New Horizon (HNG-X).

19. In so far as my reflections on the Seema Misra case are concerned, I was shocked at the Judgement. I believed that the Horizon data was reliable and had been properly disclosed. I understood that POL had dealt with its duties so far as disclosure was concerned and ultimately seeking an order from the Judge dealing with the prosecution when there was a challenge to the disclosure requests. I believed that disclosure had been fully complied with. Clearly this view was not correct.

The Prosecution of Alison Henderson

20. I must apologise to Mrs Alison Henderson as I have no recollection of her criminal prosecution. My account is limited to the documents disclosed by the Inquiry and any memories that they have engendered. Please note below a full account of my dealings and recollection of the criminal prosecution of Alison Henderson.
21. I have considered the following documents:
 - 21.1. the final branch trading statement, dated 6 January 2010, at **POL00047227**;
 - 21.2. the investigation report (legal) dated 18 March 2010 at **POL00047152**;

- 21.3. the interview transcript, dated 11 March 2010 at **POL00129785**;
- 21.4. the extract of the transaction report at **POL00047183**;
- 21.5. the 'person not to be employed' memo at **POL00065009_011**;
- 21.6. the memo dated 25 March 2010 at **POL00047155**;
- 21.7. the memo from Christopher Knight dated 20 April 2010 at **POL00044501**;
- 21.8. the memo dated 21 May 2010 at **POL00047159**;
- 21.9. the emails dated 25 and 26 May 2010 at **POL00047161**;
- 21.10. the memo from Maureen Moors dated 26 May 2010 at **POL00047162**;
- 21.11. the email from Christopher Knight dated 12 July 2010 at **POL00065009_010**;
- 21.12. the summons at **POL00047193**;
- 21.13. the letter from to Messrs Hugh A Cauthery at **POL00054984**;
- 21.14. the letter to the Norwich Magistrates Court at **POL00055163**;
- 21.15. the memo to Christopher Knight, dated 19 August 2010, at **POL00055189**;
- 21.16. the Schedule of Non-Sensitive Unused Material, dated 24 September 2010, at **POL00055495**;
- 21.17. the committal bundle, dated 27 September 2010, at **POL00125643**;
- 21.18. the memo to Christopher Knight, dated 29 September 2010, at **UKGI00014627**;
- 21.19. the letter from Hugh A Cauthery solicitors to you, dated 7 October 2010, at **POL00055388**;
- 21.20. the advice on evidence, dated 14 October 2010, at **POL00055542**;
- 21.21. the summary of facts at **POL00125641**;

- 21.22. the bundle of witness statements at **POL00125644**;
 - 21.23. the list of exhibits at **POL00125646**;
 - 21.24. the antecedents form at **POL00125639**;
 - 21.25. the Defence Statement at **POL00047195**;
 - 21.26. the letter from Belmores Solicitors dated 16 November 2010 at **POL00055787** and amended Defence Statement at **POL00044503**;
 - 21.27. the emails dated 16 and 17 November 2010 at **POL00055783**;
 - 21.28. the letter to Messrs. Belmore, dated 18 November 2010, at **POL00047168**;
 - 21.29. the memo dated 18 November 2010, at **POL00047169**;
 - 21.30. the letter from Miss Andrews to Hugh A Cauthery Solicitors, dated 25 November 2010, at **POL00055837**;
 - 21.31. the factual basis/application for a Goodyear indication at **POL00046148**;
 - 21.32. the attendance note, dated 1 December 2010, at **POL00055853**;
 - 21.33. the letter from Belmores Solicitors dated 1 December 2010 at **POL00055854**;
 - 21.34. the letter to Belmores Solicitors dated 7 December 2010 at **POL00055865**;
 - 21.35. the letter from Hugh A Cauthery Solicitors to myself, dated 15 December 2010, at **POL00055890**; and
 - 21.36. the memo dated 16 December 2010, at **POL00047170**.
22. I believe that I first became involved in the Alison Henderson case when I allocated the case to myself shortly after receiving the papers in March 2010 but cannot recall doing so.

23. I believe I will have received a copy of the Investigation Report and copy of the Interview transcript conducted with Mrs Henderson. I may have received a copy of the branch trading statement (**POL00047227**) and the transaction report (**POL00047183**) but cannot recall this or the extent of the case papers.
24. I do not recall what advice I gave to the Security Team. I understand from the documents copied to me that I asked for further clarification of assertions made in the Investigation Report (memo 25th March 2010 **POL00047155**), receiving a reply on 20th April 2010 (**POL00044501**) with a further memo being sent on 21 May 2010 (**POL00047159**).
25. Whilst I do not recall the advice, I believe that I would have asked for evidence covering the audit of the Sub-Post Office, the interviews conducted with Mrs Henderson, production of the branch trading statements, and transactional data from the Horizon IT system.
26. The reasoning behind the advice would be to adduce sufficient evidence to provide a reasonable prospect of conviction.
27. I believe that Mr Andy Hayward the DAM authorised the Prosecution of Mrs Henderson on 26.05.2010 (**POL00047161**).
28. I drafted the single charge of theft and Mr Hayward made the decision to charge Mrs Henderson.
29. The charge of Theft was laid on 12 August 2010 (**POL00047193**). The charge specified:

"FOR THAT YOU Alison Henderson on a day unknown between 2nd July 1997

and 10th February 2010 at the Worstead Sub-Post Office stole £11957.78 belonging to Post Office Ltd. Contrary to S1 of the Theft Act 1968."

30. My memo of 21 May 2010 expressed the view that a single charge of theft was the appropriate charge in this case against Mrs Henderson (**POL00047159**). I have seen an email I wrote to Prosecuting Counsel (**POL00055783**) in which I state that the Defence had indicated that Mrs Henderson may be willing to plead to a charge of false accounting and pay the money back to PO Ltd. My email goes on to say that "*the matter is in defence counsel's hands*". I did not put any pressure on anyone in the Defence team to offer a plea to false accounting or suggest the same to anyone. I recall following a review of the documents that I was expecting a trial in this prosecution. A letter was received from the Defence solicitors dated 16th November 2010 enclosing an amended Defence Statement (**POL00055787** and **POL00044503**). The letter requested that the Defence would require a further named witness to attend the trial of the matter. The Defence Statement indicated that a "Goodyear" indication would be sought and whilst denying theft, the Defendant would plead guilty to false accounting. I understand that when the matter was next listed in Court which I believe was on 1st December 2010 a count of false accounting was added to the Indictment. A Goodyear indication was sought from the Judge however, he declined to give an indication to allow the Defendant time to repay monies to POL. No pleas were taken and the case was adjourned until 15th December 2010. I understand from the documents that, at the hearing on 15th December, a plea to false accounting was entered and the prosecution offered no evidence in relation to the charge of theft. The Judge dismissed the charge of theft.

31. The disclosure officer was Christopher Knight.
32. My role in relation to disclosure in this case was to provide the Defence with initial disclosure. This would include any unused evidence and any evidence that undermined the prosecution case or assisted the Defence case. My duty of disclosure would have continued throughout the course of the prosecution. Following the receipt of the Defence Case Statement, in order to ensure compliance with disclosure obligations I would first consider the statement and, where any clarification of the content was required, I would write to the Defence for clarification. I do note that a Defence statement was received in this case where I questioned paragraph 2 which specified that further investigation by the auditor could have discovered the whereabouts of the missing money (**POL00047168**).
33. I believe after having reviewed the documents that the first time I became aware that the integrity of the Horizon data was being questioned was upon receipt of the amended Defence statement dated 16 November 2010. On the same date, I received an indication that Mrs Henderson was highly likely to plead to false accounting (**POL00055783**). The receipt of the challenge complaining of the malfunction of Horizon would have raised an obligation to serve on the Defence any material that assisted the Defence or undermined the prosecution.
34. I do not believe that ARQ data was ever sought in this case. I understand that the Sub-Post Office was situated in a village and had limited opening hours. Mrs Henderson was the only person working at the office. She said that she did all of the end of day work and branch trading statements herself. Further, she could

not recall problems with balancing and that the shortage discovered by the auditors was a complete shock (**POL00129785**). As set out above, the Defence on 16 November indicated that Mrs Henderson was highly likely to plead to false accounting (**POL00055783**). This was the same date that the amended Defence Statement was received (**POL00044503**). At that stage ARQ had not been sought and advice from Prosecution Counsel had not requested ARQ data (**POL00055542**). Had Mrs Henderson decided to continue to contest the allegation of theft and had false accounting not been added to the indictment, then I believe ARQ data would have been considered.

35. I understand from the documents that following Prosecuting Counsel's advice dated 14th October 2010 (**POL00055542**), that daily cash figures and overnight cash holdings (ONCH) would be obtained. I understand from the documents that the information Counsel required together with the cash declarations would make it obvious that money was missing.
36. The Defence Statement was served on 16 November 2010 which was the same date that I wrote to Prosecuting Counsel informing her that the Defence had indicated that Mrs Henderson was highly likely to plead to false accounting. I have seen the emails dated 8 October 2010 at **POL00055410** and documents at **POL00028838**, as well as the email from Juliet McFarlane dated 16th September 2010 **FUJ00122995** and can only believe that I had forgotten about the generic statement that had been prepared for Ms McFarlane. So far as the bugs raised in the emails referred to above, I believe they related to the New Horizon system which was installed from January to September 2010 and did not have any relevance to the initial Horizon system which had now been re-implemented as

New Horizon (HNG-X). As set out above, I now believe that this was the wrong decision and I should have disclosed any issue concerning the New Horizon in relation to the prosecution of Mrs Henderson.

37. I recall following a review of the documents that I was expecting a trial in relation to the charge of Theft. I did not enter any negotiations with the Defence Solicitors. So far as my stipulations in relation to the integrity of Horizon were concerned, my view at the time in relation to the acceptance of the plea to false accounting was that paragraph 10.4 of the Code for Crown Prosecutors 2010 applied to the situation. Under paragraph 10.4 "Accepting Pleas" the code stated that:

"It must be made clear to the court on what basis any plea is advanced and accepted. In cases where a defendant pleads guilty to the charges but on a basis of facts that are different from the prosecution case, and where this may significantly affect sentence, the court should be invited to hear evidence to determine what happened, and then sentence on that basis".

38. So far as my reflections on the way the investigation and prosecution of Alison Henderson are concerned, I was of course shocked to read the criticism of the conduct of the case. Whilst respecting the Judgement of the Court of Appeal in Josephine Hamilton & Others v Post Office Limited (**POL00113278**), as set out above, my view at the time and on reflection in relation to the acceptance of the plea to false accounting was that paragraph 10.4 of the Code for Crown Prosecutors 2010 applied to the situation. Under paragraph 10.4 "Accepting Pleas" it stated that *"It must be made clear to the court on what basis any plea is advanced and accepted. In cases where a defendant pleads guilty to the charges but on a basis of facts that are different from the prosecution case, and where*

this may significantly affect sentence, the court should be invited to hear evidence to determine what happened, and then sentence on that basis." I did not consider that I was acting improperly at the time as to accept a basis of plea that blamed any deficit on the Horizon IT system was agreeing with the Defence that Horizon was not working properly. This was not how I understood the position. I believed that the Horizon IT system was working properly.

The Prosecution of Khayyam Ishaq

39. I must apologise to Mr Khayyam Ishaq as I have no recollection of his criminal prosecution. My account is limited to the documents disclosed by the Inquiry and any memories that they have engendered.
40. I have considered the following documents:
- 40.1. the Typed copy of Notebook Entry dated 7 April 2011 at **POL00046313**;
 - 40.2. the Record of Taped Interview of interview on 7 April 2011 (11.11 to 11.53) at **POL00046349**;
 - 40.3. the Record of Taped Interview of interview on 7 April 2011 (12.11 to 12.55) at **POL00045133**;
 - 40.4. the Investigation Report dated 13 May 2011 at **POL00046224**;
 - 40.5. the memo to the National Security Team dated 18 May 2011 at **POL00046228**;
 - 40.6. the memo to the National Security Team dated 5 July 2011 at **POL00056596**;
 - 40.7. the Summary Record of Taped Interview of interview on 27 September 2011 at **POL00057985**;
 - 40.8. the Investigation Report dated 3 October 2011 at **POL00057078**;

- 40.9. the memo to the National Security Team dated 11 October 2011 at **POL00046235**;
- 40.10. the Advice and Draft Charge dated 23 March 2012 at **POL00057543**;
- 40.11. the unsigned statement of Stephen Bradshaw dated 4 April 2012 at **POL00057582**;
- 40.12. the summons dated 13 April 2012 at **POL00046253**;
- 40.13. the unsigned statement of Stephen Bradshaw dated 18 June 2012 at **POL00058024**;
- 40.14. the Schedule of Non-Sensitive Unused Material dated 18 June 2012 at **POL00058025**;
- 40.15. the Schedule of Sensitive Unused Material dated 18 June 2012 at **POL00058027**; and
- 40.16. the Disclosure Officers Report dated 18 June 2012 at **POL00058028**.
41. I do not recall when I first became involved in the Khayyam Ishaq case but believe it will have been shortly after the Investigation Report dated 13 May 2011 was prepared (**POL00046224**).
42. I do not recall the information I was provided with before I drafted advice to the investigation manager. However, I believe I will have been in possession of the Investigation Report dated 13 May 2011 (**POL00046224**), copies of the taped interviews of 7 April 2011 (**POL00046349** and **POL00045133**), and possibly the audit report prior to my memo of 18 May 2011 (**POL00046228**). Following this memo, I will have received a copy of Mr Liquat's statement, the Investigation Report dated 3 October 2011 and a copy of the taped interview dated 27

September 2011.

43. I provided advice dated 11 October 2011 (**POL00057078**) which requested the obtaining of Horizon data to show a number of reversals relating to sales of stamps and records in relation to a "*relief*" who may have worked at the Sub-Post Office at the time of the reversals.
44. My advice was given in order to establish who was making the reversals. I wanted to know what user login was recorded in relation to the transactions that were reversed and whether or not there was a "*relief*" working at the Sub-Post Office.
45. I did not apply any test when advising the Security Team. I did not provide the final advice or draft charges in this case. The advice and draft charge were prepared by Martin Smith of Messrs Cartwright King on 23rd March 2012 (**POL00057543**). I believe that the case papers had been transferred to Messrs Cartwright King in anticipation of the split between Royal Mail Group and POL. I refer to paragraphs 24-26, 35 and 41 of my first witness statement in relation to the role of Messrs Cartwright King.
46. I understand from the Investigation Report dated 13 May 2011 (**POL00046224**) that David Pardoe, Senior Security Manager authorised the prosecution of Khayyam Ishaq.
47. The charge was drafted by Martin Smith of Messrs Cartwright King.
48. The charge was theft of £21,168.64 contrary to Section 1(1) of the Theft Act 1968.
49. The disclosure officer was Stephen Bradshaw.

50. I did not have a role in relation to disclosure in this case.
51. I was not aware that Mr Ishaq had raised issues relating to the integrity of the Horizon data during the course of the prosecution.
52. I had no involvement in the prosecution after I moved to the Royal Mail Group in April 2012.
53. My reflections in relation to the investigation and prosecution of Mr Ishaq now are limited on the basis that I ceased to be involved with the case prior to the issue of summonses. I had however sought to clarify issues concerning a number of reversals relating to sales of stamps and records in relation to a "relief" who may have worked at the Sub-Post Office prior to handing the file to POL to prosecute. I note that in the Judgement of the Court of Appeal the evidence fell short of that required to prove an actual loss and in such circumstances I am surprised to see that Mr Ishaq on the 7th of March 2013 pleaded guilty to the theft of £17863.

Statement of Truth

I believe the content of this statement to be true.

Signed:

GRO

Dated:

15th November 2023

Index to Second Witness Statement of ROBERT GEORGE WILSON

No.	URN	Document Description	Control Number
1	POL00054303	Letter enclosing disc containing Horizon data on Miss Issy Hogg dated 05.03.2010	POL-0050782
2	POL00054999	Attendance note dated 15 July 2010	POL-0051478
3	POL00058550	Audit Report dated 16 January 2008	POL-0055029
4	POL00119329	Record of the interview of Seema Misra (part 1)	POL-0119248
5	POL00119330	Record of the interview of Seema Misra (part 2)	POL-0119249
6	POL00044541	The Investigation Report	POL-0041020
7	POL00049658	Jarnail Singh's memo to the Investigation Team dated 1 April 2008	POL-0046137
8	POL00049716	The emails from April 2008	POL-0046195
9	POL00044539	Jarnail Singh's memo to the Fraud Team dated 18 November 2008	POL-0041018
10	POL00045010	The draft Schedule of Charges	POL-0041489
11	POL00051441	The letter dated 13 May 2009	POL-0047920
12	POL00119335	The emails dated 22 and 27 May 2009	POL-0119254
13	POL00044613	The Summary of Facts	POL-0041092
14	POL00050750	The Schedule of Non-Sensitive Unused Material dated 23 January 2009	POL-0047229
15	POL00050751	The Schedule of Sensitive Material dated 23 January 2009	POL-0047230
16	POL00044585	The draft instructions to Counsel to settle indictment and advise on evidence and brief for the Prosecution dated February 2009	POL-0041064
17	POL00050950	The letter to Counsel's clerk dated 17 February 2009	POL-0047429
18	POL00051092	Counsel's email dated 10 March 2009	POL-0047571
19	POL00050942	The letter from Jarnail Singh to the Castle Partnership dated 17 February 2009	POL-0047421
20	POL00051045	The letter from Jarnail Singh to the Castle Partnership dated 17 February 2009	POL-0047524

21	POL00051149	The signed indictment dated 16 March 2009	POL-0047628
22	POL00051773	The attendance note dated 3 June 2009	POL-0048252
23	POL00052487	The letter from Coomber Rich dated 1 October 2009	POL-0048966
24	POL00052462	The enclosed application for disclosure	POL-0048941
25	POL00058503	Request for disclosure	POL-0054982
26	POL00053723	The email from Mark Dinsdale to me, copied to others, dated 11 December 2009	POL-0050202
27	POL00044557	Counsel's Advice dated 5 January 2010	POL-0041036
28	POL00053746	The letter from Jarnail Singh to Messrs Coomber Rich dated 11 January 2010	POL-0050225
29	POL00044553	Jarnail Singh's letter to Messrs Coomber Rich dated 27 January 2010	POL-0041032
30	POL00053849	The attendance note dated 27 January 2010	POL-0050328
31	POL00053880	Jon Longman's email dated 29 January 2010	POL-0050359
32	POL00093865	The audit report dated 14 October 2005	POL-0093987
33	UKGI00014903	The attendance note dated 1 February 2010	UKGI025696-001
34	POL00053938	The emails dated January and February 2010	POL-0050417
35	POL00053954	The letter from Juliet MacFarlane to Counsel's clerk dated 2 February 2010	POL-0050433
36	POL00114272	The email from Juliet MacFarlane dated 5 February 2010 at page 3	POL-0113199
37	UKGI00014895	The email dated 3 February 2010	UKGI025688-001
38	POL00054010	The emails dated 5 February 2010	POL-0050489
39	POL00054185	The email dated 24 February 2010	POL-0050664
40	POL00054254	The emails from February and March 2010	POL-0050733
41	POL00054335	The email dated 8 March 2010 and attachment to that email	POL-0050814
42	POL00054346	Draft skeleton argument	POL-0050825
43	POL00045565	The attendance note relating to	POL-0042044

		a hearing on 7 May 2010	
44	POL00055217	The Schedule of Non-Sensitive Unused Material dated 8 September 2010	POL-0051696
45	POL00055236	Cover of a letter dated 15 September 2010	POL-0051715
46	POL00055421	The emails dated 6 and 8 October 2010	POL-0051900
47	POL00054248	Email from Issy Hogg dated 1 March 2010	POL-0050727
48	POL00054275	Notification of fixture dated 2 March 2010	POL-0050754
49	POL00054430	Emails dated 11 and 16 March 2010	POL-0050909
50	UKG100014994	Transcript from the 11 October	UKGI025787-001
51	UKG100014845	Transcript from the 18 October	UKGI025638-001
52	POL00093689	The report of Charles McLachlan dated 21 September 2009	POL-0093811
53	POL00094101	The 2nd interim report of Charles McLachlan dated 19 November 2009	POL-0094223
54	POL00053930	The emails dated 1 February 2010	POL-0050409
55	POL00053937	The witness statement of Gareth Jenkins dated 2 February 2010	POL-0050416
56	POL00053992	The 3rd interim report of Charles McLachlan dated 3 February 2010	POL-0050471
57	POL00054085	The emails dated 3 February 2010	POL-0050564
58	FUJ00122804	The emails dated January and February 2010	POINQ0129018F
59	FUJ00122729	The email sent dated 5 February 2010	POINQ0128943F
60	FUJ00122808	The email dated 8 February 2010 and attached witness statement from Gareth Jenkins	POINQ0129022F
61	POL00054095	The emails dated 8 and 9 February 2010	POL-0050574
62	POL00054183	The emails dated 22 and 23 February 2010	POL-0050662
63	POL00054198	The emails dated 25 February 2010	POL-0050677
64	POL00058450	The notice of additional	POL-0054929

		evidence and attached witness statements dated 26 February 2010	
65	POL00054220	The emails dated 25 and 26 February 2010	POL-0050699
66	POL00054252	The emails dated 26 February and 1 March 2010	POL-0050731
67	POL00054267	Jarnail Singh's email dated 1 March 2010	POL-0050746
68	POL00054126	Jarnail Singh's email dated 1 March 2010	POL-0050605
69	POL00054257	Jarnail Singh's email dated 1 March 2010 (and what appear to be the attachments – the 4th and 5th Interim Technical Expert's reports prepared by Charles McLachlan - at and)	POL-0050736
70	POL00054250	Jarnail Singh's email to Jon Longman dated 1 March 2010	POL-0050729
71	POL00054282	Jarnail Singh's email to Penny Thomas dated 3 March 2010	POL-0050761
72	POL00054311	The emails dated 4 and 5 March 2010	POL-0050790
73	POL00054326	The letter dated 5 March 2010 to Messrs Coomber Rich	POL-0050805
74	POL00001643	Gareth Jenkins' witness statement dated 9 March 2010	VIS00002657
75	POL00058440	The notice of additional evidence and attached witness statements dated 18 March 2010	POL-0054919
76	POL00001759	Gareth Jenkins' witness statement dated 8 July 2010	VIS00002773
77	POL00055018	The emails of 15 and 16 July 2010	POL-0051497
78	POL00055059	The email dated 22 July 2010	POL-0051538
79	POL00055100	The emails dated 27 July 2010	POL-0051579
80	POL00055150	The email dated 11 August 2010	POL-0051629
81	POL00055146	The memo from Jarnail Singh to Post Office Security dated 11 August 2010	POL-0051625
82	POL00055356	The emails dated 1 and 4 October 2010	POL-0051835
83	FUJ00083736	The report of Charles McLachlan dated 4 October 2010	POINQ0089907F
84	FUJ00123031	The emails dated 7 October	POINQ0129245F

		2010	
85	FUJ00123050	The emails dated 8 October 2010	POINQ0129264F
86	POL00110275	The draft statement of Gareth Jenkins	POL-0108082
87	POL00030298	The addendum report from Charles McLachlan dated 11 October 2010	POL-0026780
88	POL00001882	The Joint Statement to the Court by Gareth Jenkins and Charles McLachlan dated 11 October 2010	VIS00002896
89	POL00029406	The transcript of 14 October 2010	POL-0025888
90	POL00001856	The transcript of 15 October 2010	VIS00002870
91	POL00065708	The transcript of submissions, closing speeches and the Judge's directions on 19 October 2010	POL-0062187
92	FUJ00122670	Email from Penny Thomas to Gareth Jenkins dated 28 January 2010	POINQ0128884F
93	UKG100014898	Requests for access made by the Defence on 22 July 2010	UKGI025691-001
94	POL00055410	Emails dated 8 October 2010	POL-0051889
95	POL00028838	Attachments to emails dated 8 October 2010	POL-0025320
96	FUJ00122995	Email from Juliet McFarlane dated 16th September 2010	POINQ0129209F
97	POL00047227	Final branch trading statement, dated 6 January 2010	POL-0043706
98	POL00047152	The investigation report (legal) dated 18 March 2010	POL-0043631
99	POL00129785	The interview transcript dated 11 March 2010	POL-0123811
100	POL00047183	The extract of the transaction report	POL-0043662
101	POL00065009_011	The 'person not to be employed' memo	POL-0061488_011
102	POL00047155	The memo dated 25 March 2010	POL-0043634
103	POL00044501	The memo from Christopher Knight dated 20 April 2010	POL-0040980
104	POL00047159	The memo dated 21 May 2010	POL-0043638
105	POL00047161	The emails dated 25 and 26 May 2010	POL-0043640
106	POL00047162	The memo from Maureen	POL-0043641

		Moors dated 26 May 2010	
107	POL00065009_010	The email from Christopher Knight dated 12 July 2010	POL-0061488_010
108	POL00047193	The Christopher G. Knight summons	POL-0043672
109	POL00054984	The letter from to Messrs Hugh A Cauthery	POL-0051463
110	POL00055163	The letter to the Norwich Magistrates Court	POL-0051642
111	POL00055189	The memo to Christopher Knight, dated 19 August 2010	POL-0051668
112	POL00055495	The Schedule of Non-Sensitive Unused Material, dated 24 September 2010	POL-0051974
113	POL00125643	The committal bundle dated 27 September 2010	POL-0131312
114	UKGI00014627	The memo to Christopher Knight dated 29 September 2010	UKGI025420-001
115	POL00055388	The letter from Hugh A Cauthery solicitors to you dated 7 October 2010	POL-0051867
116	POL00055542	Prosecuting Counsel's advice dated 14th October 2010	POL-0052021
117	POL00125641	The summary of facts	POL-0131310
118	POL00125644	The bundle of witness statements	POL-0131313
119	POL00125646	The list of exhibits	POL-0131315
120	POL00125639	The antecedents form	POL-0131308
121	POL00047195	The Defence Statement	POL-0043674
122	POL00055787	The letter from Belmores Solicitors dated 16 November 2010	POL-0052266
123	POL00044503	Amended Defence Statement	POL-0040982
124	POL00055783	The emails dated 16 and 17 November 2010	POL-0052262
125	POL00047168	Letter to Messrs. Belmore dated 18 November 2010	POL-0043647
126	POL00047169	Memo dated 18 November 2010	POL-0043648
127	POL00055837	Letter from Miss Andrews to Hugh A Cauthery Solicitors dated 25 November 2010	POL-0052316
128	POL00046148	The factual basis/application for a Goodyear indication	POL-0042627
129	POL00055853	The attendance note dated 1 December 2010	POL-0052332
130	POL00055854	The letter from Belmores	POL-0052333

		Solicitors dated 1 December 2010	
131	POL00055865	The letter to Belmores Solicitors dated 7 December 2010	POL-0052344
132	POL00055890	The letter from Hugh A Cauthery Solicitors to myself dated 15 December 2010	POL-0052369
133	POL00047170	The memo dated 16 December 2010	POL-0043649
134	POL00113278	Judgement of the Court of Appeal in Josephine Hamilton & Others v Post Office Limited [2021] EWCA Crim 577	POL-0110657
135	POL00046313	The Typed copy of Notebook Entry dated 7 April 2011	POL-0042792
136	POL00046349	The Record of Taped Interview of interview on 7 April 2011 (11.11 to 11.53)	POL-0042828
137	POL00045133	The Record of Taped Interview of interview on 7 April 2011 (12.11 to 12.55)	POL-0041612
138	POL00046224	The Investigation Report dated 13 May 2011	POL-0042703
139	POL00046228	The memo to the National Security Team dated 18 May 2011	POL-0042707
140	POL00056596	The memo to the National Security Team dated 5 July 2011	POL-0053075
141	POL00057985	The Summary Record of Taped Interview of interview on 27 September 2011	POL-0054464
142	POL00057078	The Investigation Report dated 3 October 2011	POL-0053557
143	POL00046235	The memo to the National Security Team dated 11 October 2011	POL-0042714
144	POL00057543	The Advice and Draft Charge dated 23 March 2012	POL-0054022
145	POL00057582	The unsigned statement of Stephen Bradshaw dated 4 April 2012	POL-0054061
146	POL00046253	The summons dated 13 April 2012	POL-0042732
147	POL00058024	The unsigned statement of Stephen Bradshaw dated 18 June 2012	POL-0054503

148	POL00058025	The Schedule of Non-Sensitive Unused Material dated 18 June 2012	POL-0054504
149	POL00058027	The Schedule of Sensitive Unused Material dated 18 June 2012	POL-0054506
150	POL00058028	The Disclosure Officers Report dated 18 June 2012	POL-0054507