

Witness Name: Harry Bowyer
Statement No.: WITN10990100
Dated: 2nd April 2024

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF HARRY BOWYER

I, Harry Bowyer, will say as follows:

INTRODUCTION

1. I am a former employee of Cartwright King Solicitors (CK) and held the position of in-house barrister. I was made a director of the firm during the period covered by this Inquiry (one of about 30 – I held no equity in the firm).
2. 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 26th February 2024 (the “**Request**”).

BACKGROUND

3. I joined CK in the summer of 2008 from the independent Bar where I had been in practice since 1990 (called in 1989). My practice was entirely criminal and

included both prosecution and defence.

4. When I joined CK I was the first employed barrister in the firm but over the next few years the firm expanded their advocacy department by employing a large number of barristers and solicitors with higher rights to cover almost the entirety of their Crown Court work. CK would still brief out work that was a long way from their offices.
5. When I joined CK they had 3 offices, Nottingham, Derby and Leicester. They embarked on a period of rapid expansion by acquiring other firms of solicitors. At their peak they had around 20 offices from London to Newcastle. This involved a great deal of fairly ruthless reorganization as they cut away the dead wood.
6. The Advocacy department at its peak was based in Nottingham and run as far as possible like a set of chambers. The Nottingham Office had an area for the advocates, the clerking team and any pupils. The Head of the Department was initially one of the Equity Partners, Steve Gelsthorpe. This was then taken on by Andy Cash and latterly by Mark Hopwell.
7. I handed in my 3 months' notice at CK in December 2015 and left just before that expired in February/March 2016.

Relationship between Cartwright King ("CK") and Post Office Limited ("POL")

8. I did have some involvement with POL prior to April 2012 which came about as Andy Cash introduced the then Royal Mail Group (RMG) work to CK. He was based in the Derby office but spent a great deal more time in Nottingham when he became head of the Advocacy department. The RMG work was more

provincial at that stage but in 2012 Andy Cash brought the POL work into the firm which was nationwide in nature.

9. The bulk of the POL/RMG work was done by Martin Smith, based in Derby and Andrew Bolc based in Leicester. They would prepare the cases and brief them out to counsel. The RMG work involved some of the same type of cases as the later POL work but also involved postmen stealing from the mail.
10. When he was in Nottingham Andy Cash would ask my opinion about the POL/RMG cases both informally and, on occasion he would ask me to settle an indictment or an advice on evidence. This would involve the file being brought to Nottingham so that I could work on it. It would then be returned to the lawyer working on it and I would be unlikely to see it again as it would usually be briefed out to counsel.
11. During my time at CK I never prosecuted a trial for either RMG or POL. I prosecuted a sentence at Nottingham Crown Court – I cannot remember the name and I appeared more regularly, after we stopped the prosecutions, at directions hearings to adjourn cases when we thought that a new expert was to be instructed to replace Gareth Jenkins.
12. I prosecuted one case which involved the manager of a Crown Post Office (i.e. a Post Office run by POL not a sub postmaster) after we stopped prosecuting the Horizon cases as that case did not rely upon Horizon evidence.
13. I have been asked to set out who I worked with at CK on POL cases. Initially, as above, my main contact was with Andy Cash who asked me for early advices, advices on evidence and to settle indictments on an ad hoc basis when he was in Nottingham. I had a full criminal case load at this time and the

RMG/POL requests were sporadic. Martin Smith and Andrew Bolc had the conduct of the files and I had little to do with either of them before 2012 except when I visited the Derby and Leicester Offices when I had work at the Crown Courts in those cities.

14. The situation changed in late June 2013 just before the Second Sight Interim report was published. We became aware at CK through conversations that Martin Smith had with senior POL executives that the Second Sight Interim Report would reveal the existence of bugs in the Horizon system.
15. Simon Clarke, one of the in-house barristers at CK, had been briefed in an Horizon case and discovered through a conversation with Gareth Jenkins that Gareth Jenkins knew of the matters that were to be mentioned in the Second Sight Interim Report of 8th July 2013 and had failed to disclose them.
16. Simon became the head of the Post Office Department shortly afterwards and instituted the Sift program to make disclosure to the relevant convicted POL defendants. During the Sift procedure I worked for long periods of time in the Derby Office to be close to the files and conduct the reviews. This involved working closely with Simon Clarke, Martin Smith and other junior employees of CK who would be responsible for record keeping. We also had members of the independent Bar to help with the reviewing process. Andrew Bolc would occasionally attend the Derby Office during this process.
17. During this time we thought that POL would be instructing an independent witness to replace Gareth Jenkins and POL were continuing to investigate cases which began to pile up awaiting prosecution. These were known as the "Stacked Cases."
18. My direct contact with POL personnel was fairly limited. The point of contact

between POL and CK was Martin Smith who was the constant presence in the Derby Office – Simon Clarke and I were often out at court on non POL criminal work. I had dealings on the telephone and by email with Jarnail Singh who I understood to be head of crime at POL. I only met him face to face 2 or 3 times – once when Simon Clarke and I visited the POL offices in London at Old Street to discuss possible expert witnesses and the other occasions were when Jarnail Singh came to Derby. My visit to Old Street was the sole occasion that I met Rodric Williams but I was in contact with him occasionally by telephone or email.

19. As a result of the “stacked cases” I was in touch with some of the POL investigators in those matters - the ones that stand out in my memory were Helen Dickenson and Chris Knight.
20. I am asked for my view on how the working relationship between POL and CK functioned during my time at CK and if there were areas for improvement. Plainly the whole relationship between POL and CK was completely compromised by the lack of honesty and transparency by certain people at POL and Fujitsu who sat on the shortfalls of the Horizon system that they had known about for some time. I do not know who knew what and when and would be unable to identify those who sat on Horizon's shortfalls. The reality is that CK shut down prosecutions within days of the Second Sight Interim Report being published when it became apparent that we had a dishonest witness, Gareth Jenkins. Had these shortfalls been properly disclosed in a timely manner then the prosecutions would have been stopped much sooner.
21. It is probably fair to say that the CK Post Office Department would have benefitted from proper oversight from the earliest stages from people with

actual experience of prosecuting cases rather than different individuals in different offices doing their own thing.

22. When it was appreciated by Simon Clarke that POL had a big problem with their expert (at that stage we did not realise that they had a big problem with Horizon itself) steps were immediately taken to prevent further prosecutions on tainted evidence, implement a review scheme and to revisit past convictions with a view to disclosure and to obtain an independent expert. The weekly hub meetings were established and the whole response was overseen in due course by Senior Treasury Counsel, Brian Altman QC (as he was then).

Knowledge of Horizon

23. I am asked as to my understanding of the Horizon system during my time at CK whilst acting for POL. This is a difficult question to answer accurately as my knowledge has accrued over time and some elements I am not sure of now owing to the passage of time. I was slowly drawn into the Post Office work as described above and during the Sift process I reviewed dozens of cases both Legacy and Online. I have kept an interest in the issue since leaving CK and have read the Judgement of Holroyd LJ in Hamilton & others as well as watching some of the evidence in the current Inquiry. To say what I knew and when is quite difficult except for a couple of standout moments.
24. One of the more seminal moments was the publication of the Second Sight Interim Report. This sticks out as we heard rumours immediately before publication that the report was going to say that they had found bugs in Horizon. Up until that stage we had been assured from all sides that the

system was robust and that there was nothing that could undermine the integrity of the system. My information came from a number of sources both from within POL and what I had picked up from within CK. I cannot, at this point, remember specific conversations.

25. My understanding of the Horizon system was that it was an accounting system used by Post Office in a couple of forms since the turn of the century. I was told that it processed millions of transactions each day and was capable of balancing the cash and the stock. I was aware of the difference between Horizon Online and Legacy.
26. We were assured that there was no “back door” into the system for Post Office or Fujitsu to alter the figures unbeknownst to the Sub Postmasters (SPMs). The fact that there was a “back door” only came to light when we got hold of the Deloitte report. Again I cannot remember who told us that there was no “back door” but I can remember the shock when the Deloitte report said that there was one.
27. I only heard of bugs in the Horizon system after the publication of the Second Sight Interim Report in July 2013. I was not aware of the extent of the bugs until Hamilton and others which was heard long after I left CK.
28. Whilst I was at CK we were assured that the system was robust. The Second Sight Interim Report whilst reporting that they had come across two bugs did not find anything “systemic” that would account for the losses allegedly sustained by the SPMs.
29. I was told very little about the training offered to the SPMs.
30. My understanding of the difference between Horizon Legacy and Horizon Online is relatively limited. The main difference between the two was that

Horizon Online was a contemporaneous system whereas Horizon Legacy had to be downloaded when the system was not in use.

31. I received no formal induction on the Horizon system from POL other than a training day on the system with a number of external counsel who prosecuted POL cases. I did not know these counsel and cannot remember their names. I am afraid I cannot remember where this course was held except that it was north of Nottingham. The course itself was not a great deal of use as it was effectively the sort of training a new cashier would get. The training did not cover reconciliation of balances. The instructor positively refused to answer questions on how the system could be defrauded.
32. I am aware that my knowledge of the Horizon system has/had gaps in it. I currently do not understand how the POL accountants managed to acquire what must be hundreds of thousands of pounds in extra funds from SPMs repayments without noticing it.
33. I was not aware of any bugs in the system until shortly before the Second Sight Interim Report when Martin Smith was told that the Second Sight Interim Report would disclose bugs in the system.
34. I was not aware that the system was not robust until after my time at CK had ended.
35. To a large extent the gaps in my knowledge are as a result of non-disclosure of the issues by POL.
36. I am asked what steps, if any, did I take throughout my time working at Cartwright King to further your knowledge of the Horizon IT system, and any bugs, errors or defects within it. I was, of course, interested as to whether there might be any mileage in the claims that Horizon might be to blame for

generating false figures. I was interested at the time in any possible attack that might be mounted on the system. The following matters suggested to me at the time that the system was robust:

- i) POL's assurances that they and Fujitsu found the system to be robust with no faults that could produce shortfalls.
- ii) The scale of transactions being conducted – millions of transactions conducted daily in thousands of Post Offices apparently trouble free.
- iii) The fact that very few of these problems were being reported in the Crown Post Offices.
- iv) The full admissions to theft in a substantial minority of the cases that I sift reviewed.
- v) The different types of alleged offending encountered. Some were alleged to be removing money to meet other expenses. Others were allegedly asking pensioners to reenter their PIN when making cash withdrawals, others were allegedly falsifying postage. There was no obvious "one bug fits all."
- vi) We were told that there had never been any alleged surplus figure generated by the system. (The Second Sight Interim Report rebutted this!)
- vii) The cavalier use of logins – for example post it notes with login details left on the terminal. Login details shared with other staff etc.
- viii) False accounting by SPMs to cover shortfalls rather than using the correct reporting procedures.

- ix) Independent corroborating evidence from the alleged victims of these offences or other members of staff reporting use of POL money being used inappropriately.
 - x) The lack of any successful attack on the system in the cases, even where experts were instructed.
 - xi) The Second Sight Interim Report which stated that they could not find any systemic fault with the system.
37. I appreciate that the above is all susceptible to confirmation bias but the reality is that we had no firm evidence that there were bugs in the system until the Second Sight Interim Report was published and very shortly after that we stopped the prosecutions.

POL Prosecutions and Horizon Issues

38. I was aware from the beginning that the Horizon system was being challenged by the Sub Postmasters for Justice group. As I have said above the first confirmation that there were **any** bugs in the system came with the publication of the Second Sight Interim Review.
39. I am asked to consider an advice that I wrote on 11th July 2012 in relation to the prosecution of Kim Wylie [**POL00180894**]. I am particularly asked if I recall the POL response to a previous advice in this case written in October 2010. I have not been provided with that October 2010 advice and cannot recall its contents nor its reception from POL.
40. The “apocryphal evidence on the internet and elsewhere” would have come to my attention through discussions with colleagues and by reading the media

both online and print. The Sub Postmasters for Justice group were making their case loudly at this time.

41. In July 2012 I had no reasons to doubt my instructions that the Horizon system was robust and had seen no evidence to the contrary.
42. I was not involved in any contested trials for POL and, at this stage, I am not sure that I had even been in court instructed in an Horizon case as I have stated above. My involvement had been limited to early advices and settling of indictments when I was asked to by Andy Cash. This was very sporadic work.
43. I do not think that CK were involved in the instructing of Second Sight or the work that they were instructed to do. I was told of their instruction by Andy Cash very shortly before the Wylie advice of July 2012 which was prompted by the Instruction of Second Sight. As Andy Cash was head of the Post Office Department at CK at that time I feel sure that he would have told me if he/CK had had any input into their investigation.
44. I had little understanding of what the Second Sight Review would entail over and above what I put in my advice.
45. I state my concerns about the Second Sight Independent Review in my advice of July 2012. These included whether cases would have to be adjourned pending the Review, the inevitable challenge to the integrity of the system in every contested case and, as I say in my advice, the argument being raised that, "there is no smoke without fire and we would not have needed to audit a bomb proof system."
46. I am asked what alternative course of action I would have adopted. I make clear from my advice that I was unhappy with the way that Fujitsu would not

cooperate without charging enormous fees to do so. On the basis that the system was robust I would have required Fujitsu to demonstrate that the system was robust, that there were no mechanisms through which the shortfalls claimed by the SPMs could have been caused by the mechanics of the system. It was my view that it was in the interests of Fujitsu to nip this in the bud early and were I POL I would have demanded that this should happen but there was no appetite from POL so to do.

47. When I stated, “until the 2nd Sight investigation is concluded we will be in a limbo” I meant that POL would be in a position where people would be able to refer to the as yet unfinished review. This could be used as a reason to delay cases until the Review had reported or should cases proceed before Second Sight had reported POL would be vulnerable to the “no smoke without fire arguments.”
48. I do not know what the response from POL was to my advice that this was a “firefighting position” except that I was told by Andy Cash that they did not like the advice. I was not asked to advise formally on the issue after that.
49. I was aware that there was an attempt to collate the previous challenges to the Horizon system under Helen Rose. I don’t think that I saw the product of this collation.
50. I am asked to comment on an email exchange between Andy Cash and Jarnail Singh [POL00143377]. I was copied into this email chain but wrote none of the emails. I am asked, in particular, what I thought of Jarnail Singh’s position as regards my advice. I was of the view that he was somewhat over optimistic as to the limited effect of commissioning the Second Sight Review.
51. I cannot recall any further consultation between me and POL – there was

certainly no formal advice sought from me but there may have been email or telephone correspondence on the subject. I was aware that Helen Rose was collating material for the expert to be instructed. My feeling was that this advice was something of a damp squib and did not give it much thought until Second Sight produced their Interim Report the following year.

Helen Rose Report and Gareth Jenkins Expert Report

52. I am asked to provide my reflections on an Email exchange between Mr Jarnail Singh and me regarding 'Horizon Integrity Project, dated 6 August 2012 [POL00141416]. This appears to be a response to my advice of 11th July 2012 [POL00180894]. Helen Rose had been detailed to gather the information requested in that advice so that we could have all of the attacks made in court on the Horizon system in one place for an expert to deal within a subsequent report.
53. I cannot recall the "chat" between me and Jarnail Singh mentioned in the email.
54. I am asked about an email exchange between Mr Jarnail Singh and me regarding Horizon and the Kim Elizabeth Wylie case, dated 12 September 2012 [POL00020489]. I am not sure that I saw the completed Helen Rose report on this matter. At this stage POL work was something that I dipped in and out of whilst conducting my defence work out of Nottingham. I would respond to emails and give advice when asked but I did not have a general oversight in 2012.

55. In the email exchange [POL00020489] I express my preference for an independent Expert Witness. The potential for allegations of bias or actual conflicts of interest, as in the event were plainly relevant, were obvious. The problem was that Gareth Jenkins had been fielded as an expert before and had not been attacked in that manner and the point had not been taken by previous prosecution counsel, defence counsel or Judges involved.
56. I was made firmly aware that finding an expert in the limited time available who could realistically match the experience of Gareth Jenkins with the system and in the teeth of resistance by Fujitsu over opening up their systems because of concerns about commercial sensitivity was impracticable.
57. I cannot recall having any further input into the expert report but may well have done. As I have said above I did not conduct any of the trials in Horizon cases and was not involved in their day to day litigation.
58. I am asked to consider my email to Martin Smith regarding the Gareth Jenkins report [POL00096997], dated 12 October 2012 and to explain what my views were on the report. Specifically, with hindsight, did I think that the report was sufficient and transparent. I cannot recall the report but at the time I seemed to be happy with it. The idea was to have a report that would go to the robustness of Horizon and deal with the attacks that had been made thus far and why they were not valid and would provide the basis for dealing with any fresh attack on the system. At this stage our instructions were that the system was robust in its entirety and it is difficult to see what, with the knowledge we had then, we could have done. The defence should have been put on notice of what previous attacks had been made and why they were not valid and we provided an expert for defence experts to have a crack at if they could.

The Second Sight Interim Report, July 2013

59. I am asked if I was aware of any discussions between CK and POL in relation to preparing a public response to the Second Sight interim report? I was not aware of any such discussions and cannot say if any such discussions occurred.
60. As far as CK's concerns with the Second Sight Interim Report were concerned we were very much alive to the fact that a system that we had been told was robust did indeed have bugs in it. This was plainly going to cause POL difficulties.
61. I remember being taken aback when we discovered what the Second Sight Interim Report would contain as it flew in the teeth of what we had been told. Again it was not of direct concern to me as I was not a member of the Post Office Department.
62. I did become involved when I was approached by Simon Clarke who told me about the conversation that he and Martin Smith had had with Gareth Jenkins in late June over a case that Simon was prosecuting.
63. The thrust of the conversation was that it was Gareth Jenkins who had provided the information about the two bugs mentioned in the Second Sight Interim Report. This was clearly not consistent with statements that he had given in the criminal cases that he had been involved with.
64. The implications of this were plainly enormous and it was our joint view that POL could not continue to prosecute on his evidence and there would have to

be a revisiting of previous cases with disclosure in mind. This was unlikely to be popular with POL and our employers, CK.

65. The Management at CK turned out to be supportive of our position - the matter was canvassed at the highest levels with the equity partners as POL was an enormous client even for a firm of the size of CK. Simon wrote what was later called "The Clarke Advice" on the 15th July 2013, which effectively stopped the prosecution of POL cases by CK some 7 days after the formal publication of the Second Sight Interim Report until an independent expert was engaged which never happened.
66. POL were philosophical in regard to disclosure of the Second Sight Interim Report to current and previous defendants. The attitude then was still that the system was essentially robust and, once the new expert was instructed, they could prosecute again. They were very concerned at the new cases being investigated piling up.

The CK Case Reviews (Review Protocol [POL00129452])

67. The CK case reviews were designed to bring the attention of convicted defendants to matters that should have been disclosed to them during their prosecutions. This was initially limited to the Horizon Online cases. I was not involved in settling the protocol but I have little doubt that had I asked for any changes they would be implemented.
68. In broad terms the process operated by the relevant files being subjected to a first Sift. This was carried out by various solicitors at Cartwright King (including Martin Smith and Andrew Bolc) and those cases that passed the first sift criteria were subjected to a second sift which was conducted by counsel.

Initially the only counsel involved were Simon Clarke and myself but later counsel from the independent bar were instructed. The operation was conducted from the CK Derby offices to give easy access to the files. If disclosure was required we were advising POL to disclose the Second Sight Interim Report and the Helen Rose Report.

69. I have been asked to consider a number of case reviews and reflect upon the same and I do so. The point of the reviews was to set out the reasoning process for disclosure I am not sure that second guessing my decisions then has much purpose bearing in mind that the whole process was fundamentally undermined by POL's lack of disclosure of all of the bugs then known about and the presence of a "back door" into the system all of which we had no inkling of at that stage and would, I am sure, have made a difference to the review process.
70. **Jamie Dixon [POL00297631]** I advised disclosure of the relevant material in this matter
71. **Tahir Mahmood Sethi [POL00168922]** this matter involved full admissions to the auditors and in interview to effectively the amount missing. The defendant pleaded guilty in the Magistrates' Court. No disclosure was made on review. In my view with the knowledge I had then this advice is unexceptionable.
72. **Nicholas Mackrill and Amanda Mackrill [POL00021272]**, In this matter Nicholas Mackrill admitted and pleaded guilty on a limited basis to theft and Amanda Mackrill stood her trial on the theft count and was acquitted. She was sentenced to false accounting which she had admitted.

73. **Nicholas Clark [POL00294610]** The defendant admitted taking POL funds in interview and in a note to the auditor. He pleaded guilty to false accounting. I advised that no disclosure should be made and in my view on what I then knew this advice was unexceptionable.
74. **Vijay Parekh [POL00294429]** this matter involved full admissions to taking money for his own purposes to the auditors, in interview and the author of the pre-sentence report. No disclosure was made on review. In my view with the knowledge I had then this advice is unexceptionable.
75. **Gillian Howard [POL00021207]** in this matter the defendant admitted false accounting to cover losses that accrued in her Post Office. Her solicitors offered a plea to fraud on the basis that she covered the losses and had made no financial gain. There was evidence that a son of one of their employees had been committing thefts from the secure area which was not disclosed. I was concerned about this case at the time and having reread the advice I think that I should have advised disclosure not of the Second Sight Report but of the subsequent thefts - despite the admissions to false accounting and the basis of plea of no financial or material gain being honoured by the Judge and the Crown.
76. **William Giles [POL00294501]** This Horizon Legacy case involved a purported loss of over £186,000. The defendant admitted stealing money from the Post Office but disputed quantum. The indictment was amended to a lower figure of £164,152.95 and the defendant pleaded. No disclosure was made on review. With what I knew then I think this decision, was not unreasonable.
77. **Deborah D’Arcy [POL00091783]** In this matter I advised disclosure of the Second Sight Interim Report and the Helen Rose Report.

78. **Jahira Begum [POL00021270]** In this case I advised disclosure of the relevant materials. I have been asked to comment on **[POL00021285]** which is an email from me to Martin Smith telling him that we should disclose the Second Sight Interim Report.
79. **Kathleen Crane [POL00198128]** Horizon Legacy case Defendant pleaded guilty to Fraud and no disclosure advised. Again this case is on the line with the protocol. She pleaded guilty at an early stage and with what I knew then my advice was reasonable.
80. **Robert Clay [POL00294422]** The defendant pleaded guilty before primary disclosure would have been made and was not dealt with on the basis of his admissions. With what I knew then my advice was reasonable.
81. **Daljit Singh Benning [POL00294514]** I advised disclosure of the relevant material.
82. **Alison Henderson [POL00061747]** I advised disclosure of the relevant material.
83. **Peter Huxham [POL00294518]** I advised disclosure of the relevant material.
84. **Ravinder Manku [POL00040024]** This is an early advice on an unconvicted defendant rather than a disclosure advice on a convicted defendant.
85. **Anthony King [POL00168935]** This was not really an Horizon case. The defendant was generating rejected labels and using them as paid postage. He pleaded at an early stage. On what I knew then I see nothing exceptional about this advice.
86. **Siobahn Sayer [POL00294524]** I advised disclosure of the relevant material in this matter.

87. **Angela Hodgson [POL00294516]** I advised disclosure of the relevant material in this matter.
88. **Alison Henderson [POL00294503]** I advised disclosure of the relevant material in this matter.
89. **Pauline Greenhalgh [POL00294502]** In this case I did not advise disclosure. With hindsight, even with what I knew then, I think that I should have advised disclosure to comply with the protocol.
90. **Mahesh Patel and Prakesh Patel [POL00142328]** This is an early advice on unconvicted defendants rather than a disclosure advice on a convicted defendant.
91. **Mohammed Luqman [POL00168939]** This was case where there were admissions to theft and a guilty plea at the first opportunity so disclosure would not have arisen. On what I knew then I see nothing exceptionable about this advice.
92. **Neelam Shanez [POL00198136]** I advised disclosure of the relevant material in this matter.
93. **Linda Wrigley [POL00294425]** This was a case where there were admissions to theft and a guilty plea at the earliest stage. The defendant expressed surprise at the total sum alleged. I advised no disclosure. On what I knew then I think that my advice was reasonable.
94. **Katherine McQue [POL00294520]** I advised disclosure of the relevant material in this matter.
95. **Sunil Patel [POL00294498]** In this case the defendant pleaded guilty at the first opportunity and admitted taking POL funds in interview. On what I knew then my advice not to disclose was reasonable.

96. **Sennapathy Ponnampalam Narenthiran [POL00294522]** I advised disclosure of the relevant material in this matter.
97. **Ali Hashmi [POL00168926]** This was a guilty plea at the first opportunity in the Magistrates' Court. There were full admissions to theft and false accounting. On what I knew then I see nothing exceptionable about this advice.
98. **Gregory Harding [POL00142279]** This case pleaded on the first appearance in the Crown Court on the basis that the defendant had not taken the money which had been lost "in the normal course of business." I advised no disclosure. On what I knew then I think that my advice was reasonable.
99. **Rabina Shaheen [POL00294526]** I advised disclosure of the relevant material in this matter.
100. **Timothy Brentnall [POL00294428]** In this case I did not advise disclosure. With hindsight, even with what I knew then, I think that I should have advised disclosure to comply with the protocol. I rather think that I was influenced by the Judge sentencing on the basis of no loss and the defendant's admissions in interview.
101. **Jacqueline McDonald [POL00006579]** I advised disclosure of the relevant material in this matter.
102. **Valery James [POL00294499]** In this matter there were admissions to taking over £90,000 from the Post Office and there was no real dispute as to the alleged loss. On what I knew then I see nothing exceptionable about this advice.
103. **Scott Darlington [POL00168961]** In this case I did not advise disclosure. With hindsight, even with what I knew then, I think that I should have advised

disclosure to comply with the protocol. I rather think that I was influenced by the Judge sentencing on the basis of no loss and the defendant's admissions in interview.

104. I am not totally sure why the 1st January 2010 was chosen as the start date for the review process. I would have been involved in the decision-making process. Brian Altman KC in his review of 15th October 2013 [POL00006581] at paragraph 64 suggests that it was because all of the Post Offices were balanced on the rollout of Horizon Online which would make sense.
105. I am asked to comment on [POL00147344] where it is stated that “CK *deliberately set a very low threshold*” for deciding whether to disclose the Helen Rose report or Second Sight report to the Defence. The document referred to is an email from Jarnail Singh who appears to be referring to the CK Sift protocol [POL00129452] where the phrase is used. The idea was that the initial sifters would pass the case on for a second sift using a very low threshold and the second sifters would disclose the information where it might have been disclosable had it been available at the time.
106. I am asked “In [POL00147344], it states that a new prosecution policy was almost ready to be put into place. Please explain any role that CK played in drafting this new prosecution policy.” I am not sure to which prosecution policy this refers. I know that Simon Clarke was settling a prosecution policy but I understood that there may have been other policies also being circulated. I had little to do with this side of things.
107. I am asked with the benefit of hindsight, how, if at all, should the review have been conducted differently? Plainly the review was conducted on the false premise that the only material that needed to be disclosed was the Second

Sight Interim Report and the Helen Rose Report when it must have been known at POL and Fujitsu that the problems with Horizon ran much deeper. We were under the impression that whilst there were a couple of minor bugs revealed by second sight and we had a problem with a dishonest witness the Horizon system was fundamentally sound and once that had been demonstrated by an independent expert witness that prosecutions would proceed again. If we knew then what we know now then there should have been a root and branch reappraisal of the past prosecutions and a complete moratorium on prosecutions based on Horizon until it could be demonstrated to be sound.

108. I am asked, "Were you (or others CK) involved in discussions about termination of ongoing prosecutions following the Second Sight interim report and/or the CK case review? If so, please explain." At the time we had suspended prosecutions until we had a new expert. The expectation was that such an expert would be found and prosecutions could continue. Plainly some cases were already in the system and decisions had to be taken as to whether these could be adjourned or whether the prosecutions should be discontinued. In the meantime POL was investigating new cases which were building up in quantity. These were referred to as the "stacked cases." As POL dragged its feet on instructing a new expert these too became too stale to prosecute and so we advised their discontinuance. I was involved in these discussions.

Mediation Scheme

109. I was not involved in the mediation scheme except on the outer edges.

110. I am asked to comment on **[POL00145821]**. This is an email from Andy Parsons of Bond Dickenson to Martin Smith, copied into Rodric Williams and Jarnail Singh. It required an urgent response and Martin asked me to respond which I did in red below each point in Andy Parsons' email. CK had little input into setting up the mediation process but were asked to advise where the process might affect defendants with POL convictions.
111. I am asked to comment on a number of documents entitled "Response To Initial Complaint Review & Mediation Scheme Post Office Preliminary Investigation Report." These are reviews of documents prepared by, I think, Bond Dickenson for the mediation scheme which they asked CK to respond to. It is very difficult to comment on documents taken by themselves and without sight of or reference to the documents to which they refer. It was my strong view that SPMs who had been convicted or who were in the stacked cases should not have been included in the mediation scheme. My view was that their proper remedy was by way of appeal to the Court of Appeal.
112. The mediation scheme was run through Bond Dickenson and the email correspondence shows that their grasp of criminal procedure was sketchy at best.
113. **[POL00140350] Josephine Hamilton.** I make no suggestions to alter the proposed text.
114. **[POL00301427]** This is an email where I am asked to comment on a number of stacked cases when it appears that cases that were still potentially to be prosecuted were to be included in the mediation scheme.

115. **[POL00108263] Kangasunduram Prince.** This defendant stated that he had left £48,010 in cash in the safe overnight and seemed to suggest that the auditors had taken it.
116. **[POL00061199] Hughie Thomas** This case was prepared on limited papers – there was no defendant interview available and no way to tell how strong the prosecution case was – it was already 9 years old in 2014 when this document was prepared. It was my view that the proposed summary and concessions proposed should not have been made on such limited documentation.
117. **[POL00108373] Terence Walters** I make no suggestions to alter the proposed text.
118. **[POL00147935]** This is an email from Andrew Bolc to Matthew Harris, Bond Dickinson, where he has plainly quoted correspondence where I query the serving of unredacted interim investigation reports complete with officers' telephone numbers. I see nothing exceptionable in this concern.
119. **[POL00142454]** This is an email asking either Simon Clarke or myself how to respond to an email from Messrs Howe + Co solicitors about the Helen Rose Report. I do not know whether Simon or I responded to this email or what that response was.
120. **[POL00202683]** This is the same document as **[POL00142454]** above.
121. **[POL00141689]** This is an email chain where I repeat my concerns raised above in **[POL00147935]**. I see nothing wrong with the advice given.
122. **[POL00046579] Mr Michael Rudd, Briefing Note** This is a briefing note on this applicant to the Mediation scheme. Without more I see nothing that should concern me in this briefing note.

123. **[POL00206241] Wendy Buffrey** This was a briefing note on this applicant's mediation application. On what I knew then this note was unexceptionable.
124. **[POL00206240]** This is Jarnail Singh's email in response to the above briefing note.
125. **[POL00077936]** This is not my document but refers to the case of Haji Choudry which I had reviewed.
126. I am asked how the Mediation Scheme actually operated and I am not in a position to answer this. Our involvement was limited to settling some case summaries or editing others and limited advice as to disclosure. They were not using the *Criminal Procedure and Investigations Act 1996* (CPIA) rules so we were limited to advising on the consequences of disclosure rather than disclosure itself.
127. I had very little direct contact with Bond Dickinson. I don't think that I ever met any of their lawyers. Requests seemed to come via Rodric Williams but I was occasionally emailed by Andrew Parsons and others, usually when there was a deadline and Martin Smith was not available. During this period I was not working exclusively on POL work and had my criminal case load based in Nottingham as my mainstay work.
128. I am asked to comment on **[POL00209747]** which is my advice on "Criminal Applicants to the Mediation Scheme Convicted of False Accounting." I cannot recall who asked me to settle this advice.
129. I am asked for my views on the efficacy of the mediation scheme for applicants with criminal convictions. I was not privy to the results of any such mediations but my attitude at the time was that it was entirely unsuitable for those with criminal convictions and those still under investigation for criminal offences. I

was full of misgivings about the complete lack of criminal experience in Bond Dickinson and the complete lack of understanding of disclosure in criminal cases including basic GDPR.

130. In [POL00046590] (an email to Martin Smith) I refer to the opinion of a POL investigator that an alleged robbery was an “inside job.” *“The current version refers to the officer’s suspicions that the robbery was not genuine but this was not part of the prosecution case nor was it aired with the defence at the time. I do not think that it is safe to allow such conjecture in the Mediation Response and have edited accordingly.”* This allegation had never formed part of the prosecution case and I had seen no evidence to support such an allegation against the SPM. I did not see how an unfounded suspicion against the SPM could be relevant to any issue in the mediation.
131. I had no contact with the JFSA or Second Sight and had no views on their approaches. I was certainly interested in their product when it was produced.
132. I am asked what my view was of POL’s position during the mediation scheme that the Horizon IT system was robust. This view did not surprise me as my instructions were that it was robust. At the time POL were looking for an expert in order to restart prosecutions based on the system.
133. We were not kept in the loop as to the progress of the mediation scheme so I would have been in no position to have an opinion on the speed of progress of the mediation scheme.
134. I had no insight into the abilities or resources of Second Sight to form any belief as to their ability to carry out the work in the mediation scheme.
135. I was not in a position to assess the adequacy of POL’s disclosure to Second Sight or the SPMs. We only had sight of a limited number of documents and

those related to Criminal applicants only. We certainly did not see the totality of disclosure to a single applicant let alone all of them.

136. I do not have sufficient information to have any views on the access to adequate representation of the SPMs at the Mediation Scheme.
137. I do not know if the Mediation Scheme operated in such a way as to fulfil its intended purposes as I had very little part in the process.
138. I am unable to comment on the adequacy of the Mediation Scheme as a process to facilitate settlement discussions between SPMs and POL. I never heard of any positively resolved mediations and certainly played no role in them.
139. I am asked to set out what I consider the successes and failures of the Working Group and the Mediation Scheme to be. I was not involved in any of this and am unable to comment on any successes and failures.
140. I am asked if I am of the view that SPMs faced any challenges in seeking to obtain redress from POL. To an extent I did not have a proper oversight of the SPM's position as I was only involved in the criminal cases. Plainly the main difficulty that the SPMs faced in getting redress was the failure of POL to face up to what was happening and concealing the evidence that it was.

**Brian Altman KC Interim Review of CK's review process (13 August 2013 (sic)),
General Review of Post Office Prosecutions and Review of Post Office Ltd
Prosecution Role**

141. I am asked to consider Brian Altman KC's "Interim Review of Cartwright King's Current Processes." **[POL00006583]** dated 2nd August 2013 and my response **[POL00066807]** dated 13th August 2013.
142. I had no issues with Brian Altman's Interim Review but it has to be remembered how fast things were moving in July and August 2013. Simon Clarke spoke to Dr Jenkins on 28th June 2013, The Second Sight Interim Review was published on 8th July 2013 and Simon Clarke wrote the "Clarke Advice" on the 15th July 2013. Brian Altman wrote his Interim Review on the 2nd August 2013 by which time the Review Process had been set up and the first advices on disclosure had been written. The weekly POL Horizon call had also been set up.
143. The purpose of my response, dated 13th August 2013 was not to criticise but to update, address all of the concerns raised and deal with new ones that had arisen with all of the new processes.
144. I am asked to address the meeting on 9th September 2013 between Brian Altman KC, various POL employees, various CK employees and various Womble Bond Dickinson employees **[POL00006769]**.
145. I am asked what I made of Brian Altman's advice that "Fujitsu should be kept at "arms length as a third party." I cannot recall what I thought about this at the time.
146. I am asked how POL responded to Brian Altman's recommendations in his interim review. I cannot say how they reacted. The main liaison between POL and CK was Martin Smith so any information would have been trickled down through him.

147. The view at the meeting was that the bugs were of very limited effect and that the system would be given a clean bill of health by an independent expert. The systems to be put in place were to ensure that any further bugs would be known about and properly acted upon.
148. I am asked to consider Brian Altman KC's "General Review of Post Office Prosecutions" dated 15th October 2013 [POL00006581]. I do not remember seeing this document at the time and cannot say what reaction I had at the time if any.
149. I am asked what my view is of Brian Altman KC's analysis of POL's strategy and process of review and the nature and scope of CK's review. My view is that he was correct. On what we knew at the time what we were doing was reasonable. We identified the problem that we thought that we had i.e. Gareth Jenkins and his non-disclosure of the bugs revealed by The Second Sight Interim Review. We suspended prosecutions, we set up the Wednesday Hub and began a review of cases to inform the defence where we thought that disclosure should have been made. That review was twice stated by Brian Altman QC to be "fundamentally sound" both in his Interim Review (paragraph 15) and General Review (paragraph 170).
150. I do not know why Brian Altman KC was only provided with two case files at this stage. Had he wanted more he could have asked for them and would have been provided with them. I do not see how the provision of further original files may have affected his conclusion on the identification of flaws in the review process. He was given the final advices where the reasoning was set out. He states that he might not have come to the same conclusions as reviewing Counsel on some of them (paragraph 172). Unless it is suggested that he

should have rereviewed each of the cases ab initio then, in my view, his approach was reasonable.

151. I have been asked to consider the final version of Brian Altman KC's report "Review of Post Office Ltd Prosecution Role", dated 19 December 2013 [POL00112937]. I do not know what input CK had into this report. I had no input into it myself. I was not in direct contact with Brian Altman KC either by email or telephone and even with my response to his interim report I asked that he might be shown it rather than sending it directly to him. As far as I can recall I have only met Brian Altman at the meeting of 9th September 2013 in his chambers.
152. Again I am not sure that I have seen this report before. I note that Brian Altman KC does not criticise the CK Review process having read 31 of our reviews.
153. I am asked for my general view on the content of this report and I think that had Brian Altman KC known then what has come to light since he wrote the report his views would have been rather different. This highlights the problems with an Inquiry such as this one in that it is almost impossible to judge the actions and opinions of those who did not know then what came to light later.
154. I am asked whether there is anything further relevant to the inquiry's terms of reference of which I think the Chair should be aware? It is my view that were it not for Simon Clarke's telephone call to Gareth Jenkins and the action that he and CK took on that as a result the prosecutions would have continued for many months afterwards as there was an enormous appetite in POL for them to recommence.
155. The reality is that there may be grounds to criticize the way that CK conducted the POL prosecutions however they did fulfil their role as external lawyers in

calling a halt to the prosecutions and immediately implementing steps to address the faults in the Post Office prosecutions as they perceived them at the time.

Statement of Truth

I believe the content of this statement to be true.

Signed: **GRO**

Dated: 2 April 2024

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No.	URN	Document Description	Control Number
1	POL00180894	Advice on Evidence re R v Wylie - Harry Bowyer	POL-BSFF-0018957
2	POL00143377	Email from Andy Cash to Jarnail Singh, cc Susan Crichton, Hugh Flemington and Harry Bowyer, re Case No 21392 - Prosecution v K Wylie	POL-BSFF-0002542
3	POL00141416	Email from Jarnail A Singh to Andy Cash re Horizon integrity project	POL-0142801
4	POL00020489	Email chain between Harry Bowyer, Jarnail Singh, Andy Cash and Helen Rose re Helen Rose disclosures report (defence expert reports & disclosure requests)	POL-0013681
5	POL00096997	Email chain from Sharron Jennings to Helen Rose, Helen Dickinson and Andy Hayward RE: FW: HORIZON FUJITSU REPORT VERY URGENT	POL-0096580
6	POL00129452	Initial SIFT Protocol/ SIFT Reviews - Questions regarding Horizon.	POL-0134936
7	POL00297631	Case Review by Harry Bowyer - Jamie Dixon case	POL-BSFF-0135681
8	POL00168922	Case review of R v Tahir Mahmood Sethi re disclosure of the Second Sight Interim Report, undertaken by Cartwright King Solicitors	POL-BSFF-0132513
9	POL00021272	RMG/POL Case Review for R Nicholas John Mackrill and Amanda Jane Mackrill	POL-0014464
10	POL00294610	Royal Mail - Case Review R V Nicholas James Clark	POL-BSFF-0132687
11	POL00294429	ROYAL MAIL – CASE REVIEW R. v Vijay Parekh	POL-BSFF-0132657

12	POL00021207	Royal Mail Group - Case Review - R v Gillian Howard	POL-0014399
13	POL00294501	POST OFFICE – CASE REVIEW R –v- WILLIAM GILES	POL-BSFF-0132666
14	POL00091783	Initial Sift Result Sheet - Deborah D'Arcy, Post Office Ltd - Case Review, R. v. Deborah D'Arcy v Plymouth Crown Court	POL-0091365
15	POL00021270	RMG Case Review for R v Jahira Begum. Advice by Harry Bowyer of Cartwright King that the matters identified in SS interim report should be disclosed to the defence.	POL-0014462
16	POL00021285	Email from Harry Bowyer to Martin Smith RE: Full Review - Jahira Begum	POL-0014477
17	POL00198128	Case Review R. v Kathleen Mary Crane Lewes Crown Court pre Horizon on line case	POL-BSFF-0036191
18	POL00294422	ROYAL MAIL – CASE REVIEW R. v Robert Clay	POL-BSFF-0132653
19	POL00294514	ROYAL MAIL – CASE REVIEW R. v Daljit Singh Benning	POL-BSFF-0132671
20	POL00061747	Post Office Ltd - case Review, R. v Alison Henderson written by Harry Bowyer 2014	POL-0058226
21	POL00294518	POST OFFICE – CASE REVIEW R –v- PETER HUXHAM	POL-BSFF-0132675
22	POL00040024	R v Ravinder Manku, Post Office Case Review	POL-0036506
23	POL00168935	Case Review by Harry Bowyer re: R v Anthony John King - Liverpool Crown Court.	POL-BSFF-0132526
24	POL00294524	ROYAL MAIL GROUP – CASE REVIEW R. v Siobhan Sayer	POL-BSFF-0132681
25	POL00294516	ROYAL MAIL – CASE REVIEW R. v Angela Jane Hodgson	POL-BSFF-0132673

26	POL00294503	ROYAL MAIL – CASE REVIEW R. v Alison Henderson	POL-BSFF-0132668
27	POL00294502	POST OFFICE – CASE REVIEW R –v- PAULINE GREENHALGH	POL-BSFF-0132667
28	POL00142328	Post Office Ltd Case Review - R v Mahesh Patel & Prakesh Patel Investigation Stage by Harry Bowyer	POL-0143582
29	POL00168939	Royal Mail Group (POL) Case Review - R. v Mohammed Luqman - Bradford Crown Court	POL-BSFF-0132530
30	POL00198136	Case Review R. v Neelam Shanez Hussain Wolverhampton/Derby Crown Court	POL-BSFF-0036199
31	POL00294425	ROYAL MAIL CASE REVIEW R. v Linda Christine Wrigley	POL-BSFF-0132654
32	POL00294520	ROYAL MAIL – CASE REVIEW R. v Katherine Jane McQue	POL-BSFF-0132677
33	POL00294498	Post Office Case Review - R v Sunil Patel - Canterbury Crown Court	POL-BSFF-0132663
34	POL00294522	POST OFFICE LTD – CASE REVIEW R –v- SENAPATHY PONNAMPALAM NARENTHIRAN	POL-BSFF-0132679
35	POL00168926	Case Review of R v Ali Hashimi, by Cartwright King Solicitors re Disclosure of Second Sight Interim Report	POL-BSFF-0132517
36	POL00142279	Case Study: R v Gregory Charles Harding - RMG - case review - Bradford Crown Court - Pre Horizon Online Case - Harry Bowyer - Cartwright King Solicitors	POL-0143537
37	POL00294526	ROYAL MAIL GROUP – CASE REVIEW R. v Rabina Shaheen	POL-BSFF-0132683

38	POL00294428	ROYAL MAIL CASE REVIEW R. v Timothy St John Brentnall	POL-BSFF-0132656
39	POL00006579	Case Review of R v McDonald	POL-0017664
40	POL00294499	POST OFFICE – CASE REVIEW R –v- VALERY ROSE JAMES	POL-BSFF-0132664
41	POL00168961	POL Case Review of R v Scott Richard Darlington - Pre-Horizon on-line case by Harry Bowyer	POL-BSFF-0132552
42	POL00006581	Review of PO prosecutions by Brian Altman QC	POL-0017666
43	POL00147344	Email chain regarding briefing on Cartwright King Review work	POL-BSFF-0006467
44	POL00145821	Emails between Rodric Williams and others	POL-BSFF-0004948
45	POL00140350	Cartwright King - Response to Initial Complaint Review & Mediation Scheme Post Office Preliminary Investigation Report RE: South Warnborough - Josephine Hamilton	POL-0141753
46	POL00301427	Email chain regarding briefing on Cartwright King Review work	POL-BSFF-0139477
47	POL00108263	Initial Complaint Review and Mediation Scheme Report for Tovil Branch, Mr Prince	POL-0106386
48	POL00061199	Response To Initial Complaint Review & Mediation Scheme Post Office Preliminary Investigation Report re: SPMR Hughie Noel Thomas	POL-0057678
49	POL00108373	Cartwright King - Briefing Note RE Mr Terence Walters (M006) - Mediation Scheme document	POL-0106481
50	POL00147935	Email from Matthew Harris to Rodric Williams and Jonny Gribben, cc Kathryn	POL-BSFF-0007058

		Alexander and others re M046 - POL for GC approval (Incorporating CK's comments) (criminal)	
51	POL00142454	Email from Andrew Parsons to Harry Bowyer, Martin Smith, CC Jarnail A Singh and others re: Fw: Post Office Mediation Claims - concerning Della Robinson	POL-BSFF-0001772
52	POL00202683	Bond Dickinson email - forwarded emails between PO and Howe & Co re disclosure in Post Office mediation claims.	POL-BSFF-0040746
53	POL00141689	Email from Jarnail Singh to Andrew Parsons, Rodric Williams, Jonny Gribben RE: K Mediation Responses - Disclosure Issue [BD-4A.FID20472253] 41188	POL-0143066
54	POL00046579	Briefing note by Cartwright King re Prosecution against Michael Rudkin (Ibstock SPO)	POL-0043058
55	POL00206241	BRIEFING NOTEMEDIATION OF WENDY BUFFREY	POL-BSFF-0044304
56	POL00206240	Email from Jarnail Singh To: Rodric Williams, Andrew Parsons, Belinda Crowe and others re Post Office Ltd Mediation - M041 - Password protected.	POL-BSFF-0044303
57	POL00077936	Mediation Application Form, Haji Abbas Choudry, M102	POL-0074499
58	POL00209747	POL Advice - Criminal applicants to the mediation scheme convicted of false accounting.	POL-BSFF-0047810
59	POL00046590	Email from Harry Bowyer to Martin Smith Re Post Office Ltd - 41712	POL-0043069
60	POL00006583	Brian Altman KC's Interim Review of Cartwright King's	POL-0017668

		Current Processes", dated 2 August 2013,	
61	POL00066807	RESPONSE TO THE INTERIM REVIEW OF CARTWRIGHT KING'S CURRENT PROCESS BY BRIAN ALTMAN QC	POL-0063286
62	POL00006769	Note of conference with Brian Altman QC	POL-0017616
63	POL00112937	Post Office Ltd Review of Post Office Ltd Prosecution Role - Altman QC	POL-0110333