



HOUSE OF COMMONS

Foreign Affairs Committee

Oral evidence: Government policy on Afghanistan, HC 685

Monday 21 March 2022

Ordered by the House of Commons to be published on 21 March 2022.

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Members present: Tom Tugendhat (Chair); Chris Bryant; Liam Byrne; Alicia Kearns; Stewart Malcolm McDonald, Henry Smith, Royston Smith, Graham Stringer.

Questions 524-648

Witnesses

I: Sir Philip Barton KMG OBE, Permanent Under-Secretary, Foreign, Commonwealth and Development Office and Nigel Casey MVO, Special Representative on Afghanistan and Pakistan, Foreign, Commonwealth and Development Office.



Examination of witnesses

Witnesses: Sir Philip Barton and Nigel Casey.

Q524 **Chair:** Welcome to this afternoon's session of the Foreign Affairs Committee. This session will look at evidence we heard recently in light of a whistleblower statement¹ that was published on the Committee website this morning. With us we have Sir Philip Barton, PUS at the Foreign Office, and Nigel Casey, who is in charge of the Afghanistan and Pakistan team. Hello to you both. I will start with what seems like an obvious question. As senior civil servants, do you have a responsibility to give full and accurate responses to Parliament?

Sir Philip Barton: Absolutely we do, and we take that responsibility very seriously. I am happy to go through the detail of what lies behind your question.

Q525 **Chair:** We will come to it, I am sure. If a Minister or senior official made a statement you knew to be false and you were asked to confirm it, what would be the right course of action?

Sir Philip Barton: To correct it.

Chair: No doubt about it?

Sir Philip Barton: If there were a false statement, I would endeavour to correct it, yes.

Q526 **Chair:** Thank you. If you challenged a false statement by a Minister or senior official, are you confident that the Department would support you? Or would it be damaging to you?

Sir Philip Barton: I am confident that, if I were pursuing a path of honesty and integrity, I would be supported.

Q527 **Chair:** You quite rightly highlight your responsibility to provide accurate responses to Parliament. Does that override your duty to act under the instruction of Ministers when providing evidence to Select Committees?

Sir Philip Barton: We have a duty to Parliament to be honest and tell the truth.

Q528 **Chair:** Given the way you have expressed this, would you agree that you ask and encourage senior officials to challenge Ministers on issues of propriety where necessary?

Sir Philip Barton: Absolutely. I encourage them if necessary to come to me as Permanent Under-Secretary as well.

Q529 **Chris Bryant:** Can I check on the right course of action process? How would you go about doing that?

¹ The statement the Chair is referring to is available here:

<https://committees.parliament.uk/writtenevidence/107001/html/>



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Sir Philip Barton: I would speak to the Minister concerned if someone came to me about something which was inaccurate in terms of information given to Parliament or elsewhere.

Q530 **Chris Bryant:** If the Minister pushed back?

Sir Philip Barton: I would have a discussion around the information.

Q531 **Chris Bryant:** Where does that end if your view and the Minister's—

Sir Philip Barton: In the end, there is a propriety and ethics team in the Cabinet Office under the authority of the Cabinet Secretary which looks at the propriety. As you say, if necessary—I haven't done this in my time in this role—I would consult the Cabinet Office and ultimately the Cabinet Secretary.

Q532 **Chris Bryant:** Mr Casey, on 7 December this Committee asked you six times whether there had been an instruction from outside the Foreign, Commonwealth and Development Office to evacuate Nowzad staff. You evaded the question each time, but in February the FCDO said that the decision to grant LOTR to Nowzad's Afghan staff had not been made in the FCDO. On 25 January you denied receiving any emails referring to the Prime Minister's decision on this matter. After we published a leaked email sent to you on the topic, the FCDO said that you had been "busy" and did not remember receiving it. "Newsnight" then published further emails showing that you were in fact actively involved in seeking guidance from No. 10 on "what they would like us to do". Would it be reasonable for this Committee to conclude—I don't know how to put this politely—that you have not been forthright on this matter with us?

Sir Philip Barton: I will let Nigel explain, but I think it would help you if you allowed me to take you through our complete full understanding of our involvement. Nigel will answer that question. He has an explanation absolutely in answer to Mr Bryant's question, but if you will permit me I will take you through and then Nigel can answer directly the question, which is obviously an important one.

The first thing to say is that I share your frustration that you have had to return to the issue, not least given the situation in Ukraine. We have all along tried to engage with all aspects of your inquiry fully and promptly, orally in these sessions but also in multiple written answers. We have tried in replying to your questions to separate facts on which we could be confident at that point in time we were sure of from speculation or assumptions. Where we have been unsure, we have preferred not to rely on memories of precisely what happened during a crisis situation.

I recognise the importance of your process. I absolutely want your report to fairly and accurately reflect the FCDO's role in the crisis. As you know, I have shared with you the detailed headline findings or lessons learned exercise. Nigel and I have both tried to answer every question in good faith to the best of our understanding. Neither of us has any interest in misleading you whatsoever. When we have inadvertently made a mistake



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and given an incorrect answer, I immediately wrote to the Committee Chair to apologise for that and I am happy to reiterate that today.

When it comes to the specifics of the Nowzad case, it has taken us longer than we would have liked to establish precisely what the sequence of events was within the FCDO, and that is why people have different recollections or are unsure about what happened. While we did that, I did not want to offer you speculation, assumptions or guesses, not least given the weight that the Committee placed on this matter. We set out last month in the letter that Lord Ahmad sent to you on 23 February our best understanding of what had happened in relation to Nowzad. That remains our best understanding, but I can give you more detail today, which I hope explains why staff have come to you, given the evidence they have given to you in good faith.

With permission, Chair, let me take you through our understanding of the sequence of events, because I think it will help you to understand. I will then allow Nigel to answer the question put to him. As Lord Ahmad's letter set out, before 25 August, FCDO officials had included Nowzad's Afghan staff in the list of cohorts of Afghan nationals to be considered for military evacuation under the leave outside the rules provision, if and when space became available after British nationals and Afghans were accepted and the ARAP had been given priority. Before 25 August, Nowzad staff had not been prioritised to be called forward.

As you know, because he said this in his own evidence to the Committee, in the early hours of 25 August the Defence Secretary tweeted, "Now that Pen Farthing's staff have been cleared to come forward under LOTR I have authorised MOD to facilitate their processing alongside all eligible personnel at" Kabul airport. "At that stage, if he arrives with his animals we will seek a slot for his plane."

Having seen the Defence Secretary's statement overnight, FCDO officials sought rapid confirmation from the Cabinet Office, the Ministry of Defence and the Home Office that same morning that Nowzad staff should be called forward for military evacuation. Later that morning, the National Security Adviser confirmed to a senior FCDO official by telephone that we should proceed to call forward Nowzad staff. That senior official in turn passed that message on by email to the head of the team dealing with LOTR cases. The email said: "Following my meeting with Stephen Lovegrove, MOD and Home Office, Stephen has now reverted to ask us to call forward Nowzad staff". The message did not say who had made the decision, only that it was confirmed and that we should implement it.

Lord Ahmad said to you in his letter of 23 February "that some FCDO officials referred at the time to what they thought had been a Prime Ministerial decision in their emails." In particular, the head of the team dealing with LOTR cases in turn communicated the decision to his team. We know that in doing so that he presented it to them as a decision made by the Prime Minister. This was an assumption he made based on the fact that it had come from the National Security Adviser, which was understandable given the many voices in the media at the time claiming



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that the Prime Minister had made the decision. The head of the LOTR team recognises that he ought not to have made that assumption, but this was a very intensely pressurised environment and he had worked extraordinarily hard throughout the evacuation, so I do not find any fault in what he did.

This appears to have been the origin of the belief in that team, which subsequently was relayed in an internal email that the decision had been the Prime Minister's. As you know, the Prime Minister subsequently stated that he had not been involved in the decision. By that stage the important point for the FCDO was not precisely who had made the decision, but the clear direction from the National Security Adviser, which we acted on. As for the Nowzad staff concerned, they were not, in the event, able to evacuate at that point because they could not reach the airport due to being refused permission by the Taliban, but they did manage to leave Afghanistan via a third country subsequently.

That is our best understanding of the FCDO's involvement in this decision, and why the email that you referred to came about. Nigel can explain—

Q533 Chris Bryant: Before he does that, you have just given us a long answer, which is not really an answer to the question I asked. I think you intimated that we have been misled.

Sir Philip Barton: I did not use the word "misled".

Q534 Chris Bryant: You did—you were saying inadvertently, I think. Your excuse is that we have been inadvertently misled because you did not do enough work to check. Isn't that it?

Sir Philip Barton: When I wrote to you—this was then corrected—answering the question about emails, we were not aware of the emails. Nigel is very happy to take you through what lies behind that.

Q535 Chris Bryant: How do you react, then, when you read Josie Stewart saying that it is remarkably easy to find emails: all you have to use is the Ctrl-F function. Any one of us can do that.

Sir Philip Barton: Let me let Nigel take you—

Chris Bryant: No, I want you to answer, because you have bowled in.

Sir Philip Barton: We answered the question in good faith. No emails were found. A search was carried out. No emails were found.

Q536 Chris Bryant: A search was conducted but none were found.

Sir Philip Barton: Correct.

Q537 Chris Bryant: But other people could find them. Why is that?

Nigel Casey: Perhaps I can help, if I may, Mr Bryant. First of all, thank you for the opportunity to clear this up. This is as important for me as I know it is for you.



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You talked about December, so let me just quickly cover that first. At our session in December, you asked about, and we spent some time talking through, what had happened about decision making in respect of Nowzad's animals. On that, I believe we gave you clear, accurate answers. That was what we were confident about at the time.

Q538 **Chris Bryant:** You believe now that you gave clear, accurate answers.

Nigel Casey: No, I believed it at the time and I believe it now.

Q539 **Chris Bryant:** You just said, "I believe we gave you clear, accurate answers", but you clearly didn't, did you?

Nigel Casey: At the time, I believed it and I believe it again now.

Q540 **Chris Bryant:** You believe now that you then gave clear and accurate answers, even though the evidence—

Nigel Casey: On the issue of the Nowzad animals, as I just said.

Q541 **Chris Bryant:** And on the issue of whether—

Nigel Casey: Let me just explain that, if I may. We were confident about that at the time, and we thought it addressed what we had thought was your main concern, which was whether animals had been prioritised over people at any point in this evacuation. We were confident about that, because we had the evidence from the Defence Secretary's 25 August tweets and because we had Laurie with us, who had been personally on the ground in Kabul right to the end of the evacuation, so knew that no animals had been flown out before the end of the civilian evacuation. All that evidence was, I think, confirmed to you by the Defence Secretary and Admiral Ben Key when they gave evidence to you in January.

Q542 **Chris Bryant:** I do not think that really was the key issue for us. The key issue for us was whether the Foreign Office had managed the evacuations and decisions were made that reflected sensible prioritisation of the most vulnerable.

Nigel Casey: You did ask us about that specific issue.

Q543 **Chris Bryant:** We also specifically asked you about the animals, but the key points were first, whether we were getting truthful and factual reports from you, and secondly whether in the end, we were running a system that was just so chaotic that no proper prioritisation was done.

Nigel Casey: The one aspect of it that none of us could remember in December—Philip, me, Laurie—was who specifically had authorised the call forward of Nowzad staff for evacuation. As it turns out, there was a very good reason why none of us could remember that, which is because we had not been told at the time and have not been since.

You sent us a letter to follow up that session on 15 December. It posed, I think, 38 questions, many of which required a significant amount of time to research and check. On Nowzad, you asked some questions that were very specific and particular to Philip and to me, which we answered in



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good faith to the best of our knowledge at the time. In my case, I may have misunderstood the intent behind your question—I am not sure—but you asked me whether I specifically, not anyone in the FCDO, had received any correspondence referring to the PM’s intervention in the Nowzad case. I understood you to be asking me again, as you had in December at the oral session, whether I had received any instruction on this issue from the Prime Minister or anyone speaking on his behalf. I told you in December that—

Q544 **Chris Bryant:** That is not what it says.

Nigel Casey: That is how I had understood it, because that was what you asked me in the session in December. Anyway, it was not material to what happened, because I said in December that I did not personally receive any such instruction, and I was very confident about that then and in January. I would have remembered doing so. I did run a search on the documents I had kept from the crisis to make sure, and I found none, hence my reply in the negative to that particular question.

When I accompanied Lord Ahmad to a second evidence session on 25 January, I think Mr McDonald, from memory, read out an excerpt from an email that had not been sent directly to me for action, but had been copied to me among a number of other people. I realised then that the answer that Philip’s letter had given—

Q545 **Chris Bryant:** Sorry, can I just stop you? You are drawing a distinction between “sent to you” and “copied to you”.

Nigel Casey: I am, but it is not material, in the sense that I did not find either. I realised then that in the broader sense, the answer in that letter Philip had sent was inaccurate, and so, conscious of our obligation to correct at the first opportunity any inadvertently misleading evidence, we wrote straight away to apologise.

Q546 **Chris Bryant:** I find the differentiation between “sent to you” and “copied to you” difficult to comprehend, and I do not understand why other people could find these emails and you could not.

Nigel Casey: It is possible that I had deleted the emails. During August, I was acting as Crisis Gold; I think I acted as Crisis Gold on 40 out of the 47 days we were in crisis in August and September. My email box was exploding, and as Crisis Gold, I had to focus on emails that were addressed directly to me for action by me. It is quite possible that I weeded out other emails that were copied to me, not for action but for action by other people, in an attempt to make sure I could focus on those emails.

I know Josie has mentioned an instruction to keep emails, but we got that on 23 September in response to litigation on ARAP and LOTR cases. After that, I certainly have not deleted any more, but at that point, I would have been managing my email box to make sure I could actually focus on the emails I needed to answer.

Q547 **Chris Bryant:** I am sorry to be obtuse here—maybe I am being obtuse—



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but if I do a search in my inbox, Ctrl-F, it also finds lots of things in deleted items. How could somebody else find it if you could not?

Nigel Casey: They must have kept their copy of that email in their system. I did not find it. I do not use Ctrl-F; there is a word search function in Microsoft Outlook, which is how I do it. Maybe that is what accounts for the failure of the document to pop up. I am really sorry about that. If I had had my time again, I would have cast the net wider. But you asked a specific question; I thought it was directed personally at me, because it said "Nigel Casey", not "Anyone in the FCDO", so I wanted to give you a straight answer to a straight question.

Q548 **Chris Bryant:** Just to finish the questions from me, your view is that whilst the Committee was misled, it was inadvertent and you are sorry.

Nigel Casey: That's right. I regret—I repeat that apology to you wholeheartedly right now.

Q549 **Alicia Kearns:** So you acknowledge, now, that the email does exist that you were copied into.

Nigel Casey: Yes, I do.

Q550 **Alicia Kearns:** In which case, since you responded to our previous letter, have you gone again and used the search function in Microsoft Outlook to see whether you actually do have this email or not?

Nigel Casey: I have. I found one email that was the email which was leaked to "Newsnight", which was the email from me to Tom Drew, which recorded the fact that Tom had asked Stephen Lovegrove for a direction on what we should be doing about Nowzad.

Q551 **Alicia Kearns:** But the rest of that chain—

Nigel Casey: I don't have the rest of that chain, but because we could see the copy addressees, we were able to find it by quickly going to them, so we now have, we think, some or most of the emails that were written at the time. It may not be all of them, but I think we have enough to understand how this happened, how it is that staff, in good faith, including Josie and including Raffy, believed at the time that the decision had been attributed to the Prime Minister—I make no criticism whatsoever of that. That's our understanding of what happened.

Q552 **Alicia Kearns:** Can I just ask: why would you delete your deleted items? You have deleted to delete—fine. We all delete things sometimes when our inboxes are crazy, although I would argue, Gold, that if you were having too many emails, you should have had staff who were sat there sifting through to make sure you didn't miss anything.

Nigel Casey: I did. I had a private secretary deputed to me, and it is possible—I don't want to blame anyone else, but it is possible that they might have done it on my behalf; I don't know.

Q553 **Alicia Kearns:** Okay, but the point stands. Earlier, you were saying you only read things that were sent to you. If you had people helping you sift



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your emails, you would have expected, therefore, to be able to cover the whole of the inbox. I don't say to my constituents, "Oh, sorry, because you copied me in by mistake when you were emailing the county council, I deleted it."

Nigel Casey: But I was being copied in on practically every email anyone was sending, and most of them—

Alicia Kearns: That is what Gold does.

Nigel Casey: There were hundreds of people working on the response, and in 90%-plus of the cases, I did not need—I needed to use my time efficiently. It was a crisis; I needed to focus on the most urgent tasks of the day. On 25 August, the most urgent task of the day was responding to a terrorist threat to the airport, which materialised in an attack the next evening which was a direct threat to the lives of Afghans, British nationals and our own staff and soldiers. That was my priority; I make no apology for focusing on that.

Q554 **Alicia Kearns:** We are all very aware of those terror threats. Friends of mine saw those, and the children are now traumatised as a result of them. We are all very aware of the reality you were facing. I, however, have also worked in the crisis centre on multiple crises; I find it difficult to believe you had someone sat there going through the inbox as well and they were not, therefore, doing the checking that you were unable to do, to make sure that everything was covered. My point returns to this, however. If you were deleting from your inbox because it was too busy, who deleted your deleted items? Because that's a secondary action and I don't see why you would be doing it.

Nigel Casey: Well, I do that as a matter of routine, because otherwise the whole capacity of your inbox gums up; your system slows down and stops working. I do that routinely.

Q555 **Alicia Kearns:** The issue is that the FCO IT is inept and cannot cope with crises.

Nigel Casey: No, absolutely not—

Sir Philip Barton: I think it is pretty standard that if you have too many emails overall, it does slow your system down, and from time to time people clear out their deleted items.

Q556 **Alicia Kearns:** Actually, I would say it varies completely from Department to Department. When I was at the MOD, I never once had to empty out my entire thing. When I worked at the Foreign Office, I did have to frequently do it, so clearly there is a problem with the FCO IT system if FCO civil servants regularly have to delete all their items, whereas at other Departments I have worked at, I never had to do it in years of working at them. What is the quality of the IT system? Is it up to doing the job it has to do?



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Sir Philip Barton: We are investing in new IT as we bring the two Departments together, to make sure we have got a common platform. I am sure that will produce faster speeds and bigger inboxes.

Q557 **Alicia Kearns:** Fine. So ultimately, someone deleted your deleted items. We just don't know who, because otherwise it would have come up in this conversation.

Nigel Casey: As I say, I personally regularly do that, just to keep the—we have had instructions to do that in the past, because otherwise it slows not just my inbox down but everybody's, because it's all held on a common system.

Q558 **Alicia Kearns:** So the system is evidently still broken. Sir Philip, have you looked in your sent items or in your inbox since we last wrote to you?

Sir Philip Barton: I have had a search done. There was one email, attached to another email, which I didn't—I don't—recall reading at all and which referred to this. I don't recall reading it at the time. I didn't recall reading it.

Q559 **Alicia Kearns:** So no one at the top of the system, directing, was reading the emails about this?

Nigel Casey: We were reading the system with respect—we were reading the emails that we needed to focus on on the day. The specific email that you read to me on the 25th was an email, I believe, from the head of the Afghan cases team to the private office about other cases subsequent to the handling of the Nowzad one, to which it made reference. That is what it was. It was copied to a lot of people. I was one of them, but in no way did I need to focus on that. As I say, I make no apology for having focused my time on that day on what we needed to do in response to a terrorist threat, which is not a straightforward question.

Q560 **Alicia Kearns:** I agree entirely, but the one point I would make is that this unfortunately took up a great deal of media oxygen. This was not some small case that no one at Gold had ever heard of; this is an issue that would have been washing around on every single desk.

Nigel Casey: I accept that, but I, as Gold, have to make a distinction between what the media think is important, what I have to judge and what Ministers want me to focus on.

Q561 **Alicia Kearns:** Evidently the system judged it to be important, because they made a decision to allow it to go ahead.

Sir Philip Barton: The key was that the National Security Adviser confirmed that we should call forward the Nowzad staff. That was the action that the FCDO was asked to undertake.

Q562 **Liam Byrne:** Let me just clarify a couple of things, if I may. Who took the decision for the Nowzad staff to be given leave outside the rules?

Sir Philip Barton: I have told you what we in the FCDO know about decision making. The Defence Secretary tweeted in the early hours of the



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morning, as I said. We went to the National Security Adviser. He reverted to us and confirmed that we should call forward Nowzad staff.

Liam Byrne: I did not ask about the call forward; I asked about granting leave outside the rules.

Sir Philip Barton: They were included in a cohort of Afghan nationals to be considered for military evacuation under leave outside the rules, if and when space became available. That went to Ministers, I believe.

Nigel Casey: Mr Byrne, we do not know the answer to that question, as I said, to this day. We had a direction from the National Security Adviser, which we could only assume was given on the authority of somebody in power who could make that direction. We did not question it. It was a crisis and we had very little time to act, so we got on with it. I accept that it is a very unusual situation, and we do not know the answer.

Q563 **Liam Byrne:** When you were evacuating staff from Lebanon and I was the Minister of State for Borders and Immigration, I got a call at 3 o'clock in the morning asking me to authorise the captain of the ship to take on board people without passports, which was a decision that I took. There was a clear chain of command from the Minister to the officials to the captain of a Royal Navy ship. Are you saying to us that you do not know who took the decision?

Sir Philip Barton: We have told you what we know. We have told you the FCDO's understanding. We have pointed to the Defence Secretary's tweet. We have told you what we did as a consequence of that tweet, which was to speak to the Cabinet Office and the National Security Adviser. We have told you that he reverted to us and asked to call forward Nowzad staff, which we then did. That is what we know.

Q564 **Liam Byrne:** Who does the National Security Adviser report to?

Sir Philip Barton: I think he formally reports, in civil service terms, to the Cabinet Secretary and the Prime Minister.

Q565 **Liam Byrne:** Is it likely that the National Security Adviser would have taken a decision like this without seeking some political input?

Sir Philip Barton: I have told you about the FCDO's knowledge of this matter. I don't want to speculate.

Q566 **Liam Byrne:** Remind me how long you have been in the civil service, Philip.

Sir Philip Barton: I have been in the civil service since 1986.

Q567 **Liam Byrne:** Can you imagine a scenario where a decision like this was taken by a civil servant without political input?

Sir Philip Barton: We were in a crisis situation. Things were very fast-moving. I have explained to you that we have spent some time trying to get to the bottom of this to help your inquiry, to help you understand what happened, and to help you see why, as Nigel said in good faith, Raphael



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Marshall and Josie Stewart thought what they thought. We have shared with you the extent of our knowledge around the decision making.

Q568 **Liam Byrne:** So your best guess at the moment is that the decision to grant leave outside the rules was taken by the National Security Adviser.

Sir Philip Barton: I am not prepared to speculate. I have told you our understanding of what happened.

Q569 **Liam Byrne:** Who took the decision to call forward the Nowzad staff on the day?

Sir Philip Barton: Stephen Lovegrove asked us to call them forward after we checked with him whether we should do so in the light of the Defence Secretary's tweet.

Q570 **Liam Byrne:** But at this stage, there was no understanding of what political authorisation there was for such a decision.

Sir Philip Barton: I am at risk of repeating myself.

Liam Byrne: I am more than happy for you to repeat yourself.

Sir Philip Barton: The Defence Secretary tweeted in the public domain that a decision had been taken and they were cleared to come forward. We, as a Department, therefore checked whether we should do that. The National Security Adviser reverted to us and confirmed that we should. That was our understanding and knowledge.

Q571 **Liam Byrne:** Is it a fair summary to say that you were acting on the assumption that the National Security Adviser had authorised leave outside the rules, and that Stephen Lovegrove had authorised the decision to call forward?

Sir Philip Barton: We have been very careful not to make assumptions or guesses but to tell you what we think we know and understand. Clearly, officials working in the Cabinet Office, including the National Security Adviser, have a co-ordination role across Government to resolve issues. We went to him as the civil servant leading the co-ordination of our response to the crisis in Afghanistan and the evacuation, in light of the Defence Secretary's tweet.

Q572 **Liam Byrne:** How did you know you had the authority to call forward the Nowzad staff?

Sir Philip Barton: In light of the Defence Secretary's tweet, we checked with the National Security Adviser, who confirmed that we should call them forward; and we did so.

Q573 **Liam Byrne:** Who else inputted into the decision to call the Nowzad staff forward? You mentioned that it was checked with Stephen Lovegrove, but who else inputted into the decision?

Sir Philip Barton: I am definitely repeating myself now. The Defence Secretary tweeted, as you know. So we checked with Stephen Lovegrove. I do not know else inputted into "the decision".



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Q574 **Liam Byrne:** I am just curious, because the Defence Secretary has stated that he didn't make the decision.

Sir Philip Barton: I haven't said he did make the decision. I have quoted his tweet.

Q575 **Chair:** The challenge I have got, forgive me—I am sure you will appreciate it—is that our job, our role, is to hold to account the Government of the United Kingdom on behalf of the British people. This story of the Nowzad dogs is, frankly, not of the biggest strategic importance, but it was something that did fill the headlines, and I don't know about you, but a lot of people spoke to me about it in the margins of events over the last six months or so. It came up again and again. People were saying that they did or did not believe so-and-so and that they thought one thing or another. A lot of people speculated in different ways. The challenge I have got is that I am finding it very difficult to do our job, which is to hold Ministers to account, when you do not seem to have demonstrated any of the curiosity of the people I have had the privilege of meeting every day and whose fundamental interest is not foreign affairs. It just strikes me as a little bit odd, that's all.

Sir Philip Barton: What we are trying to do is give you the FCDO's understanding of the position and the part we play, and also an explanation behind the email. We have told you what we know, and I really do not want to speculate beyond that.

Q576 **Chair:** I understand that. I am not asking you to speculate. I am just somewhat surprised. Stephen Lovegrove is an extremely busy man; I know that. He has an awful lot on his plate, certainly in the last few weeks. It just strikes me as, frankly, a bit odd that at no stage in the last six or seven months did either of you ask who told you to make that decision. Presumably, answers go back to Ministers, don't they? Or do you think we should be holding civil servants responsible for executive decisions?

Nigel Casey: I think, Chair, the honest answer to that question is that you have asked other Ministers. I know you asked the Defence Secretary in January, and he gave you his answer to that question. I know No. 10 have been asked that question repeatedly, and they have given their answer to that question. We don't know any more than that. From where I sit, there was a crisis, and we had a lot of urgent tasks to conduct. This specific issue came up, and, yes, I totally agree that it took up far more official time than it deserved to.

The people involved from the organisation, as the Defence Secretary and Admiral Ben Key told you, behaved pretty disgracefully in their lobbying. We all wish that that were not the case. But we had a job to do, which was to find out what the direction was and get on with it. After that, it became much less material. We had a lot of other urgent tasks to get on with, including evacuating the remaining Afghan nationals and evacuating ourselves and the military. Then we moved immediately into a new situation where, as you will know, the challenge was to get people out through third countries. That was the immediate focus. We were deploying



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RDTs. There was no pause for reflection on who had said what to who about Nowzad. If I am honest, it has never been close to the top of our list of things to do, because there have always been more important things to do with people's lives, whether that is Afghans in the humanitarian crisis, which is now threatening the country; whether that is British nationals who need to leave; or whether that is Afghans who we had offered resettlement to who we want to get out. That has been our priority.

Q577 Chair: I get that. Forgive me, I spent three and a bit years working for the Chief of the Defence Staff, and that was pretty full-on, too. I am aware that issues come quickly, and you move from one to the other. I find the absence of curiosity surprising. The reason I find it surprising is because pretty much everybody else I know wanted to know. It just makes me wonder whether you deliberately did not want to know, which is fine, but the problem I have, and I understand that discretion is important in your service so I am not entirely critical of it, is that it makes it very hard for this Committee to hold the Government to account. Because if we cannot find out who took ministerial decisions, we end up going round and round in circles and wondering whether people are being quite as frank with us as we were hoping.

Nigel Casey: Personally, at this point, I would love to know who made the decision, but I do not. I think everyone is well aware that you would like to know the answer to that question.

Q578 Chair: Am I right in saying that although Ministers take decisions, it is your responsibility to look after the process and ensure that it has integrity—to make sure that it is not nakedly party political or whatever it happens to be?

Sir Philip Barton: That is correct, Chair, but I would say that this was a crisis situation and people were moving at pace.

Q579 Chair: I understand that. Sir Philip, just let me finish my question. You can see where I am going with it, of course, because, amazingly, you have done this before, which again leads me to be somewhat surprised that your curiosity has not generated any further answers. I actually have no particular views on whether Mr Farthing did the right thing or the wrong thing. He was campaigning for his animals; that is his position. The question for us is not whether he did the right thing or the wrong thing, but whether the process at the Foreign Office worked, who took the decisions and whether it will be resilient next time.

We keep getting to that moment when we hit a glass ceiling. It seems strange that we cannot find out whether the Foreign Office reacted appropriately or inappropriately. By the way, I am very happy to believe that it was appropriate, and that maybe some of these whistleblowers did not understand the full context. That happens; I understand that as well. But here we are: we have hit a glass ceiling, again, and we cannot get through it.

Sir Philip Barton: As you know, I wrote to you in some detail. We did conduct a very thorough and extensive lessons learned exercise, looking



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at the FCDO's capability and systems. We were clear all along that while we were successful in playing our part in evacuating 15,000 people, there were definitely lessons that the Department could learn, as we discussed last time I gave oral evidence, and I have set that out in detail. On the specifics of your point, we had a Cabinet Minister saying in a tweet, in public, that—

Chair: But that presumably wasn't the instruction you took?

Sir Philip Barton: All I am saying is, from an FCDO official perspective, we had a Cabinet Minister saying in public that these staff have been cleared to come forward. We checked at senior official level whether we should actually do that. They came back and confirmed that we should, and we got on and did that. That was done in a crisis situation and, as Nigel explained, against the backdrop of those serious terrorist threats, which sadly materialised.

Q580 **Liam Byrne:** To round this off: you were operating on the understanding that leave outside the rules had been authorised by the Defence Secretary, and you confirmed that with the National Security—

Sir Philip Barton: I didn't say that. We were operating on the understanding that, as the Defence Secretary's tweet said, they had been cleared to come forward. That was the only understanding we had on the clearance to come forward. We checked that point with Stephen Lovegrove, who came back to us and said, "We should do that."

Q581 **Liam Byrne:** I see. Who else inputted into the decision you took to operationalise that instruction on the call forward?

Sir Philip Barton: The senior official in the FCDO checked with Stephen Lovegrove. Stephen came back with the answer. That was communicated in the way I described earlier.

Nigel Casey: Just to add to that, for completeness, I think the senior official who got that instruction told the Foreign Secretary's private office, and the Foreign Secretary instructed us, through his private office, to get on with it.

Q582 **Liam Byrne:** Did anybody else input into the operationalisation of that decision to call forward?

Nigel Casey: How do you mean?

Liam Byrne: Was anybody else consulted? In the Foreign Office, did you consult anybody else in taking this decision, crystallising it and putting it into effect?

Nigel Casey: As I say, we consulted the National Security Adviser. We told the Foreign Secretary that that's the direction we got back, and the Foreign Secretary instructed us to get on and implement it, which is what we did.



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Sir Philip Barton: I cannot be absolutely categorical, but I am not aware of anyone else. My understanding is that, as I set out, the key thing was checking with the National Security Adviser.

Q583 **Liam Byrne:** Then why did the leaked emails to *Newsnight* say that the National Security Adviser would ask No. 10 for input?

Sir Philip Barton: I have described what we did with the National Security Adviser. I don't know what the National Security Adviser himself did.

Q584 **Liam Byrne:** So it is possible that No. 10 had an input into the National Security Adviser taking the decision?

Sir Philip Barton: I don't know.

Q585 **Liam Byrne:** Okay. Finally, why was it so easy for Josie Stewart to find emails that confirmed "PM" and "Nowzad" and "the PM's decision on Nowzad", when you could not?

Nigel Casey: Josie was working in the particular team that was dealing with this specific issue—the Afghan nationals team. The team dealt with ARAP cases for which the Foreign Office was responsible and the LOTR cases. Although she joined us, I think, on 26 August, the day after this happened, she was in that team. The team had had a direct email from their head, which is the one Philip mentioned as having relayed the instruction from the National Security Adviser saying that it had come from the PM, and Philip has explained that that was the assumption.

Q586 **Liam Byrne:** I see. In retrospect, do you wish that the chain of command on the decision-taking was clearer?

Sir Philip Barton: Clearly, it has been a matter of some controversy, so I think it would have been better if there was complete clarity. However, you also need to recognise that in a crisis situation, when people need to move at pace, decisions need to be taken and implemented rapidly.

Q587 **Stewart Malcolm McDonald:** We have had a second whistleblower on this issue in just a few months. Why do you think that is, Sir Philip?

Sir Philip Barton: Clearly, a lot of people, including FCDO colleagues and members of the Committee, feel very strongly about what happened in Afghanistan and are sad and upset about the way in which our engagement there came to an end. It is not what any of us would have wanted. Clearly, the people who feel strongly about this include FCDO colleagues. It was a challenging environment for people to work in, and I remain very grateful for everybody, including Nigel, who played a part in the response.

It is a matter of regret that Josie did not feel able to raise those concerns with me personally—as Raphael Marshall did—or with Nigel, or to make use of our established whistleblowing mechanisms. We also have a staff counsellor, and I have been very clear since I started, and since the Department was created, that I want us to have a culture where people feel able to raise concerns—that they can challenge and, if there are



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things they think are improper, that they can bring them up safely and securely—and don't feel the need to go outside the Department's own mechanism.

Q588 Stewart Malcolm McDonald: We will return to that. However, it is not just that they are upset. They clearly feel that the truth is not being told, and that is part of the problem. I will go through some of the detail.

On 17 January, you told us that "Nowzad staff were included by officials in the potential cohorts to be considered for evacuation if space became available", and they were "called forward". Fast forward to 24 January, Lord Ahmad told us: "As the decision to grant LOTR to Nowzad's Afghan staff had not been made in the FCDO...officials sought confirmation from the Cabinet Office". If Nowzad staff were included in the original list to be considered for evacuation and were simply called forward when space became available, why did officials seek confirmation from the Cabinet Office?

Sir Philip Barton: Nigel, will you explain the process in two steps?

Nigel Casey: The way this process works—apologies if I am explaining something we have been through before—is that at an early stage during the evacuation, at one of the meetings of Cobra, I think, Ministers took a decision that they wanted to make use of any spare seats on RAF flights out of Kabul, after priority had been given to British nationals and ARAP-qualified people, to take out Afghans who did not meet the ARAP criteria but were judged against the criterion of being particularly vulnerable and having made a contribution to UK objectives. There were some other sensitivity issues.

On 19 and 21 August, the team produced two submissions, which went to Ministers, setting out the full set of potential cohorts that could be considered under the scheme. That was approved by the Foreign Secretary, I think, and the same lists will have gone to the Defence and Home Secretaries. PJHQ then advised, several days later, when space would become available. They gave us a very strict daily quota of the number of seats they could offer us. Officials then had to prioritise, within those cohorts that had been signed off by Ministers, the highest priorities. That was done through the panel process, which we talked about in December.

As Lord Ahmad's letter says, by the time the Defence Secretary's tweet came, Nowzad staff had not been prioritised through that process. That is why we needed to check that we had authorisation to call them forward.

To add to that, it was always understood—this is a basic principle of government—that advisers advise and Ministers decide. Ministers have always had the ability to make decisions and to disagree with official advice. I believe this was the only instance in the use of the LOTR provision where that happened, but it was an entirely legitimate choice that Ministers were quite entitled to make.

Q589 Stewart Malcolm McDonald: Okay. I think we have been over this, but



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I want to check. Were you aware that the Foreign Secretary and the National Security Adviser were directly involved in consulting No. 10 on this case?

Nigel Casey: What I remember—what happened, from the best of my memory—is that, on the morning of 25 August, those of us who had not been on the night shift woke up to the Ben Wallace tweet. There was a lot of confusion, with lots of Departments asking us and us asking them, “What’s happened?” There was news all around.

We had a meeting with the Foreign Secretary every morning and, from memory, Tom Drew and I attended the meeting and explained that the Defence Secretary had tweeted to the effect of, “Please get an instruction from the National Security Adviser.” The reason he would have done that is because the key meeting every morning during the crisis was at 10 o’clock, chaired by either Stephen Lovegrove or his deputy, which was the central co-ordinating hub, so it would have been a natural place to go for decisions where there was uncertainty.

Q590 **Stewart Malcolm McDonald:** I am confused by that, because you have said a few times that this was not seen as a high-priority case. Yes, it had all this media attention and there was lots of correspondence to Members of Parliament and all the rest of it, but you had judged that this case was not that high a priority, yet it went all the way to the National Security Adviser.

Nigel Casey: Only because we needed clear guidance, and that was the logical place to seek it.

Q591 **Stewart Malcolm McDonald:** You were not in a position to make a decision as Gold?

Nigel Casey: No, because we had not at that point prioritised the Nowzad group to be called forward in the normal panel process that was being run by—

Q592 **Stewart Malcolm McDonald:** What team in No. 10 did the National Security Adviser take advice from?

Nigel Casey: We don’t know.

Q593 **Stewart Malcolm McDonald:** You don’t know that. Do you know if he got involved in any other evacuation cases?

Nigel Casey: Not to my knowledge.

Q594 **Stewart Malcolm McDonald:** Did the Foreign Secretary consult No.10 on this case?

Nigel Casey: Not to my knowledge. What I do know is that when we got a direction from the National Security Adviser and told him via his office, he told us to implement it, which implies that he had not consulted No.10 by that stage.

Q595 **Alicia Kearns:** How many other decisions went to Stephen Lovegrove?



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Nigel Casey: This was the only one from the LOTR category, as far as we know.

Q596 **Alicia Kearns:** So who made the decision that it had to go to him? Who said you needed to call in the big guns, or whatever the phrase is?

Nigel Casey: Sorry to repeat myself, but the reason we were confused is that Nowzad staff had not been prioritised for LOTR before we saw the Defence Secretary's tweet. Clearly something had happened and we needed to check out what that was, because the Defence Secretary was quite clear in the tweet. That is why, with the Foreign Secretary's direction, we went to Stephen Lovegrove for clarity. He's the central—

Q597 **Alicia Kearns:** The Foreign Secretary asked you to go to Stephen Lovegrove?

Nigel Casey: Yes. As I said, we had a meeting with him every morning during the crisis. It came immediately before the meeting we had with Stephen Lovegrove. Other Government Departments were sitting around the table—MoD, Home Office, PJHQ—and that was the natural avenue for any such request for clarity.

Q598 **Alicia Kearns:** Just to be clear, you talked about how the most important issue at that time was a terrorist attack. Of all the decisions to bring to the National Security Adviser, Sir Stephen Lovegrove, it was some animals—that was the only time he was brought into the whole crisis.

Sir Philip Barton: It wasn't about animals; it was about the Nowzad staff. That was the obvious place where you could quickly check something in the wider context.

Q599 **Alicia Kearns:** So the answer is that, yes, the only time Stephen Lovegrove was ever brought into the discussion to clarify a decision was on this, on LOTR.

Nigel Casey: On LOTR.

Q600 **Alicia Kearns:** There was nothing else? Not judges, journalists, MPs or anyone else who was in crisis and needed support.

Nigel Casey: That is right. We had the process, which I described, and this was the only time we needed to seek clarification from the centre.

Q601 **Alicia Kearns:** Just to be clear, Josie didn't come to us because she was sad; she came to us because she felt you had misled Parliament. Two individuals now have thrown away their career, quite likely—I will come on to that later—at the Foreign Office because they feel so strongly. You pointed out earlier that there was appalling behaviour by this organisation. Are you telling me that, when this decision was made and passed on to everyone within the crisis centre—perhaps you were in the crisis centre at the time—not one civil servant, given how angry people were about the time spent on this, said, "I want to challenge that. Who's made that decision? Why has that decision been made?"?



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Nigel Casey: I don't remember anyone saying that. I remember people getting the direction and implementing it. I don't remember a challenge.

Q602 **Alicia Kearns:** There was no reaction, no one was upset, angry or celebratory?

Nigel Casey: They may well have been, but I don't recall that. Personally, my focus on that day was dealing with and responding to a terrorist threat that led to us having to change our travel advice the same day and then led to an attack the next day.

Q603 **Alicia Kearns:** Who was responsible for making sure that the crisis centre was running effectively?

Nigel Casey: I was crisis gold, but in that role you delegate specific areas to crisis silver, as you know from your experience in this crisis.

Q604 **Alicia Kearns:** Who was responsible for listening to staff about any issues or frustrations, for making sure they were on board and working effectively, and for ensuring morale was high?

Nigel Casey: Each team leader.

Q605 **Alicia Kearns:** Okay, so not one team leader came to you and said, "People are asking why this decision has been made. People are unhappy about this decision"?

Nigel Casey: No.

Q606 **Alicia Kearns:** So there was complete groupthink and no challenge—

Nigel Casey: I wouldn't say groupthink. We know our constitutional role as civil servants. If you get a direction, which you have a right to see, from a Minister, or when a Minister has tweeted, you don't sit around in a crisis situation saying, "Well, I don't agree with that."

Q607 **Alicia Kearns:** Nigel, I am struggling to believe that you don't believe civil servants have a responsibility to challenge Ministers, advice or authority if they don't agree. Are you telling me that, in a crisis centre, you have never seen someone react emotionally to a decision about which they are upset or frustrated?

Nigel Casey: I am not saying that no one reacted emotionally. Philip has just told you that, over this whole episode, people felt a wide range of feelings—anger, frustration, sadness. I have felt them myself, and I know you have felt them.

Q608 **Alicia Kearns:** Let us go back to that exact moment, because just told me that people took the order and got on with it. Given that two people have put their career on the line, I don't believe that there weren't many more people in that crisis centre who were frustrated when the decision came through, that not one person said, "Woah, wait. Why are we doing this? I can't understand this" or, "Are you kidding me? I've got people I need to get out of there. Why are we doing this? They shouldn't be on the evacuation list." Are you telling me that no one responded or reacted



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strongly about this, that this was not raised in any way and that nobody challenged it within the system?

Nigel Casey: I am not saying that people did not feel strongly about it. At the time, what we needed was clarity. There was a lot of confusion. What we most needed was clarity and a clear instruction: yes or no. There was a closing window to add anyone because the evacuation was due to finish completely on 28 August and the civilian component was due to finish a couple of days before that. We did not have time at that moment to question decisions when we had a very clear direction.

Q609 **Alicia Kearns:** I find it very hard to believe that, somehow, in the crisis centre, which is a stressful and emotional environment, particularly during this evacuation, people acted like robots and just got on with it and there was no discussion about who, what, where or why.

Nigel Casey: Nobody acted like robots, but when you have a clear direction from an empowered person—

Q610 **Alicia Kearns:** So you have never, in your entire career, sat there and asked, “Why has this decision been made?” when you have had a clear instruction from a Minister?

Nigel Casey: This particular instance was a crisis.

Q611 **Alicia Kearns:** No, the question was, in your career, in a crisis—the Greek financial crisis, any evacuation, Bali, you name it—are you telling me that you have never asked, “Why has this decision been made and who made it?”?

Nigel Casey: I am saying that—

Alicia Kearns: Yes or no.

Nigel Casey: —I cannot remember questioning a clear ministerial decision.

Q612 **Alicia Kearns:** I would hope that at some point in your career you have said “I want to understand why this decision has been made.” It does not mean you are not going to implement it, but you ask why and how.

Nigel Casey: A priority right there and then on the day was to implement it, yes or no. If they had said no, we would have said no; we would not have done it.

Q613 **Alicia Kearns:** It is good to know that the Minister should expect absolutely no challenge or understanding and that, clearly, people do not ask their bosses why decisions have been made. *[Interruption.]* No, no, that is absolutely fine. They take their orders and that is it. We are going to move on. We are not getting anywhere with this discussion. I have said enough.

Sir Philip Barton: I do not think it is about the FCDO’s willingness to challenge or otherwise; it is about a crisis situation where we wanted clarity, were given instruction and implemented it.



Alicia Kearns: That human response. Enough.

Q614 **Liam Byrne:** Nigel, you said you had the right to assume a direction from the Defence Secretary's tweet. You checked it with Stephen Lovegrove. The Defence Secretary says he did not take a decision. Has the Defence Secretary misled Parliament?

Nigel Casey: I have not said that, and I would not say it because I do not know who took this decision. The Defence Secretary's tweet was very explicit. He said the decision had now been taken to call forward Nowzad staff, and so on. I can only assume as a civil servant, reading that very clear tweet, that there must have been a clear decision establishing that fact. It does not answer the question about who took the decision.

Q615 **Liam Byrne:** No, you are not psychic. The email leaked to *Newsnight* was written by you, and you wrote in that email that the National Security Adviser would ask No. 10 for input. We established earlier in our discussion that you were basically acting on a sign-off from the National Security Adviser but, none the less, you said that the National Security Adviser would ask No. 10 for input. Were you acting through this crisis in the belief that the Prime Minister had given a green light for this?

Nigel Casey: I worked in No. 10 for three years. The position that we were in at the time was that we did not have an instruction on this from the No. 10 private office, which is the normal channel through which you would expect a formal communication to come to our private office in FCDO. On the morning of 25 August, we had someone from the No. 10 comms team asking us what had happened in response to the Defence Secretary's tweet and what the position was. It would have been natural to assume that the only other place in No. 10 to go to for direction was the political side of No. 10. That may well be why I recorded that, but I do not know who Stephen actually consulted.

Q616 **Liam Byrne:** Thank you. My question, however, was: were you acting in the belief that the Prime Minister had given this the green light?

Nigel Casey: The team who implemented it were, yes, because the head of that team had emailed them all to say that. As Philip has explained, he made that assumption in good faith, based on the fact that it had come from the National Security Adviser. Neither I nor Philip blame him in any way, shape or form for making that assumption at the time. The Prime Minister subsequently stated clearly that he had nothing to do with it. That is what we know.

Q617 **Liam Byrne:** The second whistleblower's email says that it was "widespread 'knowledge' in the FCDO Crisis Centre that the decision on Nowzad's Afghan staff came from the Prime Minister. I saw messages to this effect on Microsoft Teams, I heard it discussed in the Crisis Centre including by senior civil servants, and I was copied on numerous emails which clearly suggested this and which no one, including Nigel Casey acting as "Crisis Gold", challenged."

Nigel Casey: She puts "knowledge" in inverted commas for a good reason, which is that that knowledge came precisely from the email that



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we have talked about. She believed, in absolutely good faith, as I think probably did Raffy and maybe others in that team as well, that the decision had come from the Prime Minister, based on that email. That was based on an assumption which should not have been made but was. It was made in good faith and I do not want to attribute any blame. That is the origin of that belief.

Q618 Liam Byrne: We have a situation here where the crisis gold team and staff in the crisis centre are acting—if the Prime Minister is speaking the truth—under a misapprehension that the Prime Minister of our country had signed off on a decision that he says he had not taken.

Nigel Casey: It was only temporary, because—

Liam Byrne: Just let me finish the question, sorry. Second, the team is acting on the basis that the Defence Secretary has also taken a decision that he says he has not taken. We have two Ministers of the Crown—one is the Prime Minister and one is the Defence Secretary—who both deny taking a decision, but the civil servants operationalising the evacuation believe that they have taken that decision. That sounds to me like a pretty comprehensive breakdown in the chain of command.

Sir Philip Barton: They were acting on the basis of the National Security Adviser saying that we should call forward the Nowzad staff. That was the basis on which FCDO officials took action. Nigel set out what people believed in the team on the basis of the email. I talked about that at the beginning. We have to recognise this was a crisis, with a lot of information flowing at once and a lot of work to get done in short order.

Q619 Liam Byrne: We have all worked in crises, and some of us have worked in No. 10 during a crisis. When you wrote that email, Nigel, stating that the National Security Adviser had asked for No. 10 input, what was the response that you got to that email?

Nigel Casey: It was just noting what had been asked.

Q620 Liam Byrne: Right. How did you communicate the information about No. 10's input? How did you describe No. 10's input in this noting email?

Nigel Casey: The email, from memory, said something to the effect that I had noted—we had just come out of a meeting chaired by Stephen Lovegrove and I was noting, I think in response to the Foreign Secretary's office, who were asking, that Tom had asked the question. That was it.

Liam Byrne: Tom?

Nigel Casey: Tom Drew, who is the director general I was working to on this crisis.

Q621 Chris Bryant: Lord Ahmad told us that it was not uncommon for decisions to be incorrectly portrayed as coming from the Prime Minister. Do you agree with that?



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Sir Philip Barton: Yes, I think it is sometimes the case that where things have been communicated by the centre of Government, they are ascribed to the Prime Minister. That does sometimes happen.

Q622 **Chris Bryant:** Is that never a problem?

Sir Philip Barton: It is better to be absolutely clear who has and has not taken decisions, but people sometimes describe things that are not the reality.

Q623 **Chris Bryant:** Can you give us another example?

Sir Philip Barton: Not off the top of my head, no.

Chris Bryant: You will write to us, then, because you said there were other instances where it happens, so presumably you were thinking of something in particular.

Sir Philip Barton: When you hear civil servants and others in or close to Government talking about decision making, you will hear people say, "X has decided Y", even where that is not the case, based on imperfect understanding—in this case clearly, there was an assumption made, as we have described, which led people to think that.

Chris Bryant: Sometimes because somebody is overstating their closeness to the Prime Minister.

Sir Philip Barton: Or any other decision-making person or Minister.

Q624 **Chris Bryant:** Sometimes people get boastful about who they are close to or not close to, and intimate that actually a decision that they personally want the Prime Minister to have been involved in has been decided by the Prime Minister. Is that what you are suggesting?

Sir Philip Barton: I wouldn't put it in those terms. There are different ways in which people can misunderstand who is taking decisions on different issues.

Q625 **Chris Bryant:** The reason I am asking this is because I do not understand how an order or a direction becomes an order or a direction unless you know the authority on which it is based.

Sir Philip Barton: I understand your question and I understand what lies behind it. From my perspective, thinking about it and listening to the questions you have put, including detail to Nigel, I think it is around two things. One is the pace of events and the pressure of being in a crisis situation on the one hand, and on the other hand a Cabinet Minister saying in public that a decision has been taken, and us as a Department then establishing whether that meant we should take action, which we did through the straightforward route of going to the point at which—

Q626 **Chris Bryant:** But as I understand it, the order or direction, or whatever you want to call it, was on the basis of the National Security Adviser, in your words—correct me if I have got this wrong; I think you had written them down beforehand, so they were your prepared words—"on the



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authority of someone in power". Those are literally the words you used. What on earth do you mean by that?

Nigel Casey: I don't think I said that; that's not written anywhere in front of me.

Q627 **Chris Bryant:** It is what you said.

Nigel Casey: Well, I would have to check the transcript; if I did say that, I will correct it. But the point I am making, Mr Bryant, is that when you get an instruction—when you have asked specifically for clarity in a formal setting, with lots of other Government Departments there, and you ask one of the most senior officials in Government for a clear direction, knowing that he is well aware of the wider context—it is a reasonable assumption that when he gives you a clear answer, it comes with the authority of someone who is in a position to make that decision.

Q628 **Chris Bryant:** Indeed. And you said earlier that what you needed was clarity—the most important thing was clarity. You wanted a yes or a no.

Nigel Casey: Correct.

Q629 **Chris Bryant:** I fully understand that, but of course then you assess whether it is as clear as you would want it to be because it comes with the necessary authority.

Nigel Casey: It was very clear. Philip read out the actual email.

Q630 **Chris Bryant:** I know. Sorry, that's not the point I am making. Part of the element of clarity is whether it comes with the authority that is requisite for that level of decision.

Nigel Casey: It's the National Security Adviser, so I think it is reasonable for us to assume that he wouldn't say that to us without—

Q631 **Chris Bryant:** And you presumed that that was on the authority of someone in power. You see, what it feels like—

Nigel Casey: Empowered—e-m-p-o-w-e-r-e-d. As I explained to Mr McDonald, the way that the special cases, or the use of the LOTR provision to be more accurate, was set up was that Ministers asked us—it was specifically the Foreign Secretary, the Home Secretary and the Defence Secretary—to set up this system. We put together submissions with potential cohorts. They signed them off and they said, "Go ahead." PJHQ gave us quotas. On the basis of those quotas, we ran panels in the FCDO to prioritise. And in that system, Nowzad staff had not been prioritised—

Q632 **Chris Bryant:** I understand all of that; that's not the point I'm making. It's a slightly different one, which I am slightly bewildered you can't grasp. Maybe I'm just expressing it very badly. Let me try again. What it feels to me like, and I may be 180 degrees wrong, is that basically lots of people in the Foreign and Commonwealth Office thought at the time and still think now, including both of you, that a decision had actually been made by the Prime Minister, and that was conveyed through the National Security Adviser to the rest of you—*[Interruption.]* Just let me finish. And



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you don't really want to say that today, because if you are to say that, you are basically saying that the Prime Minister and the Defence Secretary are liars.

Sir Philip Barton: You are telling us what we think about the decision making. Just to be clear, it's not—

Q633 **Chris Bryant:** It's what you just said.

Sir Philip Barton: It's not. You said that I think that it was the Prime Minister who took the decision. I don't think that. I don't know.

Q634 **Chris Bryant:** I find it difficult to believe you.

Nigel Casey: We can only tell you what we know.

Q635 **Chair:** You just said you assumed it had come from somebody at the top of Government.

Nigel Casey: Someone empowered.

Q636 **Chair:** Empowered by whom?

Nigel Casey: As I said, at the beginning of this process, the three Ministers who were overseeing it were the Foreign Secretary, the Defence Secretary and the Home Secretary.

Q637 **Chris Bryant:** There we are. I don't buy any of it, I am afraid. I really don't.

Sir Philip Barton: We have tried our best, Chair, to set out our understanding from an FCDO perspective of what happened, to explain why Raphael Marshall and Josie Stewart—

Q638 **Chris Bryant:** I know, but you started off today by saying that the Committee had never been misled, and now you clearly admit that we have been misled, because you even told us so.

Nigel Casey: No, what we said is that we inadvertently misled you on one specific point in response to the letter you wrote on 15 December. We apologised immediately for that when we realised that mistake.

Q639 **Chris Bryant:** When others made you realise.

Nigel Casey: When we realised, we immediately apologised.

Chris Bryant: When others made you realise.

Q640 **Alicia Kearns:** I think you can see that we are finding it difficult to believe you, so there is clearly something in the manner of your preparation for this Committee where the tone you have decided to adopt is not one that leads us to believe you are being sincere or open with us.

I take you back to your quote earlier, which is, "If staff pursue a path of honesty and integrity, they will be supported." Clearly, Raphael Marshall does not believe that, because he has resigned. Josie Stewart is clearly trying to act in what she believes is the path of honesty and integrity, so is she going to be suspended?



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Sir Philip Barton: On Raphael's case—

Q641 **Alicia Kearns:** He has resigned. He has had to make that decision because he clearly felt that was not going to be the case. Has Josie been suspended?

Sir Philip Barton: I am not going to comment on an individual case—on Josie's matter. As I said earlier, it is a matter of regret that while Raphael came to me and I, as you know, appointed someone to look into what he had said around the civil service code, Josie did not feel able to do that, and I regret that.

Q642 **Alicia Kearns:** I take you back to your quote, which was, "If people believe they are following the path of honesty and integrity, they will be supported." Therefore, if Josie believes she was acting in the path of honesty and integrity, her career will not be destroyed by the Foreign Office, who will not get rid of her.

Sir Philip Barton: I am not going to comment on—

Q643 **Alicia Kearns:** Let's take the word "Josie" out of it. If a member of staff who whistleblows is following the path of honesty and integrity, will they be supported?

Sir Philip Barton: Whistleblowing is a formal term, and there are formal processes for whistleblowing. I am talking in the general now: if people act in a formal way using formal whistleblowing procedures, they will have the protections of those procedures.

Q644 **Alicia Kearns:** Fine. I look forward to seeing, therefore, that those who have followed the path of honesty and integrity, and believe they were, will be supported by the Foreign Office, not just outright fired in the next few months to come.

Sir Philip Barton: I am not going to comment on individual cases.

Q645 **Chair:** Do you believe that parliamentary scrutiny is part of the whistleblowing function?

Sir Philip Barton: It depends what you mean. Capital W whistleblowing, which is a formal process—no. Talking to parliamentary Committees, broadly defined—yes, within reason. There are actually rules around civil servants talking to parliamentary Committees; it normally requires the permission of Ministers. There are processes that officials have to go through before they talk to Select Committees, so, again, in a formal sense, I think the answer to your question, Chair, is no.

Q646 **Chris Bryant:** I am going to irritate you again, I am afraid. You wrote us an apology letter because something else had been found and you then apologised to us, and then subsequent to that, there have been further leaked emails. This is the difficulty that we have: normally, this is a single episode, not an iterative process. It is difficult to have confidence that the whole truth is out there.



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Sir Philip Barton: Honestly, I genuinely share your frustration. We wrote immediately—I am very happy to repeat it—to apologise as soon as we were aware. If we had internally become aware of the emailing and realised that we had misled you, we would also have apologised and been clear. We are doing our level best to come here today to carry on what we have tried to do all the way through, which is to give you an honest, open account of the Department's understanding of events around this.

Q647 **Chris Bryant:** It just feels like we ought to employ a mole in the Foreign Office. Whistleblowers and "Newsnight"—not you—have done all this work for us.

Sir Philip Barton: At every stage, we have tried to answer your questions openly and honestly—

Chris Bryant: But have not done the research beforehand.

Sir Philip Barton: —and where we found that that was not the case, we immediately corrected it. Nigel has set out the explanation that lay behind the answer. At no point have we deliberately set out to mislead you.

Nigel Casey: For wider context, this is one issue that your Committee has looked at in the course of a wide-ranging inquiry. You had the former Foreign Secretary giving oral evidence in September; we gave two hours-worth of oral evidence in December; and Lord Ahmad gave oral evidence, although it was truncated. In between, I have lost count of the number of letters we have written, all with multiple detailed questions in them. If you look at the transcript of our session in December—I was re-reading it before I came in—it is pretty exhaustive. We answered your questions in detail, at length, to the best of our knowledge at the time.

I think it is unfair to say that we have not engaged fully with this inquiry. There is one specific issue here. We have explained why it has taken longer for us to get to the bottom of this, and that is a shared frustration. I am sorry, again, that we could not get to the bottom of it further—it would have saved us a lot of bother—but we are where we are, and we have told you everything we can at this point.

Q648 **Liam Byrne:** Just to round out our panorama, when you first came to see us, you said that FCDO staff attributed the decision to the Prime Minister. Were you aware of that or not?

Sir Philip Barton: Are you addressing that to me or to Nigel?

Liam Byrne: To Nigel.

Nigel Casey: Can you remind me of that?

Liam Byrne: When you first came to see us with the permanent under-secretary, were you aware that FCDO staff attributed the decision on Nowzad to the Prime Minister?

Nigel Casey: I was not aware of the emailing, which you had asked me about, and the letter which Philip sent in January reflected that belief. I



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thought it had been dealt with at the time. After the internal emails that I have talked about, which were the explanation for why staff in that team believed in good faith that the Prime Minister had made the decision, the Prime Minister came out quite quickly—I do not know whether it was a few hours later or the same day—and stated categorically that he had not made the decision. As far as I knew, that was clear to everybody involved from thereon, and I did not spend time between that point and coming here with Philip and Laurie in December thinking about it.

Chair: Thank you very much indeed for coming at short notice. While you are here, let me place on the record my enormous thanks to the FCDO team in Tehran, and in particular to the ambassador, Simon Shercliff, for his extraordinarily courageous service out there, and the fantastic success—which I know is not down just to him but to an entire team effort—in getting Nazanin and Anoosheh out. Thank you very much.

Sir Philip Barton: Thank you very much, Chair. We continue to work on the case of Morad Tahbaz in particular.

Chair: I am delighted to hear it. Thank you.