

## **Written evidence submitted by Raphael Marshall (AFG0050)**

1. In my previous evidence to the Committee (AFG0038), I did not explain the basis for my statement that the Prime Minister was responsible for the decision to prioritise the transport of Nowzad's animals and staff. This is because I believed it was clear the Prime Minister was responsible for this decision.
2. On 15 December the Clerk of Committee requested that I provide the Committee with supplementary evidence on this point.

### **The Prime Minister's instruction to the Foreign Office to 'call-forward' Nowzad's staff for evacuation on Wednesday 25 August**

3. On Wednesday 25 August, I heard the senior official ('Crisis Silver') responsible for Afghan Special Cases say that they had just received an instruction from the Prime Minister to 'call-forward' Nowzad's staff to Kabul Airport for evacuation. I then heard Silver instruct team-members to send the names and passport details of Nowzad's staff to the Home Office for security-checks.
4. A colleague said 'we are doing the dogs' or 'we are doing the dog people'. A colleague said that the Prime Minister had issued this instruction in a COBR meeting. It is possible the high-level meeting referred to was in-fact technically a National Security Council meeting.
5. Several colleagues sent messages on the Afghan Special Cases group on Microsoft Teams to the effect that the Prime Minister had instructed us to call-forward Nowzad's staff for evacuation.
6. Following this instruction, the Afghan Special Cases Team sent Nowzad's staff to the Home Office for security checks. This was the first-stage of the process of 'calling-forward' individuals to the airport for evacuation.
7. The usual next stage of this process was to issue 'call-forward' emails entitling recipients to evacuation on RAF or HMG-chartered aircraft if they reached Kabul Airport. For this reason, I believe it is probable that Nowzad's staff were issued 'call-forwards' for evacuation later on Wednesday 25 August after the completion of Home Office security checks. I did not personally witness the issuing of 'call-forward' emails for Nowzad's staff.
8. Silver said 'I think I see what the Prime Minister is doing here'.
9. I understood Silver's remark to indicate they believed that the Prime Minister had deliberately instructed HMG to facilitate the transport of Nowzad's animals and transport Nowzad's staff only when it was too late for the instruction to actually be implemented.

10. My understanding was that by this point on Wednesday 25 August it was either too late or almost too late for anyone additional 'called forward' for evacuation to be successfully evacuated. Home Office security checks would take time as would the issuing of 'call-forwards'. Nowzad's staff would then need to pass through the crowd to the airport. This would take many hours, if it was possible at all. Kabul was three and a half hours ahead of the UK. At some point the gate to the airport would close for the night. It was unclear whether it would reopen on Thursday 26 August. If the gate reopened on Thursday 26 August, it would likely only do so briefly.
11. According to this interpretation, the Prime Minister wished to be able to inform Nowzad's constituency that he had sought to 'evacuate' Nowzad's animals and staff but had been unable to do so due to the situation in Kabul. In retrospect this interpretation appears to be incorrect and Silver simply failed to credit that the Prime Minister genuinely wished to prioritise Nowzad's animals and staff.
12. Nigel Casey was acting as Crisis Gold. Silver was therefore Mr Casey's immediate subordinate.
13. There is no suggestion of any impropriety on the part of the senior official who received and implemented the Prime Minister's instruction about Nowzad's staff.
14. Technically this instruction related only to Nowzad's staff, not to Nowzad's animals. As Mr Casey noted on 7 December, the Afghan Special Cases process was for people not for animals. Therefore there was no need for the parallel instruction about the transport of Nowzad's animals to be processed by the Afghan Special Cases team. I expect that this instruction was sent to the Ministry of Defence or to Permanent Joint Headquarters (PJHQ) at Northwood.
15. It is theoretically possible that the Prime Minister instructed that Nowzad's staff be 'called-forward' but that a different decision-maker instructed PJHQ to transport Nowzad's animals. However given the prioritisation of Nowzad's staff required a Prime Ministerial intervention, it is difficult to believe the prioritisation of Nowzad's animals was ordered by a less senior decision-maker.
16. As noted in my previous evidence, many eligible people who had significantly contributed to UK-efforts in Afghanistan and who were consequently at significant risk from the Taliban were not 'called-forward' for evacuation from Kabul airport. This included many individuals recommended for evacuation by Secretaries of State, MPs, and serving or retired British soldiers.
17. It is unclear why the United Kingdom would owe a higher-level of obligation to the people who had cared for Nowzad's animals than people who had assisted the British Army, in many cases at meaningful risk to their lives.

18. The issuing of 'call-forwards' to Nowzad's staff appears to be theoretically compatible with the precise words used by Mr Casey to answer questions about Nowzad at the Foreign Affairs Committee's 7 December evidence session.
19. Bob Seely MP asked Mr Casey on 7 December, 'was there ever a ministerial instruction or a political instruction to help these people in some way?'. Mr Casey replied that 'there was clearly a ministerial-level decision to help, in the narrow sense of agreeing that the UK military would facilitate the landing and departure of the charter aircraft which Pen Farthing's organisation had chartered'. Mr Casey's answer does not technically exclude the possibility that facilitating the charter flight was not the only 'ministerial-level decision' related to Nowzad.
20. Mr Seely then asked 'so there was a ministerial or political decision made to help them, which was received by you or the Foreign Office—that is correct? Because that's what you have just said'. Mr Casey replied 'It wasn't received by me personally, so I'm not sure—.' As Mr Casey said, the Prime Minister's instruction with reference to Nowzad was received by Mr Casey's immediate subordinate, the Crisis Silver responsible for Afghan Special Cases, rather than by Mr Casey himself.

#### **Conclusions from the outcome of the Foreign Office's Civil Service Code Investigation**

21. HMG policy was for the Foreign Office to submit Afghans eligible for evacuation according to the three 'Afghan Special Cases' criteria to the Home Office for security checks and then issue them with 'call-forward' emails to facilitate evacuation. Nowzad's staff were not eligible according to these three criteria because they were not at meaningful risk from the Taliban and had not contributed to UK war aims in Afghanistan. Initiating the 'call forward' of Nowzad's staff for evacuation on 25 September was therefore a clear breach of HMG policy.
22. It is a clear breach of the Civil Service Code for a Civil Servant to deliberately deviate from HMG policy, even according to the FCDO's interpretation of the Civil Service Code. If a Civil Servant had initiated the 'call-forward' of Nowzad's staff this would therefore have been a breach of the code. The FCDO's Civil Service Code Investigation found there was no breach of the code. The investigation's finding therefore appears to mean by definition that the decision to evacuate Nowzad's staff was made by a minister.
23. As the Foreign Secretary holds one of HMG's Great Offices of State, I believe the only minister outside the Foreign Office entitled to instruct the Foreign Office to deviate from HMG policy is the Prime Minister.

#### **Trudy Harrison MP, Former Parliamentary Private Secretary to the Prime Minister**

24. It is not credible to suggest that the 'call-forward' of Nowzad's staff was initiated by the Prime Minister's then Parliamentary Private Secretary Trudy Harrison MP in her capacity as MP for Copeland.

25. On Wednesday 25 August, requests for the evacuation of eligible individuals by MPs who were not Secretaries of State were no longer being considered. Far from being implemented, on Wednesday 25 August a request for HMG to evacuate Nowzad's staff from Ms Harrison in her capacity as MP for Copeland would not have been considered even if Nowzad's staff were eligible for evacuation under the three criteria of the Afghan Special Cases scheme, which they were not. A request for the evacuation of Nowzad's staff from Ms Harrison in her capacity as MP for Copeland would have been disregarded.
26. On Wednesday 25 August, only requests for the evacuation of eligible people from Secretaries of State were even considered. I believe this is because it was judged that processing the individuals already issued 'call-forwards' for evacuation would require all the extremely limited available capacity at Kabul Airport. As noted in paragraphs 171 of my previous evidence, a limited number of these requests from Secretaries of State were referred to the Foreign Secretary for approval on an exceptional basis. However I believe the majority of requests for evacuation of eligible Afghans received on Wednesday 25 August from Secretaries of State were not acted on in any way.
27. As noted in paragraphs 175 and 176 of my previous evidence, even a joint request for the evacuation of an Afghan general's family from Lord Ahmad, the FCDO Minister of State responsible for Afghanistan, and the Parliamentary Under-Secretary of State James Heapey for the evacuation of an Afghan soldier's family was referred to the Foreign Secretary for approval.
28. It is not credible that a request for the evacuation of ineligible people from the MP for Copeland would have been implemented expeditiously when an instruction to evacuate a group of eligible people from the FCDO minister responsible for Afghanistan was referred to the Foreign Secretary before implementation and many requests for the evacuation of eligible people by Secretaries of State were not acted on at all.
29. For the same reason, it is not credible that the 'call-forward' of Nowzad's staff for evacuation could have been initiated by a cabinet minister other than the Prime Minister.

#### **Meetings with the Permanent UnderSecretary and FCDO Internal Investigation**

30. On 1 September, I wrote to the Permanent UnderSecretary to report breaches of the Civil Service Code. I stated in my email that the transport of Nowzad's animals had been prioritised over the evacuation of people.
31. I met the Permanent UnderSecretary the same afternoon. The Permanent UnderSecretary did not question the statement in my email that the transport of Nowzad's animals was prioritised over the evacuation of people.
32. The Permanent UnderSecretary then appointed an internal investigator. The investigator subsequently reported to the Permanent UnderSecretary.

33. The investigator and I discussed the trade-offs involved in the transport of Nowzad's animals and staff on 13 September. The investigator was aware of the Prime Minister's responsibility for the decision to prioritise the transport of Nowzad's animals and staff.

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