

**'CASTELL – MOH Campaign Notes 29Jan2024.pdf'****1. Preamble**

An IT lawyer suggested: "Using the modern jargon of Artificial intelligence it could be said that the Post Office Horizon system produced "hallucinations" which resulted in more than 900 convictions linked to the scandal over 16 years, with only 93 so far being overturned."

My response: I don't agree that it could "be said that the Post Office Horizon system produced "hallucinations"". That would be a red herring, **distracting from the central key professional forensic technical issue of the quality and fitness for purpose of the Fujitsu system(s), and that, thanks to the ludicrous 'legal presumption of the reliability of computer evidence', plus lack of Legal Aid funding to engage ICT expert witnesses on behalf of the Defendants, that core issue was never allowed to be examined and tested in court, as it routinely should have been, in those 900 trials over twenty years.**

As is well documented, I was approached to be ICT Expert Witness on behalf of one of the very first Horizon Defendants, back in 1999-2000, but the solicitor could not get Legal Aid funding for my engagement (that's another whole UK justice system deficiency in this tragedy that has not yet been discussed much in the media). I am pretty sure I would have found the bugs if given adequate funding, and might perhaps have stopped the whole 20-year travesty of justice thing in its tracks, from the off, or at least caused the PO to think again before pressing on with unsafe prosecutions.

The (alleged) fundamental incapability of Fujitsu to design and build quality, fit for purpose, systems is at the heart of it. But the people who proceeded nevertheless, because they made, or needed to make, money out of it, seem surely to be the real culprits.

**I am brewing a MOH (Moving On from Horizon) Campaign [Working Title] to address specifically that key issue of the quality and fitness for purpose of mission critical systems, and related matters (like National Infrastructure Software and Systems Resilience).** And of course, in the private sector, there was for example the VW 'Dieselgate' affair, which involved deliberate falsifying and/or manipulation of computerised emissions test results. I gave expert witness advice to the original class/group solicitors of the putative lawsuit against VW UK, concerning disclosure of computer evidence. I also put forward a whole raft of questions concerning the quality and reliability of the 'fix' software that VW were proposing.

These live and ongoing developments are at last all essentially providing an impactful general wake-up to the fundamental truth of the non-provability of computer software (established and known about since Kurt Friedrich Gödel). Or [Castell's First Dictum](#) (1990): "*You can't secure an ontologically unreliable technology by use of an ontologically unreliable technology*", revealing the oxymoron that is 'cybersecurity'.

**2. Moving On from Horizon – The MOH Campaign**

**Here's the thing:** how many other 'Horizon-like systems' are there out there (whether or not provided by Fujitsu), where **Digital Masters dictate to Digital Serfs** with few rights or capabilities/resources to challenge the 'computer says no' enforced on them [increasingly by diktat of, and unquestioned reliance on, **Autonomous Automated Decision Systems (AADS)**]? **Answer: very many, for sure!**

**So, I propose a vigorous campaign** to put in place a permanent investigatory Statute-backed software systems governance and oversight structure, designed and resourced (i) to find out the answer to that 'how many others' question; and (ii) with facilities and powers to examine, audit and make recommendations concerning any (actual or potential, present or future) systems, in both the public and private sector, so as to endeavour to ensure that 'Horizon cannot happen again'. *Everyone is now saying this, but no-one really has a clue as to how to achieve it, within our existing computer technology governance and regulatory systems.*

### **3. Specifically, The MOH Campaign [Working Title] will call for:**

(i) Establishing a **Permanent Experts' Software Committee of Inquiry (PESCI, pr. pesky)** with full software, systems and services investigatory powers and resources to examine, audit and make recommendations towards that 'no more Horizons' objective.

(ii) Recognition of and appropriate action to respect and put in place confidential mechanisms to implement **Whistleblowing In Software Engineering (WISE)** [NB The PhD work of [Lucy Hunt at Lancaster Uni](#)].

(iii) Ensuring that the **BCS ITLF SRR Report** recommendations concerning education and C-Level action are promulgated and encouraged, to promote software and systems **Service Resilience**, particularly in respect of, and in resonance with, the Government's own proposal for a **Resilience Academy**.

(iv) Establishing a new **Office of the Software Ombudsman** (as I have already proposed to my MP, Rt Hon Dame Prit Patel MP, and in several articles and journal papers, for over 5 years), **SOFTOM**, for citizens to report, avoid, mitigate, fix, and/or be compensated for the effects and damages of, potential or actual software (including AI, LLM, AADS and robot software) bias, glitches, failures or disasters.

### **4. ChatGPT's unique take on this:**

**Prompt:** 'write a paragraph on Dr Stephen Castell, his APPEAL Report for HM Treasury, and its pivotal role in the 'presumption of the reliability of computer evidence', that has led to the PO Horizon system miscarriage of justice fiasco'

**ChatGPT:**

Dr. Stephen Castell, a distinguished expert in IT and computer evidence, gained significant attention for his APPEAL Report submitted to HM Treasury. This report played a pivotal role in challenging the presumption of the reliability of computer evidence, particularly in the case of the Post Office Horizon system. Dr. Castell's meticulous analysis and critique brought to light crucial flaws and inconsistencies within the Horizon system, which had been previously considered infallible. His findings were instrumental in revealing the miscarriage of justice that had occurred due to the reliance on flawed computer evidence, leading to wrongful accusations and severe consequences for numerous individuals involved with the Post Office. Dr.

Castell's work served as a catalyst for reevaluating the trust placed in computer-based evidence, prompting a necessary reassessment of systems and procedures to prevent similar injustices in the future.

'Hallucinating'...?

## **5. Recent developments**

<https://www.thenational.scot/news/24079665.rishi-sunaks-family-firm-infosys-set-millions-government-money/>

*Rishi Sunak's family firm Infosys set for millions of government money By James Walker, 28th January 2024*  
A COMPUTING firm part-owned by Rishi Sunak's wife Akshata Murty is set for millions of pounds of government money. Infosys – in which Murty reportedly has shares worth around £610 million – has been put on an "approved list" of suppliers in line for £750m of public sector contracts, according to *The Mirror*. The newspaper also reports that the Indian firm is named on a £250m NHS contract, as well as a £562.5m contract from the Financial Conduct Authority for IT services, according to the investigative ... newsletter *Democracy for Sale*. ...

<https://uk.news.yahoo.com/post-office-chairman-leave-amid-153300895.html>

*Post Office chairman Henry Staunton ousted amid row with government Sky News Sat, 27 January 2024*  
The chairman of the Post Office is being forced out of the role amid frustration in Whitehall over the state-owned company's governance as it reels from the Horizon IT scandal. ...

<https://www.telegraph.co.uk/news/2024/01/27/post-office-staff-quit-jobs-backlash-horizon-scandal/#>

*Post Office staff quit jobs over backlash from Horizon scandal Henry Bodkin, 27 January 2024*  
Rash of employees walking out due to the fallout from the ITV drama, while others choose to quit rather than be 'in league with the devil'...

<https://committees.parliament.uk/committee/600/treasury-subcommittee-on-financial-services-regulations/news/199510/treasury-committee-writes-to-21-public-sector-organisations-over-use-of-fujitsu/>

*Treasury Committee writes to 21 public sector organisations over use of Fujitsu 19 January 2024*  
The Treasury Committee has asked His Majesty's Treasury, and all associated agencies and public bodies, to send them details of any contracts awarded by their organisation to Fujitsu Services Ltd, or any other Fujitsu Global-owned entities, since 2019. The international technology corporation has faced renewed questions over its role in the Post Office Horizon Scandal in recent weeks. The Committee aims to understand the extent to which the company has continued to be awarded government contracts with HM Treasury-affiliated organisations since the High Court ruling in 2019. Questions include whether the contracts went through a tendering process, the extent to which the company's role in the scandal was considered as part of the due diligence process and whether they have considered terminating contracts with the company at any stage.

*Chair's comment*

*Treasury Committee Chair, Harriett Baldwin, said:*

*"The public outcry regarding the Post Office sub-postmaster scandal is entirely justified, and I know I speak for the whole Committee when I express my horror at the injustices the victims faced. "It's clear that Fujitsu has questions to answer over its conduct. I think it's important we can see the extent to which taxpayer money has been spent with Fujitsu since the High Court ruling as they are simultaneously assessed on their fitness to remain a government supplier."*

<https://www.independent.co.uk/news/uk/post-office-government-greater-manchester-b2481204.html>

*Government calls on Post Office to look at case linked to Capture IT system David Hughes 19 January 2024*  
The Post Office is already at the centre of a scandal over the prosecution of subpostmasters based on evidence from the flawed Horizon system. The Post Office has been told by the Government to look into the case of a subpostmaster convicted of theft linked to a second IT system. ... the case of Steve Marston, a 67-year-old former subpostmaster ... who claims an earlier IT system – Capture – led to him being convicted of theft and false accounting offences in 1998. ...

No surprise! And all perfectly in tune with my putative MOH (Moving On from Horizon) Campaign to convince the UK government to have an **independent** 'quality, fitness for purpose and absence of material defects' audit of all major national infrastructure software systems, carried out by skilled and experienced forensic ICT expert professionals.

This would have within its scope not only PO Horizon (which is still being used, and almost certainly still has bugs), but across all critical sectors.

Recent press reports note the sacking of the PO Chairman, plus that staff are now leaving the PO citing lack of trust in the ongoing Horizon (and other) PO/Fujitsu systems. Some reports have commented that the PO Chairman sacking may be UK General Election Year 'distraction fodder', plus internal Tory Party position-jockeying. From an ICT expert professional point of view, it is currently looking unclear if the move will turn out to include any meaningfully serious and professional competent, unbiased, PO IT systems quality audit(s).

My MOH will start with national infrastructure systems because that is the focus of the government's Resilience Framework; and also addressed in our [BCS ITLF Software Risk and Resilience Report](#) (which hopefully is starting to gain the traction that it deserves within government). **Any lack or inadequacy of Organizational and/or Technical 'Built-in' Resilience in such vital interconnected critical systems, means that, if (when!) they fail, they risk massive, cascading consequences and damage to multiple sectors of citizens, businesses, financial markets – indeed, across 'the whole of society'.**

## **6. Some background:**

<https://www.computerweekly.com/opinion/Law-Commission-misrepresented-experts-when-it-changed-rule-on-computer-evidence>

<https://www.computerweekly.com/news/366537376/Fujitsu-staff-had-unrestricted-and-unauditable-remote-access-to-Post-Office-branch-systems>

<https://barristermagazine.com/computer-evidence-presume-nothing-trust-no-software-or-data-engage-an-expert-costly-just-look-at-the-cost-if-you-dont/>

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