

<p>1 Friday, 24 October 2014</p> <p>2 (10.00 am)</p> <p>3 (Proceedings delayed)</p> <p>4 (10.30 am)</p> <p>5 MS DOLAN: Sir, before we commence with the live witnesses</p> <p>6 there is one matter in respect of pathologists'</p> <p>7 evidence. You asked for further questions to be asked</p> <p>8 of Dr Cary and Dr Chapman following Mr Tomei's ballistic</p> <p>9 evidence and the particular question was whether in the</p> <p>10 postmortems that they carried out they saw any evidence</p> <p>11 of injuries from the 50 calibre bullets, the</p> <p>12 12.7-millimetre calibre bullets and both pathologists</p> <p>13 have replied as follows. Dr Chapman has said:</p> <p>14 "I saw no evidence of injury typical of a 50 calibre</p> <p>15 weapon in any of the cases I examined."</p> <p>16 And Dr Cary has replied to say:</p> <p>17 "(1) Garry Barlow's injuries were caused by an</p> <p>18 explosion. There was no evidence of any superimposed</p> <p>19 gunshot wounds.</p> <p>20 "(2) Paul Morgan showed gunshot entry wounds to the</p> <p>21 face. I have already given evidence in relation to</p> <p>22 these two wounds. As described in my opinion it is most</p> <p>23 likely that these wounds are the result of both bullets</p> <p>24 hitting an intermediate target such as a windshield</p> <p>25 prior to hitting the deceased. I entirely agree with</p> <p style="text-align: center;">Page 1</p>	<p>1 Can we turn, please, to look at the systems in place</p> <p>2 for the JV in particular. So beyond the BP systems and</p> <p>3 measures taken, JV specific. The JV contracted with</p> <p>4 a private security company, AFMC, to provide what I will</p> <p>5 term broadly security services?</p> <p>6 A. Yes, that's correct.</p> <p>7 Q. That included the provision of teams at Hassi Messaoud</p> <p>8 who, as we have heard from other witnesses, carried out</p> <p>9 reviews and analyses of different things including</p> <p>10 particular incidents that occurred within the country.</p> <p>11 We heard about the assessments undertaken post the</p> <p>12 Ourgla bombing, Tamanrassat and events more widely in</p> <p>13 the region such as the Northern Mali French intervention</p> <p>14 in early January?</p> <p>15 A. Yes.</p> <p>16 Q. That team also liaised with local military, certainly</p> <p>17 within the area of Hassi Messaoud, Colonel Teg in</p> <p>18 particular?</p> <p>19 A. Yes, that's my understanding.</p> <p>20 Q. And that team at Hassi, the liaison team, produced</p> <p>21 security reviews every six months, yes?</p> <p>22 A. Yes, that's my understanding.</p> <p>23 Q. We have seen copies of those. I won't take you to</p> <p>24 those. We have also seen copies of security management</p> <p>25 plans which are produced on an annual basis by the</p> <p style="text-align: center;">Page 3</p>
<p>1 the authoritative evidence given by Mr Tomei. A 50</p> <p>2 calibre bullet is very powerful and would have caused</p> <p>3 substantially more destruction of the head than was</p> <p>4 present here with likely exit of the main bullet</p> <p>5 fragment. In my opinion in general terms the striking</p> <p>6 of an intermediate target such as the windshield or the</p> <p>7 vehicle body skin would not sufficiently depower</p> <p>8 a bullet of this nature to limit these very destructive</p> <p>9 effects. Dr Cary."</p> <p>10 THE CORONER: Thank you very much.</p> <p>11 MS DOLAN: Sir, then we continue with the evidence of</p> <p>12 Mr Porter.</p> <p>13 THE CORONER: Yes.</p> <p>14 MR DEREK PORTER (continued)</p> <p>15 Questions from MR POPAT (continued)</p> <p>16 THE CORONER: Good morning, you are still bound by the oath</p> <p>17 or the affirmation you took yesterday.</p> <p>18 A. Yes.</p> <p>19 MR POPAT: Mr Porter, when we finished yesterday afternoon</p> <p>20 we were going through the BP systems headquarters at</p> <p>21 regional level, at country level to assess and monitor</p> <p>22 threats and risks --</p> <p>23 A. That's correct.</p> <p>24 Q. -- and the production of risk assessments and Risk</p> <p>25 Action Plans.</p> <p style="text-align: center;">Page 2</p>	<p>1 liaison team?</p> <p>2 A. Yes, I've seen those.</p> <p>3 Q. And they were a review of threats, risks and physical</p> <p>4 security measures and an assessment overall of the</p> <p>5 things that needed to be done and/or had been done which</p> <p>6 were thought to be important?</p> <p>7 A. That's correct.</p> <p>8 Q. The team at Hassi also produced weekly updates which</p> <p>9 were documents which again summarised some of the</p> <p>10 incidents or events that had taken place over the course</p> <p>11 of the previous week within Algeria or in the wider</p> <p>12 region that might be relevant to security at In Amenas?</p> <p>13 A. Yes.</p> <p>14 Q. They were considered and discussed with the business</p> <p>15 support manager on a weekly basis?</p> <p>16 A. I believe that was the case.</p> <p>17 Q. They also produced, from Hassi, internal monthly updates</p> <p>18 which were supplied to the liaison team within Algeria</p> <p>19 at the different sites?</p> <p>20 A. Yes, well, I haven't seen them. I believe that was the</p> <p>21 case.</p> <p>22 Q. They also produced, I will call it, ad hoc advice on</p> <p>23 a continuing basis in the event of incidents or events</p> <p>24 that had occurred, they would produce either emails or</p> <p>25 slides for presentation or documents which carried out</p> <p style="text-align: center;">Page 4</p>

<p>1 a review of the event or the incident and again an 2 assessment of the risks that posed to the operations? 3 A. Yes, that was part of their role. 4 Q. That team also produced the JV risk assessment? 5 A. Yes. 6 Q. And that included specifically the risks arising from 7 the operations of the JV at In Amenas and In Salah? 8 A. Yes. 9 Q. Could I ask you, please, just to turn in the exhibits 10 bundle, page 4. Thank you, Mr Porter. I did try and do 11 this yesterday, but possibly fairly quickly, but just to 12 explain again that the documents we have between pages 1 13 to 15 are not all one document. The preceding three 14 pages are parts at least of the BP Algeria security risk 15 assessment and what we have at page 4 or for I think 16 three or four pages is the JV liaison project risk 17 assessment? 18 A. Yes, that's right. 19 Q. So this is a risk assessment not produced by BP, as you 20 have explained but produced by the liaison team for the 21 JV. It borrows from, it would appear at least, the BP 22 Algeria security risk assessment which is on the 23 preceding few pages? 24 A. Yes, it appears so. 25 Q. But this risk assessment is different, it's obviously Page 5</p>	<p>1 identified in the BP assessment. Within the terrorism 2 risk area for the JV it has identified two particular 3 areas of risk which are the ones at A and B, not 4 including others on the BP assessment and carried out 5 a similar sort of analysis identifying under the risk 6 comment sections various risks that they have identified 7 as potentially arising under this heading and then given 8 an impact and probability figure and then actions in 9 place for those controls for those risks. Is that 10 right? 11 A. Yes, it is. 12 Q. And together for terrorism they have assessed the impact 13 at 5, probability at 3.5, managability at 4 which gave 14 a primary risk, top yellow column across the page, of 18 15 and a residual risk of 14? 16 A. Yes. 17 Q. Which, if we turn over the page, we can see from the, 18 I am not sure if these are Boston squares as well but 19 whatever the boxes at the bottom are, puts terrorism as 20 a whole on the primary risk in the high category and 21 then after the control measures are in place into the 22 residual risk category of medium? 23 A. It does. 24 Q. And the Boston squares for that assessment are on the 25 next page and we can see that again. Page 7</p>
<p>1 specific to JV operations and in fact it is also 2 different in terms of the categorisation of risks and 3 the figures ascribed to the different factors; is that 4 right? 5 A. Yes, it is. 6 Q. If we look just on the first page under the heading 7 "Terrorism" we have two risk areas or subareas. First 8 is the domestic international terrorist groups and the 9 next is pipeline security? 10 A. Yes, I see. 11 Q. If we, just keeping a finger there, go back to page 1, 12 we can see that the BP Algeria security risk assessment 13 in fact had four subcategories and put terrorist attack 14 and kidnap together? 15 A. Yes, it does. 16 Q. But the JV have not done that. They have identified two 17 particular categories within terrorism, not including 18 postal security, and then, although we don't, I think, 19 have all the pages of this risk assessment, if you just 20 turn over the page you see from the matrix that kidnap 21 and ransom is a separate risk area of its own, it is 22 item number 3? 23 A. Yes, that's correct. 24 Q. Violent crime and so on are also separate areas. So the 25 JV has split up the terrorism/kidnap risk area as Page 6</p>	<p>1 So they divide up those risks, identify what proper 2 measures need to be put in place and in the course of 3 doing so they look specifically, do they, at the sorts 4 of things they have identified under the risk comment 5 heading on page 4. Risks of car jacking and kidnapping, 6 attacks against facilities that interrupt production and 7 cause harm to people. AQIM alignment with Al Qaeda 8 global threat seen as primarily against all western 9 interests and oil industry and so on including the two 10 down from that bullet point, new terrorist tactics, 11 smaller vehicles best, police have no real answer, 12 hotels vulnerable and so on. 13 A. Yes. 14 Q. Now, that's the JV risk assessment and it is followed by 15 a JV Risk Action Plan, isn't it? If we turn, please, to 16 page 15? 17 A. Yes, that's correct. 18 Q. Again, this was seen when questions were put to you as 19 all part of the same document, but in fact page 14 is 20 the BP Risk Action Plan for the north Africa region, 21 page 15 is a separate page for the JV risk action? 22 A. That's correct. 23 Q. We will just come back and look at that in a moment 24 separately, but that's the process that's followed by 25 the liaison team who are contracted to provide these Page 8</p>

<p>1 services for the JV?</p> <p>2 A. Yes, they are.</p> <p>3 Q. They also produced or were involved in the production of</p> <p>4 the JV civil crisis plan?</p> <p>5 A. Yes, that's my understanding.</p> <p>6 Q. And the document we have at page 16 onwards is the JV</p> <p>7 civil crisis plan. Again, modelled, you say, on a BP</p> <p>8 civil crisis plan which had been provided for the JV for</p> <p>9 its use?</p> <p>10 A. Yes, it appears so.</p> <p>11 Q. The assessment of threat throughout the period we are</p> <p>12 talking about or concerned with was either low working</p> <p>13 to medium or medium but in any event, the end point was</p> <p>14 medium?</p> <p>15 A. Yes.</p> <p>16 Q. Which we can see at page 22 identifying the things that</p> <p>17 would need to be in existence to put the category of</p> <p>18 risk at medium and then the precautions which would be</p> <p>19 appropriate in light of that alert level, yes?</p> <p>20 A. Yes.</p> <p>21 Q. If we turn over a couple of pages we see what would need</p> <p>22 to be in place or existing if the alert was to be raised</p> <p>23 to high?</p> <p>24 A. Yes, the indicators you are referring to.</p> <p>25 Q. Yes, I think we can't quite see in the yellow box but it</p> <p style="text-align: center;">Page 9</p>	<p>1 Even if that were the case would that by itself</p> <p>2 warrant changing the alert level for the country and the</p> <p>3 crisis plan to high?</p> <p>4 A. No, it would not.</p> <p>5 Q. Those are the things very much in summary that the</p> <p>6 liaison team at Hassi would be responsible for carrying</p> <p>7 out and did carry out?</p> <p>8 A. Yes.</p> <p>9 Q. But in addition, the contract with AFMC required the</p> <p>10 provision of a liaison team at site as well?</p> <p>11 A. Yes.</p> <p>12 Q. So at In Amenas and at In Salah?</p> <p>13 A. Yes, that's correct.</p> <p>14 Q. And they too would carry out reviews at a local level</p> <p>15 and produce weekly updates, yes?</p> <p>16 A. Yes, that's my understanding.</p> <p>17 Q. And analyses and they too would be responsible for</p> <p>18 liaising with the local military or the police at least</p> <p>19 the Gendarme?</p> <p>20 A. Yes.</p> <p>21 Q. And we have heard from Mr Fitzpatrick that that is what</p> <p>22 they did?</p> <p>23 A. Yes.</p> <p>24 Q. So we will do this very, very briefly. Sir, may I just</p> <p>25 provide the references to the passages in the witness</p> <p style="text-align: center;">Page 11</p>
<p>1 is alert level on the left-hand side, indicators in the</p> <p>2 middle column and then action on the right, yes?</p> <p>3 A. Yes.</p> <p>4 Q. For an alert level of high the indicators are things</p> <p>5 like, three bullet points down, looting and civil</p> <p>6 unrest, then targeted bombing, attacks against oil and</p> <p>7 gas targets; a couple down, increased anti-western</p> <p>8 rhetoric, about seven, eight from the bottom, emergency</p> <p>9 regulations, martial law, prolonged decline in national</p> <p>10 economy, investor confidence declines, the country</p> <p>11 becomes isolated and so on?</p> <p>12 A. Yes, it is a general breakdown in law and order.</p> <p>13 Q. At no stage had anyone considered either within BP or</p> <p>14 the JV that these indicators for high level of alert</p> <p>15 were made out?</p> <p>16 A. No, they were not. That was not the circumstance in the</p> <p>17 country at the time.</p> <p>18 Q. It was pointed out to you that if you took just one of</p> <p>19 the subheadings of the terrorist/kidnap risk within the</p> <p>20 BP risk assessment and possibly if you did the same for</p> <p>21 the JV risk assessment, you would get to a figure even</p> <p>22 with residual risk which would put it into the</p> <p>23 potentially high category. So if you took just one</p> <p>24 component you would get up to high in the risk</p> <p>25 assessment.</p> <p style="text-align: center;">Page 10</p>	<p>1 statement rather than taking Mr Porter through each part</p> <p>2 of it?</p> <p>3 THE CORONER: Yes.</p> <p>4 MR POPAT: We have the headquarters base system within BP,</p> <p>5 the intelligence analysis unit and the work that it</p> <p>6 does, which you have explained and summarised at</p> <p>7 paragraphs 4 to 11 of your third witness statement. And</p> <p>8 the briefings it produces, some of which are provided at</p> <p>9 pages 400 to 408 of your exhibits. We have the regional</p> <p>10 security system for north Africa within BP which</p> <p>11 includes the regional security adviser, albeit he's part</p> <p>12 of your team.</p> <p>13 A. Yes.</p> <p>14 Q. The regional security manager and the production of</p> <p>15 regional risk assessments and security management plans</p> <p>16 et cetera?</p> <p>17 A. Yes.</p> <p>18 Q. We then have the country specific systems which also</p> <p>19 include the provision of staff, particularly within the</p> <p>20 country to carry out monitoring and threat assessments?</p> <p>21 A. Yes.</p> <p>22 Q. And they included Mr Shaw, another expat and two</p> <p>23 Algerian speaking nationals?</p> <p>24 A. Yes, that's right.</p> <p>25 Q. And at that level they produced weekly summaries, again,</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 setting out in a little detail what had occurred over 2 the previous week which was thought to be potentially 3 relevant? 4 A. Yes, they did. 5 Q. And they produced the Algerian risk assessment and Risk 6 Action Plans and the Algerian crisis plan? 7 A. Yes, they did. 8 Q. And all of that was shared with the JV? 9 A. That's my understanding. 10 Q. And the sources that were accessed by the IAU and by the 11 Algiers office overlapped but were different as well? 12 A. Yes, they were complementary. 13 Q. So the Algiers office would access a wider variety of 14 more local, and by that I mean Algerian specific, 15 newspapers, websites, media sources and the like? 16 A. Yes, local sources of information. 17 Q. But both units, the IAU and the Algiers office, had 18 access to and did access a wide variety of information 19 and had reports from independent risk consultancies and 20 assessments from security analysts? 21 A. Yes, they did. 22 Q. Likewise, the JV team also had access to, as we have 23 heard from I think Mr Butt, independent analysts, they 24 I think they subscribed to services with STRATFOR which 25 in particular which is another risk consultancy?</p> <p style="text-align: center;">Page 13</p>	<p>1 A. Yes. 2 Q. Liaison team present at sites? 3 A. Yes. 4 Q. That was done. Point of contact for all security 5 issues. That was done? 6 A. Yes. 7 Q. Single point of contact with the military. You were, it 8 was suggested to you and we will just look at it briefly 9 in connection with the Risk Action Plan, that at 10 In Amenas in particular the liaison team weren't the 11 single point of contact with the military because post 12 I think June 2012 they weren't able to. We will come 13 back and look at that specifically for In Amenas but so 14 far as BP is concerned did liaison teams within the 15 Algeria operations continue to be the single point of 16 contact with the military? 17 A. They did. 18 Q. Were they contracted to be such? 19 A. Yes, that was the primary part of their role. 20 Q. Maintain strong links to information sharing and 21 security networks including national oil companies, 22 embassies, local government agencies, all of that done? 23 A. Yes. 24 Q. Close monitoring of terrorist and bandit activities? 25 A. Yes.</p> <p style="text-align: center;">Page 15</p>
<p>1 A. Yes, they did. 2 Q. Through all this, all those systems, all that 3 monitoring, all the assessments as summarised in your 4 statement, and you have explained, did anyone say or 5 suggest that it was not secure for BP to send its 6 employees to In Amenas or to keep its employees at In 7 Amenas? 8 A. They did not. 9 Q. Can we come back and look specifically at the BP Algeria 10 risk assessment and Risk Action Plan which is the 11 document which is at page 1 of your exhibits bundle. 12 The risk of terrorist attack and kidnapping as we have 13 already seen is subdivided into these different 14 scenarios or potential risks and we see the risk comment 15 in the second column is including attacks by 16 international terrorist groups. But then in the column 17 headed "Actions in Place" we see the actions which are 18 identified. 19 A. Yes. 20 Q. So this is at BP Algeria level and these are the things 21 that are identified for BP Algeria to ensure are in 22 place for BP operations? 23 A. That's correct. 24 Q. Let's just run through them very quickly. Develop 25 regional security management plan. That had been done?</p> <p style="text-align: center;">Page 14</p>	<p>1 Q. Liaison again with foreign embassies and with Algerian 2 authorities? 3 A. Yes, that's correct. 4 Q. Algerian security forces protect all project sites? 5 A. Yes, that's what they would do. 6 Q. Control of employees' and visitors' movement, control 7 travel at night? 8 A. Yes. 9 Q. All of that done? Close liaison with other FOCs. What 10 are FOCs? 11 A. Foreign operating companies. 12 Q. So other companies? 13 A. Other companies. 14 Q. And that was done? 15 A. It was. 16 Q. Maintain general threat awareness, ensure escorts for 17 travel, daily location status reports. Those were 18 reports which would identify where people were at all 19 times? 20 A. Yes, that's right. 21 Q. They were produced, we have heard, particularly for 22 In Amenas, but were they produced more generally for BP 23 operations in Algeria? 24 A. Yes, for each site. 25 Q. And then effective physical security measures and access</p> <p style="text-align: center;">Page 16</p>

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<p>1 control to counter new threats. Insofar as they were BP 2 operated sites were they sought to be put in place? 3 A. Yes, they were. 4 Q. And then guards being trained and implementing vehicle 5 searches. Just pausing there. Of course an individual 6 guard or individual guards may not actually implement 7 vehicle searches as they should do but were there 8 procedures and policies in place to say: this is what 9 guards must do? 10 A. Yes, those processes would be in place. 11 Q. I will just summarise the others because I think we can 12 see them all, that they require promoting personal 13 security, weapons in Algiers, satellite communications, 14 oversight by BP group security through the RSA Africa. 15 That is the regional security team adviser? 16 A. A member of my team. 17 Q. Who you have explained? 18 A. That's correct. 19 Q. That was the BP risk assessment and that led to, you 20 explained, the Risk Action Plan which is at page 14. It 21 was in connection with this that I think Mr Ritchie in 22 particular took you to three of the controls and 23 effectively suggested that they weren't in place. And 24 the first was item 1, close monitoring -- I think it 25 says "Terrorist bandit criminal activities by in country Page 17</p>	<p>1 Q. That particular one was -- 2 MS GOLLOP: Sir, I hate to interrupt. Was that hundreds of 3 thousands of documents that was mentioned? I am not 4 sure I heard that right. I am not sure what the source 5 of hundreds of thousands is. 6 THE CORONER: Possibly hundreds of thousands and it would 7 depend probably over what period. I suppose if you stretched 8 it long enough it would probably get there. 9 Plenty of them. 10 MS GOLLOP: Surely this isn't suggested on a monthly basis? 11 MR POPAT: Oh no, certainly not on a monthly basis. It 12 would be impossible if that was the case. 13 The list of sources is in Mr Shaw's statement and in 14 your statement, I have not gone through it, it is a list 15 which goes over 20 different journals or media sources. 16 So those are the sorts of places from which articles 17 would be looked at. Certainly not on a monthly basis, 18 what I suggest that -- hundreds of thousands of 19 articles, possibly not even hundreds on a monthly basis. 20 But in any event those articles and sources were 21 reviewed and the el Khabbar article was not identified 22 certainly in the weekly summary reports? 23 A. No, it wasn't, based on the reports that I have read. 24 Q. Sorry? 25 A. Based on the weekly reports that I have read it didn't Page 19</p>
<p>1 security team". 2 So we understand it, because you referred to "in 3 country" a few times, does that mean the Algiers 4 security team? 5 A. It does, yes, for BP. 6 Q. For BP. So they were to carry out close monitoring of 7 terrorist activities within that region? 8 A. Yes, they did. 9 Q. That is what is described in your third statement and by 10 Mr Shaw in his statement as the work that they did. 11 They carried out reviews through the different personnel 12 employed at the Algiers office of a wide variety of 13 media sources and independent risk consultancies and the 14 like? 15 A. Yes, and that's what they did. 16 Q. But what is said to you, well, they didn't pick up the 17 el Khabbar article, did they? Therefore, I think it is 18 being suggested that means the control measure was not 19 in place. So can we just consider that for a moment. 20 The el Khabbar evidence, we have an English 21 translation but obviously it would have been in Arabic, 22 but that was one article in, is this right, hundreds, 23 possibly hundreds of thousands that would be reviewed 24 and assessed by the BP Algiers security team? 25 A. It would be, yes. Page 18</p>	<p>1 appear. 2 Q. You said fairly, as far as you know -- well you don't 3 know whether it was seen but not identified in the 4 weekly summary reports or not seen at all? 5 A. That's correct. 6 Q. If it had been seen you would have expected some 7 checking or verification of it to be done? 8 A. I would. 9 Q. The article itself, we looked at it briefly with you 10 yesterday and everyone else has seen it so I won't take 11 it up again, is an article which reports that a plot or 12 a plan had been in place or had been in the process of 13 being put in place and it had been foiled effectively, 14 the cell stopped and broken up? 15 A. Yes, that's correct. 16 Q. When that plan or plot was being put into place may not 17 be entirely clear, possibly it was a year or so prior to 18 the article being reported, possibly at a different 19 time. But it is a report which actually says the cell 20 has been broken up and this was a plot which had been 21 lined up some time previously? 22 A. Yes, that was my reading of the article. 23 Q. Now, help us again: the IAU reviewed many, many sources. 24 The BP security team in Algiers reviewed many, many 25 sources. The liaison team reviewed many, many sources, Page 20</p>

5 (Pages 17 to 20)

1 including the independent consultancies and the like.
 2 Are you aware through any of these other sources of the
 3 report that appeared in the el Khabbar article being
 4 picked up by any of those other sources?
 5 **A. I haven't seen anything that would suggest**
 6 **corroboration, verification of that article.**
 7 Q. Not only the article itself but what about the material
 8 contained within it? Was that identified in any other
 9 of these various sources that you have described?
 10 **A. It was not.**
 11 Q. Did any of these other sources say in November 2012
 12 anything to the effect that: we think that there is
 13 a particular threat to oil and gas installations in
 14 southern Algeria?
 15 **A. No.**
 16 Q. The second item on this Risk Action Plan that you were
 17 taken to was item number 2, liaison team present at
 18 sites and point of contact for all security issues and
 19 single point of contact with the military. So this is,
 20 it was being suggested to you, specifically in the
 21 context of the In Amenas operation. Now, I think the
 22 first point you sought to make is this isn't specific to
 23 the In Amenas operation, is it?
 24 **A. No, this is for --**
 25 Q. This entry in control measure?
 Page 21

1 **A. -- BP's assets in north Africa.**
 2 Q. But even so far as the JV operation is concerned is it
 3 your understanding that the liaison team continued to be
 4 present at sites, yes?
 5 **A. Yes.**
 6 Q. Continued to be the point of contact for all security
 7 issues?
 8 **A. Yes.**
 9 Q. And continued to be the single point of contact with the
 10 military?
 11 **A. Yes.**
 12 Q. Mr Fitzpatrick has explained of regular meetings,
 13 discussions with the Gendarmes all the way through up to
 14 the time of the attack. Is that the liaison that you
 15 would expect?
 16 **A. It is. It is a primary part of their role.**
 17 Q. The third item that you were taken to on the Risk Action
 18 Plan is item I think number 6 and that says "Regular
 19 reviews of physical security at site", and the activity
 20 owner is Mr Shaw and it was put to you, well, didn't
 21 Mr Shaw have to review the physical security at
 22 In Amenas, yes?
 23 **A. He was, yeah.**
 24 Q. And you said no, it wasn't. Just turn over the page
 25 please because there we have the JV Risk Action Plan so
 Page 22

1 this is specific to the JV operations and In Amenas in
 2 particular. Do we see at item 6, "Regular reviews of
 3 physical security at sites." That is to be done by the
 4 liaison team, bi-annually and includes detailed reviews
 5 of physical security at sites, access control, CCTV and
 6 protection from ramming et cetera?
 7 **A. Yes.**
 8 Q. So that was the function that the Risk Action Plan for
 9 the JV identified and identified as something the
 10 liaison team would carry out?
 11 **A. Yes, that's correct.**
 12 Q. Can we just move on briefly to a different topic. You
 13 were taken to the paragraphs in the Statoil report at
 14 paragraph 1.5.1 and another paragraph which said words
 15 to the effect: Security measures at the site were not
 16 constructed to withstand or delay an attack of this
 17 scale.
 18 And you were asked whether you agreed or disagreed
 19 and you said you agreed. And: physical security
 20 measures could not delay the attackers significantly
 21 once they had reached the front gate of the living and
 22 production areas, and you were invited to agree or
 23 disagree and you said "I agree with that. They were not
 24 constructed to withstand an armed assault and certainly
 25 not a large scale terrorist attack."
 Page 23

1 So the physical security in place at the site, as it
 2 had been designed, by that I mean the fence, the gates,
 3 those different things, all of which make up the
 4 physical security at the site would not, you considered,
 5 have been able to prevent this terrorist attack?
 6 **A. No.**
 7 Q. Just take one example, please. There were obviously
 8 gates at the outer and inner part of the perimeter. If
 9 the gate, the outer gate, say, had been open at the time
 10 of the attack?
 11 MS GERRY: Sir, sorry to interrupt, I am slightly concerned.
 12 I did set out when I asked questions of Mr Porter
 13 whether he had any detailed knowledge of the physical
 14 security systems in place at the In Amenas site and he
 15 was very clear that he didn't. So I'm not clear that
 16 this is the right witness to explore the vulnerabilities
 17 or otherwise of the physical security in place at
 18 In Amenas given he said had no knowledge of it.
 19 THE CORONER: All right, let's have the question first and
 20 then we'll see.
 21 MR POPAT: If, for example, the gate was open, when you
 22 answered the question that was put to you, based on the
 23 Statoil report, would the physical security measures
 24 have prevented an attack of this scale or delayed the
 25 attackers significantly once they reached the front
 Page 24

1 gate, would that have made any difference if it had been
 2 closed, for example?
 3 **A. I don't believe it would, no.**
 4 Q. Why is that?
 5 **A. The sheer scale of the attack and the weaponry available**
 6 **to them. That would mean through that coercion or just**
 7 **through brute force they would be able to quickly gain**
 8 **entry.**
 9 Q. I don't know if this part of the Statoil report you were
 10 taken to was referring to the possibility of the
 11 presence of, say, armed guards at the site. Can I ask
 12 you if this contravenes Ms Gerry's objection, then say
 13 so if this is outside your knowledge or expertise. But
 14 would an armed guard or two armed guards at that
 15 location have made a difference to this attack?
 16 **A. I believe not. The presence of one or two armed guards**
 17 **at that location, it would have been wholly insufficient**
 18 **to deal with the scale of the attack and the weaponry**
 19 **presented to them. It may actually -- it may have**
 20 **increased risk as a consequence of even greater**
 21 **firepower and exchange of fire at the entry to, for**
 22 **example, the BdV.**
 23 Q. Turn, please, to a different topic. The CRG report
 24 obtained by Statoil. You were taken to it and again,
 25 perhaps we can do this shortly by simply referring to

Page 25

1 your witness statement so that the coroner has the
 2 reference, but at paragraph 17 of your third witness
 3 statement you explain that as far as you are aware the
 4 IAU or the BP north Africa security manager didn't
 5 receive a copy of that report?
 6 **A. No, they did not.**
 7 Q. One of the things, as I raised with you yesterday, that
 8 that report mentioned, was a credible risk or threat of
 9 a one-off high impact or one-off spectacular attack.
 10 Was that something that was news to you when you came to
 11 read the Control Risks report in due course?
 12 **A. No, it was acknowledged and understood that that was**
 13 **a risk and that's why it features as a risk of terrorism**
 14 **in the assessments and action plans.**
 15 Q. The Executive Analysis report, a different topic because
 16 you deal with this in the following paragraphs of your
 17 witness statement.
 18 **A. Exclusive Analysis.**
 19 Q. Yes. I am not going to take you through the totality of
 20 those paragraphs in your witness statement. They are
 21 there hopefully for the coroner to read if it is
 22 important to do so. But in short, do we understand it
 23 that there had been some Exclusive Analysis reports, and
 24 Exclusive Analysis is another form of risk consultancy
 25 service?

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1 **A. Yes, they are.**
 2 Q. And they have been identified post the attack. They
 3 were produced pre the attack in July and
 4 I think September. Those particular reports were not
 5 seen or provided to BP as far as you have been able to
 6 identify?
 7 **A. No, they were not.**
 8 Q. But BP did subscribe to the Exclusive Analysis service
 9 which included bulletins on a regular basis in which
 10 Exclusive Analysis identified issues and referred back
 11 to reports it had produced in the preceding period of
 12 time?
 13 **A. Yes, that's correct, we did.**
 14 Q. From your researches you found the Exclusive Analysis
 15 bulletins for the periods post dating these particular
 16 reports and they make no mention of the reports that
 17 have been identified?
 18 **A. They make no mention of it at all.**
 19 Q. But they do make mention of various other things in
 20 relation to Algeria, again, in those bulletins after
 21 those reports have been produced?
 22 **A. That's correct.**
 23 Q. But in any event, having seen the Exclusive Analysis
 24 reviews or reports, do you think that they provide any
 25 information that you hadn't been aware of before the

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1 attack?
 2 **A. No, they do not.**
 3 Q. The report for July includes, as you set out at
 4 paragraph 22, at the bottom of the page:
 5 "Penetration into Algeria of a large assault force
 6 needed to break through perimeter security would be much
 7 more problematic than a single vehicle reportedly used
 8 in this attack."
 9 They were referring to a different attack that had
 10 taken place in the summer of 2012. And that:
 11 "MUJAO is unlikely to be able to infiltrate a large
 12 attack force needed to cause mass property damage
 13 against well guarded terrorists."
 14 And:
 15 "Well guarded permanent facilities such as Hassi
 16 R'Mel and Hassi Messaoud are less likely to be
 17 vulnerable than pipelines or remote temporary
 18 exploration facilities further south."
 19 **A. Yes, that's what was contained within the report.**
 20 Q. The final topic, Mr Porter, internal investigation and
 21 BP's decision.
 22 This is not an issue for determination at this
 23 inquest, whether BP did or should have carried out an
 24 internal investigation. So I won't take you through the
 25 detail, if that's okay, but you were asked a number of

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<p>1 questions about it yesterday.</p> <p>2 Did I understand the answers you were giving to the</p> <p>3 question: well why didn't BP carry out an internal</p> <p>4 investigation? To amount in part to this at least: the</p> <p>5 terrorist attack was a criminal attack and BP does not</p> <p>6 normally investigate criminal attacks?</p> <p>7 A. That's true.</p> <p>8 Q. Those were acts which would be investigated by the</p> <p>9 police and appropriate agencies such as the security</p> <p>10 services?</p> <p>11 A. That's correct.</p> <p>12 Q. That approach I think you said was consistent with BP's</p> <p>13 internal processes?</p> <p>14 A. Yes, entirely.</p> <p>15 Q. So when you say internal processes, is that some sort of</p> <p>16 policy document which says: this is how you must</p> <p>17 investigate events that occur at BP operations?</p> <p>18 A. It is. It relates to incident investigations. It is</p> <p>19 part of our operating management system.</p> <p>20 Q. BP was aware that a coronial investigation was to be</p> <p>21 held in this jurisdiction?</p> <p>22 A. Yes.</p> <p>23 Q. And it would appear that there was not going to be</p> <p>24 a coronial investigation, if there is any such similar</p> <p>25 thing, in Norway?</p> <p style="text-align: center;">Page 29</p>	<p>1 length and breadth is we do not know but a set of</p> <p>2 material which has been provided for the coroner to</p> <p>3 consider?</p> <p>4 A. Yes.</p> <p>5 Q. I think you also said that BP also didn't want to do</p> <p>6 anything or take any steps which could interfere with</p> <p>7 the police investigation that was going to be carried</p> <p>8 out in this jurisdiction?</p> <p>9 A. Yes, that's correct. They were the agents for the</p> <p>10 coroner.</p> <p>11 Q. A further factor for not taking the course that Statoil</p> <p>12 took in a jurisdiction where there isn't a coronial</p> <p>13 investigation process, I think you said was that, and</p> <p>14 this is absolutely no criticism at all of the Statoil</p> <p>15 investigation, but necessarily it's based on sources</p> <p>16 which are not going to be openly provided or shared or</p> <p>17 scrutinised by anyone else?</p> <p>18 A. Yes, that was a factor in the thinking.</p> <p>19 Q. That sort of investigation would still be denied access</p> <p>20 to materials which this inquest process might be able to</p> <p>21 obtain or have been able to obtain?</p> <p>22 A. That was our understanding.</p> <p>23 Q. CCTV footage was put to you. As far as you know did</p> <p>24 Statoil manage to obtain the CCTV footage?</p> <p>25 A. Not to my knowledge.</p> <p style="text-align: center;">Page 31</p>
<p>1 A. That was my understanding.</p> <p>2 Q. It was expected at least that that investigation would</p> <p>3 include obtaining evidence from a variety of sources</p> <p>4 which you said you thought would not be accessible to BP</p> <p>5 or indeed any private company, but which would come from</p> <p>6 a police investigation of the sort that we know was</p> <p>7 conducted in any event post this terrible attack?</p> <p>8 A. Yes, that is the case.</p> <p>9 Q. And that would include, from everyone who survived the</p> <p>10 attack at In Amenas, include evidence from Algerian</p> <p>11 authorities as to military arrangements, military</p> <p>12 response, evidence potentially from surviving terrorists</p> <p>13 and from government sources, both UK and elsewhere?</p> <p>14 A. Yes, that's correct.</p> <p>15 Q. It was said to you a few times that, well, the Algerian</p> <p>16 authorities haven't cooperated. They haven't provided</p> <p>17 any information. First of all, were you aware that that</p> <p>18 was the case or that was going to be the case when BP</p> <p>19 were considering whether or not to have an internal</p> <p>20 investigation?</p> <p>21 A. No, I wasn't.</p> <p>22 Q. Are you aware that in fact the Algerian authorities</p> <p>23 have, as we were told very clearly by Detective</p> <p>24 Superintendent Stokely yesterday, provided a set of</p> <p>25 material, quite what it contains and quite what it's</p> <p style="text-align: center;">Page 30</p>	<p>1 MS GOLLOP: I am not sure if that is a reference to me.</p> <p>2 That wasn't put on my part.</p> <p>3 MR POPAT: You also said that what BP did want to do was to</p> <p>4 try to ensure that this investigation and the inquest</p> <p>5 would be as full and as thorough as possible?</p> <p>6 A. Yes.</p> <p>7 Q. And has BP sought to ensure that that can happen by</p> <p>8 assisting with the inquest process insofar and wherever</p> <p>9 it can?</p> <p>10 A. Yes, exactly.</p> <p>11 Q. And you also said that it was important that the</p> <p>12 evidence that was provided to the inquest was able to be</p> <p>13 openly and fairly scrutinised?</p> <p>14 A. Yes.</p> <p>15 Q. Does that include scrutiny by the families of the</p> <p>16 deceased BP employees in this sort of process?</p> <p>17 A. Yes, by the counsel on their behalf.</p> <p>18 Q. And to facilitate that, to ensure that there is that</p> <p>19 open scrutiny of evidence has BP ensured that it has</p> <p>20 funded the reasonable representation of the families of</p> <p>21 the deceased UK national BP employees? So solicitors,</p> <p>22 barristers and other costs that might be incurred to</p> <p>23 enable that process of scrutiny to be undertaken?</p> <p>24 A. It's my understanding that it has.</p> <p>25 MR POPAT: Thank you, Mr Porter.</p> <p style="text-align: center;">Page 32</p>

<p>1 THE CORONER: Thank you very much. I am sorry we couldn't 2 finish your evidence yesterday but thank you for 3 returning. 4 (The witness withdrew) 5 MS DOLAN: Sir, the next witness is Mr Fulcher. 6 MR ADRIAN FULCHER (sworn) 7 Questions from MS DOLAN 8 THE CORONER: Mr Fulcher, just before you begin, I just want 9 to say to you what I have said to other witnesses who 10 have dealt with parts of the evidence that might touch 11 on individual security, that I hope you won't be asked 12 any question that might put at risk any person's 13 security or safety. If that happens, and I hope it 14 won't, but it may be you can answer a question with 15 a degree of generality which doesn't cause a problem. 16 If there is any difficulty obviously raise it but that's 17 the basis we have been proceeding upon so far and it is 18 important that you know that as should the other 19 witnesses who are dealing with this kind of issue. All 20 right. 21 A. Thank you. 22 MS DOLAN: Good morning, Mr Fulcher. I'm Bridget Dolan 23 I ask questions on behalf of the coroner. 24 Can you give us your full name please? 25 A. Michael Adrian Fulcher.</p> <p style="text-align: center;">Page 33</p>	<p>1 times it will be you in the plural rather than 2 personally, and some of those sources have not been 3 available to the coroner's inquest. What I would like 4 to do is ask you as far as you can recall to help us 5 with information that hasn't been available to this 6 enquiry but has been to yours. 7 We learn from page 8 of the report that members of 8 the investigation team had an opportunity to discuss the 9 In Amenas attack with senior representatives from the 10 Algerian Ministry of National Defence. So if you want 11 the reference it is the third paragraph down under 2.3 12 on page 8. 13 Were you one of the members of that team? 14 A. No, I wasn't. 15 Q. Are you aware of what was discussed? 16 A. I've seen a short summary of what was discussed. 17 Q. And what does it say? 18 A. It's an account given by two members of the Algerian 19 Ministry of Defence as to their understanding of the 20 composition of the terrorist team and the route that the 21 terrorists took on their way to In Amenas, which in 22 terms of detail matches very closely indeed the 23 statement made by the Algerian Prime Minister on 24 21 January. 25 Q. Is that all that that addresses? Clearly one would</p> <p style="text-align: center;">Page 35</p>
<p>1 Q. And we know that you were involved as one of the team 2 writing the Statoil report. Can you give a brief 3 synopsis of what your expertise was that led you being 4 put in that role? 5 A. I was a civil servant working for the British government 6 for about 30 years, dealing with foreign affairs, 7 security issues and counter terrorism and then I left 8 that position at the end of November 2012. 9 Q. I think you were engaged to work with the Statoil 10 investigation team in February 2013? 11 A. I was. 12 Q. And I think for completeness, since that investigation 13 and the report was published you have a continuing 14 relationship with Statoil? 15 A. I do. I was asked after the investigation to continue 16 as an external adviser to the implementation of the 17 recommendations that we made in the investigation report 18 and then as of the middle of September I became 19 a full-time employee of Statoil implementing in 20 particular recommendations about improving their 21 capability to understand the security threats they face 22 around the world. 23 Q. In conducting the Statoil investigation we can note from 24 the Statoil report some of the sources of information 25 that you had with your team, when I use "you" here many</p> <p style="text-align: center;">Page 34</p>	<p>1 understand that the task of that team wasn't to evaluate 2 the tactical assessments and operational decisions made 3 by the Algerians and from what we have heard it would be 4 unusual for them or indeed perhaps any military force to 5 share that, but does it address any other matters in 6 terms or is it only who the terrorists were and where 7 they came from? 8 A. It addresses the background of the terrorist group, 9 where they came from, the equipment they had and their 10 approach to In Amenas. 11 Q. Does it give any indication of how they know that? 12 A. It does not. 13 Q. Can I ask you about some of the other factual assertions 14 in this Statoil report and I ask that understanding that 15 as the report makes clear it was done in the 16 circumstances it was done and doesn't claim to be the 17 last word on the facts and in fact many things may have 18 come out in this inquest. What I want to try and look 19 at is areas where what the Statoil concludes may not be 20 in line with the weight of evidence heard here and try 21 to understand where that difference has come from. 22 At page 18, again, you probably don't need to turn 23 to it but you can if you wish, what is said is there 24 were three Gendarme escort vehicles with the bus. If 25 you wish to turn to it it is page 18. It is under 3.3.1</p> <p style="text-align: center;">Page 36</p>

1 and it is the second paragraph where it suggests that
 2 the composition of the bus convoy was a Gendarme
 3 vehicle, a security liaison vehicle in front and two
 4 more Gendarme vehicles behind. Are you able to help us
 5 with where that information has come from and the basis
 6 for that?
 7 **A. That would have come from eyewitness statements from**
 8 **a range of people we spoke to who were on the bus at the**
 9 **time.**
 10 Q. At page 19 what is said is that -- again, it is the
 11 first paragraph -- is that passengers, in the plural,
 12 saw attackers on foot shooting at the bus. That is not
 13 information that has been given by any witness to this
 14 enquiry. Are you able to help us where that has come
 15 from?
 16 **A. My assumption is that's from eyewitness statements.**
 17 Q. I have looked at the eyewitness statements that have
 18 been disclosed to us by Statoil, of those who were on
 19 the bus and it is the statements of Mr Berg, Mr Kirkebo
 20 and Mr Sletton and none of those assert that there were
 21 attackers on foot?
 22 **A. I can't help you any further then.**
 23 Q. Do you still have access to the material that these
 24 facts are based upon?
 25 **A. I have some access. I don't have access to everything.**
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1 Q. Would you be able to see if there is any material that
 2 contains that assertion? I should say for total
 3 completeness if I turn to what Mr Sletton says after
 4 some time he saw some people speaking Arabic with foot
 5 on guns, but certainly does not assert that there were
 6 any attackers on foot. Would you be able to have access
 7 to that material and clarify because the disclosure we
 8 have had from Statoil does not clarify that?
 9 **A. I would be happy to talk to colleagues to see what we**
 10 **could do.**
 11 MR LAIDLAW: Could I assist because of course we will do
 12 that as well.
 13 THE CORONER: Well between you all, I'm very grateful.
 14 Thank you.
 15 MS DOLAN: Again, what is also said on that page 19 is that
 16 one group of attackers stay to fight the Gendarmes at
 17 the bus and the rest of the terrorists quickly split and
 18 launched near simultaneous and parallel attacks on the
 19 living area. We do have evidence that they are very
 20 close in time, the attacks at the different aspects of
 21 the base, but the information that one group of
 22 attackers stayed to fight the bus, Gendarmes and the
 23 bus, and the rest quickly split is not something
 24 available to this public hearing. Is that --
 25 **A. That was a conclusion we drew for ourselves on the back**
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1 **of piecing together what we heard and saw from different**
 2 **locations around the site.**
 3 THE CORONER: So that was really an interpretation --
 4 **A. It is an interpretation.**
 5 THE CORONER: -- you have drawn rather than, as it were, one
 6 witness who saw everything and described all those
 7 parts.
 8 **A. Absolutely, yes.**
 9 THE CORONER: All right, that may explain that.
 10 MS DOLAN: Again, the account of an injured Gendarme being
 11 helped to the Landcruiser. Are you able to assist with
 12 where that has come from because it is not in the
 13 Norwegian witness accounts that --
 14 **A. I'm not, no.**
 15 Q. Did the Algerians give you any information about who had
 16 been injured rather than killed in the --
 17 **A. No, they didn't. They told us about the security guard**
 18 **who was killed but not who was injured.**
 19 Q. What did they tell you about the security guard who was
 20 killed because we have very little on that?
 21 **A. That he was killed.**
 22 Q. Simply that?
 23 **A. Yes.**
 24 MS GERRY: Ms Dolan, again, I don't know if it assists to
 25 note at this point the statement of Sletton where at the
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1 bottom of the summary on the first page it says:
 2 "After the incident the bus driver had said that
 3 someone had been standing in front of the bus us
 4 pointing a weapon at him."
 5 MS DOLAN: If that is correct that is the bus driver but
 6 there is plural passengers mentioned in the Statoil
 7 report as having seen this.
 8 **A. Quite possibly.**
 9 Q. Was any information available to Statoil about the
 10 existence or actions of what we have been terming the
 11 quick reaction force from the Gendarmes which we have
 12 been told existed?
 13 **A. No, none.**
 14 Q. Did Statoil learn of the quick reaction force when you
 15 were doing your investigation?
 16 **A. We knew of the existence of the quick reaction force and**
 17 **its inclusion in plans for the security of the facility.**
 18 **We had no information about where it deployed, when it**
 19 **deployed and the tactical decisions it took.**
 20 Q. On page 20 of the report there is a box with the power
 21 loss and shut down information. Again, the only place
 22 we have that information accessible to this enquiry is
 23 in the report. The account it gives is relatively clear
 24 of what your team concluded. Can you just clarify for
 25 us the basis upon which those conclusions were reached?
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<p>1 A. They came from the control system logs.</p> <p>2 Q. And they were obtained from where and by whom?</p> <p>3 A. That exist within the JV.</p> <p>4 Q. So the JV provided to Statoil the logs of the control</p> <p>5 systems?</p> <p>6 A. We were able to read the control system logs to give</p> <p>7 timings of when different elements of the plant shut</p> <p>8 down.</p> <p>9 Q. And they were provided to you in documents? When you</p> <p>10 say read the logs, in what form, on a computer?</p> <p>11 A. I didn't read them I am afraid.</p> <p>12 THE CORONER: Somebody, not you, somebody had access to</p> <p>13 them?</p> <p>14 A. Yes, whether it was computer, paper logs, I don't know.</p> <p>15 MS DOLAN: I am on page 23 and the very last sentence of</p> <p>16 page 23. This is information from the JGC which</p> <p>17 suggests that at 5.52 the security personnel in the JGC</p> <p>18 fly camp telephoned a group of employees to tell them</p> <p>19 they were under attack and they should close the gate</p> <p>20 and hide, which they did. Again, are you able to help</p> <p>21 us with where that information came from?</p> <p>22 A. I'm not personally, but I am sure our team will be able</p> <p>23 to look at it.</p> <p>24 Q. Are you able to help us with whether that notice allowed</p> <p>25 people to close the gate or not, whether it was closed</p> <p style="text-align: center;">Page 41</p>	<p>1 A. I believe we did, yes.</p> <p>2 Q. Can you help us with that, with --</p> <p>3 A. That's not something we published in the report.</p> <p>4 Q. No. It's not something in the report.</p> <p>5 A. No.</p> <p>6 Q. But the identification of which expatriate was in which</p> <p>7 car may assist those who are trying to establish where</p> <p>8 the British victims were and which cars they were in, it</p> <p>9 may assist them to identify that.</p> <p>10 A. We'll have a look at the material on that.</p> <p>11 Q. You have material on that?</p> <p>12 A. We will have a look at the material on that.</p> <p>13 THE CORONER: I am going to work on the basis that if you</p> <p>14 are not able to answer any of these specifics,</p> <p>15 Mr Laidlaw, I shall work on the basis that you and the</p> <p>16 rest of the team will do your best to help us.</p> <p>17 MR LAIDLAW: Yes, absolutely sir.</p> <p>18 A. My assumption here is that we have shown to Mr Laidlaw</p> <p>19 and Mr Ferguson the material we have from our witness</p> <p>20 statements. They have been through that and the</p> <p>21 material that is relevant has been disclosed.</p> <p>22 THE CORONER: Yes, that is all right. It is not easy for</p> <p>23 anybody, for you or them I suspect to put their finger</p> <p>24 immediately on particular sentences and what the source</p> <p>25 of that is. So that's all it is.</p> <p style="text-align: center;">Page 43</p>
<p>1 or not?</p> <p>2 A. We don't know.</p> <p>3 Q. On page 29 of the report, and I am interested in the</p> <p>4 comment in the fourth paragraph up from the bottom about</p> <p>5 where the terrorist leader died, which vehicle he was</p> <p>6 in, what is said there is vehicle 6, which I think if we</p> <p>7 refer to the next page one can see it is a vehicle which</p> <p>8 is located near the Gendarme camp, is said to have</p> <p>9 contained the terrorist leader from the BdV who died and</p> <p>10 at least one other terrorist who was detained by the</p> <p>11 military. Again, information about the location of</p> <p>12 terrorists in vehicles has not been available at all to</p> <p>13 this enquiry. Are you able to help with where that came</p> <p>14 from?</p> <p>15 A. I don't know where that precise piece of information</p> <p>16 came from.</p> <p>17 Q. Is that information likely to have been provided by the</p> <p>18 Algerian authorities?</p> <p>19 A. Unlikely. Most unlikely.</p> <p>20 Q. Clearly the Statoil report for understandable reasons</p> <p>21 was more focused on the Norwegian deaths and in the</p> <p>22 course of your investigations were you able to establish</p> <p>23 where the two Norwegian victims, Alf Vik and Mr Sneberg</p> <p>24 who died in that convoy, were you able to establish</p> <p>25 which cars they had been in when they died?</p> <p style="text-align: center;">Page 42</p>	<p>1 A. Indeed. And that process I think continues.</p> <p>2 MR LAIDLAW: Yes, I am not in any sense complaining but</p> <p>3 Ms Dolan has had a huge amount to cope with and to work</p> <p>4 through, but if these sorts of requests are provided to</p> <p>5 us we will of course address them and do our very best</p> <p>6 to provide where possible extra information.</p> <p>7 THE CORONER: Understood.</p> <p>8 MS DOLAN: I just want to go to the broad conclusions of</p> <p>9 your report and understand why your report came to the</p> <p>10 conclusions it did in those respects. I will perhaps --</p> <p>11 page 4 has the executive summary conclusions.</p> <p>12 It is stated there what has been said by others at</p> <p>13 the inquest, that the Algerian military were not able to</p> <p>14 detect and prevent the attackers from reaching the site.</p> <p>15 In your enquiries and your discussion with the Algerian</p> <p>16 military or others there did you come to have any</p> <p>17 information as to why they were not able to protect and</p> <p>18 detect?</p> <p>19 A. No, we didn't, but I think our starting assumption was</p> <p>20 that no military in the world could guarantee to protect</p> <p>21 an area of this nature and this size, simply on the</p> <p>22 basis that if you look at, whether it is the US</p> <p>23 military, the British military in Afghanistan, Iraq and</p> <p>24 elsewhere, deploying a vast range of resources no</p> <p>25 military in the world can guarantee to protect</p> <p style="text-align: center;">Page 44</p>

1 **a facility in an environment like this all the time.**
 2 Q. And you say that is your starting assumption. Was that
 3 self-evident or would you have to be someone with
 4 30 years experience in counter terrorism like yourself
 5 to be able to work that one out?
 6 **A. If I think if you look at the media reports of events in**
 7 **Afghanistan there are examples there on which to draw.**
 8 THE CORONER: But in terms of -- get through they did but
 9 just on this: so, for example, everybody was doing their
 10 job properly but there simply weren't enough troops, for
 11 example, or alternatively, particular people weren't
 12 doing their job properly and a force was supposed to be
 13 deployed at location X. It is not as simple as simply
 14 saying they got through, we all know that. There is
 15 a prior question which is why and how. It could be they
 16 were doing their job properly but there weren't enough
 17 of them or it could be a particular force didn't deploy.
 18 Any number of possibilities but did you get any further
 19 on those?
 20 **A. We didn't. No, we didn't.**
 21 THE CORONER: Okay, I just wanted to be clear.
 22 MS DOLAN: Your next conclusion is that the security
 23 measures at the site were not constructed to withstand
 24 or delay an attack of this scale.
 25 **A. Mmm.**

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1 Q. And relied on military protection. When one says "of
 2 this scale" of course one can frame that in 32 heavily
 3 armed attackers arriving, which is a big scale, but the
 4 evidence to the inquest in a sense breaks that down into
 5 smaller parcels of what happened and what seemed to
 6 happen was that at three different places, the CPF, the
 7 BdV and the JGC, at least one and possibly two vehicles
 8 arrived at a gate with something between, and of course
 9 the evidence differs, something between 10 and 5 people
 10 in a vehicle. Were the security measures at the site
 11 constructed to withstand or delay even that, start with
 12 a single vehicle, fully loaded though with armed
 13 aggressors?
 14 **A. Scale really is important here. And the reason it is**
 15 **important is because it enables them to launch**
 16 **effectively three attacks simultaneously. And in**
 17 **a situation like that where you have a quick reaction**
 18 **force that is located in between the different locations**
 19 **where the attacks were taking place it's extremely hard**
 20 **to know where to go and what to do. So you take the**
 21 **sheer numbers, the ability to mount simultaneous attacks**
 22 **at different locations, the fact that they have the**
 23 **initiative and it is dark and they are very well**
 24 **equipped. This site was not constructed to withstand**
 25 **that nature of attack.**

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1 Q. One can see of course if a quick reaction force goes to
 2 the first point of contact, the bus, then there is no
 3 quick reaction force to attend any gate. But it is
 4 still, one might contemplate whether any one of the
 5 individual gates that were attacked may have withstood
 6 or deterred attackers if there had been some conception
 7 that a vehicle or vehicles might arrive at the door with
 8 armed men?
 9 **A. Attackers armed in the way that these were would have**
 10 **got through.**
 11 Q. Why do you say that?
 12 **A. Because the site was not constructed to delay or keep**
 13 **them out.**
 14 Q. Your report says there is reason to question the extent
 15 of the reliance of the JV on the Algerian military
 16 protection. That phrase "reason to question" is
 17 something I would like you to unpick. What do you mean
 18 by that?
 19 **A. We meant that in terms of our mandate which was to pull**
 20 **out areas and observations which Statoil could learn**
 21 **from, then we thought one of the learning points here**
 22 **was to try and encourage Statoil to think through**
 23 **further than they did in terms of what happens if the**
 24 **military protection breaks down, and therefore we wanted**
 25 **to question the degree of reliance that was being placed**

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1 **on the military protection, guaranteeing the external**
 2 **security of the site.**
 3 Q. Is that a question which only arises with hindsight
 4 or ...?
 5 **A. I think one of the challenges for any organisation is to**
 6 **break out from the assumptions within which it works and**
 7 **operates and assumptions that may well have been good**
 8 **for a long period in the past and what we are doing here**
 9 **is encouraging Statoil and the JV to say, let's find**
 10 **a way of challenging these kind of assumptions, let's**
 11 **find a way of, if you like, engaging the imagination to**
 12 **take us beyond those and think about different**
 13 **scenarios. Clearly with hindsight it's very clear. Was**
 14 **the structure of the dialogue around security such that**
 15 **it could have happened at the time given where people**
 16 **were sitting and standing and given how they saw the**
 17 **world? We thought it understandable that people didn't**
 18 **but nonetheless wanted to draw attention to it as an**
 19 **improvement area for the future.**
 20 Q. Understandable sounds close to being seen as an
 21 explanation but not an excuse.
 22 **A. Your words, but understandable in the historic context.**
 23 Q. But the context, did your team conclude that it was or
 24 should have been known that this border was porous and
 25 the military were unable to protect it before the events

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<p>1 or was this something which it was reasonable not to 2 have occurred for somebody planning security? 3 A. If people had been thinking more broadly outside of the 4 historic context they could well have understood that no 5 military can guarantee a border like that in 6 circumstances such as prevailed at the time and the key 7 factor there was the collapse of Libya. That when you 8 got a border that is protected by security forces 9 effectively on both sides then your chances of operating 10 effectively increase significantly. When you are trying to 11 protect one long border in difficult terrain when the 12 people on the other side effectively have left it open 13 and given up the task, which the Libyans had, that is an 14 immense challenge. No military can guarantee to do 15 that. 16 Q. We have been given today a document which is a note of 17 a meeting with Mr Alastair Burt, the minister, meeting 18 with the Statoil team and that included you. Do you 19 have that document in front of you? 20 A. I don't. 21 Q. Can I make sure you are given a copy. 22 MR LAIDLAW: Shall I lend you mind? (Handed) 23 MS GOLLOP: Can I just say that hard copies of this document 24 were very kindly handed out this morning but I am not 25 sure that my client has one and I would appreciate if</p> <p style="text-align: center;">Page 49</p>	<p>1 changes that have been made. We have also taken out 2 some names of lower ranking officials which would 3 normally be redacted, but because we are editing this 4 document we have adopted a consistent approach to the 5 things which have been taken out. And the security 6 classification has been taken off as well. 7 But you have, sir, the full unedited copy and will 8 be able to see exactly the changes. 9 THE CORONER: I would -- if I had the time I would. I think 10 what we might do is this: Mr Owen-Thomas, will this 11 help: even if you don't get the bigger copy, I think 12 what we might do is just take ten minutes now in the 13 midst of which I hope if it is possible I could just 14 have an unedited version that you have referred to, 15 Mr Barr, that just puts brackets round what has come out 16 so I could see that and that will give you in those ten 17 minutes if you just want to -- the bigger one may not be 18 there but it means that if you would like to go through 19 it with Mr Green, you can read it to him. I think that 20 is the only sensible way just before we embark on the 21 document itself. I hope that will, even in the absence 22 of a bigger print version I hope that will do, 23 Mr Owen-Thomas. 24 MR OWEN-THOMAS: That would be good, thank you, sir. 25 MS DOLAN: Sir, we have photocopying services downstairs so</p> <p style="text-align: center;">Page 51</p>
<p>1 there are any additional hard copies in the courtroom if 2 she could and perhaps the other families -- 3 MS GERRY: We are in the same position as well. Our 4 families haven't got a copy. 5 MR LAIDLAW: There is a one copy. 6 MR OWEN-THOMAS: I am in the same position but with the 7 added difficulty of course -- if thought was given to 8 reasonable adjustment that is normally put in place to 9 produce this document in size 14 perhaps that can be 10 given to my client. I would be grateful. 11 MR BARR: Sir, may I first of all apologise for the late 12 arrival of this document. May I assure my learned 13 friend Mr Owen-Thomas that we will certainly provide an 14 enlarged copy as soon as we can for his client. I am 15 aware that at least one of the interested persons' 16 counsel has asked whether we can confirm that it is 17 a complete document because it runs to 11-paragraphs and 18 then ends without any signature. I have taken specific 19 instructions and I am told that there are no more 20 paragraphs after that. But I ought to make clear in the 21 interests of transparency that this is an edited copy of 22 the original document. It has been edited principally 23 to protect national security and, sir, we have provided 24 you with an unedited copy. No doubt you will be able to 25 consider in due course whether you are content with the</p> <p style="text-align: center;">Page 50</p>	<p>1 if we could blow it up. 2 THE CORONER: Yes. So ten minutes or however long. 3 (11.47 am) 4 (A short break) 5 (12.10 pm) 6 MS DOLAN: Mr Fulcher, just some matters arising from the 7 document which I think everybody now has. I think you 8 met with Minister Burt in May 2013. And it appears from 9 what is said in this document, which is that Minister 10 Burt welcomed Statoil's team's work but made it clear 11 that due to the UK's coroner's investigations into the 12 deaths of the British victims he would not be able to 13 assist the team with corroborating information. First 14 of all, is that an accurate record to your recollection 15 of what was said? 16 A. That agrees with my recollection of the meeting, yes. 17 Q. It is not the understanding of the coroner's team that 18 there has been any suggestion to the Government that 19 they should not assist anybody else with their 20 investigation or that the fact of a coroner's 21 investigation in the UK prevents anybody from assisting 22 anybody with any investigation if they so wish. Did you 23 get any indication from Minister Burt of why he believed 24 that he and the UK FCO could not assist you? 25 A. Not at all, no.</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

1 Q. It goes on to say:
 2 "He explained the disclosure obligations as a part
 3 of that process."
 4 Which we presume relates to the coroner's process.
 5 Did he tell you what he understood the disclosure
 6 obligations to be?
 7 **A. No, he didn't. Not to my recollection.**
 8 Q. So it says he explained the disclosure obligations. Do
 9 you recall now what explanation was given of the
 10 disclosure obligations on the part of HMG to the
 11 coroner's process on 1 May 2013?
 12 **A. I don't, no.**
 13 Q. Do you have any notes of this meeting yourself or did
 14 the Statoil team have notes?
 15 **A. We have a short summary note of the meeting which is**
 16 **a lot shorter than this.**
 17 Q. And then it appears he has gone on to say that:
 18 "It is crucial the facts and information provided to
 19 the coroner accurately reflected the UK government's own
 20 version of events."
 21 Were you given any indication of what facts and
 22 information the FCO had to provide to the coroner?
 23 **A. No, we weren't.**
 24 Q. And were you given any indication of what the UK
 25 government's own version of events was?
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1 **A. We weren't, no.**
 2 Q. It appears then that at this meeting that no information
 3 was passed to you about the factual events at In Amenas
 4 or during the crisis?
 5 **A. My recollection is that there was no factual information**
 6 **presented about the events at In Amenas and our main**
 7 **purpose in having the meeting was to explore ways in**
 8 **which governments and companies could work better**
 9 **together to prevent these sorts of things happening in**
 10 **the future.**
 11 Q. In those terms tell us in broad terms what was the
 12 outcome of those discussions about how things can be
 13 better in the future?
 14 **A. I think all parties agreed that there was scope for**
 15 **improving the way that companies and governments**
 16 **exchanged information about threats around the world to**
 17 **ensure that people were made aware in an appropriate way**
 18 **on the companies' side if governments had access to**
 19 **information which might indicate significant threats to**
 20 **company interests assets and personnel, recognising that**
 21 **there are difficulties in doing that. And on the**
 22 **companies' side a recognition that there was more scope**
 23 **for putting in place systems that enabled timely**
 24 **exchange of information, for example, around personnel**
 25 **lists, who was where, phone numbers, contingency**
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1 **numbers, that kind of thing so that the emergency**
 2 **response could be more effectively coordinated.**
 3 Q. Again, without going into detail of it is that
 4 cooperation collaboration between government and
 5 industry something which you are now satisfied in your
 6 current role and in seeing through the recommendations
 7 in the Statoil report is that at the level that it
 8 should be to have the most effective prevention of
 9 deaths in the future?
 10 **A. It's evolving. And I think different countries are more**
 11 **mature in the way they approach this. So, for example,**
 12 **I think the United States have a more mature approach to**
 13 **this than, for example, the UK or Norway.**
 14 Q. What do you mean by more mature?
 15 **A. I think they've been thinking about this for longer,**
 16 **possibly because US companies have been subject to more**
 17 **attacks in the past and they have a wider range of**
 18 **commercial interests around the world. And they have**
 19 **created bodies and structures and here I have in mind**
 20 **the Overseas Security Advisory Council, OSAC, which**
 21 **actually act as, if you like, a transmission mechanism**
 22 **to ensure that companies, US companies, have access to**
 23 **information that is relevant to their security based on**
 24 **the totality of information available to the US**
 25 **government but presented in a way that preserves**
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1 **confidentiality and requirements of secrecy but**
 2 **nonetheless aids companies in securing their people.**
 3 Q. Are you satisfied that the UK has something equivalent
 4 to OSAC now?
 5 **A. The UK doesn't have anything equivalent to OSAC and one**
 6 **of our points of our conversation with Minister Burt was**
 7 **to explore whether the CPNI, the Centre for the**
 8 **Protection of National Infrastructure, could possibly**
 9 **take on that role and I think our impression, and we had**
 10 **meetings with the CPNI to talk to them about this, our**
 11 **impression was that the CPNI was very effective**
 12 **domestically within the UK but when it came to enabling**
 13 **businesses overseas to have an understanding of the**
 14 **threats facing them in foreign countries it wasn't**
 15 **designed to do that. So there is no OSAC equivalent**
 16 **either in UK or in Norway.**
 17 Q. Do UK companies have access to OSAC then or do you have
 18 to be an American company to get access to what the
 19 Americans are --
 20 **A. I don't know about UK companies. I can speak for**
 21 **Statoil because Statoil has a very large US business and**
 22 **it's quoted on the New York stock exchange. Statoil is**
 23 **a member of OSAC. So Statoil gets benefit from OSAC**
 24 **information report.**
 25 MS DOLAN: Thank you. I have no more questions for you but
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<p>1 others will.</p> <p>2 Questions from MR RITCHIE</p> <p>3 MR RITCHIE: Good afternoon. My name is Andrew Ritchie and</p> <p>4 I appear for the family of Carlos Estrada.</p> <p>5 Mr Fulcher, thank you for coming. Can I just</p> <p>6 confirm one misunderstanding that is apparent in this</p> <p>7 FCO document. In paragraph 4 of it Mr Hagen, who</p> <p>8 I think is Torgeir Hagen?</p> <p>9 A. Lieutenant General Torgeir Hagen.</p> <p>10 Q. Said he understood there was similar issues with</p> <p>11 Norway's own coronial process?</p> <p>12 A. Yes.</p> <p>13 Q. Is it right that there isn't a coronial process in</p> <p>14 Norway?</p> <p>15 A. It is and I think this must be a misunderstanding on the</p> <p>16 part of the note taker. There is no coronial process in</p> <p>17 Norway. There is a police investigation process.</p> <p>18 Q. Can I come then to the Statoil report which the team in</p> <p>19 which you were in produced. Did you lead that team?</p> <p>20 A. I didn't. The team was led by Lieutenant General</p> <p>21 Torgeir Hagen.</p> <p>22 Q. It was for that reason that I thanked you for coming.</p> <p>23 There was another leader in effect of the team, a member</p> <p>24 of which you were?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 57</p>	<p>1 A. We have seen the documents. We saw the documents that</p> <p>2 have been available to the inquest.</p> <p>3 Q. But this suggests in 2009 recommendations were made.</p> <p>4 I am sorry, I have no recollection of any documentation</p> <p>5 in this inquest which sets out recommendations made by</p> <p>6 liaison in 2009. We have subsequent security management</p> <p>7 plans and previous security management plans. Were you</p> <p>8 shown documentation which contained the information you</p> <p>9 have set out there?</p> <p>10 A. We did not see full and complete documentation to the</p> <p>11 extent that you have had the benefit of seeing. My</p> <p>12 understanding is that in this case we saw an updated</p> <p>13 2009 version of an original 2007 document.</p> <p>14 Q. Containing recommendations re security?</p> <p>15 A. Indeed.</p> <p>16 Q. Thank you. Can I ask you to go forwards then to page 70</p> <p>17 of your bundle, 411 of ours. You say at the bottom of</p> <p>18 411 in the last paragraph, forgive me, the team says at</p> <p>19 the bottom:</p> <p>20 "Moreover --</p> <p>21 A. Are we on page 70?</p> <p>22 Q. Page 70, last paragraph:</p> <p>23 "Moreover, the simultaneous attack on the living</p> <p>24 area and the production area exposed the limitations of</p> <p>25 a single Gendarme camp located between the two sites</p> <p style="text-align: center;">Page 59</p>
<p>1 Q. Can I turn to the Statoil report which is in core</p> <p>2 bundle 2, tab 8, to page 389 and for you if you have</p> <p>3 a spare copy that you are relying on there it is</p> <p>4 internal page 48. Our pagination is 389. Do you have</p> <p>5 48?</p> <p>6 A. Yes.</p> <p>7 Q. There is a heading "Evolution of physical security</p> <p>8 measures" there. The second paragraph reads as follows:</p> <p>9 "In 2009 following an increase in suicide and</p> <p>10 vehicle bombs in Algeria the In Amenas JV decided to</p> <p>11 strengthen protection of the site. This led among other</p> <p>12 measures to the concrete vehicle barriers outside the</p> <p>13 perimeter fence. Liaison recommended security standards</p> <p>14 and measures to increase protection against the threat</p> <p>15 of armed attackers, forced vehicle penetration of gates</p> <p>16 for the perimeter or a vehicle bomb. One of the stated</p> <p>17 aims of these measures was to delay armed attackers from</p> <p>18 entering the site sufficiently long for the military to</p> <p>19 be able to intercept them. The measures included all</p> <p>20 the elements of internal security within the In Amenas</p> <p>21 JV's control: fences, entrances, lights, vehicle</p> <p>22 barriers, CCTV, access control and the unarmed civilian</p> <p>23 guards."</p> <p>24 Was your team shown documentation which included the</p> <p>25 recommendations made by liaison?</p> <p style="text-align: center;">Page 58</p>	<p>1 which are three and a half kilometres apart. The</p> <p>2 distance from the camp to the living area and the</p> <p>3 production area did not allow for a rapid response."</p> <p>4 Having Gendarmes stationed at the entrances to BdV</p> <p>5 and in the guard towers and at the entrances to the JGC</p> <p>6 fly camp and at the entrances to the CPF would have</p> <p>7 afforded better protection, wouldn't it?</p> <p>8 A. I think it depends what you mean by stationed, whether</p> <p>9 you mean static guards or whether you mean Gendarme</p> <p>10 camp by those locations.</p> <p>11 Q. I am not a security expert. You are. To descend into</p> <p>12 that detail would be me guessing the best way of</p> <p>13 allocating. But it is the general question of having</p> <p>14 Gendarmes stationed however they should best be</p> <p>15 stationed. Do you agree that that would have provided</p> <p>16 better protection than a military camp in the middle?</p> <p>17 A. A military camp in the middle was not ideal, far from it</p> <p>18 for this form and this scale of attack.</p> <p>19 Q. May I take that as a "yes" answer?</p> <p>20 A. It's the answer.</p> <p>21 Q. It would also have provided greater deterrents against</p> <p>22 such an attack, wouldn't it, for the terrorists would be</p> <p>23 met when they got to the gates by men with guns rather</p> <p>24 than men without guns?</p> <p>25 A. If the terrorists had been aware of separate Gendarme</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

1 **camp, independently placed alongside the different**
 2 **locations within the overall facility, they would have**
 3 **had to have factored that into their planning. What**
 4 **they would have then, I don't know, nobody knows, but it**
 5 **would have complicated their planning for this operation**
 6 **if they had had to have tackled three separate Gendarme**
 7 **camp each with its own quick reaction capability**
 8 **stationed at separate locations across the facility.**
 9 Q. Can I turn to patrols. Did your team receive
 10 information that the JV provided five vehicles and five
 11 drivers for the Gendarmes' night patrols?
 12 **A. Not to my recollection.**
 13 Q. Did your team receive from Statoil, the JV or any source
 14 the zone patrol document? I will show it to you if it
 15 doesn't ring a bell?
 16 **A. Not to my recollection.**
 17 Q. Let me show it to you so we can be sure. We have a core
 18 bundle numbered 1. Mine is yellow, yours is green. In
 19 that core bundle there is a tab numbered 22. This
 20 document which was provided to Her Majesty's Coroner by
 21 Tom Martin, one of the OLCs on Rig T212 together with
 22 225 other files of documents, so it did not come direct
 23 from BP or Statoil. This is a zone patrol document
 24 dated November 2011. I am going to be so bold as to
 25 summarise it if I may.

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1 It in effect states that in zone 1 -- you have the
 2 benefit beside you of something that looks like this,
 3 but has stickers on it. It's by the wall to your right.
 4 (indicated) Thank you.
 5 You will see a sticker with "Zone 1" on it there
 6 which represents two to three kilometres in a sausage
 7 shape around BdV and the CPF. Are you with me?
 8 **A. Yes.**
 9 Q. In zone 1 that was patrolled day and night. But that in
 10 zones 3 and 4, that is south of the falaise and west of
 11 the falaise and also zone 2, east of trunk line 5
 12 manifold -- I'm sorry at the risk of boring you but that
 13 is halfway along trunk line 5 -- there were no night
 14 patrols and no day patrols. In the day escorts took
 15 care of people, at night there was no patrolling.
 16 Are you with me so far, Mr Fulcher? If you had been
 17 told that in the site zone as you and your team --
 18 sorry, as your team described it, the site zone there
 19 were no night patrols other than in zone 1, that is
 20 around BdV and CPF, within 2-kilometres, would you have
 21 reported that in your report?
 22 **A. I don't know. But most likely, yes.**
 23 Q. For it rather undermines the feeling of a ring of steel
 24 in the site zone, doesn't it?
 25 **A. It's an element in the overall security system.**

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1 Q. Thank you. You can put away the large photo, thank you.
 2 I am going to return to the Statoil report and to the
 3 same page that we were previously on, namely 411.
 4 **A. Page 70?**
 5 Q. Your page 70.
 6 **A. Thank you.**
 7 Q. Under the heading "Inner security measures" the team has
 8 written:
 9 "Physical barriers alone are insufficient to stop an
 10 attack but the inner security layer should be designed
 11 to provide a degree of resilience and protection that
 12 will make it possible for a military response force to
 13 arrive. This means investing in security measures which
 14 may rarely if ever be needed but in the view of the
 15 investigation team are necessary to provide redundancy
 16 against low probability, high impact risk. Such an
 17 approach is familiar to the oil and gas industry from
 18 the safety domain where it is common practice to build
 19 in multiple safety barriers. It is equally relevant to
 20 operations in areas with high security risk."
 21 Can you help Her Majesty's Coroner explaining
 22 a little bit more about the common practice in the oil
 23 and gas industry in relation to such safety?
 24 **A. We looked at the safety culture very closely in Statoil**
 25 **and one of the things that impressed us was the degree**

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1 **of what I would call overengineering that was applied to**
 2 **safety and technical hazards. So that if there was**
 3 **a risk of technical failure and an environmental**
 4 **incident, then there was a standard practice of putting**
 5 **in multiple barriers to deal with that.**
 6 **And we compared that in a security context to the**
 7 **possibility of putting in multiple barriers to prevent**
 8 **different kinds of security scenarios from arising. And**
 9 **we saw parallels there and in our judgment those**
 10 **parallels were relevant.**
 11 Q. What was common practice for a pipe that might burst
 12 which may have three or four layers of security to
 13 protect it from bursting had not been transferred as
 14 a common practice in to the security field sufficiently
 15 well?
 16 **A. When we talked to people in Statoil we didn't get from**
 17 **them the same kind of understanding of the benefits of**
 18 **multiple barriers in a security context and if you like,**
 19 **an instinctive understanding of why that seemed to make**
 20 **sense as when we talked to them in a safety context. It**
 21 **was that kind of parallel we wanted them to think about.**
 22 Q. Thank you. Another topic. The security management
 23 plans for the JV identified and detailed the threat from
 24 terrorists with guns and bombs. It was well documented,
 25 wasn't it?

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1 **A. There were lots of documents.**
 2 Q. And those envisaged not only men with bombs but
 3 expressly men with guns?
 4 **A. That was recorded in documents, yes.**
 5 Q. There were, for instance, in place concrete T bars
 6 around BdV with the sole purpose of stopping ram
 7 raiders, whatever they might have in their cars?
 8 **A. I think -- my understanding is that is principally for**
 9 **VBIEDs.**
 10 Q. So principally --
 11 **A. Car bombs, yes.**
 12 Q. Ram raiders with?
 13 **A. Bombs, yes.**
 14 Q. So men with bombs at the perimeter were envisaged and
 15 that was a measure to prevent damage caused by men with
 16 bombs in cars?
 17 **A. Mmm.**
 18 Q. What was in place to prevent men with guns in cars?
 19 **A. Our view was that the set up was not constructed in**
 20 **a way that would deal with a significant number of men**
 21 **in cars with guns.**
 22 Q. Or even two in a car with guns?
 23 **A. I don't know. Whether you say, two, three, four but it**
 24 **wasn't constructed to deal with a significant number of**
 25 **people with guns.**

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1 Q. Another topic. Actionable warnings, a phrase used by
 2 your team. I am not dealing with specific warnings for
 3 Her Majesty's Coroner has heard much evidence that
 4 unlike in the UK when the IRA would say "we're going to
 5 bomb Victoria" and that would cause havoc, whether they
 6 did or not it would cause havoc, there was no history in
 7 Algeria of similar behaviour by these terrorists?
 8 **A. No, and that's not what we had in mind.**
 9 Q. Exactly. What did you have in mind for specific
 10 warnings then if not, "I'm going to attack In Amenas"?
 11 **A. What we had in mind is from time to time governments may**
 12 **become aware of information that leads them to**
 13 **understand that a particular facility or a particular**
 14 **area might be of heightened risk of attack. Sometimes**
 15 **the detail of that information is -- can be quite**
 16 **precise about the timing and the place. Usually this is**
 17 **based on intelligence. The challenge governments then**
 18 **have is how you release that intelligence to the company**
 19 **to provide the benefit of that kind of warning. That is**
 20 **what happened.**
 21 **The second thing I had in mind was that from time to**
 22 **time members of the public will tell you that there is**
 23 **something about to happen to your facility. So, for**
 24 **example, if strangers arrive in the community who**
 25 **haven't been seen before, if members of the public**

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1 **become aware of something through talk between**
 2 **neighbours, between family members, then from time to**
 3 **time they might come and say "we think that there's**
 4 **going to be an attack on your facility tonight or**
 5 **tomorrow". That's the kind of specific tactical warning**
 6 **we had in mind. And as we went about our exercise we**
 7 **looked for evidence that there might have been such**
 8 **a tactical warning somewhere in Statoil's documentation or**
 9 **the JV documentation that somehow got overlooked and**
 10 **we never found that.**
 11 Q. Dealing with the first that, for instance, might be from
 12 a special forces person who's in Northern Mali and has
 13 infiltrated AQIM or somebody who has been a double
 14 informer within AQIM who becomes aware of information,
 15 it feeds back in some way, this either goes through the
 16 British embassy or the special services and then the
 17 government has to deal with, how do I pass that
 18 information on to the facilities in southern Algeria
 19 without putting my special forces or informer at risk?
 20 That would be an example of your first, wouldn't it?
 21 **A. It would be, yes.**
 22 Q. And of your second, would an example be at a meeting on
 23 15 January where drivers are threatening to strike again
 24 a threat similar to: "You've made your law. When you
 25 wake up tomorrow morning there will be blood on the

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1 floor"?
 2 **A. We didn't hear of that threat.**
 3 Q. No, it wasn't passed on to the team, was it?
 4 **A. Nobody spoke to us of that threat. I'm not sure why.**
 5 **But for whatever reason we didn't hear of that threat.**
 6 Q. Can I come to one other potential actionable warning,
 7 a matter for you to tell me whether within your team you
 8 consider it to be that. It is the el Khabbar article.
 9 Did that article come before your team before you wrote
 10 the report?
 11 **A. No, it didn't.**
 12 Q. Do you want to see it or have you seen it subsequently?
 13 **A. I am not concerned to see it, no.**
 14 Q. If your team had been made aware of an article
 15 from November 2012 which identified that court documents
 16 had been filed showing that Lamine Boucheneb's group had
 17 some men who were specifically instructed to photograph
 18 hydrocarbon facilities in Algeria and preparatory to an
 19 attack on them that a group of these men had been
 20 arrested and were being put before the Algerian courts,
 21 if that information had come before your team, would you
 22 have expected that information, from the el Khabbar
 23 newspaper, to have been gathered by BP, Statoil or the
 24 JV?
 25 **A. We wouldn't have that expectation. What we would say is**

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1 **that there are a wide range of indicators at the time**
 2 **over the previous year which indicated the broad threat**
 3 **picture was changing and you could add that to one of**
 4 **those many indicators. The challenge is what you then**
 5 **make of that collection of indicators, each of which**
 6 **might tell you something different and could be pointing**
 7 **in slightly different directions.**
 8 Q. Any potential warning that shows a threat specifically
 9 to the petrochemical industry has great relevance to
 10 In Amenas though, doesn't it?
 11 **A. It's one that people would want to take note of.**
 12 Q. But all of us wish to take note of warnings --
 13 THE CORONER: Putting it very broadly you say any potential
 14 warning that shows a threat specific to the
 15 petrochemical industry and I suspect that's -- it is
 16 just a very wide question. It could be anywhere in the
 17 world and as the witness says you take note of it.
 18 MR RITCHIE: Sir, I will focus that far better. I am making
 19 these questions in relation to the el Khabbar news
 20 article which came out two months before the attack
 21 which gave express warning that this group were
 22 photographing and planning an attack on Algerian
 23 petrochemical facilities.
 24 So isn't the importance of such warnings not just to
 25 take them seriously but to consider what action one

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1 should take in response to them?
 2 **A. Warnings are slightly, if I may say, a tricky word to**
 3 **use. And the reason warning is a slightly tricky word**
 4 **is you can say that you warn somebody of something that**
 5 **is about to happen and it is very clear: I'm warning you**
 6 **tomorrow I'm going to come and get you. This is an**
 7 **indicator and as an indicator it has to be set alongside**
 8 **a whole range of other indicators. Is it something that**
 9 **gives clear warning of a precise attack that's likely to**
 10 **take place at a given time? Clearly not. So as an**
 11 **indicator you put it alongside everything else that's**
 12 **going along.**
 13 Q. Would you regard it as an actionable indicator?
 14 **A. No.**
 15 Q. What would you regard within, as far as you can tell
 16 within your team as an actionable warning? It is the
 17 team's phrase so I need to understand, the families need
 18 to understand what an actionable warning is in the
 19 context?
 20 **A. Yes. And the actionable -- immediately actionable**
 21 **warnings are the tactical warnings we describe in the**
 22 **way of a direct threat warning.**
 23 Q. So everything else goes in the melting pot and either
 24 will or will not persuade one way or the other?
 25 **A. What you then have is a series of indicators that you**

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1 **need to carefully assess, investigate and look at and**
 2 **then you draw a picture from that that provides**
 3 **a strategic backdrop which you then look within the**
 4 **wider security management process, debate, discuss and**
 5 **then decide what this is telling you.**
 6 Q. And what actions you might take?
 7 **A. Yes.**
 8 MR RITCHIE: Mr Fulcher, thank you very much indeed.
 9 Questions from MR OWEN-THOMAS
 10 MR OWEN-THOMAS: Mr Fulcher, my name is Owen-Thomas. I ask
 11 questions on behalf of David Green, the father of
 12 Stephen Green.
 13 May I just follow up that line of questioning from
 14 Mr Ritchie. You described how such a warning would be
 15 an indicator. But what we seem to know at the time of
 16 this attack is there were a number of other indicators
 17 which would have fed into the possibility of that
 18 attack. It was known, wasn't it, that Al Qaeda in the
 19 Maghreb were motivated to attack western interests? You
 20 nod. It was known that Al Qaeda in the Maghreb had
 21 previously attacked western interests?
 22 **A. Yes, we list the range of indicators in the**
 23 **investigation report.**
 24 Q. The fall of the Libyan government made available, could
 25 make available, weapons to terrorist groups?

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1 **A. That's another of the indicators that we list.**
 2 Q. So you have said this morning that the fall of the
 3 Libyan government made the border less secure. It might
 4 be an oversimplification, 50 per cent less secure but
 5 one side was certainly a lot less secure than the other.
 6 So there you have motivation, you have the availability
 7 of weapons, you then add to that the warning of the
 8 newspaper article and it becomes a very realistic
 9 threat, doesn't it, to western interests in the south of
 10 Algeria?
 11 **A. The judgment we came to was that there were a broad**
 12 **range of indicators which were available, some of which**
 13 **you have just listed, and that when you put those**
 14 **together and you made an assessment you would come to**
 15 **the conclusion that the landscape was changing and that**
 16 **this constituted a strategic warning.**
 17 Q. What elements of a tactical warning are missing?
 18 **A. Precision, timing, methodology.**
 19 Q. So you don't know how or when it will happen but
 20 strategically it might happen because of the indicators
 21 we have discussed?
 22 **A. You don't know how, when, where, by what means.**
 23 Q. But if you are planning for the In Amenas site you don't
 24 need to worry about where, you are thinking about "us",
 25 aren't you? You are thinking about that site?

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1 **A. Indeed.**
 2 Q. You don't need to worry about the security at other
 3 sites if you are planning the safety and security of the
 4 In Amenas site?
 5 **A. Yes, there's a difference between having a specific**
 6 **warning to your site and being aware of a strategic**
 7 **shift in the landscape.**
 8 Q. So coming back then to physical security at In Amenas.
 9 Did you visit the site yourself?
 10 **A. I did, yes.**
 11 Q. You will be aware that obviously there were a number of
 12 physical security measures in place, double thickness
 13 fencing, external parking, a lockable chicane and
 14 a sliding gate at the other end of the chicane at the
 15 BdV, for example. You are aware of all those physical
 16 security?
 17 **A. I have seen them.**
 18 Q. You have seen them yourself. It is right, isn't it,
 19 that the proper use of all of those physical security
 20 measures would have in fact slowed or impeded this
 21 particular attack on this particular site?
 22 **A. That's not a conclusion we drew. And we didn't draw**
 23 **that conclusion because we didn't believe that an attack**
 24 **of this complexity allows itself to be analysed in**
 25 **a simple line of cause and effect. And that given the**
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1 **planning, the resourcefulness and the effectiveness of**
 2 **the terrorists we couldn't be sure, no one could be sure**
 3 **that had measure X been taken or action Y been done that**
 4 **in the context of this attack a different outcome would**
 5 **have arisen.**
 6 Q. I am not interested in what other attack may have been
 7 planned and perpetrated if the security had been
 8 different. This particular attack, Her Majesty's
 9 Coroner has had evidence that, for example, a 4x4
 10 vehicle drove through the chicane, through the inner
 11 fence and smashed another gate to the inner fence of the
 12 BdV. It stands to reason, doesn't it, that if the gate
 13 had been shut that progress would have been impeded by
 14 however much we don't know, but it would have been more
 15 difficult to get through a shut gate than an open gate?
 16 **A. It would have been another gate to get through, yes.**
 17 Q. And if the chicane had been locked it would have impeded
 18 the access of that particular vehicle?
 19 **A. It would have been a different barrier to get through.**
 20 Q. Therefore, this particular attack would have been slowed
 21 or impeded by the proper use of those security measures?
 22 **A. That's not a judgment that we came to.**
 23 Q. The vehicle would have found it less easy, more
 24 difficult, to get through that chicane if it had been
 25 locked. Doesn't that stand to reason?
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1 **A. That particular vehicle at that particular time? It may**
 2 **well have done.**
 3 Q. And so again to touch on something you gave evidence
 4 about earlier, in the planning of this attack if these
 5 security measures had been known to the planner they
 6 would have had to decide either: we will attack an
 7 easier target or we will come in greater force, in
 8 greater numbers and still attack this target. Those are
 9 the two possible conclusions an attacker may have come
 10 to when reviewing the physical security of this site.
 11 **A. And there are others.**
 12 Q. But it is right, is it not, that the physical
 13 security -- perhaps you tell me, what did you make of
 14 the fact that the gate to the BdV was regularly left
 15 open?
 16 **A. We didn't focus on that in particular because it didn't**
 17 **seem to us to be necessary to draw the lessons and**
 18 **conclusions that we thought were relevant for Statoil**
 19 **about how something like this could be possibly**
 20 **prevented in the future.**
 21 Q. What do you now think would be in the mind of an
 22 attacker planning this, if they were to learn that
 23 security, safety facilities such as a gate are regularly
 24 left open? Doesn't it say, well it's easier to attack
 25 somewhere where security, physical security measures are
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1 not regularly used?
 2 **A. It's a feature of an overall security system that**
 3 **clearly they'll want to focus on and if they can exploit**
 4 **weaknesses they will.**
 5 **MR OWEN-THOMAS: Thank you, Mr Fulcher.**
 6 **Questions from MS GERRY**
 7 MS GERRY: Afternoon, Mr Fulcher. I ask questions on behalf
 8 of the family of Sebastian John.
 9 Can I ask first about the disclosure of information
 10 and documents that were gathered by your team and the
 11 sharing of that with the Metropolitan Police. As
 12 I understand it the Metropolitan Police have said that
 13 they have disclosed to the coroner all that was
 14 disclosed to them by Statoil. Is that right?
 15 **A. I am sure it is.**
 16 Q. But it is also the case, isn't it, that you won't
 17 necessarily have passed everything that the Statoil
 18 investigation team, if I can for short form call them
 19 that, you won't have passed everything that was gathered
 20 in the course of that investigation to the Metropolitan
 21 Police?
 22 **A. No, we wouldn't, no.**
 23 Q. One of the reasons I ask that because I would like you,
 24 if you would, please, to look at page 371 of the
 25 paginated bundle and internal pagination 30. It is
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1 where we have the photographs of the cars and their
 2 position.
 3 Mr Fulcher, I don't know if this has already been
 4 brought to your attention in which case it can hopefully
 5 be dealt with quite quickly but the photograph of the
 6 vehicle in number 2 is a vehicle that we have been
 7 hearing evidence about from witnesses that seems to have
 8 been the one that is in position 6 on your diagram as
 9 opposed to position 2 on your diagram. Is that
 10 something that has been drawn to your attention already?
 11 **A. It has been brought to my attention and our**
 12 **understanding now is that the Metropolitan Police have**
 13 **a better understanding of this than we did at the time**
 14 **and I think their account is likely to be more accurate**
 15 **and reliable.**
 16 Q. Can I then turn to the issues around the reliance on the
 17 assurance provided by the Algerian military and about
 18 guaranteeing protection. You mentioned in your evidence
 19 that a key factor in your team's consideration was the
 20 collapse of the Libyan regime and the exposure therefore
 21 of the border and how it made that border more difficult
 22 to control.
 23 Of course this will be a matter the Algerians
 24 presumably would have been well aware, the Algerian
 25 military would have been well aware of the difficulties

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1 the collapse of the Libyans was having on their ability
 2 to control the border?
 3 **A. Yes.**
 4 Q. Did you find any evidence or information that that was
 5 a concern passed on by the Algerians to anyone at the JV
 6 or at Statoil? Explicitly was there any evidence --
 7 **A. No.**
 8 Q. -- of the Algerian authorities saying: look, we
 9 recognise we have a problem with the border because
 10 Libya has just fallen and we just wanted to let you know
 11 that we have a concern now about this border?
 12 **A. We didn't, as far as I recall, see any evidence of an**
 13 **explicit warning. I know there were a number of media**
 14 **articles quoting Algerian politicians and military**
 15 **figures saying they were concerned about events in Libya**
 16 **and issues around the border.**
 17 Q. So you saw no direct evidence of a direct approach by
 18 the Algerian authorities to either the JV or to Statoil
 19 to that effect?
 20 **A. We didn't.**
 21 Q. Did you see any evidence of any questions being put by
 22 the JV or Statoil to the Algerians in regard of: we see
 23 the Libyan government regime has fallen, obviously
 24 that's going to have a knock-on effect to the border, we
 25 are concerned about it, can you reassure us what you are

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1 doing? Was there anything that you saw of those sort of
 2 direct questions being asked by the JV or by Statoil of
 3 the Algerian authorities?
 4 **A. Statoil were very focused on it and it was a deep**
 5 **concern to them and they made attempts to find out what**
 6 **was happening with the military dispositions. We didn't**
 7 **see or I don't recall seeing any explicit questions put**
 8 **by the JV but that doesn't mean there weren't any.**
 9 Q. Can I ask you to consider one part of the statement of
 10 Andrew Collins. I am not able to help you very quickly
 11 as to where to find it. It is the second statement of
 12 Mr Collins, the civil statement.
 13 MS DOLAN: 15A.
 14 MS GERRY: Mr Fulcher, it is not the police statement, so it
 15 is not the one that has "Restricted" across the top. It
 16 is a statement which begins "I am employed by BP as the
 17 vice president of NO JV."
 18 **A. Have you got a tab number for that?**
 19 MS DOLAN: It should be 15A.
 20 MS GERRY: I am grateful.
 21 Mr Fulcher can I ask you then to turn to page 11 of
 22 the statement and to paragraph 42. What Mr Collins sets
 23 out here is concerns that were raised in relation to
 24 In Salah Gas sites. He says:
 25 "I am also aware that during 2011 to 2012 the issue

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1 of using civilian armed guards arose in respect of the
 2 In Salah Gas sites whereas explained above the military
 3 is responsible for guarding the sites. As I understand
 4 it, beginning in approximately March 2011 authorities
 5 began raising the idea of possibly using armed guards to
 6 support the military. They did this verbally. Although
 7 the In Salah Gas JV did not receive a formal request for
 8 civilian armed guards to be used it was told about
 9 concerns that the demands at the time on the region's
 10 military to send troops to the Libyan border in response
 11 to a situation in Libya in early 2011 might affect the
 12 military's ability to provide sufficient numbers of
 13 military for In Salah particularly in the southern field
 14 site in In Salah which was planning to open up manned
 15 site locations."
 16 Then it goes on:
 17 "JV [personnel] explained why these civilian armed
 18 guards would not be acceptable and suggested there were
 19 other solutions to the military's resourcing concerns
 20 that would not involve using armed guards."
 21 Were you aware of this request being made and the
 22 concern that was being expressed about the possible
 23 ability of the military to provide sufficient numbers in
 24 In Salah?
 25 **A. We were aware of the debate at In Salah about the**

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1 possible use of armed guards and we were aware of the
 2 way in which Statoil looked at that in terms of the
 3 risks of taking one course of action or another, where
 4 there is a genuine dilemma.

5 Q. Can I be very clear, I am not asking you whether it is
 6 right or wrong to use civilian armed guards. I am
 7 taking you to that in respect of the fact that it seems
 8 to be that there was at least in that case a situation
 9 where the military were coming or the Algerian
 10 authorities were coming to the -- Andrew Collins became
 11 aware of it at least, saying: we have concerns that the
 12 military might be being stretched because we are having
 13 to deploy more troops to the Libyan border.

14 I am using that as an example. There does seem to
 15 have been at least there some discussion about the
 16 concerns about the capabilities of the Algerian military
 17 in being able to both guard In Salah as well as the
 18 Libyan border were you aware of those specific concerns
 19 about the military's capabilities, not about the
 20 civilian guards?

21 **A. We were aware that the Algerian military were being
 22 stretched by the challenges they were facing in Libya.**

23 Q. Sorry, when you say "we were aware", I put the question
 24 very clumsily, during the course of your investigation
 25 did you become aware that the JV or Statoil were aware

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1 that the military were becoming stretched?

2 **A. We were aware that Statoil was very conscious that the
 3 Libyan military were being pulled outside -- sorry, the
 4 Algerian military were pulled in a lot of different
 5 directions. There were challenges that were arising on
 6 the Libyan border that were stretching their resources
 7 and there were concerns that they might have to pull
 8 troops away from guarding and looking after the
 9 facilities around the JVs.**

10 Q. But despite that awareness you found no evidence of any
 11 specific questions being asked of the Algerian
 12 authorities or the Algerian military as to whether they
 13 considered that there was an issue about protecting the
 14 site around In Amenas, there was no specific questions
 15 around that issue?

16 **A. I don't recall us seeing any evidence or any indication,
 17 but that doesn't mean it didn't happen.**

18 Q. When you said that you found it understandable that
 19 there was an acceptance of the assurance given, would it
 20 be fair to say that there was a lack of willingness to
 21 challenge the guarantee that was being given and that
 22 was the reason why the assurance was accepted?

23 **A. No, that's not what we had in mind. What we had in mind
 24 was the simple fact that when people get used to looking
 25 at the world in a particular way and they grow up over**

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1 a period of years living with some basic assumptions,
 2 when the reasons for those assumptions change and the
 3 ground sort of shifts, as it had done in this case with
 4 events in Northern Mali and Libya, it's often very
 5 difficult to change your sort of mental map to adjust to
 6 that and start asking questions that challenge some of
 7 those long held assumptions.

8 **That's an organisational challenge and it is
 9 a challenge for individuals.**

10 Q. Isn't that precisely what I'm saying? I said there was
 11 a lack of willingness to challenge, maybe a lack of
 12 ability to challenge or even to think to challenge what
 13 they were being told and assurances they were being
 14 given?

15 **A. It was an inability to recognise the broader messages
 16 around and what those meant for the assumptions that
 17 people had lived and worked with for some time.**

18 Q. But it is right, isn't it, it was known or at least
 19 knowable that there were concerns about the ability of
 20 the military to be able to control the border and the
 21 effect that might then have on the ability of them to
 22 secure the area around In Amenas?

23 **A. There were concerns about the prioritisation of the
 24 military and where they would choose to deploy their
 25 forces.**

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1 Q. Of course you have mentioned in your report how
 2 important In Amenas was to the Algerians. I think it
 3 was 20 per cent of their GDP was provided by In Amenas.
 4 And while of course on the one hand that gives some
 5 reassurance that they are going to want to make sure
 6 it's protected, the flip side is there is going to be
 7 possibly some reluctance to admit that there may be
 8 difficulties in protecting it which might then lead to
 9 the companies pulling out. Would you agree with that or
 10 not?

11 **A. I couldn't say. What we did see evidence of was
 12 a belief that because the facility was so important to
 13 the Algerian economy then the Algerians would do
 14 whatever it took to protect it.**

15 Q. And say whatever they thought they needed to say to make
 16 sure that the companies stayed and the gas continued to
 17 be pumped?

18 **A. I don't think there's a question of saying this or that.
 19 I think it was a belief on the part of, certainly
 20 Statoil, that given the economic importance of In Amenas
 21 to the Algerian economy that the Algerians really would
 22 do whatever they thought was necessary to protect it.**

23 Q. Can I then ask about the Control Risks report that
 24 Statoil had provided to them. Is that something that
 25 was considered as part of the investigation team's

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1 investigation? When you looked at what information was
 2 available did the Control Risks report form part of
 3 that?
 4 **A. Yes, and I think we quote from it in the investigation**
 5 **report.**
 6 Q. Because obviously we have heard, and I think it is the
 7 team's understanding, that the report itself wasn't
 8 provided or shared with BP or with the JV, the JOC, so it
 9 was a document -- the document itself remained within
 10 Statoil's possession and wasn't shared. Did you find
 11 any evidence that the conclusions and views and concerns
 12 expressed within the Control Risks report were provided
 13 to the JOC or to BP?
 14 **A. No, and I wouldn't say we looked for that.**
 15 Q. Did you, as the investigation team, have sight of the
 16 draft report from control risks from March.
 17 **A. No.**
 18 Q. So you were only provided with the final report?
 19 **A. We saw the final report, yes.**
 20 MS GERRY: I am probably only going to be about five more
 21 minutes, sir.
 22 THE CORONER: Fine.
 23 MS GERRY: Can I just ask you to turn to page 364 of the
 24 bundle, Statoil report, so your page 23. Sorry, I am
 25 going to jump around topics somewhat.

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1 I want to ask you about the third paragraph up which
 2 starts:
 3 "One of the terrorist's vehicles drove down the road
 4 and through the entrance to the JGC fly camp."
 5 Do you see that?
 6 **A. Yes.**
 7 Q. It goes on to say:
 8 "This vehicle had a blue light on the roof similar
 9 to those of the vehicles used by JG security
 10 contractors. Once inside the camp the terrorists
 11 conducted a room to room search as they did elsewhere in
 12 the living area."
 13 Are you able to assist, because I am not sure that we
 14 have had any evidence where or on what it's based, the
 15 conclusion or the fact that the terrorists' vehicles
 16 drove down the road through the entrance of the JGC fly
 17 camp?
 18 **A. I am not aware of what that's based on but we can look**
 19 **at it.**
 20 Q. Again, dropping down to the final paragraph:
 21 "A group of 11 employees had already gone to work
 22 before the attack started. They were in the JGC offices
 23 of the in Amenas Compression Project site, a compound
 24 adjacent to the production area. At 05.52 the security
 25 person on the JGC fly camp telephoned to inform that

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1 they are under attack and they should close the gate and
 2 hide which they did."
 3 You were obviously asked about this earlier by
 4 Ms Dolan. I just want to read you an extract from
 5 a witness statement from Mr Awang and see whether this
 6 assists. Page 2 of 7. Mr Awang sets out:
 7 "As my role at the site involved safety and security
 8 I felt duty driven to react and raise the alarm. I then
 9 ran towards the west side of the JGC fly camp where
 10 I saw one of the two Sonatrach security guards, who
 11 I will describe in this statement. This security guard
 12 was the shorter of the two. I told this guard to sound
 13 the alarm which he did by pressing the alarm switch at
 14 one of the signposted alarm points. I along with
 15 everyone else ran to our cabins. I could hear the
 16 gunfire getting closer."
 17 So there Mr Awang describes alerting two Sonatrach
 18 security guards who pressed the alarm in the JGC fly
 19 camp. And obviously in your report you refer to the
 20 security personnel telephoning to inform that they're
 21 under attack. Did you speak to Sonatrach security
 22 guards as part of the investigation?
 23 **A. We didn't, no.**
 24 Q. So can we take it from that that any information you had
 25 in respect of what security guards did or didn't do

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1 would not have come from the guards themselves but would
 2 have come from eyewitnesses telling you what they saw
 3 the security guards do?
 4 **A. Yes.**
 5 Q. Was there a reason why you didn't speak to any of the
 6 Sonatrach security guards?
 7 **A. Because Sonatrach was reluctant to let us do that.**
 8 Q. They specifically say: you cannot speak to any of our
 9 security guards?
 10 **A. They were reluctant to let us speak to their security**
 11 **teams.**
 12 Q. Did they allow you to speak to the drivers?
 13 **A. No, and nor did we ask. I mean, our remit was very**
 14 **clear, and in terms of talking directly to Algerian**
 15 **nationals employed by Sonatrach we did not ask to speak**
 16 **to drivers.**
 17 Q. Would it be fair to say that given the remit of your
 18 investigative team, you were in many ways less concerned
 19 with establishing the actual chain of events, save as it
 20 would assist those who had lost the lives of their
 21 friends and family from the Norwegian side of it, and
 22 more concerned with looking more broadly and more
 23 generally about the security, the failure that there may
 24 or may not have been in the security?
 25 **A. Our aims were twofold. Within the time available to us**

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<p>1 we wanted to establish a sufficient understanding of the</p> <p>2 chain of events on the ground to understand what had</p> <p>3 happened to the Statoil Norwegian nationals, and second,</p> <p>4 to draw some lessons that would be of value to the</p> <p>5 future for the company. That was the chain of events</p> <p>6 part. And the second part, our objective was to look at</p> <p>7 security within Statoil, Statoil security organisation</p> <p>8 and understand how reflecting on what we had seen in the</p> <p>9 In Amenas context we could advise on how they might</p> <p>10 change their organisational set up for the future.</p> <p>11 Q. Did you speak to Lotfi Benadouda who was the general</p> <p>12 manager of the JV at the time?</p> <p>13 A. Yes, we did. I've met Lotfi.</p> <p>14 Q. Did Mr Benadouda give you any information with regards</p> <p>15 to when and how victims were removed from the In Amenas</p> <p>16 site and taken to hospital?</p> <p>17 A. No, he didn't.</p> <p>18 Q. Did you ask?</p> <p>19 A. No, we didn't.</p> <p>20 Q. Did he give you any further information about the convoy</p> <p>21 and who was in which vehicles?</p> <p>22 A. No, he didn't. Would it be helpful if I explained the</p> <p>23 context in which we talked to him?</p> <p>24 Q. Yes, please.</p> <p>25 A. The context in which we talked to him was our site visit</p> <p style="text-align: center;">Page 89</p>	<p>1 a day.</p> <p>2 Q. Was Mr Benadouda the only member of Sonatrach that you</p> <p>3 interviewed or spoke to?</p> <p>4 A. I think he was.</p> <p>5 Q. Can I then just finally ask you about issues about</p> <p>6 insider help, if I can put it that way. First of all,</p> <p>7 in paragraph 9 of the memorandum of the meeting with</p> <p>8 Minister Burt, the very last sentence of that:</p> <p>9 "The minister emphasised the importance of local on</p> <p>10 the ground intelligence and that companies should think</p> <p>11 more about insider threats and local vetting</p> <p>12 procedures."</p> <p>13 Can you assist as to, if you can, a little bit more</p> <p>14 about the discussions that were had in relation to</p> <p>15 insider threats and local vetting procedures and why the</p> <p>16 minister felt it necessary to emphasise the importance</p> <p>17 of that?</p> <p>18 A. I can't remember the precise reason why he wanted to</p> <p>19 emphasise that at that point. I know it was something</p> <p>20 on our mind, as an issue that the investigative team was</p> <p>21 working through, and the view we were taking was that</p> <p>22 anyone operating in an environment such as In Amenas has</p> <p>23 to work on the assumption that there are going to be</p> <p>24 insiders who will report at a certain level what they</p> <p>25 see and what they hear to potential ill wishers. It was</p> <p style="text-align: center;">Page 91</p>
<p>1 to In Amenas. We made two visits. He hosted us on the</p> <p>2 first visit and I think five of us from the</p> <p>3 investigation team went on that visit. The purpose of</p> <p>4 that visit was to walk the ground so we understood how</p> <p>5 the plant, the different elements of the facility</p> <p>6 related to each other, what the terrain looked like, and</p> <p>7 as we interviewed some of the eyewitnesses and they</p> <p>8 described a scene or they said they saw this or that, we</p> <p>9 could relate it to what we ourselves had seen and try</p> <p>10 and make more sense of it.</p> <p>11 Lotfi's role in that was to physically take us</p> <p>12 around the site and in very general terms describe the</p> <p>13 broad sequence of events. So on the first day this is</p> <p>14 where we were and this is broadly what happened. On the</p> <p>15 second day: this is broadly what happened and so forth.</p> <p>16 Our purpose was not to ask him detailed questions at</p> <p>17 that point.</p> <p>18 The summary note we have from our conversations with</p> <p>19 him is far, far less detailed than the witness statement</p> <p>20 that he subsequently provided.</p> <p>21 Q. Less detailed than the witness statement he has</p> <p>22 provided?</p> <p>23 A. Yes, much less detailed and the purpose of our being</p> <p>24 with him, as I say, was to get him to help us walk the</p> <p>25 ground and show us round the site over the course of</p> <p style="text-align: center;">Page 90</p>	<p>1 something, just a theme we were working through at the</p> <p>2 time but I can't remember specifically why Mr Burt would</p> <p>3 have commented on it.</p> <p>4 Q. Did you in the course of your investigation come to any</p> <p>5 views or conclusion about the extent or non extent of</p> <p>6 assistance by employees, ex-employees?</p> <p>7 A. The judgment we came to was that given the clear degree</p> <p>8 of planning that had gone into the attack and the</p> <p>9 behaviour of the terrorists they would have benefited</p> <p>10 from somebody who had, let's say, had visual sight of</p> <p>11 how the facility worked, what its broad layout was, what</p> <p>12 the kind of routines were. We didn't come to a judgment</p> <p>13 that their level of knowledge suggested somebody who had</p> <p>14 what I would call sort of deep access to the facility.</p> <p>15 So we're probably talking about somebody who would have</p> <p>16 driven it, visited from time to time, rather than</p> <p>17 somebody who was a full-time employee working on the</p> <p>18 inside. But that was a judgment we made based on</p> <p>19 terrorist attack planning, not on the basis of specific</p> <p>20 evidence or information.</p> <p>21 THE CORONER: When you say that they would have benefited,</p> <p>22 you mean you concluded they had benefited?</p> <p>23 A. Yes, that's right.</p> <p>24 MS GERRY: Did you not follow through the Prime Minister's,</p> <p>25 the Algerian Prime Minister's comment that a former</p> <p style="text-align: center;">Page 92</p>

<p>1 driver at the plant called Zayid from Niger was one of 2 the terrorists? 3 A. It wasn't a question of following it through. We noted 4 it. And it may have been true, it may not have been 5 true. 6 Q. So you haven't verified whether or not there was a Zayid 7 who used to be employed as a driver? 8 A. We didn't have -- 9 THE CORONER: That would simply be an example of what you 10 are talking about, wouldn't it? 11 A. It could well have been, yes. So it may be true, it may 12 not be true. But, yes, that's the kind of example we 13 would talk about. 14 MS GERRY: Just following on from that, did you have any 15 access to any documentation at the JV so rosters in 16 relation to patrols being done, rosters in relation to guards 17 or anything of that nature? 18 A. No, we didn't. 19 Q. So you had no contemporaneous documents of that type 20 made available to you by Sonatrach or the JV? 21 A. No, we didn't. 22 Q. Sorry, there was one final question. Papa Charlie. Did 23 you in the course of your investigations come to any 24 view or conclusion as to whether or not Papa Charlie was 25 there that morning? We have heard evidence that people</p> <p style="text-align: center;">Page 93</p>	<p>1 contemplate, convenient to you and the staff, a slightly 2 shorter lunch break? 3 THE CORONER: I might do. It is just that Ms Dolan I know 4 has some work to do with Mr Braziel who is following. 5 That will take some time and we put that off to take and 6 she has to have a rest. I think what I have found out 7 is that -- I am mindful of that. I have exchanged notes 8 with her just to see what his availability is for 9 Wednesday because as you know we are not sitting Monday 10 and Tuesday. He is, as I understand it, is available on 11 Wednesday. So that takes that problem. What's the cut 12 off? 13 MR GARNHAM: I haven't asked that exactly. 14 THE CORONER: Can we go to 4.30 for example? 15 MR GARNHAM: Can I have a moment. 16 THE CORONER: Yes, of course. (Pause) 17 MR GARNHAM: I am not going to ask you to stop at a time 18 they have to leave. They recognise they'll probably 19 have to leave about 3 and you are bound to have to go on 20 beyond that and I am not going to ask you to do anything 21 else. It is very helpful to know they won't miss an 22 enormous amount if you are not going to sit until 6. 23 THE CORONER: I think there is one meeting that he can 24 change and if I say not later than 4.30 and if we can 25 foreshorten it more than that, then I will do that too.</p> <p style="text-align: center;">Page 95</p>
<p>1 tried to get in touch with him and he wasn't there, 2 there were no communications from Papa Charlie. Was 3 that something that came to your attention at all? 4 A. You have to explain what Papa Charlie is I'm afraid. 5 Q. In that case the answer is probably no. It is the radio 6 controller on site. It is the person to whom if there 7 are any security risks or any concerns the person you 8 call is Papa Charlie first of all and then, as 9 I understand it, he being in control of the radios can then 10 disseminate information from there. And also if you 11 are leaving the site or coming back you phone into Papa 12 Charlie. When the bus leaves they will say, "Papa 13 Charlie, we're leaving". And, as I understand it, the 14 evidence we have had to date was anyone who did try to 15 get in touch with Papa Charlie, he wasn't there, 16 including at the canteen when Kjell came in and was 17 injured and the guard said, "Don't bother trying to get 18 in touch with Papa Charlie, he's not there." 19 A. I don't think we were aware of that. 20 MS GERRY: Thank you, I have no further questions. 21 THE CORONER: All right. We will break off there until -- 22 MR GARNHAM: I rise only because some of those who instruct 23 me are anxious to hear as much of this afternoon's 24 evidence as possible. They have however to get back to 25 Liverpool tonight. I was wondering if you might</p> <p style="text-align: center;">Page 94</p>	<p>1 I hope that helps. 2 MR GARNHAM: Thank you, sir. 3 THE CORONER: So we'll say 2.20. 4 (1.20 pm) 5 (Luncheon Adjournment) 6 (2.20 pm) 7 THE CORONER: Mr Garnham, I hope this will help a little 8 bit. We won't go beyond this witness, I hope that will 9 help. So there has been an opportunity to see a lot of 10 what he says and plainly if you want to change your 11 place in the order by all means but the moment he is 12 finished -- 13 MR GARNHAM: It is not going to affect us, sir, so thank 14 you. 15 THE CORONER: -- then we will stop. 16 Questions from MS GOLLOP 17 MS GOLLOP: Hello, Mr Fulcher, I represent Belinda Green, 18 the lady over there in the black who is the widow of 19 Stephen Green. I would like to start with one very 20 specific question if I can and it might help you if 21 I just outline the background to it. 22 If you look at page 361 of the Statoil report if you 23 still have it, that bundle in front of you. I think it 24 is the green one. 25 A. You don't have an internal number?</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

1 Q. Certainly. It is internal page 20. Do you see the
 2 column on the left-hand side of the box, and right
 3 towards the bottom the paragraph that begins at 5.45.
 4 If you just read that paragraph through to yourself and
 5 remind yourself of that bit of the attack on the BdV.
 6 (Pause)
 7 So that you can place him Stephen Green is one of
 8 those who was there in the canteen when he was taken
 9 hostage. He is not one of those who made it into the
 10 roof, neither is he one of those who attempted to get
 11 into the roof. He was one of those who at a point quite
 12 close it would seem to when he was taken hostage was
 13 with the injured Norwegian man who we have been
 14 referring to as Kjell. Whether he was with Kjell still
 15 when he was taken hostage is something that is still
 16 unclear. But that is where he was.
 17 The other thing to understand before you answer the
 18 question is that this inquest does not have the benefit
 19 of a report from a security expert. So I am asking for
 20 your help in relation to something very specific and
 21 that is lock down instructions. The inquest has heard
 22 that the instructions that were given to people working
 23 at the facility in the case of an emergency threat and
 24 a lock down was hide, close the door, lock the door,
 25 shut the curtains, eliminate any noise and take cover

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1 and keep quiet.
 2 Insofar as you, from your background, are able to
 3 say, should any advice have been given about whether to
 4 stay or not stay with somebody who is injured?
 5 **A. That's very difficult. Very, very difficult because**
 6 **I am sure that sort of thing depends on circumstances**
 7 **and situations. All I would say is that I've not come**
 8 **across an organisation that I have been involved with**
 9 **where advice of that kind has been given, one way or the**
 10 **other, to stay or not to stay. And on a personal basis,**
 11 **I would regard that as being very much up to the**
 12 **individual concerned, taking regard of the situation**
 13 **they find themselves in. I think that's a deeply**
 14 **difficult personal dilemma. But I've not come across an**
 15 **organisation that has given specific guidance on that**
 16 **one way or the other, probably because it is such**
 17 **a deeply personal and difficult position. The moral**
 18 **dilemmas in there are horrendous.**
 19 Q. Thank you very much. Moving on to something different.
 20 I don't want to ask you about your professional
 21 background really at all in any detail, but if you are
 22 able to, and of course if you are not you must say, but
 23 if you are able to are you able to tell us if you have
 24 any experience of north Africa?
 25 **A. I have visited north Africa on three occasions, twice to**

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1 **Algeria in the context of my work with the investigation**
 2 **and once to Libya in a different context.**
 3 Q. Prior to being involved in the Statoil investigation it
 4 hadn't been an area of the world that had been a focus
 5 for you?
 6 **A. Not at all, no.**
 7 Q. The next question is in relation to expert reports. We
 8 know from reading the Statoil report that the
 9 investigation team had available to it a number of
 10 different sources of expertise; is that right?
 11 **A. We did. We called on a number of people and I think**
 12 **they are listed in the investigation report, to help us**
 13 **broaden our perspectives, challenge our thinking and**
 14 **improve the final quality of the product.**
 15 Q. And did you find that expertise useful when you came to
 16 formulate your thinking?
 17 **A. We found it useful in two areas and these are areas**
 18 **where we have drawn on quite significantly in the final**
 19 **investigation report and I think those two areas were to**
 20 **do with what we called in the investigation report, the**
 21 **road to In Amenas, and they are from Wolfram Lacher,**
 22 **whose other documents I believe may have contributed to**
 23 **the inquest, mapped out the historical background to the**
 24 **different developments in Northern Mali, in Libya and**
 25 **the tribal, cultural historic background to those in**

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1 **a way that we then drew on and fed directly into the**
 2 **chapter where we describe the evolution of Mokhtar**
 3 **Belmokhtar's terrorist group. The way that evolved from**
 4 **the Algerian civil war, the implications of that and the**
 5 **different stages that seemed to take his group to the**
 6 **gates of In Amenas. So that really is reflected in the**
 7 **chapter about the road to In Amenas.**
 8 Q. And the other area?
 9 **A. The other area was really to do with the characteristics**
 10 **of an effective security capability in a company and**
 11 **that was a significant part of our remit on behalf of**
 12 **Statoil, was to give some thought as to how Statoil**
 13 **could improve its own security organisation to reduce**
 14 **the risk of difficult security events and tragedies**
 15 **occurring in the future.**
 16 **So we talked to a number of people, principally in**
 17 **the United States, connected with the CSIS think tank**
 18 **academic institute and through a series of colloquia we**
 19 **got input from a range of group and company security**
 20 **chiefs from different industrial sectors as to what they**
 21 **thought would make a good security organisation. And**
 22 **then we incorporated that into some of our generic**
 23 **comments about the principles of good security risk**
 24 **management based on their observations.**
 25 Q. Thank you. Some specific questions about your

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1 investigations at the site. It may be that you can't
 2 remember but help us insofar as you can. The site visit
 3 that the team undertook in April of last year, roughly
 4 how long was your walk about?
 5 **A. From recollection, I think we probably arrived at about**
 6 **10 in the morning, we probably left about 2 or 3 in the**
 7 **afternoon and we spent the time first of all, if you**
 8 **like, meeting and greeting with Lotfi Benadouda and then**
 9 **walking and being driven around the various locations**
 10 **across the facility.**
 11 Q. I think you told us that there was a team of about five
 12 of you and then Mr Benadouda as well?
 13 **A. Yes.**
 14 Q. Were you supervised by any military or police or
 15 Gendarmes?
 16 **A. No, there was a security presence guarding the facility**
 17 **and the facility was in operation, there were people**
 18 **there, Sonatrach people there manning and maintaining**
 19 **the facility and there was a security presence**
 20 **protecting and looking after them. But we were not**
 21 **supervised or any sense of --**
 22 Q. Being monitored or observed or in any way restricted in
 23 what you could look at or do?
 24 **A. No, we weren't. But we, if you like, set our own**
 25 **parameters quite clearly in advance which was to walk**
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1 **the ground.**
 2 Q. The purpose of your second visit, the one that took
 3 place in August, what was that?
 4 **A. Yes, I didn't attend that visit and that visit was**
 5 **conducted by Lieutenant Colonel Leif Riis who is the**
 6 **physical security lead for the Norwegian army and the**
 7 **purpose of his visit was to go and in detail again walk**
 8 **the ground to support the recommendations he was making**
 9 **for the security arrangements for the future and in**
 10 **doing that he hadn't been able to come with us on the**
 11 **first visit. We felt it was important for him to go**
 12 **out, walk around and see precisely how his**
 13 **recommendations for future security could be implemented**
 14 **on the ground.**
 15 Q. Moving on to something different. You told us earlier
 16 in your evidence that many indicators over the preceding
 17 12 months, that is the 12 months preceding the attack,
 18 were there that suggested that the threat picture was
 19 changing. We have talked about the fall of the Gaddafi
 20 regime in Libya, what were the other indicators that you
 21 had in mind?
 22 **A. The indicators we had in mind, and I think we list some**
 23 **of them in the investigation report, were some of the**
 24 **bomb attacks and some of the events like kidnap of the**
 25 **governor of Ourgla. These kinds of things.**
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1 Q. You said the question arises if you do put yourself in
 2 a mindset where that changed threat picture is apparent
 3 to you. What then do you do, can you answer for us your
 4 own question: had either Statoil or BP had that changed
 5 mental map, as you put it, what reasonably ought they
 6 have done to meet the changed threat picture?
 7 **A. We didn't look at BP's internal arrangements so got no**
 8 **perspective there. When we came to look at Statoil our**
 9 **conclusion was that their internal security capability**
 10 **was very weak and we make a number of observations about**
 11 **that. And in looking at how they were configured, the**
 12 **kind of skills, capacity and capability the company had**
 13 **we didn't see anywhere there where you could bring**
 14 **together a lot of very disparate and sometimes**
 15 **contradictory threat indicators, make an assessment of**
 16 **them in the round in an environment that encourages**
 17 **challenge, open debate, good solid robust discussion and**
 18 **then at the end of it come up with a view about what**
 19 **this means for you as a business and the kind of actions**
 20 **you should be looking to for the future. That the kind**
 21 **of organisational capability you needed to do that**
 22 **simply did not exist.**
 23 **Against that background it was very difficult for**
 24 **individual managers receiving lots of different**
 25 **information inputs and again, sometimes contradictory,**
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1 **watch out for this, or on the other hand watch out for**
 2 **that, to be able to make sense of what was going on**
 3 **around them, particularly in a situation where you have**
 4 **a strategic shift of the threat landscape following**
 5 **events in Northern Mali and events in Libya.**
 6 **So we didn't see the company being equipped to do**
 7 **that and we made recommendations as to how we thought**
 8 **they could address that gap, if you like.**
 9 Q. We will come back to that in a moment, but that's very
 10 much on a macro level. Focusing in on a more micro
 11 level, changed threat picture with this border very
 12 close to the In Amenas facility and what that meant for
 13 the safety of those working at that facility at that
 14 time, that really was what I had in mind with my
 15 question, what should you practically do? Yes, you
 16 should have company big picture thoughts but at some
 17 point you have got to translate that into some sort of
 18 response to a changed threat picture. Did the
 19 investigation team have any thoughts as to what might
 20 have been done as a security response had the threat
 21 picture change been appreciated at the time?
 22 **A. When we looked at the security set up on the ground**
 23 **around the JV I think we came to a similar conclusion as**
 24 **to the one we drew about Statoil itself. In other**
 25 **words, we didn't see a structured process or means for**
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1 pulling together all the available threat information in
 2 a way that, as I say, encouraged discussion, challenging
 3 assumptions and robust debate, that facilitated coming
 4 to some effective conclusions about what the change in
 5 the strategic threat picture meant and following on from
 6 that the kinds of things that people ought to be looking
 7 at thinking about and doing, that there was, if you
 8 like, a gap of governance in the security set up and
 9 security organisation and I think the phrase we use in
 10 the investigation report is that we didn't believe that
 11 the people on the ground at the time had the means
 12 available to them to draw the broader and wider
 13 conclusions that they might have done, or might not, and
 14 there is no guarantee at all with this broader
 15 capability in place you always get the right answers,
 16 but they didn't have that means available to them.

17 THE CORONER: What's that to be found in? Systems,
 18 individuals?

19 **A. It is a combination of systematic process and**
 20 **individuals with the appropriate competence and**
 21 **capability. And again, I think one of the observations**
 22 **we made is that whilst there was a lot of documentation**
 23 **available around risk management, security risk**
 24 **management and plans and so on, in terms of seeing**
 25 **a systematic end-to-end process that was actively used**

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1 and that supported good discussion, that had a means of
 2 collating and looking at a range of different
 3 information inputs we felt there was a gap in the
 4 organisational structure available to the people at the
 5 time on the ground.

6 MS GOLLOP: Let us come at this a slightly different way.
 7 Can I ask you to have a look at internal page 70 of the
 8 report. It is page 411 in the bundle. My perception from
 9 some of your answers is that the way in which that
 10 governance gap hadn't been filled might practically have
 11 mapped itself into action comes at paragraphs under 8.4,
 12 relationship with the military. Where in the first
 13 paragraph you identify the fact at the end of the
 14 paragraph that the JV was not in a position to test its
 15 own planning assumptions because of the limited exchange
 16 of information with the army and in the second
 17 paragraph, in the second half of it you say:
 18 "A system so reliant on the combined effect of inner
 19 and outer security layers requires that the companies
 20 and the military find mutually effective ways of
 21 coordinating planning and exercising."
 22 Is that the practical conclusion of the governance
 23 gap?

24 **A. I think that's a slightly different issue.**
 25 **Q. Right.**

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1 **A. In that this is about the starting point of the whole**
 2 **system of security protection with the outer and inner**
 3 **layers where you are completely reliant on the military**
 4 **for your outer layer. If you're going to be so reliant**
 5 **on the military for your outer layer, then to our mind**
 6 **it was imperative that you had the kind of relationship**
 7 **with them that meant that you could exercise and train**
 8 **together and that in so doing you would understand their**
 9 **planning assumptions, their strengths, their weaknesses**
 10 **and build the kind of joined up, genuinely joined up**
 11 **approach to that inner and outer layer security system**
 12 **that starts to deliver a more robust level of security.**

13 **And I think one of the key words in here for me is**
 14 **mutually, mutually effective. And the reality was that**
 15 **on the ground in Algeria at the time establishing**
 16 **a mutually effective relationship with the Algerian**
 17 **military was extremely challenging and it still is.**

18 **And the difficulty here is that it is a work of**
 19 **years not of days or months. So you can't wait until**
 20 **you have suddenly got a higher security threat warning**
 21 **coming in or you suddenly think your security threat**
 22 **picture has changed, you have to invest in that**
 23 **relationship over the long-term and persuade the**
 24 **military to do the exercises and the training and**
 25 **planning together so that when you come to the point**

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1 that suddenly things look different and you think the
 2 threat has gone up the right contacts are in place, you
 3 know what they're good at, you know what their planning
 4 assumptions are, you know how the QRF is going to
 5 deploy. But you can't get there on day one. You have
 6 to have put years of relationship building into the
 7 contact with the military to get to that point and that
 8 was the message we wanted to give to Statoil.

9 THE CORONER: And it would follow that if you hadn't got or
 10 hadn't yet got to that point where you had got that kind
 11 of relationship with the military, would it follow then
 12 that in your view you would be unwise in those
 13 circumstances to be so reliant on the outer layer of
 14 security?

15 **A. And I think that was behind the observation that there**
 16 **was reason to question the degree of reliance on the**
 17 **outer protection.**

18 MS GOLLOP: I suppose it is fairly obvious but it follows on
 19 from that that if there is reason to question the outer
 20 layers whilst you undertake that long period of work of
 21 building mutually effective ways of ensuring the
 22 effectiveness of the outer layers and that is something
 23 that will take years, you need to make sure that your
 24 inner physical security layer is as strong as possible?

25 **A. Indeed.**

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<p>1 Q. Whilst we have the military in mind, did the 2 investigation team talk to anybody on the military side?</p> <p>3 A. We had the meeting that is referred to in the 4 investigation report with two officials at the Algerian 5 Ministry of Defence where they set out their 6 understanding of the terrorist group, where it had come 7 from and who had been in it.</p> <p>8 Q. Just to be clear, you didn't, for example, speak to 9 Captain Hocine who had been in charge of the Gendarme at 10 the time of the attack?</p> <p>11 A. We didn't, no.</p> <p>12 Q. And nobody else actually in what you might call the army 13 side of the military?</p> <p>14 A. No, we didn't.</p> <p>15 Q. So simply nobody was actually an active participant in 16 protection at the time?</p> <p>17 A. No.</p> <p>18 MS GOLLOP: Thank you very much. 19 Questions from MR GARNHAM</p> <p>20 MR GARNHAM: My name is Garnham and I represent the families 21 of Messrs Barlow, Bilisland, Morgan and Whiteside. 22 I have just three topics to cover with you and they all 23 arise from a single page of your report. I wonder if 24 you could have that in front of you, page 345 in the 25 bundle, internal page 4. At page 345 at paragraph 1.5.1</p> <p style="text-align: center;">Page 109</p>	<p>1 question, namely their asking about the capacity of the 2 Algerian army to perform those functions?</p> <p>3 A. We saw evidence of concerns about deployment priorities 4 and that's where the focus appeared to be, where the 5 Algerian military chose to put its forces rather than 6 the competence or capability of those forces.</p> <p>7 Q. Thank you, that answers my question, but it leads just 8 to the subsidiary question as to what did you learn 9 about those concerns about deployment of those Algerian 10 resources?</p> <p>11 A. Simply that from a Statoil perspective people were very, 12 very focused on making sure that the challenges facing 13 the Algerian military hard up on the Libyan border 14 didn't lead them to reduce the available level of 15 resources around the facility itself and thereby leave 16 the facility unprotected.</p> <p>17 Q. Which leads to my third and final topic. The collapse 18 of the Libyan state didn't just mean, did it, that you 19 lost 50 per cent of the protection of the border, it 20 plainly did that much because there was only one side of 21 the border being guarded. That is right, isn't it?</p> <p>22 A. It is.</p> <p>23 Q. But are we right to understand that in addition the 24 collapse of the Libyan state meant that in the 25 hinterland behind the border there was free run for</p> <p style="text-align: center;">Page 111</p>
<p>1 the report notes that: 2 "The sum of outer and inner security measures failed 3 to protect people at the site from the attacks on 4 In Amenas on 16 January. The Algerian military were not 5 able to detect and prevent the attackers from reaching 6 the site." 7 During the course of your investigation did you 8 receive any evidence that the Algerian military or 9 Gendarmerie were ever aware of the passage of these 10 terrorists across the border and over the 50-kilometres 11 of desert?</p> <p>12 A. No, none at all.</p> <p>13 Q. Thank you. Second, at 1.6.1 you note at the end of that 14 subparagraph that there were strong economic incentives 15 for the Algerian military to continue to protect this 16 critical national infrastructure, and you have explained 17 why that is. That speaks about the incentives to do 18 that task. Did you gather evidence or make enquiry 19 about the capacity of the Algerian army to perform those 20 functions?</p> <p>21 A. We didn't. And we didn't see it as part of our task or 22 our mandate to make enquiries into the Algerian army 23 performance or capability.</p> <p>24 Q. Did you receive or obtain any evidence as to enquiries 25 made by the JV or any party of the JV to test that same</p> <p style="text-align: center;">Page 110</p>	<p>1 those who might want to cause trouble the other side of 2 the border?</p> <p>3 A. It created conditions in which people could organise, 4 plan and locate themselves that had not existed before, 5 so, yes.</p> <p>6 Q. Making easier their passage across the border and making 7 easier, presumably, their choice of route once they got 8 the other side, they could choose wherever they wanted 9 to cross from the Libyan side?</p> <p>10 A. Yes.</p> <p>11 MR GARNHAM: Thank you very much. 12 Questions from MR POPAT</p> <p>13 MR POPAT: Good afternoon, I ask questions on behalf of BP. 14 Just a few matters if I may. Can we just look at 15 a couple of paragraphs in the report first, please, 16 page 20, internal page 20. The box on the right, 17 please. You were asked generally about this and I think 18 you explained that the information that's contained in 19 that box on the right came from some control system logs 20 which had been interrogated by other members of the 21 team. I just want to ask you about a particular 22 paragraph. Having explained in the first paragraph that 23 at 5.49 a bullet hit a high voltage transformer in the 24 living area causing an earth fault and a short circuit 25 and that caused a power black out in the BdV, you then</p> <p style="text-align: center;">Page 112</p>

28 (Pages 109 to 112)

<p>1 explain how that led to an activation of different 2 things in the plant design to shut down. Then in this 3 paragraph, five paragraphs down you say: 4 "In this situation the fire detection system was 5 designed to go into fail safe mode, a process which shut 6 down the emergency generator. This also triggered the 7 fire alarm in the [CPF] and adjacent offices in the 8 production area." 9 Do we take it from your investigations that the 10 bullet hitting the transformer at 5.49 triggered 11 a series of events which led automatically to the 12 security alarm, the fire alarm rather, at the CPF being 13 triggered? 14 A. That was the interpretation on the available data 15 reached by our accident investigation specialist on the 16 team. 17 Q. The second particular topic, on page 22, please. It is 18 the box in the middle of the page underneath the 19 photograph of a large cache of weapons that I think were 20 recovered from some of the terrorists. Under the heading 21 "The terrorists", second sentence, please, it says: 22 "At least one witness remarked that the terrorists 23 did not look as if they had been living in the desert 24 for days." 25 Page 113</p>	<p>1 database when it was integrated by the Statoil 2 investigation team at the time of preparing the report? 3 A. Yes. 4 Q. So if we can find those details that we have and they 5 are the same as appear in the table that has been 6 produced then we will know what you are referring to 7 here? 8 A. Exactly. 9 THE CORONER: I will make it plain, I have access to that 10 and I will do the exercise. 11 MR POPAT: There is with it a map on which we tried to plot 12 where these attacks occurred. 13 Mr Fulcher, turn, please, to page 48 in the report 14 and under the heading "Evolution of physical security 15 measures" you were taken to the second paragraph there. 16 Do you have that? 17 A. The paragraph that begins "The alert levels were 18 reviewed weekly"? 19 Q. No, page 48. 20 THE CORONER: 2009? 21 MR POPAT: 2009. 22 THE CORONER: Are you in the 5.2.4-section? Second 23 paragraph? I think that is where we are? 24 A. In 2009, got it. 25 MR POPAT: 2009 and then there is a detail there. You were Page 115</p>
<p>1 I am assuming that came from one of the witnesses 2 who were interviewed by the Statoil investigation team? 3 A. Yes. 4 Q. Separate topic, page 38, please. It is a paragraph at 5 the end of the page in the section headed "The road to 6 In Amenas" which, as you have explained earlier, was put 7 together with the particular help of Mr Lacher. 8 You make reference or the report makes reference in 9 the penultimate paragraph to the global terrorism 10 database and incidents recorded on it between 2005 and 11 2011 in relation to, if I put it generally, as the 12 report has done, the oil and gas industry. 13 I don't want to go through the detail of the entries 14 on the database but is it right that the database 15 records the 11 incidents you have mentioned in the 16 report over that period and I think all of them were 17 incidents in the north of Algeria? 18 A. I am afraid I don't have a copy of it in front of me, 19 but if you have a copy of it in front of you, I mean the 20 global terrorism database says what it says. 21 Q. I don't want to take up time with you so we have 22 provided a copy of the map and the details from the 23 database. If you can't recall then I won't press you on 24 it, Mr Fulcher, but the matters being referred to here 25 are those matters which appeared on the global terrorism Page 114</p>	<p>1 taken to that paragraph by Mr Ritchie and you explained 2 that the document that you had looked at or the team had 3 looked at again was a document which was an update of 4 a 2007 plan and contained some recommendations. 5 Underneath that paragraph you were taken to there is 6 another paragraph which the team had put in to the 7 report which says: 8 "The full range of security measures recommended at 9 this time was not designed to withstand an attack of the 10 scale and complexity that took place on 16 January." 11 Just picking that point up where it appears later in 12 the report, if we may, page 70, as well the penultimate 13 paragraph on the page under the heading "Inner security 14 measures" you have referred again there to the upgrades 15 that were identified you said in 2009. I am assuming 16 that is based on the same document you have referred to 17 on page 48; is that right? 18 A. It is. 19 Q. And then you talk about these upgrades and you say some 20 had been implemented, others had not and that these 21 planned upgrades to physical security would not have 22 been able to stop this attack? 23 A. That's right. 24 Q. That is the same material you are referring to on 25 page 48? Page 116</p>

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<p>1 A. It is. 2 Q. A separate point. You have explained how the concern 3 had been raised within Statoil post 2011 in 2011 and 4 thereafter about the possible deployment of troops that 5 would have been able to provide more security further 6 away from the borders to the borders because of the 7 breakdown in Libya. It is right that over that time, 8 and after that concern had been identified there were 9 reports, at least, which have been identified in the 10 various documents, of the Algerian military in fact 11 deploying greater numbers of troops to the border and to 12 security within the region generally? 13 A. There were media reports to that effect. 14 Q. I think you have made reference on page 58 to the 15 deployment of 7,000 additional troops to the oil and gas 16 region and we know, because we have seen it, the 17 materials, that there were other references and 18 Dr Spencer explained some of those as well. 19 Then finally, please, page 71, we need to come back 20 to the page before it just to ensure, certainly I have 21 understood your evidence in this regard and where it 22 fits into the report, you were asked questions about 23 the, if I can call it the security management, I think 24 Ms Gollop put it, your answers ended up being about the 25 macro level, as she put it, and I just want to ensure</p> <p style="text-align: center;">Page 117</p>	<p>1 you fully aware of the details which have been provided 2 to this inquest of the liaison between, for example, BP 3 and the liaison team, the publication of various 4 summaries, the production of documents and the 5 interaction? 6 A. We weren't and those documents weren't available to us. 7 Q. Finally, I said we need to come back because it was the 8 page before that you were taken to in this context, in 9 the context of those answers you gave about risk 10 management and particularly the relationship with the 11 military, two points. And it may be because you don't 12 have the experience of Algeria particularly you are not 13 able to put out an answer to this but I'll ask it 14 nonetheless. Were you aware that certainly before this 15 horrific attack the, if you like, the interaction with 16 the military was limited because the military would not 17 be willing to share details of its plans and its 18 capabilities, its resources or to conduct what might be 19 deemed to be ideal joint exercises where everyone is 20 involved in the same process? 21 A. We recognise that the posture taken by the Algerian 22 military made that very difficult. 23 Q. Post this attack we have heard little evidence that 24 there has been, certainly a greater cooperation and 25 engagement between the military and other companies</p> <p style="text-align: center;">Page 119</p>
<p>1 that what you were referring to in your answers about 2 the weaknesses in I think you have said the Statoil 3 system but also at the JV level with risk management are 4 those matters which are identified at 8.6 in the report? 5 A. They are and I think they are identified in a few other 6 places in the report. 7 Q. Yes, if we need to understand what was being said by the 8 authors of the report about those issues we can 9 certainly see it at 8.6. 10 At 8.6, having set out what is set out in the first 11 few paragraphs, you explain in the paragraph below the 12 bullet points that: 13 "The [JV] is responsible for its own security and 14 can draw on resources and expertise from the owner 15 companies as and when required. In practice this 16 happened only to a limited extent and security planned 17 and continued to be handled by an external security 18 contractor." 19 And two paragraphs down from that again you talk 20 about the benefit of regular and systematic interaction 21 between the JV and the owner companies on security 22 issues which would have benefited the security 23 vigilance? 24 A. That was our view. 25 Q. In considering this and setting out those opinions were</p> <p style="text-align: center;">Page 118</p>	<p>1 operating within Algeria, are you aware of that? 2 A. I'm not and I have not followed it up. 3 Q. What you did recognise and you explained to the coroner 4 is that if you are not aware quite of the capabilities, 5 the resources, the effectiveness of the military and you 6 are aware that there may be a gap in your information or 7 you may not be sure that the military can perform as 8 effectively as they can, you would look to other things 9 that might provide additional protections? 10 A. We would expect to see continuing efforts to build 11 a relationship with the military and we would expect to 12 see appropriate physical security measures put in place. 13 MR POPAT: Thank you. 14 MS WATSON: Before Mr Laidlaw asks his questions I just have 15 one or two matters. 16 THE CORONER: Yes. 17 Questions from MS WATSON 18 MS WATSON: Mr Fulcher, my name is Claire Watson and 19 I represent the Metropolitan Police Service. You may or 20 may not be away that the Metropolitan Police Service had 21 no cooperation from the Japanese authorities but 22 I gather from your report that the Statoil team did. Is 23 that right? 24 A. We had available some public documents produced by the 25 Japanese following their own investigations in this.</p> <p style="text-align: center;">Page 120</p>

30 (Pages 117 to 120)

<p>1 I think they have been translated and made available.</p> <p>2 Q. We have available to us a verification report which</p> <p>3 addresses the response of the Japanese government and</p> <p>4 other participants. Is that the only disclosure that</p> <p>5 you have seen?</p> <p>6 A. I think that is the document I was referring to.</p> <p>7 Q. I wanted to just ask whether or not you had had any</p> <p>8 cooperation from JGC as they have been acknowledged on</p> <p>9 page 11 of the report?</p> <p>10 A. We had some contact with JGC and I think, I don't know</p> <p>11 if that is going through the current process of, I am</p> <p>12 not sure what content there is in that and what</p> <p>13 documentation there is around that but we certainly made</p> <p>14 contact with JGC.</p> <p>15 Q. You were specifically asked about some passages on</p> <p>16 page 23 of the report which referred to events in and</p> <p>17 around the JGC fly camp and I understand your answer</p> <p>18 that you are going to and the Statoil team are going to</p> <p>19 look into that a little further. Have you had sight of</p> <p>20 any further evidence from any Japanese workers?</p> <p>21 A. Not that I'm aware of but my understanding is that</p> <p>22 anything available on this that we have from witness</p> <p>23 statements is being reviewed by Mr Laidlaw and</p> <p>24 Mr Ferguson for content that may be relevant to this</p> <p>25 enquiry.</p> <p style="text-align: center;">Page 121</p>	<p>1 the sequence of events.</p> <p>2 Q. That sort of thing?</p> <p>3 A. Yes.</p> <p>4 MR LAIDLAW: That's all from me.</p> <p>5 THE CORONER: All right. Thank you very much indeed.</p> <p>6 Thank you.</p> <p>7 (The witness withdrew)</p> <p>8 THE CORONER: Mr Barr, I should just say for the record that</p> <p>9 having compared the two versions of the document that</p> <p>10 the witness referred to my view is that there is nothing</p> <p>11 material or of any value at all to the inquest in what</p> <p>12 has been edited from the copy that was circulated.</p> <p>13 MR BARR: I am grateful, sir.</p> <p>14 THE CORONER: So 10.15 Wednesday. Mr Garnham, we are</p> <p>15 pursuing and indeed were pursuing in any event the</p> <p>16 matters that you raised and hopefully we will have some</p> <p>17 progress by Wednesday.</p> <p>18 MR GARNHAM: I am grateful, sir.</p> <p>19 MR OWEN-THOMAS: Sir, before you rise may I just enquire</p> <p>20 really, not so much of you, but my client has been</p> <p>21 waiting for, as others have I think, some answers to</p> <p>22 questions which were being facilitated by Statoil.</p> <p>23 I wonder if there is any update to that, I know he is</p> <p>24 quite anxious to have those if possible.</p> <p>25 THE CORONER: Yes.</p> <p style="text-align: center;">Page 123</p>
<p>1 MS WATSON: Thank you.</p> <p>2 Questions from MR LAIDLAW</p> <p>3 MR LAIDLAW: Just one topic from me, sir. You have been</p> <p>4 keeping I think abreast of the evidence, have you not,</p> <p>5 that the coroner has been hearing during the course of</p> <p>6 the last few weeks?</p> <p>7 A. As much as I can, yes.</p> <p>8 Q. And also of the various issues or the principal issues</p> <p>9 which have been raised in cross-examination of the</p> <p>10 witnesses?</p> <p>11 A. Some, yes.</p> <p>12 Q. Has anything that you have heard or read caused you to</p> <p>13 reach the view that any of the main conclusions in the</p> <p>14 Statoil report fall to be revised or reconsidered?</p> <p>15 A. I think in terms of the judgments we arrived at around</p> <p>16 the observations and the recommendations that follow</p> <p>17 from those judgments I haven't heard anything that</p> <p>18 I think would cause the investigation team to change</p> <p>19 their conclusions. I think we have become aware of</p> <p>20 things in terms of the detail of the sequence of events,</p> <p>21 either based on witness evidence that wasn't available</p> <p>22 to us, photographs that weren't available to us, which</p> <p>23 means I think we are of a view that the Metropolitan</p> <p>24 Police have a better understanding of some of the</p> <p>25 precise location of vehicles and some of the detail of</p> <p style="text-align: center;">Page 122</p>	<p>1 MR OWEN-THOMAS: I have asked a number of times, not in open</p> <p>2 court so to speak.</p> <p>3 THE CORONER: No.</p> <p>4 MR OWEN-THOMAS: But I thought now was the time to.</p> <p>5 THE CORONER: Either when we have finished Ms Dolan and</p> <p>6 I are just going to go through what we think are some</p> <p>7 outstanding matters. Are these things that I know</p> <p>8 about?</p> <p>9 MR OWEN-THOMAS: They have been raised but they are being</p> <p>10 dealt with, if you like, outside of the disclosure</p> <p>11 process and I shall not name names or go into details</p> <p>12 because one of the reasons why it was being kept out of</p> <p>13 the formal process was at Statoil's request in that</p> <p>14 respect. But I thought maybe now would be a good chance</p> <p>15 to get an update on that.</p> <p>16 MR FERGUSON: Sir, can I deal with that. The request</p> <p>17 relates to certain questions that Mr Green would like to</p> <p>18 be asked be put to the injured Norwegian gentleman and</p> <p>19 we have through Statoil communicated those questions</p> <p>20 directly to him. Our understanding is he is likely to</p> <p>21 respond favourably and we are awaiting that response.</p> <p>22 THE CORONER: There you are. Thank you very much.</p> <p>23 MR OWEN-THOMAS: Thank you, sir.</p> <p>24 THE CORONER: Thank you all for your help this week and it</p> <p>25 is Wednesday at 10.15.</p> <p style="text-align: center;">Page 124</p>

1	(3.10 pm)	
2	(The inquest adjourned until Wednesday, 29 October at	
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