
CRANSTON INQUIRY
OPENING STATEMENT ON BEHALF OF THE BEREAVED FAMILIES AND SURVIVOR

A. INTRODUCTION

1. Shortly after sunset on 23 November 2021, at least 33 people left dilapidated camps in Northern France. Many were exhausted, having already endured arduous journeys just to get there. They walked slowly under cover of darkness along abandoned train tracks to the long beach at Plage de la Digue du Braek, from where they would embark on what would be – for all but two – their final journey. The men, women, and children who crammed on to a small, unsafe boat that night were fathers, mothers, brothers and sisters; peoples’ loved ones; peoples’ friends. All made the journey in hope for the future. Kazhal Ahmed Khidhir Al-Jamoor left with her three children, Hadiya, Mubin and Hasti. Mhabad Ali Ahmed took a photo of herself and her friend Maryam ‘Baran’ Noori Mohammedameen, and sent it to her mother in Kurdistan: two young women smiling, just as anywhere else, sending a message of reassurance to a parent.¹ These are just two examples. None could have possibly known the fate that would await them that night. This Inquiry will hear directly from our clients – the families bereaved by the events of the night of 23/24 November 2021 – of the profound impact of their loss. And it will hear from our client Issa Mohammed Omar, one of just two who survived, of the ordeal he suffered over 14 hours in the bitter, freezing, waters of the Dover Strait.
2. A few hours into the journey, the boat began taking on water. Those on board made urgent distress calls to emergency services in the UK and France. One of the victims on the phone with His Majesty’s Coast Guard (“HMCG”) pleaded “*they are in the water.. We are dying, where is the [rescue] boat?*”² A Mayday Relay was issued, but a nearby French Navy vessel failed to assist. A Border Force Cutter was sent to rescue the boat, but abandoned its search having recovered three other boats, none of which matched the level of distress or desperation heard on the calls made by those on board. UK and French authorities failed to act with the urgency and coordination required to save lives. Systems were overwhelmed, calls were missed, and assumptions were made. How many of those on the boat had perished by the time the search was abandoned and how many remained alive can never be known. Such uncertainty magnifies grief. In the words of Hussein Mohammedie, the father of Mohammed Hussein Mohammedie:³

¹ INQ010132, EX-BHSA1.1 dated 24 November 2021; INQ010211, Witness Statement of Bayan Hemedemin Saleh Ahmed dated 5 December 2024, §13.

² INQ007655, Transcript of call between Neal Gibson and *Charlie* dated 24 November 2021 (02:31).

³ INQ009641, Witness Statement of Hussein Mohammedie dated 25 October 2021, §38.

Imagine your child gets into trouble in the water, and you are not there and cannot help him. Imagine he stays in the water for 12 hours, and no one comes to his rescue. This is what we are always thinking about. It always stays in the front of your mind; the effect is there always. It makes life more difficult; when you lose someone you will always remember the grief.

3. In the early hours of 24 November 2021, the small boat became swamped and everyone – men, women and children – entered the water. There were the clearest of indications throughout that the boat was sinking and that lives were in imminent danger. Despite this, both UK and French authorities failed to act with the urgency and coordination required to save lives. Systems were overwhelmed, calls were missed, assumptions were made, and ultimately, the search for people in distress was terminated. At least 27 bodies were later recovered. Three of our clients’ family members were never found. There were just two survivors. One has bravely come forward and is represented at this Inquiry. His evidence indicates that the official list of the dead and missing may well be an underestimate.⁴
4. This Opening Statement will set out the central concerns of the Bereaved Families and Survivor arising from the tragedy of 24 November 2021, and the issues they invite the Inquiry to investigate fearlessly over the coming weeks. The Bereaved Families and Survivor fought hard to instigate this Inquiry and have waited over three years for it to begin. They are sincerely grateful to the Chair and his team for their industry and dedication in bringing it to fruition. This statement is structured as follows:
 - 4.1. **Section B** makes several points about the purpose of this Inquiry, which the Bereaved Families and Survivor submit should guide the approach taken to these proceedings.
 - 4.2. **Section C** outlines evidence which shows that, prior to the tragedy, it was entirely predictable that a catastrophic event involving mass casualties in the English Channel would occur, and that there was a well-recognised risk of the authorities with responsibility for protecting life at sea being overwhelmed and ill-equipped to respond.
 - 4.3. **Section D** summarises the litany of systemic and operational State failings which contributed to the disaster on 23/24 November 2021 which emerges from the evidence already before the Inquiry and leads to the crushing conclusion that this tragedy was also preventable.

B. THE PURPOSE OF THE INQUIRY

5. The Bereaved Families and Survivor make two preliminary points as to the Inquiry’s purpose:
 - 5.1. First, at its most fundamental, this Inquiry is about giving the deceased and the Bereaved Families and Survivor a voice. The Inquiry will hear repeated reference to “*incident Charlie*”, which was

⁴ INQ007630, p. 9, which confirms that there was a telephone conversation between “*Mubin*” and Neal Gibson at 01:48 on 24 November 2021, during which “*Mubin*” stated that there were “*40 people*” on the boat.

the designation given by Maritime Rescue Coordination Centre (“MRCC”) Dover in its incident management system to the small inflatable boat carrying the victims and survivors. But this was a search for – and failure to find – people. The Inquiry must not lose sight of that reality. As our client Emebet Kefyalew explains, nothing can bring her husband Fikeru back, but she hopes that “*those who are responsible will understand how serious this is and understand that the people on that boat were humans as much as anyone else*” and that “*no daughter, no son, no mother, no father, no wife, no sibling*” deserves to endure the pain she experienced.⁵ The Bereaved Families and Survivor enter this process in grief, but with resilience, and hope for truth and justice. In the words of the survivor, Issa Mohammed Omar: “*I feel a lot of responsibility to the families of the victims who lost their lives on 23/24 November 2021. I believe that I survived partly to be the voice of these people and to fight to make sure that refugees are not neglected in this way again*”.⁶ The voices of our clients – and the memories of those they loved and lost that night – must form the heart of this Inquiry.

- 5.2. Second, this Inquiry has been established to discharge the UK’s duty to protect the lives of all those in its jurisdiction. The duty to save life at sea is centuries old, reflective of customary international law.⁷ The UK Government has long recognised that it is a moral, as well as a legal obligation. The Human Rights Act 1998 further requires the State to fulfil its obligation to protect life at sea. The right to life requires the Inquiry to undertake the vital task of investigating the circumstances of the victims’ deaths, identifying what went wrong, and ensuring that lessons are learned from this tragedy for the future. These are duties which must be fulfilled without discrimination as to nationality, race, or immigration status. It is central to the duty to “*ensure assistance*” under International Convention on Maritime Search and Rescue 1979 (“**SAR Convention**”) that it applies to “*any*” person in distress at sea; and that it does so “*regardless of the nationality or status of such a person or the circumstances in which that person was found*”. The SAR Convention was aimed at developing an international SAR procedure, so that, no matter where an accident occurs, the rescue of persons in distress at sea would be coordinated by a SAR organisation and where necessary, with cooperation between neighbouring SAR organisations. This is an obligation upon the authorities directly to ensure that assistance “*be provided*” and is a duty of result, to effect assistance.

⁵ INQ009639, Second Witness Statement of Emebet Kefyalew dated 7 November 2024, §§55-56.

⁶ INQ010388, Witness Statement of Issa Mohammed Omar dated 3 January 2025, §140.

⁷ See Papanicolopulu, “The historical origins of the duty to save life at sea in international law”, *Journal of the History of International Law* 24 (2022) pp149-188. The duty is given modern expression in the Convention on the High Seas 1958; the International Convention for the Safety of Life at Sea 1974 (“SOLAS”); the International Convention on Maritime Search and Rescue 1979 (“SAR Convention”); and the UN Convention on the Law of the Sea 1982. It is central to the duty to “*ensure assistance*” that it applies to “*any*” person in distress at sea; and that it does so “*regardless of the nationality or status of such a person or the circumstances in which that person was found*”.

5.3. In the absence of safe routes to the UK, and given increasingly hostile and desperate conditions for migrants in Northern France,⁸ people continue to undertake potentially deadly journeys across the English Channel in their thousands and in increasingly overloaded boats.⁹ And people continue to die. The International Organisation for Migration estimates that at least 82 people died attempting to cross the Channel in 2024.¹⁰ The Inquiry's mandate to prevent future deaths is of fundamental importance.

C. THE DISASTER WAS PREDICTABLE

6. The Inquiry will hear that the month of November 2021 saw unprecedented numbers of people crossing the Channel in small boats. But, when viewed in its proper context, it is clear that a catastrophic event involving mass casualties in the English Channel was predictable at the time.
7. First, the number of people crossing on 23 November 2021 was not especially high for the period. People began attempting to cross the English Channel in small boats in around 2018, as a direct result of UK-French securitisation measures. As demand grew, so too did commercialisation, and the exploitation of human beings. What began as small self-organised crossings quickly became operations organised by smugglers with 30-40 people on board flimsy vessels.¹¹ There is also evidence that the increase in numbers of those on-board small boats was “*at least partly the result of increased disruption by French law enforcement of the smugglers' supply chains, and of the increasingly militarised tactics employed by French law enforcement along the Northern French coastline.*”¹² From the middle of 2021 there was a particularly steep general increase in the numbers of individuals arriving to the UK via small boat. At a more granular level, a pattern had emerged across 2020-2021 whereby no crossings occurred across day-long or week-long periods, but there were intense crossing activity periods during times of good weather and low wave height: “[*t*]he frequency of migrant crossings was closely related to the sea state rather than the seasons”.¹³ Indeed, a spike in numbers had also occurred during November 2020, when 567 people crossed over 6 days. Between August and 23 November 2021, there were 18 occasions

⁸ On the conditions migrants face in Northern France see, for example, INQ009645, Witness Statement of Nikolai Posner dated 11 November 2024, at §51; INQ009647, Witness Statement of Imogen Hardman dated 25 October 2024, at §§47-75; and INQ009644, Witness Statement of Mael Galisson dated 11 November 2024, at §12.

⁹ The Government's own evidence today suggests that small boat crossings have increased significantly since 2020, and the crossings have become “*increasingly dangerous*” and saw “*a record number of fatalities in 2024*”, HM Government Policy Paper, ‘Border Security, Asylum and Immigration Bill: overarching information factsheet’ (30 January 2025) available at <https://www.gov.uk/government/publications/border-security-asylum-and-immigration-bill-2025-factsheets/border-security-asylum-and-immigration-bill-overarching-information-factsheet#fn:1>

¹⁰ See data collected by the Missing Migrants Project run by the International Organisation for Migration, publicly available at: https://missingmigrants.iom.int/region/europe?region_incident=4061&route=3896&year%5B%5D=13651&incident_date%5Bmin%5D=2024-01-01&incident_date%5Bmax%5D=2024-12-31

¹¹ INQ009645, Witness Statement of Nikolai Posner dated 8 November 2024, §§41-43, 83.1-83.2. In particular, note, an increase from 299 recorded arrivals in 2018 to 28,526 recorded arrivals by 2020.

¹² *Ibid.*, §§83.1-83.2.

¹³ INQ010445, MAIB Report, p. 32.

when more than 400 people crossed on a single day. On 21 August, 869 people crossed. On both 11 and 16 November, over a thousand people made the journey in unsafe boats. The number of people who crossed the Channel on 23/24 November 2021 – 757 – was not particularly high for the period.¹⁴

8. The trends in crossings made it predictable *at the time* – and not just with the benefit of hindsight – that the UK’s SAR function, whose capacity did not substantially change during 2020-2021, would be overwhelmed.
9. Second, the risks of overwhelm had been recognised by the relevant public authorities. As early as December 2018, the then Home Secretary had declared small boat crossings a “*major incident*.”¹⁵ But HMCG did not do so,¹⁶ in spite of the fact that its “*Major Incident Plan*”, published over a year before the tragedy in October 2020, identified “*the search for, or rescue of, large numbers of people from (for example.... many small craft in distress simultaneously in a geographic region*” as a “*risk type*” with the potential to constitute a “*major incident*”¹⁷ under the 2004 Civil Contingency Act. The IAMSAR¹⁸ Manual, which HMCG had committed to follow, also emphasised that it was “*essential to plan for the effective use of additional resources*” where there was a risk that “*the capabilities normally available to search and rescue authorities [would be] inadequate*”
10. As early as September 2020, the minutes of a meeting between HMCG and their French counterparts recorded both had “*insufficient assets to deal with heavy days*”.¹⁹ In June 2021, a representative of the Border Force Maritime Command wrote in an email that, given the increasing number of migrant boats crossing the Channel (including in increasingly unstable sea states) it was “*only a matter of time*” before the authorities would have to deal with so-called “*non-survivors*” and asked for guidance on matters such as the transfer of bodies ashore given there was “*a lot of public surveillance*” of operations in Dover.²⁰ By July 2021, officials recorded that they were facing a “*humanitarian crisis waiting to happen*”, and that it was “*amazing that more people [hadn’t] lost their lives already*.”²¹ By August 2021, senior management within HMCG had decided that MRCC Dover needed 24 additional

¹⁴ For example: on 3 November 2021, 853 people crossed; on 11 November 2021, 1250 people crossed; on 16 November 2021, 1168 people crossed; and on 20 November 2021 886 people crossed. Numbers taken from time-series data published by the Home Office, which is publicly available at <https://www.gov.uk/government/publications/migrants-detected-crossing-the-english-channel-in-small-boats>.

¹⁵ Statement by the Home Secretary, on ‘Migrant Crossings’, Hansard, 7 January 2018, col 85. See also INQ010445, MAIB Report, p. 31, para 1.8 (“*This decision brought national attention to migrant boat crossings, introduced ministerial briefings and allocated resources to the effort to detect and recover the migrants*”).

¹⁶ INQ0100198, First Witness Statement of Matthew Leat, dated 1 November 2024, §1.22 (“*there is a distinction between a Home Office major incident and an event that HMCG would classify as such*”).

¹⁷ INQ000415, HMCG, *Major Incident Plan*, version 3, dated 1 October 2020, p. 6, §3.5.

¹⁸ International Aeronautical and Maritime Search and Rescue Manual, Volume 1, 2019 Edition (as in force).

¹⁹ INQ000217, Migrant Activity Interoperability Meeting between HMCG and CROSS Gris-Nez on 30 September 2020, p. 2. See also INQ010093, Witness Statement of Dr Jacob Berkson (Alarm Phone) dated 18 November 2024, §§35, 48 (regarding French resources).

²⁰ INQ002063, Internal Home Office email dated 27 June 2021, ‘Deveran - Revised Op Order’, p. 1.

²¹ INQ004900, Notes from Department for Transport meeting dated 29 June 2021.

coastguard officers and a dedicated team to oversee small boat activity. But the recruitment drive had not achieved that objective by November of that year.²² Despite these concerns and the obvious risks involved, it was not until November 2021 that the Maritime Coastguard Agency (“MCA”) added a “*new risk*” to its Corporate Risk Register, identifying that HMCG might “*become overwhelmed due to unquantifiable levels of migrant channel crossing activity occurring during period of good weather*” and that the consequences of that would be “*loss of life, resulting in reputation damage and possible legal challenge*”.²³

11. These risks were known to the relevant authorities, yet they failed to acknowledge and act on them. Major incident planning was not conducted. Training was not undertaken. The reasons for those failings are matters which the Inquiry will be required to examine in oral evidence: ascertaining the causes and impact of those failings are central to the Inquiry fulfilling its Terms of Reference and the requirements of Article 2 ECHR.
12. Third, the Home Office’s prioritisation of border enforcement and securitisation distracted from the importance of the protection of life at sea, and materially increased the risk to life in the English Channel. Under Operation Deveran, UK Border Force (“UKBF”) was charged both with carrying out SAR functions under HMCG’s direction, and with immigration enforcement at sea. Although the Operation Deveran Operational Order identified the safety of life at sea as an overarching priority, training and resources were directed at enforcement tactics, and not SAR.²⁴ UKBF developed a policy of “*pushbacks*” (termed Operation Sommen, referred to herein as “**the Pushbacks Policy**”) – under which it was intended that UKBF officers on jet skis would physically force small boats back across the median line into French waters.²⁵ The Pushbacks Policy’s Standard Operating Procedure dated 22 July 2021 recognised that the use of the policy “*increases the risk to life at sea*”.²⁶
13. The MCA and HMCG objected on the basis that the policy would endanger life at sea. They defined all boats crossing the median line to be in distress until assessed as otherwise, due to “*the inherently unsafe nature of these crossings*”.²⁷ In May 2020, the MCA recorded the Pushbacks Policy on its Corporate Risk Register as potentially resulting in a “*very significant*” risk to the safety of life at sea.²⁸ An MCA briefing note from the same month set out concerns that the tactics conflicted with the UK’s legal

²² INQ010445, MAIB Report, pp. 44-45, §1.11.9.

²³ INQ000167, MCA Corporate Risk Register dated 24 June 2022, p. 24.

²⁴ INQ000619, Operational Order (Maritime Plan) dated 15 May 2019.

²⁵ INQ002931, Combined SOP for preventing small boats progressing through UK territorial waters dated 8 July 2021.

²⁶ INQ003312, Combined SOP for preventing small boats progressing through UK territorial waters dated 22 July 2021, p. 7.

²⁷ INQ010098, First Witness Statement of Matthew Leat dated 1 November 2024, §3.4.

²⁸ *Ibid.*, §2.59.

obligations under SOLAS and identified the risks involved with having more than one tasking authority overseeing the response to small boats.²⁹

14. Notwithstanding those concerns, the Home Office continued to pursue the ‘pushback’ agenda and sought to enlist the MCA’s assistance to do so. For example, the MCA’s records show that in March 2021, the Home Secretary told MCA officials they needed to do “*all that [they] could support the Home Office being able to turnaround migrants to France*”.³⁰
15. Importantly, the Pushbacks Policy had a detrimental impact on the maritime relationship with France, at a time when it was obvious that “*any reduction in French cooperation could manifestly increase the number of migrants making it to the UK*”.³¹
16. The Pushbacks Policy was due to be rolled out on 21 November 2021. It was unceremoniously dropped by the Government in April 2022 following legal challenges, the tactics having never been deployed.³² Valuable time and resources were wasted on a dangerous plan which would have directly placed lives at risk, when these should have been focussed on saving lives. The Bereaved Families and Survivor are heartened by the Inquiry’s intention to explore how the Pushbacks Policy impacted the development of plans and the deployment of assets and other resources in response to small boat crossings at the material time.

D. THE DISASTER WAS PREVENTABLE

17. Flowing from the high-level policy failure to focus time and resources on improving SAR function in the Dover Strait, a concatenation of systemic and operational failures contributed to the disaster on 23/24 November 2021. The investigation of these linked failures is central to the Inquiry’s task, and the Bereaved Families and Survivor look forward to seeing this task undertaken fearlessly. What follows is a summary of the concerns held by the Bereaved Families and Survivor at this stage, and prior to the commencement of witness evidence.

(i) Staffing levels

18. The levels of suitably qualified staff at MRCC Dover were patently inadequate. The SAR Convention required Rescue Coordination Centres (“**RCCs**”) to be “*operational on a 24h basis and constantly*

²⁹ INQ001047, MCA Briefing Note: Small Boats dated 1 May 2020.

³⁰ INQ000167, MCA Corporate Risk register dated 24 June 2022, p. 22.

³¹ INQ003508, Memo sent by Clandestine Channel Threat Command to the Home Secretary dated 28 September 2021, ‘Maritime tactics: outstanding issues’, p. 9, §8.

³² The potential legal flaws in the use of force policy were recognised well earlier – on 16 September 2021 the Chief Technology Officer stated in an email to the Home Secretary “*there are a number of outstanding legal questions, but this will not prevent deployment of the tactics*” (INQ003508, Memo sent by Clandestine Channel Threat Command to the Home Secretary dated 28 September 2021, p. 6.)

staffed by trained personnel".³³ Rescue sub-centres were required to be sufficiently staffed to complement RCCs in the discharge of that duty.³⁴ Yet staffing levels at MRCC Dover were "*a constant issue*":³⁵ there was high turnover, leading to "*shortages of personnel to deal with the tempo of crossings*",³⁶ and notwithstanding purported reliance on network support and "*zone-flexing*", staff were frequently working overtime,³⁷ and unable to take mandated breaks during shifts.³⁸ Rather than assigning more staff, HMCG's initial response was to reduce MRCC Dover's remit (i.e. by reassigning Maritime Zones 11 and 13).³⁹ However, as one of the Maritime Operations Officers observed: "*we don't need things taken away from us... we just need more fully qualified operators*".⁴⁰ Operational⁴¹ and senior personnel recognised the "*insufficiency of qualified staff*"⁴² and the need to increase staff levels to manage the increase in small boat crossings.⁴³ Indeed, there was evidence that fatal and near-fatal incidents took place in 2021 in circumstances where no Search and Rescue Mission Coordinator ("**SMC**") was present at MRCC Dover.⁴⁴

19. In the days prior to 23/24 November 2021, there were repeated concerns that "*amber*" days were becoming as busy as "*red*" days, but resourcing and staff planning did not reflect that concern. On the night itself, David Jones was the only Maritime Tactical Commander on duty (satisfying only the minimum requirement, which was "*not uncommon*"⁴⁵); Neal Gibson was the only SMC on shift at MRCC Dover (which fell below suggested seasonal levels); there was no Senior Maritime Operations Officer ("**SMOO**") on shift;⁴⁶ Stuart Downs had not completed his Incident Response qualification;⁴⁷ and the Trainee Maritime Operations Officer ("**MOO**"), who should not have been operational, was

³³ Annex to the SAR Convention, 2.3.3 ("*Each rescue co-ordination centre shall be operational on a 24-hour basis and be constantly staffed by trained personnel having a working knowledge of the English language*").

³⁴ *Ibid.*, 1.3 (defining "*Rescue sub-centre*" as "*A unit subordinate to a rescue co-ordination centre established to complement the latter according to particular provisions of the responsible authorities*").

³⁵ INQ010142, Witness Statement of James Crane dated 19 November 2024, §§49, 51. See also INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §28; INQ000178, INQ000179, INQ000180, INQ000203, INQ000204, INQ000206, Migrant Red Day planning meetings (11 September 2020 – 22 November 2021) (during which concerns about staffing levels were repeatedly raised).

³⁶ INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §§19, 45, 48-49.

³⁷ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §28; INQ009634, Witness Statement of Richard Cockerill dated 31 October 2024, §32.

³⁸ INQ009628, Witness Statement of Dominic Golden dated 24 October 2024, §63; INQ010098, First Witness Statement of Matthew Leat dated 1 November 2024, §5.64.

³⁹ INQ000411, Email from Helen McCaffery to HMCG All Stations dated 19 November 2021, 'MRCC Dover – Operational network support'.

⁴⁰ INQ010343, Email from Maritime Operations Officer to James Crane dated 1 December 2021, 'Migrant TNA'.

⁴¹ INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §50; INQ010142, Witness Statement of James Crane dated 19 November 2024, §50.

⁴² INQ010138, Witness Statement of David Jones dated 18 November 2024, §37.

⁴³ *Ibid.*, §29; INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §28; INQ010142, Witness Statement of James Crane dated 19 November 2024, §50.

⁴⁴ INQ010208, Witness Statement of Stuart Downs dated 2 December 2024, §52; INQ008553, Operational Learning Report ("**OLR**") dated 16 September 2021.

⁴⁵ INQ010138, Witness Statement of David Jones dated 18 November 2024, §13.

⁴⁶ INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §§23, 50.

⁴⁷ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §55.

required to undertake significant operational responsibilities.⁴⁸ Richard Cockerill, an SMC-qualified Team Leader who started his shift as MOO early the next morning (in response to a request to work overtime),⁴⁹ “*quickly became of great assistance... as a very much needed extra pair of hands*”.⁵⁰

20. As a result of the low staff levels, operational processes and incident oversight faltered: for example, entries on HMCG’s command and control system, ViSION, were not completed⁵¹ (see further §39 below), and the “Review, Assess, Guidance” (“**RAG**”) procedure, a key component of SAR oversight, and indeed, the only mechanism for contemporaneous review of SMC decision-making, was rendered “*not practicable*”.⁵²

(ii) Staff training

21. The provision of training for staff was also seriously lacking. The IAMSAR Manual specified that “*training and experience are crucial to a proper SAR response*”. However, there was no formal training for HMCG staff on small boat crossings,⁵³ or on coordinating multiple distress incidents and managing multi-agency assets.⁵⁴ Despite witnesses referring to the unique challenges posed by such operations,⁵⁵ staff were not provided the training needed to enable them to cope under the considerable pressures of dealing with small boat incidents. That lack of specific training came to the fore on the night.

(iii) Surveillance

22. MRCC Dover was short on eyes, as well as hands. Despite recognition that aerial surveillance was *essential* to generating a maritime picture to enable informed decision-making and reconciliation of incidents,⁵⁶ contingencies were not put in place for occasions when surveillance fixed-wing aircraft could not fly – which occurred on the night due to bad weather. In the event, a helicopter (R163) was not tasked until 02:41, and even then, the Aeronautical Rescue Coordination Centre (“**ARCC**”) was reliant on its “*good relationship*” with Captain Christopher Trubshaw for R163 to become airborne that night.⁵⁷

⁴⁸ INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §73; INQ010142, Witness Statement of James Crane dated 19 November 2024, §§34-35.

⁴⁹ INQ009634, Witness Statement of Richard Cockerill dated 31 October 2024, §32.

⁵⁰ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §168.

⁵¹ INQ010212, Witness Statement of George Close dated 6 December 2024, §27.

⁵² INQ010138, Witness Statement of David Jones dated 18 November 2024, §71. In relation to the RAG procedure generally, see *ibid*, §§67-69. In relation to review of incident *Charlie*, see INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §191.

⁵³ INQ010138, Witness Statement of David Jones dated 18 November 2024, §4; INQ010140, Witness Statement of Christopher Barnett dated 18 November 2024, §6; INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §11; INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §13.

⁵⁴ INQ010445, MAIB Report, p. 39.

⁵⁵ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §21; INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §13; INQ010140, Witness Statement of Christopher Barnett dated 18 November 2024, §6.

⁵⁶ INQ009628, Witness Statement of Dominic Golden dated 24 October 2024, §75.

⁵⁷ INQ010138, Witness Statement of David Jones dated 18 November 2024, §54.

23. The SAR Convention obliged the “*closest practicable co-ordination between maritime and aeronautical services so as to provide for the most effective and efficient search and rescue services*”.⁵⁸ In the absence of aerial surveillance, MRCC Dover recognised that it was “*effectively blind*”, which had “*the potential to be very dangerous*”.⁵⁹ While the Aeronautical Tactical Commander considered that certain Home Office / Home Office tasked assets (RVL and Tekever) were not an option⁶⁰, it appears that there was an RVL asset flying for surveillance purposes in the vicinity of the UKBF cutter, the *Valiant*, between 22:05-04:25 on 23/24 November 2021.⁶¹ Again, the interests of border enforcement appear to have taken precedence over human safety. As James Crane, Team Leader and SMC during the day shift, observed in the aftermath: “[t]he lack of air cover proved to be a significant deficit to us as we were not able to maintain an overwatch of targets, nor have a running commentary from the aircraft”.⁶²

(iv) Call handling

24. The SAR Convention obliged HMCG to ensure it was “*capable on a 24 hour basis of promptly and reliably receiving distress alerts from equipment used for this purpose within [the UK’s] SAR region*”.⁶³ The handling of incoming calls from small boats generated issues in relation to information requested, information provided, and the monitoring of all relevant call lines. Crucially, HMCG had no adequate system to identify whether boats had made repeat calls – including by giving the caller a reference to use. There was no system in place for providing practical advice during phone calls to improve survivability in the event of cold-water immersion.⁶⁴

25. Despite the obligation to receive distress alerts both promptly and reliably, MRCC Dover missed several calls to the standalone mobile phone from numbers associated with incident *Charlie*: telephone number ‘M2’ at 02.04 and 02.10⁶⁵ (after the boat had begun to take on water and had entered into the UK Search and Rescue Region (“UKSRR”)) and telephone number ‘M5’⁶⁶ (the latter at or very shortly before the time the victims and survivors entered the water). While the MRCC Dover mobile phone was “*not intended to be used as a communication device beyond to provide positional information*”⁶⁷, Neal Gibson accepts that it was “*inevitable that those on small boats would have used WhatsApp to communicate with the Coastguard once they had the phone number*” and “*it is regrettable that no one*

⁵⁸ Annex to the SAR Convention, 2.4.1.

⁵⁹ INQ000225, Incident Log dated 24 November 2024 at 00:38:15.

⁶⁰ INQ009628, Witness Statement of Dominic Golden dated 24 October 2024, §80.

⁶¹ INQ010409, Witness Statement of Neil Honeyman dated 15 January 2025, §17.

⁶² INQ003735, Email from James Crane to George Papadopoulos dated 26 November 2021, ‘Observations from 24/11/2021’.

⁶³ Annex to the SAR Convention, 4.2.1.

⁶⁴ INQ010283, Expert Witness Report of Professor Michael Tipton dated 8 December 2024, §4.12 (setting out a list of points of advice that might have been conveyed to occupants of a small boat in anticipation of them entering the water).

⁶⁵ INQ001417, Screenshot of ‘Charlie 24 Nov’ missed calls.

⁶⁶ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §138.

⁶⁷ *Ibid*, §97.

on the team kept a closer eye on the standalone phone and WhatsApp messages or calls being received on it”⁶⁸ The upshot of this is that crucial opportunities to communicate with and ascertain the position of those onboard *Charlie* were missed.

(v) The availability and suitability of surface assets

26. The SAR Convention required HMCG to actively “use [its] search and rescue units and other available facilities” to provide assistance to person(s) in distress in the UKSRR.⁶⁹ HMCG’s duty to deploy adequate resources in response to SAR incidents was discharged by tasking “declared facilities” (e.g. RNLi assets) and “additional facilities” (e.g. UKBF assets).⁷⁰ Once in the UKSRR, all small boats were considered in the “distress” phase per the SAR Convention – they were by definition considered to be in grave and imminent danger, requiring immediate assistance.^{71,72} HMCG were aware that small boats were routinely left unattended by French vessels at the median line, and “most would have taken on water”⁷³ by the time they were rescued by HMCG.
27. Concerns were raised prior to November 2021 about the availability of UKBF vessels and crew,⁷⁴ as well as the suitability of the assets themselves. UKBF vessels were not declared SAR assets.⁷⁵ Their capabilities were limited: for example, the platform used to cross-deck casualties was ineffective in poor weather, and had, on occasion, caused damage to small boats resulting in people entering the water.⁷⁶ These deficiencies were well-recognised, including by the Head of Maritime Policy and Strategic Planning, who acknowledged in October 2021 that “BF assets are not designed for the based [sic] weather conditions.”⁷⁷ Allied to equipment shortfalls, UKBF assets were (and are) manned by crews who were not specially trained in SAR.⁷⁸

⁶⁸ Ibid., §123.

⁶⁹ Annex to the SAR Convention, 2.1.9 (“Parties having accepted responsibility to provide search and rescue services for a specified area shall use search and rescue units and other available facilities for providing assistance to a person who is, or appears to be, in distress at sea”).

⁷⁰ INQ003768, ‘Declared and Additional Resources’ dated 12 October 2021.

⁷¹ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §44; INQ000428, Standard Operating Procedure: Incidents Involving Migrants, version 12.0 dated 6 October 2021. The SAR Convention uses a three-fold classification of the “phase” of an emergency – uncertainty, alert, or distress – with the last of these being a “situation wherein there is a reasonable certainty that a person, a vessel or other craft is threatened by grave and imminent danger and requires immediate assistance” (Annex, 1.1.3).

⁷² INQ010140, Witness Statement of Christopher Barnett dated 18 November 2024, p. 11.

⁷³ INQ010136, Witness Statement of Kevin Toy dated 12 November 2024, §33.

⁷⁴ INQ000217, ‘Migrant Activity Interoperability Meeting HMCG & Cros Gris-Nez’ dated 30 September 2020 (“both sides have insufficient assets to deal with heavy days”); INQ010136, Witness Statement of Kevin Toy dated 12 November 2024, §49. See also INQ003735, Email from James Crane to George Papadopoulos dated 26 November 2021, ‘Observations from 24/11/2021’ (“[UKBF] need to have more officers... trained in boat handling, and their deck crews [must] ensure that we have got adequate coverage for a 24-hour period”).

⁷⁵ INQ010101, Witness Statement of Simon Ling dated 14 November 2024, §56.

⁷⁶ Ibid.

⁷⁷ INQ000202, Operational Response Conference Call dated 18 October 2021.

⁷⁸ INQ010101, Witness Statement of Simon Ling dated 14 November 2024, §58. See also INQ010137, Witness Statement of Stephen John Whitton OBE dated 11 November 2024, §70.

28. On 23/24 November 2021, tasking decisions were impacted by the limited assets available. At the start of Operation Deveran,⁷⁹ UKBF vessels were tasked to proactively patrol the Channel ahead of expected crossings. However, due to increased small boat activity, crews were forced to prioritise rest over patrolling, with UKBF vessels deployed on a reactive basis.⁸⁰ There were two UKBF assets on standby, both of which had a “reactive” deployment strategy.⁸¹ James Crane later described the provision of only two UKBF assets during periods of high activity as “*simply not sustainable*.”⁸² The reactive posture adopted by HMCG meant there was no prospect of SAR assets reaching small boats as they crossed into the UKSRR, despite being classified as in ‘distress’ once in UK waters.
29. There was an unwillingness to even task prior to a boat entering UK waters. When the French tracker was received at 00:57, containing details of five small boat incidents on course to reach the median line, no assets were tasked. The *Valiant* was not tasked until 01:29, when Stuart Downs assessed, “*I would imagine [incident Charlie] is in UK waters by now*.”⁸³ The *Valiant* reached the position for incident *Charlie* (as provided by those on board at 02:01) 2 hours and 19 minutes after HMCG were first made aware that the vessel was approaching the UKSRR,⁸⁴ and at which point the last known position for incident *Charlie* was no longer accurate.

(vi) Information sharing and cooperation with CROSS Gris-Nez

30. The SAR Convention required neighbouring states to cooperate and enter agreements for that purpose. The 30 May 2018 treaty was entered into between the UK and France (“**ManchePlan**”) with the intention to strengthen search and rescue co-operation and co-ordination covering any maritime event “*liable to occur*” in the English Channel. It provided for automatic designation of responsibility for coordinating an intervention based on the “[t]he position, either known or assumed, of a maritime event”⁸⁵ and obliged mutual information sharing for the duration of “*the entire operation*” responding to any event at sea liable to affect both French and British interests⁸⁶. Coordination of an intervention involves “*defining the strategy for that intervention, mobilising the assets necessary for its execution*

⁷⁹ INQ000619, Border Force Maritime Command Operational Order dated 15 May 2019 (defining Operation Deveran as “[t]he Border Force led maritime response at sea to the threat of either opportunistic and/or facilitated illegal migration using small boats”). See generally INQ010137, Witness Statement of Stephen John Whitton OBE dated 11 November 2024, §§49-55.

⁸⁰ INQ010136, Witness Statement of Kevin Toy dated 12 November 2024, §48; INQ010137, Witness Statement of Stephen John Whitton OBE dated 11 November 2024, §19.

⁸¹ INQ001198, Email from Border Force Maritime Command Centre dated 23 November 2021, ‘Maritime Command: Operation DEVERAN Planning 23.11.2021 - 24.11.2021’; MAIB Report, §1.6.1; INQ010136, Witness Statement of Kevin Toy dated 12 November 2024, §15.

⁸² INQ003735, Email from James Crane to George Papadopoulos dated 26 November 2021, ‘Observations from 24/11/2021’.

⁸³ INQ007648, Transcript of call between Tom Willows and Stuart Downs dated 24 November 2021.

⁸⁴ INQ007647, Transcript of call between HMCG and French Coastguard dated 24 November 2021 (HMCG were made aware of the vessel at 01:06); INQ000237, *Charlie* incident log, 24 November 2021, p. 10, indicating that the *Valiant* arrived on scene at the boat’s last known position at 03:25.

⁸⁵ INQ000095, *ManchePlan* dated 20 May 2018, Article 19 read with Article 31. The allocation was by reference to the *ManchePlan* line of separation between UK and French SAR zones (see Article 6 and Annex 1).

⁸⁶ See INQ000095, *ManchePlan* dated 20 May 2018, Articles 2.1, 5.1, 11 and 21.

and communicating to those assets the orders and information they require for due completion of their mission” (Article 17).

31. Yet the system for information sharing and SAR coordination between HMCG and CROSS Gris-Nez was clearly and practically ineffective for four reasons:

31.1 First, although ManchePlan obliged the UK and France to use a single message format when communicating over an incident (“**SITREP**”)⁸⁷, HMCG and CROSS Gris-Nez used different classification and identification systems. This led to misunderstandings over which state was allocated responsibility for the coordination of SAR missions. ManchePlan also obliged MRCC Dover and CROSS Gris-Nez to “*keep each other informed of the state of availability of their respective assets*”.⁸⁸ Yet on 24 November 2021, limited or no information was sought from CROSS Gris-Nez as to the state of each vessel. There were also difficulties reconciling the ‘*Migrant*’ numbers used by CROSS Gris-Nez (i.e., ‘*Migrant 1*’ etc.) with the alphanumerical system adopted by HMCG (i.e., ‘*Alpha*’. etc.).⁸⁹

31.2 Second, HMCG adopted a reactive posture by waiting for CROSS Gris-Nez to share its tracker.⁹⁰ Delays in sending the tracker had long been identified as an issue. As of 23 November 2021, it remained “*not unusual*” for CROSS Gris-Nez not to inform HMCG of small boat activity “*until the early morning*.”⁹¹ On 23/24 November no contact was made with CROSS Gris-Nez between 19:30, when Neal Gibson started his shift, and 00:34 when MRCC Dover contacted CROSS Gris-Nez after receiving a call from *Alpha*.⁹² When the French tracker was eventually received at 00:57, it contained information relating to seven small boat incidents. *Migrant 1*, later believed to be incident *Charlie*, had been detected by the French at 21:02, almost three and a half hours prior.⁹³ Crucial time was wasted.

31.3 Third, exchange of UK-French intelligence relating to small boats, beyond the skeletal information contained on the trackers, was limited. The relationship was “*strained*” due to the

⁸⁷ INQ000095, ManchePlan, Article 34.

⁸⁸ Ibid., Article 29.2. ManchePlan Annex 4 and 5 set out templates for the development and notification of this information exchange. These templates envision detailed information being provided as to each asset’s characteristics, limits, action time, SAR equipment, throw weight (pp. 95, 97).

⁸⁹ See e.g. INQ001856, call between Neal Gibson and CROSS Gris-Nez at 02:42; INQ00120, French tracker received at 02:34.

⁹⁰ INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §66.

⁹¹ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §65.

⁹² Noting that Neal Gibson was covered as SMC by Christopher Barnett between the hours of 22:30-01:25.

INQ004722, Interview Notes (Tom Barnett) dated 11 February 2022 (noting that “*the information from France was poor and was not received in the UK early enough*”).

⁹³ INQ004561, CROSS Gris-Nez tracker sent at 00:57.

Pushbacks Policy.⁹⁴ While the day-to-day working relationships appear to have remained “*amiable*”, they were “*not particularly interactive or collaborative*”.⁹⁵

31.4 Fourth, there was inadequate coordination between UK and French assets on scene, and issue which had been raised during meetings between HMCG and CROSS Gris-Nez in the months prior to November 2021.⁹⁶ Indeed, there is also evidence that the French and UK authorities were passing responsibility for conducting SAR operations back-and-forth between them, which led to them shirking their respective duties.⁹⁷

32. On 23/24 November 2021, once Neal Gibson had “*cause for concern*”⁹⁸ about incident *Charlie*, he identified on C-Scope that the French vessel *Flamant* was closest to the last known position for *Charlie*. A Mayday Relay was broadcast at 02:27, “*to get a certain vessel which is painted grey and there was a French flag at the back of it to attend to [incident Charlie]*.”⁹⁹ However, he made no direct request to CROSS Gris-Nez to task the *Flamant* to attend to *Charlie*. Only when CROSS Gris-Nez called HMCG at 02:42 and Neal Gibson was informed that people were already in the water¹⁰⁰ did he explain that *Flamant* was “*probably the closer vessel to respond if they are sinking*.”¹⁰¹ No further attempts were made to secure French assistance for *Charlie*.

(vii) Information sharing and recording within HMCG

33. Failures to record in-person discussions had been recognised as an issue within HMCG prior to November 2021. An internal review of an incident on 11 July 2021, during which a small boat collapsed and 25 people entered the water, found that officers failed to log communications, such as briefings and discussions.¹⁰² The review also found that the Duty Tactical Commander was not kept informed, leading to out of date and factually incorrect information being shared externally.¹⁰³

34. Live information sharing proved more challenging when the team managing a zone were split across the network through “*zone-flexing*”¹⁰⁴. This meant that staff with limited or no experience of small boat

⁹⁴ INQ010134, Witness Statement of Daniel O’Mahoney dated 12 November 2024, §34. Note also that calls received from *November* and *Delta* by Cros Gris Nez reporting people in the water were never relayed to HMCG.

⁹⁵ INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §64.

⁹⁶ INQ000196, ‘Dover CGOC & Cros Gris Nez Meeting’ dated 7 June 2021; INQ000199, ‘Dover CGOC & Cros Gris-Nez Meeting’ dated 18 August 2021.

⁹⁷ See e.g., INQ010093, Witness Statement of Dr Jacob Berkson (Alarm Phone) dated 18 November 2024, §33; INQ009645, Witness Statement of Nikolai Posner (Utopia 56) dated 8 November 2024, §63.

⁹⁸ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §90.

⁹⁹ INQ007602, Transcript of call between Neal Gibson and Tom Willows dated 24 November 2021.

¹⁰⁰ INQ007656, Transcript of call between Neal Gibson and French Coastguard dated 24 November 2021.

¹⁰¹ *Ibid.*

¹⁰² INQ008906, ‘Tier 1 Review: Incident Review for GIN 021076’ dated 13 July 2021.

¹⁰³ *Ibid.*

¹⁰⁴ INQ010343, Email from James Crane dated 1 December 2021, ‘Migrant TNA’ (“*We all know what it is like to take a migrant job created by another station... You are already on the back foot as you weren’t directed [sic] involved in the initial questioning.*”)

incidents could be called upon to provide cover for MRCC Dover. Fatal consequences resulted, for example, when a small boat incident involving two fatalities on 6 May 2021 was managed remotely by MRCC Solent, during which it became, “*very apparent... that Solent CG do not have the same level of competency.*”¹⁰⁵

35. On 23/24 November 2021, Neal Gibson relied on live, in-person information sharing within the operations room: “*I would have been in close proximity to my colleagues... and therefore would have been able to hear half of conversations... so I would have had a reasonable awareness of what was happening beyond what was written in the logs. We would also share amongst us what happened in between calls.*”¹⁰⁶
36. When remote cover was provided for MRCC Dover by the Joint Rescue Coordination Centre (“**JRCC**”) between 22:30-01:30, SMC Christopher Barnett “*miss[ed] any in person discussions.*”¹⁰⁷ In fact, there was no communication whatsoever between Christopher Barnett and Stuart Downs until around 00:30, when the first incident was recorded.¹⁰⁸ This had consequences – Mr Barnett was not party to calls and/or interactions within the operations room at MRCC Dover, including, for example, the Trainee MOO’s call with CROSS Gris-Nez, the contents of which were noted down on a piece of paper and incorrectly copied onto ViSION by Mr Downs. Mr Barnett was not in the operations room to overhear the call, nor to observe the information-recording process and detect the resulting errors recorded against incident *Charlie*.¹⁰⁹
37. There were examples of poor information sharing throughout the night shift. For example, Neal Gibson does not recall seeing the ‘Controller Message’, which was directed at MRCC Dover by David Jones, the Maritime Tactical Commander at the JRCC, about conditions leading to poor visibility.¹¹⁰ The concerns were so serious that Mr Jones noted that HMCG were “*effectively blind*” and that the night had the potential to be “*very dangerous*”.¹¹¹ When Mr Gibson became aware that the occupants of *Charlie* were in the water, he failed to disclose this information internally within HMCG. Mr Jones has “*no memory of being informed that any vessel was sinking or that there were people in the water.*”¹¹² Christopher Barnett, SMC at the JRCC, says that he was “*never told that people were in the water.*”¹¹³ Stuart Downs, MOO at MRCC Dover, does not recall that “*at any point in the shift I formed an opinion*

¹⁰⁵ INQ000456, ‘Zone Flexing’ (version 2.0) dated 6 May 2021.

¹⁰⁶ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §76.

¹⁰⁷ INQ010140, Witness Statement of Christopher Barnett dated 18 November 2024, §22.

¹⁰⁸ *Ibid.*, §25.

¹⁰⁹ *Ibid.*, §26; INQ000237, *Charlie* incident log dated 24 November 2021; INQ004737, Interview Notes (Trainee) dated 1 February 2021; INQ007647, Transcript of call between HMCG and French Coastguard dated 24 November 2021.

¹¹⁰ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §64.

¹¹¹ INQ000235, Migrant Administration Log, p. 3.

¹¹² INQ010138, Witness Statement of David Jones dated 18 November 2024, §65.

¹¹³ INQ010140, Witness Statement of Christopher Barnett dated 18 November 2024, §49.

*that there were persons in the water” and “do[es] not recall having any conversations with any of my colleagues during the night of 23/24 November 2021 in relation to incident ‘Charlie’.”*¹¹⁴

38. Mr Gibson did not inform Mr Downs of the Mayday Relay or the basis for it.¹¹⁵ Mr Downs’ limited understanding of the circumstances surrounding incident *Charlie* meant he did not link the calls he answered at 02:25 (“*we are sinking*”)¹¹⁶, 03:06 (“*part of our body is in the sea*”)¹¹⁷ and 03:12 (“*in the water*”)¹¹⁸ to incident *Charlie*. Mr Downs does not appear to have made Mr Gibson aware of these additional calls, which were not assigned to any incident. When the day shift began on 24 November, MRCC Dover had limited or no awareness of incident *Charlie*, or the possibility that it had not been rescued.
39. These failures were compounded by failures to adequately record information on ViSION, HMCG’s primary information recording system.¹¹⁹ ViSION was not designed – and was therefore not optimised – to deal with small boat incidents.¹²⁰ On 23/24 November there were failures to accurately record information in the ViSION incident narratives, including call information; and failures to provide (accurate) reasons for the closure of incidents. The result was that HMCG simply had no idea that *Charlie* had not been recovered.¹²¹

(viii) Mayday Relay

40. There were multiple failures relating to the Mayday Relay in respect of *Charlie* which was broadcast at 02:27 and repeated at 02:37, 03:01 and 03:20.¹²² It was broadcast with an ‘urgency’ alert, which is used where there is no imminent danger of loss of life and immediate assistance is not required or justified.¹²³ Most fundamentally, it was terminated prematurely. Christopher Barnett’s update in the incident log for *Charlie* at 03:39 stated “[n]o requirement for Mayday relay as *Valiant* in the area investigating targets.”¹²⁴ But there was no evidence to suggest that the *Valiant* had recovered *Charlie* at that stage.
41. At 04:21, Neal Gibson concluded that the *Valiant* had not yet found incident *Charlie* and directed that they continue their search.¹²⁵ HMCG was therefore aware, or ought to have been, that the immediate

¹¹⁴ INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §141.

¹¹⁵ *Ibid.*, §§134-136.

¹¹⁶ INQ001854, Transcript of call with MRCC Dover on 24 November 2021 (02:25).

¹¹⁷ INQ007657, Transcript of call with MRCC Dover on 24 November 2021 (03:06).

¹¹⁸ INQ007658, Transcript of call with MRCC Dover on 24 November 2021 (03:12).

¹¹⁹ INQ010445, MAIB Report, p. 88.

¹²⁰ See, e.g., INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §107 (noting that “[t]he whole ViSION system was designed to deal with, for example, an oil tanker in difficulty in the English Channel and from which we would get a position during call collection.”)

¹²¹ See, e.g., INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §119.

¹²² INQ000237, Incident Charlie Log.

¹²³ INQ000356, MCA Broadcast Training Slides, Undated, slide 10.

¹²⁴ INQ000237, Incident Charlie Log.

¹²⁵ INQ007578, Transcript of call between the *Valiant* and Neal Gibson dated 24 November 2021.

danger and risk to life for the occupants of incident *Charlie* persisted long after the final Mayday Relay at 03:20.

(ix) Home Office intelligence sharing

42. The priority of border enforcement over SAR functions meant crucial opportunities to share intelligence were missed by the Home Office. The Home Office's Clandestine Channel Threat Command ("CCTC") was established to make small boat crossings "*unviable*"¹²⁶ through intelligence gathering, detection and deterrence.¹²⁷ An intelligence report was disseminated by the 'National Confidential Unit' at 16:17 on 23 November indicating the approximate timings and coordinates of expected small boat launches from France. It estimated that 120-130 people were expected to cross the channel between 22:00-06:00 on 23/24 November.¹²⁸ This information was circulated at 18:26 by the CCTC to the Clandestine Operational Response Team and CTC Operational Command Cell.¹²⁹ However, there is no indication that HMCG were made aware of the possibility that up to 130 people may be in grave and imminent danger within UKSRR, requiring immediate assistance. Instead, as outlined at §§30-32, HMCG remained entirely reliant on incomplete situational awareness from CROSS Gris-Nez, which was not received until 00:57.

43. The MCA had an existing contract with RVL Aviation.¹³⁰ The Home Office was able to secure use of the RVL asset for "*enhanced surveillance capability*" by requesting to task the RVL asset through the ARCC.¹³¹ On 23 November 2021, the CCTC sent a tasking to the ARCC at 09:07 with a request for the RVL asset to fly at 22:00-05:00 for surveillance purposes.¹³² The MCA retained the ability to override any Home Office tasking.¹³³ However, despite the Maritime Tactical Commander David Jones warning that HMCG were "*effectively blind*"¹³⁴ without aerial surveillance, the RVL asset which had advanced surveillance technology and was airborne between 22:05-04:25, was not re-tasked for SAR purposes.¹³⁵

(x) Information sharing between HMCG and UKBF

¹²⁶ INQ008370, 'Clandestine Threat Command Future Planning and Capabilities - Operation Altair - Gold Commander's Strategy' dated 15 December 2020.

¹²⁷ INQ010409, Witness Statement of Neil Honeyman dated 15 January 2025, §3.

¹²⁸ INQ003909, Intelligence Report dated 23 November 2021.

¹²⁹ INQ002267, Email from Clandestine Threat Command to Clandestine Operational Response Team and CTC Operational Command Cell, 'Urgent intel – small boats overnight tonight'.

¹³⁰ INQ010409, Witness Statement of Neil Honeyman dated 15 January 2025, §10.

¹³¹ INQ000097, Memorandum of Understanding between the Home Office and the Maritime and Coastguard Agency dated June 2021.

¹³² INQ003876, Email from CCTC to RVL Group sent at 10:43 on 23 November 2021.

¹³³ INQ010409, Witness Statement of Neil Honeyman dated 15 January 2025, §10.

¹³⁴ INQ000235, Administration Log dated 24 November 2021.

¹³⁵ INQ003881, Email from Clandestine Channel Threat Command to Neil Honeyman dated 24 November 2021, 'RVL_MMD Sortie – 23 Nov 21 HT report'.

44. Poor sharing of even the most basic information between HMCG and UKBF also hindered the authorities' response. For example, (and as set out above) Mr Gibson took the decision to broadcast a Mayday Relay – a signal sent by one vessel on behalf of another which is in distress – due to the “*elevated level of shouting and panic*” exhibited by the occupants of incident *Charlie* during a phone call at 01:48.¹³⁶ The Commander of the *Valiant* was aware from approximately 02:30 that incident *Charlie* was believed to be “*taking water*” but understood that this was “*common*” and “*did not necessarily mean that a given vessel is sinking*.”¹³⁷ Mr Gibson, having directly spoken with and heard the level of distress of those on board *Charlie*, had a “*gut feeling that this was not a routine call [or] an exaggerated case*”.¹³⁸ But crucially, he did not relay that information to the Border Force Maritime Command Centre (“**BFMCC**”) and/or the *Valiant*.¹³⁹ At 02:42, Mr Gibson was made aware by CROSS Gris-Nez that the occupants of incident *Charlie* were reportedly “*in the water*”.¹⁴⁰ Again, this was crucial information likely to impact the on-scene SAR operation (and its urgency), including whether RNLi support was required for a potential mass casualty event with multiple people in the water. But again, the evidence indicates that vital information was not relayed to BFMCC or the *Valiant*, notwithstanding that they had been tasked to assist the vessel carrying the victims this disaster.¹⁴¹
45. HMCG also failed to seek basic identifying information about that vessel. This gave rise to the obvious risk, which appears to have materialised, that small boats which were not incident *Charlie* would be mistakenly identified as such. As Mr Toy, a Commander in UKBF, explains in evidence to the Inquiry, the *Valiant* therefore had “*no way of determining whether a particular migrant vessel... did or did not correspond to a particular event*.”¹⁴² This resulted in sheer guesswork to reconcile each rescued vessel with the incidents recorded via the alphabetical classification system used by HMCG in the shared tracker or the ViSION logs. When the *Valiant* encountered an unlit small boat stopped in the water at 03:48, Mr Gibson formed an initial view, absent any information as to the state of the vessel or the identities of its occupants that it “*could be incident Charlie*.”¹⁴³ This entirely unsubstantiated hypothesis was then recorded – with increasing confidence as to its accuracy – in the relevant incident logs. Ms Whitehouse contemporaneously logged “*M957...believed incident C*” in her daybook.¹⁴⁴ Mr Downs then updated the *Charlie* Incident Log at 03:56 “*Mike Number is M947*”¹⁴⁵ and Mr Barnett added the

¹³⁶ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §90.

¹³⁷ INQ010136, Witness Statement of Kevin Toy dated 12 November 2024, §66.

¹³⁸ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §90.

¹³⁹ INQ010135, Witness Statement of Karen Whitehouse dated 8 November 2024, §57.

¹⁴⁰ INQ007656, Transcript of call between Neal Gibson and French Coastguard dated 24 November 2021 (02:42).

¹⁴¹ INQ010135, Witness Statement of Karen Whitehouse dated 8 November 2024, §58. See also a call at 03:11, in which Thomas Willows asked whether the incident was “*still a Mayday situation*” to which Neal Gibson replied “*well, they’ve told me it’s full of water*.” (INQ007602, call between Neal Gibson and Thomas Willows dated 24 November 2021. (03:11)).

¹⁴² INQ010136, Witness Statement of Kevin Toy dated 12 November 2024, §70.

¹⁴³ INQ007390, Transcript of call between Neal Gibson and the *Valiant* dated 24 November 2021 (03:48).

¹⁴⁴ INQ010135, Witness Statement of Karen Whitehouse dated 8 November 2024, §64.

¹⁴⁵ INQ000237, Incident Log dated 24 November 2021.

value 'M957' for incident *Charlie* in the HMCG tracker at 03:57.¹⁴⁶ The 04:50 Border Force live update recorded 'M957' next to incident 'C' with the definitive narrative conclusion: "*Vessel found and Valiant embarked a number of migrants*".¹⁴⁷ On receiving further information from the *Valiant* about the colour of the small boat, Mr Gibson concluded that it was, in fact, "*probably incident Lima*" meaning they should "*carry on our search on for Charlie*."¹⁴⁸ But this correction does not appear to have been relayed by the *Valiant* to BFMCC and Mr Gibson does not recall informing anyone at the JRCC of his updated view.¹⁴⁹

46. These assumptions also led to the SAR operation being terminated prematurely, contrary to the State's legal obligations. The SAR Convention obliges HMCG to continue SAR operations, where practicable, "*until all reasonable hope of rescuing survivors has passed*".¹⁵⁰ Terminating a search (as distinct from temporary suspension of it for reasons of practicability)¹⁵¹ requires "*reliable information*" either that an operation has been successful or that the emergency no longer exists.¹⁵²
47. MRCC Dover assumed that the small boat located by the *Valiant* at 03:50, which had been marked, in error, as *M957*, was *Charlie*, despite multiple indications to the contrary. Critically, *M957* did not exhibit the level of distress that had repeatedly been heard on the calls from *Charlie*, and which had informed the Mr Gibson's "*gut feeling*" as to the risk to *Charlie* (see §44 above); the *Valiant* advised that those on board *M957* had denied calling emergency services (which was not accepted at face value); and there was no confirmation that anyone rescued answered to "*Moomin*".¹⁵³ As to Mr Gibson's belief that *Charlie* had been rescued, this was premised on the fact that three boats had been rescued – notwithstanding his awareness of the possibility that there were four boats in the vicinity,¹⁵⁴ and the fact that calls were no longer being received from those on board (despite his instruction to the occupants to "*stop making calls*"¹⁵⁵ and his awareness of the difficulties with mobile communications¹⁵⁶). Scant

¹⁴⁶ INQ006820, HMCG Tracker, 24 November 2021.

¹⁴⁷ INQ000572, UKBFMCC Operation Deveran Tracker, 24 November 2021. There were no policies and/or standard operating procedures in place in respect of the UKBF or HMCG update spreadsheet/tracker: INQ010140, Witness Statement of Christopher Barnett dated 18 November 2024, §41; INQ010097, Witness Statement of Mike Bill dated 14 November 2024, §§15-16.

¹⁴⁸ INQ007578, Transcript of call between *Valiant* and Neal Gibson dated 24 November 2021 (04:21).

¹⁴⁹ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §174.

¹⁵⁰ Annex to the SAR Convention, 4.8.1.

¹⁵¹ *Ibid.*, 4.8.4 (which sets out the conditions for temporary suspension: "*If a search and rescue operation on-scene becomes impracticable and the rescue co-ordination centre or rescue sub-centre concludes that survivors might still be alive, the centre may temporarily suspend the on-scene activities pending further developments, and shall promptly so inform any authority, facility or service, which has been activated or notified. Information subsequently received shall be evaluated and search and rescue operations resumed when justified on the basis of such information*").

¹⁵² *Ibid.*, 4.8.3 ("*When a rescue co-ordination center or rescue sub-centre considers, on the basis of reliable information that a search and rescue operation has been successful, or that the emergency no longer exists, it shall terminate the search and rescue operation and promptly so inform any authority, facility or service which has been activated or notified*").

¹⁵³ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §§159, 180.

¹⁵⁴ *Ibid.*, §§133-4.

¹⁵⁵ INQ007655, Transcript of call between Neal Gibson and *Charlie* dated 24 November 2021 (02:31), p. 8.

¹⁵⁶ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §27.

attempts were made to contact *Charlie* by telephone save for the WhatsApp call at 04:16 – perhaps reflecting the view held within HMCG that those rescued would “*discard their phones*” upon rescue and therefore “*could not*” be contacted.¹⁵⁷ At the same time, Mr Gibson was “*reassured by the fact there were ongoing SAR operations that morning, and had Charlie not been picked up... it would be recovered by ongoing efforts...*”¹⁵⁸ notwithstanding that no one was in fact still looking for *Charlie* or its occupants. Strikingly, the expert report provided by Professor Michael Tipton on survivability suggests that at 03:24, twenty-six minutes before Mr Gibson’s ill-founded and erroneous conclusion that *M957* was *Charlie*, the “*majority of the occupants of the boat were alive*”¹⁵⁹, only “*some*” of whom will have died by 07:03¹⁶⁰ when the *Valiant* returned to Dover Port.

E. CONCLUSION

48. The Bereaved Families and Survivor take this opportunity to thank the Inquiry team for their hard work and dedication to date. They have waited over three years to have their voices heard, and to understand the truth of what happened on the night of 23/24 November 2021. As people continue to make perilous journeys across the English Channel, it is the Bereaved Families and Survivor’s collective hope that, over the coming weeks, this Inquiry will make findings and recommendations that both vindicate the memories of those that lost their lives and prevent similar tragedies for the future.

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24 FEBRUARY 2025

¹⁵⁷ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §160; INQ010094, First Witness Statement of Matthew Leat dated 1 November 2024, §1.30; INQ010208, Witness Statement of Stuart Downs dated 1 December 2024, §120.

¹⁵⁸ INQ010392, Witness Statement of Neal Gibson dated 9 January 2025, §194.

¹⁵⁹ INQ010283, Expert Witness Report of Professor Michael Tipton dated 8 December 2024, §4.10.

¹⁶⁰ *Ibid.*