

Witness Name: JENNIFER ARMSTRONG

Statement No.: 1

Exhibits: [Listed in Appendix A]

Dated: 25 October 2024

THE CRANSTON INQUIRY

WITNESS STATEMENT OF JENNIFER ARMSTRONG

I, Jennifer Armstrong, of the Ministry of Defence, London SW1A 2HB will say as follows:-

1. SECTION 1: INTRODUCTION AND EXECUTIVE SUMMARY

- 1.1. I am a senior civil servant at the Ministry of Defence (“the MOD”). I have held my current position as Deputy Director since April 2021 and prior to that I have held other roles in the Department including in an operational headquarters.
- 1.2. This corporate witness statement is produced to address questions raised in a witness evidence request, dated 30 July 2024. This required a response by 14 September 2024, however an extension was agreed until 27 September 2024. A further extension of time was sought on 24 September 2024 and granted until 4 October 2024. The statement has been prepared with the assistance of Counsel and the Government Legal Department who represent the MOD in this Inquiry.

- 1.3. As this is a corporate witness statement, it captures a wider range of information than the personal recollections of one individual and reflects the collective position and experience of the MOD in the responses given. I am signatory to it, on behalf of the MOD, and I am duly authorised to be so.
- 1.4. As such, I do not have first-hand knowledge of some of the matters set out in the statement and rely instead on documentary sources. The statement exhibits or refers to a range of relevant contemporaneous documents. These documents have been exhibited and/or referenced in accordance with the Inquiry's Witness Evidence Protocol. These are exhibited at Appendix 1.

Executive Summary

- 1.5. The MOD had no direct or operational role in relation to small boat crossings in the Dover Strait on 23/24 November 2021.
- 1.6. In general the MOD has provided support to other government departments in relation to small boat crossings through the Military Aid to the Civil Authorities (MACA) request process. There were no such requests in November 2021 and seven in total (one of which was withdrawn) between January 2019 and November 2021.
- 1.7. The support provided via the MACA process was in the main limited to the provision of planning and intelligence support and embedded staff within multi-agency fora.
- 1.8. The MOD assumed operational primacy in relation to small boats attempting to cross the Dover Strait for the period 14 April 2022 to 31 January 2023 under Operation ISOTROPE ("Op ISOTROPE"). Whilst the operation was in force there were only seven uncontrolled landings within the operation's geographical bounds. This compares with 39 uncontrolled landings in 2021. This improved performance took place against a particularly challenging backdrop, with a near doubling of migrant arrivals from 28,526 in 2021 to 45,755 for 2022 (See INQ008940, Exhibit 15 and INQ008948, Exhibit 20).

2. SECTION 2: The structure and functions of the MOD in relation to small boats attempting to cross the Dover Strait between January 2019 – November 2021:

- 2.1. At the relevant time (between January 2019 and November 2021), the MOD had no standing responsibility in relation to small boats attempting to cross the Dover Strait. Migration such as this is a matter for the Home Office (“HO”), and in so far as it represents anything unlawful or illicit, it is a criminal matter, rather than a question of the defence of the realm.
- 2.2. Where the MOD provided support to other government departments and agencies during this period, it was through the Military Aid to the Civil Authorities (MACA) process. The MACA process is a well-established principle whereby other government departments and civilian agencies can request support from the armed forces when there is a definite need to act but they lack the capability to do so themselves. In these circumstances, the civil authority making the request retains its overall responsibility for the matter in question, and the armed forces provide a supporting function. Examples of this include during the response to extreme weather events, when the armed forces may be asked to support the Environment Agency with the erection of flood defences, or during preparations for major national events, when the armed forces may provide niche capabilities to support the police’s security plans (See INQ008935, Exhibit 1).
- 2.3. Throughout 2020 and 2021, Defence provided a range of support to the Home Office through the MACA process including: the provision of surveillance aircraft; Defence Estate (for the provision of sites to provide additional accommodation for migrants); planning expertise; and assistance for novel tactics trials to enable Border Force (“BF”) to better interdict and deter migrant vessels (See INQ008947, Exhibit 2).

- 2.4. In summary, the MOD's involvement during the relevant period was in support of another government department via the MACA process. Its actions were therefore in support of the aims and priorities of another government department or agency, not the MOD's own policy objectives.

The MODs obligations under domestic and international law

- 2.5. As a state party to relevant international instruments, the UK has obligations under international law instruments in respect of mariners in distress at sea. The 1974 International Convention for the Safety of Life at Sea (SOLAS) states (Chapter V, Regulation 33) that *"[t]he master of a ship at sea which is in a position to be able to provide assistance, on receiving a signal from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance."* While SOLAS binds the State that is party to it (as the UK is), it is understood that this provision will result in an obligation being passed down to vessels flagged to that State. However, warships and naval auxiliaries are exempted from the provisions of Chapter V SOLAS by Regulation 1, leaving a residual expectation, rather than strict obligation, that such vessels will act in a manner consistent with the Chapter so far as is reasonable and practicable.
- 2.6. Elsewhere in international law, under Article 98(1) of the UN Convention on the Law of the Sea ("UNCLOS"), States shall require the masters of ships flying its flag (a) to render assistance to any person found at sea in danger of being lost and (b) to proceed with all possible speed to the rescue of persons in distress. States tend to pass down this obligation to vessels flying their flag via means of domestic legislation.
- 2.7. The UK has done so in this way for its commercial vessels (via the Merchant Shipping Act 1995), but for naval vessels this obligation lies within Service orders: paragraph 0165 of BR 9424 (Fleet Operating Orders) replicates Article 98 in its entirety. Warships and naval auxiliaries are required to act commensurately with Art 98(1) UNCLOS. However, the duty therein is a

qualified duty. In the chapeau of Art 98(1) is the caveat that the obligation to rescue or assist exists for the master only “*in so far as he can do so without serious danger to the ship*”. Moreover, the requirement at Art 98(1)(b) to proceed with all possible speed to the rescue of persons in distress is qualified by the words “*in so far as such action may reasonably be expected of him*.”

- 2.8. Therefore, there is no absolute duty on Royal Navy (“RN”) vessels to rescue those in distress at sea, and the prevailing circumstances will dictate whether assistance or rescue might be affected safely and whether such action could be reasonably expected of the vessel. Where a naval vessel is able to assist stricken mariners and no other vessel is able to do so, operational requirements might be sufficient justification for it to determine that it could not be reasonably be expected to meet the requirements of Art 98(1)(b). However, how imperative such an operation must be to justifiably depart from Art 98 UNCLOS is unsettled in international law.

The MOD’s practical involvement and the boundaries of its role/functions in responding to small boats attempting to cross the Dover Strait

- 2.9. Standing Joint Command (United Kingdom) (“SJC (UK)”) is responsible for military operational command and coordinates all MACA activity. SJC (UK) received seven requests from the HO between January 2019 and November 2021 (the actual dates of the MACA requests range from 2 January 2019 to 7 July 2021), one of which was cancelled. No MACA requests were received in respect of small boats on 23 or 24 November 2021, nor in the dates immediately following.
- 2.10. As noted below, the majority of support provided more broadly was in relation to planning and intelligence and the provision of embedded staff within multi-agency fora (INQ008971, Exhibit 3A). The requests were as follows:
- 2.10.1 2 January 2019: following a request from the then Home Secretary, the then Defence Secretary approved the deployment of a RN vessel – initially

the Offshore Patrol Vessel (OPV) HMS MERSEY to the English Channel in support of BF Operation TUXES. The ship was to provide a visible deterrent, to intercept migrant boats on humanitarian grounds and where necessary to rescue migrants to save life. Importantly, RN personnel did not conduct law enforcement activity, with any such activity from aboard the ship being undertaken by an embarked HO Law Enforcement Detachment (See INQ008957, Exhibit 3). The deployment of a RN vessel was temporary until Border Force cutters deployed in the Aegean Sea were able to return to the UK – originally expected to end on 2 February 2019 but subsequently extended until 10 February 2019 due to a delayed return of the cutter (See INQ08972, Exhibit 4).

2.10.2 On 21 January 2019, HMS MERSEY was replaced on this task by HMS ENTERPRISE, an Echo-class survey ship (See INQ008977, Exhibit 5). After the conclusion of this task, the RN continued to hold an OPV at readiness (24 hours' notice to move) in case of further requests for support from the Home Office/BF (See INQ008978, Exhibit 6). While deployed on this task, on 20 January 2019 HMS MERSEY aided in the escorting into Dover of a boat carrying 15 migrants, in an operation that also involved to UK BF vessels, one French Offshore Patrol Vessel, and one French Border Force vessel (See INQ008979, Exhibit 7).

2.10.3 Also in January 2019, as part of the same request from the Home Secretary, the Defence Secretary also approved the deployment of up to 20 suitably qualified RN personnel on BF cutters, to provide additional crew capacity and maximise the cutters' operational tempo (INQ008957, See Exhibit 3).

2.10.4 August 2020: again at the request of the HO, RN vessels undertook trials with BF to determine whether it was possible to safely prevent migrant vessels accessing UK territorial waters by physically turning the vessels around at sea. These trials (held following a Border Force request) took place off Portland, outside of the live operational response to migration, and no migrants were involved. The vessels utilised were HMS MERSEY, HMS

PUNCHER (a P2000 patrol boat) and three Rigid Hull Inflatable Boats (RHIBs) (See INQ008978, Exhibit 6).

2.10.5 28 August 2020: provision of uncrewed aerial systems (UAS) over the English Channel to monitor migrant routes. MOD supported BF variously with both crewed and uncrewed surveillance flights.

2.10.6 16 December 2020: provision of two personnel to form an Intelligence Exploitation Team in support of the multi-agency hub.

2.10.7 June 2021: the Clandestine Channel Threat Command ("CCTC"), via the Home Office, requested support to develop new operational plans to respond to the diversification of the small boat threat and the potential of new launch sites. The MOD provided one planner from 14 June for a period of four weeks, and one Liaison Officer from 28 June for a period of up to four months (See INQ008980, Exhibit 8).

2.10.8 1 July 2021: in a request that was subsequently cancelled, MOD were asked to provide support to the CCTC in the form of planning, development of tactics, assets and personnel to support the SOLAS operation.

2.10.9 7 July 2021: two MACA requests for planning support to Op DEVERAN - in the development of an operational capability to safely turn around migrant vessels.

2.11. The MOD confirm that no requests were received in November 2021. The MOD was not providing any MACA support in the Channel on the night of 23 November 2021.

2.12. The MOD had no direct involvement in operations of Dover Strait 2021. Assistance was limited to providing planning and intelligence support and embedded staff within multi-agency fora.

The roles, responsibilities and leadership structure within the MOD in relation to responding to small boats in November 2021

- 2.13. Defence Ministers must, save for situations where there is an immediate risk to life or where specific delegations have been given, approve all MACA requests. In deciding whether to do so they consider advice from policy officials and military officers within the Security, Policy and Operations (“SPO”) division of MOD Head Office. This advice is overseen and scrutinised by senior civil servants and senior military officers before being presented to Ministers, who will ensure that the tasks being proposed are appropriate and proportionate, as well as ensuring that the potential impact to Defence outputs and the armed forces is understood. This is the strategic level governance.
- 2.14. The delivery of MACA is overseen at the operational level by SJC (UK), a headquarters, led by a 3* General, which focuses on the delivery of land, resilience and security operations within the UK, including MACA. The Army, Royal Air Force and Royal Navy operational headquarters work to SJC (UK) on MACA operations.
- 2.15. The HO was the requesting, and lead department in relation to the MACA requests (as set out above) and there were none in November 2021. Where the MOD provided support (under the aforementioned MACA requests) SJC (UK) coordinated MOD’s supporting role and Service Personnel involved in the responses worked to HO leads, whilst also remaining under the military chain of command. Strategic oversight of MACA tasks was undertaken by the Security Policy and Operations division of MOD Head Office providing advice to Defence ministers and liaison with other government departments.

3. SECTION 3: The working relationship between the MOD and other stakeholders with involvement in responding to small boats attempting to cross the Dover Strait:

- 3.1. In relation to the MCA, the Royal Air Force, at the operational level working to SJC (UK) and SPO, ensured coordination with Border Force Air Ops, Dover Coastguard, 2EXCEL, the Area Rescue Coordination Centre (ARCC) and other air system operators as required.
- 3.2. In relation to the NCA and police forces, there was no formal direct working relationship on this issue. Individual staff may have interacted and shared information in passing via the CCTC in 2021, or the two intelligence personnel in the multi-agency hub in 2020, but this would not have represented a formalised practical working relationship between the MOD and NCA / police forces per se.

Excel Aviation;

- 3.3. For 2Excel Aviation, when on duty, the RN Officers embedded in the Joint Maritime Security Centre (JMSC) may have been requested to authorise flights under a Memorandum of Understanding between HM Coastguard (HMCG) and JMSC. These flights are delivered by 2Excel. The flights are for Intelligence, Surveillance and Reconnaissance (ISR) purposes for SOLAS activity. This includes law and marine enforcement activity (i.e. in support of BF, Police, National Crime Agency and Marine Management Organisation (MMO)) for counter-narcotics, policing and non-small boat illegal migration activity). On 'Red' Days, and some 'Amber' Days¹ when crossings were taking place, any JMSC aviation being conducted by 2Excel was cancelled and the aircraft were

¹ The Red / Amber / Green ('RAG') rating was given by the Small Boats Operational Command (before that the Cross-Channel Threat Command (CCTC)) concerning the likelihood of small boat crossings taking place. It is predicated on the wave height in the Channel (where Red meant a wave height of below 0.5m, and so crossings were highly likely; Amber meant a wave height of 0.5m – 1.0m and so crossings were possible; and Green was wave heights over 1m and so crossings were unlikely.

reclaimed / re-tasked by HMCG to deliver SOLAS activity in the region. This occurred on the night of 23-24 November. The JMSC aviation desk was interviewed as part of the Marine Accident Investigation Board (MAIB) investigation. On this occasion no RN personnel were involved, either on the night or in the MAIB investigation, as the engagement was conducted by the JMSC Aviation desk, specifically the Assistant Director (Grade 7 / B2 level) Civil Servant.

Bristow Group Inc;

- 3.4. The MOD has contracts with Bristow Inc relating to the provision of Search and Rescue services around the Falkland Islands, and for the provision of support to training and exercise activity undertaken by Fleet Operational Sea Training.

RVL Group/RVL Aviation Limited;

- 3.5. There is no mention of RVL Group / RVL Aviation Limited in the paperwork held by MOD, and, as such, MOD cannot comment on any practical working relationship between the MOD and RVL Group/RVL Aviation Limited on this issue.

MOD embeds in the Home Office and MCA on the night of 23-24 November 2021

- 3.6. The MOD provided one liaison officer to the CCTC for a period of four months from 28 June 2021. They were to assist with developing new operational plans in response to the diversification of the small boats challenge, enabling early understanding of any additional military support which might be requested over the high-risk summer months (See INQ008980, Exhibit 8).

- 3.7. RN has embedded personnel in the JMSC who work alongside BF Maritime and are therefore aware of when crossings take place. But the clear division of operational responsibility between the two entities (JMSC and CCTC) means that the RN personnel (and JMSC) have no role in responding to small boats.
- 3.8. The liaison officers in question were not involved in working in response to events on the night in question. Further, their role was advisory rather than operational.
- 3.9. The only relevant policy or procedure in place as at 23-24 November, was the MACA process. That is set out in the document: *"UK Operations The Defence Contribution to Resilience (JDP 02) Joint Doctrine Publication 4th Edition"* (See INQ008935, Exhibit 9).

4. **SECTION 4: The operational systems and the role of MOD in assessing the level of risk in place as at 23-24 November 2021 to respond to small boats**

- 4.1. I understand that this did not fall within the MOD's remit in 2021. No requests of relevance appear on the MACA tracker (SJC(UK)'s operational record of MACA requests). As such, no such requests were received in relation to this period.
- 4.2. There were no such records identified in relation to the RAG ratings indicating the daily likelihood of crossings in November 2021.
- 4.3. As the MOD was not the lead government department for this issue, it would not respond at a departmental level to individual RAG ratings. The MOD would only have a role if requested under MACA, which it was not.
- 4.4. The MOD did not receive any MACA requests in November 2021 and the MOD (at a strategic or operational level) would not have provided a role in search and rescue for small boats as the RN has no responsibility for search and rescue operations.

- 4.5. The MOD did not have direct involvement with voluntary organisations or assets in responding to small boats attempting to cross the Dover Strait in 2021. The MOD may have been in indirect contact through the government departments that MOD supported via the MACA process, but no records of such interactions are held by the MOD.
- 4.6. The MOD did not play a role in communicating with the French authorities at the departmental or ministerial level during the time of the small boats attempting to cross the Dover Strait in 2021. If any communication did take place, it would have been solely at the tactical level and no records have been identified of any such communication having taken place between RN and French authorities.

5. SECTION 5: Assets and resources available as at 23-24 November 2021 to respond to small boats attempting to cross the Dover Strait:

- 5.1. The MOD was notified by communication and reporting from other government departments, notably the HO, and reflected in advice to ministers on MACA support to the HO (See INQ008936, Exhibit 10). It was not the MOD's responsibility to assess these figures, however.
- 5.2. As it was not the MOD's role to make this assessment, the nature and extent of the increase was only understood to the extent that it was shared with the MOD by other government departments such as the HO. Likewise it was not for the MOD to make assessments on the cause, merely to respond to requests for specific support, per the MACA process.
- 5.3. The MOD considered the requests for additional support received under the MACA process. The MACAs received and accepted are outlined at §[REF _Ref176790626 \r \p \h].

- 5.4. As indicated by the MACA requests received, the HO lacked sufficient ISR assets to adequately monitor the situation in the Channel to the degree it wished to do so, hence the agreement to provide ISR flights in 2020 when migrant crossings in the channel increased.
- 5.5. It also required additional qualified and experienced personnel to support the development of an Intelligence Exploitation Team and additional maritime expertise to assist with the planning of BF operations in the Channel and the development of new tactics.
- 5.6. Outside of specific requests for assistance, the MOD did not have insight into the budgets of other government departments.
- 5.7. These issues were formally raised during the MACA process, whereby the requesting agency writes to the MOD to set out the effect it requires the armed forces to deliver, and to clarify why this cannot be provided by other (non-military) means.
- 5.8. The MOD was one of the means by which specific issues were addressed. In the case of the MACA request for ISR support, the MOD's support was time-limited while the HO and BF developed their own capabilities in the field.
- 5.9. In the case of the MACA requests to provide personnel and advice, the purpose of the requests was to assist in the development of the requesting agencies' own capabilities.
- 5.10. In relation to the role that MOD played to Exercise Joint Blockade, effective in November 2021. The exercise was coordinated by the JMSC on behalf of the HO. JMSC requested support from 2 RN P2000 patrol ships and Royal Marine commandos (See INQ008937, Exhibit 11).
- 5.11. In relation to the role of the Home Office to Exercise Joint Blockade, the exercise was coordinated by the JMSC on behalf the HO.

- 5.12. In relation to the diversion of assets or resources from responding to small boats for the purposes of Exercise Joint Blockade, none of the force elements deployed on Exercise Joint Blockade were involved in any of the MACA requests from other government departments or agencies, no RN assets were diverted from responding to small boats attempting to cross the Dover Strait for the purposes of this exercise (See INQ008937, Exhibit 11).

6. SECTION 6: Events of 23-24 November 2021:

- 6.1. Besides its embedded staff in the JMSC/CCTC, the MOD had no role in the Dover Strait that night. The MOD was not providing any support through the MACA process, and nor does the RN have any record of its ships having been involved in the search on the night.
- 6.2. There were RN vessels in the Channel during the time period in question, but none were involved in the incident response, and none recorded the incident in their logs. The RN vessels deployed in the Channel were HMS RANGER and HMS TRUMPETER both of which were assigned to undertake Exercise Joint Blockade with the UK Border Force at Portland between 23 and 25 November under MACA tasking. HMS RANGER's post-operation report made no mention of the small boat incident on the night of 23-24 November 2021. The vessels were otherwise deployed and had no involvement in the incident. The vessels would have been over 250 nautical miles, in a straight line, from where the incident took place.
- 6.3. I understand that there was no MACA request for MOD support received.
- 6.4. In relation to MOD's awareness of the RAG rating assessing of the night 23-24 November 2021, no records have been identified that the MOD was made aware of these factors. It is likely that some military individuals were aware of these factors due to its staff embedded in multi-agency organisations such as the JMSC. However, as previously outlined, this was not the MOD's responsibility at the time, and it would have been for another agency to submit

a formal request via the MACA process if additional MOD support was required. No such requests were received.

- 6.5. I understand that the MOD/RN was not involved in responding to incident Charlie.

7. SECTION 7: Changes to maritime primacy in April 2022:

- 7.1. The changes to maritime primacy were enshrined within Op ISOTROPE which placed the RN in command and control of all government vessels involved in counter-migration operations. The details of the proposed changes were set out in a Memorandum of Understanding (“the MOU”) signed by MOD Permanent Secretary [Name] Home Office (HO) Permanent Secretary [Name] [Name] and Department for Transport (DfT) Permanent Secretary Gareth Davies, on 8 September 2022 (See INQ008944, Exhibit 12), elaborated upon in advice to Ministers dated 29 January 2022 entitled “*Defence Plans Relating to Military Primacy in Counter-Small Boats Migration Operations in the English Channel*” (See INQ008938, Exhibit 13) (“the January 2022 Submission”) and briefed to the House of Commons by the Minister for the Armed Forces on 18 January 2022.
- 7.2. One of the practical implications of the change in approach can be demonstrated through the additional Defence assets which were attributed to responding to small boat migration. These include an offshore patrol vessel, up to six archer-class patrol vessels, one wildcat helicopter, and three rigid hulled inflatable boats. In addition, additional service personnel were deployed on land to thicken the response to any boats which made it through to the shore and also assist those HO officials processing migrants on arrival. The maritime assets were allocated to the operation, but their exact utilisation would have been dependent on a day-to-day basis on a number of factors including weather, likelihood of crossings, and serviceability.

- 7.3. The MOD was also able to successfully attain an uplift of £50m for this operation, some of which was used to hire five crew transfer vessels and a recovery vessel safer and more suitable for migrant interceptions, as well as some SOLAS-related equipment (See INQ008941, Exhibits 15A and INQ008942, Exhibit 15B). The MOD also brought enhanced operational coordination to the management of migration with a dedicated operational staff.
- 7.4. Building upon existing successful Border Force migration operations, Op ISOTROPE delivered tangible improvements in HMG's operational response to small boat migration, through a period of unprecedentedly high cross-channel migration. During Op ISOTROPE there were only seven uncontrolled landings within the operation's geographical bounds. This compares with 39 uncontrolled landings in 2021. This improved performance took place against a particularly challenging backdrop, with a near doubling of migrant arrivals from 28,526 in 2021 to 45,755 for 2022 (See INQ008940, Exhibit 15).

The changes made to operational responses and the role of the MOD to small boats attempting to cross the Dover Strait after April 2022

- 7.5. The MOD's role is set out in the CDS directive for Op ISOTROPE (entitled Chief of Defence Staff Directive (Category One) For Op ISOTROPE) (See INQ008947, Exhibit 2). The principal aims of the Directive were:-
- To, at best effort, maintain the current level of interdiction in the Channel against the increased flow of migrants expected that year.
 - To make available sufficient integrated reception, transportation, and triaging capacity.
 - To establish an enhanced cross-Channel small boat migrant processing pathway.

The command structure and leadership framework between the MCA, the Home Office and the MOD following April 2022;

7.6. The command structure and leadership framework between MOD, the MCA and the HO following April 2022 is set out in an organisational diagram provided alongside this statement (See INQ008943, Exhibit 16). Under the terms of the agreement between the Permanent Secretaries of the MOD, HO, and DfT establishing Op ISOTROPE (INQ008944, Exhibit 17), the MOD had operational control over HMG assets and personnel once they were assigned to the operation. In addition, Border Force staff and contractors were to consider direction from the MOD commander as a reasonable management instruction. The MOD discharged these responsibilities in the following way (See INQ008943, Exhibit 18):

- Strategic level governance rested with Defence Ministers, informed by advice from police officials and military officers within the Security, Policy and Operations (SPO) division of MOD Head Office.
- Strategic direction was provided via the 3* Deputy Chief of the General Staff (Military and Strategic Operations).
- The 3* Commander of SJC(UK) was joint commander of Op ISOTROPE with responsibility for command and control, operational planning, infrastructure delivery, force deployment, protection and sustainment and tactical execution.
- Com SJC(UK) delegated responsibility for these tasks to the Commander of the Joint Integrated Task Force (JITF). Com JITF (subsequently designated as Commander of the Joint Inter-Agency Task Force – COM JIATF) exercised operational control through a Maritime Contingent Commander (MCC) and a Land Contingent Commander (LCC).
- The MCC and their staff were based in the Joint Control Room (Dover) to augment OGD staff and contractors based there and to exercise tactical command (i.e. assign tasks) over relevant OGD assets such as Border Force vessels and ISR assets.
- COM JIATF was given authority to liaise directly with all relevant operational partners in the planning and execution of Op ISOTROPE.

- Once tasked to Op ISOTROPE, outside of responding to SOLAS incidents, all OGD assets were under the full operational control of COM JIATF and such assets were not to be diverted from the operation without COM JIATF's approval.

Practical changes to enforcement and/or search and rescue arrangements resulting from the change in maritime primacy

- 7.7. Op ISOTROPE increased the scale of ISR and enhanced co-ordination between HMG assets, allowing for greater coverage and collective ability to intercept migrant vessels. It did not lead to any change in the practical division of labour relating to enforcement or SAR arrangements. HM Coastguard retained its responsibility for search and rescue within the UK's waters and the HO retained its responsibility for immigration control and migration.
- 7.8. The legacy of Op ISOTROPE included the procurement of crew transfer vehicles for Border Force's use, an uplift in the infrastructure available in the relevant operations rooms managing the response to small boats, and enhanced multi-agency working.

The impact of the changes in maritime primacy on funding and resourcing for responding to small boats attempting to cross the Dover Strait

- 7.9. HM Treasury provided DfT with up to £50m for the Financial Year 22/23 for Op ISOTROPE from which departments were able to draw. Spending decisions relating to this provision required engagement between Home Office and MOD. The MOU (See INQ008943, Exhibit 16) directed that costs and funding associated with the HMG assets and personnel detailed in the Op ISOTROPE operational plan would continue to lie with the existing 'owning' department, unless formally listed by Defence against the agreed £50M allocation from HMT.

Existing funding allocated for the CCTC from the Home Office would continue, to enable CCTC to meet the challenge of the projected increase in migrant crossings.

- 7.10. Given that the Home Office had a number of procurements 'in flight' at the point of operational primacy being transferred to the MOD, the two departments agreed to divide the additional funding. The Home Office were to receive £34m; the MOD £16m. The Defence element of this funding was primarily utilised to deliver an uplift in the infrastructure available in the relevant operations rooms managing the response, while the Home Office required MOD approval to spend money allocated to it to procure crew transfer vessels (See INQ008945, Exhibit 19 and INQ008946, Exhibit 19A).
- 7.11. The implementation of Op ISOTROPE was not a direct consequence of the events of 23-24 November. The changes during this period were primarily the result of the MOD's increased role. The plans for Op ISOTROPE were nevertheless drawn up with consideration of the risks inherent in crossing the channel in a small boat, as evidenced in the events of 23-24 November. The CDS directive for Op ISOTROPE (See INQ008947, Exhibit 2) states "*The tragic deaths of cross-Channel small boat migrants in Nov 21 serves as the strongest reminder of the need to stop the illegal traffickers that perpetuate the problem and to control the attempts to cross the Channel by small boats in future.*"
- 7.12. The equipment and vehicles which the MOD procures are selected and designed on the basis of the MOD's and the armed forces' requirements for the primary role: being prepared to defence the nation. As such, the MOD used assets were not procured for the purposes of an operation such as Op ISOTROPE. For example, although additional RN vessels were available to respond to small boats, their design is not optimised for the large-scale rescuing of persons at sea. As such, under MOD primacy, additional crew transfer vessels were procured to provide the capacity to rescue and move large numbers of person from the channel to the shore.

Challenges related to the MOD systems

7.13. Defence assets were not directly involved in the interception or boarding of small boats and as such, adaptation of Defence assets was not required. Similarly, arrangements relating to the triaging and reconciling distress calls, identifying, distinguishing and locating small boats, remained a matter for the Coast Guard.

7.14. Nevertheless, Defence did identify a number of policy and practical challenges arising from OP ISOTROPE. In the document produced to set out the transfer of primacy from the MOD back to the HO at the end of January 2023 the Commander of SJC(UK) set out his observations on these lessons (See INQ008948, Exhibit 20). The key challenges he identified were:-

7.14.1. **Multi Agency Integration.** While Defence held 'primacy' for Op ISOTROPE, we held few actual levers to change the strategic picture, key elements of the legal and regulatory framework, or a suitably equipped and qualified workforce. Outcomes were achieved through an advisory approach, rather than traditional military command and control. This raised questions about the definition and concept of "primacy" for future such activity.

7.14.2. **ISR.** COM SJC(UK) queried the HO approach to procurement of bespoke ISR and questioned whether its approach, combined with a lack of supporting assets (airfields) and specialist staff would lead to renewed reliance on Defence to provide ISR in the future.

7.14.3. **Setting conditions and enablement of "JIATF" UK Ops.** COM SJC(UK) observed that agreeing on objectives, tasking and funding was an extended process taking several months.

7.14.4. **Procurement and Capability Development.** Op ISOTROPE was allocated a £50m budget from the start of Defence primacy to the end

of FY22/23. While the HO was responsible for the procurement of the equipment, Defence, as the supporting government department, provided oversight and guidance on the way funds were spent. COM SJC(UK) noted that this process did not always run in an efficient manner and, consequently, this led to capability gaps, most notably in some aspects of ISR. He recommended that attention be paid to the provision of appropriate technical expertise to allow HO to address these concerns in the future.

- 7.15. Details of the impact the change in maritime primacy had on responses to small boats attempting to cross the Dover Strait are set out in an email from the Secretary of State for Defence's private office to a policy advisor in the MOD's Security Policy and Operations Directorate marked "*Treat Official*" and sent at 13:58 on 30 January 2023 (See INQ008949, Exhibit 21): This email references the Secretary of State as noting that *'Despite over 45,700 migrants crossing in 2022, compared with 28,526 in 2021, Defence primacy enabled a significant reduction in uncontrolled landings, with only seven taking place during Defence primacy to date. This compares with 39 in 2021.'*
- 7.16. A document entitled *'OPISOTROPE – RETURN OF HMG'S COUNTER SMALL BOATS OPERATION TO THE HOME OFFICE'* (See INQ008948, Exhibit 20) confirms that during Defence primacy, 41,608 migrants safely crossed the Channel. Whilst the operation was in force there were only seven uncontrolled landings within the operation's geographical bounds. This compares with 39 uncontrolled landings in 2021.
- 7.17. The document goes on to confirm that four migrants perished while attempting a crossing on 14 Dec 22. Ahead of this, as part of military primacy, a detailed response protocol was developed as set out in the document *"HMG Standard Operating Procedure: Small Boats Critical Incident – Initial Communications and Parliamentary Handling"* (See INQ008950, Exhibit 22) which set out the steps which should be taken at the strategic level to coordinate the

government's response and provide appropriate information to parliament and the public.

7.18. Prosecutions and data relating to them are outside the MOD's remit and no records are held on the same.

7.19. MOD primacy in relation to the response to small boat crossing was planned to end in January 2023 and was always envisioned as a temporary arrangement while the capability of the Home Office and other civil authorities was improved. This is touched on in the MOU (See INQ008944, Exhibit 17):

"DURATION

These arrangements should be presumed to finish by 31 Jan 2023 at the latest, at which point the Home Office would resume primacy for countering small boat migration in the Channel, and all other arrangements set out above would revert to pre-14 April 2022 status, unless an extension has previously been agreed by respective Secretaries of State. Departments should provide advice to their respective Ministers to inform whether an extension to the arrangements is justified, in consultation with other interested Departments."

The practical impact of this change in maritime primacy;

7.20. When Op ISOTROPE came to an end, the departmental arrangements for responding to small boat migration in the channel reverted to those that were in force before the operation commenced. As a result, the MOD ceased to have a role in the operational response to small boats, and any future involvement would be via the MACA process. Some of the improvements made remained, such as the use of the crew transfer vessels for interceptions.

8. SECTION 8: Inspection, review and lesson learning prior to 23-24 November 2021:

- 8.1. As the MOD was not responsible for responding to small boats prior to 23-24 November 2021, it did not have systems in place to inspect and review arrangements for doing so.
- 8.2. The Post Operational Report ("POR") following Op DEVERAN (See INQ008951, Exhibit 23) considered the role of the MOD in relation to some of the time period November 2018 – November 2021. Operation DEVERAN, which began in May 2019, was the Border Force-led maritime response at sea to the threat of either opportunistic and/or facilitated illegal migration using small boats.
- 8.3. The report, published on 20 October 2020, considers the MOD provision of assistance via the MACA process.
- 8.4. Other than the POR, the MOD is not aware of any other such inspections, reviews or reports.
- 8.5. As the MOD was not responsible for responding to small boats attempting to cross the Dover Strait during this time period, it did not have systems in place to review any arrangements for doing so.

9. SECTION 9: Review and lesson learning following 23-24 November 2021:

- 9.1. As the MOD was not responsible for responding to small boats attempting to cross the Dover Strait on 23-24 November 2021, and was not involved in the response, no records are held of the MOD having undertaken review or lesson-learning processes in relation to the events of that night. The MOD is not aware

of any reviews or lesson-learning processes carried out by other agencies which consider the MOD in relation to that night.

- 9.2. In relation to review or lesson-learning processes held by the MOD to responding to small boats during 14 April 2022 to 31 January 2023, MOD refer to the Transfer of Primacy document (INQ008948, Exhibit 20).
- 9.3. SJC(UK) convened a full Mission Exploitation Symposium ("MxS"). HQ Joint Inter Agency Task Force (JIATF), SPO and other Defence partners, who were involved in the operation, were also included. The key findings related to Multi Agency Integration, ISR, and setting conditions and enablement of JIATF UK Operations (see para 4. a. – c. of INQ008948, Exhibit 20 for detail).
- 9.4. In relation to the information surrounding the MOD's arrangements for supporting and safeguarding staff involved in incidents with fatalities. The MOD operates Trauma Risk Management ("TRiM") which is a Tri-Service (Army, Air Force, Navy) endorsed strategy for providing support to Armed Forces personnel involved in a traumatic event, whether on operations or in any other circumstance (See INQ008952, Exhibit 24). A traumatic incident is defined within the strategy as any event that can be considered to be outside of an individual's usual experience, and which has the potential to cause physical, emotional, or psychological harm (this would include involvement in incidents with fatalities). A key feature of traumatic incidents is that there is no universal response to them; individuals respond to incidents in different ways.
- 9.5. As TRiM is primarily a unit-led innovation it is intended to reduce the stigma associated with mental health problems. The greatest benefit of TRiM is perceived to be derived by those units deploying on war-fighting operations, or those serving within the front-line commands (and therefore more likely to be exposed to high-threat environments).
- 9.6. Each of the single Services (Army, Air Force, Navy) provide throughout-career mental health and stress management training and, where Service Personnel experience a traumatic event, they are supported through the TRiM process.

9.6.1. **Royal Navy (RN).** The RN have teams of specialists within Medical Healthcare Division developing and delivering tools, resources, and training across the Whole Force. Mental Health Nurses deliver targeted interventions. All initiatives are designed to enable empowered individual access and encourage all to seek help if they have concerns about their mental health.

9.6.2. **Army Mental Resilience Training.** The Army has developed an evidence-based programme to improve mental fitness and resilience. It delivers a through-life education and learning programme for all Army personnel, grounded in psychological skills and mental fitness. It is designed to help soldiers recognise and regulate signs of stress and allow them to prepare for difficult events and circumstances. The training includes a commander's guide to mental health.

9.6.3. **RAF Thriving at Work "T@W".** The RAF has invested in research and developed a comprehensive Whole Force specialist mental health and wellbeing programme called T@W. T@W replaces Mental Health First Aid training and is about Leadership, support, communications, and treatment. It makes best use of existing resources, tools and agencies and is inclusive of Civil Servants.

Statement of Truth

I believe the content of this statement to be true:

Signed: Personal Data (electronically signed)

Dated: 25 October 2025

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Witness statement of Jennifer Armstrong
Dated 25 October 2024