

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Matthew Collins

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: CIVIL SERVANT

This statement (consisting of ... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: Date: 22.12.23

Background

1. I am a senior civil servant and serve as the Deputy National Security Adviser for Intelligence, Defence and Security within the Cabinet Office. I have held this position since January 2022. The role of the Deputy National Security Advisers (of which there are three) is to support the work of the National Security Adviser, who is the head of the National Security Secretariat within the Cabinet Office and is the senior adviser to the Prime Minister and Cabinet on security, intelligence, defence, and foreign policy matters.
2. I have reviewed the exhibits which contain the information and analysis which was passed by one of the suspects to an individual named "Alex". I understand that "Alex" is assessed by SO15 to be an agent of the Chinese state who worked for an organisation that SO15 allege was a front for the Chinese Intelligence Services (Ministry of State Security (MSS)). I also understand that, on occasion, some of the information passed by Mr Cash to Mr Berry and then to "Alex" was confirmed to also be in the possession of a senior CCP leader.
3. This statement sets out my assessment of whether providing information of the type that was alleged to have been provided by one of the suspects to "Alex" was prejudicial to the safety or interests of the state (which I take to mean the United Kingdom). In making this assessment, I have proceeded on the basis that the facts as alleged by SO15 are true. This statement has been drafted at a classification that enables OPEN disclosure, and is therefore less detailed in its analysis than would be the case if it had been drafted at a higher classification (SECRET and above).
4. It has been assessed by SO15 that the Chinese state recruited Mr Berry as an agent and successfully directed him to utilise Mr Cash as a sub-source with access to the China Research Group (CRG), the

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Parliamentary estate and to at least two senior Members of Parliament. This is, by its very nature, prejudicial to the safety or interests of the UK. This is because it emboldens the Chinese state to believe that it is possible to successfully penetrate the UK's institutions and may encourage them to make further efforts to do so.

The United Kingdom's policy towards China

5. Before providing my assessment of the information passed by one of the suspects to "Alex", given the involvement of the Chinese state, it may be helpful to briefly describe the UK's policy towards China. As set out in the Integrated Review Refresh of 2023, the UK is updating its approach to China to keep pace with the evolving and epoch-defining challenge it poses to the international order. We will increase our national security protections where Chinese State (CCP) actions pose a threat to our people, prosperity and security. Second, we will deepen our cooperation and increase alignment with both our core allies and a wider group of partners. Third, we will engage directly with China bilaterally and in international fora so that we leave room for open, constructive and predictable relations: diplomacy is a normal part of state-to state business, and supports the national interest.
6. The activities of the Chinese Intelligence Services and some other Chinese state-directed organisations include cultivating contacts to manipulate opinion in China's favour in ways that can be covert, coercive, or corruptive. This includes seeking to co-opt and influence not just Parliamentarians from across the political landscape, but people at much earlier stages in their careers in public life, with the intention of building a deeper and/or more indebted relationship. The Chinese Intelligence Services are highly capable and conduct large scale espionage operations against the UK and other international partners to advance the Chinese state's interests and harm the interests and security of the UK. This includes targeting those working in HMG, industries, or on research of particular interest to the Chinese state.
7. The Chinese Intelligence Services also seek to obtain a wide range of information in pursuit of the Chinese state's strategic goals, including information on diplomatic, political, and economic policies towards China. Given the broad remit afforded to the Chinese Intelligence Services by the resources available to them, they are able to act opportunistically and gather all the information they can, including information that is protectively marked ('classified') as well as unclassified information which they can use to provide a more coherent intelligence picture. In fact, it is fair to say that the Chinese Intelligence

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Services expend considerable effort and resource on obtaining unclassified information from individuals in, or with access to, privileged or sensitive positions. They are particularly adept at cultivating contacts in areas such as government and business to do so, speaking to the utility and value that they consider this information to have in those contexts.

8. Human intelligence sources with such privileged access offer multiple benefits that other capabilities may not. These include, but are not limited to:
- the potential to acquire information on the decision-making processes of governments or organisations and the opinion of those in positions to influence such decisions, including that which may never be formalised in written form;
 - the potential to acquire information on the decision-making processes of governments or organisations, particularly information that identifies the specific opinion of individuals most influential in decisions regarding issues of interest to the Chinese state;
 - the potential to identify those individuals most influential on issues of interest and therefore identify potential recruitment targets, as well as gather further information to assist in targeting these individuals. This is information which may not be obtained through other means, particularly where information is not formalised in written form.;
 - human intelligence sources offer a longer-term potential, which is that they may gain greater access to those in positions of power, or may obtain those positions themselves, which the Chinese Intelligence Services exploit to influence and co-opt decisions to their benefit;
 - perhaps most acutely in this case, information acquired from a source with first hand access to information offers a credibility that other intelligence sources may lack, significantly increasing the value of this information.

In considering whether the suspects' alleged conduct was prejudicial to the safety or interests of the UK, I have borne these factors in mind.

Striking features of the material

9. There are two features in the exhibits that has been provided to me by SO15 which are, in my view, particularly striking.
10. First, there are examples in the messages exchanged between Mr Berry and "Alex" of the latter requesting information from him as a matter of urgency. On one occasion for example, a total of 13 hours passed

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between Mr Berry receiving tasking, speaking with Mr Cash, and incorporating the information he provided in a written report back to "Alex" (see 22a).

11. Second, in July 2022 in Hangzhou, Zhejiang, Mr Berry met with a senior CCP leader. I understand from the exhibits provided by SO15 that not only was Mr Cash made aware of this meeting in detail by Mr Berry on the 18 July 2022 by voice note, but Mr Cash responded in multiple messages to Mr Berry on 19 July 2022, including to state "you're in spy territory now".
12. These two features of the material indicate to me the value that was attached by the Chinese state to the information, obtained from Mr Cash, that Mr Berry provided to "Alex". It is highly unlikely that one of the most senior officials in China would meet with Mr Berry unless the Chinese state considered him to be someone who could obtain valuable information. The short amount of time that Mr Berry was given to provide the requested information and analysis indicates to me that it may have been used to inform real-time decision making.

The information that was passed

13. From reviewing the exhibits provided to me by SO15, I can see that Mr Berry was tasked by "Alex" to obtain information and analysis about the inner workings of the British political system. Specifically, Mr Berry was tasked to obtain information about topics which were directly or indirectly useful to the Chinese state. Mr Berry used Mr Cash as a sub-source to obtain the requested information. On several occasions, "Alex" directed Mr Berry to specifically ask Mr Cash for information. Mr Cash's position as Director of the CRG gave him access to senior Members of Parliament, including the Chair of the Foreign Affairs Select Committee (Alicia Kearns MP) and her predecessor in that role the now Minister of State for Security (Tom Tugendhat MP). This made him well placed to obtain the information requested by Mr Berry, particularly that relating to China-related policies, which was ultimately passed to "Alex".
14. The CRG was sanctioned by the Chinese state in March 2021, alongside three other UK entities and nine individuals, including Tom Tugendhat MP and Neil O'Brien MP, both of whom founded the CRG and were leading the CRG at the time it was sanctioned. This demonstrates the CCP's awareness of, and interest in, the CRG and, crucially, illustrates the extent to which the CCP deemed the CRG to pose a threat to China. Mr Cash's employment with this group, first as a researcher and then as the Director, and the access it afforded him to Members of Parliament, would therefore have been of interest to the

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Chinese state, and his roles would have meant he was well placed to obtain information that the Chinese state deemed to be of interest.

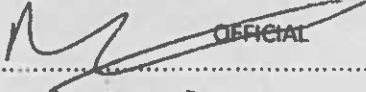
15. Some of the information that was passed by Mr Cash to Mr Berry was acquired as a result of Mr Cash's privileged accesses and was not in the public domain at the time it was subsequently passed by Mr Berry to "Alex".

Sensitive information regarding MP's personal and political activities

16. Information was passed relating to MP's personal and political activities:

- a) Mr Cash told Mr Berry that Tom Tugendhat MP, who was at that time not a Minister, would almost certainly obtain a Cabinet position from Rishi Sunak MP. In Mr Berry's report to "Alex", he indicated this position would be in exchange for Tom Tugendhat's support on foreign policy matters. Mr Cash told Mr Berry that this information was "very off the record" and that he definitely should not tell his "Zhejiang interlocutor" (i.e; 'Alex'). *(Source: Mr Cash sent a voice note to Mr Berry via an encrypted messaging application on 21/07/2022 which included this information. This was in the report entitled "Open Attitudes between Government" that Mr Berry submitted to "Alex" on 28/07/2022.)*
- b) Mr Cash told Mr Berry that Jeremy Hunt MP was likely to pull out of the Conservative leadership race and back Tom Tugendhat MP. In doing so, Mr Cash told Mr Berry that this was "v v confidential (defo don't share with your new employer)". This was subsequently passed in a written report by Mr Berry to "Alex". *(Source: Mr Cash sent the above details to Mr Berry via an encrypted messaging application on 21/01/2022. Mr Cash then messaged Mr Berry via an encrypted messaging application on 01/06/2022 stating that a vote of no confidence would be triggered in the next few days and "Didn't hear it from me". Mr Berry then received a tasking from "Alex" via an encrypted messaging application on 02/06/2022 relating to the then-Prime Minister Boris Johnson stepping down and the implications if Mr Tugendhat were to become PM. Mr Berry included the above details in a report entitled "Vote-of-No-Confidence" submitted to "Alex" on 06/06/2022.)*

17. The knowledge that MP's, specifically those that the Chinese state have previously deemed to pose a threat to China as illustrated via sanctions against them, were possibly to become a minister would

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have been of interest to the Chinese state. This interest would likely be heightened for specific roles (Home Secretary, Foreign Secretary or Security Minister). As per the evidence, Mr Berry indicated that 'Alex' and a senior CCP leader, showed considerable interest in how any appointment within the UK political landscape would change the UK Government's policy on China, to the point of a senior CCP leader asking specific questions about each MP within the Conservative leadership election one by one. Further it would allow the Chinese Intelligence Services to direct resource towards, or away from, a particular group of individuals. This insightful information need not be protectively marked, and rarely is, however it is not known by the vast majority of the general public, limiting the ability for states such as China to gather this information without the use of well-placed human sources such as Mr Berry and Mr Cash.

18. As outlined in point 15, knowledge that Tom Tugendhat MP, sanctioned by the Chinese state for his opinions on their policies, may become a minister of a department that has a significant role in shaping the UK's China Policy would have allowed China to ascertain the possible direction of the UK government, particularly on China-related issues.
19. It is also true that the Chinese state would be particularly interested in reporting that references growing support for MPs of prior interest to the Chinese State. This is specifically important within a leadership race where knowledge of who may withdraw from the leadership race, prior to this information being known publicly would be useful to future planning by the Chinese State. It would provide advanced detail of who they need not focus intelligence resource on, and where they should. Mr Berry also indicated that a senior CCP leader spoke about how, if certain MP's were elected, there would be consequences for UK-China relations. This shows how individuals of importance within China were shown to have been directly reflecting on the information provided by Mr Cash to Mr Berry and onwards. This pre-emptive knowledge may have given the Chinese state an understanding of the likely outcome of democratic process to choose the leader of the governing political party as well as allowing them to assess to what extent that outcome would affect the UK's position on China.
20. It is also important to understand that in Mr Cash, the Chinese state had indirect access to someone who knew and conversed with Tom Tugendhat. They would have therefore understood that any commentary coming from Mr Cash on the subject of political appointments, where specifically referencing Tom Tugendhat MP, were likely to be credible and accurate. Going forward, the Chinese state would have continued to have indirect access to someone who may have had sight of ministerial decision making via

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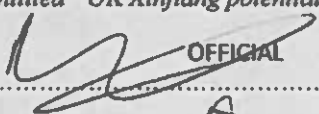
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his connections to politicians. Throughout the investigation, there is no evidence that Alex or the senior CCP leader that met with Mr Berry challenged the veracity of information provided by Mr Cash via Mr Berry.

Sensitive information regarding Government positions on China businesses

21. There are examples of information being passed relating to HMG's positions on China related business:

- a) Mr Berry told "Alex" that there was very little interest or political incentive in pursuing a government led investigation into Huawei's role in fixing Russian internet services. This was based on information provided by Mr Cash. *(Source: "Alex" sent Mr Berry tasking relating to this topic via an encrypted messaging application on 10/03/2022 specifying that this was important and should be prioritised ahead of other taskings Mr Berry had been sent. Mr Berry sent this tasking, verbatim, to Mr Cash via an encrypted messaging application on 10/03/2022 and the two discussed it. Mr Berry then included what Mr Cash had said as a quote from an "inside source" in a report entitled "Huawei Sanctions" submitted to "Alex" on 10/03/2022. There were 13 hours between the tasking message from "Alex" and the submission of a written report by Mr Berry).*
- b) Mr Berry told "Alex" that the then Foreign Secretary (James Cleverly) did not consider sanctions to be an effective tool in respect of the import of products from Xinjiang and similar matters. This followed a tasking Mr Berry received from "Alex", seeking to understand the level of communication between the UK and US on matters relating to Xinjiang as well as what specific measures the US and UK would take. Mr Berry passed this tasking verbatim to Mr Cash with an offer of payment if Mr Cash could reply at short notice, Mr Berry did not specify an amount. Mr Cash replied in the knowledge that this was a tasking as well as recognising that the language used within the tasking was similar to that put forward by China's state media, further indicating Mr Cash's assessment that Mr Berry was being directed to provide these taskings to Mr Cash, by a state-linked company. *(Source: Mr Berry received a tasking about this from "Alex" via an encrypted messaging application on 06/12/2022 which he passed, verbatim, with an offer of payment to Mr Cash via an encrypted messaging application on 11/12/2022. Mr Cash replied the same day. Mr Berry submitted a report containing this information entitled "UK Xinjiang potential collaboration.docx" to "Alex" on 12/12/2022.)*

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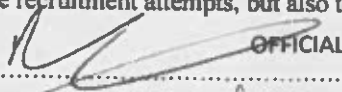
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- c) Mr Cash told Mr Berry that a ban on the import of products from Xinjiang would likely not come into force until well into 2023. In respect of the import of products from Xinjiang, Mr Cash told Mr Berry that, despite public statements to the contrary, HMG was not planning to take measures which could harm the prospect of doing business with China. This information was passed by Mr Berry to "Alex". (Source: "Alex" sent Mr Berry tasking relating to this topic on 11/05/2022 via an encrypted messaging application. Mr Berry sent this tasking, verbatim, to Mr Cash via an encrypted messaging application on 16/05/2022 and the two discussed the above details. This information was included in a report entitled "Import of Products of Forced Labour from Xinjiang" that Mr Berry submitted to "Alex" on 21/05/2022).
- d) Mr Cash provided Mr Berry with non-public details of a HMG review of the Newport Wafer Fab (NWF) purchase, the outcome of which would have been of great interest to the Chinese state and provided prior to the review being made public knowledge. Mr Berry sent this information to "Alex". Mr Cash later provided Mr Berry with the knowledge that the company was seeking to sue HMG if it overturned the purchase of NWF. (Source: Mr Cash sent a voice note to Mr Berry on 16/03/2023 in relation to NWF – details of which were included in a report entitled "The National Security and Investment Act" which Mr Berry submitted to "Alex" on 18/03/2022. There were further messages from Mr Cash to Mr Berry relating to non-public information about NWF on 01/04/2022 and 27/04/2022 – it's unclear if these details were passed by Mr Berry to "Alex".)

22. In the examples detailed above, the information provided by Mr Cash to Mr Berry and passed by Mr Berry to "Alex" related to the opinion of MPs or HMG's position prior to, or contrary to, information that was being made public on these issues. This information would allow the CCP to calculate the potential for future HMG action on political issues, such as the import of products from Xinjiang, and in this instance, likely influenced China's understanding of the likelihood for diplomatic action following any warnings or concerns issued by HMG on these matters. This information would also allow the Chinese state to gauge and pre-empt future diplomatic engagements on these issues, again potentially weakening the position of HMG in such engagements. In point b), information relating to the opinion of the then Foreign Secretary would contribute to the Chinese state's understanding of the position of different Cabinet members on such issues, which would allow them not only to direct their intelligence collection and future recruitment attempts, but also to direct future potential influence operations.

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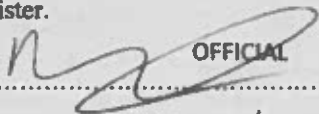
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Sensitive information on general Government activity regarding China

23. Below are examples of information that was passed relating to more general HMG activity relating to China:

- a) Mr Berry told "Alex" that the CRG was briefing Rishi Sunak MP on his China policy. Mr Berry also told "Alex" that The Inter-Parliamentary Alliance on China (IPAC) were briefing Liz Truss. This information had come from Mr Cash. *(Source: Mr Cash stated "Ipac are briefing truss" and "we are briefing Sunak" in a an encrypted messaging application message to Mr Berry on 25/07/2022. This detail was included in the report entitled "Open Attitudes between Government" that Mr Berry submitted to "Alex" on 28/07/2022.)*
- b) In respect of Confucius Institutes, Mr Berry told "Alex" that HMG was against any strong or fast moves against them, and that attempts were being made using backchannels to try to persuade Tom Tugendhat MP and Alicia Kearns MP to withdraw an amendment which would have targeted them. This information came from a voice note Mr Cash sent to Mr Berry. *(Source: "Alex" tasked Mr Berry via an encrypted messaging application with finding out about CRG's and HMG's intentions in regards to Confucius Institutes on 10/06/2022. Mr Berry asked Mr Cash what the situation in regards to Confucius Institutes was via an encrypted messaging application on 10/06/2022 and Mr Cash replied via a voice note containing the above details. This was included in a report entitled "Confucius-Institute" that Mr Berry submitted to "Alex" on 14/06/2022).*

24. The non-public information that the now Prime Minister's China policy was being potentially shaped or at least informed by the CRG (which by then had been sanctioned by the Chinese state) would have been of interest to the Chinese Intelligence Services and the Chinese state more broadly. It would allow China to determine which candidates were likely to have a particularly robust China policy and, further, who may be of use to target to gain direct access to the thought processes of a possible future Prime Minister. At this time, Mr Cash was a researcher for the CRG and may have been directly contributing to the policy advice being provided to Rishi Sunak. It is axiomatic that this is prejudicial to the safety or interests of the UK for the Chinese state to have indirect access to one of the individuals providing policy advice to the now Prime Minister on China, with the potential to influence that advice. Knowledge that IPAC was briefing Liz Truss' campaign would have also have been of great interest given the potential that she also could become Prime Minister.

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25. In terms of Mr Cash passing information to Mr Berry relating to Confucius Institutes, this informed the Chinese state that amendments proposed by Members of Parliament with particularly robust views on China were not supported by their own party. The impact of this is two-fold. First, the Chinese state would be in a position to know the red-lines of the UK's China Policy, something that HMG would not wish publicly to announce. Secondly it would allow the Chinese to determine where politicians involved may be in disagreement which could in turn identify who they should seek to target either through covert influence activity, or wider covert collection efforts.

Activities of British Members of Parliament regarding Taiwan

26. Below are examples of information that was passed relating to Taiwan:

- a) Mr Berry told "Alex" that a "secret" meeting had taken place between Taiwanese officials from the Ministry of National Defence and Tom Tugendhat MP and Alicia Kearns MP. Mr Berry told "Alex" the identities of the Taiwanese officials as well as the fact they had discussed Taiwanese strategy for a potential attack from China. This was based on information provided to him by Mr Cash. *(Source: Mr Cash sent multiple messages – including a photo of some attendees – and a voice note via an encrypted messaging application to Mr Berry on 25/05/2022 detailing the above information. This was included in a report entitled "Taiwan-perception-within-Parliament" submitted by Mr Berry to "Alex" on 06/06/2022).*
27. On a number of occasions throughout the course of the relationship, Mr Berry, following tasking from "Alex", drafted reports on the topic of Taiwanese/UK relations. In the majority of these reports, Mr Cash is identified as the source of Mr Berry's information. Mr Berry wrote two formal reports on planned trips to Taiwan by the Foreign Affairs Select Committee in February and August 2022 for "Alex" and a report on the perception of Taiwan within Parliament in June 2022. Within these reports it is worth noting that the opinion of multiple Members of Parliament was referenced. Some of these individuals had previously been sanctioned by China in March 2021, as referenced above, further indicating the Chinese state's heightened interest in them.
28. The Chinese state has made clear its intent to reunite Taiwan with the rest of China, and has not ruled out using force to do so. The Chinese state has, on multiple occasions, made clear its disapproval of other nations maintaining international relations with Taiwan, separate to their relations with China. Comments

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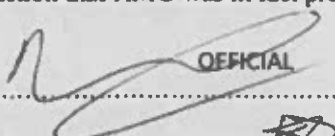
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by "Alex" within the exhibits I have reviewed document the Chinese state's intent to acquire intelligence on HMG's policy in relation to Taiwan, specifically information *"that can't be easily found on the internet"* (this comment is contained in a message received from "Alex" on 31 May 2022).

29. Providing details of politicians meeting with Taiwanese officials especially where these are not publicly avowed or part of government policy, including when and who they are meeting, would have enabled the Chinese state to obtain additional information on the meetings through other sources, or to direct assets or capabilities towards the meetings. This could include, for example, covert surveillance, covert human intelligence sources, or other technical coverage, that should result in the acquisition of non-public information on HMG's relationship with Taiwan. The provision of this type of information would be of use to the Chinese state, and is prejudicial to the safety or interests of the UK. This remains the case even though the attendees do not hold ministerial positions.

Whether the suspects' alleged activities were prejudicial to the safety of interests of the state

30. Turning to the nature of the information and analysis that was obtained by Mr Cash and Mr Berry and passed to "Alex", none of it was protectively marked. It would be wrong, however, to assume from this that the suspects' alleged conduct was not prejudicial to the safety or interests of the UK. In my view, providing sensitive information of the kind passed by Mr Cash and Mr Berry to the Chinese state was prejudicial to the safety or interests of the UK as it gave the Chinese state a tactical or strategic advantage.
31. First, as I explained above, obtaining any information, particularly from individuals in roles with direct access to Members of Parliament who the Chinese state and Chinese Intelligence Services are interested in is a priority for them. This is demonstrated by the meeting Mr Berry had with a senior CCP leader.
32. Secondly, the Chinese state may have been able to use the information provided by Mr Berry and Mr Cash to validate information which may have been provided by other sources.
33. Thirdly, the information would have been useful to the Chinese Intelligence Services to assist with targeting.
34. Fourthly, the information and analysis provided by Mr Cash and Mr Berry would have enabled the Chinese state to compare what HMG was saying publicly about a policy issue, such as banning imports from Xinjiang, with the action that HMG was in fact prepared to take (or not take, as the case may be).

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This would undermine HMG's negotiating position with the Chinese state and is the kind of information which HMG would not convey to the Chinese state by way of normal diplomatic channels. This would have given the Chinese a strategic edge in any subsequent foreign policy discussions on the topics.

35. Fifthly, the Chinese state was given real-time insights into Parliament's views of HMG policy, in some instances based on information Mr Cash obtained due to his privileged access to senior Members of Parliament. The information in question was, in many instances, privileged information that was not in the public domain at the time it was provided by Mr Berry to "Alex".

Conclusion

36. For the reasons given above, it is my assessment that the suspects' alleged activities were prejudicial to the safety or interests of the UK, and the information and material passed would be directly or indirectly useful to the Chinese state.

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