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Crates of long-lost evidence found at SFO ‘cast doubt on Nadir conviction’

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The Serious Fraud Office faced fresh woes over the Asil Nadir case last night after three long-lost crates of evidence were found at its offices. The discovery led to questions about the safety of Nadir’s conviction last year for stealing £28.5 million from his Polly Peck business empire in the 1980s.

The material relates to one of the murkiest episodes in modern legal history — an alleged plot by Nadir to bribe the judge at his original trial in 1993. The claims were later revealed to be a fabrication by Michael Francis, a police informant, and Mr Justice Tucker received an apology from the SFO for being made the subject of “spurious and groundless allegations”.

The boxes contain documents and recordings of interviews from a police investigation into the origins of the bribery allegation. The evidence went undiscovered before Nadir’s trial despite an extensive trawl for relevant files when the tycoon returned to Britain in 2010 after 17 years self-imposed exile in North Cyprus.

A source said that when the SFO moved offices last November the material was found on shelves behind a desk once used by a policeman attached to the unit.

The SFO blamed human error, but non-disclosure of evidence is a serious issue that has led to the collapse of trials and quashing of convictions. It also argued that the documents were irrelevant to the fraud case yet indicated that it wanted to keep them secret. It intends to apply for public interest immunity (PII) certificates, which were used during last year’s trial to prevent documents being disclosed to defence lawyers or the jury on national security grounds.

Lord Maginnis of Drumglass, who campaigns on the North Cyprus issue, said the discovery of the boxes reinforced his concerns about the Nadir case. “The SFO and the courts have obtained dozens of PII certificates to keep evidence secret which in our so-called information age is extraordinary,” the former Ulster Unionist MP said.

“The alleged plot to bribe the judge was, in my view, a set-up. When we consider what we are learning now about policing in that era — from Hillsborough to the activities of rogue undercover cops — we should also ask what went on in the Nadir case. This sudden discovery of lost evidence raises very serious questions about whether Nadir had a fair trial and whether his conviction should stand.”

The boxes create a legal headache for all sides. The SFO may not be able to withhold the documents because PII certificates cannot be obtained where no proceedings are active.

Nadir is not appealing against his conviction but has applied to serve his ten-year sentence in Turkey, where his wife Nur, 29, is thought to be living. He has cleared an obstacle to that transfer by finding £5 million that the courts ordered him to pay in compensation to former investors.

The alleged bribery plot is at the centre of claims that Nadir, a prominent donor to the Conservative Party in the 1980s, was the target of a “dirty tricks” campaign.

The SFO declined to comment.