

Mrs A Roughton
Case Review Manager
The Criminal Cases Review Commission
Alpha Tower (21st Floor)
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Birmingham B1 1TT

18 February 2003

Your Ref: 00409/99

By fax to 0121 633 1823 (eight pages including this one)

Dear Mrs Roughton,

Please be advised that I will read references to "Symeon Cambanellos" or "Charalambos" (?) or "Kambanellas" or other variant spellings as being references to the accepted English transliteration (masculine) of Simon Campanellas from here onwards.

- Please let me know by return if you wish to raise any issues with this.

In your Provisional Statement of Reasons you make two assertions purporting to quote me or speak on my behalf. The first is as follows:

1.13 "He stated that he had made the telephone calls set out in the schedule of telephone calls and that the summaries of these conversations were accurate."

I have never accepted that those summarise are accurate, quite the opposite. The following two documents (already within my original submission to the CCRC) support my position:

1). The transcript of the first day of the third trial before Judge Brian Smedley (dated Monday, 3rd April 1989) from which I quote:

"I am extremely distressed by the way that the prosecution have been covering up certain items of evidence that appear to be extremely significant in this case."

(Page 1.4)

[...]

"The prosecution have served eighteen tape recorded tapes which comprise about seven hours in negotiation and discussion between various people, including myself, with the Government of Cyprus. I have in my possession here -- I am quite prepared to show your Lordship -- I have three different partial transcripts, one produced by one of the prosecution witnesses, which is a summary, one produced by my own solicitors, and two or three pages which were dictated to a clerk of my solicitor and typed up afterwards. None of these transcripts agree between themselves what has actually been said on those tapes. I think you will agree, your

Lordship, that a tape recorded conversation represents a piece of absolute evidence. It is inconceivable to me that three different people can hear the same piece of evidence and produce three (Page 1.6) transcripts that if one could listen to them one could identify which piece they think has been missed out. I have requested from the prosecution access to those tape recordings so that the authenticated and verified transcript can be made for use at the trial, your Lordship, and for use in cross-examining the people who own the tapes." (Page 1.7)

[...]

Mr. Pratt: Cross-examined by Defendant, Mr. Panos KOUPPARIS

Q. Are they good sound quality [i.e. the AD tapes]? A. A number of them are.

Q. They are. Would you excuse me. I would like to read something out to you. I have here a transcript I have been given by my solicitors, and I am just taking one page at random. The conversation goes something like this:

"dot dot dot My name is Cambanellos. Yes. Do you know I dot dot dot I dot dot dot to dot dot dot Yes. And dot dot dot to dot dot dot right away"

and it continues ad infinitum to that. Would you say that that was a fair transcript of the quality of the tapes you have heard in the light of what you have just said?

A. Well, (1) I haven't got the document in front of me, and (2) I don't know which tape you are referring to.

Q. Well, neither do I, because they are not marked on here, but apparently those are supposed to be transcripts made of the tapes. I am merely trying to establish that the tapes are extremely high quality in some places, and I have been given transcripts that are virtually unintelligible. (Page 17)

The full trial transcript is archived on the web at URL:

<http://www.injustice.org/nemo/trials/t2890403.html>

2). The expert report of Mr Henry Bland, Consulting Forensic Scientist (dated 20th April 1989).

3. CONCLUSION

The tape AD/9 would appear to be intact and an integral conversation over a period during which the conversation lapsed whilst one of the participants left the telephone for other purposes. Nevertheless it is possible that some part of this conversation could have been erased prior to it being copied.

There are, however, clear indications that parts of the conversations on AD/14 and AD/16 have been edited out, it is not clear if any material has been edited in from the present examination.

All the conversations between Colonel Digsby and other persons on these 2 tapes AD/14 and AD/16 are fragmented and could not be considered to display the whole of any of the conversations.

To take matters further will require considerable time and expense, there are a number of areas on the tapes which require further detailed examination. It is unlikely that a full examination could be completed in less than 30 hours working time and this period may not be available in a single block. (Page 8)

The full text of Mr Bland's report is archived on the web at URL:

<http://www.injustice.org/nemo/preview/nemo-005.html>

From the above two documents, it should be clear that a) the summaries are disputed as true and accurate representations of the police evidence tapes, and b) the integrity of the underlying tapes is called into question.

- If you wish to continue to rely on this assertion, please provide a source for the quote by return so that I may deal with it by way of further submissions.

The second of your assertions against which I raise issue appears in two items as follows:

1.14. As Mr Koupparis did not really dispute that he had carried out the actions forming the basis of the charges

6.3. It has to be borne in mind that Mr. Koupparis accepted that he carried out the acts which form the basis of these charges.

I have always disputed the version of events implied by the prosecution's selective presentation of evidence concerning my arrest. That challenge is best presented in relation to both particulars of Count 2, reproduced below:

In the second count he is charged with attempting to obtain property by deception, the particulars of offence being that on the 14th day of May 1987 he attempted to obtain dishonestly from the High Commissioner for Cyprus, acting on behalf of the Government of Cyprus, £25,000 in money with the intention of permanently depriving the High Commissioner for Cyprus thereof by deception, namely by falsely representing,

(1) that his true name for practical and everyday purposes was Symeon Cambanellos;

(2) that he then held a genuine intention to assist the Government of Cyprus to detect poison injection generators.

My challenges are as follows:

1. Police tape exhibit RH/3 (also its complementary video tape) demonstrates that I did not leave the High Commissioner's office with £25,000 pounds in my possession.
Note: In his trial testimony the High Commissioner did not say that I had left his office with £25,000. (Trial transcript Vol. 3.)
<http://www.injustice.org/nemo/trials/t40330.html>
2. Police tape exhibit AD/5 demonstrates that the Cypriot police were told that a) Simon Campanellas was a false name, and b) spurious passport details would be given to the High Commissioner. (Page 8 of AD tapes transcript.) See Annex I.

3. Police tape exhibit RH/2 demonstrates that the name "Koupparis" was given to the High Commissioner's secretary who gave it to the High Commissioner on the morning of 14th of May 1987. (Trial transcript Vol. 3. Pages 53 ff. and 73 ff.)
The High Commissioner's testimony:
<http://www.injustice.org/nemo/trials/t40330.html#p3.52>
The Prosecution's admission:
<http://www.injustice.org/nemo/trials/t41110.html#p11.73>

In summary, there was no deception regarding my name because I had used my real name "Koupparis" when calling Mr Panayides, I did not leave his office with £25,000 and made no pretence or deception about the name Simon Campanellas because I had told the Cypriot police that it was false and that I was going to give Mr Panayides spurious passport details. (The prosecution accepts that I gave genuine, undisguised passport photographs of myself.)

Thus the prosecution's claim that he, "attempted to obtain dishonestly ... £25,000," collapses when police tape exhibits RH/2, RH/3, AD/5 and the police video tape are examined.

- In view of points 1 to 3 raised above, please confirm by return that you will withdraw from the Statement of Reasons or amend those items that are based on assertions that contradict the prosecution's evidence.
- I would be grateful if you could indicate as soon as possible what, if any, parts of what is left of Count 2 the CCRC believes continues to uphold my conviction so that I can prepare further submission.

I intend to raise the "intent" element of Count 2's second particular shortly.

I have identified the main items for amendment in the list below:

1.11. "On 14 May 1987 Mr. Koupparis, masquerading as Mr. Cambanellos ..." and "In return he received an envelope which appeared to contain £25,000."

1.14. "However, in the view of the Prosecution experts, Mr Koupparis was capable of knowing what he was doing. They also pointed out Mr Koupparis' capacity to carry out the impersonations."

6.3. "The Commission considers that there is one main issue in this case which is relevant to the safety of the conviction and that is Mr. Koupparis' state of mind when he committed these offences."

6.13.2. (in respect of **6.13.1.**) "The Commission accepts that Mr Koupparis may have an entitlement to use the name Simon Charalambos, but also considers that, by using it, he intended to deceive as he was pretending to be someone other than himself."

6.13.3. "The money that Mr. Koupparis received as Simon Charalambos"

6.13.4. "Mr. Koupparis knew when he took that money ..."

6.13.5. "The Commission is not satisfied that there is a real possibility that the Court of Appeal would find Mr. Koupparis' conviction to be unsafe on the basis that he was entitled to use the name Simon Charalambos. Moreover this is not new evidence as it was something that Mr Koupparis would have known about at the time of the trial, at which his use of the name was discussed, and there is no reasonable explanation for his failure to raise the document at that time."

6.14.1. The Commission is satisfied that this is not a new issue. Mr. Koupparis' mental state when he committed these offences was the main issue at his trial. Dr Ashton was examined and cross-examined at length on this point.

6.14.2. The Commission therefore considers that there is no real possibility that the Court of Appeal would find Mr. Koupparis' conviction to be unsafe on this basis.

In addition to the above, within item 6.13.4. you appear to have introduced a new particular to Count 2, as follows:

6.13.4. "... He had put himself forward in the phone calls that he made to the Cyprus High Commission as an expert in medicine, chemistry, physics, electronics, computers, telephones and another 100 subjects (see page 11.61 of the transcript of Crystal Heather Ashton's evidence). Mr. Koupparis was not an expert on any of these topics and the Prosecution case was that he had made these representations in this guise in order to proceed in his scheme of blackmail."

The prosecution never set out a case or any evidence in respect of my actual or claimed education, qualifications or areas of expertise, or the lack thereof.

Nevertheless, your new claim also collapses when the AD tapes transcript is examined: at pages 36-37, it can be seen that a) no such claims are made, and b) the caller boasts that he does not have a single GCE "O" Level qualification, having left school at age 15. (Note: Dr. Ashton did not see the full tape transcripts, merely the disputed police summaries.) See Annex II.

- If you wish to continue to rely on this new claim, please let me know by return so that I may submit additional evidence in rebuttal.

Conclusion

- Please let me know by return if there is any aspect of the prosecution's case in respect of Count 2 or this letter that you do not understand.
- Please confirm as soon as possible that you will withdraw unfounded claims and assertions from the Provisional Statement of Reasons, as it is impossible for me to rebut or respond to such issues.

Yours sincerely,

P. Koupparis