

Asil Nadir: another victim of the arms-to-Iraq conspiracy?

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Asil Nadir was sentenced to 10 years in prison on 23 August 2012, for stealing £29 million from his company and from its North Cyprus subsidiary Uni-Pac. Soon after Justice Minister Chris Grayling rejected Nadir's request for a transfer from a British to a Turkish prison, some of his supporters uploaded to their website, jancom.org, a document, described as a CIA intelligence report, naming two British former SAS men as the killers of Dr Gerald Bull, the designer of Saddam Hussein's so-called supergun.

The unsolved murder of the 62-year old Canadian-born engineer Gerald Bull, shot dead outside the door of his Brussels flat on March 22, 1990, has been variously attributed to the Israeli secret service Mossad, the CIA and the Iranians. No-one heard the silenced shots and twenty thousand dollars in cash lay untouched on the body.

Nine days later, Jonathan Moyle, a former RAF helicopter pilot reporting on Chilean arms deals, was found dead in a room at the Hotel Carrera in Santiago. The 28-year old editor of the magazine *Defence Helicopter World* had been investigating military sales to Iraq. Despite Foreign Office suggestions that his death was an auto-erotic accident, a British inquest, reconvened in 1998, concluded that he had been unlawfully killed.

Two weeks after the murder of Gerald Bull, British Customs seized eight gun barrel sections, designed by Bull, manufactured by Sheffield Forgemasters, waiting at Teesport for shipment to Iraq. The supergun was never built.

The apparent CIA document

The apparent CIA document was taken to Asil Nadir's London solicitors in November 2010 by Olivia Frank. Ms Frank, who spied in Germany for the Israeli secret service in her youth,

says that MI5 arranged for her to be jailed at the high-security Cookham Wood prison in Kent where she was to conduct negotiations with Mrs Elizabeth Forsyth, Asil Nadir's private banker. Mrs Forsyth, born into the McAlpine family, was jailed in 1996 for laundering £400,000 for Nadir but freed on appeal a year later. Nadir had fled to northern Cyprus in 1993 after a Serious Fraud Office raid on Polly Peck in 1990 collapsed its share price. He lived in exile for 17 years before returning to Britain in 2010 to 'clear his name'.

JANCOM has posted two versions of the American document at jancom.org. One is a report from the CIA Directorate of Intelligence entitled 'Project Babylon: The Iraqi Supergun', released under freedom of information rules in the USA and heavily redacted to obscure sensitive passages. A second 'unredacted' version is claimed to be the original secret document without deletions. Certain paragraphs are also marked 'S NF NC' a coding that means 'secret, not to be seen by foreign nationals or by defence contractors'.

The group JANCOM – the Justice for Asil Nadir Committee – claim that the Central Intelligence Agency report was excluded from Nadir's 2012 trial after a dispute between defence barristers and by the use of a Public Interest Immunity (PII) certificate, used by the state to hide politically sensitive documents. On 18 March 2013, answering a question in the House of Lords from Lord Maginnis of Drumglass, Lord Wallace of Tankerness for the British government refused to say how many documents had been subjected to PII during the Old Bailey trial of the former chief of Polly Peck International.¹

¹ Lord Maginnis of Drumglass is Ken Maginnis, former Ulster Unionist MP for Fermanagh and South Tyrone, from 1983 to 2001.

Michael Mates MP was a Conservative Northern Ireland minister from 1992 to 1993 until forced to resign after the publication of a letter he had written to the attorney-general in support of Asil Nadir. Mates was a poll tax rebel and a key figure in the removal of Margaret Thatcher. He had given a watch to Nadir, a Tory donor, engraved, 'Don't let the buggers get you down'. Mates was a defence witness at Nadir's 2012 trial and later last year, when he was runner-up in an election for police and crime commissioner in Hampshire, he said of his support for Nadir: 'Every single thing that I alleged when I was taking up the case has turned out to be true.....I have a clear conscience about it all.'

Olivia Frank:

The CIA dossier was to form a major part of the defence of Asil Nadir. I delivered it to Asil's solicitor Giles Bark-Jones via his partner Fred Bunn, in November 2010 when I met Elizabeth Forsyth, once more, in a London hotel.

According to Elizabeth, Her Majesty's Government signed no fewer than 36 PII certificates. This had the effect of censoring numerous Turko-British government letters, so that I believe only one such letter was partially revealed in court and even that was redacted.

In summarising the British end of the arms-to-Iraq scandal, the unredacted report names several serving and former British secret agents involved in the vast Anglo-American arms smuggling operation to supply Saddam Hussein. These agents include the late Stephan Adolphus Kock, a former officer in the Rhodesian Special Air Service, consultant to the Midland Bank and putative agent of both MI5 and Mi6; and Sir John [later Lord] Cuckney, a former MI5 officer. Both died in 2008. The document also describes the actions taken by HMG to cover-up its arms dealing to Iraq, including the destruction of companies and the framing and prosecution of some of those companies' directors and employees.

At the core of the arms trade with Iraq was a company called Allivane International. On the Jancom site is an affidavit by an Allivane director, 'Witness statement by Terence Byrne Senior', which confirms some of the general allegations in the putative CIA document.

Most controversially that document claims that Stephan Kock, using named former SAS and SIS personnel, murdered four people, including Gerald Bull and the journalist Jonathan Moyle.

The unredacted CIA document was first referred to in the English language Turkish newspaper *Cumhuriyet*. Asil Nadir sheltered in his native Turkish-controlled Northern Cyprus between 1993 and 2010 as a fugitive from British justice.

In her 2006 online memoir *Naked Spygirl*,² Olivia Frank

² <nakedspygirl.blogspot.com/>

describes her childhood in Manchester, the influence of her father, a Jewish soldier in the British army wounded at El Alamein before serving in Palestine, and her recruitment as an agent for the Mossad who could travel on a genuine British passport. She says police in Lancashire and Cheshire harassed her parents before she was persuaded by MI5 to commit a white collar accountancy crime and from an adjoining cell, make friends in prison with Elizabeth Forsyth. Her father committed suicide.

She claims to have turned her back on MI5 in prison and, after being released, was introduced to Asil Nadir by Mrs Forsyth. She says the 'unredacted' CIA report is genuine.

Elizabeth Forsyth

At her retirement home in Northern Cyprus, Elizabeth Forsyth, Asil Nadir's former private banker, pointed out that Polly Peck International and Astra, one of the firms involved in supplying explosives to Iraq, shared the same accountant Dennis Robertson of Stoy Hayward of Baker Street, London. Elizabeth Forsyth:

I spent ten months in high security prisons until I won my appeal. I received no compensation for what had happened to me. I won my appeal because Judge Tucker had misled the jury on seven occasions. In reality it was nine occasions.

During my appeal hearing one of the three judges, Lord Beldam, asked my QC if Dennis Robertson had been questioned in Asil Nadir's first trial. Neither he nor I knew to whom he was referring. The judge then directed his question to the Serious Fraud Office who answered very quickly in the affirmative. Dennis Robertson was the partner in charge of the Polly Peck International audit for Stoy Hayward. Prior to my trial my solicitor had written to the SFO for a list of the people who had been questioned in AN's case. Dennis Robertson's name was not on that list.....

It was some time after my successful appeal that a

friend of mine, who had been closely following my trial, mentioned that she had read a book written by Gerald James, the ex-chairman of Astra. In that book Gerald mentioned that Asil Nadir was in the arms business. I decided to meet Gerald as I was not aware that this was the case. I ran AN's personal businesses and I am sure that this suggestion would have appeared somehow or another.

I met Gerald at his club in Piccadilly and he said that if AN was not in the arms business then why were Astra Fireworks sending Uni-pac, a subsidiary company of PPI, invoices for the manufacture of propellant for the Big Gun? I was completely nonplussed. Gerald then suggested that if this event was unknown to Asil Nadir, and perhaps even to PPI, who then would have been able to open a bank account in PPI's name?

He asked who PPI's auditors were and I told him Stoy Hayward. Seemingly both Astra and PPI accounts were being audited by the same partner, in the same firm of accountants, Dennis Robertson. Coincidentally Dennis Robertson had taken over from a previous auditor on both accounts at the same time. Late 1989!

It was therefore possible that in his position as auditor for both companies Robertson could have opened the various accounts for certain military purposes.

When I was able to speak to Asil Nadir again I asked him whether Dennis Robertson had ever mentioned opening accounts for PPI in Switzerland. He vaguely remembered that this had been the case. Robertson had wanted to open accounts for the three Turkish subsidiaries of PPI in Switzerland for 'tax reasons'. The companies were Uni-pac, Meyna and Subzest.

Dennis Robertson was going to be called as a witness in Mr Nadir's trial but he died in around 1992. Gerald James is totally convinced that his death was

not accidental.’³

Dennis Robertson’s name has appeared before in these columns, in John Burnes’ ‘Joseph K and the spooky launderette’ in *Lobster* 36.⁴ As Burnes commented recently:

When I was blacklisted by the spooks and no college in the land would employ me, I ended up in Holland, actually applying for political asylum. I lived in Holland for three months in a refugee camp at OC Zeevolde. The core of my application process for asylum was an official interview conducted by the Dutch Ministry of Justice during which they confronted me with evidence that eight hundred thousand pounds had been banked in Holland in my name.

I have had years to find out how and why eight hundred thousand pounds went through accounts set up in Holland in my name, at a time when I was an unemployed graduate student. I now believe the money was banked by the late Dennis Robertson, my ex-wife’s accountant, and that Robertson laundered funds for SIS, the British intelligence service. Of one thing we can be certain: it was Dennis Robertson who moved Polly Peck funds from Britain to Cyprus.’

Postscript: a licence to kill?

In 2009, the BBC security correspondent Gordon Corera

³ Elizabeth Forsyth says:

‘I must make one matter clear, I was instrumental in handing documentation which I had been given during my investigations into this rather lurid business but neither I, nor Mr. Nadir’s family, were involved in the construction of the website on which the documents have been published.’

⁴ Burnes wrote on Nadir in *Lobster* 41, ‘Elvis has left the building: Political Perspectives on the Fall of Polly Peck’. He was the subject of ‘Revealed: How Sir Thomas Legg the exes axeman lost his wife to a guitar-playing ‘KGB suspect’ <www.dailymail.co.uk/news/article-1221145/Revealed-How-Sir-Thomas-exes-axeman-lost-wife-guitar-playing-KGB-suspect.html>. See also ‘Expenses axeman Sir Thomas Legg “inspired TV’s Judge John Deed love feud plot”’ at <www.dailymail.co.uk/news/article-1222697/Expenses-axeman-Sir-Thomas-Legg-inspired-TVs-Judge-John-Deed-love-feud-plot.html>

asked Sir John Scarlett, retiring chief of MI6 about a licence to kill, 'The licence to kill issue? No we do not. We do not have licence to kill.'

It has however been argued that Section 7 of the 1994 Intelligence Services Act might protect a British agent involved in murder abroad. This curious and little-known law was intended to protect British spies from being prosecuted or sued in Britain after committing crimes abroad. Section 7, offering protection to spies involved in bugging and bribery, might be extended to an agent embroiled in far more serious matters in a foreign country, including murder, kidnap or torture, provided the actions of the agent were authorised in writing by a secretary of state.⁵

5 <www.legislation.gov.uk/ukpga/1994/13/section/7>