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Our Ref: CRM/239851/DH
Your Ref: CR/RS/KP/004/2340

Dear Sirs

REGINA -v- [REDACTED] GRO & ANOTHER
STAFFORD CROWN COURT - TRIAL - 4 JANUARY 2005

I write concerning unused material held by HM Customs & Excise in Birmingham, which relates to [REDACTED] GRO

Although the material held by Customs & Excise had previously been inspected by both the writer and the Head of Criminal Law on behalf of this Office, in the light of earlier correspondence (in particular from the Solicitors representing Carl Adrian Page), I asked Counsel to review all the material held by HM Customs & Excise Birmingham Office.

Following his inspection, it remains the view of the Prosecution that none of this materials falls for disclosure. However, in the interest of transparency, I wish to advise you of the following which is largely by way of amplification of the information contained in my letter of 23 September 2004:-

- (a) The Customs & Excise surveillance operation centred on [REDACTED] GRO and, as previously stated, commenced on 10 December 2002.
- (b) Surveillance was carried out at varying times on 10, 11, 12, 13, 16, 17, 19, 20 and 30 December 2002 and on 2, 8, 11, 12 and 13 January 2003.
- (c) [REDACTED] GRO was observed at Bureau de Change outlets on 10, 13, 17, 28 and 30 December 2002 and on 2 and 3 January 2003. All were at Thomas Cook in New Street, Birmingham, with the exception of 2 January 2003, which was at HSBC, Waterloo Street, Birmingham.
- (d) The first and only surveillance of Customs & Excise which showed [REDACTED] GRO at the Rugeley Post Office was that on 13 January 2003, the date of arrest.

In response to your letters of 29 September 2004 and 11 October 2004, as earlier indicated, following review by Counsel of the material earlier inspected by both the writer and the Head of Criminal Law on behalf of this Office, the Prosecution remains of the view that none of the material falls for disclosure. Accordingly, the copies of the Production Orders obtained at Southwark Crown Court on 20 November 2002 against Thomas Cook and on 5 December 2002 against HSBC will not be copied. Neither will we obtain further information regarding [REDACTED] GRO overseas trips.

You will appreciate that this is third party material. As such, it has been identified and considered in accordance with Paragraph 29 of the Attorney-General's Guidelines. Under the Code of Practice, HM Customs & Excise has been requested to retain the material which it holds, which it would have done in any event.

Granted our view in relation to disclosure, we are not in a position to provide either a full list or details of the material which Customs & Excise hold. We are in no sense being difficult about this, but the material is not ours to disclose unless we consider that disclosure properly falls to be made. With the consent of Customs & Excise we have already supplied certain details in the interests of transparency, but beyond this we are not entitled to go.

Should you, contrary to our view having inspected the material with care and in the light of your client's Defence Statement, still consider that there is material in the hands of Customs & Excise which you ought to see, then this will have to be pursued by making application under the usual third-party procedure, i.e. by taking out an application against Customs and then having to justify it. We have no doubt that they would resist such an application on the basis that the material is irrelevant to the prosecution being conducted by this Office (the nature of which they have of course been told), and would presumably instruct their own Solicitor's Office and Counsel to deal with any such application quite separately.

We simply underline that which is already known to you, and has been for a very long time, that Customs' only interest in your client was in the context of suspected money laundering. He was arrested on suspicion of such matters, and after interview an early decision was taken by Customs & Excise that no action should be taken against him by them. The basis of the prosecution being conducted by this Office is, of course, of a completely different nature, as you have at all times appreciated.

Finally, you ask us to confirm with Staffordshire Police that the £617.50 cash sterling and the £5,572 cash euros seized from your client on his arrest on 13 January 2003 was subsequently returned to him by the Police in May 2003. We would refer you to the Custody Record of GRO, which was sent to you on 13 April 2004. Under the section '*Property Finalisation*', you will note that GRO has signed for the return of the monies. I enclose further copies of the relevant pages for your assistance.

Yours faithfully

Debbie Helszajn
Senior Lawyer
Criminal Law Division



Enclosures

