AIR FRANCE 1.3T COCAINE

PART 1

The narrative commences with a man named Sofiane Hambli, possessing French citizenship while of Algerian origin.

Hambli was deeply enmeshed in drug trafficking, primarily specializing in the hashish trade from Morocco to Europe, particularly France.

In 2009, he was apprehended in Spain and had an encounter with François Thierry, then the head of the French international drug squad (OCRTIS). Thierry enlisted Hambli as a registered informant. This information can be easily corroborated through a simple online search of their names, as they have been extensively covered in news reports from 2009 to the present.

Subsequently, Hambli was extradited to France, where he received lengthy prison sentences for his involvement in drug trafficking and various other criminal activities.

Thierry's recruitment of Hambli eventually resulted in a partnership in drug trafficking after Hambli managed to manipulate their relationship.

Thierry shifted from being the handler to being the one handled. Hambli leveraged his connections in the drug trade for purchasing and selling drugs, while Thierry, exploiting his position as a police officer, managed logistics.

While Hambli was incarcerated, Thierry arranged for him to have legal representation, and interestingly, this lawyer also happened to be Thierry's girlfriend. She had convenient access to Hambli and visited him regularly, not only passing on messages but also reportedly supplying him with new SIM cards, as indicated in earlier reports.

Thierry and Hambli devised a scheme to import hashish from Morocco to France via Spain. They used Thierry's authority as a police chief to obtain approvals from Moroccan and Spanish authorities. They feigned that controlled shipments were being conducted with the consent of French authorities.

In one such operation, Thierry obtained permission from a French court to transport 200kg of hashish from Morocco to France via the Barcelona port. In actuality, the shipment consisted of 40,000kg. Remarkably, it was never inspected by Moroccan or Spanish authorities because Thierry presented documentation that granted permission for only 200kg from the French courts.

They formulated a plan to sell a portion of the shipments without any issues and divide the profits. However, for the other part of the sales, they still reaped the payments and profits but orchestrated the arrests of the drivers upon collection.

Thierry would present to authorities that he had received information from Hambli regarding significant quantities of hashish being traded. He would execute the arrests but, instead of requesting monetary compensation from the French authorities for Hambli, he would seek a reduction in Hambli's prison sentence.

THE FOLLOWING ELEMENTS DEMONSTRATE THIS:

1. The explicit statements of the report's author, Commissioner François Thierry, who was the head of OCRTIS (Central Office for the Suppression of Illicit Drug Trafficking) and director of the Air France 1.3T cocaine investigation from start to finish. These statements were taken on January 19, 2018, during an interrogation by the investigating judges of the High Court in Bordeaux, where Thierry was indicted on charges of complicity in transportation, acquisition, possession, and distribution of narcotics.

This pertinent interrogation report has been submitted as evidence. Exhibits were presented during the proceedings of the specially constituted Assize Court in Paris that was deliberating an appeal.

Interview with François Thierry:

QUESTION: Isn't an informant supposed to be paid by OCRTIS? Wasn't that the case with Sofiane Hambli?

ANSWER: Unlike other agencies, OCRTIS does not have a regular payment system for informants. Regarding Hambli, he was more interested in receiving an exceptional reduction in his sentence through remuneration. We didn't give him much direct money compared to the number of cases he brought to us. However, we supported him differently by assisting in his requests for sentence modification. The case for which he was best compensated was an incident in September 2013 in Roissy involving the seizure of 1.3 tons of cocaine. For this case, he received 45,000 euros. His activities as an informant were well-known to the Paris prosecutor's office and the investigating judges.

From this statement, it's apparent that Hambli was essentially orchestrating his early release from prison (an elaborate escape plan) by using his own money to facilitate drug shipments. After selling the drugs, he would report them to Thierry, who would then arrange to support an application for a reduction in Hambli's prison sentence.

2. Statements from Divisional Commissioner Richard Srecki, the head of the Inter-Ministerial Technical Assistance Service (SIAT). When questioned during a Rogatory Commission by the General Inspectorate of the National Police (Exhibit No. 15), his statements were included in the proceedings of the specially constituted Assize Court in Paris (Exhibit No. 3, page 31). Srecki stated the following regarding:

Sofiane Hambli as a source for François Thierry:

QUESTION: Who is Sofiane Hambli?

ANSWER: I don't know this person. However, he was registered with the Central Narcotics Office on 10/10/2011, with François Thierry as his handler and Philippe Veroni as his supervisor. He was removed from the registry on 30/05/2016 at the request of the Deputy Director in charge of combating organized crime and financial delinquency.

QUESTION: Do you know how he was recruited?

ANSWER: I do not know. But what I do know, because it was the subject of a report by François Thierry to Judge Bertrand Grain, is that he is a person who, due to his past as a delinquent, had connections with a major trafficker named Moufid Bouchibi. Bouchibi was deeply involved in the

cannabis trade and currently resides in Algeria but oversees operations in the Lyon region, eastern France, and part of Spain, remotely supplying cannabis. Sofiane Hambli served as the point of entry to organize an infiltration operation aimed at capturing Moufid Bouchibi. Sofiane Hambli had previously collaborated with the narcotics office on various operations, and two of these infiltrations resulted in remuneration.

1. In September 2014, he received payment following a seizure of 1,300 kilograms of cocaine at Paris Roissy airport.

2. In January 2015, he was remunerated for facilitating the arrest of a fugitive Moroccan drug trafficker who had been apprehended in England. We are only aware of cases that resulted in requests for remuneration.

3. Mr. Sofiane Hambli's own statements on March 20, 2018, before the aforementioned Bordeaux magistrates:

Exhibit No. 16, presented during the proceedings of the specially constituted Paris Assize Court, Exhibit No. 3, page 28:

QUESTION: According to François Thierry, you did not conceal from OCRTIS the fact that on occasions when you were involved in operations with this service, you attempted to receive payments from the traffickers. According to what you told François Thierry in 2015, you began to receive remuneration from the traffickers. François Thierry clarified that: "it should be known that the activity of a logistician is a highly lucrative one in the drug trade. A logistician can receive remuneration of up to 30% of the value of the transported goods. Although you were not supposed to perform these services, I doubt that you did not attempt to receive payment for services from a distance, such as storing the goods, guaranteeing their transport, or having them watched over (D2122 page 21). Do you agree with what François Thierry said?

ANSWER: Do you mean in the year 2015 or in general? In general, yes, I could be reimbursed for expenses by making people believe, for example, that I was the one transporting the goods. For instance, there was a cocaine importation at Roissy in 2013, and it was a fictitious service. I was paid for my services in creating the impression that people inside the airport were going to retrieve the drugs. (OCRTIS) had everyone arrested, to be more precise, the (SIAT) carried out the infiltration. For this, I received remuneration in the form of a deposit, but I don't want to specify the exact amount. I would like to point out that Christophe Chapelle told the (IGPN) that informants were receiving compensation for fictitious services.

This modus operandi worked well for several shipments, resulting in Hambli receiving numerous sentence reductions.

At some point, authorities became aware that Hambli, despite being in prison, had knowledge of numerous large shipments of hashish. Additionally, they noticed that Hambli only reported the drivers and not the bosses. Consequently, the authorities decided to cease reducing Hambli's prison sentence.

The reason he only reported the drivers was that he wished to continue working with the bosses.

Hambli and Thierry were earning substantial profits from the drug trafficking, but this caused Hambli great restlessness because he had amassed a significant amount of money without the ability

to enjoy it while incarcerated. Moreover, he wanted to be released to expand the business with Thierry.

They devised a new plan to orchestrate a large shipment of Class A drugs (COCAINE) because the authorities were more willing to reduce prison sentences for such shipments compared to hashish.

Since Hambli had no prior involvement in the cocaine trade, he reached out to one of his associates in drug trafficking who resided in the south of Spain and shared his Arab origin. This individual became Hambli's partner in Spain.

The Arab was informed by Hambli that he had complete control over the airport (CHARLES DE GAULLE), making it possible to transport cocaine from South America using commercial air carriers.

The Arab began searching for individuals capable of sending substantial quantities of cocaine using AIR FRANCE as the carrier.

They decided to conduct several trial runs, sending small amounts ranging from 25kg to a maximum of 200kg in suitcases from Venezuela and Bogota, Colombia. Thierry would personally oversee the retrieval of the drugs from the luggage belt after informing customs that the cases were merely test shipments containing no drugs. This was done to demonstrate to the Colombians his ability to safely retrieve the suitcases. Later, they would execute a controlled shipment with planned arrests.

Hambli then informed the Arab that they had conducted enough tests to prove their control over the airport. He now insisted on a minimum of 1200kg to be sent, with both Hambli and Thierry investing in the shipment. Their goal was to convince the courts to further reduce Hambli's prison sentence.

This presented a significant challenge for the Arab, as no one had ever attempted to send such a large quantity via a commercial airline. While it had been done numerous times by private jet, no one would consider such a shipment without guarantees.

Hambli offered two assurances:

1. He would personally invest in the shipment to demonstrate its safety.
2. He would personally guarantee that if the French authorities seized the cocaine and determined that the information leading to the seizure originated in France, he would reimburse all the costs of the cocaine plus the logistical expenses.

These guarantees sealed the deal, as the senders were confident that, from their end, the shipment would go undetected.

At this point, Thierry and Hambli began planning how to make it appear that the information leading to the cocaine seizure had come from outside France. Thierry also needed to create the impression of pre-existing drug trafficking to appease the French authorities and gain their cooperation in his plan.

The Arab recruited Nathan Wheat, an Englishman, as his messenger. Wheat had incurred a debt to the Arab due to the theft of expensive watches from his home by a prostitute. Wheat had been

selling the watches on behalf of the Arab on a commission basis. He was ordered to travel to various locations to convey messages, including France and Venezuela, as part of the import setup.

Hambli arranged for the Arab to send Wheat to a meeting at the Novotel Paris with a friend of Hambli's. This meeting would be monitored by (OCTRIC) on Thierry's behalf to establish a history of preplanned shipments to present to the French courts. Furthermore, it was essential to create the appearance that the information had originated from Venezuela on the 8th of July 2013.

This meeting was monitored by several police officers who reported that Wheat met with a North African gentleman. However, they were unable to capture clear photos. This seems rather absurd because the meeting took place inside the hotel where numerous cameras were operational. Additionally, there were many exterior cameras, including those in the parking area. It's quite baffling that a dedicated surveillance team, specializing in international activities, couldn't obtain clear photos inside a hotel.

The North African individual was tracked as he left the hotel and drove away in a Renault Twingo. The police claimed they couldn't record the vehicle's registration number. This assertion appears unrealistic, considering that police CCTV cameras cover the road leading away from the hotel.

Thierry orchestrated the fake surveillance to fabricate a background story for the impending shipment he knew was being arranged.

Thierry produced false reports before the Novotel meeting, asserting that he had received information.

"Based on information from Venezuela, the Central Office for the Repression of Illicit Drug Trafficking (OCRTIS) was informed on July 8th, 2013, and transmitted information":

"An air cargo import was imminent via Roissy CHARLES DE GAULLE Airport, with part of the goods intended for Parisian traffickers. A logistics meeting was scheduled to take place at the Novotel hotel in Roissy" (D1).

Surveillance was conducted around the hotel on July 14th, 2013, at 5 pm. Investigators observed the arrival of a North African-looking individual who made a phone call while appearing to search for someone. He met with a Caucasian man sitting at a table in the bar, and they engaged in conversation.

The North African individual left the premises at 7.50 pm and entered a Twingo vehicle, of which they couldn't note the license plate number. Additionally, they observed a convertible Audi A3 registered as RV59EJA.

The information from Venezuela on July 8th, 2013, is entirely fabricated and was generated by Thierry.

1. "IMPORT BY AIR CARGO": Nothing arrived by air cargo; it was set to arrive in passenger suitcases.

2. "INTENDED FOR PARISIAN TRAFFICKERS": Nothing was intended for Parisian traffickers; in fact, no one from France was involved in this operation. This raises questions about how such an operation could be arranged without the participation of any French individuals.

3. "MEETING ABOUT LOGISTICS": This information is quite vague, making it improbable for them to locate the individuals meeting and determine the purpose of the meeting.

4. "SURVEILLANCE WAS CARRIED OUT ON JULY 14th": They knew the time but not who was coming? This was because Hambli arranged the meeting, and the African individual was known to him and Thierry.

5. "NORTH AFRICAN TYPE": Why was this considered suspicious when the police would typically be looking for South Americans or even British?

6. "MET WITH CAUCASIAN TYPE": What would be suspicious about these individuals meeting in a hotel when many people meet for discussions in hotels? How would the police know that they were involved in an air cargo operation? It's because Thierry & Hambli set up the meeting to create a history of a pre-existing plan and to demonstrate that the information came from Venezuela. This was meant to convince the senders that the seizure was based on information from Venezuela, thus absolving Hambli from the responsibility of repaying them.

7. "LEAVING THE PREMISES AT 7.50 pm": They arrived at 5 pm and left at 7.50 pm, spending 2 hours and 50 minutes at the hotel. However, the police didn't gather any information about the logistics or obtain clear photos or images from the hotel's cameras, the parking area, or the police CCTV on the road from which the Twingo left.

The Audi A3 mentioned belonged to a regular hotel client and was subsequently ruled out of the inquiry. The Twingo belonged to Hambli's associate, the so-called North African. The Caucasian was Nathan Wheat. They deliberately darkened the photocopies of the image to make it less recognisable. At this stage, they only wanted to create a backstory for this import from Venezuela.

Later, Thierry added information that it was destined for a British network based in the Netherlands (Amsterdam and Harlem), using front companies in local industrial facilities, specifically at Meubelmakerij Gjc Van Den Brock, located at Hendrick Figeeweg 3H, Harlem (D100).

It's quite evident that such a significant amount of cocaine could not have been arranged without the involvement of French individuals. Nobody would send such an amount to a so-called baggage handler they had never even met physically. This raises questions about why the prosecutors and judges didn't seem to pick up on these inconsistencies. The way everything unfolded so perfectly should raise suspicions about the true events leading up to the seizure.

Thierry claimed to receive more information:

From Venezuela at 00.30 am on September 11th, 2013, regarding an imminent shipment of cocaine from the ONA (National Office of Anti-Drugs).

RECEPTION OF INFORMATION:

A report states that today around 12.30 am, information related to investigations from their correspondents within the ONA (National Office of Anti-Drugs) in Venezuela was received. This information pertained to the ongoing investigation of Air France flight AF435 from Caracas to Paris, which had already taken off and was headed to Roissy CDG Airport Terminal 2E. The flight was believed to contain a large quantity of cocaine destined for a British organization. It was

suggested that one of the individuals behind this narcotics operation could be a certain Michael Green of British nationality, who had previously been convicted several times for narcotics trafficking. The narcotic products would be packaged in different suitcases, all placed in the same container that would be then removed by a separate group and delivered to their recipient.

The information provided above, as documented by Thierry in an official report, is entirely inaccurate. It is abundantly clear that the ONA in Venezuela only became aware of this seizure several days after it had arrived in France. This information is corroborated by a report dated September 21, 2013, from the AFP news agency, titled "France seizes a ton of cocaine in a plane from Venezuela." The investigation in Venezuela was initiated on the same day as this report. Thierry's involvement in this matter appears to be questionable, as it is believed that he conducted a Google search for famous criminals' names and added the name Michael Green to the story.

FRANCISCO VARELA DIAZ C.I.V-7.883.831

At 4:00 pm today, I, Lieutenant Colonel Francisco Varela Diaz, holder of identity card No. C.I.V-7.883.831, registered with the Special Anti-Drugs Unit (ONA) of Maiquetia, duly sworn in accordance with article 13-01 of the law on organs of scientific, penal, and forensic investigations, certify that we became aware today, through a review of various social communication channels, of information dated September 21st, 2013, from the AFP news agency titled "France seizes a ton of cocaine in a plane from Venezuela." According to this text, the French authorities claim that the drugs, transported on an Air France plane, originated from Caracas. Therefore, it is advisable to notify the Public Ministry so that they can initiate a criminal investigation.

From the information presented above, it can be deduced that Thierry made a completely false declaration to the French justice department.

François Thierry then proceeds to produce another entirely false document.

RECEPTION OF INFORMATION:

Continuing the preliminary investigation, in accordance with articles 75 and following of the code of criminal procedure, I received intelligence from a confidential informant who is in contact with a baggage handler employed at Roissy CDG airport. The handler informed the informant that he had been subjected to pressure from individuals determined to retrieve excess baggage from the hold of the plane arriving from Caracas on the same day. He confided in the informant that he had been instructed to steal the cargo, but he had just learned that he was now tasked with removing the cargo. This cargo could potentially be guarded by several customs officers. Overwhelmed by the enormity of the task and fearing reprisals from the organization, he solicited the informant to subcontract the assignment he had been given. To facilitate this, he provided the informant with a mobile phone, which was activated on the same day and contained SIM Card 0762924179.

He assured the informant that he had no personal knowledge of the individuals ordering this operation. Therefore, the informant could easily substitute for him in taking charge of the suitcases and exiting the airport.

1. Why would the baggage handler call Hambli? If he knew Hambli, he would know he was in prison.

2. How did the baggage handler call Hambli? Are we to believe Hambli is walking around the

prison with his mobile phone switched on, receiving calls?

3. How did the baggage handler give Hambli the phone? We know he's in prison.

4. How did Hambli hand the phone to Thierry? We know he's in prison.

5. How did Hambli call Thierry at 10.15 am? This is a significant question because if it was the prison phone, there would be a recording. If it was a mobile, it's difficult to believe he called at 10.15 am when there would be many controls at this time in the morning.

6. How would it be possible for the informant to substitute the baggage handler and exit the airport with the cocaine? The informant would have to work in the baggage handling at the airport. This information Thierry claims to have received is not only unrealistic but also illogical.

It's evident that the information above lacks realism. The notion that an unknown baggage handler was tasked with removing 31 suitcases full of cocaine from a commercial Air France plane, let alone stealing them, is preposterous and lacks logic.

The estimated value of the cocaine, according to court reports, is 50 million pounds. It's implausible that this responsibility would be entrusted to a supposed baggage handler who had never even met anyone from the organization in person. There were a total of 31 suitcases weighing 1,334 kg, and the idea that one baggage handler was entrusted with this task strains credulity.

It's also noteworthy that while Thierry's team was at the airport monitoring the arrival of flight AF435, he miraculously received information about the same flight they were observing. Not only that, but the information supposedly came from his partner in crime, Sofiane Hambli.

The telephone allegedly given to Hambli by the baggage handler would have been impossible at the time because Hambli was in prison. Hambli's criminal record indicates that he was detained at the NANCY-MAXEVILLE prison from January 5, 2011, to November 4, 2014. Evidently, Thierry was aware of this fact, so he knowingly provided false information to the courts. Hambli was issued several visit permits to the prison.

Thierry frequently used the services of another confidential informant named Herbert Avoine, who was paid 5,000 euros in the Air France 1.3-tonne story. Avoine later claimed that he was paid for arranging telephones. We will delve into Avoine's history later. It is plausible that he may have been the one who organized the fake phone supposedly belonging to the so-called baggage handler.

It's entirely reasonable to question the actual circumstances in which Commissioner François Thierry came into possession of the phone that he handed over to the (SIAT) team on the day of the flight on September 11, 2013, at 9.30 pm (D46).

François Thierry stated, "We do hand over and support a (SAMSUNG) cellphone equipped with a chip whose calling number is 0762924179, on which the person likely to facilitate the removal of the cocaine from the airport is supposed to receive instruction."

It becomes evident that Thierry was involved in falsifying information in the file. As Hambli declared to the magistrate in Bordeaux, the Air France Roissy cocaine story was a virtual operation, with Thierry pretending to the traffickers that he could remove the drugs from the airport. This implies that all the information provided by Thierry was also virtual.

It's worth noting that there are no records in the case file of Hambli pretending to be able to get the drugs out. So, which phone was this done on, and how did he make contact with the senders to pretend, if the only phone given to him was the one Hambli took from the so-called baggage handler and handed to Thierry to give to the infiltration team?

Also, it's worth noting that what the so-called baggage handler had claimed was not possible. He supposedly "gave the informant a mobile telephone he had on instruction activated that same day, containing the chip 0762924179." However, a document in the file clearly demonstrates the false nature of this claim. On that day, the records of the said chip show that it was never in proximity to the airport (D323 - Exhibit No. 20).

THE NON-EXISTENT BAGGAGE HANDLER

During an interview with investigators (D296), Mr. Didier Filloux, the then regulator at Roissy airport for Air France for more than 15 years, made the following statement:

QUESTION: Can you tell us if on the 11/09/2013, the day of flight AF385, any planning changes were requested?
ANSWER: That day, nobody asked me to modify spots. However, I myself had to make changes as it happens every day, especially if there are flights on approach and others delayed. I must then remedy the problem by making changes. I don't remember if I touched that particular flight.

It's also noteworthy that the investigation concluded that none of the baggage handlers on duty that day fit the profile of the so-called baggage handler Hambli spoke of to Thierry, and their integrity was not in question.

All the baggage handlers on duty that day were interviewed, and they all stated that the so-called task of removing 1.3 tonnes of cocaine was impossible without detection.

A report written by Boris Laligant, captain of the police from the Central Office for the Repression of Illicit Drug Trafficking (OCRTIS), is also questionable. There are too many inconsistencies compared to what was later uncovered in the investigations by the defense, French justice, and journalists. The defendants were trapped in France through police provocation and Hambli's actions, prompting them to carry out their own investigations.

The prosecutors conducted investigations that they have concealed from the defence, which will be discussed later. The judges in charge of investigations into international drug trafficking and terrorism (JIRS) at that time also withheld many details from the defence.

Many journalists covered the Air France story, but one, in particular, was very thorough: Emanuel Fansten from the Liberation news agency (liberation.fr). He has written numerous stories regarding Thierry, and he was taken to court by Thierry for defamation of character. Thierry lost the case after many appeals. Here is a story he published on 5th July 2020.

You can clearly see the inconsistencies between the report by Captain Laligant and the report by Fansten.

In Fansten's story, we see that N°2 of the OCRTIS, Stéphane Lapeyre, arrived at the airport at 10.45 am based on information received earlier that day by Thierry at 00.30 am. But then, miraculously,

Thierry at 10.15 am, while Lapeyre was en route to the airport, receives a second set of information from the regular service informant (Hambli).

Lapeyre and his team arrived at 10.45 am, observed the unloading for 30 minutes, and then, at 11.15 am, they showed their identity cards. They quickly located the container with the cocaine.

So we are led to believe that they detected the cocaine within minutes. However, considering the size of a long-distance plane, it would be almost impossible to do so in such a short amount of time. The truth is they already had the container number, as stated by Guy.C, the head of BILC, who said:

“I found myself on the tracks with officers from the OCRTIS, whom I did not know. There were 10 of them in total. Mr. Daniel Laine from OCRTIS told me the big boss was not there but the N°2. He gave me the container number, we opened it, and there were 31 suitcases, each weighing 30 to 40 kilos. They were very heavy. We didn't open them. Our colleagues from OCRTIS asked us not to take any photos.”

Guy.C tells the truth that the police already had the container number. In fact, they had the container number, all the baggage tag names and numbers, and the combinations of all the suitcases, which were provided to Thierry by the senders via a Blackberry BB phone that was set up for the operation.

Boris Laligant wrote in his report, “We also note that the baggage tags are very poor and that the same names are recurring.”

Obviously, he is trying to point out aspects that led them to the cocaine, to hide the fact that they already had all the information with them.

Imagine the senders sending bags with poorly written tags or any defects that would lead to their detection when they were obviously a highly skilled gang of senders with high-value cargo. The tags were printed at the airport check-in desk in Venezuela, just like all passengers' cases were weighed and tagged.

Laligant goes on to write, “A fabric suitcase is not closed by any padlock. At 11.15 am, let us open the slide of this one and note the presence of several loaves in plastic packaging, typical of the packaging of cocaine loaves. In addition, there is a very strong smell of a chemical product, also with characteristics of the presence of cocaine.”

It's simply inconceivable that a suitcase would be left open when all cases were padlocked with combinations. The truth is the police had all the combinations from the senders. It's also inconceivable that any smell would be detected because when the cocaine is packaged, it's done in a way to ensure it's odorless to avoid detection by drug-sniffing dogs.

Laligant continues to write, "At 12.05 am, we arrived at the company (BRINKS), where we were put in contact with Mr. Mercier, an employee of the company. We gave him a requisition for the purpose of guarding the (AKE container N°04320). At 12.20 pm, we concluded our work and returned to our service."

Why would the police take the drugs to a Brinks security company when it's normally taken to a police holding facility? Dupont Moretti pointed out this fact during the trial, highlighting that the cocaine essentially disappeared for 36 hours with the Brinks security company, raising questions as

to why.

It's highly likely that Thierry arranged for part of the cocaine to be switched with fake loaves of cocaine, similar to those used in sting operations. He could easily have taken samples from the original shipment for testing and then arranged to have the fakes destroyed, pretending they were the originals that arrived. Some information also leads to this conclusion.

The cocaine had specific tattoos (RED CROSS & PATEK PHILIPPE) stamped on them, unique to the sending parties' property. Later, it was discovered that cocaine with the same tattooed stamps was being sold in France. Additionally, it turned out that Hambli was buying large amounts of cannabis for cash shortly after, even though he had previously provided cannabis as a guarantee because he didn't have the cash for his share of the cocaine being sent. In police reports, it's stated that 200 loaves had no markings at all, which is not true; they were all stamped with (RED CROSS & PATEK PHILIPPE).

You can see that they found the cocaine at 11.15 am, then left the airport at 12.20 pm, so a total of 65 minutes. They did not search the rest of the plane, containers, or check any of the passengers leaving the flight. You'll notice that the information they had received was lacking in detail. Thierry wrote, "would contain a large quantity of drugs," without specifying the quantity of cocaine, only mentioning a large amount. Yet, the police didn't search the plane, interrogate passengers, or investigate further. It's because they already knew everything in advance, indicating their complicity.

Let's consider a hypothesis: this 1.3-ton container could have been a diversion to divert police attention from the fact that 10 tons of cocaine were hidden in other locations throughout the plane. The police didn't even search other containers, the plane, passengers, or check their passports; they simply took the container whose number they had and left within minutes. They also instructed customs not to write any reports or take photos. If this isn't criminal, what is? We must ask ourselves.

Let's emphasize the significance of this information because if you've followed the events leading up to the arrival of the cocaine, you would have noticed that the police had no actual evidence regarding who sent the drugs or who would collect them. Let's explain in more detail.

Firstly, the only information available so far is the so-called information from Venezuela's ONA (National Office of Anti-Drugs) at 00.30 am on 11th September 2013, stating that a large amount of cocaine left Caracas airport

destined for Paris Roissy CDG on flight AF435 and packed in suitcases, the information also indicated it was intended for a British organisation, with the name Michael Green possibly being the owner. However, this information proved to be false regarding the British organisation and Michael Green upon investigation; it led nowhere. Thierry had created this false information by conducting a few Google searches for British criminals to add to the record.

Furthermore, the Novotel meeting failed to shed any light on the owners or senders.

Without the miraculous call from the regular service informer, Hambli, the police would have been able to seize the cocaine from the plane but would not have been able to make any arrests. Thus, the significance of Hambli's involvement becomes evident.

Thierry had planned that the Novotel meeting and the information from Venezuela would not lead to any real information or arrests. It was designed to shift the blame onto the senders, making it

appear as if the problem stemmed from their end rather than France, thus absolving Hambli of responsibility.

The plan was to bring Hambli in with a false story about a so-called baggage handler and a mobile phone to trap the group with the mission to collect the cocaine after its arrival. The objective was to reduce Hambli's prison sentence.

It is also apparent that there is a connection between the initial information written by Thierry, supposedly coming from Venezuela, and the second information provided by Hambli. Thierry had written, “A separate criminal from the organisation would be paid to get them off the plane and deliver to their recipients,” linking Thierry to Hambli and highlighting the falseness of his report, as it precisely predicted what transpired.

The phone provided by Hambli was activated on the same day. However, this appears unrealistic, as relying on a phone activated on the day of departure as the sole means of contact for a large cocaine shipment once it had left Venezuela seems implausible. It is also noted in the reports that the first call made to that phone occurred two days after the arrival of the drugs. This too seems unrealistic, as the senders would likely want to confirm the safe arrival of their cocaine on the same day. It is unimaginable that they wouldn't call later that same day to check with the baggage handler if everything was proceeding smoothly.

Throughout the entire process of transporting 1.3 tonnes of cocaine on Air France, Thierry, Hambli, and the Arab maintained contact with the senders from start to finish.

The first call, made two days after the cocaine's arrival, did not involve any inquiries about the safety of the drugs or any other questions. The caller spoke reassuringly, informing the police monitoring the phone that everything was in order and that someone would soon arrange for the collection. Later, it was revealed that this caller was Hambli's Arab partner, speaking in French on a fixed landline from Spain before handing the phone to Nathan Wheat with instructions to go to Paris. Notably, the landline in Spain was never investigated because the police already knew it belonged to Hambli.

Regarding the phone provided by Hambli, there is no record of a test call being made to the senders during its setup. It is perplexing to believe that they did not exchange a message confirming that the phone was working. Additionally, there were no calls or messages requesting updates or passing information.

"Any other information that might have helped the so-called baggage handler recover or locate the cocaine was conspicuously absent. The first call was made directly to the infiltration police commissioned by Thierry. This scenario is simply implausible and lacks believability. The bodies of justice should have taken note of this point as well, but they appeared to be going along with the plot to find all parties guilty, regardless of the circumstances.

"On September 13th, 2013, Agent Sergio, in possession of the telephone provided by the informer (line 07 62 92 41 79), received a phone call from an interlocutor who, after reassuring him, informed him that he would soon be contacted by 'people' who were going to take control of the goods." (D65).

Fansten mentions in his account that "the then Minister of Interior, Manuel Valls, personally visited the headquarters of the judicial police (DCPJ) in Nanterre to commend the investigators and acknowledge the results of the (ODF) collaboration over several weeks with the Spanish, British, and Dutch."

This information is incorrect because there was no collaboration between (OCRTIS) and any of the aforementioned countries at that time. The only information in the file consisted of Thierry's false reports regarding Venezuela. It's worth noting that Valls distanced himself from this affair when he

must have later realised the disturbing facts.

Fansten goes on to state, "Liberation reveals new information about the record seizure at Roissy, including the crucial testimony of the customs officer present that day, which was never included in the investigation. This reveals the opacity surrounding this operation and the suppression of vital information from the judicial authority. These revelations shed light on certain police practices and, above all, cast doubt on the entire procedure."

This information originated from a secret investigation conducted by the Paris Prosecutor's Office, based on information provided by Herbert Avoine, which was completely hidden from the defence. The defence only became aware of this after reading Fansten's article on July 5th, 2020. When the defence team requested a copy of this investigation to be added to the case file, the judges outright refused.

Fansten writes, "From the start of this investigation, numerous grey areas emerged. When the examining magistrate planned to question the mysterious baggage handler at the heart of the case, François Thierry objected, citing inadmissibility."

Thierry said to the judge, "The protection of human sources, including their identity and security, is one of the fundamental principles of judicial police activity. I would like to draw your attention to the significant, life-threatening risks already faced by individuals involved in this case."

Fansten continues, "Subsequently, nothing would allow the investigating magistrates to gain further insight into this so-called porter or the progress of the operation."

"Fansten writes:

However, in 2015, a new case would shed light on another aspect of the Roissy seizure. Following a letter sent to the Paris prosecutor's office by a former informant of (OCRTIS), Herbert Avoine, denouncing illegal acts he had witnessed during operations, a preliminary investigation was opened. It was entrusted to the General Inspectorate of the National Police (IGPN). Avoine stated that, during one of his missions, he had been in contact with two Venezuelan individuals who were purportedly involved in loading the Air France flight from Caracas. One of them had even provided details on where the luggage should be stored in the hold.

The information shared with the Paris prosecutors was indeed true, with the exception that the two Venezuelans were not informants. Instead, they were working for the cartel and were known to Thierry and Hambli. Nathan Wheat had even met them in Venezuela, arranged through Hambli's Arab partner in Spain. These Venezuelans forwarded all the information, including photos of the suitcases with the combinations of the locks and printed labels from the check-in desk, as well as a photo of the AKE container, indicating its number and position on the plane. This is standard procedure for drug traffickers after loading. Without this information, how would the recipients know where the drugs were located?

Curiously, the so-called baggage handler's information to the informant, Hambli, lacked details about the cocaine's location or the AKE container number. Surprisingly, the judges did not question this omission.

Two BlackBerry BB phones were set up (not encrypted PGP), one for the individuals in Venezuela and one for Thierry himself in France. These phones were established to transmit photos of the suitcases being packed, the tagged names, container numbers, and the position of the container inside the hold. They also exchanged lock combination information. Such practices are customary for drug senders. Without this information, it would be impossible for the so-called baggage handler to locate the container with the cocaine.

This was another flaw in Thierry and Hambli's plan because the baggage handler did not provide

any information to Hambli in the report regarding where the drugs would be on the arriving plane. This would have made the mission almost impossible for the so-called baggage handler without this crucial information.

We found out later that the information Thierry wrote in his report was also false. According to his report, he received information at 00.30 am that the flight, with the Paris number AF435, had already taken off for its destination. However, this was a misunderstanding. He received a message from the senders on the BlackBerry phone, indicating that it had left, but they were referring to the safe house where it was stored, not the actual flight. The flight had not taken off at 00.30 am when he supposedly received the tip-off. Thierry, in a panic, overlooked this mistake while hastily writing his report.

Avoine had initially been an informant for Thierry, but he eventually realised that the police were involved in trafficking themselves. Consequently, he decided to report them to the prosecutor's office. Avoine was tasked with overseeing a villa in Spain for Thierry & Hambli, which was being used to deliver large quantities of drugs from Morocco to Spain. It was during this time that he began to question the methods of the police chief, Thierry. There was a film released about this scandal.

Fansten writes:

Herbert Avoine was officially registered at the Central Office of Sources of the Ministry of Interior between 2005 and 2016. He was ostensibly paid in connection with the Caracas-Paris affair,

codenamed 'PARTAGAS.' An internal note, which Liberation was able to consult, confirms that he received €5,000 for 'acquiring anonymous telephones.' He remained available to the investigators during the operations and provided residual assistance to the success of this investigation. Thierry declined to comment on Avoine's role when questioned by Liberation.

Thierry also employed Avoine to arrange the phones for meetings in Venezuela for Wheat.

Avoine told individuals connected to the case that he had provided the phone supposedly coming from the so-called baggage handler to Hambli. He claimed to have used a second-hand phone with a new anonymous SIM card. This explanation aligns with the fact that the phone's IMEI number was making calls to various places, including an old-age pensioners' home and a veterinarian clinic. Strangely, these calls were never investigated by Thierry or his team. It strongly suggests their involvement in a conspiracy to secure Hambli's early release from prison by orchestrating this affair from the beginning. The call logs will be examined in detail later.

The above investigation initiated by the Paris prosecutor's office, based on information from Avoine, was concealed from the defence lawyers. The investigating judges in the 1.3T case never disclosed it to the defense. So, we must ask why? The answer is straightforward: the case against the accused would have crumbled, leading to their release, and the justice department would have faced embarrassment. Therefore, they chose to keep everything hidden.

Fansten writes:

Other witnesses were questioned at the Paris prosecutor's office, including a customs inspector who had been stationed at Roissy since 1983 and was the head of (BILC). He recalled many details. "I received a call from Daniel Laine, head of (OCRTIS) at Roissy. He told me he needed our assistance and mentioned several suitcases on a flight. I asked him how many suitcases there were because I needed to determine how many colleagues I would require. He responded by saying that (OCRTIS) would handle the seizure and instructed us not to document anything. I reported this to

my superior, and after about fifteen minutes, she replied that we could assist them." Guy.C, the head of (BILC), continued, "I found myself on the tarmac with officers from (OCRTIS) whom I didn't know. There were a total of ten of them. Mr Daniel Laine from (OCRTIS) informed me that the top boss was absent but the second-in-command was present. He provided me with the container number. We opened it, and inside were 31 suitcases, each weighing between 30 to 40 kilos. They were very heavy, and we didn't inspect their contents as our (OCRTIS) colleagues requested us not to take any photos."

It's worth noting that this is the first and only instance where drugs arrived at the airport without customs documentation. So, why would Thierry and his colleagues go to such great lengths to conceal the true facts? It's evident that they were themselves involved in orchestrating the shipment of 1.3 tonnes of cocaine.

The report by Guy.C, signed by the head of the National Investigations Division of the (IGPN), was concealed from the defence. It was sent to the Paris prosecutor's office but kept hidden. The head of the (IGPN) informed Liberation, "Only once, he had, due to orders from his superiors, assisted (OCRTIS) in recovering a quantity of narcotics from Venezuela without any legal framework. Therefore, it is permissible to question the details of this operation."

All of these facts were swept under the rug by the trial judges and subsequent appeal hearings. Consequently,

Fansten writes:

In January 2018, in the office of the judges in charge of the open investigation in Bordeaux, following the suspicious seizure of 7 tonnes of cannabis on Boulevard Exelmans in Paris, October 2015, François Thierry delivers new details on Sofiane Hambli: “The business for which he was best paid was a business of September 2013 in Roissy with the seizure of 1.3 tonnes of cocaine, a case for which he received 45,000 euros. His activity as an informant was already perfectly known to the Paris prosecutor's office”.

This statement was given to the Bordeaux judges because Thierry was trying to have this investigation cancelled against himself and Hambli, he failed to answer on this point during the trials stating the protection of human sources. It was the customs who had seized the 7 tonnes of cannabis in Paris and were bringing a case against Thierry & Hambli, so obviously Thierry was now willing to talk about his human source Hambli to protect his and Hambli's skin. If you remember, he refused to talk about his human sources when the judge of investigations of the 1.3T cocaine demanded questions relating to the so-called baggage handler. Two months later, in the same court in Bordeaux, Hambli himself admitted to pretending he had contacts at Roissy who could retrieve the cocaine.

Thierry also composed a letter on Hambli's behalf in an attempt to dissuade customs from prosecuting him in the 7,000kg cannabis investigation. The letter claimed that Hambli had been responsible for orchestrating controlled seizures of 60 tonnes of cannabis, 1.4 tons of cocaine, and had received a payment of 45,000 euros.

Hambli remarked: "It was a virtual service; I led the traffickers to believe that I had connections with individuals working at the airport who could retrieve the drugs, and then (OCRTIS) had everyone arrested."

This tactic amounted to pure provocation, and the case against all the defendants should have been dropped.

Fansten writes: "In other words, The (OCRTIS) plan was not to bring down Robert Dawes but only to achieve a record seizure."

Yes, Fansten is correct in asserting that the OCRTIS's objective was not to apprehend Robert Dawes but rather to execute a significant drug seizure. This plan was aimed at securing Hambli's release and strengthening Thierry's position within the police force, allowing him to continue his partnership with Hambli in the drug trade. Furthermore, questions still linger regarding the 200kg of drugs with no markings; it's plausible that they may have substituted marked drugs for unmarked ones.

It's worth mentioning that there are procedural documents available that substantiate much of what Fansten has written.

Mr Dawes lodged a complaint against Thierry for false documentation in a public office and its use on April 2, 2021. This complaint was submitted to the office of Serge Tournaire, the investigating judge in Nanterre. Presently, it is under investigation by two judges. Robert Dawes will be discussed further in Part 3.

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It is astonishing that the French justice system was easily manipulated. What is even more astounding is that, despite being well aware that they were deceived, they did not take action to preserve the integrity of the judicial system.

The French justice system failed to bring Hambli and Thierry to account. In contrast, the British justice system took action when they realized they had been deceived by informers in a significant heroin import case. You can find more details about this story in the following link:

https://www.theguardian.com/uk/2008/nov/23/drug-barons-haase-bennett

Some time later, well after the 1.3-tonne cocaine affair, both Thierry and Hambli were apprehended for drug trafficking. Thierry also faced charges for falsifying documents, which he used to orchestrate Hambli's release by feigning that he was transferring him from prison to police custody. In reality, Thierry took Hambli to a luxurious 5-star hotel for several days. It might be more convenient to provide you with the media links to these cases rather than detailing them here. The investigation into the falsified documents has concluded, and Thierry will face trial for this case. Despite his attempts to appeal the decision, he lost in the Supreme Court, and justice will now take its course.

PART 2

The individuals involved in this section are Nathan Wheat, Kane Price, Vincenzo Aprea, Carmine Russo, and Marco Panetta. All of them were arrested in September 2013 upon their arrival in France to collect the 1.3 tonnes of cocaine, as instructed by Hambli, who was collaborating with Thierry.

In Part 1, we discussed Nathan Wheat's engagement in selling expensive designer watches on a commission basis. It was mentioned that:

"The Arab recruited Nathan Wheat to use as his messenger because Wheat had incurred a debt resulting from the sale of expensive watches. Wheat was selling these watches on behalf of the Arab on a commission basis, but some watches were stolen from Wheat's home by a prostitute, leaving him indebted to the Arab."

It is worth noting that Wheat later suspected that the prostitute had been hired by the Arab to steal

the watches, thus leaving him in debt to both the Arab and Hambli.

Wheat was widely known on the coasts of Spain and the UK for selling watches on behalf of various individuals, including the Arab partner of Hambli.

Hambli, through his association with the Arab, arranged to use Wheat as a scapegoat in the seizure of the 1.3 tonnes of cocaine at Roissy airport in September 2013.

Initially, in April 2013, Wheat was sent to Venezuela to retrieve a sealed envelope containing details of how the cocaine would be packaged and sent to France for preliminary testing. To build the confidence of the senders, several test shipments were dispatched, ranging from small amounts of 25kg to a maximum of 200kg. Thierry personally organized the collection of these drug shipments from the suitcase belt, informing customs that these cases contained tests without actual drugs. This was done to demonstrate to the Colombian suppliers that he had the capability to retrieve the suitcases they were sending. Subsequently, Thierry planned to execute a controlled shipment leading to arrests.

Wheat was dispatched on July 14, 2013, to the Novotel hotel for a meeting arranged by Hambli and Thierry with a North African individual.

This meeting was orchestrated to correspond with a fabricated intelligence report created by Thierry, dated July 8, 2013, in which he stated:

"Based on information from Venezuela, the central office of repression of the illicit traffic of drugs (OCRTIS) was informed on July 8th, 2013, and transmitted the following information:

An impending air cargo import was expected through Roissy Charles De Gaulle Airport, with part of the goods intended for Parisian traffickers. A logistics meeting was scheduled to take place at the Novotel hotel in Roissy (D1)."

The police managed to capture a photograph of Wheat during the meeting but were unable to photograph the North African individual sent by Hambli.

"Surveillance was conducted around the hotel on July 14th, 2013, at 5 pm. Investigators observed the arrival of a North African-looking individual who appeared to be making a call while searching for someone. He subsequently met with a Caucasian individual sitting at a table in the bar, and they engaged in conversation."

"Subsequently, at 7.50 pm, the investigators witnessed the North African individual leaving the premises and entering a (TWINGO) vehicle, the license plate number of which they were unable to obtain. Additionally, they noted the presence of a convertible Audi A3 registered as RV59EJA."

The information provided from Venezuela on July 8th, 2013, is entirely false and was fabricated by Thierry.

It's important to note that the information did not specify who would be attending the meeting, yet the police claim to have miraculously identified Wheat and the North African individual from among all those present or meeting inside the hotel. The truth is that Hambli arranged the entire meeting with Thierry's knowledge.

Wheat's final trip to France was on September 14, 2013, when he was apprehended while coordinating the collection of the 1.3 tonnes of cocaine.

He was instructed to proceed to Paris, where he would receive further directives via the Blackberry PGP phone he had been provided. He had been using a similar phone for his earlier trips. Additionally, he was given a phone number to contact, which belonged to the phone supposedly provided to Hambli by the alleged porter (Baggage Handler). Another Blackberry PGP device was provided for communication with the individuals he would meet in Paris.

He was also advised to bring his iPhone to facilitate translation of messages, often in Spanish, from the boss responsible for organizing the shipment of the 1.3 tonnes of cocaine or, alternatively, to use an internet cafe for translation.

"On September 11th, 2013, the (JIRS) prosecution office authorized an undercover operation (D44)."

(JIRS) represents the specialized office established to investigate terrorists and international drug traffickers.

It's worth noting that a preliminary investigation was initiated on July 8th, 2013, by the (OCRTIS) following the initial information about this significant cocaine importation. This leads us to believe that these details led to the largest cocaine seizure ever on board a commercial flight in just two months. Everything proceeded according to plan without any hitches, raising questions about potential complicity among judges and prosecutors, as there are clear indications of the remarkable nature of this (OCRTIS) investigation.

To execute this operation, four specially authorized agents, operating under the pseudonyms Sergio, Wong, Boris, and Danny, were assigned the mission (D47).

The use of these particular agents casts doubt on the accuracy of Thierry's previous information from Venezuela regarding a British gang headed by Michael Green. None of the aforementioned agents spoke English, which seems inconsistent if they were genuinely aware that the individuals involved were British, as they should have included at least one agent proficient in English.

"On September 13th, 2013, Agent Sergio, in possession of the phone provided by the informant (Hambli) with the number (07 62 92 41 79) registered under (D65), received a phone call from a contact who, after reassuring him, informed him that he would soon be contacted by individuals who would come to take possession of the goods."

This call was made by the Arab, and the agent confirmed that the conversation took place in French. It's worth noting that none of the individuals arrested in connection with the 1.3 tonnes of cocaine spoke French. Notably, the agent didn't inquire about the safety of the drugs or ask any questions. He simply reassured the agent that someone would soon arrive to collect the cocaine. This lack of questioning occurred because Hambli had already reassured everyone involved.

Although the drugs arrived on September 11th, the first call was made two days later, with no questions asked about this high-value cargo. It's essential to remember that the so-called baggage handler had informed Hambli that this telephone was the only means of contact the senders had concerning their cocaine, even though they had no physical knowledge of him. The reason for the absence of inquiries was that the Arab was in daily contact with Hambli, who kept him informed of the situation with himself and Thierry. He was instructed by Hambli to make the call and assure the people that someone would soon arrive to collect the cocaine, before eventually handing over the task to Wheat.

"He reassured the regular informant, specifying that he did not personally know the ordering parties and that the informant could easily substitute for him in taking charge of the suitcases and exiting the airport."

"Agent Sergio received no further communication until September 16th, 2013, when he received a call from an English-speaking man who arranged a meeting under the Eiffel Tower for the same day at 7:00 pm (D51)."

Wheat and his girlfriend arrived in Paris on September 14th, 2013, and made the aforementioned call on the 16th. He had already met with the North African from the July 14th meeting, who was

once again driving the Renault Twingo and assured him that everything was proceeding smoothly, with further instructions to follow.

Wheat was instructed to call Agent Sergio on the 16th to arrange the first collection of 300kg. He also provided Agent Sergio with a Blackberry PGP for communication with him and the individuals coming to collect. During their meeting, he introduced himself as Marcus. Wheat conveyed to Sergio that there would be four trips, each involving 300kg of cocaine. The first 300kg would be collected by truck. He explained that the people needed to prepare the drugs for collection, so Sergio should secure a safe location for this purpose. Additionally, the truck would require access to a warehouse equipped with forklifts for the collection.

Wheat informed Sergio that the driver wouldn't leave the truck or participate in loading to avoid knowing the cargo or encountering anyone. Sergio insisted that the driver should assist and expressed a desire to meet him. (Sergio's insistence on involving the driver was a provocation.)

Sergio later stated in the case file, "Regarding the logistics questions from me, Marcus received a message in Spanish on one of his Blackberry phones, which he translated on his iPhone." (This message came from the individual who had sent the cocaine.)

Wheat contacted the North African to inform him that Sergio didn't have access to a warehouse or a suitable location to package the cocaine. The North African then contacted Hambli, who reassured him that everything would be sorted out, either by Sergio or himself.

After the meeting with the agents, Wheat became concerned that they might actually be undercover police officers because they didn't exhibit typical criminal behavior. He shared his suspicions with the Arab, who then contacted Hambli to convey Wheat's concerns. Hambli assured them that the agents were not criminals but actually worked within the airport, and there was no need to worry because they were his associates.

Wheat departed to meet the North African, who drove him to meet the Italians. This meeting was under surveillance by the (OCRTIS):

"On September 16th, 2013, physical surveillance conducted by the (OCRTIS) enabled tracking of Marcus's appointments at various establishments. He was observed meeting with two individuals, later identified as Carmine Russo and Vincenzo Aprea, at the Eiffel Tower at 9.45pm."

Once again, the North African was omitted from the (OCRTIS) reports, just as in the Novotel meeting, where they failed to capture a photo of him or record his car's registration number.

The (OCRTIS) reported, "Marcus returned to his hotel by taxi (D31)." This information, which Thierry's office (OCRTIS) already possessed from the earlier meeting in July at the Novotel, was included to make the investigation appear legitimate. However, they failed to mention that the African had dropped Wheat at the hotel, not a taxi.

On September 17th, 2013, Wheat met with the two agents, Sergio and Boris, at the Kleber cafe in Trocadero. About 30 minutes later, Russo and Aprea joined them, stating that they were responsible for the logistics, transportation, and packaging of the cocaine. They expressed a desire to visit the location where the drugs were stored, but Sergio declined their request.

The Italians explained that the lorry was a semi-trailer that would take three days to reach Paris. Regarding packaging, they needed the cases as they arrived and access to a room for vacuum-packing the cocaine. They told Sergio that he would need to provide the warehouse, forklifts, and a vacuum-packing machine because neither themselves nor Wheat had the necessary infrastructure in France.

After the meeting, Wheat advised Sergio to provide a quote for the Italians' requests so that he could inform his boss (D54 & D34).

Meanwhile, the North African was actively searching for a suitable location to carry out the cocaine loading. He drove Wheat to several places, but all of this was omitted from the (OCRTIS) reports.

On the following day, September 18th, 2013, Marcus (Wheat) met with the agents again to discuss the costs, this time involving three agents: Sergio, Boris, and Wong. They informed Wheat that the total cost for the warehouse, forklifts, and vacuum packer would be 15,000 euros.

Sergio mentioned to Wheat that they could arrange a warehouse themselves, but it would still cost 15,000 euros, and they required payment in advance. Wheat translated this information into Spanish and sent it to his boss, who then instructed that the Arab should handle this 15,000 euros because it had not been previously discussed in their earlier conversations about the shipment.

The Arab got in touch with Hambli, who assured him that he had already taken care of the 15,000 euros, and everything would proceed as planned.

Sergio noted in his report:

"A divergence occurred regarding the advance of funds, and in the end, Marcus, following instructions from his bosses, announced that Sergio's contacts would handle the financing."

So, who were these contacts? They could only be Hambli or Thierry. This raises questions about how this was resolved, especially when, according to the so-called baggage handler, the mobile phone given to the usual informer (Hambli) was the sole point of contact with the senders. Yet, it's evident from the police statements that the senders were in contact with the individuals connected to the police agents or those who had provided the agents with the mobile phone and instructed them to wait for a call.

"We noticed a change in Marcus's attitude, as he seemed to become more inquisitive" (D66) in the file. This was because Wheat had already suspected them of being police, but Hambli continued to reassure him that they were his associates from the airport.

Sergio also stated:

"During the afternoon, Marcus sent me a message asking me to be patient because he might have another solution" (D67) in the file. This was because, upon hearing from Wheat that they might be dealing with the police, his boss asked the Arab to deliver the cocaine to the same location in the Netherlands where Thierry had previously delivered cannabis. Once again, it's evident from the police statements that Wheat's boss was in contact with individuals who were managing the situation in France and could propose alternative solutions. This intermediary was likely Hambli, acting through the Arab.

On September 18th, 2013, Wheat was trailed to a meeting where he encountered a couple later identified as Kane Price and his girlfriend Remi Lishae Benjamin. They had travelled to France to provide Wheat with some money. Wheat later stated that Price had come primarily for a romantic vacation.

Sergio reported:

"Nathan Wheat walked with them before entering the Louis Vuitton shop by himself to meet Aprea. They both left the shop to meet with Russo. Then Aprea left them to meet with two gentlemen who remained unidentified."

This information is once again false because the police took very clear photos of the two gentlemen but failed to follow up on identifying them. Thierry was concerned that they might be connected to the Dutch group to whom he had delivered cannabis in the Netherlands. This connection could potentially expose his involvement. During the trial, Dupont Murretti pointed to the photos and questioned the police in the witness box, demanding an explanation as to why they didn't attempt to identify these individuals.

Murretti highlighted that these two individuals were responsible for the second truck of 300kg, raising the question of why the police didn't make an effort to identify them. Thierry and his team of agents never sent the photos to Europol or to the Netherlands, the UK, or Spain in an attempt to identify the individuals in the photos.

(OCRTIS) introduced some new information:

"New information was received from Venezuela by (OCRTIS) regarding the arrival of a new shipment of cocaine on board an aircraft flight AF385 from Caracas, landing on September 19th, 2013, at 10.30 am. While this information doesn't necessarily imply it was the same perpetrators, it suggests that the accomplices in the airport area for transporting the product could be the same (D85). Surveillance at the site did not detect any suspicious activities during unloading" (D93).

This information appears to be entirely fabricated by (OCRTIS), and investigating judges should press Thierry to clarify the source of this information. It's noteworthy that this is the same kind of information given about the 1.3T shipment, yet there was no search conducted on any of the AKE containers this time, unlike with the 1.3T shipment. This discrepancy raises questions, and it's likely that the information was concocted to bolster the credibility of (OCRTIS)'s earlier reports. Additionally, (OCRTIS) was already familiar with the so-called baggage handler, making it unlikely that the same individuals were involved inside the airport.

On the morning of September 19th, 2013, Agent Sergio was contacted by Marcus, who requested a meeting. During their meeting, Sergio informed Marcus (Wheat) that he could secure a warehouse and offered to take him there. Marcus agreed after obtaining approval from his boss through the Blackberry in Spanish. Both men then travelled to the Sogaris area of Rungis, where they were received by Agent Danny. They visited the police-provided warehouse, and after Sergio assured Marcus that the lorry driver could park his truck in the warehouse over the weekend, Marcus approved the plan. They all returned to Paris.

During the journey back, Marcus asked Sergio to arrange a visit for the Italians who would be responsible for packing. He also explained that there might be two collections, each involving 300kg – one at 10.00 am and the other at 2.00 pm on the same day. However, this depended on the arrival time of the second lorry. If it were late, the next 300kg would be loaded on the Monday following the weekend. The second lorry was intended for the Netherlands group, whom Thierry wanted to keep his team away from because they could potentially identify those involved in delivering the cannabis.

On September 20th, 2013, officers from the (SIAT) prepared nine boxes containing 300 bricks of cocaine, with 180 marked as "RED CROSS" and 120 marked as "PATEK PHILIPPE," amounting to a total weight of 300kg. They documented the entire process and placed the bricks on a pallet for storage in the warehouse, where the Italians would later handle the packing.

On the same day, the two Italians, along with the lorry driver Marco Panetta, were captured on film both inside and outside the warehouse as they packed the cocaine. The truck left the warehouse at 2.15 pm, carrying the 300kg of cocaine.

Later that afternoon, Marcus informed the police that the second lorry would be loaded on Monday and that he might spend the weekend shopping in Amsterdam (D74).

The lorry containing the 300kg of cocaine was intercepted on September 20th, 2013, at 7.30 pm, just as it was about to cross the French-German border. The driver, Marcus Panetta, was arrested at 7.35 pm. The travel itinerary found in the lorry indicated that it was destined to be loaded onto a train in Germany headed for Naples, Italy (D228).

At 7.50 pm, Nathan Wheat, Kane Price, and his girlfriend Remi Lishae Benjamin were also arrested while shopping in the Champs-Élysées area (D106).

The two Italians, Carmine Russo and Vincenzo Aprea, were arrested at 11.10 pm as they were leaving their rented house in Saint-Maur-des-Fossés (D102).

In total, 1,211 bricks of cocaine were seized, with a combined weight of 1,332kg (D126). The estimated value of the cocaine was 50 million euros. The bricks had the following markings:

- 550 were marked "PATEK PHILIPPE GENEVE."
- 460 were marked "RED CROSS."
- 201 had no markings or stamps.

The purity of the cocaine ranged from 61% to 78% (D321).

It's important to note that the information is incorrect in stating that some of the cocaine bricks were without a stamped marking. In reality, all the cocaine bricks were either marked as "Patek Philippe Geneve" or "Red Cross." The police used this mix of markings (180 RED CROSS & 120 PATEK PHILIPPE) to avoid alerting the senders, as the Italians who packed the bricks for the lorry would have noticed if any of the bricks were left blank.

NATHAN WHEAT

Nathan Wheat was arrested on September 20th, 2013.

In his hotel room, the police discovered handwritten messages in Italian (D128). They also found plane tickets in his name and his girlfriend Sarah Jayne Earle's name, purchased from the Calypso travel agency in Spain. A bank card in his girlfriend's name was also found (D156).

During the search of his Prada bag (D152), the following items were discovered:

- Three phones: one white BlackBerry Curve, one black BlackBerry Curve, and one white iPhone (D274).
- One credit card in the name of Sarah Jayne Earle.
- His British passport.
- Three bundles of notes: two containing 1,000 pounds each and one containing 690 pounds, for a total of 2,690 pounds.

While in police custody, Nathan Wheat underwent several interviews (D160, D165, D170).

He provided the following information during these interviews:

He claimed to have lived in Spain for the past 10 years, engaging in an undeclared warehouse job, earning 2,000 euros each month.

Wheat asserted that he met the Italians, Russo and Aprea, for the first time on September 16th, 2013. He explained that he came into contact with them through a telephone given to him by a third party.

Regarding his trip to Venezuela in April 2013, he stated that he had a debt of 50,000 euros. To protect his family, he went to Venezuela to retrieve a sealed plastic envelope.

In relation to the 1,300kg of cocaine, Wheat claimed that he did not know the drugs were sent from Caracas or transported by air. He professed to have no knowledge of the Italians, who did not speak English and communicated in Italian. Wheat stated that the handwritten documents in Italian found in his hotel room belonged to them.

On the 24th of September 2013, he was charged with:

- Importation by an organised gang of drug substances.
- The acquisition, detention, transportation, and illicit sale of drug substances.
- Criminal association for the commission of these crimes.

During his time in police custody, Wheat was not questioned about the name Michael Green, who, according to Thierry's report, was supposedly one of the owners of the cocaine. Additionally, he was not asked about his meeting inside the Novotel, which was overseen by the (OCRTIS) and involved Wheat, the North African, and others. This omission should have raised alarm bells for the examining judges because it pertained to the core of the investigation.

The reason Wheat was not questioned about these matters is that the very individuals conducting the interviews (OCRTIS) were the ones who had sent him through Hambli to the meeting at the Novotel. If Wheat had implicated them during the interviews, it would have become clear that the case was built on entrapment (provocation). Thierry could not have presented Hambli as the informer if Wheat had identified him as the person who set up the meetings in Venezuela and at the Novotel. In other words, the case would have collapsed. Therefore, the police deliberately avoided pressing Wheat on these issues during the interviews, as exposing their involvement would have jeopardized the entire operation.

After leaving police custody and being presented before the examination judges in court, Wheat initially made no statement during his first examination on September 24th, 2013 (D255). However, he was interviewed several more times by the investigating magistrates on the following dates:

- 19th of December 2013 (D268).
- 6th of February 2014 (D361).
- 3rd July 2014 (D398).
- 18th March 2015 (D460).
- 29th July 2015 (D570).
- 15th October 2015 (D576).

During these various interviews, Nathan Wheat initially maintained his earlier statements to the police about his trip to Venezuela in April 2013, citing the dangers he would face if he disclosed information about those involved.

Gradually, he began to provide further explanations about the facts. Regarding his trip to Paris on September 14th, 2013, he claimed that he became aware it involved cocaine and learned about the quantity after receiving a message on the Monday just before the meeting with the undercover police. He stated that he had received 5,000 pounds, partly in sterling, and was instructed to fly to Paris.

Wheat explained that the three Blackberry phones seized from him were given to him by an individual in Malaga, Spain. He also mentioned that this was the same person who had sent him to Venezuela in April 2013 (D361).

He admitted to telling the undercover police that his sponsors would send 2 tons of cocaine next time if the current operation went well.

During the confrontation in front of the judge with Aprea, Russo, and Panetta, Wheat stuck to his earlier versions of the facts (D743).

As previously noted, he was not questioned about the July meeting inside the Novotel with the North African. This raises questions about the integrity of the investigating magistrates because this meeting was a crucial part of the investigation that led to the arrests.

Indeed, it was strongly emphasized during the trial as integral evidence to prove the existence of pre-existing drug trafficking. The fact that the investigating judges did not ask these questions indicates they may have been aware that the entire affair had been set up to entrap the defendants. They likely knew that if Wheat had been pressed about who sent him to the Novotel meeting, he could have implicated the North African and Hambli, potentially causing the case to collapse.

It's worth recalling that the judge asked Thierry about the so-called baggage handler but was blocked when he invoked the protection of informers. This suggests that the judge had suspicions about the case and the credibility of the baggage handler.

Wheat appears to have been gently interrogated to avoid him saying anything that might jeopardize the case. He was asked about Michael Green but not about whether he was led by him or pushed for further information about his trip to Venezuela. They never inquired if Green was his superior or pushed him on any of the details leading up to the seizure. The simplest explanation is that the judges were well aware that this case was far from ordinary.

KANE PRICE

He was arrested on September 20th, 2013.

His passport was discovered in the hotel room where he was staying, and it had a Mexican stamp dated July 16th, 2012, along with a valid 90-day Turkish visa dated July 29th, 2013.

A search of his PRADA bag yielded the following items:

- 430 euros
- A currency exchange receipt for 500 pounds converted into 550 euros.
- 2,830 pounds sterling.
- A Nokia telephone.

His golden pink Rolex watch was seized and placed under seal.

During a search carried out at his residence in Nottingham by the British police, they discovered a list of figures relating to the debts of other drug dealers. Kane Price appeared to have an unfavorable reputation with the British authorities, particularly in relation to cocaine dealing.

Throughout his interviews, Price vehemently denied any involvement in drug trafficking and claimed that he had come to Paris with his girlfriend for a romantic getaway. He did admit to knowing Nathan Wheat after meeting him for the first time seven years earlier but had lost contact with him.

Price mentioned that in February 2013, they had exchanged vehicles, and he stated that he had traveled to Spain several times to meet Wheat. According to Price, Wheat had told him that he worked in nightclubs, building construction, and real estate.

Regarding his stay in Paris, Price explained that Wheat had asked him to come about a week before his arrival. It was Wheat who made the booking for him, and he stated that Wheat's girlfriend, Sarah, had left before he arrived. Price claimed not to know the reason for Wheat's presence in Paris.

While Price provided explanations about his time in Paris, some inconsistencies emerged during surveillance (D81).

After being released and placed under judicial supervision on December 11th, 2014, Price was arrested again on June 11th, 2015, in possession of 1 kg of heroin inside an Audi A3 vehicle (D647).

Wheat, during his interrogations, stated that he had received 5,000 pounds from someone in Malaga

who had sent him to France. However, upon examining the case file, it becomes evident that Wheat had no money during the surveillance period. He used his girlfriend's credit card to make purchases and pay for hotels. At one point, he withdrew money from an ATM. His girlfriend left to return to Spain, leaving her bank card with him.

It's clear that after Price arrived, Wheat suddenly had a significant amount of pounds sterling. They both visited a currency exchange together. It is apparent that Kane Price arrived in Paris to bring money to Wheat.

This may be seen as a result of poor investigative work, but it seems evident, based on the events of the investigative surveillance, that Price brought money to Wheat.

VINCENZO APREA

He was arrested on September 20th, 2013, along with Carmine Russo, as they were leaving the house they occupied in Saint Maur.

During the search, the following items were discovered:

In Carmine Russo's luggage:

- 7,500 euros (150 x 50 euros).
- An electronic ticket in Russo's name from Valencia to Paris on September 14th, 2013.
- Hilton hotel bills for September 14th and 15th, 2013.
- An iPad.
- A Samsung mobile phone with a Lyca SIM card.

In Vincenzo Aprea's luggage:

- 7,000 euros (140 x 50 euros).
- A Madrid-Paris round trip electronic ticket.
- A Blackberry Curve phone with a SIM card.
- An iPad.
- A GPS device that did not provide any useful information.
- A red GSM mobile phone.
- A pair of construction gloves found under the stairs.
- Three rolls of thick tape.

A search of their car led to the discovery of documents with details of the warehouse (D357).

While in police custody, Aprea explained that he and Russo had decided to treat themselves to a holiday in Paris (D196). He stated that he did not know Panetta, Wheat, or Price, whose photos were presented to him (D200). Afterward, he refused to answer further questions.

His phones were analyzed while in police custody (D274, D285, and D303).

Aprea was charged on the 24th of September 2013 with importation by an organized gang of drug substances, acquisition, detention, transportation, the illicit sale of drug substances, and criminal association for the commission of these crimes.

Aprea was interviewed by the judge of investigations magistrates (JIRS) on several occasions:

- February 5th, 2014 (D360).
- October 21st, 2014 (D450).
- March 17th, 2015 (D458).
- July 28th, 2015 (D569).

During his interview on October 21st, 2014, he clarified the following points (D450):

He claimed that he had met Wheat for the first time during his stay in Paris and was unaware of his true identity. He also met Panetta, the driver, for the first time. He confirmed that he had known Russo for 20 years and they had always stayed in touch.

On the night of September 13th and 14th, 2013, he spent the night at the Hotel Hilton before joining Russo in the arranged apartment. He explained that he had been given 20,000 euros by someone who had entrusted him with the mission, along with a Blackberry phone. He had given half of this amount to Russo and had paid the rent, leaving him with 7,000 euros.

Regarding the job he was asked to carry out, he claimed to be a street vendor in Madrid and had been approached to assist with smuggling products. He was told he would need another person, so he contacted Russo.

During his interview on the 28th of July 2015 (D569), when confronted with the infiltration report indicating that Russo and he were responsible for the transportation and packaging of the cocaine, he maintained that he was merely following Wheat's instructions. He claimed that he only passed on the information and didn't know the nature of the cargo, suggesting it could have been cigarettes. He added that he asked Russo to help him, knowing that Russo was facing financial difficulties.

CARMINE RUSSO

He was arrested on the 20th of September 2013.

During the police interviews, he stated that he worked as an occasional gym teacher. He then chose to remain silent. He declared that he did not know Panetta, Wheat, or Price when confronted with images of himself inside the warehouse handling the cocaine.

Russo was charged on the 24th of September 2013 with importation by an organized gang of drug substances, acquisition, detention, transportation, illicit sale of drug substances, and criminal association for the commission of these crimes.

Russo was interviewed by the judge of investigations magistrates (JIRS) on several occasions:

- 20th of February 2014 (D365).
- 30th June 2014 (D396).
- 18th March 2015 (D459).
- 28th July 2015 (D568).

During the interviews on the 20th February 2014, he admitted that he had been offered the job by Aprea but claimed not to know the nature of it. He admitted that the 7,500 euros were an advance payment for loading smuggled products. He confirmed that the police surveillance showed that he had met with Wheat.

On the 30th of June 2014, he explained that he had booked a flight for himself from Valence to Paris on the 14th of September. He indicated that Aprea had found them the apartment. Regarding the meetings with Wheat, he stated that he did not understand what Aprea and the Englishmen spoke about and maintained that he had met Wheat and Panetta for the first time in Paris.

MARCO PANETTA

He was arrested on the 20th of September 2013.

Panetta was arrested while preparing to cross the French-German border in his Italian registered lorry, which was carrying 300 kg of cocaine.

He explained that he worked as a lorry driver, earning between 1,000 to 1,500 euros each month.

Regarding the cocaine trafficking, he claimed not to be responsible for it.

He maintained that someone had tapped on his cab window in the middle of the night at a service station, offering him some easy money. He was offered 10,000 euros to transport what he thought were stolen goods.

Faced with the recording of the loading of the cocaine, he had to admit that he knew he was loading cocaine bricks. They had packed 150 kg of cocaine in each of the two pallets of green beans.

Panetta was charged on the 24th of September 2013 with importation by an organized gang of drug substances, acquisition, detention, transportation, illicit sale of drug substances, and criminal association for the commission of these crimes.

Panetta was interviewed by the judge of investigations magistrates (JIRS) on several occasions:

- 13th of February 2014 (D363).
- 11th March 2015 (D457).
- 5th November 2015 (D578).

Through these interviews, it became clear that he had been offered 20,000 euros to carry the cocaine just 12 days before the job, and due to his significant debt, he had accepted. He denied knowing any of the other defendants or being recruited by them.

Conclusions

You may have read or heard many stories about the Air France 1,300 kg of cocaine seizure, but never the true facts.

For some reason, the British police have consistently tried to take credit for this large cocaine seizure. Many journalists have written untruths, either fed to them by the police or following the misleading narratives of journalists like Carl Fellstrom.

The fact remains that the British police had absolutely nothing to do with the seizure or the arrests of Nathan Wheat, Kane Price, Vincenzo Aprea, Carmine Russo, and Marco Panetta. Part 3 will explain how the British authorities misled the public into believing they played a role in this record seizure. You will also see that the 1.3 tonnes of cocaine seizure had nothing to do with Robert Dawes. There was no information provided to the French authorities by any British authorities, contrary to popular belief. The National Crime Agency (NCA) led the British media to believe it was their tip that led to this record seizure, but it is evident throughout the investigation that neither the Serious Organised Crime Agency (SOCA) nor the NCA had any involvement in the seizure.

PART 3

ROBERT DAWES

I want to emphasize that I questioned Dawes several times to ensure this information aligns as closely with the facts as possible.

Robert Dawes is an Englishman born in 1972 at Nottingham City Hospital.

To fully comprehend how Dawes came to be arrested for the Air France incident in November 2015, we need to provide some background history leading up to his arrest.

His first arrest occurred in 2008 in the United Arab Emirates in connection with 186 kg of cocaine. This arrest was maliciously instigated by the British authorities, specifically the Serious Organised

Crime Agency (SOCA). They generated false reports claiming that Dawes was behind the transportation of 186 kg of cocaine from Madrid to the United Kingdom, when in fact it was en route to Belgium.

The SOCA's reports were later dismissed by the High Court in Madrid, deeming them devoid of evidential value. The only other evidence was from a witness who had been arrested with the 186 kg of cocaine. This witness had provided multiple contradictory statements and, when asked to testify in court to confirm his previous statements, refused to do so. Consequently, Dawes was released without even having to stand trial due to the weak case against him.

Now, let's highlight some key points from this release order for Mr. Dawes.

Appeal Judges stated:

“Having examined the testimony presented, this chamber can do nothing other than concur with the appellant's allegations during questioning about the existence of sufficient indications of criminality to justify the indictment of ROBERT DAWES. The same indictment cannot be sustained solely based on the existence of police reports from the British police agency, the Serious Organised Crime Agency (SOCA). These reports lack any evidential value and have not been corroborated by any other evidence.

Regarding the statements made by the co-implicated Karl Hayes, it is certain that after giving various incriminatory statements during the case against the indicted and being summoned to provide further statements after Robert Dawes' extradition on the 15th of July, the co-implicated Mr. Hayes refused to make a statement and thus refused to confirm the incriminatory content of his previous statements against the indicted.

Given the above and the lack of any indications beyond those mentioned in the appealed order, as well as the public prosecution in the appeal hearing relying solely on the inferred involvement of the indicted Robert Dawes in the crime against public health, for which he was indicted, it is appropriate to revoke the appealed order concerning his indictment for the commission of a crime against public health, nullifying it, and ordering his immediate release.

THE CHAMBER RULES: To uphold the appeal presented by D. Luis Jose Garcia Barrenechea on behalf of ROBERT DAWES against the order issued on the 5th of June 2008 by the Honourable Magistrate of Instruction Court No. 32 of Madrid, which decreed his indictment for a potential commission of a crime against public health. We revoke the said decision regarding the indictment of the aforementioned individual and also lift all personal and real precautionary measures imposed on him. His immediate release is ordered, and the appeal costs are to be borne by the state.

This official document from the court contradicts any narrative that Carl Fellstrom may have written about the 186 kg of cocaine case for which Mr. Robert Dawes was indicted.

Most media reports on this story were misleading and primarily written by a journalist named Carl Fellstrom, who himself has a history of mental health issues due to his abusive use of Class A and B drugs over the decades.

You can perform a Google search for his name to learn more about him, but essentially, according to other reports available online, he has an unpleasant history with Mr. Dawes.

It is stated that Fellstrom was caught grooming a young schoolboy by the boy's mother, who approached Dawes for help because she was hesitant to go to the police due to fears of potential repercussions in the public domain after reporting it. She was concerned about the stress her son would face at school and the family's name being in local newspapers. The mother suspected that her son had already been abused by Carl Fellstrom, given the significant changes in his daily life.

The story goes that Dawes had Fellstrom taken away in a van with a hood over his head to make him realize the error of his ways. This event likely fueled Fellstrom's obsessive pursuit of Dawes. In all honesty, after reading about Fellstrom's career goals, it's challenging to take him seriously as a specialist in any field, especially reporting on organized crime.

It's worth noting that prior to his arrest in connection with the 186 kg of cocaine, the British police had been manipulating the Spanish police into investigating Dawes for several years since he left the UK in 2000 to settle in the south of Spain.

The British police were convinced that Dawes was involved in the case against his father and brother for drug trafficking in the UK, where they received lengthy prison sentences. They also believed he was heavily involved in drug trafficking, collaborating with individuals from the Netherlands, and even suspected him of ordering murders in the UK and the Netherlands. However, these suspicions were entirely unfounded, as the Spanish authorities' investigations into Mr. Dawes failed to corroborate any of these claims.

At least two long-term investigations were conducted jointly by the National Police and the Civil Guard military police in Spain.

First, the British convinced the National Police to open an investigation around 2003, which lasted more than a year and resulted in the case being closed without any judicial action taken.

Then, they convinced the Civil Guard to launch an investigation in 2005, which lasted nearly two years but, again, led to no judicial action being taken.

The above-mentioned events occurred prior to his arrest in Dubai in 2008.

We will now delve into the events leading up to his arrest in 2015 in connection with the Air France seizure of 1.3 tonnes of cocaine.

The British police (SOCA) once again manipulated the Guardia Civil into initiating an investigation into Robert Dawes. The Spanish authorities received a notice on the 23rd of October 2012 from S.O.C.A, informing them that Dawes was an international drug trafficker based on the Costa del Sol in Spain. They alleged he was involved in trafficking heroin and cocaine and engaged in money laundering. They also informed the Spanish authorities that Dawes's brother and father had received lengthy prison sentences in the UK for drug trafficking.

However, none of the above claims were substantiated with any proof. The British police were merely manipulating the Spanish authorities to open another investigation. At this point, Dawes had only been out of prison for one year after his arrest in Dubai in June 2008. In that case, he served 39 months in prison but was eventually released without going to trial.

In October 2012, the Guardia Civil opened a new investigation based on information from the Serious Organised Crime Agency (SOCA), under the reference numbers DII-PREVIAS: 2076/2013

and N.I.G: 2905443P20130001607, in court No. 4 in Fuengirola.

Initially, this investigation was launched in Fuengirola, in the Malaga region. It involved comprehensive surveillance, both physical and electronic. Later, the case file was transferred to Madrid under Case No. 105/2013. However, once again, this investigation was closed on the 5th of March 2015, with no judicial action taken against Mr. Dawes.

Here is an excerpt from the court report on the 11th of February 2016, concerning case number 105/2013 of the Central Instruction Court No. 2, Madrid:

"On the 5th of March 2015, it was decided to provisionally suspend and file the present investigation procedure (Volume X111, Pages 5092 & 5099), as per the corresponding acknowledgement issued by the public prosecution on the 6th of March 2015 in response to the official report submitted by the unit responsible for the investigation (UCO Guardia Civil) on the 4th of March 2014. The report (pages 5071 to 5092) confirmed that 'We find no sustainable indications to proceed with the judicial investigation.'"

As you can see, after 29 months of intensive surveillance, involving various police techniques such as GPS tracking of vehicles and phones, they had to acknowledge that there was no evidence of criminality. It's important to note that the use of roving bugs inside phones, where microphones or cameras can be remotely activated, is illegal.

It's also worth noting that this investigation had absolutely no connection to the 1.3 tonnes of cocaine seizure in Paris. The Spanish police did not communicate with the French authorities at any point during this 29-month investigation.

In September 2014, the British police (NCA) initiated a joint investigation with France with the aim of linking Robert Dawes to the Air France cocaine case. This occurred one year after the arrests of WHEAT, PRICE, APREA, RUSSO, and PANETTA. However, this investigation was also closed without any evidence linking Dawes to the case.

Here is an excerpt from the NCA report:

"An agreement was reached between (OCRTIS & SOCA) to work together to establish who was behind the shipment. The fact that Italian nationals were arrested showed connections to the Camorra Mafia in Naples, with APREA being a senior-level member. However, the information from April 2013 suggested that Robert Dawes was indeed the man behind it. Operation Enamoured was initiated to establish the criminal links of Robert Dawes to the seizure and support French colleagues. This support resulted in the agreement of a (JIT) through the use and assistance of Eurojust and Europol channels. The purpose of the investigation was to identify Robert Dawes' criminality in the UK with the aim of linking him to the Paris seizure. No links were substantiated. 'The task was always going to be difficult as it is believed that Robert Dawes had not travelled to the UK for a number of years' (certainly not using his bona fide passport)."

As per the British police's own report, it's clear they had no involvement in the seizure. The claim that Dawes not traveling to the UK for several years would make it difficult to link him to the 1.3 tonnes of cocaine is puzzling, as it should not impact the connection to the seizure.

They did, however, tip off the French authorities long after the seizure. They informed the French that Dawes might be involved in the 1.3-tonne cocaine shipment and that the Spanish authorities

had conducted a 29-month investigation in which Dawes had discussed the Air France seizure.

The British and Spanish police had ulterior motives for alerting the French authorities. Following the closure of the Spanish investigation, they wanted to search Dawes' properties. However, this was not possible because no judicial action could be taken due to the absence of evidence of criminality. The (NCA & UCO) hatched a plan to manipulate the French into issuing an arrest warrant for Dawes, giving them the opportunity to search his properties in the hope of finding something to build a case against him and thus salvage their failed 29-month investigation.

The French investigative judge sent a request to Spain on the 12th of March 2015 for international legal assistance. This request sought "Every element, in particular video and audio surveillance leading to the identification of the owner of the 31 suitcases containing cocaine seized at Roissy Charles de Gaulle airport on the 11th of September 2013."

So, this is the first time Dawes is mentioned in connection with the Air France cocaine investigation in the eyes of the court since its inception in July 2013 by (OCRTIS) and then in September 2013 by the French courts. It's nearly 20 months after the initial investigation. Therefore, it becomes abundantly clear that neither the British nor the Spanish authorities had any involvement in the seizure.

On the 5th of March 2015, the Spanish investigation was closed, and then one week later on the 12th, the French judge submitted an international request for legal assistance. The Spanish police (Guardia Civil UCO) prepared part of their 29-month investigation to send to France. However, they led the French authorities to believe they were providing the complete 105/2013 case file. The French justice claims that these 114 DVDs are part of the complete procedure, but anyone who has studied them can see that they are incomplete and contain only carefully selected portions of the 2076/2013 and 105/2013 investigations.

On the 26th of May 2015, the French investigating magistrate received a copy of a procedure, case N° 105/2013, prepared by the Guardia Civil but forwarded by the judge of the central court of instruction N°2 of Madrid. This procedure consisted of 32 DVDs and 82 DVDs, totaling 114 (D592-D600). They were placed under seal called (SPAIN 1).

The Case file N°105/2013 was closed and archived at this point, leaving the task of preparing the 114 DVDs for the French authorities to the Guardia Civil. They did this using their own copies. This is a crucial point because the French justice system had always assumed that they received the complete 105/2013 procedure.

The fact is, this case (105/2013) existed only as a raw police investigation and was never fully prepared for court since no judicial action was taken. The Guardia Civil decided to prepare what they considered necessary, rather than the complete procedure. The central court N°2 of Madrid simply acted as a forwarding agent and failed to inform the French authorities about the existence of the initial part of the investigation, PA2076/2013 court N°4 Fuengirola.

Following the receipt of the 114 DVDs, the French Instruction Magistrate, Madam Anne BAMBERGER, ordered on the 2nd of June 2015 that an expert from Europol perform a keyword search on them (D600 to D602).

On the 9th of June, Mr. Sylvain BOYREAU was assigned the task of creating two working copies of the 114 DVDs constituting the seal "SPAIN 1" (D600 to D602).

Mr. Sylvain Boyreau was provided with 11 keywords by the investigating magistrate for searching the 114 DVDs:

1. NATHAN WHEAT
2. KANE PRICE
3. VINCENZO APREA
4. CARMINE RUSSO
5. MARCO PANETTA
6. ROISSY CHARLES DE GAULLE
7. ORLY
8. COCAINE
9. AIRPLANE
10. AIR FRANCE
11. CARACAS

It's noteworthy that the name ROBERT DAWES did not appear among the keywords. This omission is significant and suggests that his name may have been deliberately excluded to hinder his defence. Alternatively, it's possible that the court was unaware of his involvement at this stage. This lack of inclusion explains why all the police in France testified later during the trial that they were unaware of Robert Dawes, only learning of him long after the seizure following information from Spain. In other words, Dawes was not part of their investigations in France.

The expert, Boyreau, successfully completed the mission and created an inventory of the 114 DVDs, revealing numerous duplicates and the presence of unreadable or corrupted DVDs:

- N°1: Only one copy.
- N°2: Only one copy.
- N°3 to 10: Identical, 8 copies.
- N°11 to 18: Identical, 8 copies.
- N°19: Only one copy.
- N°20 to 27: Identical, 8 copies.
- N°28: Only one copy.
- N°29: Only one copy.
- N°30: Only one copy.
- N°31 to 57: Identical, 27 copies.
- N°58: Only one copy.
- N°59 to 87: Identical, 29 copies.
- N°88: Only one copy.
- N°89 to 110: Identical, 22 copies.
- N°111: Only one copy.
- N°112: Only one copy.
- N°113: Only one copy.
- N°114: Only one copy.

In total, there were 114 DVDs.

Mr. Sylvain Boyreau concluded his report on the 17th of September 2015 (D602) and filed it with the clerk of the examining magistrate on the 21st of September 2015.

Boyreau determined that the format of these 114 DVDs contained neither video nor audio. The keyword searches did reveal some documents containing the name Robert Dawes, particularly in written transcripts of a recording that took place in the foyer of the Villamagna hotel in Madrid, Spain, dated the 23rd of September 2014. However, he also concluded that the DVDs didn't contain any video or recordings of Robert Dawes in relation to these transcripts.

On the 1st of October 2015, the French investigating magistrate, Madam Anne Bamberger, sent a second request to her counterpart in Madrid, asking them to provide the original seal or copy of the audio sound recording from the 23rd of September 2014 at the Villamagna hotel in Madrid. She stated that this recording did not appear in the 114 DVDs (D617).

The court in Madrid complied and sent the audio CD and video DVD containing the information related to the recording in the foyer of the Villamagna hotel in Madrid on the 23rd of September 2014.

On the 2nd of November 2015, the sound recording was placed under seal by the judge of instruction, Madam Anne Bamberger (D619).

The statement in this recording was as follows:

"Considering article 97 of the penal code, Having regard to the delivery by the Spanish judicial authorities of Madrid (Judge Court N°2) of a document attached to a DVD containing the sound system of the 23rd of September, 2014, thus worded (HOTEL VILLAMAGNA) being in our office, we seized the said DVD and placed it under seal, number (JUGE CRI-SONORISATION-23/09/14). Let's order the deposit of this seal at the registry of seals of the TGI of Paris" (D619/2).

Therefore, on the 2nd of November 2015, the disputed recording, communicated by the Spanish authorities, was placed under seal without creating any working copies.

It also became evident from (D917/22) that on the 9th of November 2015, this sealed recording was filed in room 2015-OM of the Paris Tribunal de Grande Instance.

However, it also came to light from (D639) that on the 19th of November 2015, the judge of instruction appointed an expert and entrusted him with the task of "listening to and transcribing the English words into French."

The inconsistency is glaringly apparent, given that this recording from the 23rd of September 2014, inside the Villamagna hotel in Madrid, was sealed on the 2nd of November 2015, yet it's only mentioned on the 19th of November 2015, when an expert was appointed.

To underscore this, it's sufficient to point out that the investigating magistrate never ordered the breaking of the seal or the reconstruction of the seal.

It's also not insignificant to note that there is no report in the file containing the description of the operation carried out by the expert Maurice Ashley during his mission, as required by Article 166 of the Code of Criminal Procedure.

The Magistrate claimed that all the usual experts were busy, so she would entrust this task to an oral interpreter by the name of Maurice Ashley, who had actually sat in on the interviews of Wheat & Dawes.

This action by the Magistrate carries significant consequences because there was no working copy ever made, or at least there is no record of it, so it would have been impossible for the so-called expert Ashley to carry out this task.

In all respects, it is established that the expert could not have had access to the seal (JUGE CRI-SONORISATION-23/09/14).

I questioned Robert Dawes about this point:

QUESTION: What do these inconsistencies mean from a legal standpoint?

ANSWER: “Well, put it this way, if my lawyers had seen this at the time, I wouldn't be in prison now.”

QUESTION: So, if this detail is that serious, what would have transpired if your lawyers had picked up on this point?

ANSWER: “The recording would have been useless because, without any expert listening to it and translating it into French, it could not be used under French law. There was no other evidence to convict me, so I would have been released without charge at the investigation stage.”

“Not only that, it's also clear that the expert, after saying he had listened and translated the English into French, produced a transcript (D640) of his work without signing it nor stamping it, as required by French law. So again, this transcript would have been deemed inadmissible, and this would also have led to my release.”

QUESTION: But how could he have made the transcript if he didn't have access to the recording?

ANSWER: “This is another thing that my lawyers never picked up on. Inside the 114 DVDs that were first sent by the Spanish, there were some transcripts written by the National Crime Agency, Guardia Civil, and Europol containing the so-called words I had spoken in the hotel in Madrid.”

"These transcripts were translated into French by Virgini David and Jose Fernandez who were interpreters of the Spanish language. Then the expert Maurice Ashley just copied the words from the Jose Fernandez version D655, changing the odd word here and there".

“These transcripts were given to the expert Maurice Ashley, who just copied the words into French, changing the odd word here and there.”

QUESTION: I can't understand how the judge could make such a simple mistake with a piece of evidence so crucial in the case against you. How could this have happened in your opinion?

ANSWER: “I think the judge was having second thoughts about whether the recording even existed because it was never communicated in the 114 DVDs. She had waited so long for this famous recording that, in my opinion, when she received it, she had broken the seal to listen and realised what we all realised at both my later trials, that the recording was useless and inaudible. It sounded like someone was in a bathtub, and you could maybe make out 2 words out of 10.”

“Anyway, I think the judge has realised it's useless, then immediately placed it under seal so me or my lawyers couldn't ask to listen to it because it's obvious the case would have been dead in the water.”

QUESTION: But if that was the case, why did the judge then appoint an expert?

ANSWER: “Because they have realised after placing it under seal that they would need a French expert to have listened to it before it could be used in a French court. I also believe one of the senior Judges who was also appointed to my case had spotted this error made by the judge Anne BAMBERGER, and then they arranged to try to fix it.”

QUESTION: Fix it in what way?

ANSWER: “When I first arrived in France, I was being interviewed by the judge, and this Maurice Ashley was the translator appointed by the judge. This guy was very friendly with the Judges, especially the senior Judge Mr Baudoin THOUVENOT. It was running very late one night, and Ashley received a WhatsApp message from Thouvenot asking him to hurry up and finish because he had ordered him a drink in the bar downstairs. Thouvenot joked that Ashley should tell the judge to call it a night.”

“I think the judge has asked Ashley to be the expert, and he's agreed, knowing it's illegal. I believe this is the reason Ashley didn't sign or stamp his work because if he had done that, it would have been a criminal offence. But failing to sign would seem like an error. It's clear that all the other work he did, he signed, but not this (D640) transcript.”

“I really do believe it was all a scam, but proving it is difficult. But you look at the case file and make your own opinion. What's also crazy is that all my lawyers didn't pick up on these flaws in the case file, but they are very simple day-to-day things to spot.”

“You would have thought that this recording, being the only evidence against me, that the lawyers would have paid great attention to the regularities of the law regarding it.”

Although the keyword search carried out by the expert Boyreau didn't contain the recording from the Hotel Villamagna in Madrid, it did yield some documents relevant to the investigation.

There were two transcripts of the so-called recording, the first having been made by the liaison officer from the National Crime Agency in Madrid, and the second by the Guardia Civil police attached to (UCO).

The (NCA) liaison transcribed all the English audio words into written English.

The Guardia Civil translated the English words from the (NCA) liaison to Spanish and also added the Spanish words that were spoken on the recording.

Later, an employee of Europol translated the complete version provided by the Guardia Civil into French for the benefit of the Europol report to France. Virginia David D616/100 to D616/120, also court appointed translator Jose Fernandez translated the Guardia Civil's version into French for the OCRTIS police when he accompanied them to Spain D655/1 to D655/27

So it's evident from the 105/2013 case file that no legal expert had translated the words from the recording. This may have been because no legal action was taken in Spain regarding this 105/2013 investigation that went on for almost 2 and a half years.

This is why Maurice Ashley had to be appointed in France to present a legal translation at the trial in France. However, it appears that Ashley may have been dishonest, merely copying from these transcripts to make it seem like he had listened to the recording.

It's also worth noting that the recording in the Madrid hotel was made by remotely activating the microphones on the phones belonging to the people at the meeting, which is also totally illegal.

Also, from The Boyreau keyword search, there was an unclear photo of Dawes and Wheat outside a bar in the south of Spain.

There were some telephone transcripts of a registered police informer, Mr. Raphael Nasr, which will be covered later in relation to the trial.

There were copies of some faxes sent to Spain by the Serious Organised Crime Agency (SOCA) that were not corroborated.

On the 20th of October, an arrest warrant was issued against Dawes in connection with the Air France Cocaine story.

Again, on the 27th of October, an international arrest warrant was issued against Dawes.

Robert Dawes was arrested in Spain on the 12th of November 2015. He was taken to Madrid and presented to the Court handling the extradition process. Dawes was shown a document that suggested the French authorities were in possession of a sound recording where he claimed ownership of a shipment of cocaine sent from Venezuela to France in September 2013. He was shown a brief passage of the words it was alleged he had said. Mr. Dawes adamantly denied saying such words but preferred to be sent to France to challenge these allegations, therefore, he accepted the request for extradition and surrendered himself to the French authorities.

Here is some information from the file:

“The investigation conducted under the authority of the National Audience in Madrid allowed to directly involve Robert Dawes in the facts which are the object of this case. Indeed, monitoring realized on the 23rd of September 2014, allowed the capturing of Robert Dawes claiming ownership of the 1,200 kilos of cocaine seized in Paris”.

“An arrest warrant was issued against him on the 20th of October 2015. On the 12th of November 2015, Robert Dawes was arrested by the Spanish authorities at his home. He accepted his surrender as part of the execution of the European Arrest warrant”.

“As part of the execution of an international rogatory commission, The Guardia Civil conducted six searches at various addresses”.

You read earlier about the NCA & UCO having an ulterior motive for tipping off the French; here that motive was executed in the form of six searches at various addresses. The Guardia Civil knew exactly where to find and arrest Dawes, but they stated he could be at any one of the six addresses, manipulating the French to issue a warrant for all six addresses.

They had no way of getting a Spanish judge to issue a warrant to search any properties because the investigation into Dawes was closed without any judicial action being taken.

On the 25th of November 2015, Dawes was handed over to the French courts.

He was charged the same day on the 25th of November 2015:

Importation by an organised gang of drug substances, the acquisition, detention, transportation, the illicit sale of drug substances, and criminal association for the commission of this crime.

On the 28th of January 2016, around six weeks after Dawes' arrest, his lawyers, Florian Lastelle and Xavier Nogueras, filed a motion for nullity before the investigating chamber concerning:

- The expert report dated 21st of September 2015, carried out by the Europol officer Boyreau.

- The sound system of the 23rd of September 2014.

- The indictment of their client.

- The subsequent acts and documents concerning him.

They argued, on the first point, that, “The expertise is not regular according to the independence and impartiality of an expert, this one working at Europol, it creates a justified doubt concerning his ability to have no pre-established parti-pris against Robert Dawes, and it appears against all the principles of a fair trial to entrust a police employee in the context of an expertise, even if it is supranational and in charge of the transmission of the police intelligence that is the basis of the prosecution against Robert Dawes”.

The court rejected this argument, stating: “The investigating judges possess a huge liberty of choice according to the experts used. Robert Dawes' lawyers just queried the impartiality of the expert because of his affiliation to Europol, without stating why the employment of Sylvain Boyreau in the organism would necessarily lead to (parti-pris) against their client”.

“In this particular case, it clearly results from the expertise mission as written that the expert had to carry out a technical operation consisting of using recognition software to search and extract, from keywords chosen by the investigation judge, some documents, and so, to avoid the printing of the entire Spanish procedure contained in the 114 sealed DVDs in which lots of elements were not necessarily useful for the procedure”.

I asked Dawes what his thoughts were on this response, he stated:

“It's a big crock of shit because it's obvious why a police officer from Europol could be biased, having they had been providing information about me through their Madrid & Paris office”.

“They said (in which lots of elements were not necessarily useful for the procedure) - this is a fucking joke; the dirty corrupt bastards are basically saying we will select all the elements we think are useful to convict you but you can't have any elements that would be useful to your defence. In fact, they included all the other co-accused names in the keywords but not mine, so how was it supposed to throw up any elements to benefit me in my defence?”.

They argued on the second point that, “The sonorisation achieved by the Spanish police and constitutes the foundation of their client's indictment, is not admissible because it obeyed to a procedural system which is not compatible with French law. Even though, in the current state of Spanish legislation, the sonorisation system is pretty close to French law, that was not the case of the Spanish law applied to the sonorisation of the 23rd of September 2014. We remind the chamber that indeed, before the organic law of the 5th of October 2015, Spanish law did not allow such

sonorisations. We conclude that without any sufficient legal basis, a sonorisation accomplished in Spain before the organic law of the 5th of October 2015, is not compatible with French law and guarantees of procedure, so it must remain ineffective, in accordance with article 694-3 of the criminal procedure code".

Further on the second point, "This sonorisation must be declared inadmissible because the international rogatory commission of the 12th of March 2015 does not contain any of the documentation related to the French procedural guarantees which should have been respected by the Spanish authorities during their investigations. We note that the documentation authorising the sonorisation has not been attached".

Continuing on the second point, "Finally, we maintain that every sonorisation must be achieved in accordance with the European standards of fundamental rights protection, reminding that article 8 of the European convention applies in a supranational way, either in France or in Spain. In this particular case, the litigious sonorisation, which no Spanish law planned by the time of its realization, was not conforming to the European standards of fundamental rights. We also support that, in accordance with the constant jurisprudence of the European court, the French authorities are not allowed to give effect to a measure which is marred by an attempt to infringe upon the fundamental rights committed by the foreign state".

The court rejected this argument, stating: "It is necessary to remind that the French judge is not competent to appreciate the regularity of an act accomplished in a foreign country regarding foreign law".

"Concerning the Spanish judicial act authorising the sonorisation, part of the present procedure, it was Robert Dawes's responsibility, if he had doubts about its reality or validity, to ask for its production".

I asked Dawes what his thoughts were on this response, he stated:

"So basically what the judge is saying is that if this sonorisation was made while I was being tortured in a cell by the Taliban police in Afghanistan, it's legal to use in the French court because the ("French judge is not competent to appreciate the regularity of an act accomplished in a foreign country"). Even to a novice, you can see this response is corrupted, and you just can't rely on the French courts because when they have it in their head you're guilty, they bend and twist the law to suit themselves".

"Regarding the second part of the rejection, (It was Robert Dawes's responsibility, if he had doubts about its reality or validity, to ask for its production), this is total rubbish. They knew I was fighting through the Spanish courts to have full access to the case file 105/2013 and I was getting blocked every time. Basically, France said we can't rule on it, so ask Spain, but Spain are saying you don't have any case in Spain, so you don't need access, and if you have a case in France, ask them for access. I was piggy in the middle, defenceless".

They argued on the third point that, "Nothing in the file lets characterise concordant and serious leads justifying the indictment of our client, reminding, supposing that the sonorisation of the 23rd of September 2014, admissible, that this one only contains indirect confessions formulated to third parties, not corroborated by any concrete material element".

Continuing on the third point, "We pronounce the violation of our client's defence rights, relying on

irregular and inadmissible acts, and ultimately, based on no concrete material elements, the indictment of our client should be cancelled".

The court rejected this argument, stating: "Even if there is no contradiction that the investigation judge took the side to make a partial exploitation of the Spanish procedural pieces contained in the 114 DVD's, it could not be validly supported that the entire procedure has not been put into the file; henceforth, those 114 DVD's have been sealed and are a complete part of the procedure. It was Robert Dawes' responsibility, if he found this necessary for his defence, to ask for access to the procedure. It has to be reminded that the indicted has been interrogated by the investigation judge, on elements from the expertise that he has been informed about, so he could validly defend himself."

I asked Dawes what his thoughts were on this response; he stated:

"This is just crazy because to say they were sealed and part of the procedure, what use were they to my lawyers who didn't speak Spanish? I was asking for access all the time; they are just liars. I have copies of all the requests made in France and Spain that were presented to the courts. Again, they say I was interviewed only on the points found by the expert so I could defend myself. Also, the 114 DVD's were not a complete part of the Spanish case file, 105/2013; they were incomplete. We have solid proof of this, at the top of D610/6 it's clear from the courts own expert Boyreau. They are just making up excuses; it's obvious to anybody the rights to a defense have been stamped on."

They argued on the fourth point that, "Nothing in the file lets characterise concordant and serious leads justifying the indictment of our client, reminding, supposing that the sonorisation of the 23rd of September 2014, admissible, that this one only contains indirect confessions formulated to third parties, not corroborated by any concrete material element."

More on the fourth point, "We pronounce the violation of our client's defence rights, lying on irregular and inadmissible acts, and at the end based on, no concrete material elements, the indictment of our client should be cancelled."

The court rejected this argument, stating: "It results from the procedure that the investigations led by the Guardia Civil have been conducted after the reception in 2013 of the cocaine, several intelligence emanating from the British S.O.C.A and according to which Robert Dawes was organising an import of cocaine from Venezuela supervised by Nathan Wheat, his trusted man and the so-called Jay O'Connor. During the investigations, besides the sonorisation of the 23rd of September 2014, during which Robert Dawes, who was in a hotel in Madrid, exchanged words with two men, one of them Oscar Fernando Cueva CEPEDA, a Colombian living in Spain, well known to the Spanish police for drug trafficking and money laundering linked to the Colombian Cali cartel, during these conversations, he recognised ownership of the intercepted cocaine in Paris".

I asked Dawes for his thoughts on this response, and he stated:

"The SOCA reports were never transmitted to the French authorities; they were made-up nonsense given to SOCA by an informer we will cover later. The reports were not corroborated, and they were not even used in the motivation sheet of points to convict me".

"Cepeda was not connected to the Cali Cartel. In fact, inside the file, the French police did an international search on him, which came up with no criminal record and no intelligence of drug trafficking registered with the Colombian authorities. It was the British again who spread the

misinformation about the Cali Cartel".

"In any case, nothing in the judge's response should warrant me being put on trial. If this case were in the UK, it wouldn't have even gone to trial. In fact, in Spain, it would have been thrown out against me. French justice is non-existent".

Dawes arrived in France on the 25th of November 2015.

He did not have any interviews with the police like all the other defendants; he was presented directly to the investigating Magistrates.

The reason for this is that the police in France didn't have any information pertaining to Dawes, who only came on the French radar long after the police investigation was carried out by the (OCRTIS) central office headed by Thierry.

DAWES was interviewed by the judge of investigations (JIRS).

- 13th of January 2016 (D667).
- 25th January 2016 (D671).
- 26th January 2016 (D673).
- 10th February 2016 (D683).
- 12th May 2016 (D694).

"During all the interviews, Dawes remained silent. He denied any involvement in the facts against him, he gave no explanations on any items seized, and he did not communicate any access codes".

"He did state to the court that he had lawyers both in Spain & France who advised him to remain silent because they had some discussions regarding the file and some parts didn't seem acceptable".

I questioned Dawes on the reason for him remaining silent if he was innocent as he claimed:

QUESTION: Why did you remain silent given that you claim your innocence?

ANSWER: "Look, where I grew up in Nottingham, things were tough. We didn't have much confidence in the authorities given that everyone was poor and fighting to make ends meet. Certain things were ingrained in me from a very young age like (See all, Hear all, and say Fuck all)".

"But this was not the only reason I remained silent. I had already realized the dirty tricks that were being played by the British, Spanish & French authorities".

"The searches in Spain were very aggressive, so much so my wife was injured, and you can imagine how that made me feel".

"Then after meeting with my lawyer Xavier Nogueras, he informed me that the file held no real evidential facts against me, and I could only make matters worse by talking because the French justice is well known for twisting the words that people speak. It turned out to be spot on what Nogueras told me. Let me give you an example".

"The court showed me part of the transcripts taken from the recording inside the hotel in Madrid. I told the judge ("nobody disputes your in possession of a recording; it's the reason why I was

arrested and accepted extradition"). The court wrote (He did not dispute having held this conversation), but when proofreading, he carried the following rectification ("No, I do not dispute that you are in retention of this recording").

"As you can see, there is a great difference from what I actually said to what was recorded by the clerk of the court. So after proofreading, I pointed it out directly, but again they still used their version at the trial that I accepted the words spoken on the recording".

"Also during the searches, I realized four police officers were present from the (NCA) after one of them told me they had driven in a jeep from the UK with specialist equipment for searching. They had fibre optic cameras and mobile X-ray machines. The chief of the Guardia Civil was present, and I questioned him on why they were there, but he became aggressive, asking the others to double cuff me up in a fucked up position making it awkward for me to move".

"So I was fuming the way everything had happened so far; I didn't take much convincing to stay silent".

"Also, they took me from my home for several hours searching places but forgot to arrest me, so this was a procedural error, and I made a complaint directly to the Guardia Civil, and the bastards stole all my paperwork from my cell when I arrived in Madrid so I couldn't show the lawyer the proof, so I knew all the dirty tricks were in play from the beginning".

"Even the (NCA) agents commented to me that it's disgusting the way the Guardia are carrying on and it would be impossible to do like that in the UK".

"The NCA commented on how the searches were taking place in all the rooms at once without me being present; they were chucking everything from different rooms in the same bags, mixing all the different people's belongings up".

"Later, the French magistrate was also very angry about the way they had carried on because when it came to breaking the Spanish seals on the belongings, to transfer them to French bags and seals, they realized the Spanish had not tagged everything properly, they had just slung everything in bags and put a seal on the bag but not who it belonged to or where it was found".

"They searched my home for over 7 hours but didn't find anything incriminating or anything in connection with a crime. The (NCA) guy even commented to me ("I bet you've had worse days, eh Rob") because he knew it was all a big failure. They came with big expectations but got nothing".

It turned out Mr. Dawes was correct in asking why the (NCA) were present because they had no legal right to be there. The French judge stipulated in her warrant that 2 police officers from the French authorities would be present accompanied by a Spanish interpreter from the Paris justice. There was no mention of the British agents, not only that, there was no joint agreement ever signed between the Guardia Civil & NCA.

Although Dawes remained silent, he did explain to the judge that the recording was all nonsense and that he knew he had been followed for two years by the Spanish Authorities. He explained that the recording had nothing to do with the French affair he had been arrested for, stating that the recording was more like a film and held no evidential facts.

ANSWER: "It's been two years since the police were behind me. It's been two years since I was

controlled. I knew I was being followed. I even took pictures of the (GPS) device that the police used and gave a copy to my lawyer in Madrid. All this conversation is written as a movie script, and now, on the advice of my lawyers, I will remain silent from here onwards."

Something surprising that suggests Dawes was not the owner but seems not to have been taken into consideration during the trials or even written about. Here is a question from the investigating Judge to Dawes that seems to suggest he was working on commission.

QUESTION: You indicate on the sound recording that your commission to get the goods out is 30%, do you confirm this?

ANSWER: I wish to remain silent.

Dawes told me something remarkable. He explained that at the end of the last interview on 12th May 2016 (D694), the judge, Madam Bamberger, told him that she had studied the request made by the lawyers for cancelling the case against him, and this is what she said:

"I've read your request for cancelling, and I'm not worried at all because it will fail. However, if you had a good lawyer, you could break this case easily."

Dawes explained that his lawyer who was present that day, Florian Lastelle, jumped up and said:

"Are you implying that I'm not a good competent lawyer?"

Bamberger responded:

"I'm not talking to you; I'm talking to Mr. Dawes."

I asked Dawes what he thought the judge meant by this.

"It's obvious now what she meant. It's the fact that the sound recording was under seal, so the so-called expert Ashley couldn't have had a copy, and if he did, it was an illegal one because there was no report in the file that the seal had been broken or working copies made or the fact no mention of the mission carried out or the reconstruction of the seal."

"All these things are required by the French penal code of Law, plus the so-called transcript Maurice Ashley produced was not signed or stamped, so again, it's deemed nonexistent, so it's totally illegal. Another point also was the international arrest warrant that stated the judge was in possession of the Recording, but at the time she issued the warrant, she wasn't in possession, so again, it was an illegal arrest warrant."

"The lawyers were stupid not to see these things. They were very basic mistakes by the judge. The fact Nogueras was new out of law school should have been a bonus because these are rudimentary everyday bread and butter things to look for. If these lawyers found these errors, the sound recording would have been cancelled, and I would have walked. The judge knew it, and she said it to me. Also, the recording was illegal in that they had remotely opened the microphones on the phones."

I asked Dawes what his thoughts are on why the judge would tip him off by saying that.

“Because she was being taken off the case and transferred to another court, I think she was pissed off and wanted the senior judge Thouvenot to lose the case. I think he was the reason she was being moved off the (JIRS) section. Maybe he saw her mistakes, and they argued.”

Nathan WHEAT, Vincenzo APREA, Carmine RUSSO, Marco PANETTA were all interviewed again one more time after the arrest of Robert DAWES.

WHEAT was interviewed again on the 5th April 2016, after the arrest of Robert Dawes.

- 5th April 2016 (D690).

QUESTION: Were you headed by Robert Dawes who is like yourself from Nottingham but residing in Malaga Spain?

ANSWER: “If I answered these questions, life would be even more difficult for me. I'm not saying that I'm scared of Robert Dawes; I just want to say that I'm scared because I fear retaliation for my family and myself”.

It was not until the April 2016 interview that he was asked if Robert Dawes sent him to Venezuela, but this was 2 years 7 months after his arrest, so again it proves that the French justice had no information from the Spanish or the British authorities during his earlier interviews. The (NCA) would have you believe otherwise; they even had the audacity to claim credit for the seizure.

It's worth pointing out at this stage that Dawes through his lawyers requested a confrontation with Wheat after hearing the response that he had given because it implied that Wheat was suggesting that Dawes was the person who headed him but wouldn't outright say so out of fear for his own safety and his family's.

The judge Baudoin Thouvenot refused this request in writing by stating that it was pointless to arrange such a confrontation because Wheat had never implicated Dawes. They still used this against Dawes later at his trial.

I questioned Dawes on this point:

QUESTION: Why did you request a confrontation with Wheat?

ANSWER: “It's normal practice in France that you can confront your co-accused in front of the judge. In fact, all the others in the case had done just that, but for some reason, I was refused. It's like every request we ever made during the investigation and trials were rejected.”

“I wanted to confront Wheat because, to me, it seemed like he was sweet grassing me up, but I couldn't work out why. I presumed he was protecting the real people behind him and jumping on the back of what the justice believed, that it was me or maybe he just felt lonely and secretly wanted someone else in with him.”

“You read his answer, so what do you make of it? Because I know what any real criminal would make of it, because it's known as sweet grassing.”

“I mean what is all this waffle about him and his family? When the answer to the question should have been the truth, a clear NO.”

“Anyway, at the first trial, he explained to the court that they had misinterpreted his words and that he had said several times he can't talk about who had sent him for fear for himself and his family. It was just that this time they had directed the same question at him using my name, and he had answered the same way as always, but he said he realized at the time that the judge had taken what he had said the wrong way, and that's why he had tried to clarify it by saying I am not saying I am scared of Robert Dawes”.

“Anyway, make of it what you will. The fact remains, the senior judge of the investigation gave my lawyers, in writing, Wheat had not implicated me, so that should have been the end of that”.

“The judge also asked me the question if I had given Wheat £5,000 before he left Spain to go to Paris because Wheat had told them that the same person who had sent him to Venezuela had given him the £5,000 plus some encrypted BlackBerry phones. It’s clear inside D447/32 who gave Wheat the 5000, but this was overlooked and maybe on purpose because it didn’t fit in with who they wanted to convict”

“This does not align with the facts of police surveillance, where it's clear Wheat didn't have much money prior to the arrival of Price. Besides, I had been living in Spain since the year 2000, so if I had given Wheat money, it would have been in Euros.”

“It's absolutely baffling, to be honest, because the police surveillance observed Wheat withdrawing money from ATMs. He was also using his girlfriend's credit card for payments, and she even left the card with him when she flew back to Spain. Then Price turns up, and Wheat is downtown shopping with his pockets bulging. Even the police commented that they saw a large amount of cash in his shoulder bag during one of the meetings.”

“It's so obvious that Price brought him the money, but it was either never seen by the investigators or they saw it but didn't want to pursue that lead because it wasn't convenient for them. They were solely focused on targeting me.”

“Price had over £2,500 on him, and Wheat had the same, so again, there's another point the judge never picked up on. What was Price doing with half of the so-called £5,000 I had allegedly given Wheat in Spain? The whole investigation was a joke.”

“Also, the police surveillance in the UK had previously noted that Wheat was using BlackBerry Encrypted phones long before his trip to Venezuela, but this was conveniently ignored to go after me.”

“I have no idea why Wheat was talking so much nonsense to the police and judges. He must be incredibly naive or just easily manipulated because it was clear after the first day that it was all a setup, and everyone was just being set up as fall guys for Thierry & Hambli. He should have realized that talking would make no difference at all because they could see that his role was very minor. He was talking too much and making matters worse for himself and others, even telling the judge that the Italians wrote instructions down to put them more in the frame regarding the planning.”

“Wheat was even organizing shopping trips and taking his girlfriend along, so he was obviously treating the whole affair like a casual outing and not taking any of it seriously. The justice system must have also noticed this.”

APREA was interviewed again on the 9th of May 2016, after the arrest of Robert Dawes (D691).

On the 9th of May 2016, he was interviewed about the information provided by the Spanish and Italian authorities that suggested his involvement in the Camorrist Mafia organisation headed by Raffaele Imperiale. He was a high-ranking member, and he was also informed of a conversation that clearly implicated him in cocaine trafficking run by Raffaele Imperiale. However, he disputed the contents of the Spanish investigation and denied being the boss of Carmine Russo.

He was also asked if he was associated with Robert Dawes or knew him, and he answered no to both questions.

RUSSO was interviewed again on the 11th of May 2016, after the arrest of Robert Dawes (D693).

During the interview, he was questioned about the information provided by the Spanish and Italian authorities that suggested his involvement in the Camorrist Mafia organisation headed by Raffaele Imperiale. He denied being involved in any Mafia organisation.

He was also asked if he was associated with Robert Dawes or knew him, and he answered no to both questions.

PANETTA was interviewed again on the 11th of May 2016, after the arrest of Robert Dawes (D693).

He maintained that he didn't know Aprea or Russo.

He was also asked if he was associated with Robert Dawes or knew him, and he answered no to both questions.

I asked Dawes about the Italians:

QUESTION: Did you know or have any connection with the Italians?

ANSWER: “Absolutely no connection whatsoever. That's clear from the 29-month investigation on me in Spain. During the judge's interviews, I was never asked about them because the court had information suggesting they were allegedly connected to Raffaele Imperiale. But later, at the trial, the prosecutor claimed they were also headed by me. The French justice system is unique in that they don't always require proof and tend to do as they please.”

A joint report by the National Crime Agency and the Crown Prosecution Service in the UK about Dawes' criminal organization was inserted into the French file (D855), and this report also made no mention of a link between Dawes and the Italians. I've discussed this report with Dawes in detail.

The report was accompanied by a letter dated the 12th of July 2016, following the arrest of Dawes.

Addressed to: Madam Anne Bamberger
Ministre de la justice
4, bd du palais
75055 Paris Cedex 1
France

Dear Anne,

RE: OPERATION PARTAGAS

I am pleased to enclose a signed copy of the report regarding Robert Dawes. Signed copies of the witness statements referenced within will be sent separately. In English Law, there is no prohibition against sharing the findings of English criminal investigations with our foreign counterparts, and Rob Hickinbottom and I willingly do so, granting permission for all shared materials to be incorporated into your file and utilized in your prosecution.

Should you have any further inquiries, I would be delighted to assist with them. The sentencing of Dawes's associates in operation TIMON should have concluded by the end of September, so perhaps a meeting thereafter would be suitable.

Yours sincerely,
Andy Young
Crown Prosecutor
International Justice and Organised Crime Division.

It was revealed during Kane Price's trial by his defence that the Crown Prosecution Service (CPS) and the National Crime Agency (NCA) sent this 33-page report to Bamberger without realizing she was the investigating judge. They intended to keep this report confidential, and the CPS in the UK believed it was a prosecutor-to-prosecutor exchange. Every page had (OFFICIAL-SENSITIVE) stamped on it, even though in their letter, they stated that the data could be used. They certainly did not anticipate that the defence would receive a copy.

The 33-page typed report was a collaborative effort by Mr. Andy Young from the CPS and Mr. Rob Hickinbottom, who was then the head of the NCA.

The first page of the report displayed bias: "This report has been compiled in order to support the prosecution of Robert Dawes in Paris." Clearly, this went beyond mere information sharing and appeared to be an attempt to influence the prosecution in France.

Here is an excerpt from the first page of the 33-page report:

ROBERT DAWES
LINKS TO CRIMINALITY AND ASSOCIATION WITH OPERATION PARTAGAS.

1. Background

This report has been compiled in order to support the prosecution of Robert Dawes in Paris. It follows his arrest in November 2015 at his home address in Benalmadena, Spain. This came after a two-year investigation by international partners, following the seizure of 1.3 tons of cocaine in Paris in September 2013. The report aims to illustrate that Robert Dawes is a major international criminal who has evolved from being a minor offender to a key figure behind large drug shipments from South America to Europe. The report seeks to establish his stature by highlighting his association and involvement with internationally known criminals and various crimes, including international drug trafficking, violence, and murder.

Robert Dawes has a criminal record in the United Kingdom comprising 17 convictions for 59 offenses. His convictions date from June 1983 when he was aged 11 years, up to November 1999.

Convictions include burglary, theft, robbery, possession of a controlled drug (cannabis), assault occasioning actual bodily harm, and possession of an offensive weapon. However, the conviction history does not fully reflect the extent of the intelligence regarding his criminal activities, as will be detailed in this report.

Robert Dawes relocated overseas in June 2001 and has since resided in both Spain and the United Arab Emirates (UAE). Following his move abroad, he became the subject of two separate extradition proceedings: firstly from the UAE to Spain in 2008 and more recently, from Spain to France in November 2015. These extradition requests were based on his alleged involvement in significant cocaine importations. Given that Robert Dawes has not lived in the UK for 15 years, much of the information in this report relies heavily on data obtained in the UK through legal means and shared by law enforcement partners in Britain and internationally.

This report proceeds to reference 18 different police operations that the National Crime Agency (NCA) claims are somehow connected to Dawes. However, the trial judges deemed this report to be useless as it lacked evidential value, relying on rumours and suppositions that were not substantiated.

A section of the report discusses media reports, which Dawes pointed out to me, and I subsequently investigated his allegations. Here is that section:

OPEN SOURCE REPORTING

While we cannot assess the veracity or credibility of open-source reporting, the volume of this national reporting itself is significant. Some elements of this reporting parallel the intelligence presented in this report.

The extent of the reporting underscores Robert Dawes' prominence. Here are a few recent examples that highlight the extent of this coverage:

1. **MAILONLINE** - 12/11/2015: Described as "one of Europe's largest crime gangs," engaged in drug trafficking, money laundering, and murder, with a sprawling criminal empire.

2. **BBC NEWS** - 14/11/2015: Referred to as "Europe's largest drug trafficking network," a criminal organisation dedicated to drug trafficking, money laundering, and murder.

3. **THE SUNDAY TIMES** - 24/01/2016: Dubbed "Europe's largest drug trafficking ring," with operations stretching from cocaine cartels in Venezuela to the Naples mafia in Italy and the Satudarah, a motorcycle gang originating in Holland. This operation is hailed as the biggest success for the NCA since its creation.

4. "**A BOOK titled "HOODS**": Published in 2008, examining the influence of the Dawes brothers and Gary Hardy. The author, Carl Fellstrom, has received threats as a result of this book.

5. **CARL FELLSTROM**: Also writes a blog called "CRIME AND GRIME," often making specific references to Robert Dawes. This blog includes an association with three nephews of the Afghan president, suggesting diplomatic and global reach.

6. **ALAN MCLEAN**: A counter-book titled "THE REAL HOODS" was published in 2014, addressing the allegations made in "HOODS" and alleging harassment. However, the author, Alan

McClean, is an associate of both Robert Dawes and Colin Gunn.

Dawes pointed out that these open-source links at the end of the NCA's 33-page report were all orchestrated by the Guardia Civil (UCO) and the NCA. He informed me that these two police forces collaborated to arrange his arrest in the first place to gain access to search his properties and lend credibility to their claims about him being a drug lord.

Dawes asked me to research his name prior to his arrest in November 2015. He explained that before this arrest, there was very little online information about him, and only one photo of him inside the airport in Barcelona, where he is seen seated with a red T-shirt and his hands on top of his head.

He informed me that Carl Fellstrom had purchased this photo from a Guardia Civil officer who had taken it from CCTV footage inside the Barcelona airport terminal. Fellstrom was offering £500 to anyone who could provide him with a photo of Dawes because there were no photos of him online at that time.

Video evidence exists in which Fellstrom admits to these details.

I conducted the research as Dawes had instructed me, and it turned out to be accurate. Here is what Dawes himself told me:

"The NCA and UCO are sneaky bastards; they created a fake video of my arrest. I will give you the link to the video so you can investigate what I'm telling you. It's on the Guardia Civil website, and it was created by them, so it can't be blamed on fake reporting by journalists or media sources."

"The video shows lots of guns in my house, but the guns were plastic toys that looked real. They were gifts for my son over the years, and we still have all the guns that were shown in the video. They all look real."

"They also laid out a few thousand euros to make it look like a huge amount, and they wrote under the video that they had seized five hundred thousand euros, plus over 150 encrypted phones. It was just total fiction."

"They took some Blackberry phones from the phone shop they raided, as was on the warrant, and made it appear as if they were found in my house. They claimed that these phones were all encrypted. However, the phones were brand new and had no software installed; they were still in the cellophane."

"After they faked the video, the British authorities took a copy to the UK and showed it to BBC News, along with other news outlets, and that fool Fellstrom, because they knew he was willing to spread false information. Within days, I was all over the internet."

“The sneaky bastards put all these links they had created in the 33 page (NCA) report to the French so they was obviously thinking they had arrested Europe's Pablo Escobar, the truth is before the French arrest in 2015 there was hardly anything online and only one photo and what was online was written by that kiddy feeler Fellstrom”.

“They called me (THE GENERAL) to the French this name was invented by Fellstrom”.

“They created the image of me to sell to the French and the French lapped it up, the British are professionals at manipulating foreign authorities”.

On the 18th of March 2017, Robert Dawes' legal team sent a letter in which they notably referred to several press clippings concerning troubling connections that might raise concerns among (OCRTIS) investigators regarding some of their informants. In the letter, they expressed their most serious reservations and concerns about the loyalty demonstrated by the investigators from this service in this particular case, as well as more general concerns regarding the regularity of the proceedings against their client.

On the 24th of April 2017, the legal representatives of Aprea & Russo submitted written observations with the aim of having the charges against their clients dismissed. They primarily argued that the reports lacked probative value regarding the anonymous information dated the 8th of July 2013. They also pointed out the suspicious circumstances surrounding the discovery of the 1.3 tons of cocaine and raised questions about the traceability of the bags, especially their contents. These suitcases, supposed to contain cocaine and placed under seal, had been entrusted to Brinks, a private company, for 35 hours, potentially leaving the possibility of tampering with their contents open to anyone.

Furthermore, they contended that there was insufficient evidence to hold their clients liable for the charges they were indicted for. They asserted that referring them to a criminal court would be inappropriate unless the investigation could reveal a perfectly organized criminal organization capable of receiving a substantial quantity of cocaine on French soil and distributing it throughout Europe. They also highlighted the perceived amateurism of the indicted individuals and the questionable role of the informant, which appeared inconsistent with the typical behavior of drug traffickers. Their argument centered on the necessity of dismissal due to the alleged violation of the principle of legality and incitement to commit offenses by the police.

When asked for his opinion on these requests, Robert Dawes commented, "It was apparent to all parties involved that the case was merely a trap set by the police, and the judges were unwilling to admit any wrongdoing. They persisted with their proceedings, seemingly unfazed by the glaring issues. The requests made on behalf of the Italians were crafted by the current Minister of Justice, Dupont Moretti, who clearly recognized the fraudulent nature of the entire affair. It surprises me that he didn't take action regarding this case after assuming his role as Minister of Justice, as one would expect the minister to ensure the enforcement of the law."

"These requests, along with every other request made throughout the investigations and trial, were consistently rejected, rendering our legal representation virtually futile. My legal team missed critical elements that could have been appealed. For instance, the recording was under seal at the time the expert allegedly listened to it and transcribed it from English to French. Additionally, the transcript he produced was deemed nonexistent due to the absence of his signature or stamp, a clear violation of the law. This oversight should have led to the removal of the sound recording from the case."

"Another crucial point overlooked by my legal team was that the translation of the 33-page NCA/CPS report also lacked a signature or stamp, rendering it inadmissible as evidence. Furthermore, the fact that the recording was made illegally by remotely activating the microphones on the mobile phones was not properly addressed by my lawyers."

"Considering that the recording was the sole evidence against me, these oversights were extremely

detrimental. It's astonishing that my legal team overlooked such fundamental aspects, especially when the recording constituted the cornerstone of the prosecution's case. One would have expected them to pay closer attention to these critical details. It’s clear that the transcript D640 was a forgery and copied from D655, they also missed this big point”.

The notification of the termination of the investigation was delivered to all defendants on the 24th of March 2017.

Following this notification, several requests were submitted by the defence lawyers of all parties. These requests included the plea to incorporate other ongoing proceedings, yet all such appeals were subsequently rejected.

On the 18th of July 2017, the investigating judge, Mr. Baudoin Thouvenot of the Tribunal de Grande Instance in Paris, issued an arraignment order and partial dismissal. He then directed the referral of Vincenzo APREA, Robert DAWES, Marco PANETTA, Kane PRICE, Carmine RUSSO, and Nathan WHEAT to the Assize court of Paris.

On the same day, the legal representatives for Dawes filed an appeal against this decision, and between the 21st and 26th of July, the lawyers for all the other defendants followed suit with their respective appeals.

In their brief filed on the 9th of October 2017, the lawyers of Aprea & Russo appealed. They sought the reversal of the referred order and urged the court to declare that there are no grounds to prosecute their clients. Alternatively, they requested the reclassification of the order for referral to the correctional court. They alleged disloyalty and inconsistencies in the investigation, which cast doubt on the existence of international drug trafficking. They also argued that the evidence did not support a criminal classification of the alleged acts.

In their brief filed on the 9th of October 2017, Kane Price's lawyer requested the reversal of the referred order and asked the court to acknowledge that there are no grounds to prosecute their client for the offence of conspiracy. They pointed to the examination of the case, highlighting their client's lack of involvement. They also argued that his connections with Nathan Wheat precluded a referral to a trial court and contested the analysis made by the examining magistrate regarding his alleged links with Robert Dawes, citing factual inconsistencies found in the 33-page NCA/CPS report.

In their brief filed on the 9th of October 2017, Nathan Wheat's lawyer requested that the court order the submission of evidence, specifically documents D543, D907, and D1573 from file 5408/15/16, which is under the jurisdiction of Mr. Sommerer and assigned number 2550/17/18. They further requested that the court conduct the necessary proceedings, either through one of its members or an investigating magistrate, to explore essential evidence for establishing the truth. This included hearing Sofiane Hambli and Richard Srecki, as well as any required investigations stemming from their statements. The lawyer argued that they had access to information suggesting that one of the indicted individuals played a role in the seizure of 1.3 tons of cocaine in Roissy in 2013, thus questioning the regularity of the procedure, the framing of operations, and the use of controlled delivery and provocation to commit an offence.

In their submission dated the 9th of October 2017, Dawes' legal team primarily sought the reversal of the referred order, contending that there were no valid grounds for proceeding against their client. They criticized the judicial investigation, asserting that it had been conducted under "unacceptable procedural conditions" and had failed to unveil sufficient charges against the individual in question. They deplored, once again, the deeply flawed and biased nature of the procedure applied to Robert

Dawes. They highlighted the murky origins of the judicial investigation, the excessive focus on Dawes to the exclusion of unexplored possibilities, and the partial nature of the investigations conducted subsequent to his indictment. Additionally, they raised concerns about the inadequacy of the charges, specifically referring to the sound recording from the 23rd of September 2014. They questioned its insufficient probative value, its questionable regularity, and the absence of other essential elements connecting Robert Dawes to the alleged acts. Alternatively, they urged the court to initiate further investigations. These would include hearing testimonies from Mr. François Thierry and Mr. Sofiane Hambli, as well as conducting any necessary actions aimed at revealing the truth and clarifying the circumstances surrounding the seizure of 1.3 tons of cocaine that triggered the criminal investigation leading to Robert Dawes' indictment.

Dawes conveyed to me regarding Thierry & Hambli that the investigating judge, Baudoin Thouvenot, had informed his legal team that there was absolutely no link between Hambli and the 1.3 tons of cocaine. In Dawes' own words:

"The judge was a deceitful liar, and it later emerged that Hambli played a central role in the seizure, despite Thouvenot knowing this when he informed my lawyers that there was no connection."

"I've told you countless times that the justice system was deeply involved in the entire affair and refused to admit wrongdoing even when presented with overwhelming evidence of what actually transpired."

"Everything we presented was summarily rejected."

THE CHARGES:

- Importation of drugs by an organised gang.
- Importation of prohibited goods by an organised gang.
- Transport, retention, acquisition, offer, or sale of drugs.
- Criminal association in connection with the crime of importing drugs by an organised gang and the offences of acquisition, possession, offer, or sale, and transport of drugs.

These charges were finalised on the 10th of November 2017, and all the defendants were placed on the waiting list for a trial date.

The trial was scheduled for the 10th of December 2018, with proceedings expected to conclude on the 21st of December, spanning a period of 10 working days of hearings. My initial reaction to this tight schedule was one of disbelief because, in the UK, a case of this magnitude typically requires at least one month to six weeks.

PART 4

THE TRIAL

Dawes explained to me that he had meticulously prepared a robust and detailed defence. However, in order to provide a comprehensive account of the trial and the events leading up to it, it is best to recount his perspective in his own words. I want to clarify that I have diligently investigated all the following details based on Mr. Dawes' statements.

QUESTION: Could you please describe, in your own words, how you prepared for the initial trial?

ANSWER: "Certainly, I will break down the elements as they unfolded in the case file."

Allow me to first clarify which lawyers represented me. While I was still in Spain, my lawyer in Madrid, César Garcia Vidal Escola, who is an exceptionally skilled lawyer, had arranged legal representation for me in France upon my arrival. This lawyer's name was Laura Arguello. The plan was for her to be present at my initial court appearance. She had sent a fax to the investigating judge, Madam Anne Bamberger, to inform her that she was representing me. However, according to the judge, the fax had gone missing. I have serious doubts about this explanation. So, when I arrived in France, I was provided with a free lawyer named Xavier Nogueras, who advised me to remain silent, and I followed his advice.

The first court hearing was very brief, and then I was taken to the judge for a detention hearing. During this hearing, Laura Arguello showed up with her male colleague, Gérald Coralie. She came to visit me in prison with her colleague, but it became evident that her role was primarily to find me a suitable lawyer because this type of case was not within her expertise. I suggested bringing Nogueras on board because he seemed quite intelligent and eager to assist me. It wasn't long before I replaced Arguello and Coralie with Nogueras.

Nogueras suggested involving his friend and colleague Florian Lastelle, who he described as very serious and explained that he didn't want to handle the full responsibility of such a significant case. So, we agreed to have Lastelle join the team.

This turned out to be a regrettable decision because, had they been more attentive, they would have noticed the errors I pointed out previously, concerning the recording, the seals, and the false transcript lacking a signature or stamp.

First, we received information supposedly coming from Venezuela. We quickly realized that this information was entirely fabricated by François Thierry to justify how the seizure had occurred. I've already provided you with all the details about how he devised a plan to release Sofiane Hambli from prison, and this Air France 1.3-tonne story was simply an elaborate escape plan for Hambli. They manipulated the justice system to their advantage.

Hambli had given guarantees to the senders that if this plan went awry, he would refund all the costs if it could be proven that the reason for the loss originated from France. The senders had also offered the same guarantees if it originated from Venezuela. Therefore, it was in Hambli's interest to make it appear as though the information had come from Venezuela. So, Thierry set about fabricating it.

The truth is that the authorities in Venezuela had no knowledge of the seizure until 10 days after the plane had arrived in Paris. The national guard, from whom Thierry claimed to have obtained the information, held a press conference explaining that they had learned of it from the news and subsequently initiated their own investigation.

Additionally, through my own investigations, I discovered that the individual who had sent the 1.3 tonnes of cocaine had been extradited from Colombia to Venezuela. In Venezuela, he admitted to paying for the cocaine and arranging its shipment. I provided all this information to the lawyers because the French authorities were attempting to portray me as the mastermind. I will provide you with the links to information about this individual, they even found proof of the transfers of the

money to pay for the cocaine.

I forwarded numerous documents for my defence to my lawyers, roughly around 100 PDFs. Due to a separate investigation, it was confirmed that my lawyers had received at least 63 PDFs via email.

I dispatched a substantial amount of information aimed at discrediting the claim that the information had originated from Venezuela. The boss, who was later extradited, openly admitted his guilt, confessing to being the owner and sender. He received a 22-year sentence, along with several others in Venezuela.

This rogue Hambli consistently concealed his identity, using an Arab associate in Spain to handle everything on his behalf. Imagine if the senders knew he was incarcerated in France - they would have distanced themselves. Personally, I hadn't heard the name Hambli until I arrived in a French jail. There, my fellow inmates informed me he was an informant who had orchestrated the 1.3-tonne scheme. It was common knowledge among inmates, so the authorities must have been aware too.

The entire case against me was built upon the 114 DVDs sent from Spain, originating from case file 105/2013. I stressed to my lawyers that throughout the French investigation, my name doesn't appear. The investigating police had no knowledge of me. Therefore, this request for legal assistance from Spain was more than just that.

In my view, legal assistance should encompass more than the mere basics. Let's consider this hypothetically: a country apprehends you with a fairly solid case, but to strengthen it, they request legal assistance from your home country or country of residence. They aim to unearth details about your connections to criminal activities, your police record, your character, essentially to add the final piece to the puzzle.

In Spain, they neither put me on trial nor charged me after a 29-month investigation. I pointed out that if any of their claims in the investigation were true, they could have charged me with criminal association in an organised gang. But the fact remains, they had nothing.

Concerning my case in France, it entirely hinges on the Spanish investigation in file 105/2013. The French investigation yielded nothing. I highlighted that the 105/2013 case had been closed after 29 months without any action taken against me. Furthermore, I emphasised that during this two-and-a-half-year investigation, the Spanish authorities were entirely unaware of the French 1.3-tonne scheme. In fact, it was the British who informed Spain about the seizure of 1.3 tonnes and that the individuals involved were known to me. This information was contained in the 105/2013 case file. So, I concluded that if the Spanish were unaware, despite surveilling me daily, then the evidence in the Spanish case file is non-existent.

To summarise, I found myself on trial in France based on a defunct Spanish case file.

All the Venezuela PDFs and links were transmitted to the lawyers via email.

The (NCA) police forwarded a 33-page letter to the court, claiming I was the biggest thing in the criminal world since sliced bread. However, it was rife with assumptions. They even stated in the report that it was based on information received in the UK. I must inform you, there were names in that report that I had never encountered, yet I was purportedly associated with them.

I set out to discredit this report meticulously, going through it page by page. I annotated all my

comments and had them compiled into a PDF version of the report. We affixed digital sticky notes to all the elements. Essentially, I dismantled the report. This report had been constructed based on information from Raphael Nasr, a registered police informant from the Croydon area in the UK.

He had been manipulating the British authorities, much like how Hambli had manipulated the French. This is a common occurrence with informants. Nasr had been pulling the wool over the eyes of the police to secure a passport for his illegitimate son, whom he had with a Russian prostitute in Dubai. I will provide you with all the phone calls he made with his police handler in the UK. We have all the recordings and transcripts.

The NCA stated, "This report is largely based on information received and obtained in the UK through legal means and shared by law enforcement partners based in Britain or internationally."

"Essentially, it was a report by Raphael Nasr filled with fabricated information. Once again, all this information was sent to the lawyers to discredit the report for the trial.

The NCA (National Crime Agency) report claimed that I had sent an associate to Paris to pay Kane Price's lawyer £50,000 in cash to arrange his release. However, it's evident from the case file in France that his parents and grandparents put up their life insurance money and house for bail, and the funds were transferred via the bank. I had never met or spoken to Kane Price before; the first time I saw him was at the trial.

I dismantled that 33-page NCA/CPS report until it was beyond repair. The contents of the 105/2013 Guardia Civil investigation, I tore apart in various ways. But it's crucial to remember that this investigation was closed without any charges being brought against me or anyone else, and it was never connected to the French investigation; it was a completely independent investigation initiated by the SOCA (Serious Organised Crime Agency) police in the UK.

The SOCA police had sent a fax to the Guardia Civil in Spain, claiming that I was a major drug trafficker planning to bring 1,000 kg of cocaine into Spain. I provided numerous examples to my lawyers where the Spanish police had been following me and had written their assumptions about what they believed was happening. In many instances, I provided solid evidence to show that it was purely fiction. Let me give you an example:

I went to Madrid to inspect a Bugatti car that was for sale, owned by the former Real Madrid football player Roberto Carlos, who actually owned a few of them. The car was priced at 1 million Euros, and I had a potential buyer from the UK interested in it. He asked me to go and look at it and take photos. The person offering the car was the same Colombian man from the recording inside the hotel, Oscar Fernando Cuevas Cepeda.

During a phone call about the car, I told him that my contact would pay around £600,000 to £700,000 for the car if it matched his description, which at that time would have been approximately 800,000 to 950,000 Euros. This phone call was recorded by the Guardia Civil because it was made on my private mobile. They claimed that this was coded language for a shipment of cocaine and that the numbers represented amounts of cocaine, not money (600 or 700 kg).

I provided my lawyers with photos of Cepeda inside the car, a recorded conversation between Cepeda and me discussing the car, details of our meeting, and a clear explanation of the entire deal. I also gave them a copy of the Bugatti's logbook. I even offered to have Roberto Carlos testify as a

witness to confirm everything I had told them.

As you know, the Spanish investigation was closed without any charges being filed against me or anyone else, so it's evident that it was based on assumptions. I supplied my lawyers with extensive evidence against the 105/2013 file in the form of PDFs.

I provided all the information about Raphael Nasr's calls and the deal he had struck with the NCA for a passport for his son. I gave them a list of all the people he had informed on who were currently in jail as a direct result of his information. You're welcome to upload all of this online.

Throughout the entire 2 and a half year investigation, I had met 18 people, and only 5 of them had criminal records. I made sure to highlight this as well."

"Nasr had actually informed his handler that the mastermind behind this 1.3-tonne operation was an Arab incarcerated in Dubai. We have a transcript of this conversation, which I provided to my lawyers.

Nasr wasn't too far off; it was indeed an Arab individual, Sofiane Hambli, but he wasn't in Dubai; he was in France.

The only concrete evidence was the audio recording from the hotel in Madrid, which the defence hadn't accessed because, upon its arrival in France, it was conveniently sealed, making it inaccessible to us.

There was a transcript of this recording that I told my lawyers was completely fabricated because it didn't match my way of speaking. The NCA was responsible for this transcript, so I knew they had altered the conversation to fit their agenda. Interestingly, Spain didn't include the recording in the 114 DVDs they sent to France. The judge had to make a second request for it, even though she had already asked for it in the initial request. I presumed this was intentionally withheld by the Spanish authorities because they knew it was of poor quality. However, they wanted to keep me in jail for as long as possible, so they held it back.

Let me also tell you that neither the Spanish nor British authorities expected this case to go as far as it did, resulting in my conviction, because they were well aware that the recording was of low quality.

The recording related to the 1.3-tonne cocaine operation was just over a minute long, lasting 69 seconds.

We met in the foyer of the Hotel Villamagna in Madrid. Cepeda had his driver, Wilmar Fernando Ortega Rincon, with him, who was Venezuelan.

The only reason I brought up the topic of Venezuela was that the driver hailed from there. I asked him if he had seen the major news story about the cocaine smuggled from his country to Paris in suitcases. I've previously shared these words with you.

I was essentially repeating the news article from the Minister of Interior, Manuel Valls, who stated that it was the largest cocaine shipment by a commercial airline.

Dawes had shown me the words, as per the authorities' account, and I'm sharing them here for your

reference:

First, CEPEDA & WILMAR are conversing in Spanish:

TIME STAMP: 15:31:06

DAWES: “You know, there's a significant story from Venezuela that I was involved in. I did 1200 in the cases. Did you see it in the news? It's the biggest operation they ever did last year in Paris, from Venezuela.

CEPEDA: How much?

DAWES: 1200.

CEPEDA: 400?

DAWES: 12.

CEPEDA: 1200?

DAWES: In cases. It crashed. It's all over the news; you didn't see it?"

CEPEDA: Yes, I know. I thought it was from Peru.

DAWES: It's the biggest one they ever had.

CEPEDA: And that belonged to you?

DAWES: Yes, from Venezuela. The biggest one they ever did at Paris Charles De Gaulle.

CEPEDA: To Paris.

TIME STAMP: 15:31:44

DAWES: Yes, Charles De Gaulle.

CEPEDA: (Cepeda explains everything to Wilmar in Spanish).

DAWES: If he knows anyone in Venezuela, they would know that story. It's the biggest one they ever had.

CEPEDA: (Cepeda explains to Wilmar in Spanish).

DAWES: Every police force in Europe is talking to Venezuela. Many people have a problem in Venezuela.

CEPEDA: How much, 1700?

TIME STAMP: 15:32:15

DAWES: 1200. But by air, in cases. (Comment by the translator: "Dawes is very proud of this").

CEPEDA: (They both laugh).

DAWES: (laughing) It's the biggest one they ever had.

As you can see, the time stamps are from 15:31:06 to 15:32:15, making it a 1-minute and 9-second conversation from start to finish, and that's the entire case against me.

Let me present what I believe was said, but as I mentioned, we've never had a copy of this recording, and it wouldn't play during both of my trials. However, I remember discussing what I had seen in the news with this Venezuelan driver.

DAWES: "You know, from Venezuela, there is a big story THEY did there. THEY did 1200 in the cases; you see the thing in the news. It is the biggest job they ever did last year in Paris, From Venezuela."

I think the NCA translator changed the word "THEY" to "I," making it appear as if I said, "the big story I did there."

We can't confirm that any of these words were said because we've never heard the recording; it was inaudible at both trials.

Even in their version, it's not sufficient proof to convict me. This 69-second conversation that took place one year after the seizure is absurd. Are you telling me that even if someone was bragging about a crime a year later, it's enough to convict them? It's crazy.

I could understand their reasoning for using this recording to convict me if I had said something unique that wasn't already in the news. That would have proven I had inside knowledge. However, this conversation was all over the media, and it was recorded one year after the seizure.

Take a look at this passage as well from their version:

DAWES: Yes, from Venezuela. The biggest one they ever did at Paris Charles De Gaulle.

You can see the word "THEY," and this is in their version.

“This part where I say (yes from Venezuela), this has been proven to be incorrect by the recent Ellie Flynn podcast and I did not say yes like they claimed at the trial”.

Basically, they changed the word "They" to "I." I was just talking about what I had read in the news. This recording was one year after the seizure, and it was all over the news. I wasn't saying anything about it belonging to me. The only reason I brought it up was because Wilmar was from Venezuela, and I was from Nottingham, where two of the people arrested were from.

Look, the conversation is just over one minute, and Cepeda, me, and Wilmar were talking over each other because we were all talking at once, and Cepeda was translating. Read where Cepeda asks me if it's 400 or 1700 many times, and he was educated at Harvard University in America. If he had spoken to me like that, I would have likely slapped him; it's ridiculous, this conversation, and I don't have to listen to it to know I didn't say those words. It doesn't even read like a normal conversation.

The recording was translated by an (NCA) police officer in Madrid who even mentions I was very proud, the dirty bastard.

Just after the closure of the investigation, I added another lawyer to my team, Joseph Cohen Sabban. I got this lawyer's details from a guy I met in prison who Sabban was representing. There were many reports in the media that I took this lawyer because he was representing Sofiane Hambli, but that's not true.

Sabban was very interested in the elements I had discredited from the Spanish case file 105/2013 and the NCA/CPS report. He wanted to concentrate on them; he didn't put much value on the recording, to be honest. He said it was one year after, and it's not really evidence. He concluded that there was no actual evidence to link me to the cocaine shipment.

Sabban came to visit me with a colleague of his who was working in his office called Laura Rousseau. She was pretty switched on and seemed to get a better grasp of the case than Sabban.

In the 105/2013 case file, the Guardia Civil said I had met with Wheat two months before his arrest in Spain, inside a bar in Benalmadena. I gave them GPS mappings of Wheat's home and my home in Spain to show that we lived 1 km apart, and the local amenities were used by both of the communities where we lived.

The Guardia lied about the meeting; they had actually taken a photo of me and him passing each other on a shop front outside a call centre. There was no meeting. I proved this by the timings they had mentioned. Sabban said it doesn't really matter because it's not evidence anyway in relation to the cocaine.

Anyway, I had prepared everything for the trial, and I had a very solid defence, but one month before the trial, another twist in the saga turned up.

There was a lawyer called Hugues Vigier who was visiting a guy I knew in the same prison as me. This lad came to me to tell me that his lawyer wanted to see me, so I went over to the visiting room to speak with him. He informed me he had been sent by Sofiane Hambli, who wanted to put things right and try to help me, and he wanted Vigier to take over my case. He told me that if I was interested, I must send him a letter to designate him as soon as possible because this was only one month before the trial date.

So I sent the letter to designate him. I would like to point out here that the justice in France thinks that I had taken this lawyer to try to influence my trial because he was the lawyer of Hambli, but this is totally not the case.

I had heard that Vigier was a very good speaker in front of the judges, so it couldn't hurt to bring him on board.

Vigier was old school, and he had printed the whole file out and was working on it, placing sticky notes inside the pages. I was very impressed with his work in such a short space of time. He couldn't get his head around the fact I was being put on trial with elements from an investigation in Spain where, at the end, no judicial action was taken against me. His logic was, if Spain couldn't prove any acts against me, how could France?

I had pointed out to the lawyers that the five transcripts in the Spanish & French case files of the recording all stated in the same place (Robert was very proud), but how could this be the case if they were listening to a recording and translating the words? Unless I said I was very proud, how could they write this when it's a feeling anyway? I also pointed out the odds of five independent people, one from Spain, one from England, and three from France, all saying the same phrase (Robert was very proud) when this is just an assumption of the translator.

It turned out that the fourth translator, the so-called expert Maurice Ashley, who had supposedly listened to the recording, had also used the same phrase (Robert was very proud). I was explaining to my lawyers that this person had made a copy of the transcripts in the file. I also pointed out that the Guardia Civil had copied the NCA translation, and Europol had copied the Guardia Civil's.

It turned out Sabban was a friend of this Maurice Ashley, so I asked him to bring him on a visit, so I could confront him. They came to visit me on the 6th of December 2018, 4 days before the trial was due to start. I told Ashley I don't speak like that, and it's not possible he heard me say those words. He said he had written word for word. So I told him I would call him as a witness because I am challenging this recording and transcript. It was then that Sabban told me not to worry because he had something very interesting that will discredit the recording, that he had received by email.

"Ashley told me it's not normal or legal to call him because he was only a court translator who sat in on interviews, but Sabban never corrected him by explaining he became an expert in the file the moment the judge gave him the mission of listening and transcribing the English words into French, because he had translated the words from the recording, so therefore he could be called as an expert witness. This Ashley was very nervous when I was questioning him, and he had good reason to be because he knew he was a crook and he hadn't listened to the recording.

Vigier & Rousseau came to see me the next day on the 7th of December 2018, and they told me they had received some very interesting documents, that they had presented to the president Judge and Prosecutor at the trial court that morning, that seemed to discredit the sound recording being legal. We did not discuss them more because I was busy explaining all the things I had on my mind about the trial; also, they didn't have the papers with them because they had sent them for translation.

The trial started three days later on the 10th of December 2018. On this day, the lawyers had presented the documents they had spoken of on the visit. I had not discussed these documents or contents, and I hadn't even seen them.

Basically, the documents suggested the sound recording was not authorised. There was also a transcript of recorded conversations with Raphael Nasr and his handler in the UK. Lastly, there was a transcript of another recording inside the Hotel in Madrid dated February 2014, some 7 months before the one being held against me.

The lawyers requested that the court adjourn to investigate the documents because they didn't guarantee their authenticity. They requested further investigations to take place regarding certain elements in the documents presented. They also made a request for bail, which we all knew was pointless.

I must make it clear here: I had not seen these documents; I had not discussed them with any of my lawyers. I was not even told exactly what they had presented on the day. I had not requested that they present any documents either; this decision was theirs alone. I never requested bail either.

The president asked Sabban where he had got these documents from, and he told the judge they were from my Spanish lawyer César. I have no idea why he said that, and I corrected him directly because I knew my lawyer in Spain had been rejected at every step of the way when he had requested the case file 105/2013 in Spain. We had made many appeals in Spain without result.

The next day on the 11th, the court had rejected these documents. So, as far as I was concerned, they couldn't have been that special, as Sabban had indicated on the visit on the 6th of December. He had said they were very interesting, nothing more. He gave the impression he had uncovered things no other lawyer could. He gave me the impression he was a big shot lawyer.

Anyway, they were rejected the very next day on the 11th, so the trial went ahead. They started to bring in the prosecution witnesses like the experts and police, but surprisingly they had not called their own expert Boyreau who had carried out the keyword search on the case file 105/2013. Luckily, I had spotted this early on, and I had summoned him to court for questioning because he was the only person who had worked on the Spanish file contained in the 114 DVD's.

He was questioned by the president. The president in the courts in France is the leading judge who sits in the middle of all the other judges. In my trial, there were 5 judges in total, 2 on either side of the president who act as jurors.

Boyreau admitted that the keyword search was not really conclusive because many of the documents were slanted, but also poor quality because many were images of documents, not the originals. He explained the keyword search software could only search straight, upright documents. He explained he did his best at the time, but the president noted that lots of key information could have been missed that would have been useful for the prosecution and the defence."

I consistently informed my legal team that the 105/2013 case file was also incomplete due to a corrupted CD labeled as "TOMO X111" (TOMO 13), D610/6. This CD contained vital information, comprising the last 319 pages, which included the Guardia Civil's 21-page report detailing the reasons for dropping their investigation against me without taking any judicial action. Additionally, it contained the conclusions of the prosecutors and judges on the same matter. To me, it seemed inconceivable that this information wouldn't be essential for the trial judges to review. This material summarized a comprehensive 2 and a half-year investigation against me that they had chosen to terminate.

The President of the court clearly grasped our arguments and appeared to concur. Boyreau also made it explicit that the file was incomplete, D610/6.

François Thierry was summoned to the witness stand by the prosecutor. He appeared quite nervous and spent over an hour discussing the seriousness of cocaine trafficking. It seemed as though he was providing information from a Wikipedia page and attempting to evade discussion about the specific case at hand. Eventually, Dupond Moretti, who is now the Minister of Justice in France, intervened and addressed the President, urging a focus on the aspects relevant to our case.

Dupond Moretti vigorously interrogated Thierry, accusing him of lying to his face. Moretti raised the issue of whether the court should believe that the traffickers had sent a £50 million shipment to a baggage handler at the airport whom they had never personally met. He highlighted that no French individuals were arrested or connected to this case, and the purported baggage handler didn't even exist. Moretti also pointed out that the cocaine had vanished into the Brinks company's

possession for 36 hours without any reasonable explanation.

He further asserted that Sofiane Hambli was the informant but collaborated with Thierry, implying that the entire case was a police setup and that it was the police themselves who had facilitated the drug importation.

Moretti's approach was so assertive and confrontational that the President had to repeatedly request him to calm down. Moretti questioned all the police officers in a similar manner, suggesting that it was their operation, and without their involvement, the drugs would have never reached French soil.

Sabban, my lawyer, posed three questions to Thierry, which we had prepared earlier:

QUESTION: Do you know my client, Mr. Robert Dawes?

ANSWER: No, I had never heard of him until long after my investigation when the British and Spanish authorities were in contact with France.

QUESTION: Did you travel to Spain with the investigating judge, Madam Anne Bamberger, and if so, was my client mentioned?

ANSWER: Yes, I did go to Spain, and he was never mentioned.

QUESTION: Did the Serious Organised Crime Agency (SOCA) or the National Crime Agency (NCA) inform you in any official capacity that Mr. Dawes was behind this 1.3-tonne cocaine shipment or that he was the boss behind Nathan Wheat?

ANSWER: No, we were never contacted by the British authorities until long after the seizure. The only official information we received is documented in the French case file.

The President was taken aback by this revelation, and he sought further clarification from Thierry. He had initially believed that the fax sent by the British (SOCA) police to the Spanish authorities, claiming that I had sent Wheat to Venezuela, had also been sent to (OCRTIS) in France. However, Thierry reassured the President that this information had never been shared with the French authorities. The reason for this non-disclosure was that the information was not considered entirely reliable.

At the beginning of the trial, we were informed that the Chief of the (NCA), Rob Hickinbottom, had declined to testify. We strongly objected to this, and eventually, he was compelled to appear via video at the French Embassy in London. This refusal was due to his awareness that he would be questioned about the 33-page report, which was riddled with falsehoods. It was quite amusing, as after all these years of pursuing me, they attempted to evade being witnesses when given the chance. It was at this point that my lawyers truly understood the underhanded tactics employed by the British authorities. The French police officers, who were called as witnesses, denied that the (NCA) had been present during the searches in Spain at the time of my arrest, despite our possession of photographs that proved otherwise. Unfortunately, corruption also seemed to extend to the French police.

Hickinbottom arrived with a substantial stack of papers that he intended to read out in court. However, right from the start, the President insisted that these papers be set aside, as the interview

was to be spontaneous, and no notes were allowed under French law. This displeased Hickinbottom greatly, and he became increasingly agitated. He attempted to position the documents where he could still see them until the President ordered an embassy staff member to remove them entirely.

This left Hickinbottom bewildered and led him to appear inarticulate. The President commenced by questioning him about the 33-page report, inquiring whether the contents of the report were accurate. He also raised the question of why British authorities had never interviewed me or sought my extradition if the report was credible.

Hickinbottom responded that, even though I was a suspect, proving the allegations against me was another matter. According to British law, the burden of proof needed to be of an exceedingly high standard.

The President then asked Hickinbottom whether the British authorities had any intention of questioning me regarding the contents of the 33-page report, essentially inquiring if the British police were actively seeking me. Hickinbottom replied that they were not pursuing me in this context but emphasized that he believed I was a significant criminal with connections to numerous unproven crimes. He went on to ramble about me, causing laughter in the courtroom and making himself appear foolish.

He went on to mention that the (NCA) had information suggesting that I had dispatched an individual to France to pay a lawyer named Spinzer €50,000 in cash for the release of Kane Price. The President cautioned Hickinbottom about the accuracy of his statement, as Spinzer was actually present in the court, representing François Thierry. The file contained factual evidence that the funds for Mr. Price's release were transferred via the bank, completely contradicting the (NCA) information.

The President then inquired whether the British authorities had officially informed the French authorities about the fax sent to Spain by the (SOCA) police in the UK.

Hickinbottom acknowledged that they had indeed informed (OCRTIS), but the President pointed out that all the police officers had been questioned by him, and they had all stated that the British had never communicated this information to them.

Hickinbottom then altered his initial statement, suggesting that it might not have been done on an official basis, and perhaps one of the (SOCA) agents had informally passed the information to one of the (OCRTIS) officers in a Paris bar.

The courtroom burst into laughter at this statement, as it was clearly not to be taken seriously. It was evident that Hickinbottom was inventing this scenario. The President asked why the British would officially transmit the information to Spain but not to France, especially when the information concerned France.

The judge intervened and inquired if there were any actual crimes I was wanted for. Hickinbottom replied, "Well, yes, there is one crime that is currently active and open against him, the murder of a schoolteacher in the Netherlands." The judge requested that he provide details about this murder.

Hickinbottom began to explain that the murder had occurred in the Netherlands in 2002, but before he could continue, the judge stopped him, insisting that he be serious. The judge questioned how they could take such an old case from 2002 seriously when the Dutch authorities had had ample

time to arrest me over the years. The entire courtroom erupted into laughter. I distinctly remember one of the female judges dropping her pen under the table because she couldn't contain her laughter. In truth, Hickinbottom made a complete fool of himself and, by extension, the British (NCA), despite his high-ranking position.

After this, the judge stated that the 33-page report held no evidential value, as it was built on suppositions and lacked probative value in the court.

Next, the prosecutor concurred with the President, affirming that Mr. Hickinbottom's 33-page report was purely speculative and held no evidentiary worth.

Sabban then questioned him regarding the fact that the entire report relied on information provided to the police by Raphael Nasr, who was, in fact, manipulating the police for his own purposes. Hickinbottom replied that it was customary for British authorities neither to confirm nor deny whether an individual was a police informer.

At this stage, it was abundantly clear that I would be acquitted. We could observe a shift in the President's attitude towards me, as he had come to realize that, in reality, there was no evidence against me. The so-called recording had not yet been played, and it seemed the President was contemplating bypassing it due to the documents presented by the lawyers regarding its authorization.

Additionally, when Wheat was interrogated by the judge, he indicated that the boss was of Arab descent. All the defendants denied any connection to me, underscoring that the (NCA) report was erroneous in asserting my connection to Kane Price.

The prosecutor had made a request to her Spanish counterpart regarding the documents presented by my lawyers. She had noticed that in the French procedure, César had been denied access to the Spanish procedure. Therefore, she was seeking clarification on how it would have been possible for César to provide these documents to my lawyers.

The Spanish prosecutor couldn't verify the transcripts of the wiretaps because the case had been closed and archived. Consequently, she didn't have access to the 105/2013 case file. However, she could confirm the authorization for the recording as it was still in her emails to the court. She confirmed that the authorization presented by my lawyers was false.

On the 18th of December 2018, just 3 days before the end of the trial, the prosecutor delivered a bombshell by revealing that the document suggesting the authorization was illegal was, in fact, false.

The lawyers were left in disbelief, and the president turned red with anger, immediately calling for a 15-minute recess.

Subsequently, the lawyers asked me about the origin of these documents, and I honestly admitted that I had no idea since I had never seen or discussed them before. I couldn't believe that the lawyers hadn't done their due diligence before presenting these documents. It was apparent even to a layperson that the court would inquire about their source.

Laura Rousseau then informed me that they had received the documents via email along with a letter. I asked to see the letter, which was from a person named Hendryk Flippsen, who referred to

his client. I speculated that if the information came from Flippsen's client, Flippsen might be the lawyer of someone I knew. I asked if they had communicated with him after receiving his initial email, and they replied in the negative. I was astounded by their response and instructed Rousseau to email him back to ask for his identity.

She promptly sent an email, and Flippsen confirmed that he was a lawyer who had received these documents in another legal procedure. He pointed out that, before taking any action with the documents, they should investigate their source, which was Spain.

I was flabbergasted that my lawyers had received these documents six weeks before the trial but had not replied to the sender's email or even inquired with me about who Flippsen was. The only emails I had sent to my lawyers were from my friend's email address, Mr. Evan Hughes. I hadn't even discussed these documents with them, nor had I requested them to present these documents to the court.

The President returned to the court, still red-faced. He accused me of being the only one who would benefit from these documents and suggested my involvement. I pointed out that I knew nothing about them, and I had never discussed them with my lawyers. However, he seemed not to be listening at this point, consumed by anger. I believe he was reflecting on the fact that he was about to acquit me, and he didn't want to look like a fool later when it became clear that he had been deceived.

He ordered the removal of the seal on the recording so that the court could listen to it. The courtroom was still in an uproar, with everyone talking over each other regarding the revelation of the false documents.

The technician explained that the video DVD footage was distinct from the audio CD. The video had been captured by the hotel's security cameras and was not police footage. He also pointed out that the timing on the DVD footage did not match the timing on the audio recording.

He started to play the audio, but nobody could hear it. It was virtually unintelligible, with only about 2 words comprehensible out of every 10 spoken. The court lost interest, and people began talking again. I stood up and requested the President to play the part where I supposedly accepted responsibility for the 1.3 tons of cocaine. The President screamed at me to "look at the video, that's you," and then instructed the technician to turn it off.

I glanced at my lawyers, who were engrossed in their own conversation. They were still reeling from the revelation about the forged documents, completely oblivious to the fact that the audio couldn't be deciphered. Not a single legal objection was raised. It felt as though I was standing there without representation, facing this supposedly significant evidence that remained silent.

Then it was time for my lawyers to present my plea. Cohen Sabban, the wretched man, refused to utilise the documents I had diligently prepared and sent to him. He harboured suspicions that they too might be false. All my efforts seemed to have been in vain, and my defence crumbled.

Sabban's plea was self-centred, as he professed his ignorance about the fraudulent documents and pleaded his own innocence concerning these damned papers, which I neither knew nor cared about.

Hugues Vigier followed, claiming ignorance about the documents and suggesting that I shared the same ignorance. His plea sounded more like an audition for a Shakespearean play and seemed to

fall on deaf ears among the judges.

Nogueras also pleaded, insisting that he had no knowledge of the documents and that they had been presented in his absence. He argued that there was no substantial evidence against me in the entire case.

The prosecutor, in her plea, painted me as one of the top 10 drug lords globally and urged the court to sentence me to 25 years in prison, with a security period set at two-thirds of the sentence. Normally, she would have requested a maximum of 15 years for this case, but she adjusted her plea based on the judges' reactions. At the trial's outset, she had referred to me as one of the top 10 drug traffickers in Europe, but she altered that to the top 10 in the world after gauging the judges' response.

The judge ultimately handed me a 22-year sentence with a two-thirds security period. Wheat received 13 years, Aprea 11 years, Russo 9 years, and Panetta 5 years. No security periods were imposed on any of them. Kane Price was acquitted. They were all released and returned home shortly after their sentences.

The judge's harsh sentence was primarily based on the bogus documents rather than the evidence regarding the 1.3 tons of cocaine, which was virtually non-existent.
It's astonishing that the court never even heard the recording, yet it was used to convict me. Even the media outlets reported that I had confessed to owning the cocaine, but this was nothing more than fake news, as claimed by Fansten from Liberation.

Fansten mentioned, "Robert Dawes claims ownership of the drugs seized in Roissy during a judicial hearing in Spain."

In reality, if you were to ask Fansten whether he had actually heard these words spoken in court, he would have to admit the truth: no, because in both trials, the recording failed to play clearly, and these alleged words were never heard by any judicial authority in France. This fact became evident through my own investigations. Fansten was present in court on both occasions, as Mr. Dawes informed me. Furthermore, even the transcripts do not support the claim that he packed 1,200 in suitcases; Fansten appears to have fabricated this line.

I must admit that I find it quite perplexing that a copy of this recording was never provided to the Dawes defense team. Upon examining the points related to this recording, it appears to be unlawful on several counts.

1. **Legal Changes in Spain:** Before the Organic Law of the 5th of October 2015, Spanish law did not permit such audio surveillance without a proper legal basis. Sonorizations conducted in Spain prior to this law, which are not compatible with French law and procedural guarantees, should be considered ineffective, in accordance with Article 694-3 of the Criminal Procedure Code. It's worth noting that Spain attempted to change this law just before Dawes's arrest in November 2015, possibly anticipating legal challenges to the recording. However, this change should not affect the legality of the recording at the time it was made.

2. Use of a Roving Bug: The recording was created using a roving bug, a method that is illegal both in Spain and France. This involves remotely activating the microphones on portable phones.

3. Issues on the French Side: There were problems on the French side, as it is clear that the

recording was under seal at the time it was allegedly listened to by the French expert. This raises legal concerns.

4. Transcript Source: The transcript appears to have been copied from existing copies in the file held by the British and Spanish police.

5. Lack of Authentication: The transcript produced by the so-called expert Maurice Ashley lacks a signature or stamp, making it legally non-existent in French law.

6. Audibility: Finally, the recording could not be played audibly at both trials, rendering it essentially inaudible.

It's astonishing that despite these significant legal issues raised by Dawes, the judges and prosecutors proceeded with an unjust process against him. Anyone familiar with the legal system in the UK would know that such actions would be highly improbable there.

Dawes filed an appeal on the same day he was convicted. Other defendants initially wanted to do the same until they were advised that the waiting time for the appeal might exceed their release dates, as their current sentences would see them released within six months. Dawes explained that this was part of the prosecutor's plan, as they preferred to have the other defendants dealt with promptly and did not want to risk losing at their appeals. The other defendants pleaded in court that the case involved provocation and illegal entrapment.
In April 2019, four months after the trial, all the lawyers representing Dawes were subject to raids, with their offices and homes searched. This was in connection with the fake documents presented during the trial. Additionally, the police conducted a search of Dawes's cell within the prison.

For his appeal, Dawes enlisted a new lawyer named Thomas Bidnic, along with a second lawyer from Spain named Arturo Lopez Epin. He requested that Bidnic send a copy of the so-called 114 DVDs to Lopez for study. Dawes claimed that these DVDs had not been reviewed by any legal authority in France, which is quite astonishing given that the entire case against him relied on the information contained in the 105/2013 investigation stored on these DVDs.

Lopez prepared a report clarifying that there were, in fact, only 12 DVDs, as most of them were duplicates of the same content. He also noted that numerous pages from the 105/2013 investigation were missing, despite being listed as part of the file sent by Spain. Thus, the file received from Spain was incomplete.

As we've mentioned earlier, "Tomo X111" was a corrupted PDF containing the final 319 pages of the investigation. These pages held the conclusions of the Guardia Civil, the judge, and the prosecutor, explaining why they closed the 29-month investigation against Dawes without pursuing any judicial actions. It would have been highly interesting to read their reasoning.

Dawes consistently argued that these pages were crucial to establish the truth in this matter. He made several requests to include these pages in the French file, especially since the Spanish authorities had sent them. However, the file was so severely corrupted that it couldn't be repaired.

Here's what he stated:

"I always informed my lawyers that the 105/2013 case file was incomplete due to the fact that TOMO X111 (TOMO 13) was a corrupted CD beyond repair. This CD contained a significant

portion of the file, specifically the final 319 pages. These pages held the Guardia Civil's 21-page report outlining the reasons for dropping the investigation against me without pursuing any judicial action. Additionally, it included the conclusions of the prosecutors and judges. To me, it was inconceivable that this information wasn't deemed important for the trial judges to review. These were the conclusions of a comprehensive 2.5-year investigation into my case, which they ultimately closed." Even the state expert, Boyreau, stated in his report that Tomo 13 was corrupted and irreparable. Many other crucial parts were also missing from the 105/13 file.

After appointing Bidnic and Lopez, Dawes began providing them with all the PDF documents that were intended for use in his defense during the first trial. These documents were supposed to be presented, but Sabban decided against it, citing concerns about their authenticity.

Dawes asserted that French lawyers, in general, tend to be very self-assured and are often reluctant to collaborate with their clients or other legal representatives. It appears that many defendants in prison rely heavily on their lawyers to study their case files and mount their defense with limited input from themselves.

Bidnic proved to be no exception and even seemed irritated when Dawes and Lopez attempted to assist him in building a robust defense. According to Dawes, Bidnic responded to receiving the defense points by remarking that "it was becoming boring now."

Furthermore, Bidnic had gone as far as reserving a restaurant for an acquittal celebration, complete with orders for food and bottles of champagne.

Lopez commented that he initially believed Bidnic must have been exceptionally confident about winning the case since he didn't seem interested in receiving help from third parties. However, this overconfidence led to the oversight of many critical aspects of the case.

Dawes provided me with copies of various points he had sent to Bidnic, highlighting what was brought up during the appeal trial and what wasn't.

1. Details to discredit the fax sent to Spain by the British police regarding Wheat's transport to Venezuela by Dawes. **Not Used.**

2. Evidence to challenge the photograph supposedly showing a meeting with Wheat in Spain two months before Wheat's arrest. **Not Used.**

3. Arguments to discredit several aspects of the recording at the Hotel Villamagna in Madrid, including false claims about PGP usage, proof that Venezuela's Wilmar was a driver for Cepeda rather than a trafficker, the absence of a Spanish translator despite significant Spanish conversations, the abrupt start of the recording transcript, and the falsehood of information mentioned, such as flight times and routes. **All Not Used.**

4. Information about the PGP and No1bc phones found at Dawes' house, indicating they weren't encrypted and lacked encryption software. Also, pointing out discrepancies in the seal numbers. **Not Used.**

5. Evidence challenging the NCA police's false claim that Dawes paid €50,000 in cash for Kane Price's bail, a point raised by the president at the first trial. **Not Used.**

6. Details contesting the alleged connections between Dawes and Wheat, with ample proof of their absence beyond a single photo outside a bar in Spain. **Not Used.**

7. Information related to police informer Raphael Nasr, including SMS messages to his UK handler about a passport deal he made in exchange for information, call records highlighting discrepancies in the case against Dawes, info about the boss from Dubai, and proof that Nasr from Croydon, UK, provided the police with information about Dawes sending Wheat to Venezuela. **Not Used.**

8. Comprehensive data concerning Dawes' legitimate businesses, including financial records, tax payments, photographs, and videos of his 10,000 square-meter showroom in Spain, from which he operated daily, along with invoices for daily shipments from China. This information was kept out of the case file by the NCA, GC, and French police to avoid influencing the judges' opinion of Dawes. **Not Used.**

9. Evidence demonstrating multiple instances that proved the 33-page NCA report was riddled with falsehoods, much like the debunked claims about the money paid for Price's bail. **Not Used.**

10. Information indicating that the Guardia Civil were untruthful, and much of their reports could be refuted with solid evidence. **Not Used.**

11. A video and other links provided to Bidnic regarding the actual boss who was arrested in Colombia and extradited to Venezuela, where he admitted to paying for the cocaine. Proof of transfers made, along with a video of his arrest, showed that this individual indeed financed the cocaine. **Used.**

12. In the French file, it's stated that a friend of Dawes collected over €350,000 from Nathan Wheat in Malaga, which was seized in Madrid by the Administrative police. Dawes presented evidence proving that Wheat wasn't even in Spain at that time, and it had nothing to do with Wheat. **Not Used.**

13. Information regarding the same money and court documents demonstrating it was an administrative matter, not a criminal one. **Not Used.**

14. A video of the so called journalist Carl Fellstrom who was responsible for the media reports regarding Dawes, This video showed Fellstrom breaking the law by paying people to hack into emails of Dawes, it also showed him snorting cocaine and talking lots of rubbish about Dawes that he even admitted on the video he had no real proof. NOT USED.

15. A video was given to Bidnic regarding the GPS tracker that Dawes found on his car long before the Recording was made in the Hotel, this was to prove Dawes knew full well he was being followed by the police. USED.

16. Information to prove that Dawes was not present in any of the rooms that the Guardia Civil searched on his arrest and that all the seal numbers were mixed up. NOT USED.

17. Information to prove Dawes was defenceless being piggy in the middle between the Spanish & French authorities, All the documents from Dawes's Spanish lawyer César Garcia Vidal Escola where he had tried to access the Spanish PA105/2013 case file. NOT USED.

18. Information regarding the file TOMO 13 in the PA105/2013 file that was corrupted and held the

last 319 pages of the Spanish investigation, proof that even the French expert Boyreau in his report stated clearly it was corrupted and irreparable. NOT USED. (Dawes explained to me that it wasn't until 3 years later in 2023 that Bidnic realised this was proof the file from Spain PA105/2013 was 100% incomplete). NOT USED.

19. Information regarding the appeal made by Xavier Nogueras showing that what the judges had stated in their refusal, could be disproved and the fact Dawes had already done all what they had stated he should of done. NOT USED.

20. Dawes gave Bidnic the same 3 questions that were asked to Thierry at the first trial, that Thierry had answered in the positive for Dawes. NOT USED.

21. Lots of questions that Dawes suggested Bidnic should ask certain witnesses were. NOT USED.

22. The proof that Wheat had needed to translate the instructions coming in from his boss in Spanish yet Dawes & Wheat were both British, so how could the boss be Dawes. USED.

23. Information regarding No1bc being a legitimate company that was not dedicated to supplying encrypted phones to criminal organisations. NOT USED.

24. Information on all the legitimate business Dawes was carrying out in China because it was stated by the NCA they didn't know what he was doing in China, even though their own police informer worked in the accounts office of Dawes's company in Spain and was giving them regular updates, the NCA report had stated maybe Dawes was shipping counterfeit clothing even though they were informing the Guardia Civil to search all the containers arriving from china with legitimate cargo destine for the showroom of Dawes. NOT USED.

25. Informations from the PA105/2013 case file showing that over the two & half years investigation Dawes had only had meetings with 18 people and the majority of the 18 did not have criminal records, also that none of the 18 were ever arrested. NOT USED.

26. Information to show Dawes was preoccupied with the delivery of a camping vehicle and other proofs that he was not involved with the cocaine 1.3 tons. USED.

27. Lots of photos of movements in September 2013, including all the days prior and post the delivery of the cocaine. NOT USED.

28. Dawes pointed out that during the court investigation stage the judge asked Dawes this question regarding the recording from the Hotel in Madrid, “You indicate that your commission to get the goods out is 30%, do you confirm this?”. NOT USED. Dawes wanted it pointing out, he was on trial for being the owner, yet from the judges own questioning and evidence presented, it shows that he's working on commission. NOT USED.

29. Dawes pointed out that the judge investigating also asked him why he said on the recording he sometimes buys the cocaine himself when it arrives in Europe. NOT USED. Again Dawes wanted the court to understand that he was not the owner, if he sometimes buys them on arrival, if he already owned them like he was accused of, why would he buy them?. NOT USED.

30. Copy of the video made by the Guardia Civil that was given to the NCA for distribution to

all the media outlets, this was a fake video with proof. NOT USED.

I asked Dawes why Bidnic chose to use only 3 of the 30 points above. He explained to me that Bidnic had reviewed the file and told Dawes that there was no case against him regarding this cocaine import. He also mentioned that the French courts operate differently from those in the USA and UK, where you can challenge every minor detail like you see on courtroom TV dramas. Dawes clarified that in the UK, all points raised by the police or judges against a defendant would be vigorously contested, but Bidnic informed him that it's not the case in France.

I must admit that after examining these points, I find them to be quite valid. They effectively disproved the contents of the French case file, and at the very least, they could have prompted the judges and prosecutor to view Dawes and the case file from a different perspective. It appears that Bidnic may have been overly confident.

Bidnic submitted several requests to the president of the assize court before the trial:

1. A request for the missing pages and a complete copy of the PA 105/2013 case file from Spain to be added to the French procedure.

2. A translation of the DVD's from Spanish to French to be included in the French file.

3. The citation of Sofiane Hambli and Richard Srecki, the commissioner from the (SIAT), as witnesses.

4. He submitted a letter from Lopez in support of his request for the missing pages from the DVD's.

5. A copy of the audio CD and video DVD from the Hotel Villamagna.

All of the above requests were denied.

Both lawyers were concerned that the courts had never physically searched the 114 DVD's and had solely relied on a keyword search by the Europol expert Boyreau. They both agreed that the DVD's should be translated in their entirety to give their client a fair chance to defend himself. It had become evident to the lawyers from the very beginning that the justice system had chosen to selectively use elements to prosecute their client while not allowing them to use evidence in his favor.

Regarding the 5th request concerning the CD and DVD of the recording, the French public prosecutor responded, "After meticulous verification, no working copy was made of the recordings." Therefore, the sealed copy could only be opened during the trial.

The request for the missing pages of Tomo 13 received no response from the court, which is also illegal not to respond.

The witness list provided to the defence included Omar Bouarfa police, Igor Herin police, Rob Hickinbottom police UK, Boris Laligant police, Willy Mallot police, François Thierry police, Sylvain Boyreau expert on the 114 DVD's, Jean Christophe Slucki electronics expert, and Nathan Wheat, a co-accused. Sofiane Hambli, the informer, and Richard Srecki, police chief, were listed as additional witnesses due to the late request by Dawes's lawyer.

APPEAL TRIAL

The trial date was set for the 6th of July 2020, lasting only 5 days and concluding on the 10th of July.

On the first day of the trial, Bidnic and his associate Georges Tsigaridis from Bidnic Associés in Paris presented several conclusions to the court.

1. To attach the documents of the proceedings to the court file of Spanish PA 105/13 and order their translation.

2. To order the admission of certain documents into the proceedings (report of the divisional commissioner François Thierry, in his capacity as OCRTIS chief, dated October 28th, 2015, and minutes of interrogation from the 18th and 19th of January 2018).

3. To acknowledge the entry of the newspaper article titled "Cocaine, a seizure in gold, methods in knock" released on the 5th of July 2020 (the day before the trial began) by Emanuel Fansten from the Liberation news agency (liberation.fr) and to admit the exhibits mentioned in "the preliminary investigation conducted by the Paris prosecutor's office" cited in the aforementioned article into the proceedings.

4. To cancel the referral of the 1.334kg of cocaine dated 11th of September 2013 against Mr. Dawes and order his immediate release.

On the same day, the court decided to stay the proceedings, specifying that it was "not in a position to assess the merits of the requests with which it is seized; it is important, before taking a decision, to hear the witnesses and experts cited and, if necessary, to ask François Thierry to appear again at the hearing."

However, without even waiting for the outcome of the hearing of witnesses and experts, on the 8th of July 2020, the court ruled on these requests by rejecting the first and third sets of conclusions. The translation of PA 105/13 was not considered necessary, and in view of the press article, the elements they contained did not seem sufficient to justify their inclusion in the proceedings.

The first request was denied, even though the entire case against Dawes hinged on the PA 105/13 case file contained within the 114 DVDs. The defence had previously highlighted that there were only 12 DVDs in total, so it wasn't an overly burdensome task. However, the court seemed to rely on selective elements from the DVDs that they believed could be used for prosecution, without upholding the principle of equality of arms. It has been observed throughout the process that Dawes attempted to obtain access to the complete Spanish file but without success. The court overlooked the fact that the PA 105/13 case was incomplete. It's unimaginable to stand trial without having access to the full file from which the charges originated.

The third request was dismissed, despite the article referencing actual proceedings within the Paris prosecutor's offices, which could have been easily verified and included in the trial, especially given that the court was also located in Paris. If you read the article yourself, you'll likely come to the same conclusion I did – that this information appears highly relevant to Dawes' case.

Fansten wrote:

"In October 2015, a new case shed new light on the seizure from Roissy. Following a letter sent to the Paris prosecutor's office by a former OCRTIS informant, Hubert Avoine, denouncing illegal operations he had witnessed, a preliminary investigation was opened."

The article continued, "Other witnesses were heard within the framework of this preliminary investigation conducted by the Paris prosecutor's office." It also stated, "Fallen into limbo, the hearing of Guy C was never disclosed to Dawes' defence."

The fourth request was declared inadmissible by the court on July 8th, just two days after the trial commenced. They cited, "Considering that Mr Bidnic, the lawyer for the accused Robert Dawes, filed submissions asking the court to cancel the referral of 1.334 kilograms of cocaine from the date 11th of September 2013, considering that the indictment judgement dated the 10th of November 2017, covers all defects in the previous procedure."

The provisions of article 181, paragraph 4, and 305-1 of the code of criminal procedure state unequivocally that defects in the proceedings are conclusively addressed by the final arraignment order, with no exceptions provided for this principle, even if the grounds for nullity emerge after the arraignment order becomes final.

In essence, under French law, after the arraignment date, one cannot argue any new evidence, even if that evidence was unknown at the time of arraignment. This is an exceptionally strict law in my view. Any criminal trial should be adversarial and ensure equality of arms between the prosecution and the defence.

The second request was also dismissed after Thierry's testimony as a witness. He was not recalled to discuss the documents we had requested to be added to the trial, such as his interviews in other cases where he was a suspect or any other information about him that the defence had asked to be included.

After the court refused to attach the documents of the proceedings to the court file for Spanish PA 105/13 and order their translation, the defence requested the court, in the interest of a fair trial, to reconsider the exclusion of the Spanish proceedings as a whole.

The assize court, which declined to include potentially exculpatory evidence in the trial, even though these elements were related to the files used against the accused, should have granted this request and ordered that the deeds and documents of the Spanish procedure PA105/13, taken as a whole, be considered as having no bearing against the accused.

On the very first day of the trial, the court informed the defence that the then head of the NCA, Rob Hickingbottom, had refused to attend as a witness. It was also impossible to have his colleague from the Crown Prosecution Service in the UK, Andy Young, who had jointly written the 33-page NCA report, provide witness testimony.

Dawes told me this didn't surprise him in the least, given that Hickinbottom had made a complete fool of himself and the NCA at the first trial. Furthermore, the report was baseless and held no evidential value. In fact, it's not even mentioned in the motivation sheet that lists the reasons why the court found Dawes guilty at his appeal.

The court also informed the defence that Nathan Wheat, who was on the prosecution's witness list, would not be attending due to difficulties related to his presence in the UK. They mentioned that he

was willing to attend via video link, and the prosecution was trying to arrange this.

Additionally, the court informed the defence that their own expert, Mr. Sylvain Boyreau, who was also on the prosecution's witness list, would not be attending because he could not be reached.

Bidnic strongly challenged this later in the trial when it came to hearing these witnesses. The court decided to bypass these witnesses without providing a valid reason. Bidnic raised further objections, denouncing several points.

Firstly, the court cited the witnesses late. According to the French penal code, a witness must be summoned at least 2 months and 10 days before the hearing when they reside outside the European Union. In this case, they were summoned on the 8th of June for a trial that began on the 6th of July, with their testimony scheduled for the 8th of July – less than 1 month before the hearing.

Secondly, Dawes had requested a confrontation with Wheat during the investigation stage but was refused by the judge, who stated clearly that Wheat did not implicate him, so there would be no need for a confrontation.

Thirdly, the court claimed that Nathan Wheat was a crucial prosecution witness against Mr. Dawes, so it would be against all legal frameworks to bypass him. However, the court had not made exhaustive efforts to make him available to the court, as required by law. In fact, they had only sent an email to his previous lawyer.

The court actually contradicted itself by initially stating that Wheat had been contacted and was willing to attend the court via videoconference. Later, they stated he could not be reached. The evidence in the file actually proves that Wheat had been contacted, and the emails in the file confirm this fact.

In any case, if it is acceptable for an accused person to be sentenced without having had the opportunity to confront, during the proceedings before the trial court, the witness whose statements are the primary basis for the declaration of guilt, it is contingent upon this jurisdiction having made all reasonable efforts to secure the presence of the said witness. However, by merely bypassing the testimony of Mr. Nathan Wheat, despite the defence's objections on this matter, and firmly asserting "the impossibility of proceeding with his testimony" without ever detailing the steps taken to ensure his presence, and even contradicting the possibility of establishing contact with him, it becomes evident from the case documents that he was summoned belatedly. Moreover, the decision to exclude his testimony was made just over two days before the conclusion of the proceedings. The court, therefore, cannot be considered to have made all reasonable efforts to secure the appearance of Mr. Nathan Wheat, whose testimony was nonetheless crucial. This decision was unjustified and violated the provisions of Articles 6 of the European Convention on Human Rights, as well as Articles 326, 347, 552, 553, 591, and 593 of the Criminal Procedure Code.

The rules regarding the citation of witnesses are clearly defined: it's 10 days if you reside in France, one month and 10 days if you live in another European country, and 2 months and 10 days if you reside outside Europe.

This constituted a serious violation of Mr. Dawes' legal rights. To be convinced of this, you need only refer to the motivation sheet, which reveals that the assize court heavily relied on the statements of Mr. Nathan Wheat to secure the conviction against Mr. Dawes. It's evident that Wheat was a crucial witness in this case.

Furthermore, after the trial, it came to light that Wheat himself confirmed being contacted by the British police to appear as a witness, and he had accepted this request. However, during the trial, the same police informed him at his home that the French courts had decided he was no longer required as a witness.

All of the above directly contradicts the court's stated reasons for bypassing this witness. Mr. Dawes himself informed me that the court didn't genuinely want Wheat to attend the hearing but rather wanted to create the appearance that they did so they could use his earlier statements against Dawes to secure his conviction.

A similar situation occurred with the state's expert witness, Mr. Sylvain Boyreau. Bidnic, Dawes' lawyer, once again objected and submitted conclusions rejecting the exclusion of this witness.

This witness was the only person to have had legal access to the 114 DVDs. He would have been a decisive witness. Yet, once again, he was emailed on the 8th of June when the trial had already commenced on the 6th of July, and he was scheduled to be heard on the 8th of July. This fell far short of the legal requirement of 2 months and 10 days, especially considering that this witness resided in Singapore.

Dawes informed me that Boyreau had concurred with the defence during the first trial regarding the condition of the documents in the 114 DVDs and the inconclusiveness of the keyword search. He also stated that the PA105/2013 file was incomplete. These points would have been beneficial for the defence and detrimental to the prosecution. So, they had decided to summon him. However, Dawes explained to me that the prosecution was merely going through the motions, and they didn't genuinely want Boyreau to attend.

It is evident from the minutes of the hearing that Mr. Boyreau received an email on the 8th of June 2020 but did not respond. Nonetheless, the prosecution did not make any further efforts to summon this witness, which is required by law to exhaust all possible means, especially considering that Boyreau is a Europol officer and should have been reachable through the police.

All the information provided here is based on factual documents within the case file. It is indeed difficult to reconcile this with France's self-proclaimed status as a leading country in upholding human rights. It appears that they were determined to convict Dawes at any cost.

Bidnic presented further conclusions regarding procedural documents that, under French law, were considered non-existent due to a lack of stamp or signature from the author. The court had ruled on this matter multiple times, emphasizing that a document without the required stamp or signature would be considered null and void.

The documents in question were D640/1 to D640/23, a copy of the transcript of the recording that formed the main evidence against Dawes, supposedly made by an expert of the courts. Additionally, there were D855/1 to D855/34, which were translated copies in the French language of the 33-page report made by Rob Hickinbottom and Andy Young from the British NCA and CPS.

Bidnic also presented conclusions, requesting that if the court would not accept the non-existent request, then they should at the very least acknowledge that these documents have no probative value.

Once again, the courts rejected both requests and actually used D640 as the primary evidence to convict Dawes. In fact, on the motivation sheet, only two reasons were cited for convicting Dawes: firstly, the declarations of Mr. Nathan Wheat, and secondly, the transcript D640.

All the witnesses who attended court were not testifying against Dawes, as they were mostly from the infiltration team that arrested Wheat and others in 2013. All the police witnesses, including François Thierry, stated they did not know Mr. Dawes and that he was only added to the file years after they had closed their own investigation.

All witnesses stated that Dawes came into the file based on the Spanish PA105/2013 investigation, and they had no part in that.

As mentioned earlier, they bypassed Wheat and Boyreau but decided to read their statements and reports without giving the defence an opportunity to challenge them.

François Thierry was called as a witness for the prosecution, and Bidnic questioned him about his relationship with Hambli. However, Thierry consistently cited the need to protect informers to avoid addressing awkward questions. Many points could not be raised because the documents Bidnic had asked to be added to the debates were refused, and although the court said they might bring him back as a witness later, they never did.

Dawes provided me with a list of questions he gave to Bidnic to ask Thierry, but Bidnic never asked them.

1. Do you know Robert Dawes? This was asked at the first trial, and he answered no, stating that Dawes came into the file much later and was never inside his own investigations in France.

2. Did you travel to Spain with the investigating judge Madam Anne Bamberger? And if yes, did you discuss Robert Dawes? This was asked at the first trial, and he answered yes, he had travelled with the judge, but he did not discuss Dawes.

3. Did the British police organizations SOCA or NCA ever inform you about the shipment of cocaine or that Dawes had sent Wheat to Venezuela? This was asked at the first trial, and he answered no; he had no information from the British.

4. Prior to receiving the call from the usual informant, did you have any information that would lead to the arrests of the senders or the receivers of the cocaine? Dawes wanted this question asked because it was clear that without the usual informer Sofiane Hambli, no one would have ever been arrested, so the call from Hambli was miraculous.

5. Isn't it the case that you knew everything about this import because you were leading this import? This question was asked by Dupont Moretti at the first trial, and Thierry failed to answer.

6. Do you know of any other large-scale drug importations where it's possible for the lawyers to accuse the chief of the operation of importing the drugs himself? Dawes wanted the court to be aware of the fact that it's not usual to accuse the police, so there must be some truth in it.

7. Is it the case that you want this court to believe that your team was sitting at the airport watching the plane being unloaded, which had arrived containing the cocaine, and that you had no information that would lead to the people who had sent the drugs? Then, out of the blue, the usual

informer we now know to be Sofiane Hambli calls you with miraculous information and supplies you with a portable telephone that would allow you to round up and arrest all parties? Dawes again wanted the judges to consider this point.

8. How did Hambli contact you when he was in prison at the time?

9. How did the so-called baggage handler contact Hambli, given that he was in prison?

10. None of the 5 baggage handlers on duty that day were the North African from the Novotel meeting, so who was this North African?

11. Was the North African a friend of Hambli's? Who was sent to set the stage for proof of pre-existing traffic?

12. Why didn't you check the hotel CCTV footage to obtain a clear photo of the African gentleman?

13. Why didn't you check the police CCTV in the street where the Twingo car left from to get the vehicle registration plate number? Dawes wanted to prove that the police didn't want to identify him because they knew he was Hambli's man.

14. So you want this court to believe that a specialist drugs surveillance team was unable to obtain clear photos or any real information in a meeting that took over 2 hours, according to your reports, or that they couldn't get the car's number even though they watched it drive off?

According to Dawes, Bidnic didn't ask any of the above questions proposed by him. He had decided to ask his own questions, but they didn't seem to have any impact according to Dawes. He seemed to be very upset that Bidnic didn't concentrate more on the defencelessness.

DEFENCELESSNESS

Here are some points that Dawes had made regarding him being defenceless.

The appeal courts in France had stated, "114 DVD's have been sealed and are a complete part of the procedure." This quote by the court was totally incorrect; the 114 were not a complete part of the process, as the court refused to translate them into the French language, so the lawyers had no way of knowing what information was held in them. They were not part of the assize court's dossier either.

The appeal court also quoted, "that it was Robert Dawes' ability, if he found this necessary for his defence, to ask for access to the 114 DVD's and then, for their translation, which would have given him full access to the procedure." This is also incorrect because Dawes's argument was that he was not given a copy until near the end of the investigation and would not have had time to have them translated. Adding to this, his lawyer in Spain, César Garcia Vidal Escola, had made several requests from the time he was arrested for a complete copy of the procedure against him but was refused access.

The appeal court also quoted, "In this particular case, it clearly results from the expertise mission as written, that the expert had to carry out a technical operation consisting of using recognition software to search and extract, from 11 keywords chosen by the investigating judge, some documents, and so, to avoid the printing of the entire Spanish procedure contained in the 114 sealed

DVDs, in which lots of elements were not necessarily useful for the procedure."

Dawes pointed out that his name was not included in the 11 keywords, yet the other defendants' names were. So how could he have benefited from such a search? Also, at the first trial, the state's expert Sylvain Boyreau was called by the defence, and he stated that it was not possible to carry out a conclusive search due to the poor condition of the documents contained in the 114 DVDs. Many documents were at such an angle, and images of documents were deeply smudged, making it impossible to search with any type of software. He told the court that the only way to be certain would be to manually search them.

The appeal court also quoted, "Considering that, first of all, it is necessary to remind that the French judge is not competent to appreciate the regularity of an act accomplished in a foreign country regarding a foreign law."

Dawes pointed out that if the French court was not competent, then the only course he could take to defend himself is to go and take it up with the country of origin, in this case, Spain. This is exactly what Dawes did, and this is proven by the work that the Spanish lawyer César Garcia Vidal Escola carried out through the courts in Madrid to no avail. So even though he did what the French court stated by law, he was denied, leaving him between two countries' laws and defenseless.

The appeal court also quoted, "The investigating judge within the context of his international rogatory commission of the 12th of March 2015, that he asked the Spanish authorities to achieve a recording, he just requested the communication of quote 'every element, in particular video surveillance and recordings leading to the identification of the owner of the 31 suitcases containing the cocaine seized at Roissy Charles de Gaulle airport on the 11th of September 2013'."

Dawes pointed out that many times the judges quoted the recording and video being inside the 114 DVDs sent by Spain, but they were never inside any of them. In fact, much later, with a second request, the judge asks again for the recording because it was not contained inside the 114 DVDs.

On the 1st of October 2015, the French investigating magistrate, Madam Anne Bamberger, sent a second request to her counterpart in Madrid asking that they communicate the original seal or copy of the audio sound recording of the 23rd of September 2014 at the Villamagna hotel in Madrid. She declared that the latter did not appear in the 114 DVDs.

Dawes pointed out that all the responses from the appeal court were erroneous, and his lawyers should have pointed out this fact, but they never have to this day.

The appeal court also quoted, "Considering that, concerning the Spanish judicial act authorizing the recording part of the present procedure, it was Robert Dawes' ability, if he had doubts about its reality or validity, to ask for its production."

Dawes did ask in Spain from the very beginning and in France. The French courts said to take it up with Spain because they can't rule on a foreign element, and the Spanish said there is no judicial action being taken against Dawes in Spain and that their investigation was closed and shelved in March 2015. So he should exercise his rights to a defense in France. Dawes said he did what both courts in the two countries stated, yet still found himself in the middle, defenseless.

Dawes also pointed out that the Spanish court stated that if he were being prosecuted in relation to the PA105/2013 investigation carried out by them, then he would have full access to the procedure.

However, that's precisely the case because he was being prosecuted in France solely on the content from the PA105/2013 investigation, even though it was closed without any judicial action being taken in Spain. Basically, they transferred part of the Spanish procedure to France and put him on trial. The Spanish courts were trying to separate the PA105/2013 case file from the French case file by telling him that they don't have any procedure against him, so he should use his rights to a defence in France. Maybe the Spanish courts didn't realise their file was the only elements used in France.

Arturo Lopez Epin, Dawes's Spanish lawyer, said there were many points he would have raised in Spain if a case had been brought there against Mr. Dawes. He would have most certainly questioned all legalities, even questioning the reasoning for launching the investigation in the first place because this seemed to him without legal basis. It's also questionable why they had decided to close the investigation without any legal action being taken. To give an example, this could have been because of the fact Dawes knew he was being followed and recorded; this would make the recording from the hotel useless in legal terms, inadmissible.

All the official court documents relating to this state of defencelessness, I have actually read myself, so I can confirm it's 100% true what Dawes points out.

Dawes quoted a hypothesis: "If a recording has been made under duress in a foreign country using torture or threats against the author's family, then according to the French courts, it's legal to use in a trial as the principal element because the appeal court quoted, 'It is necessary to remind that the French judge is not competent to appreciate the regularity of an act accomplished in a foreign country regarding foreign law.' (This is totally against a person's human rights).

Regarding the witnesses, there were five French police and one British from the NCA. Several of the French didn't turn up due to health reasons or were on holidays. Rob Hickinbottom from the NCA refused to attend physically or by videoconference. All the French police were either from the infiltration team that arrested Wheat and others in 2013 or were present at the time of Dawes's arrest. None of the police witnesses had any evidence to give regarding Dawes because they had never met or investigated him.

Sofiane Hambli, the informer, and Richard Srecki, police chief, were listed as complementary witnesses, and the judge refused to call them.

Nathan Wheat didn't attend due to a late citing.

The expert Sylvain Boyreau didn't attend due to a late citing.

The expert Slucki attended via videoconference, but he had no evidence to present regarding Dawes personally. He was the expert who carried out the searches of all the electronic devices seized from all the accused. There was no information regarding meetings or related to the cocaine seizure in any of the devices according to Slucki.

Dawes told me this one was lacking in his so-called field as an expertise; he tended to ramble on about things that Dawes could tell he had no real knowledge about. He also told me that they could have made a complete fool of Slucki but didn't.

Dawes told me he had prepared several questions for the expert Slucki that he felt were relevant regarding encrypted phones (PGP & N°1BC), but Bidnic decided not to ask them. Dawes was not

happy about this because the court was trying to say he was arrested with encrypted phones, but this was not the case at all. He told me he thinks at the time Bidnic didn't even realise the significance of what he was saying or he didn't read the information clearly that had been given to him prior to the trial.

One major point was the so-called encrypted phones recovered from Dawes' home were not encrypted at all. Slucki said the phones had no software inside them and they were all set to factory default settings. Slucki suggested they had been remotely wiped, but Dawes told Bidnic there was no proof at all of this, and they were basing this theory on information received by the NCA from their police informer Raphael Nasr from Croydon in the UK, who told them the phones had been wiped remotely. This was a major point because in all the phones recovered, it had not been proven any of them were encrypted or even proven they were remotely wiped.

According to Dawes, Bidnic was so cocksure of getting an acquittal he didn't pay much attention to him or his Spanish lawyer Arturo Lopez Epin. In Bidnic's defence, Dawes did say that the file held no evidence against him, so it's normal that Bidnic would expect to win the case easily. However, Bidnic didn't factor into his strategy the lengths the justice would go to for a conviction against Dawes; they refused every request he made, if it wasn't Dawes, Bidnic would have won the case.

Dawes reiterated the fact to me that all the French police admitted not knowing him or investigating him and that he came into the file years later after their investigations had finished.

Omar Bouarfa, who was one of the police officers who had travelled to Spain for the arrest of Dawes, was asked at the first trial why the British NCA police were present at the arrest when they were not listed on the warrant as attending. He totally lied and said he couldn't remember any British agents being present because he knew this was illegal and that Dawes had brought this up at the time of his arrest. But Dawes had produced photos that had been taken by the Guardia Civil at the scene that showed Omar Bouarfa standing next to the NCA, their identities clearly written on the back of their flak jackets.

So after all the witnesses had been heard, no evidence against Dawes was produced. They all stated they didn't even know Dawes until years later when the Spanish authorities got involved. The next thing to do was to listen to the recording from the Hotel Villamagna Madrid.

RECORDING

The president ordered the breaking of the seals on the CD & DVD containing the audio recording from the Hotel Villamagna and the video.

It's worth noting that during the first trial, Dawes became aware that the video footage was not actually made by the Guardia Civil police. The video was actually taken from the hotel's CCTV. This was a big revelation for the defence because they were always led to believe by the investigating judges that the video was made by the Spanish authorities. Obviously, Dawes had made Bidnic and Georges Tsigaridis aware of this fact.

After the breaking of the seals, the President ordered the court's technician to play the DVD on the TVs inside the courtroom.

The court watched the video for several minutes without any audio until the judges jointly decided it was pointless because, although you could see Dawes, Cepeda, and Wilmar, without audio, it was

useless. The judges asked Bidnic and the prosecutor if they had any objections to trying to run the video and audio at the same time, and nobody objected. Dawes explained to me that he asked the lawyers to object, but they waved him off. He wanted to highlight to the court that the DVD was not made by the police but rather it was the hotel's CCTV. He also explained to me that the audio would have a lot less impact if the judges were unable to see him on the video at the same time as listening to the inaudible recording.

The technician tried for several minutes to match up the time on the video to the time on the audio, but he said it was not possible because they were not taken together. The DVD was from the hotel CCTV, and the CD was from the audio, confirming what Dawes had already told his lawyers.

The president ordered a recess for 15 minutes while the technician tried to match up the times on the audio and video.

Dawes remained in the court with the police guards and the technician while the lawyers and judges took their break. During this time, Dawes had a chance to speak with the technician because he was working at the side of the dock where he was held. He informed him that he remembered him from the first trial and reminded him that the audio was not even audible at that time. The technician confirmed this but also reiterated that the audio is of very poor quality. Dawes asked him about the timestamps on the CD and DVD again, and he confirmed they just didn't match up. He had set the times at exactly the same times, but you could see by the actions on the video that what was being said on the audio was at a different time to the video.

Dawes explained to me he was very excited about this piece of information because it means the police have lied about the times. How he saw it was that the hotel CCTV times would be correct, so it had to be the police. Dawes asked the technician if he had tried to listen to the audio through his own headphones and laptop without using the court equipment. He told Dawes yes he had tried, and it nearly perforated his eardrum because the quality is terrible with lots of different pitches of audio.

Dawes always suspected that the police in Spain had never planted a listening device like they would have everybody believe. He always suspected a roving bug had been used, where the police remotely open the microphones on the monitored mobile phones. This is totally illegal. Dawes also found it strange that the police led everyone to believe a listening device was planted, yet they had relied on the CCTV of the hotel rather than setting up their own hidden cameras.

The lawyers of Dawes returned to the courtroom, Bidnic and Tsigaridis. Dawes spoke with Tsigaridis to explain all the conversation with the technician and told him to explain it to Bidnic.

The judges returned, and after speaking with the technician, decided to listen to the audio without the video if they didn't match. The audio was played for about 10 minutes, but nobody could understand anything being said. You could maybe make out 2 words in every 10 if you were lucky. Dawes explained to me that the lawyers looked very pleased about this development, and it was like they never actually believed what he had been telling them from day one.

The president, after 10 minutes, asked the other judges, the prosecutor, and the lawyers if anyone could understand the recording. They all replied no. The president then decided to bypass the audio and video, asking the lawyers and prosecutor if any of them objected, and they all agreed to bypass with no objections.

Dawes attempted to speak with Bidnic and Tsigaridis because he did not want to bypass without

covering some important points by questioning the court. How he saw it, he had waited nearly 6 years to listen to this famous recording. Dawes told me that Bidnic just waved him off to stay quiet. He told me he thought Bidnic had a trick up his sleeve, but he had nothing. Dawes thinks, looking back, that Bidnic was so excited the recording was being bypassed, he lost himself for a while.

Dawes had spoken to the technician, so he knew the questions to ask, and he couldn't believe his lawyers were so quick to bypass. Here are some questions Dawes wanted to ask the court before the bypassing:

1. Is there another copy of the audio? If yes, can the court produce it, please?

2. Ask the technician if it's the equipment of the court or the quality of the CD?

3. Why doesn't the audio CD match the times of the Video DVD?

It was clear Dawes already knew the answers to these questions, but he wanted to put it on the record by having it written in the minutes. Here's what he told me: "The court that I was on trial in was the special assize court that is dedicated to terrorists or international drug traffickers. The court was opened to protect jurors by substituting the public jurors with judges, another scam invented by the French justice in my eyes because there are other ways to protect jurors, as they have been doing for years in the UK. There is no stenographer in the special assize, either typing all the minutes from the hearing. Again, under the protection of judges and witnesses, no record will be taken, and all the debates will be oral. So the clerk of the court only writes certain things in the minutes, and it's important the lawyers get written in the minutes their arguments because if they don't, it's useless to try and appeal those points in the supreme court later. I know what I am saying sounds unbelievable, but this is the French justice; it's designed to convict, not to acquit or be impartial."

Here is what the judge wrote in the minutes: "Given the material available provision of the assize court by an audiovisual technician from the court call, present to proceed with the broadcasting, the audition of the audio CD is not of good quality, decided, without opposition from the parties, to stop the broadcast and read, by the virtue of his power discretionary, of written transcript in the file at the symbol D640." (Minutes of the proceedings, page 17).

Dawes explained to me that the judge had outfoxed his lawyers by writing these misleading lies in the minutes. The judge has indicated that the problem was the equipment of the court or made available to it, that was the problem. It's also misleading, in that she does not state clearly that the audio CD was not audible. The court says only they had to stop the broadcast but not the fact they did not hear the famous words that Dawes had claimed ownership of the cocaine. Therefore, to an appeal court, for example, they could take the wrong view that Dawes had been heard claiming ownership but not clearly. Dawes told me the lawyers should not have bypassed the audio CD, and they should have really paid attention to what was written in the minutes.

Dawes explained to me that the court, in its motivations to convict him, stated they had heard him clearly claiming ownership of the cocaine, but this was a total lie. The court could not have got away with this if his lawyers had written the correct things in the minutes of the hearing.

It was clear the judge wasn't really interested in what anyone had to say, and she was going to carry on regardless with the reading of the D640. At this stage, Dawes asked both his lawyers, Thomas Bidnic and Georges Tsigaridis, to request a copy of the audio CD now that the seal had been

broken. But they both waved him off, saying it's not necessary because it doesn't play. You would think his lawyers worked for the prosecution if we didn't know better.

Even three years later, Dawes is still trying to obtain a copy so he can examine the evidence that was used against him by having his own experts analyze this famous recording for which he received a 22-year prison sentence, even though it doesn't even play. Perhaps he could uncover how this recording was technically made because he is certain it was via an illegal tap using a roving bug to remotely listen through the microphones of the phones. He also wanted this recording to use it to expose the lies in the French procedure.

The judge ordered the reading of the transcript D640 that supposedly contained the words from the recording. Bidnic did not accept this; he asked the president how it's possible that the so-called expert had listened to this recording when none of us here today could? The president replied, suggesting that maybe there was another copy in the file.

Bidnic showed the judges all the communications in the file to prove that there was never a working copy made and that, in fact, the only copy was the one that the court broke the seal of that day. He also pointed out that the prosecutor had emailed him before the trial, confirming that there was only one copy that could be listened to at the trial. The prosecutor stated, "After meticulous verification, no working copy was made of the recordings."

The president stuck to what she had said, insisting that there must have been another copy, and carried on with the reading of the transcript D640. Bidnic failed to get many points written in the minutes.

Bidnic then pointed out that the D640 transcript was without a signature or stamp by its author, so it's deemed nonexistent under French law. The court agreed with this point but stated that this should have been addressed before the closing of the investigation and the indictment becoming final on the 10th of November 2017. Failing that, Bidnic asked the court to accept that this transcript held no probative value in the court, but the judges refused this request as well.

Bidnic then pointed out the similarities in the police copies by the National Crime Agency and the Guardia Civil's. The grammar was identical, and it was obvious that the French expert had made a copy from these copies contained in the 114 DVDs. However, the judges simply brushed it off and continued with the reading of the D640 transcript.

When Dawes told me all this, I found it very difficult to believe, but it's all very true. He told me that Emanuel Fansten from the Liberation news agency (liberation.fr) was present in the court and he could confirm his story. It really is a travesty of justice, all of this.

Dawes himself was interrogated by the judges and prosecutor for several hours, answering all their questions. He tried to mention as many things as possible that Bidnic didn't mention or didn't want to mention. His own interrogation went very well because the judges and prosecutor tried in vain to expose him as the police reports and case file had indicated, but he answered every question, even correcting them on many points.

It seems to me that the lawyers were very arrogant, and it wasn't until after the recording wouldn't play that they woke up to all they had been told for several months leading up to the trial. It seems Bidnic thought from the beginning that the case was a slam dunk because of the very few elements the state was presenting against Dawes, but also because of all the laws that had been broken.

However, all his demands were refused. According to Dawes, he had told Bidnic at the beginning when they first met that every request made up to now had been refused, and he predicted it wouldn't change with him.

THE PROSECUTOR'S PLEAS.

The prosecutor admitted, after all the debates, that it's now clear to the court that Mr. Dawes's role in the cocaine shipment was not as significant as initially believed. He stated that although Dawes's role was not as extensive, he believed that Mr. Dawes is a career criminal with significant connections in the drug trafficking world. He still demanded heavy penalties to be imposed by the court upon sentencing.

THE LAWYER'S PLEAS.

Bidnic went on to point out all the defects as he saw them, but according to Dawes, he didn't address most of the key points he wanted to raise. However, he still provided the court with enough information to demonstrate that there was no evidence against Dawes to convict him, and he demanded that the court acquit him.

The president asked Bidnic if he wanted to discuss the sentencing part of the process.

Based on my investigations, Bidnic was very assertive about this, stating very clearly to the court that in Mr. Dawes's case, it should be one of two outcomes: either he should be acquitted or, alternatively, a very heavy penalty should be imposed. He firmly believed that there were no grounds to convict his client.

After the court retired to deliberate, upon their return, they found Dawes guilty and sentenced him to 22 years in prison, with a security period of two-thirds, a customs fine of 6 million euros, and a lifetime ban from France and all its territories.

This was exactly the same conviction as the first trial, except this time Dawes had been convicted of possession of the cocaine. Dawes pointed out that it was impossible to be convicted of possession, as it was rightly noted by the president of the first trial that none of the defendants on trial had the opportunity to take possession of it because it was intercepted by the police. The president of the first trial found everyone not guilty of possession.

It was evident to Dawes that the president of the appeal court had not even bothered to read the previous convictions and had simply found him guilty on all counts, even though the possession charge was impossible. According to Dawes, Bidnic didn't even pick up on this error, and Dawes pointed it out to him after receiving the motivation sheet, but it was too late by then.

Here are some excerpts from the actual motivation sheet, dated 10th of July 2020, prepared in the chamber of the deliberations of the assize court.

COURT'S MOTIVATION

- The specially composed Paris assize court found the accused Robert Dawes guilty of the crime qualified as importation in organised gangs of narcotic products, and for the offences qualified as importation in smuggling and in organised gangs of prohibited goods, unauthorised transport of narcotics, unauthorised possession of narcotics, unauthorised supply or transfer of narcotics,

unauthorised acquisition of narcotics, on account of the following charges, which were discussed during the debates and constituted the main charges presented during the deliberations carried out by the court prior to the votes on the questions:

As you can see, he was convicted of possession, which was impossible to convict any of the defendants of. It indicates that the court was determined to find him guilty, and the trial was more of a show to maintain the appearance of justice being carried out.

1. On the crime of importing narcotics in organised gangs in September 2013, between September 11 and 20, 2013, in Paris, Roissy, and Rungis.

The specially assembled assize court was convinced of Robert Dawes's guilt based on the following elements:

- On July 8, 2013, OCTRIS received information from Venezuela regarding the activities of a British network involved in cocaine imports into Europe.

We are aware that the above information was false and fabricated by François Thierry. This information had no connection to Dawes or any relation to him.

- This plan was put into action with the seizure by OCTRIS of 1 ton 334 kilograms of cocaine, found in 31 suitcases placed in the container of the Caracas/Paris Charles De Gaulle flight, which landed on September 11, 2013, at 10:35 am.

We know that it was actually Thierry, the head of OCTRIS, working with Hambli, who imported the cocaine. It would have been very easy to arrest the individuals who arrived to collect it after its arrival. By the way, there was no information linking Dawes to any of these events or the seizure of the cocaine. He was arrested years later in connection with the recording inside the hotel in Madrid.

- The French investigation was carried out through an infiltration operation initially authorized by the Paris Republic prosecutor and later overseen by the examining magistrates after the initiation of a judicial investigation.

We are aware that this infiltration was orchestrated by Hambli and Thierry and was, in fact, a virtual service set up to illegally entrap the defendants.

- On September 20, 2013, Marco Panetta, driving a 38-ton truck and preparing to cross the Franco-German border, was arrested. His truck contained part of the cocaine seized on September 11, 2013, in Roissy, amounting to 300 kilograms.

Panetta did not wish to know the contents of his cargo, as confirmed by police statements. He chose to remain inside his truck, but the police insisted that he assist in loading the cocaine. They arranged the warehouse from which the drugs were collected.

- On the same day in Paris, three more arrests were made: two Italian nationals, Vincenzo Aprea and Carmine Russo, responsible for packaging and transporting the cocaine to Italy, and an English national, Nathan Wheat. The latter, cited as a witness at the hearing and currently residing in Great Britain, according to a letter from his attending lawyer at the first instance, could not be present, and his statements were read. Wheat's actions later corroborated the terms of the SOCA notes from April 2013, as he claimed that he had undertaken these actions in an attempt to retrieve an envelope of

unknown content, which he believed would allow him to repay a debt of 50,000 euros.

Firstly, there were actually five arrests made after Panetta on the same day. They failed to mention Kane Price and his girlfriend, Remi Lishae Benjamin. According to Dawes, the court did not pay adequate attention to the facts. Regarding Wheat's lawyer stating he was unavailable, this is simply a false statement. From day one, Wheat was ready to attend via videoconference because he had actually been banned from all French territories for 10 years. Due to COVID restrictions, it was agreed that he would attend via video. The truth is that the court did not truly want him there because they were concerned that he would expose Hambli and Thierry. The court merely created the appearance of wanting him there so they could read his statements, which were inaccurately interpreted by the court. Once again, no link to Dawes was established.

- Nathan Wheat refused to disclose the name of the person who had tasked him with this mission. However, it's worth noting that this same individual had instructed him to return to Paris in July 2013. Moreover, he provided Wheat with a BlackBerry and the sum of £2,960 before his departure for France in September 2013.

There is absolutely no connection to Dawes in this matter. Had the court thoroughly examined the case file, they would have noticed that Wheat did not have any money until Kane Price arrived with pounds sterling, as he had travelled from the UK. Prior to Price's arrival, Wheat had been using his girlfriend's credit card. Furthermore, it highlights the lack of attention to detail by the deliberating judges because the actual amount Wheat was entrusted with was £5,000, as indicated in all of his interviews. It appears that the court had already made its decision before the trial began, it’s clear who Wheat received the 5000 pounds from, D447/32.

- Surveillance conducted by French investigators confirmed Nathan Wheat's arrival in Paris on July 8, 2013. During this visit, he met an unidentified individual and stayed at the Novotel de Roissy Charles de Gaulle. It should be noted that a meeting with Robert Dawes at the Cristal bar in Benalmadena on July 17, 2013, which occurred after Nathan Wheat's return from Paris, was under surveillance by the Guardia Civil.

Wheat was not even questioned by the police regarding his stay at the Novotel after his arrest, likely because they didn't want him to reveal that they had orchestrated the meeting with Hambli. Additionally, the unidentified individual was a friend of Hambli's. Curiously, during the investigation conducted by the examining magistrate and all of Wheat's interviews, there was no questioning about his trip to the Novotel on July 8, 2013. This omission is perplexing, considering that the motivation sheet highlights it as a major element. The alleged meeting with Dawes at the bar never took place, as surveillance footage confirmed. While Wheat and Dawes did cross paths near the Cristal bar, no meeting occurred. Moreover, Wheat returned from Paris on the same day he encountered the North African individual linked to Hambli on July 8th, which was two months before the cocaine arrived in Paris. However, the motivation sheet misleadingly implies that he returned from Paris and immediately met Dawes.

- The case file claims that Robert Dawes had numerous BlackBerry phones for encrypted communication, some of which were deemed secure according to an expert consulted by the examining magistrate.

This assertion is entirely false. There is no evidence in the case file to support the claim that Dawes possessed encrypted phones. Dawes explained that the BlackBerry devices found at his home belonged to him and his family. Seven BlackBerry phones were seized from the residence, not all of which belonged to him, and none were encrypted. Additionally, BlackBerry phones obtained from a

shop that sells phones were included in the case file, and none of these were encrypted either, as they were all brand new and still in their original packaging.

- Nathan Wheat eventually admitted that he knew his trip to Paris in September 2013 was related to the retrieval of smuggled cocaine.

This admission has no relevance to Dawes, as he was the sole individual on trial.

- Whenever the name Robert Dawes was mentioned to him, Nathan Wheat consistently expressed concerns about the safety of his family and himself. He asserted that he would not receive protection if he provided information in response to such questions and that he feared reprisals.

Wheat had made it clear on several occasions during interviews with the investigating court that he did not want to discuss who had tasked him. He maintained this stance even when the name Dawes was proposed to him during his final interview following Dawes's arrest. Although it could be interpreted that Wheat was implicating Dawes, it is essential to note that he never directly accused Dawes. Additionally, when initially asked whether he had been directed by Kane Price, Wheat had explicitly responded with a "no." However, the situation changed when the name Robert Dawes was introduced. Dawes had requested a confrontation with Wheat in front of the judge to clarify his response, but this request was denied. The judge stated that since Wheat had not implicated Dawes, there was no need for a confrontation. All of these details are supported by the evidence in the file. Dawes pointed out that this is why they did not want Wheat to attend as a witness, as it allowed them to manipulate his statements. Nonetheless, Wheat's declarations never directly implicated Dawes, despite the potential for misinterpretation.

- During the initial hearing of the specially constituted Paris assize court on December 21, 2018, Nathan Wheat was found guilty of unauthorized importation of narcotics committed as part of an organized gang, as well as charges related to trafficking, smuggling, unauthorized transportation of narcotics, unauthorized supply or disposal of narcotics, and unauthorized acquisition of narcotics. Similarly, Dawes and others were not convicted of possession, as the president of the first trial rightly noted that it was impossible for any of the defendants. Consequently, he declared all of them not guilty, revealing a lack of attention to detail on the part of the judges.

- Wheat received a sentence of 13 years of criminal imprisonment and an additional penalty of a 10-year ban from French territories, along with a joint customs fine of 30 million euros. The court appears to suggest that Wheat's decision not to appeal implies the accuracy of the charges against him. However, the reality is that Wheat wished to appeal but would have had to spend an additional 18 months in prison awaiting the appeal, which would have exceeded his release date. Therefore, he chose not to pursue an appeal. This situation was similar for the Italians, who received sentences of 11, 9, and 5 years.

Regarding Robert Dawes:

- The conversation recorded and filmed at the Villamagna hotel in Madrid on September 23, 2014 (with the sound system authorized by a decision of the Spanish judge on September 4, 2014) is claimed to feature Robert Dawes. It is alleged that in this conversation, Dawes not only vividly describes his operational methods and his capacity to import cocaine from various South American cities to Europe but also confesses to the importation of cocaine from September 11, 2013. He reportedly emphasized that this was one of the most significant operations in France. The terms of this conversation, involving two other individuals, Fernando Cuevas Cepeda, a Colombian national,

and Wilmar Fernando Ortega Rincon, appear to lend credibility to Dawes' modus operandi. It is suggested that their discussion, which involves registering additional suitcases of non-existent passengers, closely mirrors the methods employed in the September 11, 2013 flight and aligns with Nathan Wheat's involvement.

However, it is important to clarify that the recording was never actually heard during the trial, contradicting the assertion that it allowed for a clear description by Dawes. In fact, it was documented in the court minutes that the broadcast of the recording was halted due to inaudibility. Instead, a transcript labeled D640 was read, which Dawes contested, stating that it was a fabricated transcript with ample evidence to support this claim. Furthermore, the transcript lacked any signature or stamp from its author. Dawes mentioned an article he had read in the news quoting Interior Minister Manuel Valls, who had referred to it as one of the most significant cases on French soil inside a commercial aircraft. It is worth noting that Dawes made these statements in a jesting manner to Cepeda, and none of the methods he spoke of during the meeting were proven true by the Guardia Civil, who later dropped the 29-month investigation against Dawes in Spain. The video was not recorded by the police but by the hotel's own CCTV. Moreover, the conversation had no relevance to Nathan Wheat, and it did not connect to the evidence against Wheat in any way. Therefore, this aspect of the motivation is factually incorrect and contradicted by the minutes of the court hearing.

- During this conversation, Robert Dawes is alleged to have recommended the use of PGP telephones. However, there is no evidence of Dawes discussing PGP phones or supplying them to individuals involved in the trafficking, including Wheat and the Italians. The court appears to have misinterpreted the evidence presented. Dawes clarified that many people use PGP phones, and linking all such phones to him is akin to an unfounded assumption. Furthermore, using an encrypted phone, such as WhatsApp which uses PGP encryption, is not illegal, and it is used by billions of people worldwide.

- Throughout the proceedings, Robert Dawes made a conscious decision not to comment on the contents of the recording, except to assert that he did not contest being the source of the instructions. He claimed that his actions were more of a provocation aimed at the police service. During the trial, he maintained that he was under surveillance by the Spanish police and that his conversation was a form of role-play for their benefit. However, the court of assizes remained unconvinced by this explanation, considering the specific details provided, which closely matched the modalities of the September 11, 2013, cocaine importation, and deemed his explanation inconsistent.

Dawes explained that what the court failed to mention in this motivation is that he repeatedly demanded that the court play the part of the recording in which he accepts responsibility for the cocaine. He asked numerous times, but the recording was inaudible, leading the court to opt for bypassing the listening phase and instead reading from a false transcript labeled D640, which lacked any signature or stamp from its author.

Dawes was advised by all his lawyers not to answer any questions related to the recording because they had made requests to have this part of the procedure annulled. However, after their requests were denied, Dawes himself requested to listen to and discuss the recording, but the investigating judge refused.

It is worth noting that Dawes had informed the judge during an interview in 2016 that he was aware of being recorded and surveilled for over two years. He stated, "It's been two years since the police were behind me, it's been two years since I was controlled, I knew I was being followed. I even

took pictures of the (GPS) device that the police used and gave a copy to my lawyer in Madrid. All this conversation is written like a movie script, and now, on the advice of my lawyers, I will remain silent from here onwards."

Additionally, it is incorrect to claim that he did not dispute being the author of the instructions; Dawes corrected the investigating judge after reviewing the relevant point during the interview in 2016 when he noticed alterations to his statements.

Here is what he said:

"The court showed me part of the transcripts taken from the recording inside the hotel in Madrid. I told the judge, 'Nobody disputes that you are in possession of a recording; it's the reason why I was arrested and accepted extradition.' The court initially wrote, 'He did not dispute having held this conversation.' However, during proofreading, I made the following correction: 'No, I do not dispute that you are in retention of this recording.'

"As you can see, there is a significant difference between what I actually said and what was recorded by the clerk of the court. After proofreading, I pointed this out directly, but they still chose to use their version that I accepted the words spoken on the recording."

Dawes explained to me that the court had completely misunderstood what he had conveyed during the trial. This presents a challenge because none of it is even transcribed by a stenographer due to the nature of the special assize court, which relies on oral debates exclusively. As mentioned earlier, only specific details are documented in the record for the protection of judges and witnesses, and much of the discussion goes unrecorded.

Dawes clarified to the court that he did not dispute being present at the meeting, but he vehemently denied uttering many of the words attributed to him in the transcripts, as he had explained previously. He further informed the court about the genuine reason for his attendance at the hotel meeting, offering evidence to support his account. He explained that he had referenced news articles about the Paris cocaine seizure because the driver with the Colombian was from Venezuela, and Wheat was from Nottingham. Dawes emphasized that these details had been widely reported in the media for the past year. He informed the court that he was aware of the police surveillance and recording of the meeting, so he engaged in some banter by suggesting to the Colombian that he could replicate similar actions. However, all of his statements on the recording were investigated by the Spanish police and were found to contain false information, a fact confirmed by the closure of the 29-month investigation against him without judicial action on March 5, 2015.

On March 5, 2015, the present investigation procedure was provisionally suspended and filed (Volume XIII, Pages 5092 & 5099), with the corresponding acknowledgment issued by the public prosecution on March 6, 2015, in response to the official report presented by the unit responsible for the investigation (UCO Guardia Civil) on March 4, 2014. In the report (pages 5071 to 5092), it is stated, "We find no sustainable indications to proceed with the judicial investigation."

- Nathan Wheat admitted knowing Robert Dawes for several years. Both were originally from Nottingham, Great Britain, and lived in the same commune of Benalmadena.

Wheat had informed the court that he was aware of Dawes, who was a friend of his father, Brendan Wheat. He explained that they both lived in Benalmadena and occasionally crossed paths but were not close friends.

- Nathan Wheat consistently maintained that it was the same person living near Malaga who had instructed him to go to Venezuela in April 2013, to meet at the Novotel in Roissy in July 2013, and finally, in September 2013, to Paris to retrieve the 1,334 kilograms of cocaine.

Wheat had explained to the court during the first trial that he had fabricated much of what he had said to justify his involvement. He informed the court that it was an Arab individual who had sent him on behalf of Hambli, but the court showed no interest in this. At no point did Wheat claim it was Robert Dawes, and the investigating judge also confirmed that Wheat had never implicated Dawes. When Dawes requested a confrontation with Wheat, who did not attend the hearing as a witness as initially stated, Dawes' lawyers were denied the opportunity to question him. Wheat was available for the court, but they falsely claimed he couldn't be located, despite earlier confirmation that he was a willing witness who could participate in a video conference. The British police had even asked him to be on standby for the video hearing before being told he was no longer needed.

- The details of the operation conducted as part of the thorough investigation in Spain under the authority of the judge of court No. 2 of the National Court in Madrid confirm that Nathan Wheat and Robert Dawes encountered each other at the Cristal bar in Benalmadena on July 17, 2013, a few days after Nathan Wheat's return from France. However, Wheat stated that he no longer recalled this meeting.

Wheat's lack of recollection is because there was no substantial meeting. Instead, they crossed paths outside an internet cafe they both frequented. This encounter occurred 9 days after Wheat's return from Paris, not merely a few days as suggested by the court. Furthermore, it transpired two months before the arrival of the cocaine and held no significant evidentiary value in the Dawes case.

Regarding the organized gang:

The operational plan, developed over several months, the chosen mode of operation, the employed means (including the use of BlackBerry encrypted phones), and the multitude of participants, each assigned a specific role (such as Vincenzo Aprea overseeing transport and truck loading, Carmine Russo in charge of drug recovery, Nathan Wheat tasked with controlling the reception and destination of 1,334 kilograms of cocaine, and Marco Panetta recruited as the driver for handling 300 kilograms of cocaine at a warehouse), were all part of a well-structured group's actions. These activities were meticulously planned, especially their use of BlackBerry devices equipped with PGP software. The substantial cocaine seizure on September 11, 2013, valued at 50 million euros wholesale, was a reflection of the group's organized nature and its objective to import significant quantities of cocaine for future profits.

The operational plan was devised by the police over several months, in collaboration with Sofiane Hambli. There were no documented connections between Wheat, the Italians, or Dawes throughout the investigations. Russo and Aprea were not responsible for drug recovery, but rather for packing and loading the cocaine. Wheat was not involved in any recruitment and was sent to Paris by Hambli to liaise with the police. He acted as a middleman between the police, Hambli, the Italians, and always referred to his boss, communicating in Spanish, not Dawes.

Wheat did not recruit Panetta, and he had never met the Italians before arriving in Paris in September 2013.

The alleged meeting before the arrival of the cocaine based on Robert Dawes' instructions is a

fabrication by the judges. There is no evidence in either the Spanish or French files that implicates Dawes in instructing or being involved with anyone in this context.

There is no evidence that Dawes was found in possession of any PGP encrypted devices whatsoever.

During the 29-month Spanish investigation, there were no connections established between Dawes and any Italians or Wheat, except for a chance encounter at the bar in Benalmadena two months before Wheat's arrest.

- Concerning the related customs offence of importing prohibited goods in an organised gang during September 2013, specifically between the 11th and 20th of September 2013, in Paris, Roissy, and Rungis.

- The same arguments applied to importation are equally applicable to this offence.

No evidence was presented against Dawes in this regard because he was not present in Paris in September 2013; his arrest occurred in November 2015.

- Regarding the offence of unauthorised transport of narcotics, unauthorised possession of narcotics, unauthorised supply or transfer of narcotics, and unauthorised acquisition of narcotics in September 2013 at Roissy, Rungis, and Longeville-les-Saint-Avoid.

- A review of the facts revealed through the investigation suggests that Robert Dawes was the mastermind behind the importation that took place on the 11th of September 2013. He meticulously orchestrated the methods of acquisition, transport, possession, sale, and assigned specific roles to all other participants in the operation to retrieve the cocaine and transport it to Italy.

It's crucial to note that possession of the cocaine was deemed impossible, and no one other than Dawes was convicted of this charge. In fact, this charge shouldn't even apply to Dawes, as it requires the guilt of others involved, but they were found not guilty of this count.

Upon a thorough examination of the investigation's facts, there is no mention of Dawes being the mastermind, nor are there any connections linking him to the Italians or Wheat. There is no electronic evidence linking Dawes to these individuals. On the contrary, it was noted that Wheat received messages in Spanish from his boss, despite both Dawes and Wheat being Englishmen. Sergio later clarified in the case file that, "Regarding the questions from me about the logistics, Marcus received a message in Spanish on one of his BlackBerry phones that he translated on his iPhone."

REGARDING THE SENTENCING:

- The specially composed assize court, ruling on appeal, sentenced Robert Dawes to 22 years of imprisonment with a two-thirds security period, a lifelong ban from French territory, and a customs fine of 30 million euros.

The sentence Dawes received was twice as long as the sentences handed to the others. Moreover, it included a security period, which was not imposed on any of the others. This sentence appears excessively harsh for a first-time offender in France, particularly when compared to the other defendants who faced a single charge, while Dawes received such a severe penalty.

Additionally, a lifelong ban from French territories was imposed, even though Dawes had not visited France throughout the investigations, whereas the others received bans of only 5 or 10 years. This discrepancy in sentencing raises concerns about the fairness and proportionality of the decision.

The customs fine was not 30 million euros to Dawes alone; it was shared equally among all 5 accused. This highlights once again the lack of diligence by the judges in the sentencing.

The following elements were taken into consideration:

- Regarding the quantity of cocaine never produced in Metropolitan France on the 11th of September 2013 (representing a wholesale value of 50 million euros for 1.334 kilograms of cocaine), intended for distribution in several European countries, the facts are exceptionally serious. This also concerns the consequences of the product for public health and the substantial profits generated.

The wholesale value was 30,000 euros per kilogram at the time of the seizure, making it 1,211 kilograms x 30,000, totalling 36.3 million euros. The total weight inside the packaging was 1.334 kilograms, but in reality, there were only 1,211 loaves of cocaine according to the file. The retail value at 50 euros per gram would be 60.5 million euros according to the file.

- The preponderant role of Robert Dawes in this cocaine trafficking, where he appears as the sponsor of the entire operation.

The only evidence suggesting this was the so-called self-confession of Dawes himself on the recording that was never heard. The court was presented with evidence that the real owner had been extradited from Colombia to Venezuela, where he admitted being the sponsor. Additionally, evidence was given to the court regarding the method of payment used to purchase the cocaine and irrefutable proof of money transfers by the sponsor in Venezuela. The court chose not to consider this evidence.

- The continuation of criminal activity after the 11th of September 2013.

This contradicts my understanding of the investigations. After a 29-month investigation carried out by the Guardia Civil police in Spain, they decided to close the investigation without taking any judicial action against Dawes. So, it is perplexing that the judges considered this in the sentencing. Clearly, the Spanish authorities did not believe that Dawes was involved in criminal activity during that period: "We find no sustainable indications to proceed with the judicial investigation." Furthermore, the French police never investigated Dawes themselves or even had him on their radar.

- The financial, logistical, and commercial support implemented demonstrates the international dimension of this criminal organisation, which has serious and lasting consequences for French public order. The financial resources required for organizing an import of such quantities testify to an anchoring in organized crime.

The drugs were imported by the French police themselves; they ordered and paid for their part of them. Without the police and Sofiane Hambli, the drugs could never have arrived in France, so no fine should be applicable.

- Since Robert Dawes was declared guilty of a related customs offence, he must be jointly and severally condemned with the other persons definitely condemned to the payment of the customs fine estimated at £30 million euros.

It was the OCRTIS police, headed by François Thierry, who imported the drugs. Without their involvement, the cocaine could never have arrived in France, so no fine should be applicable.

Robert Dawes, being of British nationality and residing in Spain, must be considered prohibited from entering and staying on French territory, given the gravity of the crimes for which he has been found guilty.

Dawes had never even been to France prior to the seizure, so banning him from all its territories seems extreme, and a lifetime ban is overly excessive.

The absence of convictions on the French and Spanish criminal records, as well as the absence of any convictions in Great Britain since 1999, have also been taken into account.

Where in this excessively harsh sentence has the court taken into account Dawes' clean criminal record in Spain and France and the fact that he has had no convictions for drug-related offences? It appears that the judge may have written this with a touch of irony.

Done in the chamber of deliberations of the court of assize of Paris on the 10th of July 2020.

The President of the Court of Assizes.

END

To summarize, the court found Dawes guilty based on two main factors:

1. The audio recording that was never heard by the court.

2. The statements of Nathan Wheat, who was never heard as a witness.

A further appeal was filed by Dawes on the same day, and a new lawyer named Patrice Spinosi from SPINOSI & SUREAU in Paris, a specialist in supreme court appeals in France, was appointed for this task.

Here are some excerpts from his work:

The Supreme Court of Appeal

PRESENTATION

1. Identification of the legal issues to be adjudicated:

This case presents an opportunity for the Supreme Court to rule on the following legal issues:

* The constitutionality of the provisions of Article 181, paragraph 4, and 305-1 of the Code of Criminal Procedure (First Ground);

* The constitutionality and compliance with international conventions of the provisions of Article 698-6 of the Code of Criminal Procedure, as amended by Law No. 2019-222 on the 23rd of March 2019 (Second Ground);

* The permissibility for the Court of Assizes to appoint two interpreters successively during a hearing, without providing any explanation for the second ex officio appointment (Third Ground).

* The possibility for the Court of Assize to adjudicate on requests for additional investigative measures and the annulment of exhibits, with reference to the written proceedings, more than two days before the conclusion of the hearing, typically an oral debate (Fourth Ground);

* The obligation to provide reasons in case of refusal to cover the costs of proceedings and the translation of documents resulting from a related procedure (Fifth and Sixth Grounds);

* The obligation of the Court of Assize regarding the summons of essential witnesses residing abroad, and the required justification for their absence, in terms of the right of the accused to have prosecution witnesses examined and to secure the summoning and examination of defence witnesses (Seventh and Eighth Grounds);

* The possibility for the Court of Assize to obtain documents from foreign proceedings, which are not fully documented, and the requirement for providing reasons on this matter (Ninth Ground);

* The implications of a procedural document lacking the signature of its author on the applicability of the correction mechanism specified in Article 181 of the Code of Criminal Procedure and the evidentiary value of this document (Tenth Ground);

* The legality of a conviction despite a glaring contradiction between the justification sheet and the minutes of the proceedings (Eleventh Ground).

2. Evaluation of the questions posed:

The first two grounds encompass intricate issues concerning the constitutionality of the provisions outlined in Articles 181, paragraph 4, 305-1, and 695-6 of the Code of Criminal Procedure. The third ground introduces a novel inquiry concerning the successive and unjustified appointment of two interpreters by the Court of Assize.

The tenth ground presents a complex inquiry regarding the repercussions of a procedural document's non-existent status. For the remaining issues, the brief addresses questions that are neither novel nor intricate, neither systematic nor overlapping multiple sections.

3. Feasibility of the Supreme Court's judgment without referral:

NO.

FACTS

In a verdict rendered on the 10th of July 2020, the specially constituted Paris Assize Court, in an appellate ruling, found Mr. Robert Dawes guilty of unauthorised narcotics importation within an organised gang, as well as smuggling and importing prohibited goods within an organised gang.

Additionally, he was convicted of narcotics transport, possession, unauthorised transfer or offer, and acquisition.

For these charges, the defendant received a 22-year prison sentence with a two-thirds security period, along with an order to pay a customs fine amounting to thirty million euros.

The Assize Court imposed a permanent ban on his entry into French territory and decreed the confiscation of certain assets over which the defendant exercises free control.

This constitutes the judgment currently under appeal.

DISCUSSION

Introductory remarks:

1. Above all, the defendant aims to draw the attention of the Criminal Chamber to the fragility of the evidence upon which the Assize Court relied in convicting Mr. Robert Dawes.

As evident from the reasoning document, the foundations of the convictions rest on two main pillars. Firstly, in the recording of the conversation that took place on the 23rd of September 2014 at the Villamagna Hotel in Madrid, and secondly, in the statements provided by Mr. Nathan Wheat.

2. However, upon reviewing the minutes of the proceedings, it becomes apparent that the Assize Court was unable to listen to the disputed recording.

It is explicitly recorded that "the president, upon realizing that, given the material provided to the Assize Court by an audiovisual technician from the Court of Appeal, the audio CD is of poor quality and unable to play, decided to halt the broadcast" (Minutes, page 17).

Furthermore, it is established that Mr. Nathan Wheat was absent during the deliberations.

This fact is also present in the minutes, which expressly mention the decision of the Assize Court to "proceed despite the absence of Nathan Wheat" (Minutes, page 13).

In summary, it appears that the Assize Court handed down a sentence of 22 years of criminal imprisonment and imposed a customs fine of thirty million euros solely on the basis of a recording that it could not hear, and the statements of a witness who was absent from the proceedings and could not be cross-examined.

From both the perspective of the fairness of the proceedings and the right to a just trial, these circumstances are deeply concerning. Mr. Robert Dawes' rights of defence have unquestionably been compromised.

It is with these considerations in mind that he will now proceed to discuss the merits of the following grounds.

As evident, Mr. Spinosi strongly contests Mr. Dawes' conviction, providing a comprehensive argument in over 80 pages to challenge the verdict. He employs the term "alarming" to describe the circumstances of Mr. Dawes' conviction, underlining the serious concerns about the fairness of the trial.

It's worth noting that Mr. Spinosi's work is substantiated with jurisprudence to support his grounds for appeal, making a compelling case. He concludes each argument with the statement, "Therefore, cassation is warranted," highlighting his conviction in the need for a reversal of Mr. Dawes' conviction.

Additionally, Mr. Spinosi filed a request for the investigation of false statements, specifically concerning the president's alleged false statement during the trial when he informed Mr. Bidnic about the existence of a second copy of the recording, despite evidence in the case file indicating the existence of only one copy and the absence of any working copy.

Here is His request for the registration of falsehood.

COURT OF CASSATION

FIRST PRESIDENCY REQUEST FOR THE REGISTRATION OF FALSE (ARTICLE 647 OF THE CODE OF CRIMINAL PROCEDURE).

FOR: Mr. Robert Dawes

DISCUSSION

1. Mr. Dawes intends to request permission from the First President to challenge the accuracy of the minutes of the proceedings held between the 6th and 10th of July 2020 before the Court of Assizes of Paris. By Judgment No. 19/0021 on the 10th of July 2020, against which he filed an appeal in cassation (appeal No. T20-84.483), he was found guilty of the charges brought against him and sentenced to 22 years of criminal imprisonment with a two-thirds security period, a customs fine of thirty million euros, and a permanent ban from French territory. It is known that the registration of falsehood can be directed against the very decision that is subject to an appeal in cassation.

II. Thus, the registration of falsehood can be directed against the judgment of the court of appeal that mentions that the president of the correctional chamber indicated a date for pronouncing the decision, which is not the one he actually announced at the hearing (Crim. 2nd June 1999, No. 97-81.863, Bull. No. 119).

It can also relate to the decision that falsely mentions the presence of the public prosecutor at the hearing (Crim. 28th September 1999, No. 98-83.594), or one that contains false statements regarding the composition of the court (Crim. 8th March 1979, No. 77-90.094, Bull. No. 100).

It can also refer to the minutes of the drawing of lots for the selection of jury members which might include, for example, a date disputed by the applicant (Crim. 29th March 1995, No. 93-85.840, Bull. No. 134) or (Crim. 9th February 1994, No. 93-81.620, Bull. No. 60).

III. However, in this case, it is evident from the procedure documents that no working copy of the sound recording from the 23rd of September 2014 at the Villamagna Hotel in Madrid was made.

III-I It is already apparent that the initial expert report related to the Spanish procedure was prepared by the expert without access to the sound recording from the 23rd of September 2014.

This is evident from documents D600 to D602.

Specifically, D600 indicates the placement under seal by the investigating magistrate, under the designation "Spain 1," of the 114 DVDs containing the Spanish procedure 105/13. D601 constitutes the expert commission order dated the 2nd of June 2015, in which he was tasked with the mission of "creating two working copies of all the DVDs comprising the 'Spain.1' seal."

However, it is explicitly stated in the expert report, document D602 (particularly of piece D620/14), that the format of the materials contained in these 114 DVDs is neither video nor audio.

At this date, it is therefore established that the expert did not possess the recording of the disputed sound system.

This fact is directly supported by code D617, which reveals a request made by the investigating magistrate to the Spanish magistrate for access to the original seal or a copy of the sound recording from the 23rd of September 2014 at the Villamagna Hotel in Madrid. The Spanish magistrate stated that this recording did not appear in the 114 DVDs.

Clearly, the first expert's report and any potential working copies made during that time were created even before the expert had access to the disputed recording.

III-2 Furthermore, it is equally evident from the procedural documents that the expert was not able to access this recording later on. Even before he was entrusted with the task of listening to, transcribing, and translating this recording, it had already been sealed without the creation of any working copies.

This is substantiated by dimensions D619, D917, and D639.

The minutes from the 2nd of November 2015, number D619, indicate that on that date, the disputed sound system was sealed. According to this process-verbal:

"Considering article 97 of the code of penal procedure, Having regard to the delivery by the Spanish judicial authorities of Madrid (Court N°2) of a document attached to a DVD containing the sound system of the 23rd of September 2014 thus worded 'HOTEL VILLAMAGNA'.

Being in our office, we seized the said DVD and placed it under seal with the number: JUGE CRI-SONORISATION-23/09/14;

Let's order the deposit of this seal at the registry of the seals of the TGI of Paris" (D619/2).

Therefore, on the 2nd of November 2015, the disputed recording, provided by the Spanish authorities, was sealed, and there is no indication in the placement report that a working copy had been made previously.

Additionally, exhibit D917/22 reveals that on the 9th of November 2015, this seal was deposited in room 2015-OM of the Paris Tribunal de grande instance.

However, as indicated in D639, it was only through an order on the 19th of November 2015 that the examining magistrate appointed an expert and assigned him the task of "listening, transcribing, and providing a French translation of the English language recordings contained in the CD, which contains the copy of the recording made by the agents of the central operational unit of the Guardia

Civil at the Villamagna Hotel in Madrid on the 23rd of September 2014" (D639/4).

The inconsistency is glaring! Given that this recording had been sealed on the 2nd of November 2015 and was only mentioned on the 19th of November 2015, it is evident that the expert could not have had access to the sound recording from the 23rd of September 2014 at the Hotel Villamagna in Madrid.

To be convinced of this, it is sufficient to highlight that the investigating magistrate never ordered the breaking and subsequent reconstitution of the seal.

Furthermore, it is not insignificant to note that there is no report in the case file describing the actions undertaken by the experts during their mission, as required by Article 166 of the Code of Criminal Procedure.

In all aspects, it is therefore established that the expert could not have had access to the seal labeled "JUGE CRI-SONORISATION-23/08/14."

Consequently, it is certain that the expert was unable to create any working copy of the disputed recording.

This fact was acknowledged by the Advocate General (Prosecutor), Mr. Remi Corsson Cormier, in an email dated the 20th of April 2020, which was discussed on the 9th of July 2020. He expressly stated, "after meticulous verification, no working copy was made of the recording." Undoubtedly, no working copy of the recording from the 23rd of September 2014 was produced by the commissioned expert, simply because he had no access to the recording.

Despite these objective elements, which the proponent had mentioned in his conclusions, the minutes of the debates state: "That the expert Sylvain Boyreau filed his report on the 17th of September 2015 (code D602) and filed it with the clerk of the examining magistrate on the 21st of September 2015. He indicates, on page 3, that after having made two working copies, which he gives to the registry at the same time, in the expert report." The minutes go on to say, "It appears that two working copies were made prior to the issuance of the expert commission of the 19th of November 2015 (minutes page 20)."

However, the court of assize, in making such an assertion, is clearly mistaken. The court fails to acknowledge that the request for the communication of the disputed recording was made only after the first expert report. Furthermore, the working copies that were made did not pertain to the contentious recording in any way.

Contrary to the court of assize's belief, no authentic copy of the disputed recording was ever created by any expert.

Such an assertion, however, has significant implications. It is accepted, as evident from the minutes of the debates, that the court of assize was unable to listen to the disputed recording (Minutes, page 17).

To assess the guilt of Mr. Robert Dawes, the court was solely reliant on the alleged working copy of the recording from the 23rd of September 2014, which, as it turns out, was never actually made!

However, as evident from the motivation sheet, one of the crucial foundations for Mr. Dawes'

conviction lies in the transcription of an audio recording. The court asserts that this transcription was carried out by an expert, despite procedural documents indicating that the said expert never had access to this disputed recording.

These highly alarming circumstances require rectification. Therefore, the exhibitor requests Mr. First President's authorization to object to the minutes of the debates to establish their erroneous nature.

FOR THESE REASONS, and any others to be inferred, presented, or supplemented as necessary, the exhibitor concludes by kindly requesting the First President of the Court of Cassation (Supreme Court):

TO GRANT, with all legal consequences, Mr. Robert Dawes the permission to file an objection against the minutes of the debates held between the 6th and 10th of July 2020, before the Paris Court of Assize ruling on the appeal, in which it is mentioned that the expert made working copies of the sound recording from the 23rd of September 2014, at the Villamagna hotel in Madrid.

END

Well, as you can see, it's an incredible claim by Mr. Spinosi with the evidential proof to back up his request. Yet, the request got rejected, like all the other requests made by Mr. Dawes's lawyers.

The request for the registration of forgery was presented on the 19th of November 2020, and by the order of the 17th of December 2020, the first president of the court of cassation (Supreme Court) rejected this request.

It only goes to show that the French justice system is tainted because this claim is plain and simple and should have been rectified, but they rejected it without reason. As pointed out before, a new law was passed whereby the supreme court doesn't have to give a reason for rejecting an application.

Mr. Spinosi also submitted a request for the registration of a priority question of constitutionality.

COURT OF CASSATION
FOR: Mr. Robert Dawes

The request aims to establish that the provisions of Article 181, paragraph 4, and 305-1 of the Code of Criminal Procedure, which unequivocally state that procedural flaws are covered by the final indictment order without any exceptions, particularly when the cause of nullity is revealed after the final indictment order, infringe upon the rights and freedoms guaranteed by the Constitution. Specifically, they disregard the legislature's jurisdiction as entrusted by Article 34 of the Constitution and the right to effective legal recourse and the rights to a fair trial guaranteed by Article 16 of the Declaration of 1789.

In simpler terms, this request pertains to the four sets of conclusions submitted by Mr. Dawes' defense during the trial.

1. To append the documents from the proceedings to the Spanish PA 105/13 court file and order their translation.

2. To instruct the inclusion of specific documents (report by Divisional Commissioner François

Thierry, in his capacity as OCRTIS chief, dated October 28th, 2015, and minutes of interrogation from January 18th and 19th, 2018) in the proceedings.

3. To acknowledge the introduction of the newspaper article titled "Cocaine, a Seizure in Gold, Methods in Knock," published on July 5th, 2020 (the day before the trial began) by Emanuel Fansten from the Liberation news agency (liberation.fr), and to admit the exhibits from "the preliminary investigation conducted by the Paris prosecutor's office" as mentioned in the aforementioned article into the proceedings.

4. To revoke the referral of the 1.334 kg of cocaine dated September 11th, 2013, against Mr. Dawes and order his immediate release.

Dawes' lawyers argued that these elements were entirely new and not previously known to the defence throughout the proceedings. Therefore, the court could not rely on Penal Code 181, which stipulates that all prior defects must be raised before the indictment becomes final and cannot be raised later during the trial.

However, this request was rejected by the Court of Cassation (Supreme Court), which refused to forward the request to the Constitutional Council. In other words, it didn't even reach the Constitutional Council; it was rejected by the Supreme Court itself.

Here is Spinosi's second request for the registration of a priority question of constitutionality.

COURT OF CASSATION
FOR: Mr. Robert Dawes

Seeking to establish that the provisions of Article 698-6 of the Code of Criminal Procedure, as amended by Law No. 2019-222 of March 23, 2019, which allow the Special Court of Assize to deliberate while in possession of the entire case file, infringe upon rights and freedoms guaranteed by the constitution. These provisions disregard the rights of defence and the principle of equality of litigants, as guaranteed by Articles 1, 6, and 16 of the Declaration of 1789.

In simple terms, this request pertains to the court's ability to deliberate with the full case file, allowing all members of the jury, including judges, access to the case file. This practice is only permitted in special assize courts established for terrorist and international drug trafficking offenses in France. Spinosi argues that this amended law in France (Law No. 2019-222 of March 23, 2019) contradicts the laws of the European Court of Human Rights (ECHR).

It's concerning that the French justice system allows jury members access to the entire case file, whether they are public jurors or judges, as it can potentially prejudice the right to a fair trial. This practice could lead to jury members discussing elements of the case that were not raised during the trial, denying the defence the opportunity to address or contest them.

However, once again, this request was rejected by the Court of Cassation (Supreme Court), which refused to forward the request to the Constitutional Council. In other words, it didn't even reach the Constitutional Council; it was rejected by the Supreme Court itself.

The court reporter, who reviews the appeals before they are presented to the judges and the prosecution, rejected the appeal, stating that it was neither admissible nor worthy of a hearing before the Supreme Court judges.

Excerpts from the court reporter's assessment:

DISCUSSION:

* Regarding the first issue, which concerns Article 181, paragraph 4, and 305-1 of the Code of Criminal Procedure.

* Concerning the second argument, which relates to Article 698-6 of the Code of Criminal Procedure, as amended by Law No. 2019-222 on March 23, 2019.

In light of these considerations, the Court of Cassation (Supreme Court) will need to determine the relevance of the raised complaint.

For the two questions presented to the Constitutional Council, the court reporter provided several reasons for disagreeing with Mr. Spinosi, and the court concurred with her by outrightly rejecting the request.

* On the third argument regarding the presence of the interpreter during the proceedings, for which non-admission is proposed.

This pertains to the change of the first interpreter one hour into the process. Dawes informed the court that the interpreter was missing important parts of the proceedings and only translating what he deemed relevant. Consequently, the judge replaced the interpreter without providing a reason in the minutes. Spinosi raised concerns that if the interpreter was changed without justification, it could imply incompetence and hindered Dawes' right to a proper defence.

The court reporter recommended that this argument should be declared inadmissible because neither of Dawes' lawyers, Bidnic nor Tsigaridis, made any observations regarding this issue.

"It is evident from these elements that the automatic appointment of the second interpreter by the president has not been the subject of any request for recording or incident."

* On the fourth argument, which alleges a violation of the principle of oral debates, and non-admission is proposed.

This relates to the four sets of conclusions submitted by Dawes' defence to the court. The court rejected the first, third, and fourth arguments and essentially overlooked the second request by accepting the requested documents to be added to the case file but failing to take any action on them. Additionally, the court refused to reconsider Thierry's case or to hear Sofiane Hambli.

"After hearing four witnesses and an expert, questioning the personality of the accused, and disregarding the hearing of witness Mr. Sofiane Hambli (pages 7, 8, & 9 of the minutes), the Court of Assize rendered its verdict on the 8th of July 2020, regarding each of the four sets of conclusions. It granted the second request (page 11) and rejected the other three, providing the following reasons:

- Regarding the first set of conclusions:

"Considering that, in the international rogatory commission, the French examining magistrate

received 114 DVDs sent by the Spanish judicial authorities";

"Considering that the 114 DVDs have been placed under seal and, therefore, constitute an integral part of the information package";

"Considering that the examining magistrate chose to utilize the content of the 114 DVDs through an expert order issued on the 2nd of June 2015, instructing the expert to search for items from a list of 11 keywords";

"Considering, consequently, that it does not seem necessary to order the translation of other parts of the procedure PA105/13" (Page 10).

This reasoning was found to lack justification, according to Spinosi, as it did not detail the significance of the 11-keyword search, especially since Dawes's name was not among them. The DVDs were sealed and entirely in the Spanish language, rendering them pointless since neither the judges nor the lawyers understood Spanish. The court's decision to forego translation or a comprehensive understanding of the 29-month Spanish investigation from October 2012 to March 2015 was deemed unacceptable.

- Regarding the third set of conclusions:

"Considering that these conclusions are based on a press article published on the 5th of July 2020, in the newspaper 'Liberation'";

"Considering that this press article references a preliminary investigation conducted by the Paris Prosecutor's Office";

"Considering that, upon reviewing the terms of this article, the elements it contains do not appear sufficient to justify the admission to the proceedings of the requested preliminary inquiry" (Page 12).

This article was significant as it contradicted all the facts presented by the OCRTIS police. It contained information about a secret investigation conducted by the Paris Prosecutor's Office regarding the 1.334 kilograms of cocaine, information that had been hidden from Mr. Dawes and his legal team.

- Regarding the fourth set of conclusions:

"Considering that the indictment judgment dated the 10th of November 2017 addresses the flaws of the previous procedure";

"Considering that the conclusions should be declared inadmissible" (Page 12)."

"It is evident from these elements that, under the pretext of infringing the principle of oral debates, the plea merely seeks to challenge the court of assize's sovereign assessment of the evidence presented to it during the adversarial proceedings. There is no indication in the grounds for its decision that the court referred to elements from the written procedure."

"Hence, this plea is not of a nature to warrant the admission of the appeal in accordance with Article 567-1-1 of the Code of Criminal Procedure."

Essentially, the court reporter asserts that you cannot question the court's decisions under the guise of challenging their sovereign assessment. Therefore, she recommends non-admission.

So, in essence, any information that emerges after the indictment date cannot be raised during the trial. This is a stringent limitation. Imagine a scenario where new evidence emerges that conclusively exonerates an accused, but you are barred from presenting it in court. This reasoning, as applied during the Dawes appeal trial, is extremely strict.

* The fifth plea alleges a lack of sufficient reasoning for the judgment incident concerning the first set of conclusions, and non-admission is proposed.

This relates to the court's insufficient reasoning for rejecting the translation of the 114 DVDs into French.

"Such a plea cannot be admitted, in accordance with Article 567-1-1 of the Code of Criminal Procedure."

Once again, the court reporter argues that you cannot question the court's sovereign assessment, essentially barring challenges to their decisions.

* The sixth plea alleges a lack of sufficient reasoning for the judgment incident concerning the third set of conclusions, for which non-admission is proposed.

This pertains to the third set of conclusions, where Dawes' lawyers requested the inclusion of an investigation carried out by the prosecutor's office in the trial debates.

"It follows from the facts outlined in the fourth plea that, under the guise of infringing the principle of equality of arms and the right to a fair trial, the plea merely seeks to question the decision of the court of assize. The court, in the exercise of its sovereign discretion, has determined that the submission of the findings of a preliminary investigation conducted by the Paris prosecutor's office, as mentioned in a press article the court took note of, was not necessary for establishing the truth."

"Such a plea is not of a nature to warrant the admission of the appeal in accordance with Article 567-1-1 of the Code of Criminal Procedure."

This demonstrates that they are relying on the court of assize's sovereign discretion, making it virtually impossible to question a ruling in the special court of assize.

* The seventh plea concerns the decision to override the testimony of an absent witness, for which non-admission is recommended.

- The irregularity in summoning the witness, Mr. Nathan Wheat, whose testimony was overruled, even though the court of assize heavily relied on his statements, violated the right of the defence (1st Branch).

- The decision to override this testimony without demonstrating that this hearing was not crucial for establishing the truth constitutes a violation of Article 326 of the Code of Criminal Procedure (2nd Branch).

- This decision is marred by contradictory reasoning. On one hand, the judgment notes that the registry was able to contact Mr. Wheat, but then it indicates that it has no information enabling his contact (3rd Branch).

- In the absence of reasonable efforts to secure the appearance of this witness, the court of assize violated the principle of oral debates and the right to prohibit questioning (4th Branch).

"According to the case law of the ECHR, Article 6 of the Convention does not permit a court to base a conviction solely on the testimony of a prosecution witness whom the accused or their counsel could not question at any stage of the proceedings, except under the following circumstances:"

First, when the lack of confrontation is due to the inability to locate the witness, it must be established that the competent authorities actively sought to locate them to enable confrontation.

Secondly, the disputed testimony cannot, under any circumstances, be the sole basis for a conviction.

"The ECHR holds that Article 6 of the Convention is violated by courts' punitive measures that convict an individual solely based on testimony from witnesses whom the accused could not question at any point during the proceedings (ECHR 13th November 2003, Rachdad.C v France)."

"During the witness and expert call on pages 2 and 3 on 6th July 2020, the president invited all parties to present their observations without making comments."

"At the hearing on 8th July 2020 in the afternoon, the president again allowed the parties to speak about the absence of the witness, Mr. Nathan Wheat. Counsel for Mr. Dawes then requested the court to issue a late summons to this witness on 8th June 2020 and expressed opposition to overriding his hearing while declining to file supporting conclusions for this opposition."

"The court then adjourned to deliberate and issued an incidental judgment deciding to disregard the testimony of this witness."

"It is evident from the foregoing that the complaint in the first branch, based on the irregularity of summoning the witness, appears ineffective. According to established case law of the Court of Cassation (Supreme Court), a witness who has been served but not formally summoned remains a duly summoned witness. Moreover, it is clear from the incidental judgment that this witness was notified of his summons to the court of assize."

This response is completely implausible and contradicts the court's earlier statement that it couldn't reach Mr. Wheat. In this instance, he has been informed. The truth is that the court did not want him to attend so they could do exactly what they did: convict based on his statements. The court reporter even fails to respond to the fact that Dawes requested a confrontation with Wheat during the investigation stage but was refused by the judge, who declared that a confrontation would not be necessary because Wheat did not implicate Mr. Dawes. Yet, at the trial, they used Wheat against him.

"As for the second and third branches of the complaint, it appears that the court of assize, in the exercise of its sovereign power to evaluate the evidence presented and without any contradiction in its reasoning, determined that it was impossible to hear this witness due to his residence in England.

An exchange between his lawyer, bound by confidentiality of correspondence, and the registry indicated that he was informed of the possibility of being heard by video conference, but his lawyer had no means of contacting him directly. Furthermore, the court of assize did not solely rely on the testimony of this witness to find Mr. Dawes guilty."

Once again, they place blame on the lawyers for not providing any contradiction. The fact that Wheat resided in England is not a valid reason to bypass a witness, especially when, during the first trial, the expert Boyreau traveled to the court from Singapore. Wheat was initially contacted by the local police in Nottingham and was on standby for a videoconference, but the police later informed him that the court no longer required his testimony. Therefore, the court's statements are untrue.

Firstly, the court cited the witnesses late. According to the French penal code, witnesses residing outside the European Union must be cited at least 2 months and 10 days before the hearing. In this case, they were cited on the 8th of June, while the trial started on the 6th of July, and they were scheduled to be heard on the 8th of July, which is less than 1 month before the hearing.

Secondly, Dawes had requested a confrontation with Wheat during the investigation stage but was denied by the judge, who clearly stated that Wheat did not implicate him, making a confrontation unnecessary.

Thirdly, the court claimed that Nathan Wheat was a crucial prosecution witness against Mr. Dawes, making it against all legal frameworks to bypass him when the court had not made sufficient efforts to make him available as required by law. They had only sent an email to his previous lawyer, which falls short of fulfilling the legal obligation.

The court also contradicted itself by initially stating that Wheat had been contacted and was willing to attend the court via videoconference and later claiming he could not be reached. The evidence in the file shows that Wheat had indeed been contacted, and the emails in the file confirm this fact.

"The fourth branch of the complaint is lacking in merit. It is evident from the minutes of the debates that, from the first day of the hearing, the president instructed, to the extent of the possibility of hearing Mr. Wheat via videoconference. It could only be noted, through its incidental judgment, that it had no concrete information allowing contact with him. Meanwhile, Mr. Wheat, who was informed of his summons and the possibility of this measure being implemented, did not express any objection."

The court had access to all the contact details of Wheat's residence, including his mother's home, sister's home, and uncle's home, where he was residing at the time. All these contact details were clearly documented in his statements before the investigating judges. There were multiple ways to reach out to Wheat before the trial even started, but the court deliberately failed to make any meaningful attempt to do so.

"It is therefore evident that, considering each of its four branches, this plea does not warrant the admission of the appeal in accordance with Article 567-1-1 of the Code of Criminal Procedure.

* Regarding the eighth plea, which concerns the decision to override the testimony of an absent expert, we propose non-admission:

"The plea revisits the incidental judgment of the Court of Assize to bypass the testimony of the expert, Mr. Sylvain Boyreau. It raises concerns about the irregularity of his summons, invoking a

violation of the rights of the defence (1st Branch) and a lack of reasoning (2nd Branch).

"It is apparent from the records of the proceedings that:

- During the experts' call on the first day of the hearing, the absence of the expert, Mr. Boyreau, who resides in Singapore and was cited by the foreign prosecution, was noted without any comments from either party (page 3).

- On the third day of the hearing, when the President invited the parties to address the absence of the expert, Mr. Dawes' counsel objected to him being overridden, arguing that his presence was essential. He had criticized the Spanish procedure during the debates in the first trial, even though he had access to it, but had refused to file written findings of the incident (Page 15).

- The Court of Assize, after deliberating through an incidental judgment, decided to forego his testimony, stating that it had no information enabling contact with this expert domiciled in Singapore and was unable to proceed with his hearing (Pages 15 and 16).

- Copies of the emails sent by the registry to Mr. Boyreau informing him of his summons were provided to the parties, who did not offer any comments.

"From these elements, it is clear that the complaint in the first branch conflicts with established case law, which holds that an expert who is denounced but not cited remains accepted. Furthermore, the provisions of Article 6 and 3 of the European Convention on Human Rights, concerning the rights of the accused to question witnesses, do not apply to experts.

"The complaint in the second branch is at odds with the sovereign assessment made by the Court of Assize, which determined the absolute impossibility of hearing the expert. It is noted that during the experts' call, the expert was absent and could not be contacted, as evidenced by the emails sent by the registry and shared with the parties, who offered no objections.

"We propose non-admission."

The court fails to acknowledge that Mr. Boyreau is a Europol officer, essentially a police officer who could have been readily contacted. The court only sent two emails to his personal address without attempting other means required by law. Once again, the court shifts blame onto Mr. Dawes' lawyers for not making comments during the debate stages. The truth is that the court did not want Mr. Boyreau to appear in court because he had already testified during the first trial, where he criticized the 114 DVDs, being the only person who had viewed them. Despite being listed as a prosecution witness, the prosecution emailed him late and made no further efforts to contact him.

* The ninth plea concerns a new incidental judgment following conclusions filed on the 8th of July 2020, in the afternoon, for which non-admission is proposed.

This plea revolves around the lawyers of Mr. Dawes asking the court that if they were unwilling to add the missing files from the Spanish PA105/13 procedure, which they had requested at the beginning of the hearing, then the court should not permit any of the information from the Spanish procedure to be used against Mr. Dawes, citing a violation of the rules for a fair trial.

"By an incidental judgment dated the 9th of July 2020, the Court of Assize rejected this request, stating that the case before the Court of Assize includes elements from the Spanish 105/13

procedure, which are subject to adversarial debates during the five days of the hearing."

"The legal plea alleging a violation of Article 6 and 1 of the European Convention on Human Rights (ECHR) is, in reality, under the guise of an infringement of the principle of the equality of arms and the right to a fair trial, attempting to challenge the sovereign assessment made by the Court of Assize of the facts and evidence submitted to it, which are the subject of adversarial debate."

"Such a plea is not sufficient to warrant the admission of the appeal, within the meaning of Article 567-1-1 of the Code of Criminal Procedure."

Indeed, it is acknowledged that the elements used against Mr. Dawes originate from the 105/13 procedure. This is precisely the point made by the defence: if you are not willing to provide all the missing elements from the 105/13 procedure, then you cannot solely use the elements that the prosecution has chosen to prosecute with, as this would be inherently unfair. Once again, the court reporter takes refuge behind the sovereignty of the court's decisions, arguing that they cannot be challenged.

* The tenth plea pertains to the exclusion of the mechanism for purging invalidity as provided for in Article 181, paragraph 4, of the Code of Criminal Procedure, in cases of non-existent acts, for which non-admission is proposed.

"This plea criticizes the incidental judgment of the Court of Assize, which rejected Mr. Dawes's lawyer's claims seeking to establish the non-existence of a translation of the police report without the signature of the N.C.A police in Great Britain. It argues that the purging of nullities as provided for in Article 181, paragraph 4, of the Code of Criminal Procedure does not apply to non-existent acts (1st Branch). The Court of Assize refrained from responding to the filed conclusions, claiming, in the alternative, the lack of probative value of these documents (2nd Branch)."

"The complaint of the first branch conflicts with the settled case law of the Court of Cassation (Supreme Court), which does not distinguish between whether the invoked invalidity pertains to a procedural irregularity or a non-existent act due to a lack of signature. The law is intended to apply to all procedural irregularities."

"The complaint of the second branch merely challenges the sovereign assessment made by the Court of Assize of the probative value of the elements submitted to it."

"It follows that the plea, taken in each of its two branches, does not warrant the admission of the appeal within the meaning of Article 567-1-1 of the Code of Criminal Procedure."

Now, it is indisputable that the court reporter exhibits bias against Mr. Dawes. She fails to even mention the main plea regarding non-existent acts, particularly the D640, a crucial element used in his conviction. This was extensively covered in the 10th plea for breaking and was heavily emphasized in the registration of the false claim that it was not even possible for the expert to have access to the audio recording, implying that he had deceived the defence by presenting a false transcript copied from the 105/13 case file, to which he should not have had access. It is evident that this expert had not genuinely listened to the recording.

Spinosi wrote in the tenth plea, "In this specific case, by two sets of conclusions, the exhibitor entered into the court to challenge an alleged police report and the alleged transcript of the recorded conversation."

He goes on to say, "The exhibitor argued that the parts listed as D855/1 to D855/34 and D640/1 to D640/23, alleged translations which do not bear the signature of any author (translator or otherwise), are therefore not possible to identify with certainty (unless one considers that justice and the police cannot err, which is contrary to the principles of the rule of law). Conclusions at the end of finding non-existence of a purported translation of an alleged police report, Page 3, and conclusions at the end of a finding of non-existence of an alleged transcript of a recorded conversation, Page 2."

As you can see, the court reporter fails to even address the D640, the primary element used to convict Mr. Dawes, despite it being clearly stated in Spinosi's tenth plea.

* On the eleventh plea, which relates to a contradiction between the grounds stated in the motivation sheet and the minutes of the debates, and the consequences of the registration of forgery, non-admission is proposed.

"The plea contends that Mr. Dawes's conviction is primarily based on a recorded and filmed conversation, the broadcast of which was interrupted during the proceedings due to the poor quality of the audio CD. Therefore, the motivation sheet, which refers to the statements of the accused heard on the recording, is in contradiction with the mention in the minutes of the debates" (1st Branch).

"He further argues that the reference to the minutes of the debates regarding the submission of two working copies by the expert Mr. Boyreau, while an email from the Prosecutor on the 20th of April 2020, debated on the 9th of July 2020, indicates that these working copies of the disputed recording never existed. This forms the basis for the registration of forgery, which will lead to the quashing of the judgment under appeal" (2nd Branch).

In the present case:

- The president, exercising her discretionary power and without opposition from the parties, decided to broadcast the audio and video of the CD and DVD that had just been opened.

- Due to the poor quality of the materials provided for this hearing, she decided, after receiving comments from the parties and without their objection, to interrupt the broadcast and read, at her discretion, written transcripts from the file at D640. The entire transcript was read, and the parties did not make any comments at the end of this reading.

It is indeed surprising that the lawyers did not raise any observations regarding the main element against Dawes or inquire about the existence of another copy. This omission appears rather peculiar, especially to a novice observer.

Dawes had spoken to the technician, so he knew the questions to ask, and he couldn't believe his lawyers were so quick to bypass. Here are some questions Dawes wanted to ask the court before the bypassing, but he was waved off by both his lawyers:

1. Is there another copy of the audio? If yes, can the court produce it, please?

2. Can you ask the technician if it's the equipment of the court or the quality of the CD?
3. Why doesn't the audio CD match the times of the Video DVD?

The court reporter then stated:

- Furthermore, it follows from the motivation sheet that in order to declare Mr. Dawes guilty of the charges, the court of assize, as was stated during the analysis of the seventh plea, sought to demonstrate the links maintained between Mr. Dawes and Mr. Wheat, who was arrested on the 20th of September 2013, shortly after the seizure of 1.334 kilograms of cocaine from Caracas at Roissy Charles De Gaulle Airport. Additionally, several other members of the network were assigned specific tasks. Mr. Dawes was alleged to have used encrypted messages and several BlackBerry phones equipped with PGP software. The court also pointed out his effective participation in international drug trafficking, as revealed in a recorded conversation a year later at a Spanish hotel, where he demonstrated his knowledge of the operation and his involvement in the importation of cocaine seized on the 11th of September 2013.

It's worth noting that the only link between Mr. Wheat and Mr. Dawes, as previously pointed out, was a photograph of them passing each other outside an internet cafe in Spain two months before Wheat's arrest. There is no other evidence linking Dawes to any of the others arrested.

There is also no evidence in the file indicating that Dawes used encrypted PGP phones. While BlackBerry phones were seized, none of them contained PGP software.

Regarding the court reporter's comments on the recording, "Revealing his perfect knowledge of the operating mode," this is a central point of the appeal. These words were never heard by anyone in the French justice system. It's incredible that they are written in the minutes when the recording was not played, yet they keep referring to what he was heard saying.

The court reporter then continued:

- On this point, the motivation sheet indicates: "The conversation recorded and filmed at the Hotel Villamagna on the 23rd of September 2014 (with sound authorized by a decision of the Spanish judge on the 4th of September 2014) allows one to hear and see Robert Dawes not only describe very clearly the operating mode that is his own and his ability to import cocaine from different cities in South America to Europe, but above all to claim the importation of the cocaine from the 11th of September 2013, by stressing that it is the biggest business carried out in France."

As we have previously discussed, the recording was never heard at both trials. Therefore, all the information written by the court reporter in this context is false. The details regarding this recording have been explained in earlier sections of this comprehensive account of the Air France 1.3-ton cocaine story.

The court reporter continued:

- Contrary to what the appellant maintains, it should be observed, on the one hand, that the motivation of the court of assize is not solely based on this recording, and on the other hand, that the phrasing "allows you to hear and see" directly refers to the CD & DVD, for which transcripts were created during the investigative phase. However, the equipment available to the court during the hearings did not permit the audio and video playback of the opened CD & DVD.

- Therefore, the complaint made in its first branch, which alleges a contradiction, is actually unfounded.

- As for the second branch, it appears that the rejection of the request for the registration of forgery renders the raised grievance moot. END.

It's evident that the court reporter has manipulated the words of the president of the court to fit her narrative. Dawes had predicted this when he asked his lawyers not to bypass listening to the recording. The reporter attempts to convey that the recording was indeed listened to by the French expert, but due to the court's equipment limitations, it could not be heard, so they relied on the expert's transcript. However, this theory presented by the reporter falls apart when you consider that there was only one copy of the recording, and it was inaudible at both trials. As previously explained, the expert was questionable, as he made a copy into French from a version in the file created by the British police.

It would be reasonable for the Court of Cassation to request all copies of the recording and listen to it themselves to verify the claims made by the court reporter, Dawes's lawyers, and the prosecutor. This would be a straightforward way for the court to independently assess the situation without relying on the accounts of involved parties.

It's essential to note that the recording, even if its words were accepted as accurate, never explicitly states that Dawes accepted responsibility for the cocaine seized in France. Even if we were to believe the French expert's transcript, it still does not establish Dawes's admission of responsibility. Furthermore, there is no other concrete evidence linking him to the seizure. The court has failed to establish any connections between Dawes and the other individuals arrested. The court presumes that when Wheat talks about being sent on his missions, Dawes was the one who commissioned him. However, there is no concrete proof of this, and Wheat does not implicate Dawes, as evident from the judge's rejection of Dawes's request for a confrontation with Wheat. The recent Ellie Flynn podcast proves Dawes didn’t accept ownership.

The court reporter claims that because the registration of forgery was rejected, it makes the second branch of the appeal moot. However, this should not be the case, as the eleventh branch raises other points not covered in the registration of false.

The court reporter has proposed a non-admission for all the points of appeal presented by Spinosi, who is considered the number one lawyer specializing in appeals to the Court of Cassation in all of France. Despite his extensive 100-page report, the court reporter and the prosecutor argue that it is not even worthy of being presented to the judges of the Supreme Court.

Now, let's delve into the prosecutor's report on the Cassation appeal (Supreme Court), which followed the court reporter's report.

Abstracts from the prosecutor's response:

"In addition to an amplifying thesis containing 11 grounds for appeal, two special theses, each raising a question of the priority of constitutionality, were submitted on the 16th of November 2020. By a decision dated the 27th of January 2021, your chamber stated that they were rejected when they were sent to the Constitutional Council."

"The request for the registration of forgery, filed on the 19th of November 2020, was rejected by the order of the First President of the Court of Cassation on the 17th of December 2020."

"With regard to the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh pleas,

reference is made to the writings of the court reporter. These grounds, some of which are, in fact, lacking, only seem to aim at challenging the sovereign discretion of the trial judges. They do not appear to me to be admissible." END.

As you can see, the prosecutor's response is very concise, and they align with the court reporter's position. It appears that the prosecutor readily supported the court reporter's work. It's concerning that the French justice system allows for such conduct. In my opinion, considering all the facts, Dawes should have had the opportunity to present his case in the Court of Cassation (Supreme Court) rather than being deemed inadmissible.

A new law was passed in 2019, which allows the Supreme Court to withhold their reasoning when deeming an appeal inadmissible. It's alarming that the French justice system appears to adapt its laws to suit its purposes, such as the law passed in 2019 to allow the full case file to be available to the panel of judges during deliberation, and the fact that certain decisions are based on oral debates and cannot be appealed.

Despite the positions of the prosecutor and the court reporter, it remains a fact that the audio recording has never been played in court. It has been almost 8 years, and the audio copy has still not been provided to the defence. Make your own judgment on this matter.

Spinosi submitted a final brief in response to the prosecutor and court reporter's responses. His complete brief is included here.
Spinosi's final brief:

OBSERVATIONS FOR THE HEARING OF APRIL 14, 2021.

FOR: Mr. Robert Dawes

In support of appeal No. T20-84.483.

I. After reviewing the report presented by the Counsel rapporteur (court reporter) and in response to the opinion of the public prosecutor, the appellant intends to provide the following observations.

II. As an initial point, even before delving into the specifics of the 11 grounds being argued, the appellant wishes to present general observations to highlight the circumstances that he finds particularly troubling in this case.

II.1. Firstly, he intends to challenge the numerous proposals, procedurally speaking, originating from both the court reporter and the prosecutor, which reject the admission of certain grounds of appeal.

The suggestion to render a decision devoid of any reasons may indeed quite legitimately seem inappropriate – because this is directly implied by the decision to pronounce the refusal of certain grounds – given the significance of the present proceedings.

It is, moreover, to say the least astonishing, even incoherent, to mention a report of more than twenty-five pages written by the court reporter, from which it could almost be deduced that the present appeal is not without merit in the 11 grounds it contains – before inviting the criminal chamber to reject the admission of 9 out of the 11 formulated.

In any case, it is particularly questionable, given the effectiveness of the planned remedy which is promised to him, but also Mr. Dawes' right to know the reasons that would justify the rejection, that the prosecutor limits himself in his opinion, regarding these nine grounds of cassation, to affirm, without any additional explanation, that "these grounds, some of which are indeed lacking, only tend to challenge the sovereign appreciation of the judges on the merits. They do not appear to be admissible" (conclusions Page 4).

While it is obviously understood that this may at times refer to the report already submitted, one could nevertheless hope for further elaboration in response to the arguments provided, starting, at the very least, with the precise identification of the grounds that are "indeed lacking." These few lines do not even allow for their identification.

II-2. Secondly, the appellant intends to emphasize the necessary limits of the sovereign power of appreciation held by the trial judges.

While it is essential to have in mind the role of the criminal chamber, and not to invite it to assume a role that is not its own, it is important to be cautious of an overly broad interpretation of this sovereign power, as it may risk depriving the appellant of any legal review of the contested decision and its underlying rationale.

Hence, it is not a matter of contesting the sovereign power of appreciation of trial judges as such, but rather of firmly recalling, on one hand, that this power is fundamentally constrained by the requirement for judges to provide reasons that are free from insufficiency and contradictions and to address all arguments that could potentially influence the resolution of the dispute, and, on the other hand, that it is the responsibility of the criminal chamber to scrutinize the adequacy of the rationale.

Unless the appellant's right to appeal is to be rendered ineffective, one cannot be content with too readily seeking refuge behind the sovereign power of appreciation to the detriment of a substantial justification for possibly rejecting the appeal.

II-3. Undoubtedly, the often categorical invocation of the sovereign power of appreciation of the trial judges, typically followed by a suggestion to deny admission to the appeal, results in a complete lack of response to the applicant's arguments.

This cannot be accepted.

III. Additionally, and independently of these considerations, the exhibitor intends to provide observations on the analysis carried out by the court reporter, in the course of which she calls for the non-admission of the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh grounds of cassation.

IV. Concerning the third ground of appeal, with the proposal for its non-admission, Madam court reporter essentially seeks to recapitulate the references to the minutes of the proceedings, before concluding that "the ground, which argues that the verbal references do not allow for the effective presence of the first interpreter during the initial days of the hearing, is indeed lacking" (Report Page 14).

However, this distorts the presented argument.

The defense never intended to contest the presence of an interpreter during the initial days of the

hearing.

On the contrary, it aims to underscore that despite this presence, the decision of the president to proceed, without any explanation on this matter, with the appointment of a second interpreter understandably raises doubts about the effectiveness of the assistance provided by the first interpreter during these initial days of the hearing when they were the sole interpreter.

Unless we are to admit that such assistance was insufficient, it becomes challenging to comprehend what would have justified the appointment of a second interpreter at the conclusion of these initial two days of the hearing.

Unfortunately, there exists no explanation for this unusual appointment to dispel these legitimate doubts.

The court reporter's remarks, which erroneously equate this critique with raising suspicions about the presence of an interpreter, fall short of the mark.

V. Regarding the fourth, fifth, and sixth grounds of appeal, the court reporter, for the first time, invokes the sovereign assessment of the court of assize to argue that it was within the exercise of this sovereign power that the determination was made that the provision of requested documents was not necessary for establishing the truth (report Pages 14 to 17).

This argument fails to convince.

It is indeed widely accepted that the sovereign discretion of judges has its limits in the requirement for them to provide sufficient responses to the defense's arguments and to offer adequate reasoning to justify their decisions.
In this case, the contested motivation cannot be deemed adequate, and the criminal chamber must take note of this.

As a reminder, after deciding on these requests from the third day of the hearing, the court of assize merely stated:

"The investigating judge opted to utilise the content of the 114 DVD's through an expert order issued on the 2nd of June 2015, assigning the expert the task of searching for elements from the list of 11 keywords."

"Upon reviewing the terms of this article, the elements it contains do not appear to be sufficient to justify the admission of the preliminary inquiry requested" (Minutes of the proceedings, page 12).

V-1. However, there is no explanation provided regarding the mentioned "choice" and the selection of keywords.

On this matter, the Honourable court reporter essentially continues to perpetuate the observed deficiencies. In her turn, she simply states, "The procedure before her included 114 DVDs transmitted by the Spanish authorities, which became the subject of an expert's report issued on the 2nd of June 2015, five years prior. The aim was to find useful elements from eleven keywords, and it was concluded that a translation of other documents from the procedure was unnecessary" (Report, Page 17).

In reality, such statements only underscore the raised issue, which is the purely peremptory nature of the given reasons. Without a doubt, the defence couldn't find any answers to its criticisms or explanations for the choices made in such reasons.

Such explanations were, however, all the more necessary since, as it appears from the procedural documents, the name "DAWES" did not appear among these "eleven keywords," which raises questions about the list's relevance.

V-2. The remarks made concerning the press article are equally concise since the court reporter merely asserts, "In the exercise of its sovereign power of appreciation, the court of assize determined that the provision of documents from a preliminary investigation conducted by the Paris prosecutor's office, mentioned in a press article the court took note of, was not useful for establishing the truth" (Report, Page 17).

Hence, the defence's argument itself does not appear to have been taken into account. No assessment is made regarding the reasoning provided by the court of assize's nature, which seemed peremptory at best and, more precisely, hypothetical. It is limited to stating that the elements of the press article "do not seem sufficient to justify inclusion in the debates."

Furthermore, even if it is assumed that the court of assize ruled sufficiently on the usefulness of such inclusion, it failed to explain the apparent violation of the principle of equality of arms, expressly alleged by the appellant in his submission to the court. Once again, the court reporter provides no explanation for these circumstances.

V-3. The court reporter's remarks indeed highlight the peremptory nature of the reasons given by the court of assize to oppose the request for the provision of documents from the proceedings.

However, it's worth noting that if one of the priority questions of constitutionality in this case was denied transmission to the Constitutional Council, it was precisely because it was argued that "During the debates before the court of assize, the accused, assisted by a lawyer, can freely contest the value and scope of the evidence discussed at the hearing and question the way in which it was collected, if necessary, by invoking circumstances of which he only became aware once the indictment decision had become final" (Crim 27th January 2021, N°20-84.483).

So, what about the effectiveness of this challenge when a request to provide documents from the proceedings to the proceedings can be dismissed by the court of assize without any justification?

VI. Concerning the seventh ground for cassation, which pertains to the absence of Mr. Nathan Wheat at the hearing, despite the crucial nature of his testimony for the conviction, the court reporter already refers to a judgement rendered by the criminal chamber on the 19th of January 2005. From this, she deduces:

"The provisions of Article 281 of the Code of Criminal Procedure are not prescribed under the threat of nullity. The sole purpose of the summons is to call the witness and formally notify them to appear, under the penalty of being compelled to do so by the police and incurring the fine as provided in Article 326, paragraph 2, of the Code of Criminal Procedure. It has no effect on the relationship between the accused, the public prosecutor, or the civil party. A witness duly served on the other party but not cited remains admissible in the proceedings" (Report, Page 18).

However, it's essential to recall the context in which this judgement was delivered.

The criminal chamber's aim was to rebuke the decision of the court of assize, which, citing irregularity in the summons, decided to proceed despite the absence of witnesses, even in the absence of a waiver from the accused at their hearing.

Therefore, it was the criminal chamber's role to affirm the possibility for the court of assize, in such a scenario, to compel the appearance of a witness to encourage such presence when it is vital for the accused.

To oppose this decision to the exhibitor, in order to justify the court of assize's decision to disregard the absence of a witness whom they considered absolutely essential to their defence, distorts the essence of this ruling.

As interpreted by the court reporter, this case law would effectively nullify the entire legal framework for summoning witnesses, including Article 552 and the following provisions of the Code of Criminal Procedure.

Hence, it becomes perplexing to comprehend the legislator's interest in establishing deadlines for summoning witnesses.

In simpler terms, the belated issuance of a witness summons would, under this interpretation, have no bearing on the admissibility of the witness's testimony, irrespective of the potential impact that the witness's absence might have on the verdict.

Such a conclusion is unsatisfactory and, in any case, cannot be applied to counter the exhibitor's argument and justify the court of assize's actions.

At the very least, this non-compliance with witness summons deadlines must necessarily be factored into the evaluation of the efforts made by the court to secure the witness's presence.

However, the court reporter completely overlooks this circumstance.

Regarding the adequacy of the court's due diligence, which the appellant highlighted as inadequate, the opposing arguments are unconvincing.

We cannot accept the assertion that the court of assize "had no information enabling it to contact him" (Report, Page 21), especially when it is expressly documented that the court's registry had direct contact and communication with Mr. Wheat's lawyer.

It appears equally debatable to rely solely on the due diligence carried out on the day of the hearing by the court, especially when it becomes evident that the difficulty in contacting Mr. Wheat stems from long-standing negligence in managing this crucial witness.

The procedures in place cannot, under any circumstances, be deemed sufficient given the absolutely decisive nature of Nathan Wheat's testimony. The court reporter can only dispute this in light of her own statement in the report on constitutional questions of priority, where she noted, "the ECHR judges, however, that the admission as evidence of depositions of witnesses who did not appear at the hearing arises only if these constitute the sole or decisive evidence or if they carry a certain weight in the applicant's conviction" (Seton v the United Kingdom, 58), with the term "decisive" signifying evidence of such significance that it could sway the case's outcome (priority question of

constitutionality report, Page 14).

Especially since the inability to confront Mr. Wheat has persisted since the investigation phase, with a previous request for this purpose having already been denied by the investigating judge.

In all these respects, it is difficult to comprehend how one can be content with these efforts alone to justify the absence of such a vital witness.

VII. Regarding the eighth ground for cassation, the appellant intends to highlight the erroneous nature of the observations made by the court reporter.

It is asserted as a fact that it follows from "constant case law" that "article 6 & 3 of the European Convention on Human Rights relating to the rights of the accused to question witnesses, does not apply to the expert" (report, Page 23).

In this regard, reference is made to a judgement rendered by the criminal chamber on the 8th of November 1993 (N°93-82.019).

However, this case law has been directly challenged.

As outlined in the brief, the European Court - whose case law holds authority over domestic courts - has indeed had multiple occasions, following this 1993 judgement, to affirm that the notion of a witness - and consequently, the right to question them and to obtain their summons - encompasses that of experts (ECHR, March 26th, 1996, Doorson v Netherlands Req. N°20524/92, -81 and 82 ECHR, October 6th, 2016, Constantinides v Greece, Req N°76438/12 & 37).

The assertion on which the court reporter bases her call for the non-admission of the eighth plea, specifically in its first part, therefore appears legally erroneous.

Additionally, with regard to the second part of this plea, the appellant wishes to emphasise that he does not comprehend how the court reporter can conclude that "it is absolutely impossible to proceed to the hearing of the expert" (Report, page 23), limiting herself to noting the existence of two emails sent by the clerk which received no response.

Furthermore, it is worth highlighting that Mr. Boyreau did testify during the initial trial hearing, having been called upon at the request of the defence. Therefore, it is particularly challenging to conceive of the "absolute impossibility" as asserted by the court reporter.

It also seems futile to stress, in connection with these emails, that "the parties made no observations" (Report, page 23), when it is widely acknowledged that they opposed any disruption to the proceedings.

Unless the courts are relieved of their due diligence responsibilities concerning the summoning of witnesses, which are, however, governed by the most fundamental rights of the defence, these elements cannot be considered sufficient to justify overriding them.

VIII. Concerning the tenth plea of cassation, the presenter wishes to emphasize, initially, that it's regrettable that the court reporter, while ruling out the first part, asserts that it "runs counter to the consistent case law of the Court of Cassation, which does not distinguish in any way whether the invoked nullity arises from a procedural irregularity or a non-existent act, following a lack of

signature thereof, so that the text is intended to apply to all irregularities of the procedure" (report, page 24). However, she refrains from citing any judgment that would validate this solution, which is put forward as constant.

This is even more significant because the submitted brief specifically referred to the case law of the criminal chamber, from which it follows that the latter was able to draw distinctions between the void act and the non-existent act (in this regard, as a reminder: Crim. 8th July 2020, N°20-81.915).

Additionally, the appellant can only lament the mere invocation of "the sovereign assessment by the court of assize of the probative value of the elements submitted to it" (Report, Page 24), especially when it has been pointed out that the court of assize made no mention of any reasons related to this argument.

As mentioned earlier, it is certain that the sovereign discretion of judges has a limit in the obligation of the trial judges to respond to the arguments presented to them. In this case, no response was provided to the arguments that questioned the probative value of the disputed elements.

The complete lack of motivation on this matter is all the more regrettable since the First President of the Court of Cassation, in the order by which she rejected Mr. Dawes's request for registration of forgery, justified this rejection by stating that "the applicant criticizes the motivation of the court of assize, which falls under the examination of the merits of his appeal" (Order N°70525, Page 3).

In short, no response was ever provided to Mr. Dawes on this matter, which is highly questionable.

IX. Moreover, still addressing the tenth plea of cassation, the presenter can only observe that the court reporter focuses her observations on documents D855/1 to D855/34, failing to fully explain documents D640/1 to D640/23.

This omission is particularly regrettable since these latter documents were absolutely crucial to the outcome of the dispute, as they pertained to the French translation of the recording on which the court of assize explicitly relied in reaching its verdict.

X. Finally, regarding the eleventh ground of cassation, the presenter notes that, in order to advocate for its non-admission, the court reporter asserts that "contrary to what the plaintiff maintains in the appeal, it should be noted that the motivation of the court of assize is not based on this recording alone" (Report, Page 26).

She further contends that "the formulation that this recording 'makes it possible to hear and to see' refers directly to the CD & DVD whose transcription was made during the information, while the material made available to the Court of Assize during the debates did not allow the audio and video broadcasting of the opened CD & DVD" (Report, Page 26).

However, these arguments are insufficient.

X-1. With these observations, which also acknowledge the crucial nature of Mr. Nathan Wheat's testimony, the court reporter appears to justify the non-admission of the plea based on the assertion that the disputed recording is not the exclusive basis of the conviction. Contrary to what has been claimed, the defence has not argued that this is the only element but rather one of the essential elements. Nonetheless, the fact that it is not the sole basis for the conviction does not diminish the possibility that it is the necessary basis.

X-2. Above all, it is unsatisfactory, as suggested by the court reporter, to rely solely on the transcription "made during the information," especially since it is precisely from this transcription that the lack of information about the probative value under the tenth plea arises, given that it is contained in an unsigned report. This is even more pertinent because, similar to the Court of Assize, the court reporter has not provided any explanation regarding the probative value of this contested element, invoking only the sovereign appreciation of the judges on this matter (pages 10 & 11).

XI. Lastly, the presenter wishes to clarify, for all intents and purposes and for the full information of the Criminal Chamber, that on the 31st of March 2021, a complaint was filed with the constitution of a Civil party with the Dean of the Investigating Judges of the Judicial Court of Nanterre to denounce forgery in public documents by a person holding public authority or in charge of a public service mission, use, and complicity.

Significant and undeniable distortions of the truth have been demonstrated, and the necessary consequences must be drawn.

The flawed nature of the proceedings against Mr. Robert Dawes is evident, even before the Court of Assize on appeal, and justifies the annulment of the judgment rendered, which, it should be remembered, resulted in a severe criminal imprisonment sentence.

FOR THESE REASONS, and for any others that may be presented, deduced, or supplemented, if necessary automatically, the presenter persists and signs in the conclusions of their previous submissions.

SPINOSI
SCP lawyer of the State Council and the Court of Cassation. END

The Court of Cassation (Supreme Court) rejected this appeal on the 27th of May 2021, stating that "due to the nature of the appeal, a non-admission is ordered under Article 567-1-1 of the Code of Criminal Procedure."

They did not provide any explanation for this decision, merely citing Article 567-1-1 of the Code of Criminal Procedure. As previously explained, a new law in France grants the Supreme Court the authority to declare an appeal inadmissible without the obligation to provide a statement of reasons.

Robert Dawes subsequently filed another appeal, and a new lawyer, Helene Farge of WAQUET-FARGE-HAZAN in Paris, who specializes in appeals to the Supreme Court (CASSATION) in France and appeals to the European Court of Human Rights (ECHR), was appointed for this task.

The outcome of this appeal is still pending.

THE END