

Year of Call: 1996



Main Areas of Practice

Crime & regulatory
Extradition
Human rights
Public Law
International law

Extradition

Mark is a specialist in all areas of extradition proceedings. Mark regularly appears on behalf of individuals and foreign governments in respect of 1989 Act and 2003 Act proceedings. He is vice-chair of the Extradition Lawyer's Association.

In addition to the theft of a wardrobe door, and possession of a sleeping pill, Mark's recent cases have included:

- **Terrorism:** The Madrid train bombings - the 9/11 attacks - the 'fertiliser' bomb plot - the 2001 US anthrax bio-terrorism attacks
- **Serious fraud:** The financial collapse of Enron - the Elf Oil Co. political corruption trial - \$15million German SWIFT fraud - \$18million US advance fee fraud - \$31million US 'ponzi scheme' advance fee fraud - \$55million New Zealand derivatives fraud - \$60million German cheque fraud - \$300million US 'pump and dump' stock fraud - £8billion South African government bonds fraud
- **Serious violence:** The murder of Theo van Gogh,
- Cross-jurisdictional crime: Hacking into the Pentagon, Pearl Harbour and NASA computer networks - Drugs importations shipwrecked in international waters - the sale of decommissioned radioactive metals
- **Espionage:** KGB espionage in the former Soviet bloc - the creation of the 'Trojan Horse' commercial espionage computer virus - treason - Official secrets
- Two defendants on the FBI "10 most wanted" list
- Impairing the battle-readiness of the US Atlantic fleet
- The youngest defendant ever to face British extradition proceedings

Mark appeared on behalf of the Government of Spain in the first contested case to be conducted under Part 1 of the Extradition Act 2003.

Mark is experienced in the drafting of European Arrest Warrants / non-EU requests in relation to extraditions to the UK, and also been retained to advise in extradition cases in Caribbean jurisdictions.

Mark is presently instructed in extradition proceedings concerning:

- \$55million securities fraud
- Possession of weapons of war
- \$210million collapse of a foreign state bank
- Theft of armoured vehicles and aircraft
- An alleged mafia godfather

Anti-Terrorism

Mark's criminal practice is primarily focused on anti-terrorism and cases concerning complex cross-border and jurisdictional issues. Mark has conducted cases concerning:

- The 21/7 London bombing attempts
- R v Tsouli (aka "terrorist007" - reputed to be Al-Qa'eda's 'webmaster', 'internet conduit' and 'cyber-Muhajid')
- The Stansted Afghan Airlines hijacking
- Offences under the Terrorism Acts of 2000 and 2006
- Production of Chemical Weapons and explosives
- International economic sanctions freezing orders

Mark's ongoing terrorism cases include:

- 'Operation Overt': the 2006 alleged Heathrow airline bomb plot

Serious Crime

- In Chambers & Partners 2006, Mark was described as "...a criminal practitioner destined to go all the way to the top...".
- In 2007, he was noted as having "...been attracting attention from colleagues and judges alike, due to the quality of his performances. Those who have led Summers, for example, consider him to be absolutely exceptional, a genuinely clever lawyer...".
- Since 2008, he has been ranked amongst the top 15 juniors in London and is noted as having "...handled high-profile cases...a stunning addition to any team - with pep and industry to spare..."

Mark has been instructed in criminal courts at all levels, including the Divisional Court, Court of Appeal, House of Lords, Privy Council and European Court of Human Rights (Mark has significant experience of emergency Article 34 applications to the ECHR, including applications for interim measures under rule 39).

Mark has represented senior judiciary in criminal proceedings before the Privy Council.

Mark is particularly experienced in the conduct of abuse of process submissions in domestic cases concerning defendants brought before the jurisdiction by irregular means and in circumvention of extradition procedures.

The spectrum of trials that Mark has conducted include:

- Murder (including the defence of supergrasses)
- Human trafficking
- Child abduction
- Perverting the course of justice
- Serious fraud
- The Burnley and Bradford 2001 race riots

Mark's pro-bono work includes Caribbean death-row cases and Criminal Cases Review Commission miscarriage of justice cases.

Mark conducted the very first live TV link hearing to be held at the Central Criminal Court.

Notable Cases

Notable cases

Extradition

House of Lords

- *Goodyer & Gomes v Government of Trinidad and Tobago* [2009] 1 WLR 1038 (the impact of deliberate flight from justice on passage of time)
- *McKinnon v Government of the United States of America* [2008] 1 WLR 1739 (abuse of process - hacking into the Pentagon, Pearl Harbour and NASA computer networks)
- *Caldarelli v Court of Naples* [2008] 1 WLR 1724 (contumacious convictions)
- *Dabas v High Court of Justice Madrid, Spain* [2007] 2 AC 31 (the Madrid train bombings)

High Court

- *Owens v City of Westminster Magistrates' Court* [2009] ACD 211 (post-appeal surrender time limits)
- *Edwards v Government of the United States of America* [2007] Times, Oct. 5th
- *John v Government of the United States of America* [2007] ACD 227
- *R (Birmingham & others) v Director of the SFO; Birmingham & others v Government of the United States & another* [2007] QB 727 (Enron/the "Natwest 3")
- *Welsh & Thrasher v Secretary of State for the Home Department & another* [2007] 1 WLR 1281
- *Boudhiba v Central Examining Court No. 5 of the National Court of Justice, Madrid* [2007] 1 WLR 124 (the 9/11 attacks)
- *R (Oliver) v Secretary of State for the Home Department* [2006] 3 CMLR 46
- *Von der Pahlen v Leoben High Court, Austria* [2006] Times, July 10th
- *Hunt v Court of First Instance, Antwerp* [2006] 2 All ER 735
- *R (Okandeji) v Bow Street Magistrates' Court (Secretary of State for the Home Department intervening)* [2006] 1 WLR 674
- *Government of Germany v Kleinschmidt* [2006] 1 WLR 1
- *Government of the Republic of Albania v Bleta* [2005] 1 WLR 3576
- *R (Bleta) v Secretary of State for the Home Department* [2005] 1 WLR 3194
- *In re: Holmes* [2005] 1 WLR 1857
- *R v Bow Street Magistrates' Court, ex parte Proulx* [2001] 1 All ER 57

Anti-Terrorism

Court of Appeal

- *R v Sherif* [2009] 2 Cr App R (S) 235 (assisting the 21/7 London bombing attempts)
- *Attorney General's Reference (Nos. 85-87 of 2007) (R v Tsouli & others)* [2008] 2 Cr. App. R. (S.) 247 ("terrorist007" - cyber-Muhajid)
- *R v Bourgass No. 2* [2007] 2 Cr. App. R. (S.) 40 (Wood Green 'ricin' poison conspiracy and the murder of Special Branch Officer DC Oake).
- *R v Safi & others* [2004] 1 Cr. App. R. 14 (Stansted Afghan Airlines Hijacking).

Serious Crime

House of Lords

- *R v Coutts* [2006] 1 WLR 2154 (alternative verdicts).
- *I, M & H v DPP* [2002] 1 AC 285 (definition of affray)

Privy Council

- *Sharma v Brown-Antoine* [2007] 1 WLR 780 (judicial review of prosecutorial discretion)

Court of Appeal

- *R v Allen* [2005] 2 Cr. App. R. (S) 95 (sentencing re: 'steaming').
- *R v Reid* [2005] 2 Cr. App. R. (S.) 12 (minimum recommended term re: murder under CJA 2003 transitional provisions).
- *R v Gwillim-Jones* [2002] 1 Cr. App. R. (S.) 6 (progressive loss of mitigation and deterrence).
- *R v Panton* [2001] Times, March 27th (definition of supply re: involuntary custodians of class A drugs).

Publications

Co-author: Young, Summers and Corker on Abuse of Process in Criminal Proceedings, 3rd ed., 2009, Bloomsbury Professional.

What others Say

"...absolutely exceptional...a genuinely clever lawyer...a stunning addition to any team..." (Chambers and Partners)

Mark Summers is recommended;

- As a leading junior in extradition by Chambers & Partners (2008)
- As a leading junior in crime by Chambers & Partners (2008)
- As a leading junior in crime by the Legal 500 (2008/2009)