

# Mark Summers

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**matrix**  
chambers

Registered name on the Bar Standards Board Register: Mark John Summers  
VAT Number: 714338252

Year of Call: 1996



## Main Areas of Practice

Crime & regulatory      Public Law  
Extradition              International law  
Human rights

## Extradition, EU law and mutual legal assistance

Mark is a specialist in all areas of extradition and mutual assistance, international law and EU law. He is recommended as a leading extradition junior by both Legal 500 and Chambers and Partners. Mark is noted for his "knowledge of extradition case law" (Legal 500, 2012) and is "widely praised for his fantastic extradition practice... [he] has an encyclopaedic knowledge of extradition law at his fingertips and is a bold and confident advocate" (Chambers and Partners, 2011).

Mark is regularly instructed to advise and appear on behalf of individuals and foreign governments in proceedings in the United Kingdom and abroad. Mark is experienced in the drafting of European Arrest Warrants / non-EU requests. He is chair of the Extradition Lawyer's Association.

In addition to the theft of a wardrobe door and possession of a sleeping pill, his cases have included • the Madrid train bombings • the 9/11 attacks • the 'fertiliser' bomb plot • the 2001 US anthrax bio-terrorism attacks • the financial collapse of Enron (the "NatWest 3") • the murder of Theo van Gogh • the creation of the 'Trojan Horse' commercial espionage computer virus • the French Elf Oil Co. political corruption trial • hacking into the Pentagon and Pearl Harbour and NASA computer networks • \$31million US 'Ponzi scheme' advance fee fraud • \$55million financial derivatives fraud • \$300million US 'pump and dump' stock fraud • the sale of decommissioned radioactive metals • KGB espionage in the former Soviet bloc • treason • impairing the battle-readiness of the US Atlantic fleet • defendants on the FBI's "10 most wanted" list • Portugal v Garry Mann (on behalf of Fair Trials International) • Basque nationalist terrorism allegations • PKK terrorist murder allegations.

Mark's current extradition caseload includes • Sweden v Julian Assange • the attempted murder of the King of Spain • bombings in the 1992 Gujarati race riots • advising in proceedings in India, Switzerland, Portugal and the UAE • France & Algeria v Khelifa (the first competing extradition requests under the 2003 Act) • Edwards v UK and Woolley v UK pending before the European Court of Human Rights.

## Mark's reported extradition cases include:

### House of Lords / Supreme Court

- [Gomes & Goodyer v Government of Trinidad & Tobago \[2009\] 1 WLR 1038, HL \(2009\)](#) Extradition - The impact of deliberate flight from justice on passage of time
- [Caldarelli v Court of Naples \[2008\] 1 WLR 1724, HL \(2008\)](#) Extradition - contumacious convictions
- [McKinnon v Government of the United States of America \[2008\] 1 WLR 1739, HL \(2008\)](#) Extradition - abuse of process - hacking into the Pentagon, Pearl Harbour and NASA computer networks

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- [Dabas v High Court of Justice Madrid, Spain \[2007\] 2 AC 31, HL \(2007\)](#) Extradition - Madrid train bombings - European Arrest warrant - validity - Framework Decision - construction - duty of national courts - Article 34 EU

## High Court

- [Assange v Swedish Prosecution Authority \(2011\) 108 LSG 17, DC \(2011\)](#) Extradition - European Arrest Warrants - Framework decision - whether public prosecutor a judicial authority - pre-charge proceedings - whether defendant accused - mutual legal assistance - EAWs and proportionality - dual criminality - admission of extrinsic evidence to undermine EAW
- [Owens v City of Westminster Magistrates' Court \[2010\] 1 WLR 17, DC \(2010\)](#) Extradition - post-appeal surrender time limits
- [R \(Director of RCPO\) v Birmingham Magistrates' Court \[2010\] Lloyd's Rep FC 286, DC \(2010\)](#) Extradition - specialty - committal for default of payment of confiscation order - whether an offence - abuse of process
- [Von der Pahlen v Austria \[2009\] Lloyd's Rep FC 320, DC \(2009\)](#) Extradition - European Arrest warrants - required particulars of conduct
- [Boudhiba v Central Examining Court No. 5 of the National Court of Justice, Madrid \[2007\] 1 WLR 124, DC \(2007\)](#) Extradition - the 9/11 attacks
- [R \(Birmingham & others\) v Director of the SFO; Birmingham & others v Government of the United States \[2007\] QB 727 \(2007\)](#) Extradition - Enron - the "Natwest 3"
- [Welsh & Thrasher v Secretary of State for the Home Department \[2007\] 1 WLR 1281, DC \(2007\)](#) Extradition - specialty
- [Government of Germany v Kleinschmidt \[2006\] 1 WLR 1, DC \(2006\)](#) Extradition - requirements for service
- [Hunt v Court of First Instance, Antwerp \[2006\] 2 All ER 735, DC \(2006\)](#) Extradition - oppression - legitimate sense of security
- [John v Government of the United States of America \[2007\] ACD 55 \(2006\)](#) Extradition - autrefois acquit and double jeopardy - abuse of process
- [R \(Okandeji\) v Bow Street Magistrates' Court \[2006\] 1 WLR 674, DC \(2006\)](#) Extradition - appellate remedies following remittal - availability of judicial review - ouster clauses
- [R \(Oliver\) v Secretary of State for the Home Department \[2006\] 3 CMLR 46, DC \(2006\)](#) Extradition - Framework Decision - implementing legislation - reciprocity - judicial review of refusal to de-certify category 1 territory
- [Government of the Republic of Albania v Bleta \[2005\] 1 WLR 3576, DC & \[2005\] 1 WLR 3194, DC \(2005\)](#) Extradition - deliberate abstention from trial - judicial review of Secretary of State's certificate of validity
- [In re: Holmes \[2005\] 1 WLR 1857, DC \(2005\)](#) Extradition - dual criminality - obtaining money transfers by deception
- [In re: Proulx \[2001\] 1 All ER 57, DC \(2001\)](#) Extradition - murder - entrapment - admissibility of evidence - application of PACE to extradition proceedings

## Crime and regulatory

Chambers and Partners and the Legal 500 also consistently rank Mark as a leading junior in crime and regulatory work. Noted as "attracting attention from colleagues and judges alike, due to the quality of his performances...Those who have led Summers consider him to be absolutely exceptional, a genuinely clever lawyer". For the past 5 years, he has been ranked amongst the top 15 crime juniors in London and is noted as having "handled high-profile cases...a stunning addition to any team - with pep and industry to spare". Legal 500 in 2011 comments that Mark is "very effective in court, with a mature manner beyond his years". Mark has represented senior members of the Bar and senior members of the Judiciary in criminal proceedings,

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including proceedings before the Privy Council. He 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 broad spectrum of Mark's criminal advisory work includes advising the Public Solicitor of St. Helena & Ascension on the operation of the fair trial provisions of the Islands' new Constitution.

Mark's current crime and regulatory caseload includes • defending in the Pakistani cricket spot-fixing trial • intervening before European Court of Human Rights in proceedings concerning the death of Jean Charles de Menezes • death row litigation before the Privy Council • civil proceedings concerning the policing of the Royal Wedding.

#### Mark's reported crime and regulatory cases include:

##### House of Lords / Supreme Court

- [R v Coutts \[2006\] 1 WLR 2154, HL \(2006\)](#) Homicide - duty to leave alternative verdicts
- [I, M & H v DPP \[2002\] 1 AC 285, HL \(2002\)](#) Affray - brandishing weapons - requirement for perception of threat

##### Privy Council

- [Nicholas \(Mora Oil Ventures Ltd.\) v Magistrate Rambachan \[2009\] UKPC 1 \(2009\)](#) Larceny - conversion - private prosecutions - judicial review - sufficiency of evidence - Trinidad & Tobago
- [Sharma v Brown-Antoine \[2007\] 1 WLR 780, PC \(2007\)](#) Trinidad & Tobago - prosecution of Chief Justice - judicial review of prosecutorial discretion

##### Court of Appeal

- [R v Amir \[2011\] Times Dec. 12, CA \(2011\)](#) Corruption - cricket - sentence
- [R v Allen \[2005\] 2 Cr. App. R. \(S.\) 95, CA \(2005\)](#) Sentencing - young offenders - gangs - retrials
- [R v Reid \[2005\] 2 Cr. App. R. \(S.\) 12, CA \(2005\)](#) Murder - minimum recommended term - use of knives - aggravating features
- [Rodgers v Brixton Prison Governor \[2005\] 1 Prison LR 1, DC \(2005\)](#) Parole - judicial review - recall to prison - supervision
- [R v Gwillim-Jones \[2002\] 1 Cr. App. R. \(S.\) 6, CA \(2002\)](#) Sentencing - recidivism

##### Terrorism

Mark's extradition, MLA and general criminal practices all have a particular focus on anti-terrorism and cases concerning complex cross-border and jurisdictional issues. His terrorism trial caseload before the UK courts has recently included • "Operation Overt"; the 2006 Heathrow airline liquid bomb plot • the 21/7 London bombing attempts • [R v Tsouli \(aka "terrorist007" - reputed to be Al-Qa'eda's "webmaster" and "cyber-Muhajid"\)](#) • the 'ricin' conspiracy • the murder of DC Oake • the Stansted Airport 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 current terrorism caseload includes • "operation Norbury"; the alleged plot to blow up the London Stock Exchange, Big Ben and Westminster Abbey • "operation Examine"; alleged terrorist fundraising and plot to attack unknown targets in the UK

## Mark's reported terrorism cases include:

### Court of Appeal

- **R v Ali & others [2011] 3 All ER 1071, CA (2011)** Terrorism - "Operation Overt" - the 2006 Heathrow airline liquid bomb plot - autrefois acquit - publicity - second retrials
- **R v Sherif & Ors [2009] 2 Cr. App. R. (S.) 235, CA (2009)** Terrorism - 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, CA (2008)** Terrorism - "terrorist007" - cyber-Muhajid Terrorism - "terrorist007" - cyber-Muhajid
- **R v Bourgass No. 2 [2007] 2 Cr. App. R. (S.) 40, CA (2007)** Terrorism - Wood Green 'ricin' poison conspiracy - murder of Special Branch officer DC Oake
- **R v Safi & others [2004] 1 Cr. App. R. 14, CA (2004)** Terrorism - Stansted Afghan Airlines Hijacking - duress of circumstance - necessity

### Publications

Mark is:

- co-author of "Abuse of Process in Criminal Proceedings", Young, Summers & Corker, 3rd. Ed. Bloomsbury, 2009
- contributing editor to "Fraud: Criminal Law and Procedure", Montgomery & Ormerod, Looseleaf, OUP

### What others Say

"...a criminal practitioner destined to go all the way to the top..." (Chambers & Partners 2006)

"...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..." (Chambers & Partners 2007)

"...handled high-profile cases...a stunning addition to any team - with pep and industry to spare..." (Chambers & Partners 2008)

"...widely praised for his fantastic extradition practice... Mark has an encyclopaedic knowledge of extradition law at his fingertips and is a bold and confident advocate..." (Chambers & Partners 2011)

"...Extradition specialist ...very effective in court, with a mature manner beyond his years..." (Legal 500, 2011)

"...very good knowledge of extradition case law..." (Legal 500, 2012)

"...A high-level junior barrister...incredibly good on the law, proving succinct yet powerful in his legal submissions..." (Chambers & Partners 2012).