



MARK SUMMERS QC

CRIME AND TERRORISM CV

MAIN AREAS OF PRACTICE:

Crime and regulatory
Extradition and mutual assistance
Fraud, financial and business
crime
Human rights law
International law
Public law

Called to the Bar 1996
Appointed to Silk 2014

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Manager
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CRIME AND REGULATORY

Mark has represented senior members of both the Bar and Judiciary as defendants in criminal proceedings, including proceedings before the Privy Council. He is particularly experienced in the law of abuse of process, including irregular extradition and breach of specialty.

The broad spectrum of Mark's criminal trial and advisory work includes:

- defending in the Pakistani cricket spot-fixing trial
- death row litigation before the Privy Council
- 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:

- allegations of sanctions evasion
- proceedings concerning the legality of the policing of the Royal Wedding
- advising Libyan nationals concerning allegations of torture and rendition.

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:

- R v Anjem Choudary
- the 1982 Hyde Park bombing
- Syrian fundraising
- "operation Examine"; terrorist fundraising and suicide plot to attack unknown targets in the UK
- "operation Norbury"; the plot to blow up the London Stock Exchange
- "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
- production of chemical weapons.

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DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY

Mark is consistently ranked by both Chambers and Partners and the Legal 500 and as a leading silk in crime and extradition:

"an outstanding intellect" (Legal 500, 2020)

"His attention to detail is just phenomenal. Every single last ounce of the material is dealt with. He is unflappable and is very effective on pre-charge work."

"A 'ridiculously good' practitioner praised for his skill with 'tricky extradition questions,' he is an expert in mutual legal assistance, and represents individuals as well as European and other governments in all manner of extradition cases."

"He brings his vast knowledge of the extradition field and uses it to dazzle judges in a very effective way."

"Extremely knowledgeable, clever and hard-working."

"His advocacy is very enjoyable to watch: he is very careful with the judges and he pushes gently."

"Undoubtedly one of the most impressive extradition silks in the business. His command of domestic and EU extradition law is intimidating." (Chambers and Partners 2020)

"...An exceptional advocate who is an expert in mutual legal assistance, and represents individuals as well as European and other governments in all manner of extradition cases. He has particular experience of handling US extradition matters. Market sources note: He is fantastic and a go-to extradition silk...Out of all of the younger extradition silks, he is widely regarded as one of the best. He has an encyclopaedic knowledge of case law..." (Chambers and Partners 2018)

PUBLICATIONS

- Co-author of "*Abuse of Process in Criminal Proceedings*", Young, Summers & Corker, 4th. Ed. Bloomsbury, 2014
- Co-author of "*Human Rights and Criminal Justice*", Emmerson, Ashworth, Macdonald, Choo & Summers, 3rd. Ed. Sweet & Mawell, 2012
- Contributing editor to "*Fraud: Criminal Law and Procedure*", Montgomery & Ormerod, Looseleaf, OUP

NOTABLE CASES INCLUDE

R (Elgizouli) v SSHD [2020] 2 WLR 857, Supreme Court

Mutual legal assistance – provision of evidence to foreign criminal investigation - facilitation of death penalty – no duty to obtain assurances – prerogative powers - power to develop the common law in line with ECHR - data protection – transfer of personal data to third countries.

R v Haroon Syed [2019] 1 WLR 2459, Court of Appeal

Entrapment – burden of proof - difference between English law and Strasbourg jurisprudence.

Haralambous v St Albans Crown Court [2018] AC 236, Supreme Court

Search warrants – PACE 1984, section 8 – judicial review – CIPA 2001, section 59 – disclosure of Information – PII redactions – disclosed materials not sufficient to establish lawfulness of warrant – PII materials deployed as evidence - closed evidence procedure – Al-Rawi not applicable – no minimum level of disclosure.

R v Anjem Choudary [2018] 1 WLR 695, Court of Appeal

Terrorism – meaning of inviting support for a proscribed organisation – expression of personal beliefs – invitations to share beliefs - compatibility with Article 10 ECHR.

R v Anjem Choudary (No 2) [2017] 4 WLR 207, Court of Appeal

Terrorism - burden of proof - freedom of expression - jury directions – knowledge

R (TL) v Chief Constable of Surrey Police [2017] 1 WLR 2047, Divisional Court

Arrest without warrant - to effect prompt investigation - necessity of arrest - imposition of bail conditions or search of property as justification for arrest.

R (Hicks) v Commissioner of Police of the Metropolis [2017] AC 256, Supreme Court

Breach of the peace - policing of the Royal wedding - whether common law powers of arrest to prevent breach of the peace compatible with Article 5 ECHR.

Tague v Governor of HMP Full Sutton & the NCA [2016] 1 Cr App R 15, Divisional Court

Habeas Corpus – abuse of process – defendant extradited from Spain – extradition conditional on entitlement to retrial – retrial impossible under UK law – UK authorities taking custody of defendant nonetheless and committing to prison to serve sentence – whether abuse doctrine applies to post-conviction State conduct.

R (Mills) v Sussex Police [2015] 1 WLR 2199, Divisional Court

Search warrants - appropriate test for setting aside following material non-disclosure - whether judge might have refused to issue warrant with full information - Tchenguiz overturned.

R v GH [2015] 1 WLR 2126, Supreme Court

Money laundering - Proceeds of Crime Act 2002 - section 328 - entering into a money laundering arrangement - "criminal property" must already exist at the time the arrangement comes into operation, not when defendant enters into the arrangement - "criminal property" must be derived from separate predicate crime - arrangement may be divisible - arrangement to acquire non-criminal money not within section 328 - but once acquired, continued retention, use or control of the money within section 328 - reasoning applies to sections 327 and 329 also.

R v John Downey [2014], Crown Court

Terrorism - the 1982 Hyde park Bombing - proceedings stayed as an abuse of process.

Assange v Swedish Prosecution Authority (No. 2) [2012] 3 WLR 1, Supreme Court

Supreme Court - judgment - whether to be reopened - whether judgment given on basis which counsel had not been given fair opportunity to address.

Brown v Trinidad & Tobago [2012] 1 WLR 1577, Privy Council

Death penalty - inadmissible evidence - dock identification - good character directions - proviso - fresh evidence - remittal for reconsideration.

Government of the United Arab Emirates v Allen [2012] 1 WLR 3419, Divisional Court

Fraud - undated cheque as security against default on mortgage repayments - whether "representation" capable of including promise of future action - Fraud Act 2006 - fraud by false representation.

R (Woolley) v Ministry of Justice [2012] Lloyds Rep FC 442, Divisional Court

Credit for time served in custody abroad pending extradition - unlawfully at large - Prisons Act 1952 - Criminal Justice Act 2003 - non-EU member States.

R v Amir & Butt [2012] 2 Cr. App. R. (S.) 68, Court of Appeal

Corruption - international cricket - spot-fixing - sentence.

R v Ali & others [2011] 3 All ER 1071, Court of Appeal

Terrorism - "Operation Overt" - the 2006 Heathrow airline liquid bomb plot - autrefois acquit - publicity - second retrials.

Nicholas (Mora Oil Ventures Ltd.) v Magistrate Rambachan [2009] UKPC 1, Privy Council

Trinidad & Tobago - Larceny - conversion - private prosecutions - judicial review - sufficiency of evidence.

R v Sherif & Ors [2009] 2 Cr. App. R. (S.) 235, Court of Appeal

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, Court of Appeal

Terrorism - "terrorist007" - cyber-Muhajid.

R v Bourgass No. 2 [2007] 2 Cr. App. R. (S.) 40, Court of Appeal

Terrorism - Wood Green 'ricin' poison conspiracy - murder of Special Branch officer DC Oake.

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Sharma v Brown-Antoine [2007] 1 WLR 780, Privy Council

Trinidad & Tobago - prosecution of Chief Justice - perverting the course of justice - judicial review of prosecutorial discretion.

R v Coutts [2006] 1 WLR 2154, House of Lords

Homicide - duty to leave alternative verdicts.

In re: Holmes [2005] 1 WLR 1857, Divisional Court

Fraud - obtaining money transfers by deception.

R v Allen [2005] 2 Cr. App. R. (S.) 95, Court of Appeal

Sentencing - young offenders - gangs - retrials.

R v Reid [2005] 2 Cr. App. R. (S.) 12, Court of Appeal

Murder - minimum recommended term - use of knives - aggravating features.

Rodgers v Brixton Prison Governor [2005] 1 Prison LR 1, Divisional Court

Parole - judicial review - recall to prison - supervision.

R v Safi & others [2004] 1 Cr. App. R. 14, Court of Appeal

Terrorism - Stansted Afghan Airlines Hijacking – duress of circumstance - necessity.

I, M & H v DPP [2002] 1 AC 285, House of Lords

Affray - brandishing weapons - requirement for perception of threat.

R v Goode [2002] MHLR 337, Court of Appeal

Sentencing - medical evidence - psychiatric illness - restriction orders.

R v Gwillim-Jones [2002] 1 Cr. App. R. (S.) 6, Court of Appeal

Sentencing - recidivism.

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