



TIM OWEN QC

MAIN AREAS OF PRACTICE:

Admin and Public Law
Crime and Regulatory
Extradition and Mutual
Assistance
Fraud and Business Crime
Human Rights
Media and Information
Inquests and Inquiries
Police Law
Prison Law
Sports Law

Called to the Bar 1983

Appointed to Silk 2000

Deputy High Court Judge
(Administrative Court) 2010

Acting Judge to the Grand
Court of the Cayman Islands
2013

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Manager
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CURRENT AND RECENT CASES

- Acted for “ZXC” in his successful breach of privacy claim against Bloomberg LLP before the Court of Appeal (*ZXC v. Bloomberg LLP* [2020] 3WLR 838). Appeal pending to the Supreme Court in 2021
- Acted for the Government of Romania in extradition proceedings against prominent businessman Alexander Adamescu (*Adamescu v. Romania* [2020] EWHC 2709 (Admin))
- Acted for derivatives trader Carlo Palombo in his appeal against conviction for conspiracy to defraud in relation to manipulation of EURIBOR (*R v. Bermingham and Palombo* [2020] EWCA Crim 1662)
- Acted for Temur Akhmedov in proceedings brought by his mother to enforce the highest divorce settlement awarded by an English court (£453m). Tim argued that the role of litigation funder Burford Capital in funding Mrs Akhmedova’s claim was contrary to public policy/champertous (*Akhmedova v Akhmedov* [2020] EWHC 1526 (Fam))
- Acting for the Independent Office for Police Conduct in appeal to the Court of Appeal concerning the test for misconduct in cases where a police officer has allegedly used unlawful force (*R(on the application of officer W80) v. Director General of the Independent Office for Police Conduct* [2020] EWCA Civ 1301). Application for permission to appeal to the Supreme Court by W80 pending.
- Advising Canadian and UK based companies on POCA implications of mergers with/investment in companies engaged in licensed cannabis production (medicinal and recreational), including advice to cannabis companies seeking approval for UKLA listing
- Acting for Hong Kong based businessman, Jack Chen, in his re-trial for conspiracy to defraud (trial commences January 2021 and due to last 4-5 months)
- Advising Nigerian Oil executive on NCA investigation into bribery/money laundering
- Advising various clients on Unexplained Wealth Order investigations
- Acted for global law firm in relation to production order concerning former client suspected of major overseas corruption.
- Acted for G before the Supreme Court in *R (G, P and others) v Sec of State for Home Department* [2019] UKSC 3 which considered the legality/proportionality of the (revised) criminal records disclosure scheme.

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- Acting for lead appellant police officer Inspector Wong Cho Shing before the Hong Court of Appeal in the “Seven police officers’ case” arising from policing of the Occupy Central demonstrations in Hong Kong in 2016/17. The appeal raises novel issues concerning the proper test for the admissibility of video evidence
- Acted for lead applicant “L” in R (L) v. Serious Fraud Office [2018] 1 WLR 4557 which challenged the SFO’s discharge of its duty of disclosure in the context of individuals prosecuted following a Deferred Prosecution Agreement concluded with their former employer (see [here](#) for case note)
- Defended Mainland Chinese businesswoman Madam Ye Fang in her 4 month 2017 trial in Hong Kong for laundering her husband’s proceeds of crime from New Zealand Crafars farms fraud (she was acquitted on all 17 ML counts)
- Acted for husband in Court of Appeal case of Work v Gray [2017] EWCA Civ 270 concerning “special contribution”.
- Defended British banker Rurik Jutting in his Hong Kong trial for sadistic double killings in a case which raised novel issues of diminished responsibility (please see [here](#) for the report).
- Acted for former Executive Chairman of News International, Les Hinton, in proceedings before the House of Commons Privileges Committee arising from the 2012 Report of the Culture Media and Sport Select Committee alleging that he had committed a contempt of Parliament. The Privileges Committee cleared Mr Hinton of all charges of contempt in its October 2016 Report (please see [here](#) for the report).
- Advised New Zealand citizen William Yan in relation to extradition request by China for alleged corruption/fraud charges covered by President Xi Jinping’s Operation Fox Hunt and in relation to proceeds of crime proceedings brought by the NZ authorities based on the Chinese criminal allegations.
- Acted for Christina Estrada in her successful challenge to her former Saudi husband’s assertion of diplomatic immunity in the face of her ancillary relief claim (Estrada v. Juffali [2016] EWHC 213 (Fam)).
- Acted for Janan Harb in her successful challenge to the claim to state immunity asserted by the estate of the deceased former King of Saudi Arabia ([2015] EWCA Civ 481).
- Advising senior corporate figure in long running SFO investigation into bribery/fraud/sanctions offences in a number of jurisdictions.
- Acted for David McMillan in extradition proceedings initiated by Thailand for heroin smuggling offences allegedly committed in 1993 and following Mr McMillan’s successful escape from Klong Prem prison (the ‘Bangkok Hilton’) in 1996.
- Acted for former owner of Leeds United, Massimo Cellino, in his dispute with the Football League concerning the “fit and proper person” test.
- Acted for Dennis Slade in successful appeal against conviction for conspiracy to murder ([2015] EWCA Crim 71).
- Acted for claimant in case stated appeal concerning compatibility of Public Order Act conviction with A10 and A11 ECHR (Fiona James v. DPP [2015] EWHC 3296 (Admin)).
- Appeared before the Supreme Court in money laundering appeal in R v. GH [2015] UKSC 24.

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- Acted for claimant John Catt before the Supreme Court in R (Catt) v. Metropolitan Police Commissioner [2015] AC 1065 concerning legality of his inclusion on secret ACPO database of political protest groups.
- Acted for claimants in claim against Chief Constable of Merseyside alleging negligence, violation of A8 and breach of DPA following release of confidential details to criminal defendants at a time the claimants were protected witnesses (CLG v. Chief Constable of Merseyside [2015] EWCA Civ 836.
- Acted for the IPCC in judicial review proceedings arising from “Plebgate” (R (Mackaill, Hinton and Jones) v. IPCC and others [2014] EWHC 3170 (Admin))
- Acted for David and Alison Mills in successful High Court challenge to search and seizure warrants (R (on the application of David and Alison Mills) v. Sussex Police [2014] EWHC 2523 (Admin)).
- Advising the Turks and Caicos Financial Services Commission on the scope of the restricted deposit scheme.
- Advising the DPP of Hong Kong on allegations of conspiracy to pervert the course of justice involving judicial figures.
- Successful defence of former iSOFT Director Stephen Graham on a charge of market abuse.
- Acting for Andrey Lugovoy, a former KGB officer and a member of Russian Dumas, accused of murdering Alexander Litvinenko before the inquest into his death.
- Appearing before the Hong Kong Court of Appeal in two significant fraud/money laundering appeals (HKSAR v. Hon Ming Kong [2014] HKCA 144 and HKSAR v. Ye Fang).
- Acting for Andre Monteil in relation to the Trinidad based Commission of Inquiry into the failure of Colonial Life Insurance Company (CLICO).
- Acting for the DPP in a series of appeals concerning the legality of prosecuting potential Vietnamese child victims of human trafficking.
- Acting for Christopher Jefferies in his claim against the Chief Constable of Avon and Somerset in relation to the murder of Jo Yates.
- Advising the Hong Kong DPP in relation to a complex appeal relating to convictions for misconduct in public office.
- Acting for claimant in a judicial review challenge concerning the Ministry of Defence’s revised interrogation policy (“challenge direct”) authorised for use by military personnel engaged in interrogation and tactical questioning of foreign nationals during overseas military operations (R (On the application of Haidar Ali Hussein) v. Secretary of State for Defence [2014] EWCA Civ 1087.
- Tim is an Advisory Editor of Blackstone's Criminal Practice 2021 and the editor/author of numerous publications including Asset Recovery: Criminal Confiscation and Civil Recovery (OUP, 2020), Prison Law, 5th edition (OUP, 2015) and Blackstone's Guide to the Serious Organised Crime and Police Act 2005 (OUP, 2005). He is a regular lecturer, writer and speaker on topical legal issues.

SUMMARY OF SIGNIFICANT CASES BY AREA

Fraud/business crime

- **HKSAR v. Jack Chen and others** – in the first half of 2021 Tim is defending Hong Kong based businessman Jack Chen on charges of conspiracy to defraud arising from New Zealand Crafars farms acquisition
- Acted for derivatives trader Carlo Palombo in his appeal against conviction for conspiracy to defraud in relation to manipulation of EURIBOR (*R v. Bermingham and Palombo* [2020] EWCA Crim 1662)
- Tim is currently instructed by Byrne & Partners for one of the main suspects in the SFO inquiry into the collapse of London Capital and Finance
- Advising a number of high net worth individuals on UWOs
- **R (L) v. Serious Fraud Office** [2018] 1 WLR 4557 which challenged the SFO's discharge of its duty of disclosure in the context of individuals prosecuted following a Deferred Prosecution Agreement concluded with their former employer (see [here](#) for case note)
- **R v. GH** [2015] UKSC money laundering appeal by DPP seeking to expand scope of money laundering regime to include dealing with "clean" money intended for future criminal use.
- **R v. Ahmad & Fields** [2015] AC 299 compatibility with A1P1 ECHR of POCA insofar as defendants are held jointly liable for jointly obtained benefit from criminal conduct.
- **R v. Stephen Graham & ors** (successful Crown Court defence of former iSOFT director on market abuse conspiracy charge).
- **R v. PD and EB (Iraq Sanctions)** [2011] EWCQA Crim 2082 (supplying arms to Iraq in breach of the Iraq (UN Sanctions Order) 2003.
- **R v. Dahdaleh** (prosecution of British based business man charged and acquitted of bribery in relation to supply of aluminium to Bahrain).
- **HKSAR v. Hon Ming Kong** [2014] HKCA 144 (conspiracy to defraud and market abuse appeal by Chairman of two HK public companies raising issues of constitutional law arising from lack of MLA arrangements between Hong Kong and mainland China).
- **JSC BTA Bank v. Shalabayev** [2011] EWHC 2163 (Ch) (contempt proceedings against former Director of JSC BTA bank).
- In re Commission of Inquiry into the failure of Colonial Life Insurance Company (CLICO) (Trinidad based public inquiry into collapse of major Caribbean insurance company).
- In re Libor fixing (advising major international bank under investigation for Libor fixing).
- **R (Redknapp) v. City of London police** [2009] 1 WLR 2091 (corruption inquiry into Premiership football).
- **R v. Stanford** (internet entrepreneur charged with unlawful email hacking).
- **R v. Onuigbo & others** (laundering proceeds of corruption of former Nigerian State Governor, James Ibori).
- **R v. Ian Leaf** [2007] EWCA Crim 802 sentence appeal for fraudulent trading in relation to company purchase schemes.

Criminal Law

- Acted for derivatives trader Carlo Palombo in his appeal against conviction for conspiracy to defraud in relation to manipulation of EURIBOR (*R v. Bermingham and Palombo* [2020] EWCA Crim 1662)
- *R v. Knaggs, Hadley & Rich* [2018] EWCA Crim 1863 appeal against conviction in major drugs importation conspiracy which raised novel issues concerning role of Special Advocates on appeal and admissibility of intercept evidence
- *R v. Slade & others* [2015] EWCA Crim 71 (successful appeal against conviction for conspiracy to murder by alleged Leeds based organised criminal gang).
- *Fiona James v. DPP* [2015] EWHC 3296 Admin (appeal by case stated concerning compatibility of Public Order Act power to impose direction and conditions limiting public protest with Articles 10/11 ECHR).
- *R v. Moazzam Begg* (former Guantanamo detainee prosecuted for terrorism offences arising from his presence and activities in Syria in 2012/13 assisting resistance to Assad regime).
- *R v. L and ors* [2014] 1 All ER 113 (conjoined appeals by children who claimed that their prosecution and conviction for cannabis cultivation amounted to abuse of process as in breach of Anti Human Trafficking Convention).
- *R v. Austin* [2013] EWCA Crim 1028 (conviction appeal raising issue of whether trial judge erred in relying on closed Court of Appeal PII judgments in subsequent ruling on disclosure application. Judgment provides important guidance on role of Special Counsel on appeal).
- *R v. David Norris* [2013] EWCA Crim 712 (appeal against conviction for the murder of Stephen Lawrence).
- *R v. Horncastle & others* [2010] 2 AC 373 (appeal to House of Lords concerning compatibility of hearsay provisions of CJA 2003 with requirements of Article 6 ECHR).
- *R v. G* [2009] 1 AC 92 (appeal to House of Lords by 15 year old child concerning compatibility of strict liability offence of rape in Sexual Offences Act 2003 with ECHR).
- *R v. Hendy-Freegard* [2007] 3 WLR 488 successful appeal against conviction for kidnapping by defendant accused of luring a series of victims to go “on the run” with him for several years as a result of lies and false promises. Landmark case on elements of kidnapping.
- Advising major ISP on legality of targeted advertising software in light of potential interception offences under RIPA 2000.
- *R (Norris) v. Govt of USA* [2008] 1 AC 920 (Tim drafted written intervention on behalf of JUSTICE in House of Lords appeal on legality of USA extradition request in relation to cartel offences).
- *R v. Billy Dunlop* [2007] 1 WLR 1657 (first application to retry an acquitted person for murder under new double jeopardy law in CJA 2003).
- *R v. Susan Shickle* [2005] EWCA Crim 1881, fresh evidence CCRC appeal in which appellant sought to establish viable defence of diminished responsibility.

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- **AG's Ref No 4 of 2002 [2005] 1 AC 264** appeal to House of Lords concerning compatibility with presumption of innocence of membership of proscribed organisation offence contrary to s.11 of Terrorism Act 2000.
- **R v. Lambert [2002] 2 AC 545** leading authority on compatibility of reverse burden of proof clauses with presumption of innocence pursuant to Article 6 (2) ECHR.

Confiscation, restraint and proceeds of crime

- **NCA v. Leahy [2020] EWHC 1242 (QB)** application to discharge Property Freezing Order in context of civil recovery claim by NCA
- **R v. Fields, Sanghani and Sagoo [2015] AC 299** (appeal to Supreme Court concerning proportionality of making benefit finding against co-conspirators in whole sum obtained as opposed to apportioning benefit accordance with the evidence).
- **R v. Paulet [2010] QC 678** principles to be applied in determining abuse of process applications in confiscation claims where order arguably violates ECHR principles.
- **R v. Allpress, Symeou [2010] 2 Cr App R (S) 58** (liability to confiscation order of couriers).
- **R v. Briggs-Price [2009] 1 AC 1026** (appeal to House of Lords concerning legality of making a confiscation order in relation to unindicted criminal activity where Crown accepted no benefit derived from index offence – appeal to Strasbourg pending).
- **R v. Pomfrett** (defending main defendant in long running confiscation proceedings arising from complex missing trader/carousel fraud involving alleged benefit in excess of £120m).
- **R v. May, Jennings and Green [2008] 1 AC 1028** (leading House of Lords authority on proper approach to calculating confiscation orders in drugs and non-drugs crime).
- **James McKinsley v. CPS [2006] EWCA Civ 1092** (whether Administrative Court has jurisdiction to consider application for a certificate of inadequacy under the DTA 1994 in circumstances that involve going behind findings of Crown Court).
- **Satnam Singh v. Director of ARA [2005] 1 WLR 3747** (no bar to civil recovery proceedings under POCA 2002 where a confiscation order had been made but then quashed on jurisdictional grounds).
- **In re Saggat [2005] EWCA Civ 174** (compatibility of application to reopen a confiscation order under the DTA 1994 in light of later acquisition of assets with ECHR principles).
- **Asset Recovery Agency v. Green** (what must ARA prove as a precondition for making application for recovery orders against property under POCA).
- **R v. Benjafield and Rezvi [2003] 1 AC 1099** (whether confiscation proceedings under CJA 1988 and DTA 1994 are compatible with Article 6 (2) ECHR).

Public Law/Human Rights

- Acting for the Independent Office for Police Conduct in appeal to the Court of Appeal concerning the test for misconduct in cases where a police officer has allegedly used unlawful force (*R(on the application of officer W80) v. Director General of the Independent Office for Police Conduct* [2020] EWCA Civ 1301). Application for permission to appeal to the Supreme Court by W80 pending.
- Acted for G before the Supreme Court in *R (G, P and others) v Sec of State for Home Department* [2019] UKSC 3 which considered the legality/proportionality of the (revised) criminal records disclosure scheme.
- *R (Catt) v. Metropolitan Police Commissioner* [2015] 2 WLR 664 Supreme Court (judicial review challenge to inclusion of lifelong 90 year old peace protestor on ACPO's domestic extremism database).
- *HRH Prince Abdul Aziz Bin Fahd v. Janan Harb* [2015] EWCA Civ 481 (no state immunity for the estate of a deceased Head of State in respect of private acts done whilst Head of State. Tim acted for Janan Harb, the wife of deceased King of Saudi Arabia, in her civil action against the King's surviving son).
- *R (Mackaill, Hinton and Jones) v. IPCC & others* [2014] EWHC 3170 (Admin) judicial review proceedings brought by three Police Federation officers against IPCC arising from Plebgate affair.
- *R (on the application of Haidar Hussein) v. Sec of State for Defence* [2014] EWCA Civ 1087 (judicial review claim concerning compatibility of the Army's revised interrogation method – 'challenge direct' – with Geneva Conventions).
- *In re Massimo Cellino* (hearing before Football League Professional Conduct Committee concerning impact of criminal conviction for tax fraud of Leeds United owner, Massimo Cellino, with the League's 'fit and proper person' test).
- *R (on the application of Ali, Tunbridge and Dennis) v. Sec of State for Justice* [2014] 1 WLR 3202 (legality of decisions to refuse statutory compensation for miscarriage of justice in light of application of the Adams ruling of the Supreme Court).
- *R (Adams) v. Sec for Justice* [2012] 1 AC48 (appeal to Supreme Court concerning true scope of statutory compensation scheme for miscarriages of justice).
- *HM Treasury v. Mohammed Jabar Ahmed & ors* [2009] AC 16 (appeal to Supreme Court concerning legality of terrorist asset freezing regime under Terrorism (UN Measures) Order 2006)
- *Chief Constable of Hertfordshire v. Van Colle* [2009] 1AC 225 (appeal to the House of Lords concerning scope of common law duty of care to protect a witness from harm caused by third party criminal).
- *Secretary of State for Home Department v. AF (No 3)* [2009] AC 7 (appeal to House of Lords concerning legality of terrorism control orders and whether individuals enjoy minimum right to know case against them under A6 ECHR).
- *R (JF by litigation friend) and Thompson v. Home Sec* (appeal to Supreme Court concerning compatibility of the indefinite notification requirements for sex offenders under the Sexual Offences Act 2003 with A8 ECHR).
- *R (James, Lee and Wells) v. Sec of State for Justice* [2008] 1 WLR 1977 (challenge to legality of post tariff detention of IPP prisoners in light

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of catastrophic failure to anticipate consequences of IPP sentence in terms of need to provide offending behaviour courses).

- **Secretary of State for Home Dept v. MB [2008] 1AC 440** (where justification for control order lay wholly within closed material, the Prevention of Terrorism Act 2000 had to be read and given effect so as to secure minimum requirements of a fair trial).
- **R (Clift and Hindawi) v. Home Secretary [2007] 1 AC 484** (early release provisions contained in domestic law incompatible with Art 14 ECHR read with A5 insofar as they prevented prisoners liable for removal from having their cases considered by the Parole Board).
- **R (Harry Roberts) v. Parole Board [2005] 2 AC 738** (appeal to House of Lords concerning legality of Parole Board introducing special advocate procedure to determine release decision of triple police killer Harry Roberts).
- **R (Daly) v. Home Secretary [2001] 2AC 532** (key decision of House of Lords concerning proper approach to reviewing public law decisions that engage Convention rights).
- **In Re A (Conjoined twins) [2001] 2 WLR 480** (Tim acted for surviving twin Jodie in landmark case concerning the legality of performing separation surgery on conjoined twins in circumstances where doctors knew that death of one would result but where both would die if no surgery was performed).
- **R (Simms and O'Brien) v. Home Secretary [2000] 2 AC 115** (House of Lords ruling on 'the principle of legality' in context of successful challenge to Prison Service policy restricting visits to prisoners by journalists).

Police Law

- Acting for the Independent Office for Police Conduct in appeal to the Court of Appeal concerning the test for misconduct in cases where a police officer has allegedly used unlawful force (*R(on the application of officer W80) v. Director General of the Independent Office for Police Conduct* [2020] EWCA Civ 1301). Application for permission to appeal to the Supreme Court by W80 pending.
- Acted for G before the Supreme Court in *R (G, P and others) v Sec of State for Home Department* [2019] UKSC 3 which considered the legality/proportionality of the (revised) criminal records disclosure scheme.
- **R (Catt) v. Metropolitan Police Commissioner [2015] 2 WLR 664** Supreme Court (judicial review challenge to inclusion of lifelong 90 year old peace protestor on ACPO's domestic extremism database – leading authority on engagement of Article 8 ECHR in context of systematic processing of data based on activities in the public domain).
- **Fiona James v. DPP [2015] EWHC 3296 Admin** (appeal by case stated concerning compatibility of Public Order Act power to impose direction and conditions limiting public protest with Articles 10/11 ECHR).
- **R (Mackaill, Hinton and Jones) v. IPCC & others [2014] EWHC 3170 (Admin)** judicial review proceedings brought by three Police Federation officers against IPCC arising from Plebgate affair.
- **R (Mills and Mills) v. Sussex Police and Southwark Crown Court [2014] EWHC 2523 (Admin)** (search and seizure warrant had been

unlawfully issued where police had applied for warrant ex parte but failed to make full disclosure. Important case on proper test to be applied when considering quashing decision of search warrant).

- **Chief Constable of Hertfordshire v. Van Colle [2009] 1AC 225** (appeal to the House of Lords concerning scope of common law duty of care to protect a witness from harm caused by third party criminal).
- **R (JF by litigation friend) and Thompson v. Home Sec** (appeal to Supreme Court concerning compatibility of the indefinite notification requirements for sex offenders under the Sexual Offences Act 2003 with A8 ECHR).
- **MPC v. Raissi [2008] EWCA Civ 1237** (the proposition that it was sufficient for an arresting officer to infer that his superiors must have had reasonable grounds for suspicion before instructing him to arrest was inconsistent with O'Hara v. CC of Ulster Constabulary and not good law).
- **R (Charlotte Saunders) v. IPCC [2009] 1 All ER 379** (judicial review claim brought by sister of barrister Mark Saunders following his shooting by police officers – legality of IPCC policy permitting officers to confer/collaborate before providing statements after fatal incident).
- **R (Redknapp) v. City of London police [2009] 1 WLR 2091** (legality of search warrants authorizing searching of home of former Premiership manager Harry Redknapp).

Sports Law

- Acting for former owner of Leeds United, Massimo Cellino, in his dispute with the Football League concerning the “fit and proper person” test, including appearing before Professional Conduct Committee (Tim Kerr QC) in April 2014 proceedings.
- Advising journalists re legality of Liberty Media acquisition of Formula 1.
- Advising numerous PL and FL clubs on “fit and proper person” test.
- Writing chapter on “Ownership issues and the fit and proper person test” in pending book “Football and the Law”.
- Member of Sports Resolutions Panel of Arbitrators since 2018 and has Chaired numerous Safeguarding Panel arbitrations in a wide range of sports.