



RICHARD WHITTAM QC

MAIN AREAS OF PRACTICE:

Fraud, financial and business
crime
Crime and regulatory
CSR, Investigations and Audits
Inquests and Inquiries
Media and Information law

Called to the Bar 1983
Appointed to Silk 2008

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Manager
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Richard is a specialist criminal practitioner with vast experience in the most complex and high-profile criminal cases. He is consistently recognised as one of the leading criminal advocates in the UK, receiving both the Chambers and Partners and Legal 500 Crime Silk of the Year awards. He is renowned for his strategic and tactical guidance, and his ability to master complex legal and factual issues.

FRAUD, FINANCIAL AND BUSINESS CRIME

Richard has significant experience in Deferred Prosecution Agreements. He was instructed to lead a team of experienced junior counsel over a 3 year period to achieve the Deferred Prosecution Agreement against *Rolls Royce plc*. At the time it was the largest single investigation carried out by the SFO. The investigation covered four strands of the work carried out by Rolls Royce [Civil Aviation, Defence Aviation, Energy & Marine divisions]. The facts spread across two decades in Indonesia, Thailand, India, Russia, Nigeria and China.

He was instructed by third parties in relation to the Deferred Prosecution Agreements against *G4S Care and Justice Services (UK) Ltd* and *Serco (UK) Ltd*.

In addition to his defence work, Richard is instructed privately to prosecute serious allegations of fraud. He was privately instructed to prosecute the former Chief Executive Officer of DAS (UK). After a trial lasting three months three defendants were convicted of conspiracy to defraud.

Richard advises both potential defendants and prosecution authorities on pre-trial strategy. He regularly advises Government agencies and other public bodies including Cabinet Office, Attorney General's Office, Government Legal Department, Serious Fraud Office, Foreign and Commonwealth Office, Home Office, National Crime Agency, Crown Prosecution Service and the Parliamentary Health Service Ombudsman. He has a wealth of experience in national security matters, and has advised on and acted in cases where there has been a SOCPA agreement.

SERIOUS CRIME

As First Senior Treasury Counsel 2013-2015 Richard prosecuted some of the most serious criminal cases such as the murders of *Fusilier Lee Rigby* and *Jo Cox MP*. Particularly complex cases include the 'Airlines Bomb Plot', which was at its time the largest police investigation in the world, *Incedal* the 'secret terrorist trial', *McCormick* for making and supplying 'fake bomb detectors', and *Anjem Choudary*, the 'hate' preacher.

Richard also has expertise in the following areas:

INQUIRIES, INQUESTS AND REVIEWS

Richard currently is instructed to represent 12 former undercover police officers in the Undercover Policing Inquiry, instructed by Slater and Gordon. He advised the Director of Public Prosecutions in relation to the Inquest into those who died as a result of the Hillsborough Disaster on 15 April 1989. It remains the most serious tragedy in UK sporting history. He was instructed by the Ministry of Defence to advise during the Baha Mousa Inquiry.

Along with Peter Wanless, the CEO of the NSPCC, Richard carried out two significant reviews for the Home Office:

- In November 2014, the Wanless Whittam Review into what were described as the 'missing files' inquiry: '*An Independent Review Of Two Home Office Commissioned Independent Reviews Looking At Information Held In Connection With Child Abuse from 1979-1999*', and
- In July 2018, the Wanless Whittam Review 2 into allegations of child sexual abuse in Rotherham: '*An independent review into information passed to the Home Office in connection with allegations of child sexual abuse in Rotherham (1998-2005)*'.

APPEALS

Richard has an impressive appellate practice. He advised and represented the Law Officers in respect of Unduly Lenient Sentences for almost two decades.

He was instructed to respond in the "*Lady in the lake*" reference by the CCRC to the Court of Appeal [*Park*]. The Court of Appeal dismissed the appeal.

Richard was also instructed by the Director of the Service Prosecution Authority to respond to the appeal of *Alexander Blackman* [Former Marine Sgt Blackman aka Marine A] to respond to his appeal against his conviction for murder.

As set out in the 'Cases include' section below, he has appeared in significant criminal appeals, several of which were before five Judge courts.

MEDIA

Richard prosecuted the case of *R v Erol Incedal and another* and appeared in both Court of Appeal cases that addressed the issues of anonymity of defendants and whether parts of the whole of a trial could take place in 'secret'.

He advises on production orders, warrants and the protection afforded to journalists under the Police and Criminal Evidence Act 1984.

MILITARY LAW

Richard advised the Director of the Service Prosecution Authority in relation to significant allegations of War Crimes committed by the Army in Afghanistan and Iraq.

In addition to acting in the appeal of *Alexander Blackman*, Richard advised the Attorney General as to whether the sentence passed on the former SAS Sergeant, *Danny Nightingale* was unduly lenient.

He has appeared in Court Martial trials in the UK and in Germany.

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DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY

'A skilled prosecutor and effective defender.' **Legal 500 (2021) Crime**

'He is highly respected in court with excellent judgement. Insightful and a pleasure to work with.' **Legal 500 (2021) Fraud: Crime**

'Super bright and a brilliant defence advocate.'

'He is really strong on the tactical side.' **Chambers & Partners (2019) Financial Crime**

'A master strategist who has routinely appeared before the most senior criminal judges and consequently has detailed knowledge of navigating unprecedented issues before the criminal courts.' **Chambers & Partners (2019) Crime**

'A 'class act' who has the ability to smoothly handle complex criminal prosecutions.' 'He's fantastic: he guided us through the practical and strategic aspects of an incredibly complex issue and his client care was astounding.'; 'Richard handled what was a very high-profile case with a light touch and great skill. He was unfazed by the press frenzy.'

Chambers & Partners and Legal 500 (2018)

'Renowned and respected by commentators for his tenacity, work ethic and superior jury advocacy';

'He is really top-drawer and has very impressive court craft';

'He takes everything in his stride. Nothing seems to bother him and he just won't be deflected from achieving a good result';

'Astute, hardworking and meticulous in his paperwork';

'A strong Treasury Counsel who realises that to be effective, you don't need to be an enemy of your opponent'

'A fearless advocate who glides through proceedings with effortless style';

PROFESSIONAL DISCIPLINE

Richard is the Independent Examiner for the Institute and Faculty of Actuaries. Previously he was also a legal assessor for the Nursing and Midwifery Council and the General Social Care Council. He has advised the IPCC in relation to deaths caused by police officers, and is a member of the RFU and the EPCR Judicial Panels.

CASES INCLUDE:

FINANCIAL CRIME

R v Georgallides: Marios Georgallides pleaded guilty to three counts of using a prohibited company name and one count of being concerned in the promotion, formation or management of a company whilst being disqualified from being a director. The Court accepted the submissions that the offences were strict liability offences and imposed a community penalty.

SFO v G4S Care and Justice Services (UK) Ltd: DPA, Richard advised a third party.

SFO v Serco Geographix Ltd: DPA, Richard advised a third party.

R v Asplin and others, Richard was privately instructed to prosecute the former Chief Executive Officer of DAS (UK). After a trial lasting three months three defendants were convicted of conspiracy to defraud. *Paul Asplin* was convicted and sentenced to 7 years' imprisonment and disqualified from being a company director for 12 years.

R v X, Richard secured the acquittal of a man of good character, who was charged with insider dealing in relation to the take-over of Logica plc by CGI.

SFO v Rolls Royce Plc: Richard was instructed to lead a team of experienced junior counsel who advised across different jurisdictions on the four strands of the work carried out by Rolls Royce [Civil Aviation, Defence Aviation, Energy & Marine divisions]. The draft indictment included five allegations of conspiracy to make corrupt payments, one count of false accounting and five counts of failure to prevent bribery. The facts spread across two decades in Indonesia, Thailand, India, Russia, Nigeria and China.

R v McCormick: James McCormick was a businessman indicted with making and selling articles for use in fraud, namely bomb detectors that did not work. Some were sold to Iraq and used on checkpoints on the edge of the Green Zone. Initially, the CPS decided there was insufficient evidence to prosecute. Richard was asked to advise whether a prosecution could be brought, and if so, for what. Richard advised that the defendant could be charged with making and then supplying articles for use in fraud. The defendant was convicted and sentenced to the maximum sentence available. The Court of Appeal upheld the sentence. This was the first in a series of prosecutions of several defendants for like devices.

CRIME, HOMICIDE (MURDER & MANSLAUGHTER)

R v Mair: The murder of Jo Cox MP. Jo Cox was the first woman Member of Parliament to be murdered and the first sitting MP to be murdered since Ian Gow was murdered in 1990. Thomas Mair received a whole life sentence.

R v Muddar and Chowdhury: The two female defendants were in a relationship. They tortured and then caused the death of the second defendant's 8-year-old child. The abuse lasted for several months. The prosecution involved reliance on tape-recorded interviews with young children who did not give evidence and many thousand text and social media messages.

R v Daynes: The deceased was aged 14 when he died. The allegation was that he was groomed over the Internet. He left home and then was murdered by the 18-year old defendant with whom he had been in contact. The defendant pleaded guilty to murder but denied any sexual motivation. There was a trial of that issue. The Court found that it was a murder with sexual motivation. Duct tape was used as a restraint and images had been sent to others. As a result of the complaints raised by the mother of the deceased, two police forces were referred to the IPCC.

R v Young: Instructed to resist the application to stay the proceedings as an abuse of process. The defendant pleaded guilty to unlawfully causing GBH harm to his infant child 12 years earlier. He received a prison sentence. The infant was adopted and died much later allegedly as a result of the injuries caused by the defendant. The Law Officers consented to the later prosecution for manslaughter arising out of the facts of the GBH prosecution. Richard successfully resisted an application to stay the proceedings as an abuse of process.

R v J: J was charged with the murder of PC Blakelock in the riots on the Broadwater Farm Estate. The murder had occurred some some 26 years earlier. Richard did not advise on the prospects of success but was instructed to prosecute the case. He resisted an application to stay the proceedings as an abuse of process and a submission of no case to answer at the close of the prosecution case.

R v Kunene & Kunene: Manslaughter. Both parents starved their own infant child to death because of their religious beliefs. The defendants were married and adherents to their own particular interpretation of Seventh Day Adventism. As a vegan the mother did not provide sufficient nourishment for her infant child by breast-feeding and the health of the infant deteriorated. Despite warnings over a period of months from her family, no medical help was sought and the infant died.

R v Adebolajo and Adebowale: The defendants were two radical Islamists who ran down and then murdered Fusilier Lee Rigby in a street in Woolwich. They deliberately targeted a British soldier and attempted to decapitate him in public. Novel issues of law arose, including the legal meaning of "Queen's Peace". The first defendant was sentenced to a whole life term, which was upheld by the Court of Appeal

R v Igbinedion: The defendant stamped on his 3 year-old nephew whilst he was looking after him, causing his death. It was necessary to call as a witness the defendant's own daughter, who was aged 9 at the time [10 when she gave evidence]. She gave evidence via the video link, and had to be treated as hostile.

R v Williams & Others: A multi-handed murder trial [eight defendants, all with two counsel] most notable because one of the defendants was profoundly deaf. The entire proceedings were simultaneously translated into British Sign Language, and the defendant had the benefit of an Intermediary throughout the trial, including when he gave evidence in his own defence. The prosecution also relied on anonymous witnesses. The Court of Appeal upheld the convictions.

R v Attila Ban: A hotel receptionist murdered two work colleagues in his own flat and then hid under the bed for two days whilst the police conducted their investigation in and around the premises. Expert psychiatric evidence called by both sides.

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R v Kavuala & Others: The deceased was the subject of mistaken identity. He was shot dead as he left a fast food outlet in what was intended to be a further attack by one gang on another. Considerable reliance was placed on telephone records, CCTV recordings, and scientific evidence.

R v Naik: The defendant was a solicitor who took over the representation of a 14-year-old boy in an attempt to persuade him to plead guilty so that the interview he had given to the police would not feature in the trial of the gang leader. The boy did not change his plea and was murdered on the eve of the trial. The gang leader coordinated the murder from inside prison by the illegal use of mobile phones. Richard had successfully prosecuted that gang leader in an earlier trial. Issues of legal professional privilege were raised in the trial.

R v Jane Andrews: The defendant was a former dresser to Sarah Ferguson. She murdered her boyfriend. She was convicted after a trial and that conviction was upheld by the Court of Appeal.

APPEALS

R v Park, [2020] EWCA Crim 589: The 'Lady in the Lake' CCRC appeal, Richard was instructed to respond. It was a complex appeal. *Gordon Park's* wife went missing in 1976. Her body was found in Lake Coniston in 1997. *Gordon Park* was charged in 1997 and the case against him was dropped in 1998. He was re-charged then tried and convicted in 2005. *Gordon Park* then hanged himself in 2010. Appeal based on non-disclosure - pathology, DNA, experts in the formation of rocks. The Court of Appeal upheld the conviction.

R v Blackman (Alexander Wayne), [2017] EWCA Crim 190: Alexander Blackman's conviction for the murder of a wounded insurgent replaced by a verdict of manslaughter by reason of diminished responsibility. At the time of the killing, the Marine [aka 'Marine A'] had been suffering from an adjustment disorder which substantially impaired his ability to form a rational judgment and exercise self-control.

R v Blackman (Alexander Wayne), [2017] EWCA Crim 325: Sentence decision. The appellant was sentenced to seven years' imprisonment and dismissed from the armed forces. In the absence of a Sentencing Council guideline for the offence of manslaughter by reason of diminished responsibility, the court set out in detail the relevant factors for consideration.

Regina v Alexander Wayne Blackman v BBC, ITN, Times Newspapers Limited, British Sky Broadcasting, Guardian News and Media and Associated, Newspapers Ltd, The Ministry of Defence, [2017] EWCA Crim 326: The court refused an application made by various media organisations for disclosure of video recordings taken by a marine during the killing of a wounded insurgent in Afghanistan. The balance of the principles of open justice and the rights of the media under ECHR article 10 lay against disclosure.

R v Choudary & Rahman, [2016] EWCA Crim 1436: The Court of Appeal upheld the trial judge's ruling that the words 'invite' and 'support' were ordinary English words with a clear meaning and would be easily understood by a jury. The criminality lay in inviting support from third parties for the proscribed organisation, not in inviting those third parties to join with the defendant in providing it.

R v Kahar, Ziamani & Others, [2016] 2 Cr App R (S) 32: [5 judge court] Richard was instructed to intervene on behalf of the Secretary of State for

the Home Department. The Court was specially assembled to give definitive guidance on sentencing in s5 Terrorism Act 2006 cases.

R v Hunter and others [2015] 2 Cr App R 9: [5 judge court] In conjoined appeals against conviction, the Court of Appeal considered the relevant principles to be applied in relation to good character directions. Richard had not appeared in any of the trials.

R v Incedal and another: The case went to the Court of Appeal twice:

Guardian News and Media Ltd v Incedal, [2015] 1 Cr App R 4, and

In Re Guardian News and Media Ltd and Others (R-v-Incedal No 2) [2016] 1 Cr. App. R. 33: In the second appeal, Lord Thomas CJ agreed it was necessary for some parts of exceptional criminal trials to be heard in private.

R v Richards & others, [2016] 1 Cr. App. R. 20: A huge Inland Revenue prosecution had gone wrong and the trial had been stayed five years after the proceedings had commenced. The Court reviewed the statutory disclosure regime. Richard was instructed by the Attorney General to intervene. It was another specially convened court, on this occasion three Lord Justices of Appeal, all of whom historically had given guidance on disclosure: President QBD [Sir Brian Leveson], Gross LJ [Senior Presiding Judge England and Wales] and Fulford LJ [Gross' successor].

Alan Charlton & Idris Ali [2016] EWCA Crim 52: Historic murder of a teenager after she had been raped, with the background of massive police corruption in South Wales [Mouncher etc]. Richard had not appeared in the trial. Despite a well-orchestrated campaign, the conviction was upheld.

Kevin Lane [2015] EWCA Crim 1226: Historic gangland murder. The appeal based on what was accepted to be a 'spectacularly dishonest' police officer was dismissed. Richard had not appeared in the trial. Despite a well-orchestrated campaign, the conviction was upheld.

R v Orette Williams, [2013] 1 Cr. App. R. 11: Prohibited firearms, persuasive burden, presumption of innocence and strict liability.

R v Moore & Another [2013] EWCA Crim 85: Entrapment, drugs.

R v Asad Mahmood & Another, [2013] EWCA Crim: Interception of communications in relation to the use of the PIN telephone system used in prisons.

Attorney General's Reference (No.38 of 2013), Also known as: *R. v Hall (James Stuart)*, [2013] EWCA Crim 1450: The former BBC broadcaster had been convicted of historic sex offences. This was an application for permission to refer the sentence to the court as an unduly lenient sentence. Permission was granted and the sentence found to be unduly lenient. Richard personally advised the Attorney General and appeared with him.

R v Joof & Others, [2012] EWCA Crim 1475: Historic murder appeal where Richard personally advised the DPP that the convictions of 5 men for a brutal gangland killing could not be upheld. The Court of Appeal adopted Richard's reasoning and used much of his written submissions in its judgement.

R v Ruth Ellis, [2003] EWCA Crim 3930: Posthumous appeal – last woman to be hanged in England.

CRIME, TERRORISM

R v Freddie Scappaticci: Richard acted for the person whose notoriety gave rise to ‘neither confirm nor deny’ [NCND]. On arrest in relation to his alleged involvement in murders as a ‘double agent’, his computer was found to have pornographic images on it. He was prosecuted for possession of indecent images, despite complex issues regarding his safety.

R v Ciaran Maxwell: Richard prosecuted Royal Marine Commando Ciaran Maxwell who was a serving Royal Marine when he was arrested in August 2016 at Norton Manor Camp in Taunton. Police searches revealed he had 43 hides of ammunition and explosives in eight locations, one of which was in Devon, the remainder in Northern Ireland. He admitted to having links with a Republican dissident.

R v Choudary & Rahman The ‘hate preacher’ Anjem Choudary. Conviction for inviting support for a proscribed terrorist organisation [ISIS].

There was an interlocutory appeal, see above.

R v Ali & Others: Richard was one of two Senior Treasury Counsel/Queen’s Counsel instructed to prosecute the ‘Airlines Plot’ - the investigation into the terrorist conspiracy to blow up several transatlantic passenger aircraft in flight: 13 defendants prosecuted, 8 in one trial. The police investigation was described at the time as the largest in the world.

R v Tsouli & Others: Offences under the Terrorism Act 2000, including incitement to murder. Defendants arrested in the UK. Mis-named by press as ‘the Cyber Terrorist case’. Case mentioned in Parliament because of the massive quantity of material stored on computer drives and on the internet.

The defendants encouraged others over the internet to commit acts of terrorism. The defendants fraudulently used credit cards to finance the use of web sites and administered internet chat-rooms to encourage people to follow the ideology of Osama Bin Laden. Violent extremist material [such as beheadings and terrorist atrocities] was published. The investigation involved enquiries in Bosnia, Sweden, France, Belgium, Canada and the United States of America.

R v Saajid Badat: The defendant was the shoe bomber associated with Richard Reid. He entered into a SOCPA arrangement. Evidence was obtained from the USA, Pakistan, France, and Belgium. Richard prosecuted *Saajid Badat* and then represented the prosecution when *Saajid Badat*’s sentence later was reduced in accordance with the SOCPA provisions. Richard liaised with Metropolitan Police Solicitors’ Department re *Badat*’s evidence in the USA in the trial of *Adis Medunjanin*, one of those suspected in a 2009 plot to attack the New York Subway. His giving evidence was reported as the first terrorist convicted in Britain to testify at a trial overseas.

R v Meziame & Benmerzuga: The first Al Qaeda fundraising case in the UK. Terrorist Funding under the Terrorism Act 2000 [also fraud, forgery and counterfeiting offences]. First such prosecution and involved consideration of the Terrorism Act 2000 in the light of previous counter terrorism legislation. Publicity adverse to the accused throughout the trial. Evidence from Europe, Canada and Pakistan.

TEACHING/TRAINING/SPEAKING

Richard was a panel member at the OpenText Forum 'Deferred Prosecution Agreements - 6 years on - Analysing their effectiveness and impact.' on 19th October 2020.

17 October 2019, St Andrew's University: As part of the 25th anniversary celebrations of the Handa Centre for the Study of Terrorism and Political Violence invited to give a Public Lecture: '*Terrorist' murder: The cases of Adebolajo & Adebowale [Lee Rigby] and Thomas Mair [Jo Cox] contrasted.*' Founded in 1994, the Centre is Europe's oldest for the study of terrorism.

November 2018, panel member at CONTEST 3.0 Counter-Terrorism Strategy 2018, Royal United Services Institute [RUSI], Whitehall.

June 2017, panel member at the Legal Week and Corporate Counsel's Banking, Litigation and Regulation Forum [Deferred Prosecution Agreements].

New York, Terrorism Trials And Investigations.

May 2016, panel member. A US-UK Transatlantic Dialogue at New York University. A closed event organised by The Robert Strauss Centre for International Security and Law and the Centre on Law and Security NYU School of Law. US Secretary of State attended.

Madrid, European Justice Training Network [EJTN].

December 2015, panel member, Tackling Terrorism: Procedural and Substantive Law Challenges and Best Practices (Module 1: Comparative Analysis of the Domestic Approaches to Tackling Terrorism).

2013/4 Lectured to Judges of the High Court of Nigeria and separately to Judges of the High Court of Pakistan on the prosecution of terrorist trials in England and Wales.

MEDIA APPEARANCES

Many of the cases in which Richard has appeared have featured in film and television programmes. He has contributed to and/or appeared in programmes for production companies who have made specific programmes about those cases for, amongst others, the BBC, ITN, CBS, History Channel.

They include, '*The Ruth Ellis Files: A very British Crime Story*', and the CBS Reality programme 'New Scotland Yard Files', which featured the murders of Laila Rezk and in a separate case, Cathy Marlow.

APPOINTMENTS

- 2020 Legal Member Proscribed Organisations Appeal Commission.
- 2019 Judicial Officer EPCR [European Professional Club Rugby].
- 2019 Appointment as Deputy High Court Judge [extended to January 2022].
- 2018 Reappointed as the Independent Examiner for Institute and Faculty of Actuaries.
- 2017 Justice of Appeal of the Court of Appeal of the Falkland Islands and South Georgia and the Sandwich Islands.
- 2016 Deputy High Court Judge.
- 2014 Member of the RFU Judicial Panel.
- 2014 Independent Examiner for Institute and Faculty of Actuaries.
- 2009 Recorder of the Crown Court [approved to sit at the Central Criminal Court].
- 2008 Queen's Counsel.
- 2013 - 2015: First Senior Treasury Counsel [Crime].

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2006 - 2015: Senior Treasury Counsel [Crime].
2002 - 2006: First Junior Treasury Counsel [Crime].
1998 - 2006: Junior Treasury Counsel [Crime].

MEMBERSHIPS

Fraud Lawyers Association
Financial Services Lawyers Association
Criminal Bar Association
ARDL
South Eastern Circuit
International Associate Member of the American Bar Association

QUALIFICATIONS

LLB (Hons), University College London

Richard is regulated by the Bar Standards Board and accepts instructions under Standard Contractual Terms. To find out more information on this and the way we work at Matrix, including our fee transparency statement, please see our [service standards](#).