



MARK SUMMERS QC

MAIN AREAS OF PRACTICE:

Crime & Regulatory Law
EU Law
Extradition and Mutual Assistance
Fraud
Human Rights and Civil Liberties
Public Law

Called to the Bar 1996

Appointed to Silk 2014

CONTACT:

marksummers@matrixlaw.co.uk
+44 (0)20 7404 3447
Paul Venables, Practice Manager
paulvenables@matrixlaw.co.uk

With extensive expertise in a number of areas, Mark is a specialist in crime and regulatory law, particularly focusing on extradition and mutual legal assistance issues. In addition, his workload covers anti-terrorism law, cases concerning complex cross-border and jurisdictional issues, and elements of international and EU law.

CRIME & REGULATORY LAW

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

The diverse spectrum of Mark's criminal trial and advisory work includes for example • 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 • allegations of sanctions evasion • proceedings concerning the legality of the policing of the Royal Wedding • ECtHR proceedings arising from Spanish investigatory proceedings • advising Libyan nationals concerning allegations of torture and rendition.

EXTRADITION, INTERNATIONAL LAW AND EU LAW

Mark is a specialist in all areas of extradition and mutual assistance, international criminal law and EU criminal law. Mark is regularly instructed to advise and appear on behalf of individuals and foreign governments in proceedings in the United Kingdom and abroad. He was previously Chair of the Extradition Lawyers' Association.

His cases have included • USA v Navinder Sarao, concerning the 2010 "flash crash" • *Spain v Rwandan intelligence chief, General Karenzi Karake* • *South Africa v Shrien Dewani* • *Sweden v Julian Assange* • *Bucnys v Ministry of Justice* • the attempted Regicide of the King of Spain • *Edwards & Harkins v United Kingdom* • *Woolley v United Kingdom* • the Madrid train bombings • the 9/11 attacks • the 'fertiliser' bomb plot • the 2001 US anthrax bio-terrorism attacks • the collapse of Enron (the "NatWest 3") • *USA v Kareem Serageldin*, Credit Suisse executive prosecuted for his part in the 2008 financial crisis • the murder of Theo van Gogh • the creation of the 'Trojan Horse' commercial espionage computer virus • hacking into the Pentagon and Pearl harbour and NASA computer networks • \$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.

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 • the 1982 Hyde Park bombing • Syrian fundraising • "operation Examine"; terrorist fundraising and suicide plot to attack unknown

Mark Summers QC:
marksummersn@matrixlaw.co.uk
+44 (0)20 7404 3447
Paul Venables, Practice Manager
paulvenables@matrixlaw.co.uk

DIRECTORIES' RECOMMENDATIONS

'...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)

'...A brilliant extradition specialist who has a down-to-earth manner that inspires confidence...His performance at substantive hearings is very impressive...' (Legal 500 2018)

"...An extremely knowledgeable and thorough silk who is an expert in mutual legal assistance...His technical knowledge is phenomenal, and he knows cases not just from this jurisdiction but from all around the world. He has an incredible grasp of detail and enjoys the confidence of all the judges.." (Chambers and Partners, 2017)

"At the top of the tree: bright, phenomenally hardworking and abundantly talented...A top lawyer, who takes every possible point for his clients and is first-rate in his examination of witnesses" (Legal 500, 2017)

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.

RECENT CASES

Konecny v District Court in Brno-Venkov, Czech Republic [2019] 1 WLR 1586, Supreme Court

Extradition – defendant convicted in absence but having unqualified right to retrial if extradited - whether extradition to be sought as 'accused' or 'convicted' person – whether 'passage of time' bar to be re-addressed by parliament

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

Search warrants – judicial review – disclosed materials not sufficient to establish lawfulness of warrant – PII materials deployed as evidence - closed evidence procedure – whether Article 6 ECHR imposes minimum level of disclosure

R (Hicks) v Commissioner of Police of the Metropolis [2017] 2 WLR 824, 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

Goluchowski & Sas v District Court in Elblag, Poland [2016] 1 WLR 2665, Supreme Court

Extradition - validity – whether details of arrest warrants or judicial decisions issued to secure surrender to custody to enforce sentence required to be included in EAW – meaning of "warrant" – whether extraneous materials available to defence or prosecution to show or cure invalid warrant - EU principle of conforming interpretation now applicable to extradition proceedings.

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.

Assange v Swedish Prosecution Authority [2012] 2 AC 471, Supreme Court

European Arrest Warrants - meaning of judicial authority - public prosecutors - Article 5.1(c) ECHR - status of instruments enacted under Title VI TEU in English law - status of Article 34 TEU / Pupino obligation of conforming interpretation in English law - European Communities Act 1972 - European Union (Amendment) Act 2008 - Lisbon treaty - Protocol 36 - status of unincorporated treaties - proportionality.

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.

PUBLICATIONS

Co-author of *Abuse of Process in Criminal Proceedings*, Young, Summers & Corker, 4th. Ed. Bloomsbury, 2014

Co-author of *The Law of Extradition and Mutual Legal Assistance* Nicholls, Montgomery, Knowles, Doobay & Summers, 3rd. Ed. OUP, 2013

Co-author of *Human Rights and Criminal Justice*, Emmerson, Ashworth, Macdonald, Choo & Summers, 3rd. Ed. Sweet & Maxwell, 2012

Contributing editor to *Fraud: Criminal Law and Procedure*, Montgomery & Ormerod, Looseleaf, OUP