

Alun Jones KC

Call: 1972

KC: 1989

Alun Jones KC is a specialist in extradition, mutual legal assistance, asset freezes and confiscation, international crime, financial crime, crime, judicial review, and immunity cases. He has also appeared in the higher appellate courts in insolvency, commercial, planning and defamation cases when they have been connected with matters within his normal areas of practice.

He spent the first ten years of his career before juries in London learning and developing advocacy skills and then gradually specialised. In 2004, he founded and became Head of Great James Street Chambers in London. Alun Jones values his professional independence. He is not a member of a political party or a part-time judge. (He was a Recorder of the Crown Court from 1990-1997.) He has been married since 1974 and has four adult children. He lives in London and the Weald of Kent. His private interests are rural conservation, gardening, modern history, chess and cricket.

Extradition and international crime

Alun Jones has appeared and advised in extradition cases for decades. He has conducted 24 full appeals in extradition cases in the House of Lords, Privy Council and UK Supreme Court, acting in ten of them for foreign governments, appearing as leading counsel in all but the first four of them, listed below. This has given him very wide international experience of foreign and Commonwealth jurisdictions.

House of Lords, Privy Council and Supreme Court extradition cases

R v Governor of Pentonville Prison, ex parte Jennings [1983] AC 624 (USA, relationship of manslaughter to reckless driving, double criminality).

Re Nielsen [1984] AC 606 (Denmark, double criminality in corporate fraud).

R v Governor of Ashford Remand Centre, ex parte Postlethwaite (the “Heysel Stadium” case) [1988] 1 AC 924 (Belgium, interpretation of treaty provisions, treaty time limits).

R v Secretary of State, ex parte Rees [1987] AC 937 (Germany, extra-territorial jurisdiction, treaty requirements).

Government of Canada v Aronson [1989] AC 579 (Canada, double criminality in Commonwealth countries).

Somchai Liangsiriprasert v Government of the USA [1991] 1 AC 225 (Hong Kong to USA, extraterritorial jurisdiction in conspiracy).

R v Governor of Pentonville Prison, ex parte Sinclair [1991] 2 AC 64 (USA, abuse of process, interpretation of treaty).

In Re Evans [1994] 1 WLR 1006 (Sweden, definition of extradition crime).

R v Secretary of State, ex parte Schmidt [1995] 1 AC 339 (Germany, abuse of process).

R v Secretary of State for the Home Department, ex parte Launder [1997] 1 WLR 139 (Hong Kong; effect of reversion to Chinese sovereignty).

R v Governor of Brixton Prison, ex parte Levin [1997] 1 WLR 741 (USA, computer misuse).

Rey v Government of Switzerland [1999] 1 AC 54 (Bahamas to Switzerland, double criminality, abuse of process).

Charron v USA [2000] 1 WLR 1793 (Bahamas to USA, adequacy of committal, treaty provisions).

R v Secretary of State for the Home Department, ex parte Pinochet Ugarte (3 appeals) [2000] 1 AC 61; [2000] 1 AC 119; [2000] 1 AC 147 (Spain, head of state immunity, state immunity, extradition crime, judicial bias); 3 separate appeals.

Heath, Miller Matthew v USA [2002] UKPC 33 (St Christopher and Nevis to USA (abuse of process, extradition crime)).

Hilali v Governor of Whitemoor Prison [2008] 1 AC 805 (Spain, post appeal application for habeas corpus and specialty rule).

Gomes and Goodyer v Trinidad and Tobago [2009] 1 WLR 1038 (unfair by passage of time).

HH v Deputy Prosecution of the Italian Republic (Supreme Court March 2012, Article 8 rights of children; health grounds; judgment pending)

Foxhill Prison Governor, Bahamas, v Kozeny [2012] UKPC 10; jurisdiction to bring appeal from habeas corpus decision.

O'Brien v Director of the Serious Fraud Office [2014] A.C 1246; proceeds of crime restraint orders and specialty protection restraint orders

Lavrov v Estonia; Lithuania v Bucnys [2014] AC 480; whether a Ministry of Justice can be a judicial authority within the Extradition Act 2003

R (VB) v Westminster Magistrates' Court [2015] A.C 1195; whether closed procedures are available in extradition proceedings; anonymity of witnesses.

Divisional Court

The following is a selection of Alun Jones' High Court habeas corpus and appeal extradition cases:

Inderjit Singh Reyat (1988). AJ collected evidence in Japan, Canada and Hong Kong in support of a Canadian request for a man accused and later convicted of the Air India bombing at Narita Airport, Japan, in 1985. Reyat was extradited and convicted.

Mohammed Rafiq Kahan. AJ represented this Fijian, accused of seeking to depose military regime in Fiji in 1987 by importing weapons. He was discharged at Bow Street Magistrates Court, 1989, on the ground that the offence was political; see, for background, *R v Governor of Brixton Prison, ex parte Kahan* [1989] QB 716.

R v Secretary of State for the Home Department, ex parte Hill [1999] QB 386. The first South African extradition after re-joining the Commonwealth. Issues; specialty protection, retrospective operation and passage of time.

Chakkaphak v Thailand [2001] EWHC 596. AJ represented the defendant, a leading Thai financier, having collected evidence in Thailand as part of a team. The defendant was discharged by the High Court because the evidence was insufficient.

Bermingham and others v Government of the USA [2007] QB 707. AJ represented the “Natwest Three”, extradited to the USA. Issues; treaty imbalance, appropriate forum, specialty protection.

R (Norris) v Secretary of State for the Home Department [2006] EWHC 280; AJ represented Ian Norris, accused of cartel management in USA. Issues; treaty applicability and double criminality.

Brown v Governor of Belmarsh Prison [2007] QB 838; habeas corpus application for person accused of genocide in Rwanda. Issue; time limits after remand on provisional arrest warrant.

Tajik v Government of USA [2008] EWHC 666 (Admin). AJ represented a former Iranian diplomat, accused by the USA of conspiring unlawfully to export military equipment to Iran. Issues, treaty requirements, appropriate forum, political motivation, entrapment, human rights issues after extradition. The extradition failed in 2012 (see below).

Ahsan v Government of USA [2008] EWHC 666 (Admin). AJ represented Mr Ahsan who was accused by the USA of conspiring to support terrorism; issue, appropriate forum for trial.

Hilali v Spain [2007] 1 WLR 268; Spanish request for extradition of man accused, in Spain, of all the September 2001 killings (see House of Lords cases above for a separate issue in the same case). Issues; juris-diction, identity, specialty.

R (Government of USA) v Bow Street Magistrates' Court [2007] 1 WLR 1157. Issue; procedure on abuse of process application.

Wood v Bow Street Magistrates' Court [2007] EWHC 20568 (Admin). AJ secured the discharge of the defendant on the ground he had not been extradited in time as required by statute.

Mustafa (Abu Hamza) v Government of the USA [2008] 1 WLR 2768. AJ defended Abu Hamza in his extradition case, accused of terrorism in Afghanistan, Yemen and the USA. Issues; human rights, Article 3 and 8, delay, evidence obtained by torture. AJ later represented him before the ECtHR.

Irving v Government of USA (2008). AJ represented an oil trader accused in the USA of breaching sanctions in the Oil for Food case; the defendant reached a negotiated conclusion at the Magistrates' Court stage.

Brown v Rwanda [2009] EWHC 770 (Admin). AJ acted for the first of four men accused in England of the 1994 genocide. The appeal succeeded because extradition would violate the right to a fair trial.

Dudko v Russia [2010] EWHC 1125 (Admin). AJ secured the discharge on appeal of a Russian on the ground that the extradition warrant was insufficiently clear.

Khurts Bat v Germany [2011] EWHC 2029 Admin. AJ represented a Mongolian diplomat accused of kidnapping in Germany; issues, special envoy and state immunity. The defendant was extradited but immediately released to Mongolia.

Wright v Government of Argentina [2012] EWHC 669. AJ represented a UK woman and won her appeal on the ground that Argentinian prison conditions violated Article 3 ECHR.

O'Brien v Director of Serious Fraud Office [2012] EWCA Civ 501. AJ appeared for a person extradited from the USA and imprisoned for contempt of court. Issues; specialty and nature of conviction for contempt. Appeal dismissed,

R (Mustafa "Abu Hamza") v Secretary of State [2012] EWHC 3473; Article 3 and ill-health, whether oppressive to extradite after long ECHR appeal.

Vale e Azevedo v Portugal [2012] EWHC 3433 (Admin); whether extradition to Portugal was oppressive by passage of time.

Tajik v City of Westminster Magistrates' Court [2012] 3347 (Admin); a major case relating to extradition to US for terrorist case; Appellant discharged after 5 years of litigation on grounds that he was not extradited promptly.

Martuzevicius v Lithuania [2012] EWHC 418; prison conditions for sick man in Lithuania; appeal failed, but ECHR stayed the extradition. In 2015, extradition took place, and the defendant was discharged.

Government of USA v Wood [2013] EWHC 1971 (Admin); passage of time defence.

Government of Italy v Rancadore (unreported October 2013). This extradition case failed ultimately because the AJ's defence team secured the discharge of this suspected Mafia leader by quashing the request for his extradition in Italy on the grounds of delay.

Kulibaba v USA [2014] EWHC 176 (Admin); double jeopardy in cross-border crime.

Polomski v Westminster magistrates' Court [2013] EWHC 1893 (Admin); judicial review of District Judge.

Aleksynas v Lithuania [2014] EWHC 437 (Admin): prison conditions, ECHR Article 3

Galojan v Estonia [2014] EWHC 3942 (Admin); political motivation, extraneous circumstances.

Cheng v Government of the USA [2014] EWHC 4091; whether conduct an extradition offence.

Brazuks v Latvia [2014] EWHC 1021; prison conditions.

ElAshmawy v Italy [2015] EWHC 21; major decision on prison conditions in Italy and ECHR Article 6.

R (Portugal) v Westminster Magistrates Court 15 March 2015; Portugal failed to get permission to bring fresh extradition proceedings against Dr Vale e Azevedo (see October 2012).

Prendi v Albania; [2015] EWHC 1809 (Admin); appeal succeeded as no sufficient evidence of identity.

Celinski v Poland [2015] EWHC 1274 (Admin); the proper approach to ECHR Article 8 on appeal; appellant (Nida) discharged.

Devani v Kenya [2015] 3535 (Admin); Article 3 and 6 ECHR, abuse of process; sufficiency of evidence.

Korcala v Poland [2017] EWHC 167 (Admin); escape from mental institution, double criminality.

Government of Rwanda v Brown and others [2017] EWHC 1912 (Admin) 1912; genocide. Extradition failed

Wisniewski v Poland [2017] EWHC 3671; Article 8 and passage of time.

Farrell and Thomas v Sweden [2019] EWHC 1277; Article 3, solitary confinement, inadequate particulars.

Cosar and Chmurzynski v Poland and Governor of Wandsworth Prison [2020] EWHC 1142 (Admin); legality of detention in pandemic.

Verde v The Netherlands and Governor of Wandsworth Prison and the Netherlands [2020] EWHC2628 (Admin); legality of detention in the pandemic.

Jasvins v Latvia (No 2) [2020] EWHC 602 (Admin), abuse of process.

Heilligger v Government of Sint Maarten (7 March 2023 CO/4308/3021) (Extradition to Dutch possession in Caribbean)

Other extradition cases

AJ represented *Boris Berezovsky* in an extradition case brought by Russia in 2003. The case collapsed at Bow Street Magistrates' Court when Berezovsky was granted asylum. AJ has advised two other émigré Russian industrialists on extradition outside both Russia and the UK.

In 1992, he represented the Attorney General in the Hong Kong appeal extradition case of *Eng Sui Hang* (1992).

In 1996 he appeared in the USA as an amicus in *USA v Salazar*, a murder suspect unlawfully rendered from Mexico to Illinois.

In 1997-9 he represented *Peter Kruger*, accused in Switzerland of fraud in extradition proceedings in the Cayman Islands, eventually resolved by agreement.

Hadi Soleimanpour, 2003. AJ successfully defended this Iranian national accused in London in 2003 of a terrorist attack on a synagogue in Buenos Aires.

Fu and Guo, 2011. AJ represented two Chinese businessmen, accused in a US “sting” of exporting military equipment from the USA; discharged at Magistrates’ court on a timing point.

Domenico Rancadore; alleged Mafia boss discharged (see 2013, above).

UAE v Scanlan 2022; lower court discharge of extradition request for fraud

Alun Jones regularly writes and broadcasts on topics of current extradition interest and has lectured in England, Hong Kong, Switzerland, France, Italy, Nigeria, Cameroon, Jamaica, Ireland, Barbados, St Lucia, and Florida. He has recently advised parliamentarians about reform of extradition law.

Warrants, search and seizure, and arrest.

Alun Jones has developed a personal practice judicially reviewing warrants, entries, searches and seizures, domestic and in pursuance of overseas letters of request, covert surveillance orders, and other interlocutory aspects of the criminal law.

Gibbs v Rea PC [1998] AC 78, on appeal from the Cayman Islands. This case re-established the tort of maliciously procuring the execution of a search warrant. Alun Jones represented the target of a search warrant in the Privy Council and argued successfully that damages should be awarded.

AJ has appeared in the following High Court cases in England. (Where the warrant was quashed, as set out below, declarations of illegality were made, and in some cases damages awarded.)

R v CCC, ex parte Propend Pty [1996] 2 Cr App R 26; search warrant, obtained by police to search city solicitors in aid of a mutual legal assistance request from Australia, quashed.

R v City of London Magistrates’ Court, ex parte Green [1997] 3 All E.R. 551; contempt proceedings brought against SFO arising out of injunction obtained after search warrant executed.

R v Southwark Crown Court, ex parte Gross [1988] COD 445; search warrant obtained by police in aid of US extradition request quashed.

R v Bow Street Magistrates' Court, ex parte M (1998); search warrant obtained by police in aid of US restraint order quashed.

R v Marylebone Magistrates Court, ex parte Amdrell Ltd (1999) 162 JP 719; judicial review of search warrant, guidance on press attendance.

R (Kent Pharmaceuticals Ltd) v Director of the SFO and others [2002] EWHC 3023 (Admin); unsuccessful challenge to SFO search warrant (see "SFO cases" above).

R (Hewitson) v Chief Constable of Dorset [2003] EWHC 3296 (QB); search of premises after extradition arrest declared unlawful.

R (C) v Chief Constable of A [2006] EWHC 2353 Admin; challenge to search warrant in child pornography allegation.

R (Redknapp) v Central Criminal Court [2009] 1 WLR 2091; search warrant obtained by police to enter and search football manager's house quashed.

R (Faisaltex Ltd) v Preston Crown Court [2009] 1 WLR 1687; search warrant to enter and search Liverpool solicitors quashed; other warrants upheld.

R (Bates) v Chief Constable of Avon and Somerset Police [2009] EWHC 9421 (Admin); search warrant obtained by police to enter and search defence computer expert's home quashed.

Sher and others v Chief Constable of the Greater Manchester Police [2010] EWHC 1859 (Admin); AJ appeared for five suspects in judicial review of arrests, searches and detention for 13 days for suspected terrorism. Judicial review failed.

R (Bhatti) v Croydon Magistrates' Court [2011] 1 WLR 948; search warrant to enter and search college quashed.

Montpelier Ltd v Isle of Man Attorney General (December 2010); search warrant quashed on Isle of Man, by consent after proceedings were issued.

R (Gittins) v CCC [2011] EWHC 131 (Admin); procedure on application for judicial review of search warrant.

R (Panesar) v Bristol Crown Court [2011] EWHC 842, search warrant quashed for evidential insufficiency after restraint order quashed.

R (Windsor and others) v Bristol Crown Court [2011] EWHC (Admin) 1899; various search warrants quashed consequent on the *Panesar* judgment; consequential orders.

R (van der Pijl v Crown Court v Crown Court at Kingston [2012] EWHC 3743 (Admin); warrant quashed because it was not specific.

R (Ahmed) v York Magistrates' Court [2013] EWHC 1971 (Admin); adequacy of a search warrant in a trading standards case.

R (Hoque and Das) v City of London Magistrates' Court [2013] EWHC 725 (Admin); warrant quashed because it was too vague.

R (Goode) v Nottingham Magistrates' Court [2013] EWHC 1728 (Admin); time limits for judicial review; extent to which s 59 Criminal Justice and police Act 2001 can be used for same purpose as judicial review.

R (Makchrzak) v Chief Constable of the West Midlands Police [2013] EWHC 2041 (Admin); arrest of person for domestic offence pending extradition held unlawful; substantial damages awarded.

R (Global Cash and Carry) v Birmingham Magistrates' Court [2013] EWHC 528 (Admin); warrant quashed as defective on its face and conditions for grant not met.

R (Lees) v Solihull Magistrates' Court [2013] EWHC 4181 (Admin); warrant quashed as unspecific; whether

to remit for further hearing.

R (C) v Nottingham Magistrates Court [2013] EWHC 3790; search warrant quashed as unspecific.

R (Chaudhary) v Bristol Crown Court [2014] EWHC 4096 (Admin); relationship between Crown Court retention orders and judicial review.

R (Chaudhary) v Bristol Crown Court (No 2) [2015] EWHC 727 (Admin); whether costs payable on Crown Court retention orders.

R (Cabot General Ltd) v Barkingside Magistrates' Court [2015] EWHC 1458; extent to which it is lawful to seize computers under warrant to search for their contents.

R (Chatwani) v Birmingham Magistrates Court [2015] EWHC 1284; 6 search warrants quashed for numerous serious failings.

R (Chatwani) v NCA (No 2) [2015] EWHC 1284 (Admin); production order served on suspects' accountant quashed for irregularity.

Chatwani v National Crime Agency; Investigative Powers Tribunal [2015] Lloyd's Rep 159; covert surveillance orders quashed by reasons of breach of duty of candour in obtaining them.

R (Akarçay) v Chief Constable of the West Yorkshire Police [2017] EWHC 159; legality of mutual legal assistance procedures with Northern Cyprus, confiscation orders.

R (A) v CCC [2017] EWHC 70 (Admin); search warrants, legal professional privilege.

R (Johal) v HMRC [2017] EWHC 3172 (Admin); search warrants pursuant to EU joint investigation team agreement quashed; extradition proceedings ongoing.

He has also advised on entries, searches and seizure in the Channel Islands, Hong Kong, UAE and Caribbean.

Restraint Orders and Asset Confiscation

Government of USA v Montgomery [2001] 1 WLR 196; AJ appeared in the House of Lords for a US citizen the subject of a restraint order application by the US Government in the UK. (This case was also called *M* in an associated search warrant judicial review (see above).

The Poyiadjis case

Poyiadjis v US Department of Justice. Between October 2002 and March 2005, AJ acted for Roys Poyiadjis, wanted by the USA for a “dotcom” Nasdaq fraud, in which it was alleged \$US200m was transferred unlawfully to the Isle of Man. The money was then subject to criminal and civil freezing orders. Poyiadjis, a Cypriot national, could not be extradited from Cyprus. Extensive interlocutory litigation took place in the Isle of Man, the USA and Cyprus involving the US Department of Justice, Securities and Exchange Commission and private investors. Acting as an Isle of Man lawyer, AJ took evidence in London, California, New York, Washington DC, Cyprus, Isle of Man and Bulgaria, occupying over half his professional time for more than two years, giving him deep experience of the SEC and Patriot Act. The case ended in a financial settlement in February 2005. Poyiadjis travelled voluntarily to the USA on a plea bargain.

In *Windsor v HMRC* [2011] 1 WLR 1519, AJ obtained the quashing in the Court of Appeal of restraint orders, associated with the Panesar and Windsor warrants judicial reviews, above.

AJ has also advised on restraint orders and confiscation cases in the Cayman Islands and Channel Islands.

GFH Capital (Ltd) v David Haigh. AJ advised from 2015-2023 in relation to long running procedures in Dubai (DIFC) and London involving worldwide freezes and restraint orders, appearing in the High Court in London and admitted to the Dubai International Finance Centre Court.

He has advised and lectured to lawyers on the subject of asset confiscation and civil and criminal restraint

orders in Nigeria and Cameroon and has advised between 2021-4 on the subject in two jurisdictions in the Gulf.

Since 2015 he has advised on asset and restraint orders in a specific case of international repute in Asia, centred upon Shanghai and Beijing.

He is involved (2024) in two cases involving EU criminal restraint orders and their enforcement in the UK, associated with extradition requests.

Commercial crime

Serious Fraud office cases

Alun Jones has defended in many of the most serious London commercial crime trials, as leading counsel, since the Serious Fraud Office was established in 1987. His fraud experience began as a junior barrister when he prosecuted a number of early mortgage frauds and a series of trials involving the fraudulent use or forgery of bearer bonds in the City of London.

R v Grob and Posgate 1989-1990. This was the first major SFO prosecution, concerning underwriting at Lloyds of London, and AJ's first fraud case as leading counsel, representing Kenneth Grob. The first trial ended in acquittal; the second trial was stayed for abuse of process.

R v National Westminster Investment Bank and others (the "Blue Arrow" trial) 1990 - 1991. The case against his defendant was dismissed, no case to answer, at the end of the prosecution case. The allegation was fraudulent underwriting of a major rights issue. Alun Jones subsequently negotiated very substantial compensation for the defendant.

R v Kent and Mahon 1992-1993. AJ defended the principal defendant, accused of stock exchange fraud; case dismissed, no case to answer, at the end of the prosecution case.

R v Maxwell 1992-1996. AJ defended Robert Maxwell's son, Kevin, the lead defendant, accused of grave crimes relating to pension funds and banks. He was acquitted by the jury, and the second proposed trial was dismissed as abuse of process. This was the most notorious and complicated case of fraud ever brought in the UK. AJ appeared in associated civil litigation for Kevin Maxwell:

Bishopsgate Investment Management Ltd v Maxwell CA [1993] Ch.1.

R v Headington Investments Ltd, ex parte Maxwell CA [1993] BCC500.

R v Maxwell (interlocutory criminal appeal) CA 9/2/95.

R v Lord Chancellor, ex parte Maxwell [1997] 1 WLR 105.

R v Llewellyn and others 2000-2002. AJ defended the Wickes plc Finance Director in an 11-month jury trial, accused of an accountancy fraud on shareholders, bankers and auditors. He was acquitted by the jury.

AJ represented *Kent Pharmaceuticals Ltd* in early interlocutory judicial review proceedings in the 2001-2009 SFO pharmaceuticals investigation. (See also under **Warrants**.)

He advised over a number of years two prominent international businessmen suspected of involvement in allegedly corrupt payments by British Aerospace in the long running SFO bribery investigation which collapsed in 2009. He also appeared for *Abbas Gokal*, convicted of major fraud in relation to BCCI, not at his trial, but in his unsuccessful appeal against conviction in 1999 (11 July 1999). He represented the Attorney General in interlocutory proceedings in the case of *Asil Nadir*, as reported in *R v Central Criminal Court, ex parte Guney* [1994] 1 WLR 483. He appeared in 2006 on appeal against conviction for *Carl Cushnie*, formerly Chief Executive of Versailles plc; [2005] EWCA Crim 962. AJ appeared (2012) in judicial review proceedings of search warrants in an SFO investigation into companies associated with Vincent Tchenguiz.

Revenue and Customs cases

AJ, working with Swiss lawyers, advised and represented Octav Botnar from 1993 until his death in 1998, in UK proceedings against the Revenue, arising from Inland Revenue warrants and raids in 1992. The advice

related to extradition, criminal, tax and mutual assistance law. Octav Botnar was founder and Chairman of Nissan UK and a noted philanthropist. AJ also appeared for a director of the company on appeal against conviction; *R v Hunt* [1994] Crim L.R. 747.

In 2000, AJ defended Frank Warren, the boxing promoter, accused of VAT fraud, acquitted by the jury at Southwark Crown Court.

AJ defended a partner of Ernst and Young, accused in 2000 of conspiring with Ian Leaf of tax fraud involving hundreds of millions of pounds. The case was dismissed by the judge at a hearing before the jury was empanelled. He then represented the partner when the Inland Revenue unsuccessfully judicially reviewed the dismissal; *R (Inland Revenue Commissioners) v Kingston Crown Court* [2001] EWHC Admin 581. Thereafter, he represented Ian Leaf at his London trial in 2005, after extradition from Switzerland, and in mutual legal assistance procedures in Guernsey, before his conviction and sentence to 12 years' imprisonment.

AJ regularly advises targets of HMRC search warrants and raids. See under **Warrants**.

He has represented taxpayers before the First Tier Tax Tribunal; arguing that the tribunal has an abuse of process jurisdiction, as courts have; *Foulser v Revenue and Customs Commissioners*, First Tier Tax Tribunal, Tax Chamber, 4 October 2011.

International Arbitration and Mediation

Alun Jones has advised numerous clients particularly within the energy sector in relation to international arbitration disputes in a multitude of jurisdictions. He has been instructed previously in relation to jurisdictional challenges relating to awards and damages.

Data protection and computer misuse

Alun Jones advises in detail as to the requirements of data protection law and regulation _

Hong Kong cases

AJ has appeared in recent years in four commercial crime appeals in the Hong Kong Court of Appeal, and two of them in the Court of Final Appeal. He had not conducted the trials.

James Ting v HKSAR [2008] 4HKLRD 850.

Chan and Chan v HKSAR [2009] 12HKCFAR 775.

Wong and Wong v HKSAR (2008).

Tse and others v HKSAR (2010.)

In the James Ting case he successfully appealed to the Hong Kong Court of Final Appeal against the order made by the Court of Appeal for a retrial, after the conviction had been quashed. The Chan case concerned the conduct of trial counsel; and the Tse case the practice of coaching witnesses.

He also represented James Ting in appeal proceedings in Bermuda in an associated insolvency action, and in the same case on appeal to the Privy Council; *Borrelli v Ting* [2010] UKPC 21.

Alun Jones ceased to appear in Hong Kong Courts when he became concerned about the deterioration of the quality of justice there.

Other fraud cases

Porter v Magill (1998) 30 HLR 997. AJ cross-examined Dame Shirley Porter and others on behalf of the District Auditor in the High Court 1997.

Crime***Murder/manslaughter***

AJ has conducted numerous murder/manslaughter cases before juries, in silk and as a junior. He has

appeared in the following notable or reported cases.

Herald of Free Enterprise (Zeebrugge) capsized; AJ defended the ship's first mate in 1990; no case to answer.

Reported cases on murder/diminished responsibility:

Gittins, CA, [1984] QB 698);

Sanderson, CA, (1994) 98 Cr. App. R. 325;

Erskine, Williams, CA, [2009] 2 Cr. App. R 29.

Reported cases on recklessness and involuntary manslaughter.

Ex parte Jennings 1983 (see extradition cases, above);

R v West London Coroner, ex parte Gray [1988] Q.B. 477 (death in police custody);

R v Reid HL [1992] 1 W.L.R 793 (death by reckless driving);

Attorney-General's Reference No 2 of 1992 (1993) 97 Cr. App R. 421 (automatism and recklessness);

R v Bow Street Stipendiary Magistrate, ex parte South Coast Shipping Ltd [1993] QB 645; judicial review in relation to private prosecution and the Marchioness/Bowbelle disaster;

R v Litchfield [1998] Crim L.R. 507 (gross negligence, death at sea).

R v Dreszer; [2018] EWCA 454 (Crim)'; murder conviction quashed, misdirection on joint enterprise.

The Hillsborough disaster

Alun Jones represented six bereaved Liverpool families in 1993 in judicial review proceedings seeking fresh inquests;

R v South Yorkshire Coroner, ex parte Stringer, Unreported 5 November 1993 - Thereafter he advised the Hillsborough Family Support Group in the course of a Home Office "Scrutiny" into new evidence in 1997-8. He then advised upon and conducted a private prosecution of two senior police officers at the disaster for manslaughter. The case survived defence abuse of process applications and judicial review proceedings at which it was argued the case should be taken over by the DPP and discontinued and that the defendants

were entitled to be funded in their defence by the police authority.

R v DPP, ex parte Duckenfield and Murray; R v South Yorkshire Police Authority, ex parte South Yorkshire Police Authority [2000] 1 W.L.R 55 - The case was tried by a jury in a seven-week trial in Leeds in 2000; one officer was acquitted, and the jury disagreed about the other.

Vicarious liability

Seaboard Offshore Ltd v Department of Transport [1994] 1 WLR 541 House of Lords; vicarious liability of a company.

Territorial and extra-territorial jurisdiction

AJ appeared for the prosecution in the Privy Council in *Somchai Liangsiriprasert v USA* [1991] 1 A.C. 225, on appeal from the Court of Appeal in Hong Kong (see Privy Council cases, above). The case is one of the leading and most frequently cited cases in the common law world on territorial and extraterritorial jurisdiction in conspiracy and substantive offences.

He appeared for the defence in *R v Hashemi* [1999] 2 Cr App 398 (CA, conspiracy and extra-territorial territorial jurisdiction).

Miscarriage of justice cases

Alun Jones represented Vincent Hickey, who, with four others, won his third appeal against conviction in 1998 in the Court of Appeal in the Carl Bridgwater murder case of 1979.

In 1995, he won the case of *Fulcher* on appeal, the defendant having been wrongly convicted of the murder of his child; [1995] 2 Cr. App. R 251.

In 1999, AJ represented the Metropolitan Police detective Robert Clark at trial, who was convicted of corruption and sentenced to ten years' imprisonment. After unsuccessful appeals to the Court of Appeal

(([2001] EWCA Crim 975) and ECHR), he continued to advise him and his convicted co-defendant Christopher Drury pro bono through 7 years of a Criminal Cases Review Commission investigation. After the case was referred to the Court of Appeal on the ground of serious non-disclosure of evidence, the convictions of both were quashed (3 December 2010), but a retrial ordered. In a preliminary hearing at the CCC in October 2011, the prosecution offered no evidence against both.

He appeared in the unsuccessful High Court judicial review of the Home Secretary's refusal to award compensation for a miscarriage of justice; *R (Clark and Drury) v Ministry of Justice* [2015] EWHC 2383 (Admin).

Other important criminal cases

R v Derby Crown Court, ex parte Brooks (1984) 80 Cr. App. R 264; one of the first and still cited criminal abuse of process cases.

R v Utting [1987] 1 WLR 1375 (mental element in forgery).

R v Robinson (1994) 98 Cr. App. R 370 (expert evidence re psychological condition of a complainant in an indecency case).

The State v Rajan Pillai (1994); AJ defended an Indian industrialist for fraud in Singapore, and with the consent of the client, withdrew because of obvious political interference at trial. After conviction, AJ attended courts in Bombay when an extradition request was brought. Pillai died in prison. AJ wrote about the case for *The Spectator* in June 1995. He also advised pro bono an inmate awaiting execution in Singapore for murder.

DPP v Butterworth [1995] 1 AC 381; House of Lords authority on refusal to provide a blood sample.

R v Lord Hardwicke [2001] Crim L.R. 220; entrapment, *News of the World*.

R v Lord Hanningfield [2011]; AJ represented a member of the House of Lords convicted of expenses fraud.

R v Haase and Bennett [2011] EWCA Crim 3111. AJ appeared pro bono on appeal against conviction and sentence of 22 years for perverting the course of justice, upheld in CA.

Immunity and Privilege cases

Alun Jones has appeared in appellate cases involving claims for immunity from suit, or absolute privilege in various areas.

The Pinochet cases; see above; head of state and state immunity.

Mahon v Rahn [2000] 1 W.L.R. 2050; immunity of informants (case associated with *R v Kent and Mahon*, above).

The Prosecutor v Simic Red Cross case ICTY 1999; AJ appeared for the International Committee of the Red Cross; the case confirmed that ICRC witnesses were not compellable before international courts.

Khurts Bat v Germany. (See extradition cases above; travelling envoy immunity).

Apex Global Immunity Ltd v Fi Call Ltd [2014] 1 W.L.R 497; re immunity of the household of a head of state.

R v Lord Hanningfield; AJ represented Lord Hanningfield, accused of expenses fraud, in the Court of Appeal and Supreme Court, arguing parliamentary immunity; see *R v Chaytor and others* [2011] 1 AC 684.

Overseas courts

Alun Jones has been admitted ad hoc to conduct cases in the following jurisdictions:

The Bahamas

Bermuda

British Virgin Islands

Cayman Islands

Dubai International Finance Centre Court

District Court for the Southern District of Illinois

High Court of Fiji

Isle of Man

High Court of Rwanda

International Court for the Former Yugoslavia

Hong Kong Court of Appeal

Hong Kong SAR Court of Appeal

Hong Kong SAR Court of Final Appeal

Singapore District Court.

Publications

Author “Jones on Extradition and Mutual Assistance” (Sweet & Maxwell 2004, third edition; first edition 1995.) (New edition in preparation.) April 2024.
