

## Peter Caldwell



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### Profile

Peter is ranked by Legal 500 and Chambers UK as a leading barrister, (Band 1), in international crime and extradition and criminal fraud.

***“Peter is a giant in this field. He has a deep knowledge of international crime and extradition”; “an intelligent, tactically astute and decisive advocate, who impresses with his ability to master complex arguments.”***

*“Peter is an exceptionally hardworking barrister and a splendid advocate. He is easy to work with, his written work is first-class, as is his advocacy. He is a dedicated, reliable, and imaginative counsel.”*

*“Peter has an enormous amount of experience in dealing with extradition cases, and his experience of both prosecuting and defending is invaluable.”*

*“A very thorough lawyer who is hands-on, dedicated and very passionate about human rights.”*

Clients value his international criminal law and public law experience for advice on sanctions and regulatory compliance.

Chambers and Partners has commented:

*"Peter Caldwell is incredibly experienced in extradition. He is very detail-focused and pragmatic."*

*"Peter Caldwell is utterly unflappable."*

*"Instructed for the defence in major SFO cases. He regularly tackles matters involving allegations of bribery and market manipulation, and is an expert on sanctions work."*

Peter has over twenty years' experience defending in criminal and regulatory cases where the outcome depends on witness examination and trial advocacy. He is relied on to protect his clients from the adverse reputational consequences of regulatory investigations. He has recently acted on behalf of:

- A UK PLC, advising on its compliance obligations in respect of financial sanctions;
- A UK-based cryptocurrency exchange in relation to an investigation by BEIS;
- An off-shore private corporate trust provider in respect of a money laundering investigation by a financial services regulator;
- The former MD of a high-profile motor manufacturer in proceedings before the Pensions Ombudsman and Pensions Regulator;
- The director of a UAE based company in respect of a United Nations Panel of Experts investigation into Sanctions breaches.

Peter is consistently ranked Band 1 in extradition law. The landmark extradition cases in which he has acted (*Popoviciu, Love, Symeou, Elashmawy, Tollman, Fenyvesi, Turner* among many others), shaped the law under the 2003 Act. He has successfully challenged extradition on grounds of abuse of process, political persecution, insufficiency of evidence and human rights arguments on prison conditions, fair trial, family rights and mental health.

He is a natural choice to advise on the risk of extradition arising from international criminal investigations, particularly those concerning financial crime and bribery, and where advice on challenges to Interpol Red Notices is required.

### **Related practice areas**

Criminal Law

Extradition

Business Crime

Professional Discipline and Regulation

Data Protection and Information Law

Sanctions  
International Law  
Criminal Appeals

## Business Crime and Regulation

Legal 500 ranks Peter as a leading barrister for fraud and international criminal cases:

*"An intelligent, tactically astute and decisive advocate, who impresses with his ability to master complex arguments"*

Chambers UK says:

*"Really personable and strong on the detail." "He's able to guide the client and the jury through the problems and he's totally unflappable. Every cross-examination is a masterclass from him."*

### **Recent instructions include:**

- Acting for a company director in a prosecution by the Serious Fraud Office (for trial in 2025)
- Securing the acquittal of a company director charged with a multi-million-pound crypto asset fraud.
- Representing a Trustee in proceedings before the Pensions Ombudsman.
- Successful defence of company director prosecuted by the Isle of Man FSA for breaches of the IoM Anti-Money Laundering Code in respect of Bitcoin payment processing.
- Defending a Company Secretary acquitted following a trial of an alleged £1m+ fraud on the Department of Work and Pensions.
- Securing the acquittal of a professional charged with laundering the proceeds of a multi-million-pound copycat website fraud.
- The acquittal of a solicitor charge with tax evasion.
- The acquittal of a company director accused of a land banking fraud.

**Peter advises businesses and individuals across the field of business risk, including:**

- Investigations of bribery, money laundering and tax evasion
- Market abuse and insider dealing
- Compliance with financial sanctions and trade sanctions and applications to OFSI in respect of licenses and listing
- Business and Human Rights compliance and remedial advice in respect of the Modern Slavery Act 2015.
- Compliance with financial services and AML/CFT regulations.
- Representing affected parties in restraint and confiscation proceedings.
- Civil recovery proceedings and tax assessment cases under Part 5 and Part 6 of PoCA.

Peter has advised senior managers in corporate internal investigations at the highest level. He acted as leading counsel for the defence in *SFO v Williams & Kallakis*), for a senior director of BAe Systems Plc in the SFO Tanzania bribery investigation and as defence counsel in the seminal IIG Plc, SFO trial.

Peter has also been engaged with Business and Human Rights compliance and remedial advice for many years and is a regular participant at the OECD Global Forum on Responsible Business Conduct.

## Notable Cases - Business Crime and Regulation

- 2022 - Advising UK PLC in respect of its compliance with financial sanctions under Russia Sanctions EU Exit Regulations 2019 /855.
- 2021-22 - Representing a company director accused of providing unauthorised digital streaming services to access Premier League football coverage.
- 2021 - Advising accountant in COP 9 HMRC investigation.
- 2021 - Advising private corporate trust provider in investigation of internal compliance procedures by financial services regulator.
- 2020 - Representing a company director in investigation of theft of Bitcoin.
- 2019-20 - Ongoing fraud trial proceedings subject to reporting restrictions.

- 2019 - Obtaining acquittal of a solicitor prosecuted in the Isle of Man for breaches of the IoM Anti-Money Laundering Code.
- 2018 - Representing a Company Secretary acquitted following a trial of an alleged £1m+ fraud on the Department of Work and Pensions.
- 2018 - Acquittal on allegations of laundering the proceeds of a Collective Investment Scheme.
- 2017 - Acquittal of professional on allegations of laundering the proceeds of a copy-cat website fraud (National Trading Standards Prosecution).
- 2017 - Representing company director on allegations of en primeur wine fraud.
- 2017 - Judicial Review to secure recovery of proceeds of fraud [2017] EWHC 2019 (Admin).
- 2016 - Representing a former solicitor in BIS investigation.
- 2016 - Representing defendant in Pt 6 PoCA civil recovery proceedings and linked Tax Tribunal hearing.
- 2015 - Acquittal of a solicitor charged with fraud on HMRC.
- 2015 - Acquittal of woman of good character on allegations laundering the proceeds of a payroll fraud.
- 2015 - Operation Ninjask - Leading counsel in confiscation proceedings concerning sham marriages and immigration fraud.
- 2015 - Acquittal of company director prosecuted for land banking fraud associated with Operation Cotton.
- 2014 - Acquittal of medical practitioner accused of fraud on NHS - found not guilty after challenges to statistician's evidence on "out of hours" working.
- 2014 - Operation Truthful – advising Pensions Regulator in relation to pension liberation fraud.
- 2013 - Acquittal of professional person accused of mortgage fraud surrounding the purchase of an Elizabethan manor house.
- 2010-2013 - SFO v W - Leading counsel for the defence in alleged fraud on Allied Irish Banks Plc using a complex structure upon which AIB advanced £740 million.

- 2012 - Leading counsel for the defence in respect of high value "phishing" fraud on HBOS.
- 2011 - FSA v W - Market abuse and mis-selling investment products.
- 2011 - Leading counsel for the defence on allegations of money laundering of proceeds of \$15 million theft from Commerzbank, Frankfurt.
- 2011 - Leading counsel for the defence in respect of City of London Police investigation and prosecution of high-profile boiler room fraud based in Spain and Sweden.
- 2010 - Mortgage fraud concerning high value country houses.
- 2010 - Re C [2010] EWHC 136 Admin - Receivership proceedings in respect of a property said to have been the subject of a sham transaction to avoid confiscation.
- 2010 - Leading counsel for defence in respect of allegations of bullion fraud.
- 2009 - Representing Chairman of private bank on allegations of laundering the proceeds of frauds on UK clearing banks.
- 2006-2009 – Re BAe Systems Plc - Advising senior executive in respect of SFO bribery investigation into Tanzanian radar contract.
- 2009 - Conspiracy to defraud the Sumitomo Mitsui Banking Corporation of £229,000,000 -represented the bank's Security Supervisor in what became known as the "keystroke" cyberheist.
- 2008 - Representing company in forfeiture proceedings brought in respect of alleged proceeds of fraud.
- 2008 - SFO v C – Defending the Deputy Managing Director of Independent Insurance Plc on allegations of conspiracy to defraud.
- 2006 - Operation Devout - Defence counsel in extensive MTIC fraud.
- 2004 - Fraud on NHS by senior doctor.
- 2003 - House of Lords guidance on preparatory hearings in serious and complex cases - [2003] UKHL 2.
- 2002 - Leading counsel on the issue of self-incrimination in restraint proceedings. [1992] EWCA Civ 562 -
- 2001 - Conspiracy to defraud the United Synagogue.

- 2000 - Representing accountant in fraud on finance houses and credit agencies.
- 2000 - Country-wide asset-stripping fraud stayed as abuse of process.
- 1999 - Fraud concerning disposal of stolen Old Master paintings.

## Sanctions

Peter has longstanding experience in sanctions law and export controls. His practice encompasses compliance and licensing advice to corporates and individuals, as well representation in investigations and enforcement proceedings. He has acted in a number of high-profile US Sanctions cross-border cases and in investigations by the United Nations. He also acts for designated persons in reviews and challenges to UN and FCDO designations.

His recent work includes:

- Advising UK Plc on compliance with UK Sanctions.
- Advising UK corporates on licensing applications to ECJU and OFSI.
- Advice to law firms on internal compliance with restrictions on the provision of legal services.
- Advising on monetary penalties in relation to sanctions compliance.
- Advising UK and IoM private trust companies on “ownership or control issues”.
- Acting for director of UAE company in relation to US extradition request for breach of US Iran sanctions regime.
- Advising a private security company in respect of UN arms sanctions investigation.
- Acting for Designated Persons in respect of licensing and challenges to designations.

Peter is the editor of the Westlaw insights pages on Financial Sanctions and regularly writes on developments in sanctions policy. He is a contributing advisor to the Ukraine Justice Alliance pro bono project on Sanctions and Reparations and director of the London Sanctions Advisors Association.

## Extradition

Peter has acted in the landmark cases which have shaped the law of extradition since the commencement of the Extradition Act 2003. He is consistently "Top Ranked" in Band 1 of Chambers UK, and commended as:

*"A very thorough lawyer who is hands-on, dedicated and very passionate about human rights."* [2019]

*"extremely knowledgeable when it comes to complex extradition matters"* [2020]

Peter has been instructed in highly sensitive requests where extradition has been sought by states as diverse as India, Azerbaijan, Iraq, Brazil, Thailand, Peru, Pakistan, Colombia, Antigua, Paraguay, Hong Kong, the Russian Federation and the UAE, as well as the USA and Commonwealth jurisdictions. He also regularly acts in EAW cases and has particularly deep knowledge of the political and human rights situation in Romania, Hungary and CIS states.

**Peter can advise how to assemble expert witnesses and human rights materials and present effective arguments in court to demonstrate:**

- Risks of injustice in the requesting state.
- Risks of or ill-treatment by reason of prison conditions.
- Politically motivation or corporate raiding.
- Risks of prejudice by reason of a requested person's race, religion, nationality, gender, sexual orientation or political opinions.

*Please see list of notable cases.*

**His recent instructions include:**

- Securing the discharge of a request from Moldova on Article 3 grounds (prison conditions)
- Challenge to extradition to the USA based on disproportionate sentencing for BAME defendants charged with fraud.
- Successful appeal against extradition on Article 5 grounds (Real risk of an unfair trial)
- Discharge of EAW on Article 8 grounds for alleged fugitive.
- Rule 39 application to ECtHR in respect of Article 3 suicide risk



## **Peter also advises on Interpol Red Notices and can draft:**

- Subject Access Requests to the CCF (Commission for the Control of Files)
- Status Requests to NCB (National Central Bureau)
- Preventative Requests (often made in conjunction with SAR) – not to give effect to a Red Notice/diffusion
- Request to withdraw a Red Notice or diffusion

Peter is an expert in mutual legal assistance requests and has also drafted extradition requests and EAWs on behalf of regulators and private prosecutors in the UK. He is regularly instructed to represent those extradited to the UK and advise on issues of specialty and abuse of process that can arise in these situations.

Peter has established a secondment programme with the Centre for Applied Human Rights (CAHR) at the University of York. The CAHR set up a Protective Fellowship Scheme for Human Rights Defenders to provide training, networking and respite from their usual working environment. The secondment hosts Human Rights Defenders at Doughty Street Chambers, allowing them to observe significant cases with a human rights dimension.

## **Notable Cases - Extradition**

- Perry [2021] EWHC 1956 (Admin) – pending application to the Supreme Court for leave to appeal on the question whether kidnapping a child by its parent is an extradition offence.
- Popoviciu v Romania [2021] EWHC 1584 (Admin) Allegations of corruption against UHNW businessman - fresh evidence in an extradition appeal, demonstrated substantial grounds for believing there had been a flagrant denial of justice.
- Moldova v B – allegations of modern slavery discharged where real risk of ill-treatment in prison.
- Gerulskis v Lithuania [2020] EWHC 1645 (Admin) challenge before the Divisional Court on effect of Coronavirus on prison conditions.

- USA v C – Swiss businessman facing prosecution by Securities and Exchange Commission.
- India v Rajjada [2020] EWHC 200 (Admin) extradition to India refused in respect of murder allegations where risk of whole life term without review.
- Mallya v India [2019] – acting on behalf of the SSHD in appeal proceedings.
- UAE v R [2019] – successful defence of property developer - challenge to conditions of detention and right to fair trial – no appeal by UAE.
- Italy v N [2018] – secured discharge of a series of 3 EAWs seeking extradition in respect of fraud.
- Lauri Love v United States Divisional Court, [2018] EWHC 172 (Admin); [2018] A.C.D. 33; Leading case on the application of the forum bar in extradition proceedings.
- UAE v K – successful defence of oil and gas executive - challenge to conditions of detention and right to fair trial – no appeal by UAE.
- Dzgoev v Russian Federation [2017] EWHC 735 (Admin) – Examination of sufficiency of assurances given by the requesting state in relation to conditions of detention
- Celinski and other cases v Polish Judicial Authorities [2015] EWHC 1274 (Admin) – Leading guidance on approach to Article 8 cases on appeal.
- Elashmawy (& Riva) v Italian Judicial Authorities [2015] EWHC 28 (Admin) - Instructed as leading counsel on test case concerning the approach to be applied in EAW cases to Article 3 prison conditions. Status of pilot decisions of the ECtHR reviewed. Pending application to certify points of law to the Supreme Court.
- Ukraine v P – Successful defence of requested person accused of murder. Discharged as abuse of process, No appeal by Ukraine.
- USA v Pham [2014] EWHC 4167 (Admin) - Leading counsel in extradition request concerning membership and participation in Al Qaeda in the Arabian Peninsula.
- Ukraine v ID - defending former Deputy Chairman of a State Bank on allegations of fraud and misconduct in public office. The requested person was discharged on grounds of Article 3 (prison conditions) as well as Article 6 (real risk of unfair trial).
- USA v Turner - [2012] EWHC (Admin) significant development in the law relating to suicide risk.

- Fenyvesi 2009 EWHC 231 [2009] 4 All E.R. 324 - Leading authority on the admissibility of fresh evidence on appeal.
- USA v Bow Street MCt (The Tollman Case) [2007] 1 W.L.R. 1157 - Leading authority on the court's jurisdiction of abuse of process and disclosure in extradition proceedings.
- Fofana v Tribunal de Grande Instance de Meaux [2006] EWHC 744 (Admin) - Leading authority on application of the double jeopardy principle in extradition proceedings.

The above is only a selection of Peter's extradition experience. A complete list of Peter's appeal cases is available on request.

## Criminal Law and Proceeds of Crime

Peter has over 20 years' experience in defending people accused of serious criminal offences, and preserving the reputations of those falsely accused.

He has defended in cases ranging as widely as conspiracy to burgle the Fitzwilliam Museum, the manslaughter of 50 Chinese immigrants, the handling of stolen diamonds and cocaine supply "on an industrial scale".

In very many of the cases in which he has acted the prosecution has been stopped or discontinued following legal submissions on disclosure, abuse of process or the sufficiency of the evidence. Peter also brings his experience in Judicial Review proceedings to successfully challenge decisions of the CPS to prosecute and, when acting for victims of crime, not to prosecute.

Peter has also advised on private prosecutions both on behalf of victims of crime and for those accused of crime by private prosecutors.

## Proceeds of Crime

Peter acts on behalf of individuals affected by orders made under the Proceeds of Crime Act 2002 (PoCA).

### His recent work includes:

- Challenges to account freezing orders
- Advice on disclosure orders and Unexplained Wealth Orders

- Challenges to receivership proceedings in respect of assets subject to confiscation orders
- Representing third parties in respect of confiscation proceedings
- Representing third parties in respect of restraint proceedings
- Challenges to decisions in forfeiture proceedings

Peter appears regularly in the High Court and in the Administrative Court contesting the legality of PoCA orders

He also acts for defendants in civil proceedings pursuant to Parts 5 and 6 of PoCA, and can advise on applying to make an exclusion from a Property Freezing Order.

In 2021 Peter was instructed through the Organisation for Security and Co-operation in Europe to advise on and revise draft legislation for a new civil recovery law for a European state.

## Notable Cases - Criminal Law and Proceeds of Crime

- 2022 - Advising on application of RIPA to disclosure of material in possession of the Security Services.
- 2022 - Appeal against Serious Crime Prevention Order.
- 2022 - Successful defence of peace envoy accused of membership of the terrorist organisation PKK and attending a terrorist training camp.
- 2021 - Advising a third party in confiscation proceedings in respect of funds held in an off-shore jurisdiction.
- 2020 - Advising on response to investigation of perverting the course of justice access relating to unauthorised access to police files.
- 2020 - Acting on behalf of a victim of crime in a successful judicial review of the CPS decision not to prosecute the perpetrator of historic sexual abuse.
- 2019 - Defence of IT professional charged with possessing indecent images.
- 2019 - Application for Judicial Review of decision of a Magistrates' Court to send charges to the Crown Court.

- 2019 - Defence of company director accused of handling jewellery stolen by the “Hatton Garden” burglars.
- 2019 - Challenge to receivership proceedings in respect of property the subject of a confiscation order.
- 2018 - Investigation into human trafficking /modern slavery.
- 2018 - Successful Judicial Review of CPS decision to prosecute.
- 2017 - Acquittal on allegations of supply of automatic weapons.
- 2017 - Acquittal on allegations of matrimonial rape.
- 2016 - Acquittal on alleged “stranger” rape.
- 2016 - Acquittal on very serious OCG drug supply allegations.
- 2015 - Acquittal of landlord in planning enforcement proceedings.
- 2013 - Acquittal of company director on allegations of handling stolen goods.
- 2012 - Leading counsel for the defence in confiscation proceedings with linked application for Serious Crime Prevention Order; submissions on Article 8 ECHR concerning undue restrictions on right to family life.
- 2012 - Acquittal of student charged with rape on the basis of social media disclosure.
- 2011 - Conspiracy to burgle the Fitzwilliam Museum, Cambridge.
- 2010 - Conspiracy to defraud UK Passport Agency.
- 2010 - Acquittal of Senior Phlebotomist on allegations of defrauding the NHS.
- 2010 - Acquittal of consultant paediatrician accused of child cruelty.
- 2009 - Gang attack" murder of 14 year old boy.
- 2008 - Acquittal on allegations of trafficking children for sexual exploitation.
- 2007 - Acquittal of celebrity chef cleared of perverting course of justice.
- 2007 - Acquittal on historical rape allegations following abuse of process submission concerning lost evidence.
- 2007 - Operation Houdini – acquittal leading to senior police officers being suspended for suppression of evidence.

- 2006 - Operation Perigee - Leading counsel for the defence in "club class crime" people trafficking case.
- 2004 - HMRC prosecution stopped following court's rejection of lip reading evidence.
- 2004 - Smith and others [2004] EWCA Crim 2212: conviction quashed even where guilty plea and Newton Hearing.
- 2004 - Murder of young boy by gang in racially motivated attack.
- 2000 - Manslaughter and illegal trafficking of 58 Chinese immigrants.
- 1999 - "Snakehead" people trafficking trial at Central Criminal Court.