

Peter Caldwell



Call: 1995

Email: p.caldwell@doughtystreet.co.uk

Profile

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

- Legal 500

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

- Chambers UK

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

The landmark extradition cases in which he has acted (*Love, Symeou, Tollman, Fenyvesi*, among many others, have 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.

Having also acted for a number of Requesting States 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 Interpol Red Notices.

Peter advises in investigations by the Serious Fraud Office and in criminal and regulatory proceedings brought by FCA and FSA (IoM), as well as by the Pensions Regulator and Pensions Ombudsman. His international criminal work focusses on Sanctions, Export Controls and UN Sanctions Investigations.

Chambers and Partners has commented

- *"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's instructions reflect this assessment

- Defended a company director in the first prosecution of a Bitcoin operator by the Isle of Man FSA.
- Advising a Corporate and Trust Service Provider on Supervision Notice
- Defending former CEO of Norton Motorcycles in proceedings before Pensions Ombudsman.
- Advising company director in respect of UN Sanctions investigation
- Advising UHNW individual on extradition risk arising from civil proceedings.
- Defended senior director of Independent Insurance Group Plc (SFO v Condon)
- Defended company director in AIB fraud, (SFO v Williams)
- Advised senior director of BAe Systems Plc in SFO bribery investigation (Tanzanian radar contract) leading to corporate settlement.

Related practice areas

Criminal Law and Appeals

Extradition

Business Crime and Investigations

International Law & Arbitration

Professional Discipline and Regulation

Data Protection and Information Law

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 said:

"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." [2020]

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
- Sanctions listing and export controls – in particular the Global Human Rights Sanctions Regulations 2020
- Business and Human Rights compliance and remedial advice in respect of the Modern Slavery Act 2015
- Regulatory compliance
- Advising on the impact of restraint, confiscation and receivership proceedings
- Civil recovery proceedings and tax assessment cases under Parts 5 and 6 of PoCA.

Recent instructions include:

- Representing a Trustee in proceedings before the Pensions Ombudsman
- Advising a private security company in respect of UN arms sanctions investigation.
- Defending the director of a company offering Bitcoin transactions who was prosecuted in the Isle of Man for breaches of the IoM Anti-Money Laundering Code. Led legal arguments concerning the conduct of the investigation by the Isle of Man Financial Services Authority resulting in the prosecution offering no evidence.
- 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 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 trial. He has defended in BIS/BEIS and FSA/FCA prosecutions and enforcement proceedings, and advised directors and senior managers in corporate internal investigations at the highest level.

Peter also advises businesses on health and safety, food safety and consumer law.

- Acting on behalf of Italian authorities in relation to health and safety breaches and industrial pollution by Europe's largest steel producer.
- Defending in food safety prosecutions relating to fatal food-poisoning and food preparation.
- Defending planning enforcement actions in relation to houses of multiple occupation.
- Defending allegations of illegal dumping and breach of waste management controls.

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

- 2020 – Representing a company director accused of providing unauthorised digital streaming services to access Premier League football coverage.
- 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 - R. oao (Galldorf TKZMR) v Folkestone Magistrates' Court [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 – Operation Isopope - 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 – Kanaris [2003] UKHL 2 - House of Lords guidance on preparatory hearings in serious and complex cases.
 - 2002 – Re J [1992] EWCA Civ 562 - Leading counsel on the issue of self-incrimination in restraint proceedings.
 - 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.

Extradition

Peter has acted in 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's cases regularly concern requests which are politically motivated or are the result of complaints and investigations made in bad faith – where for example a business rival seeks

to take over assets by corporate raiding. Here the process of justice is abused and in some jurisdictions where the rule of law is weak and judges not truly independent, it will not be possible for requested persons to get a fair trial if they are extradited. Peter can advise how to assemble a compelling case to expose the risk of injustice and to protect the rights of the accused.

He 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. Peter also regularly acts in EAW cases and has particularly deep knowledge of the political and human rights situation in Romania, Hungary and other former Eastern bloc states. Please see list of notable cases.

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

He is an expert in mutual legal assistance requests including the use of European Investigation Orders. Peter has also drafted extradition requests and EAWs on behalf of private prosecutors in the UK and can advise on the technical requirements of these processes. 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

- 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 Raijada [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.

In recent years he has successfully 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 has extensive experience in Judicial Review proceedings and has successfully challenged 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
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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 excusion from a Property Freezing Order.

Notable Cases - Criminal Law

- 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.