

## Peter Carter QC



Call: 1974

Silk: 1995

Email: [p.carter@doughtystreet.co.uk](mailto:p.carter@doughtystreet.co.uk)

### Profile

Peter Carter QC undertakes most types of criminal law work either for defence or prosecution, but with the principal emphasis upon fraud, terrorism, homicide and trafficking and cases with a trans-national or international element. He appeared with Parosha Chandran in the criminal appeals of R v O and R v N on behalf of victims of international trafficking. As a result of appearing in those cases he was appointed as special adviser to the Joint Parliamentary Pre-Legislative Scrutiny Committee on the Modern Slavery Bill in 2014. On occasions he advises prosecuting authorities, government and NGOs on legislative reform.

He has appeared in many of the major terrorist trials in the last twelve years. Peter created the Protocol for Special Advocates in public interest immunity (following the House of Lords' decision in R v H & C) when he was appointed by the Attorney-General in the case of Bourgass and others at the Central Criminal Court. He defended Yassin Omar (R v Ibrahim and others, the 21st July 2005 bombing case), UI Haq (R v Barot and others) and most recently **represented a defendant convicted of attempting to murder cyclists, pedestrians and police officers outside the Houses of Parliament (R v Khater [2019] EWCA Crim 2420)**. His work defending in terrorism cases led in turn to him teaching recruits to the Counter-

Terrorism Command on the law relating to interviews of suspects and on the human rights issues engaged in the investigation and prosecution of terrorism cases.

He is expert in international human rights law. He has appeared in domestic and regional human rights courts outside the UK and participated in amicus briefs in overseas jurisdictions. Peter was one of the team instructed on behalf of both Houses of Parliament to draft an amicus brief for the US Supreme Court in the Guantanamo Bay case of Rasul v Bush which successfully challenged the US government's denial of constitutional and international human rights to the detainees.

He appears pro bono before the Privy Council in appeals in capital cases from the Caribbean and associated work in the Caribbean itself. He has also appeared before the Inter-American Court of Human Rights, the UN Human Rights Council and the Social Rights Group of the EU Parliament.

His practice includes public inquiries and public law. He was appointed counsel to a public inquiry in Trinidad into the collapse of that state's largest financial institution and **is currently leading counsel to an inquiry concerning a major UK financial institution.**

He has taught advocacy of human rights issues in Jamaica, Trinidad, Singapore, South Africa, Malawi, Kenya and Morocco and at the International Criminal Court. He regularly lectures on rule of law and human rights issues, including: counter-terrorism, privilege and human trafficking. To commemorate the anniversary of Magna Carta he delivered a lecture entitled "Human Rights at the Point of a Sword" to several audiences.

### **Related practice areas**

Business Crime and Investigations

Criminal Law and Appeals

Extradition

Anti-Trafficking

Business and Human Rights and Modern Slavery

International Criminal Law

International Human Rights Law

Data Protection and Information Law

### **National Security**

Peter Carter has appeared in several of the most significant terrorism cases.

- He was appointed as special advocate in R v Bourgass & ors [2006] EWCA Crim 3397 in which he drafted the protocol for such cases.
- He represented defendants in the cases of R v Ibrahim and others (the attempt to detonate five bombs on the London transport system two weeks after the 7th July 2005 explosions). Peter acted for Omar, one of the four convicted of involvement in the 21st July bomb plot on the London Underground. The case substantially turned on novel and highly technical expert evidence about the construction of the devices, their explosive potential and what conclusions could be drawn from this evidence. A defence expert was instructed to explore and – where appropriate – challenge the numerous prosecution experts spanning chemistry and kinetic physics to the isotopic traces in tap water. Other issues included the effect of hostile publicity on the fairness of the trial, and the admissibility of answers given in “safety interviews” (in the absence of a solicitor to represent the accused) – this was the first case to challenge such evidence and consider the effect of ECHR jurisprudence on such interviews in English law.
- R v Rehman, UI Haq and ors - Peter represented Zia UI Haq in this major terrorism case, which involved plans to target iconic buildings in London and elsewhere. The principal defendant was Dhiran Barot who in the period leading up to the trial admitted involvement in plots to murder in the USA and the UK. Following discussions between Peter and the prosecution, his client pleaded guilty to a reduced charge. In order to achieve a proper basis of plea, the limited participation of the defendant represented by Peter had to be demonstrated by reference to expert and other evidence. Significant aspects of the case required understanding and explaining to the court detailed expert evidence about computer encryption, the significance of temporary internet files, the footprint left by use of external hardware. In addition, evidence from overseas security services had to be considered with a view to challenging its admissibility.
- R v Khater [2019] EWCA Crim 2420 – Peter represented a defendant convicted of attempting to murder cyclists, pedestrians and police officers outside the Houses of Parliament. He successfully resisted an application by the Attorney-General to increase the sentence imposed.
- He has acted in other cases for defendants charged with Islamic and neo-Nazi terrorism.
- He has taught fair trial issues in counter-terrorism on behalf of international and

domestic NGOs.

## Regulatory & Financial Crime

- R v Calvert - prosecutions for FCA (partner in Cazenove), insider dealing;
- R v Sanders and others (insider dealing in UK using information about US markets; co-operation between UK and US regulatory authorities); currently prosecuting another pending insider dealing case;
- R v Gooding - trans national crime (investment fraud operated from Spain targeting UK residents);
- R v GG and others competition/ cartel (represented pharmaceutical company; case went to House of Lords where indictment was quashed);
- R v Birks - This case concerned local authority (Doncaster City Council) fraud and corruption in the allocation of planning permission. Peter acted for the chairman of the planning committee. The principal evidence came from expert planning witnesses who had to be cross-examined and the planning issues explained to the jury. It was a case that generated considerable hostile publicity, much of it political in nature as a result of the political complexion of the council concerned. ;
- Advised SFO on potential prosecutions;
- Clico - public inquiry into the collapse of major financial institutions in Trinidad to discover whether there are remedies available to the government and the public to recoup their losses; in the case of the latter involving loss of pension rights and medical insurance cover, (counsel to Commission in Trinidad into collapse of major financial services conglomerate).
- He is currently leading counsel to an inquiry concerning a major UK financial institution.

## International Human Rights

Peter has worked on a series of cases representing victims of trafficking who had been

convicted of offences after being trafficked and exploited:

- R v O [2008] EWCA Crim 2835 (first case to recognised that victims of trafficking had right not to be prosecuted for offences committed as a result of being trafficked in which Court of Appeal applied CoE Trafficking Convention which UK had then signed but not ratified).

Peter has various appearances in the Privy Council on behalf of defendants facing death penalty:

- Ramdeen v Trinidad which was remitted to Trinidad where he successfully argued (together with local Trinidad counsel) in the High Court and Court of Appeal that her sentence of death was unconstitutional. The Privy Council was invited by Peter, acting for the applicant in this case who had been sentenced to death after conviction for murder of her two step-children, to be the first supreme court in the world to change its own previous dismissal of an appeal in the light of fresh evidence. The Privy Council did not finally determine that issue – but did not exclude it as a possibility – and referred the matter back to the President for a decision using his powers under the constitution of Trinidad and Tobago. The President failed to make a decision and so a successful application was made to the High Court in Trinidad for commutation, a decision that was upheld in the Court of Appeal. The case involved an innovative approach to appellate jurisdiction and to the application of constitutional remedies in Trinidad. Peter appeared with local counsel in both the High Court and Court of Appeal in Trinidad.
- Winston Caesar v The State (Trinidad and Tobago) IACHR Series C, No. 123 - Peter appeared in successful appeal to Inter-American Court of Human Rights Peter acted for a defendant who had been ordered to be flogged with a cat o' nine tails as part of his sentence by a court in Trinidad. This was the first appeal in the Caribbean to raise this issue. It involved presenting comparative international and municipal law (from the ECtHR and from various African states) as well as expert psychiatric evidence. The Court had to determine the boundary between torture and cruel and inhuman treatment.
- Peter advised on appeal to Inter-American Court of Human Rights in Haniff Hilaire (death penalty and prison conditions and effect of denunciation by Trinidad of American Convention on Human Rights);

- Rasul v Bush - Peter was instructed together with Anthony Lester QC, David Pannick QC and Jeremy Carver of Clifford Chance to draft an amicus brief on behalf of members of both Houses of the UK Parliament. The case is a landmark United States Supreme Court decision which determined that the US government could not deprive detainees at Guantanamo Bay of their constitutional right to make habeas corpus applications to US courts. It involved a combination of US, comparative and international law, especially the obligation of states to comply with international human rights obligations in the face of the fight against terrorism.
- Peter provided an oral submission to EU Parliamentary Committee on illegality of detentions in Guantanamo Bay.

#### Other cases:

- R v Civil Aviation Authority & Sec of State for Defence ex p Islamic Human Rights Commission [2006] EWHC 2465 - At the time of the intervention by Israel in Lebanon, Peter acted on behalf of an NGO to try and prevent the USA using the UK as a staging post in supplying munitions (possibly cluster bombs) under cover of anonymous flights to Israel at a time when it was alleged that war crimes were occurring. It was a novel application raising issues of international law (the Geneva Conventions and the Rome Statute) and domestic law (the extra-territorial application of the Terrorism Act, the Human Rights Act and the International Criminal Court Act) to acts of alleged complicity by public bodies in the UK. It also involved questions of the standard of evidence required in judicial review proceedings when dealing with information from a conflict zone.
- Canserve & Nurse v Trinidad and Tobago [2019] UKPC 43 – statutory and Constitutional interpretation – whether a customs offence carrying a long maximum prison sentence was properly interpreted as being a regulatory offence of strict liability.
- Fernando – Peter represented (pro bono) private prosecutors who had been the subject of threats by a diplomat at a High Commission in London. The defence argued that the defendant was entitled to residual diplomatic immunity and that the proceedings were a nullity.

## General Crime

- Murder / manslaughter – Peter defended a mother charged with murder of infant son – sudden infant death syndrome – several experts in paediatric pathology and neurology called by each side.
- He has represented defendants in London and Newcastle charged with domestic or gang-related killings
- R v N [2013] QB 379 - Young man arrested in cannabis factory, convicted of cultivation; challenge to CPS decision to prosecute and to application of judicial oversight of CPS discretion on the basis that he was a victim of trafficking.

## Extradition

- Vilionis v Lithuania CO/5447/2015 & CO/3972/2016 – appeal on behalf of victim of trafficking; involved question whether requesting state was fully compliant with its obligations under Art.4 ECHR and the EU Trafficking Directive in order to give him protection from being re-trafficked.
- Jermaks v Latvia CO: 3575/2015– compatibility of minimum sentence.
- 
- Shiraz Ahmed v Sweden CO/2595/2016 – inter-relationship of s.2 and s.12A Extradition Act; alleged violation of Art.3
- Basevicius v Lithuania CO/2094/201 - involved allegation that conditions of detention in requesting state would violate Art 3 ECHR; respective status of decisions of ECJ vs UK Supreme Court

## Publications

- Commentaries on *SFO v ENRC* [2018] Crim LR 63 (first instance) and [2019] Crim LR

44 (Court of Appeal).

- Co-author with Ruth Harrison of *Offences of Violence* (Sweet & Maxwell)
- Chapter on 'International Criminal Law' in *Human Rights Protection: Methods and Effectiveness*, edited by Frances Butler. (Kluwer).
- *A Practitioner's Guide to Terrorism Trials Offences* (contributing editor) published by 18 Red Lion Court, December 2007
- The Rule of Law in KHRP journal (2009) 15 KHRP LR 65
- Chapter Defence Counsel in Terrorism Trials in John Pearse ed. *Investigating Terrorism* (Wiley) 2015