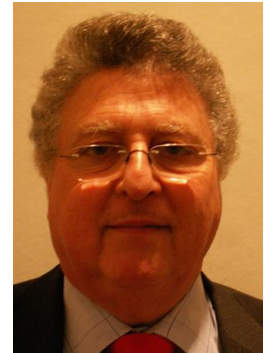




The Chambers of
Harendra de Silva QC



Alan Newman QC: Serious Crime / Extradition CV

Alan Newman QC has been involved in a large number of white collar and serious crime cases, some of lengthy duration. The white collar cases include fraud, MTIC trading, and complex confiscation proceedings. The other serious crime cases include animal rights terrorism and airplane hijacking.

He has a wide-ranging extradition practice, and has been involved in a number of leading cases which have gone to the House of Lords.

He also sits as a Recorder at the Central Criminal Court and elsewhere.

Notable Cases

Fraud, Money Laundering and Confiscation

R v Gerald Smith: SFO prosecution. Massive commercial fraud case running into hundreds of millions of pounds. Confiscation order described by SFO on website as the largest order ever made in criminal proceedings.

R v Stephen Sampson: VHCC: 7 month trial. Landfill Tax Regulations. Conspiracy to steal. False accounting.

R v Marios Nicolaidis: VHCC: 6 month trial. Conspiracy to contravene s47 Financial Services Act 1986. Internet and telecommunication companies floated on a false basis.

R v Sivanandaraja: Cheating Inland Revenue. 3-month large-scale multimillion PAYE fraud.

R v Allen: Cheating Inland Revenue. Very large-scale Corporation Tax fraud. Appealed to House of Lords.

In re Piper: Appealed to Court of Appeal. Leading case often cited on Receivers powers under Restraint Orders

R v Hening: £250 million MTIC fraud. Huge multimillion pound confiscation proceedings.

R v Hutton: VHCC. Multimillion pound international investment fraud and money laundering.

Serious Crime

R v Wadham - VHCC: 4 month trial. Animal rights terrorism. Blackmail, violence, property destruction and threatened killings.

R v Abdul-Hussain and Others - 4 month trial. Aircraft Hijacking from Iraq to Sudan. Duress of Circumstances.

R v Costelloe - Conspiracy to supply drugs. 3 month case. Largest ecstasy case of its sort in West Country.

R v Abid Hussain - Heavy 4-month heroin trafficking case

R v Thompson - Large-scale organised theft of millions of pounds of material from British Rail

He has been involved in numerous murder trials. Recent include **R v Quinn** (drugs related gang killing-3 month case) and **R v Guthrie** (killing resulting from race riots in Bradford)

Trinidad:

State v Badeo Panday - Trial of ex-Prime Minister of Trinidad for corruption

Serious Crime Appeals and Judicial Reviews

R v G and R (HL)

Arson. Definition of recklessness. *Caldwell* overruled.

R v Kelly (CA)

CCRC reference to CA of 50-year old "Cameo Picture House" murders. Statement not disclosed to defence.

R v Bernard (CA)

Rape. Recent complaint does not amount to corroboration.

R v Hatton

Whether Defendant who raised issue of self-defence to charge of murder was entitled to be judged upon basis of what, as a result of self-induced intoxication, he mistakenly believed to be the situation.

R (H) v Inland Revenue Commissioners (DC)

Tax. IR authority to seize and image computer hard drives off the searched premises. TMA 1970 s20C

Hughes v Customs & Excise Commissioners (CA)

Restraint Order. Receiver's entitlement to recover costs from assets. Compatibility with ECHR

R v Dimsey; R v Allen (HL)

Corporation Tax. Deeming provisions of section 739(2) Income and Corporation Taxes Act 1988 had effect only for purposes of Income Tax Acts and had no impact on potential liability to Corporation Tax. Whether Hansard procedure breaches Human Rights

Director of Public Prosecutions v Scarlett (CA)

Restraint Order. Repatriation of assets abroad. Contempt of Court. Double Jeopardy.

R v Dimsey; R v Allen (CA)

Confiscation proceedings. Meaning of "pecuniary advantage" in Criminal Justice Act 1988 section 71(5)

In re Piper (CA)

Restraint order under section 26 Drugs Trafficking Act 1994. Limited power of Receiver to sell assets prior to conviction.

R v Abdul-Hussain and Others (CA)

Aircraft Hijacking. Duress of Circumstances. Fundamental review.

R v Tattenhove; R v Doubtfire (CA)

Public Interest Immunity. Prosecution duties. Ex parte applications.

R v Leeds Magistrates' Court ex parte Dumbleton (DC)

Powers of police exercising search warrant.

R v Central Criminal Court ex parte Francis & Francis (HL)

Solicitors resisting DTOA Order. Meaning of "items subject to legal privilege".

Gough v Chief Constable of Derby Constabulary (DC)

Football banning orders. Compatibility with Human Rights and with EU Treaty.

Streames v Copping (CA)

Information bad for duplicity. Interlocutory case stated. Whether jurisdiction.

R v Marlborough Street Magistrates' Court ex parte Bouchereau (DC)

Whether legal aid available for Article 177 reference to ECJ.

R v Medway (CA)

Full Court [five Judge] hearing. Principles applicable upon withdrawal of abandonment of appeal.

R v O'Brien (CA)

Conspiracy. When inchoate.

European Court of Justice, Luxembourg

R v Goodwin and Unstead (ECJ)

Whether counterfeit items subject to VAT

Extradition

In Re Schmidt (HL)

Extradition from UK. Whether Examining Magistrate has any abuse of process jurisdiction

R v Horseferry Road Magistrates Court ex parte Bennett (HL)

Circumvention of proper extradition procedure into UK. Abuse of process jurisdiction

Re Alves (HL)

Extradition. Accomplice evidence. Effects of retraction of evidence

Mitchell v France (DC)

Extradition. Delay. Double jeopardy. Conviction in UK for tobacco smuggling utilising stolen cars and credit cards stolen in France. French charges for theft of cars and cards

Hewitson v Government of France (DC)

Extradition: Absolute right to have set aside a conviction in absentia on return. Whether a conviction extradition lawful. Unlawful seizure of evidence. Respect for private and family life

R v Governor of Belmarsh Prison ex parte Francis (DC)

Extradition proceedings. Applicability of section 78 Police and Criminal Evidence Act 1984

In Re Naghdi (DC)

Extradition. Validity of Order to Proceed. Extraterritoriality

R v Governor of Pentonville Prison ex parte Herbage (No.3) (DC)
Extradition. Habeas Corpus. Extraterritoriality.

Re the Habeas Corpus Application of Carthage Healy (DC)
Impact of Article 48 EEC Treaty on extradition proceedings.

R v Governor of Pentonville Prison ex parte Budlong (DC)
Extradition. Habeas corpus. Double criminality. Offence of political character.

Trinidad Privy Council, Court of Appeal and First Instance

Government of USA v Ibrahim Noumeh (Extradition to USA in respect of offences against USA committed in Barbados. Procedural adequacy of evidence submitted by USA. Whether USA should be allowed second bite of cherry);

Zimmern Beharry v United States of America (Extradition of major cocaine trafficker to USA).

International War Crimes and Genocide

ICTY (International Criminal Tribunal for the former Yugoslavia):

Isak Musliu: Instructed by the UN. Kosovo Albanian accused of genocide and war crimes.

Ljubomir Borovcanin: Instructed by the UN. Serb accused of genocide and crimes against humanity in connection with the Srebrenica massacre, the single worst war crime in the Bosnian conflict

He is registered counsel at the **International Criminal Tribunal for Rwanda** and at the **International Criminal Court** as well as at ICTY.