

# International Aspects of Criminal Proceedings

Essential guidance on the law, procedure and practice for all criminal practitioners

21 April 2010, London

“Comprehensive guidance on all the important areas from extradition to freezing assets abroad”

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- 9.00 Coffee and Registration**
- 9.30 Chairman's Introduction**  
*Jonathan Fisher QC, 23 Essex Street*
- 9.45 Keynote Speech: SOCA: Dealing With Big Numbers**
- How SOCA works
  - New methods to deal with crime
  - International and financial crime
  - Future challenges
- Paul Evans, Director, Intervention, SOCA*
- 10.30 Extra-territorial Criminal Offences**
- Expanding the frontiers
    - Recent cases
    - Statutory developments
  - Alternative approaches
  - Future developments
- Jonathan Fisher QC, 23 Essex Street*
- 11.15 Coffee**
- 11.30 European Arrest Warrant - Extradition Within the EU**
- Issues arising from extradition to
    - Category 1 territories
    - Category 2 territories
    - The UK
  - The process from arrest to extradition order
  - Appeals
  - Recent case law
- James Lewis QC, Three Raymond Buildings*
- 12.15 Extradition Outside the EU - Part 2 Extradition Act 2003**
- The Part 2 regime and when a prima facie case is required
  - Recent US cases - extradition crime and human rights arguments
  - Recent Russian and other cases where political motivation and/or bad faith is involved
- Extradition based on guarantees or assurances as to fair trial or treatment on return
- Peter Binning, Corker Binning*
- 1.00 Questions**
- 1.15 Lunch**
- 2.15 Obtaining Foreign Evidence in the UK and Abroad**
- Guidance on the key issues and current law practice and procedure.
- Stephen Gentle, Kingsley Napley*
- 3.00 Tea**
- 3.15 Freezing Foreign Assets for Restraint and Confiscation**
- An examination of the key issues and current law practice and procedure.
- James Leonard, Outer Temple Chambers  
Brandon Barnes, BDO Stoy Hayward LLP*
- 4.00 The Significance of the Palermo Convention for Future Developments in the Investigation and Prosecution of Serious Organised Crime**
- The framework of international conventions
  - Scope of convention: transnational organised crime
  - A step towards global norms?
  - Bridging the gap between domestic and external law
- Stephen Hellman, 33 Chancery Lane Chambers*
- 4.45 Chairman's Concluding Remarks and Questions**
- 5.00 Conference Close**

# International Aspects of Criminal Proceedings

Increasing internationalisation of both business and personal activities means that allegations of criminal activity against UK nationals from foreign governments, or against overseas nationals in this country, are bound to increase. An understanding of the laws, procedures and practices which apply in such circumstances is therefore essential for all criminal practitioners. Consider, for example, the position of clients who may:

- Be facing extradition proceedings to answer charges of, for example, drug smuggling
- Be dealing with an attempt to trace his or her assets in the UK following criminal proceedings abroad
- Be subject to an investigation in the UK by an overseas government.

Such clients need urgent, accurate advice on their rights as well as the likely action to be taken against them.

## Chairman:

**Jonathan Fisher QC** is listed as a leading barrister specialising in fraud, money laundering, corporate crime, tax, civil recovery and confiscation cases. He is described in current and previous editions of the *Legal 500* and *Chambers* directories as "extremely thoughtful and considered in the run-up to court but once in the heat of battle pulls no punches", "meticulous in preparation, extremely responsive and hard-working - judges defer to his knowledge", "brilliant at money laundering and confiscation matters", "a veteran of numerous money laundering cases", "highly respected for his advisory work on money laundering, proceeds of crime, VAT fraud and taxation matters", "something of an expert in confiscation and the Proceeds of Crime Act 2002", and "regularly appearing in an advisory capacity in matters pertaining to financial sanctions". In addition, he is a fellow of the Chartered Institute of Taxation and a Chartered Tax Adviser, a visiting professor at the LSE where he teaches corporate and financial crime and international economic sanctions on the LLM programme, general editor of *Lloyds Law Reports: Financial Crime*, and a trustee director of the Fraud Advisory Panel.

## Speakers:

**Brandon Barnes** is a director at BDO LLP and specialises in forensic accounting.

**Peter Binning** is a partner at Corker Binning. He specialises in business crime and regulatory litigation including investigations and prosecutions in cases relating to international fraud, money laundering, tax and customs infractions. He is a regular speaker in this field and a contributor to *International Commercial Fraud* (Sweet & Maxwell 2001).

**Paul Evans** is Director Intervention of the Serious Organised Crime Agency (SOCA). Intervention is a generic title for a range of activities designed to reduce harm caused to the UK by serious organised crime by denying opportunities for criminals. Paul started his career in the Royal Navy in 1972 and served until 1980. He joined HM Diplomatic Service in 1982. Since then, he has had a variety of postings: UK Mission to the United Nations in Vienna, First Secretary in London, First Secretary (later Counsellor) in Washington, and latterly Counsellor, again, in Vienna. He was formerly Director Investigation (also known as the Chief Investigation Officer for statutory purposes) of HM Customs & Excise. He was appointed to Customs Law Enforcement in October 1999 to reshape and modernise the Service in line with new government anti-drugs and anti-fraud strategies. He was appointed to his new post in SOCA in February 2005.

**Stephen Gentle** is a partner in the criminal and regulatory department at Kingsley Napley. He specialises in assisting corporate and individual clients in complex fraud matters and is recommended in both *The Legal 500* and *Chambers*. His international criminal practice covers extradition proceedings and mutual legal assistance requests where he acts for individuals, corporations and governments. Stephen speaks regularly at conferences and seminars both in the UK and abroad. He is also a frequent contributor to various legal publications.

**Stephen Hellman** is a barrister practising at the Chambers of Andrew Mitchell QC at 33 Chancery Lane in London. His practice includes both the civil and criminal aspects of commercial wrongdoing and he has particular expertise in confiscation/forfeiture and money laundering. His practice has an international element and includes acting pursuant to requests for mutual legal assistance from overseas governments and law enforcement agencies. Stephen often acts in an advisory capacity, eg advising trust companies and other offshore clients on money laundering and compliance issues. He previously practised offshore for almost 8 years in commercial law firms. Stephen writes and lectures widely on issues related to his practice. He is general editor of the leading textbook *Mitchell Taylor & Talbot on Confiscation and the Proceeds of Crime*, editing personally the chapters on international co-operation, and is co-author of the chapter on Guernsey law in *International Guide to Money Laundering Law and Practice*.

**James Leonard**, Outer Temple Chambers, specialises in defending fraud cases, regulatory (professional discipline and health and safety) and enforcement. He undertakes Crown and High Court confiscation orders, both under the CJA 1988 and the POCA 2002 and has recently completed confiscation proceedings as a Leading Junior in asset tracing across the Channel Islands, Andorra and Switzerland (Operation Whitelaw) and Lebanon (Operation Horizon). James is recommended in *Chambers* as deserving "special mention".

**James Lewis QC** is a specialist in civil and commercial fraud, extradition, regulatory work, public international law and judicial review matters and is ranked in both *Chambers* and *The Legal 500* directories. He appears frequently in the Privy Council and House of Lords as well as other foreign jurisdictions and has acted for and against at least 20 overseas governments. James acts for prosecution, claimant or defendant and has sat as a part time judge since 2000. In the summer of 2005 he prosecuted the first and historic case against an Afghan War Lord at the Central Criminal Court under the torture and hostage taking convention.

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