

## Colin Nicholls QC

Call: 1957 / QC: 1981



Colin Nicholls QC is a barrister and Queen's Counsel whose specialist experience includes:

- war crimes
- bribery and corruption
- complex commercial crime
- cybercrime
- extradition
- criminal mutual assistance
- human rights

His international experience includes advising in cases in France, the Channel Islands, Gibraltar, Kenya, Italy, Cyprus, Switzerland, the United States, Venezuela, the Bahamas, India and Pakistan. He advised clients in connection with the Bhopal, Marcos and Bofors litigations, in the mani puliti trials in Italy, and in the 'cash for honours' scandal in England. He has acted as observer for Article XIX in a seditious libel in Zagreb.

He has advised and appeared in extradition cases since 1973 and given expert evidence in Ireland and the United States. He has appeared as leading counsel in Hong Kong and St Helena. And been permitted to address the court as an advocate in the United States.

In commercial crime, he has been instructed to lead teams of barristers, solicitors and accountants in cases involving up to two years' preparation and trials lasting up to a year.

His general criminal experience includes defending and prosecuting in all types of criminal cases including many murders.

In 2009 he amicus curiae in the appeal of the former Bosnian President, Momcilo Krajisnik against his conviction for crimes against humanity at the ICTY; and defended Daniel James, a British soldier and interpreter for General Richards for spying in Afghanistan.

# War Crimes

## Notable War Crimes cases

- **The Prosecutor v Momcilo Krajisnik ICTY**  
Amicus Curiae in appeal against conviction 2007-2010 Case number IT-0039&40-AR73.3A-CH.

# Extradition, Mutual Legal Assistance & Human Rights

## Notable Extradition, Mutual Legal Assistance & Human Rights cases

- **Soering v United Kingdom Series A No. 161**  
Application No. 10438/88 (1989) 11 EHRR 439, 7 July 1989 For applicant in a landmark ECHR case in which it was successfully argued that extradition of a German national from the UK to face death row in the USA would constitute inhuman and degrading treatment.
- **Kirkwood v United Kingdom [1983] No. 10479/83, 6 ECHR 370**  
United Kingdom/United States extradition. First death row application to the ECHR.
- **Lambert Watson v R [2004]**  
Privy Council Jamaica. Mandatory death penalty. Appeared for Lambert Watson in the Privy Council in the successful appeal against the mandatory death penalty in Jamaica. Landmark decision with the Privy Council sitting as a panel of nine.
- **Shafiq Rasul et al v George W Bush et al, Fawzi Adah v United States [2004]**  
US Supreme Court, Guantanamo Bay. Amicus brief – habeas corpus. Filed the Commonwealth Lawyers' Association successful amicus brief in the US Supreme Court appeal of Shafiq Rasul.
- **Hamdan v Rumsfeld Boumoudiene v Bush [2004]**  
US Supreme Court, Guantanamo Bay. Amicus brief – habeas corpus. Filed the successful Commonwealth Lawyers Association brief in the US Supreme Court appeal of Boumediene.

# Complex Commercial Crime

## Notable Complex Commercial Crime cases

- **R v Saunders, Ronson, Lyons & Parnes (1989-1990)**  
For Parnes. Corporate takeover. Allegations of share rigging.
- **Attorney General of Hong Kong v Brian Lam & Others (1990)**  
For prosecution in Hong Kong. Bank fraud.
- **R v George Walker (1994) (Brent Walker)**  
For defence. Allegations of inflation of profits.
- **R v Abbas Gokal (1996-1997) (BCCI)**  
For defence. United Kingdom's largest fraud trial. Collapse of Bank of Credit and Commerce International.
- **Attorney General of Hong Kong v Cheung Wai Bun (1994) 1 AC 1; 1993 3 HKPLR 62**  
Delay, abuse of process.

# Cybercrime

## Notable Cybercrime cases

- **R v Gold & Schifreen (1988) AC 1063**  
For the defence. Hacking into a British Telecom computer and accessing emails of HRH Prince Phillip. Led to Computer Misuse Act 1990.
- **R v Raphael Gray (2001)**  
Swansea Crown Court. For defence of young computer hacker who accessed Bill Gates' credit card details and sent him Viagra.

# Notable Cases

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Application No. 10438/88

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extradition of a German national from the UK to face death row in the USA would constitute inhuman and degrading treatment.

**Kirkwood v United Kingdom** [1983] No. 10479/83, 6 ECHR 370

United Kingdom/United States extradition. First death row application to the ECHR.

**Lambert Watson v R**

Privy Council Jamaica

[July 2004]

Mandatory death penalty. Appeared for Lambert Watson in the Privy Council in the successful appeal against the mandatory death penalty in Jamaica. Landmark decision with the Privy Council sitting as a panel of nine.

**Shafiq Rasul et al v George W Bush et al, Fawzi Adah v United States**

US Supreme Court, Guantanamo Bay.

[July 2004]

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**Hamdan v Rumsfeld Boumoudiene v Bush**

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[July 2004]

Amicus brief – habeas corpus. Filed the successful Commonwealth Lawyers Association brief in the US Supreme Court appeal of Boumediene.

**A and Others v Secretary of State for the Home Department**

[2005] 3 WLR 1249 (HL)

Intervenor on behalf Commonwealth Lawyers Association on the use of evidence obtained by torture from English Courts

**R v Horseferry Road Magistrates, ex parte Bennett** [1994] 1 AC 1

South Africa/United Kingdom. Landmark case on abuse of power and disguised extradition.

**Gilligan v Governor of HM Prison Belmarsh**

[1999] 3 WLR

Irish backing of warrants with the United Kingdom. Murder of Veronica Guerin, Irish investigative journalist, double criminality, abuse of process.

**R v Governor of Pentonville Prison ex parte Khubchandani**

(1980) 71 Cr App R 241

Double criminality.

**Government of the United States of America v Jennings**

[1983] AC 624

United States extradition from United Kingdom. Double criminality.

**R v Hong Kong Special Administrative Region ex parte Launder**

[1998] 142 SJLB 101: TLR 6/3/98

Extradition from United Kingdom to UKSAR. Human rights; re-surrender to Republic of China.

**R v Government of Germany ex parte Ismael** [1997] HL

Extradition to Germany. Who is “accused”?

**R v Bow Street Magistrates Court ex parte Hagan and Croft**

[1994] DC

Extradition to United States from United Kingdom, Bagwan Rajneesh cult case, conspiracy to murder US attorney.

**R v Bow Street Magistrates Court ex parte Zardari CO/1593/98**

April 29 1998 QBD

Mutual assistance, obtaining evidence in the United Kingdom in respect of husband Benazir Bhutto

**R v Southwark Crown Court ex parte Bank of Credit & Commerce International SA**

[1991] QB 650

Mutual assistance obtaining evidence in the United Kingdom relating to the bank accounts of General Noriega.

**R v Governor of Pentonville Prison, ex parte Cheng**

(1973) AC 931

**R v Saunders, Ronson, Lyons and Parnes**

(1989-1990) (the Guinness case)

For Parnes. Corporate takeover. Allegations of share rigging.

**Attorney General of Hong Kong v Brian Lam & Others** (1990)

For prosecution in Hong Kong. Bank fraud.

**R v George Walker** (1994) (Brent Walker)

For defence. Allegations of inflation of profits.

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## Cybercrime

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(1988) AC 1063

For the defence. Hacking into a British Telecom computer and accessing emails of HRH Prince Phillip. Led to Computer Misuse Act 1990.

**R v Raphael Gray**

6 July 2001, Swansea Crown Court

For defence of young computer hacker who accessed Bill Gates' credit card details and sent him Viagra.

## Memberships

- Chair of the Commonwealth Working Group of Experts on the Revision of the Model Law on Computer Crime, 2016-
- Patron of the Cybercrime Practitioners Association, 2016-
- Chair of the Commonwealth Working Group of Experts on Virtual Currencies 2015-
- Chair of the Commonwealth Working Group of Experts on Cybercrime 2012-2014
- Member of the Commonwealth Expert Group on the Rule of Law 2011
- Member of a UNODC Expert Group reviewing the draft Guide on Strengthening Judicial Integrity and Capacity, 2009
- Member of the SFO's Queen's Counsel List Master of the Bench of Gray's Inn 1990
- Recorder of the Crown Courts 1983-1998
- Supplementary Treasury Counsel (Crown Prosecutors at the Central Criminal Court) 1972-1981
- Admitted (for specific reasons) to the Bar of Hong Kong 1990-1991
- ICTY Accredited Defence Counsel 2008-2013

### Societies:

- Honorary Life President and former President of the Commonwealth Lawyers' Association
- Fellow of the Society of Advanced Legal Studies
- Chatham House
- Bar European Group
- Criminal Bar Association
- Justice
- Former Trustee of the Commonwealth Human Rights Initiative
- Former Trustee of the Commonwealth Law Conference Foundation (Hong Kong)
- Former Governor of the Federation of British Artists

## Education

- MA (Legal Science); LL.B (Dublin University)
- Called to the Bar by Gray's Inn 1957 (Albion Richardson Scholar)

# Publications

- 2019**  
**The Commonwealth Law Conference: A Brief History**  
The Commonwealth Lawyer, April 2018 vol 29 No.1.
- 2018**  
**Human Rights in the Modern Era: Privacy, a Commonwealth Perspective**  
With Genevieve Woods, The Parliamentarian, 2018, Issue 4.
- 2017**  
**Corruption and Misuse of Public Office** (3rd edition) co-authored with Tim Daniel, Alan Bacarese, James Maton, John Hatchard, published by Oxford University Press 29 September 2017.
- Cyber Security: The Threat Escalates**, Counsel, published by Lexisnexis, February 2017.
- 2014**  
**The Soering Case –How it curbed capital punishment**, with Professor William Schabas OC, The Times, June 2014.
- 2012**  
**Prevention of Corruption in Respect of Judges and Prosecutors**  
Group of States against Corruption: 55th Plenary Meeting, Strasbourg 14-16 May 2012.
- 2011**  
**Corruption and Misuse of Public Office** (2nd Edition) co-authored with Tim Daniel, Alan Bacarese and John Hatchard.  
Published by Oxford University Press.
- Judicial Approaches to Corruption in Public Office**  
2nd Biennial Conference of the Caribbean Association of Judicial Officers, Nassau, Bahamas; October 2011.
- 2010**  
**The UK gets Tough with Bribery**, The Commonwealth Lawyer, December 2010. vol 19 No 1.
- 2009**  
**The Developing Role of the Justice Minister in the Light of Challenges Facing the Rule of Law in the Commonwealth.**  
Commonwealth Secretariat, Commonwealth Lawyer 2009, vol 16 No X.
- 2008**  
**The CLA: A Brief History**, The Commonwealth Lawyer, August 2008, vol 17, No 2.
- 2006**  
**The Role of an Independent Legal Profession in Safeguarding Ethical Governance and Accountability**, The Commonwealth Lawyer, vol 15, No 1. April 2006.

**Vol.29 Corruption and Misuse of Public Office**, co authored with Tim Daniel, Martin Polaine and Professor John Hatchard, published by Oxford University Press on 23 March 2006 (800 pages). 'The only dedicated work on this subject' (OUP).

**2005**

**Combating Corruption with Much Tougher Laws**, The Times, 13 September 2005.

**Methods for Safeguarding Ethical Governance and Accountability: The Role of an Independent Legal Profession**, Pan African Commonwealth Principles Forum, Nairobi, Kenya 4-6 April 2005.

**2004**

**Security Laws and Human Rights—Getting the Balance Right.** 1 April 2005. Gibraltar Human Rights Symposium, September 2004.

**2003**

**Civil Society wins at CHOGM**, The Times. December 2003.

**2002**

**The UK Anti-Terrorism Crime and Security Act 2001; Too Much...Too Soon**, published in CHRI News, vol 9, No 1, p 8, February 2002.

**2001**

**Extradition: Problems of Abuse**, published in The Lawyer, Journal of the Law Association of Trinidad and Tobago vol 7, p 25, March 2001.

**2000**

**The Crisis in Pakistan: Supreme Court Asserts its Supremacy**, published in The Commonwealth Lawyer, vol 9, p 32, September 2000

**1999**

**Judges and Parliamentarians: The Public Perception**, published in Parliamentary Supremacy and Judicial Independence: A Commonwealth Approach, edited by John Hatchard and Peter Slinn, Cavendish Publishing Limited, London 1999.

**The Latimer House Guidelines on Parliamentary Supremacy and Judicial Independence**, published in Judges and Judicial Accountability, edited by Cyrus Das and K Chandra, a CLA publication, Kuala Lumpur, 1999.

**1996**

**Extradition and Human Rights in the Commonwealth** published in The Commonwealth Lawyer, vol. 7, No 2. January 1996.



## Appointments

- Chair of the Commonwealth Working Group of Experts on the Revision of the Model Law on Computer Crime (2016-)
- Patron of the Cybercrime Practitioners Association (2016-)
- Chair of the Commonwealth Working Group of Experts on Virtual Currencies (2015-)
- Chair of the Commonwealth Working Group of Experts on Cybercrime (2012-2014)
- Member of the Commonwealth Expert Group on the Rule of Law (2011)
- Member of a UNODC Expert Group reviewing the draft Guide on Strengthening Judicial Integrity and Capacity (2009)
- ICTY Accredited Defence Counsel (2008-2013)
- Master of the Bench of Gray's Inn (1990)
- Admitted (for specific reasons) to the Bar of Hong Kong (1990-1991)
- Recorder of the Crown Courts (1983-1998)
- Supplementary Treasury Counsel (Crown Prosecutors at the Central Criminal Court) (1972-1981)

## Other Information

He has presented papers and acted as moderator at panels on extradition, criminal mutual assistance, corruption and human rights at meetings of the International Bar Association, the Commonwealth Lawyers' Association, the American Bar Association, the Association of Criminal Defence Lawyers (United States), the Conference of Caribbean Judicial Officers, and the General Council of the Bar of England and Wales, meetings of Senior Officials and of Commonwealth Law Ministers. He spoke on terrorism at the Gibraltar Tercentenary Celebrations in 2004.

He participated in the Latimer House Colloquium in Buckinghamshire in 1998 and was closely involved in the work leading to the adoption of the Commonwealth (Latimer House) Principles on the Three Branches of Government, by Commonwealth Heads of Government in 2003. He participated in the subsequent meetings in Nairobi in 2005 and Edinburgh in 2008 and is a founder member of the Latimer House Working Group. In 2008 he was a member of a High Level Panel at a Special Session of Commonwealth Law Ministers in Edinburgh where he presented a paper on **The Developing Role of the Justice Minister in the Light of Challenges facing the Rule of Law in the Commonwealth**. In October 2010 he presented a paper to Law Ministers of Small Commonwealth Jurisdictions entitled **The Role of the Attorney General: Establishing an Independent Attorney General's Office in Small Commonwealth States**.

He was a member of a UNODC Expert Group reviewing the draft Guide on Strengthening Judicial Integrity and Capacity in Bologna in 2009, and of the Commonwealth Expert Group on the Rule of Law in Ottawa in 2011, was Chair of the Commonwealth Working Group of Experts on Cybercrime 2012-2014, and is chair of the Commonwealth Expert Group on Virtual Currencies (Report published by Commonwealth Secretariat, 2014, Publication of Guidance pending).

He was a member of a Working Group of the Law Commission on the UK's Bribery Bill. He gave evidence to the Joint Parliamentary Committee on the Bill in 2009. He was a member of TI (UK)'s Advisory Group on the UK's National Integrity

System in 2011, and of TI(UK)'s Taskforce on Illicit Enrichment, which led to the introduction of unexplained wealth orders in the Criminal Finances Act 2017.

He is lead author of **Corruption and the Misuse of Public Office**, published by Oxford University Press in 2006. The 2<sup>nd</sup> edition (Colin Nicholls QC, Tim Daniel, Alan Bacarese and Professor John Hatchard) was published on 29 September 2011. The 3<sup>rd</sup> edition (Nicholls, Daniel, Bacarese, Maton, and Hatchard) was published on 29 September 2017.

He has been a member of the Council of the Commonwealth Lawyers Association since its foundation in 1986. He was President from 2003-2005 and was made Honorary Life President in September 2007 in recognition of his "contribution to the Association and lawyers in the Commonwealth".

## Privacy Statement

I, Colin Nicholls QC am a data controller and can be contacted at 3 Raymond Buildings, Gray's Inn, London WC1R 5BH or by telephone on 020 7400 6400 or by email at [colin.nicholls@3rblaw.com](mailto:colin.nicholls@3rblaw.com). My Data Protection Policy can be found below.

All personal data that I process is for the purposes of providing legal services, conducting conflict-checks, marketing, defending potential complaints, legal proceedings or fee disputes, keeping anti-money laundering records, training other barristers and pupils and when providing work-shadowing opportunities, and/or exercising a right to a lien. The types of data I process vary upon the nature of the legal matter in relation to which I am engaged to advise, but can include names, contact details, biographic details and 'special category personal data' (such as details of racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life and criminal convictions and proceedings).

Depending upon the circumstances of the case, the legal bases upon which I process personal data are (i) the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract, (ii) the processing is necessary to comply with legal obligations to which I am subject, or (iii) the processing is necessary for the legitimate interests set out above, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subjects which require protection of personal data, in particular where the data subject is a child. When I rely on (iii) legitimate interests, my 'Legitimate Interests Assessment' can be found [here](#). When I process data which has not be obtained directly from the data subject (e.g. personal data contained in evidential materials), it will have been supplied to me as part of my instructions in circumstances covered by legal professional privilege.

Depending upon the circumstances of the case, I may share the personal data with:

1. my Chambers, which supplies professional and administrative support to my practice;
2. Courts and other tribunals to whom documents are presented;
3. my lay and professional clients;
4. potential witnesses, in particular experts, and friends or family of the data subject;
5. solicitors, barristers, pupils, mini pupils and other legal representatives;
6. ombudsmen and regulatory authorities;
7. current, past or prospective employers;

8. education and examining bodies;
9. business associates, professional advisers and trade bodies.

I normally retain personal data for no longer than 15 years after the case has come to an end or as otherwise required by law.

I do not intend to transfer data to any country which is not either within the European Union, 'white listed' by the EU or otherwise permitted by EU law (e.g. to the USA under the provisions of the 'Privacy Shield').

Under the GDPR, data subjects whose personal data I process have the right to request from me access to, and rectification or erasure of, their personal data, the right to the restriction of processing concerning them, the right to object to processing as well as the right to data portability. Data subjects also have the right to lodge a complaint with the Information Commissioner's Office ([ico.org.uk](http://ico.org.uk)).

In cases where there is a contract between me and the data subject, the provision of personal data is a contractual requirement and the data subject is obliged to provide the personal data in order that I can supply legal services. A failure to provide such data may mean that I will not be able to provide the legal services.

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[Data Protection Policy](#)

[Legitimate Interests Assessment](#)