



Jonathan Caplan KC

Barrister

Call: 1973

Silk: 1991

Email: jc@5pb.co.uk

Specialist areas

International Crime

Fraud, Business and Financial Crime
Crime

Inquests & Inquiries

Professional Regulation

VAT number: 244710283

Bar council number: 11137

Jonathan Caplan practices mainly in the following areas:

- Criminal work (specialising in fraud and cross jurisdictional matters)
- Regulatory issues and corporate liability
- Media Law (contempt, defamation, privacy, content)
- Public inquiries and tribunals (including sport and market regulation)
- Health and Safety
- Civil Fraud and Commercial
- Arbitration
- Administrative law and judicial review
- Extradition
- Corporate and gross negligence - medical manslaughter

His clients include companies around the world, high profile individuals, television companies, newspapers, and government agencies.

He regularly appears in the courts of Hong Kong and has represented and advised clients in many other jurisdictions including Singapore and the Gulf. He is regularly listed in the top tier of Queen's Counsel in the Legal 500 and in Chambers and Partners UK Guide to the Bar in the areas of criminal fraud, public inquiries and administrative law, Health and Safety and corporate liability.

Recent cases

Representing successfully Lady Nourse on charges of historic sexual abuse (2021);

Representing Corinna Zu Sayn-Wittgenstein-Sayn in harassment proceedings against His Majesty Juan Carlos and in the claim by him of sovereign immunity (2022) EWHC 668 (QB)

Successfully resisting the extradition of an HSBC Forex manager to the United states (*Scott v United States* (2018) EWHC 2021 (Admin))

Appealing a European Arrest Warrant on the ground that the French Public Prosecutor is not "an issuing judicial authority" (*Djhourri v France* (2019) Admin Court)

Representing the Department of Justice of Hong Kong in the Court of Final Appeal in two leading cases on the construction of money laundering provisions

(*HKSAR v Carson Yeung* (2016) 19 HKCFAR 279 and *HKSAR v Murlidhar* (2019) HKCFA 47)

Representing the Attorney General of Brunei in proceedings against two senior judges for criminal breach of trust and money laundering (2019)

Representing the CEO of Afren Pie on charges of fraud and abuse of position (*R v Shahenshah* (2019) EWCA Crim 1709)

Representing the widow of Lord Brittan in the aftermath of wrongful allegations against him arising from Operation Midland (2018/9)

Representing the Managing Director of a pharmaceutical company in an SFO investigation into foreign corruption (2018)

Representing a member of the Saudi Royal family in defamation proceedings against Forbes magazine ((2014) EWHC 3832 (QB) (*Defamation*))

Representing the Department of Justice of Hong Kong in an appeal arising from the Occupy Movement demonstrations regarding the test for admissibility of photographic evidence taken from the internet ((2019) HKCA 839)

Representing a FI driver in connection with a data leak of personal information (2017/8)

Representing a claimant in domestic arbitration proceedings in Singapore in connection with a half a billion dollar claim arising from fraudulent misrepresentation (2018)

Representing a defendant in arbitration proceedings breach of contract for defence equipment \$1 billion.

Successfully defending the former Managing Editor of the News of the World in the phone hacking trial (2014) Advising and representing a senior trader in the LIBOR investigations (2015)

Representing Associated Newspapers in the Leveson Inquiry into Press Ethics (2012)

Advising on whether to prefer charges against a former Commissioner of the Independent Commission against Corruption of Hong Kong

Recent reported cases

Recent reported cases include:

R v Gyrus Group Ltd (2014) EWCA Crim 2945 (section 501 Companies Act 2006) HRH Prince Alwaleed bin Talal v Forbes LLC (2014) EWHC 3823 (QB) (defamation)

HKSAR v Carson Yeung (Court of Final Appeal Hong Kong: July 2016) FACC Nos 5 and 6 of 2015 (money laundering)

FACT v Ashton (2014) 1 WLR 1322 (domestic infringement of BSkyB rights)

Attorney General v Mirror Group Newspapers (2012) 1 WLR 2408 (meaning of "impede" in Contempt of Court Act)

Attorney General v Associated Newspapers (2011) 1 WLR 2097 (first internet contempt case)

R (Dacre and another) v Westminster Magistrates Court (2009) 1 Criminal Appeal Reports 6 (private prosecutor's duties)

Notable Cases

Fraud: Jonathan is currently representing Boris Becker in Insolvency Service proceedings. He has appeared in many major fraud trials in the UK since he represented Ernest Saunders in the reference appeal in Guinness (1996) 1 Crim App

Rep 463 after he had argued and won the case before the European Commission of Human Rights. He has appeared in Blue Arrow, Maxwell, Versailles, Barings and Langbar. He defended in the first FSA prosecution for insider trading (2009) Times Law Reports June 23rd and advises frequently in corruption cases, money laundering, and most recently in Libor and Euribor. He advises and represents clients both in the UK and abroad, particularly in Hong Kong, Singapore, the Gulf and the United States.

Media: He represents newspapers, television companies, film companies and actors/actresses. He has frequently advised Channel 4, Associated Newspapers, Mirror Group, News International, and numerous film and television production companies. See, for example, (2012) EMLR 7 (internet contempt), (2012) EMLR 10 (Christopher Jeffries), (2012) All ER Rep (D) 185 (Milly Dowler), (2009) 1 Crim App Rep 6 (private prosecution of newspaper editor stayed); (2014) EWHC 2823 QB (defamation: Saudi Royal family), (2004) EMLR 37 (defamation: John Cleese)

Health and Safety: He has represented companies in several major disasters. P&O ferries after Zeebrugge (2001) 93 Crim App Rep 72, Great Western Trains after Southall rail crash (2000) 3 WLR 195, Tebay rail disaster (2007) EWCA 970, Balfour Beatty after Ha field derailment (2007) Business Law Reports. He represented Alton Towers theme park in a noise challenge to its operations (2007) EWHC 624. He has defended many directors in HSE prosecutions for example R v N Limited and C Limited (2008) 1 WLR 2684

Public Inquiries: He has appeared in numerous public inquiries. Most recently for Great Western Trains in the Southall rail disaster Inquiry, and for Associated Newspapers in the Leveson Inquiry.

Appointments

- Queen's Counsel 1991
- Recorder of the Crown Court
- Bencher of Gray's Inn and Chair of the Management Committee (2019)
- Adjudicator of the Dubai Publishing and Broadcasting Standards Tribunal
- Member of the Editorial Board of the Journal of Criminal Law (1990–2006)
- Former Chairman of the Public affairs Committee of the Bar Council
- Law Commission (contributing associate) on Contempt of Court (2012/3)
- Member Chartered Institute of Arbitrators (MCI Arb).

Education Professional

- Cambridge University (Law) M.A
- Member of the Bar Council's Public Access List

Other

- Chairman BAFTA Management Limited Chairman BAFTA Advisory Board Hong Kong
- Patron Wiener Holocaust Library
- Development Board Royal Court Theatre (1997-2006)
- Contributing Editor "Fraud Law, Practice and Procedure" (LexisNexis)
- Member Times Law Panel
- Co-sponsor Children's' Film Awards (Tony Blair Interfaith Foundation)
- Chairman of Project Zero (Ocean conservation)