



## Jonathan Elystan Rees KC

Barrister

Call: 2000

Silk: 2019

Email: [jr@5pb.co.uk](mailto:jr@5pb.co.uk)

Jonathan has a heavyweight practice in international, white collar, complex and serious crime, and has been involved in some of the most important authorities on fraud and costs in the criminal courts in recent years.

| “his technical knowledge is first class”

### Specialist areas

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Fraud, Business and Financial Crime

Crime

Professional Regulation

International Crime

VAT number: 783156217

Bar council number: 41575

He is highly regarded as a specialist in regulatory prosecutions, being regularly instructed on behalf of local authority trading standards teams, environmental agencies and other government bodies. He has an outstanding reputation for representing police officers in criminal and gross misconduct proceedings, and acted in the UK's biggest police corruption trial.

Jonathan's case history includes:

- Defending in the first trial proceedings before the Trial Chamber of the Kosovo Specialist Chambers
- Appearing as the first Appellant in the first appeal proceedings before the Court of Appeals Panel of the Kosovo Specialist Chambers
- Defending in proceedings for the murder of an adopted infant daughter by a gay father; high profile and national media publicity; complex medical evidence (25 expert witnesses) relating to the cause of death and injuries ('non-accidental head injury' case);
- Defending in a £35 million international money laundering prosecution involving cross-jurisdictional evidence (England, Netherlands, China and Pakistan);
- Defending in a £170 million 'blockbuster' SFO fraud case, involving complex issues of planning law, mineral law, local government law, company law and international law – defendant acquitted with the SFO ordered to pay costs in excess of £3m;
- Defending a former police Inspector accused of conspiracy to pervert the course of justice in relation to a murder investigation in 1988-1990 which resulted in three men being convicted for the murder of a prostitute in Cardiff following alleged forging of witness statements and the use of oppression – acquitted after 4 month trial collapsed;
- Prosecuting an international prostitution ring, involving Nigeria, South Africa, Mozambique, Bulgaria, the Republic of Ireland, and UK; led a cross-jurisdictional team, with investigators from the Garda, the PSNI and the Serious Organised Crime Agency, resulting in a hidden assets confiscation order and a total of 17 years' imprisonment for main offender;
- Defending soldier accused of abuse of Iraqi prisoners at the Bread Basket Camp, Basra during the second Iraq war.

## Professional Testimonials

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Ranked as a Tier 1 Leading Silk by Legal 500 2023, his professional testimonials include:

*"...an incredible mind and is masterful on disclosure and law. His advocacy is first-rate ... makes difficult conceptual issues easy for both juries and judges"* Legal 500 2022

*"... outstandingly able"* Chambers & Partners 2019

*"... his technical knowledge is first class"* Legal 500 2019

*"...very clever, very hard working and has great judgment"* Chambers & Partners 2018

*"...an exceptional operator"* Legal 500 2017

*"...extraordinarily able and exceptionally hard-working"* Chambers & Partners 2017

*"...highly experienced in white collar crime"* Legal 500 2016

*"...intellectually gifted, hard-working and thorough in his preparation"* Chambers & Partners 2016

*"Strong-willed and always fights the fight for the client"* Legal 500 2015

*"A measured and considered advocate who does his research...strength in depth and great attention to detail"* Chambers & Partners 2015

## Current & Recent cases

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*Specialist Prosecutor v Sabit Januzi & Ismet Bahtjari*, Kosovo Specialist Chambers, the Hague – defendant charged with intimidation and obstruction in relation to the prosecution of the former President of Kosovo in *Specialist Prosecutor v Hashim Thaci & others*

*R v H & others*, Bristol Crown Court – inter-generational sex abuse prosecution, appeared for the Prosecution

*R v Rake & others*, Court of Appeal (Criminal Division) – appeal against sentence allowed in Operation Oberon (Operation Venetic case)

*R v Reed Wischhusen*, Bristol Crown Court – defendant charged with explosives and firearms offences in relation to mass shooting plan, appeared for the Prosecution

*R v Lee Hughes*, Gloucester Crown Court – defendant acquitted of series of rape and sexual offences against partner

*R v Southwood*, Newport Crown Court – defendant charged with murder of convicted sex offender brother-in-law

*R v Rebecca Press*, Cardiff Crown Court – defendant charged with murder, brother key prosecution eye-witness who turned hostile, appeared for the Prosecution

*Specialist Prosecutor v Mustafa Salih*, Kosovo Specialist Chambers, the Hague – defendant convicted of war crimes of murder, torture and arbitrary detention and

sentenced to 26 years' imprisonment – instructed for the appeal

*Specialist Prosecutor v Hysni Gucati & Nasim Haradinaj*, Kosovo Specialist Chambers, the Hague – defendant facing trial between October 2021 and February 2022 on indictment alleging witness intimidation, retaliation, obstruction, and violating the secrecy of proceedings

*Matthew Hargreaves v Powys County Council*, Divisional Court – appearing for Powys County Council relating to Appellant's attempt to reverse warrant of committal to serve 7-year sentence in default for failing to satisfy a £1 million confiscation order

*R v Colin Milburn*, Caernarfon Crown Court – defendant charged with the pre-meditated murder of his partner in remote and rural village

*JB Ltd v R*, High Court – acting for respondent facing high value civil claim for conversion, breach of director's duties, breach of fiduciary duties and/or breach of trust including misappropriation of an aeroplane

*R v Joseph Jeremy & others*, Newport Crown Court – 8 week 5 defendant 'cut-throat' murder trial relating to robbery (appearing for first defendant)

*West Berkshire v ESE Group Limited and others*, Reading Crown Court – prosecuting 10 handed, trading standards prosecution relating to green energy products

*R v Zara Radcliffe*, Cardiff Crown Court – defendant charged with the murder of an 88 year old and the attempted murder of three other persons

*R v Jordan Brown*, Cardiff Crown Court – murder on Holton Road, Barry in front of Christmas shoppers

*R v Leon Simons & others*, Newport Crown Court – 8 defendant murder trial, involving the stabbing at Barry Docks, Wales

*R v Tony Richards*, Court of Appeal (Criminal Division) – clarification of the law on voyeurism involving recording a sexual act

*R v Colin Payne*, Swansea Crown Court – murder trial involving a reported martial arts expert killing a former assistant to Mother Teresa

*R v Quinn & others*, Cardiff Crown Court – successful application to stay 8 month serious and complex fraud trial on grounds of abuse of process (allegations related to claims management companies and solicitor firms working in personal injury)

*R v Gay & others*, Cardiff Crown Court – prosecution of 7 defendants for industrial scale mortgage fraud in 10 week trial

*R v Matthew Scully-Hicks*, Cardiff Crown Court – represented the accused in the alleged 'babysmoking' murder of an adopted infant daughter by her gay father

*R v Mark Glover*, Cardiff Crown Court – represented serving detective accused of a carrying out a series of rape and sexual assaults on a daughter and her mother (acquitted of all counts after trial)

*X*, Police Misconduct Hearing – represented a senior officer facing highly sensitive gross misconduct allegations relating to sexual misconduct and the abuse of covert intelligence police procedures and resources

## Recent reported cases

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*Hargreaves v Powys County Council* [2023] WLR(D) 12 – Divisional Court dismissing defendant's appeal by case stated against committal order by magistrates' court enforcing confiscation order— Prosecuting authority seeking legal costs order against defendant— Whether power to make order under civil or criminal costs regime— Whether costs order to be made— Senior Courts Act 1981 (c 54), s 28A(3) – Prosecution of Offences Act 1985 (c 23), ss 16(5), 16A, 17(1)(b)(2), 18

*Specialist Prosecutor v Hysni Gucati & Nasim Haradinaj*, KSC-BC-2020-07/KSC-CA-2022-01 – indictment alleged that between at least 7 and 25 September 2020, on the occasion of three press conferences and other broadcasted events, as well as through further dissemination, Gucati and Haradinaj revealed, without authorisation, information protected under the law of the Specialist Chambers, including the identifying details of hundreds of (potential) witnesses

*R v Mundy (Ian)* [2018] 4 WLR 130 – on the scope of orders for reconsideration of the available amount under section 22 of the Proceeds of Crime Act 2002 and the test on appeal under section 31 of the 2002 Act

*R v Stromberg (Paul)* [2018] 3 WLR 812 – authority reviewing the historical background to the jurisdiction of the Court of Appeal (Criminal Division) to issue writs of *venire de novo* and the scope of its powers

*R (on application of McKenzie) v Director of the Serious Fraud Office* [2016] 1 WLR 1308 – as to the lawfulness of the policy and practice of the SFO in regards to isolating and reviewing material potentially subject to LPP embedded in electronic devices

*Evans & others v Serious Fraud Office* [2015] 3 Costs LR – authority on the assessment of costs under section 19 of the Prosecution of Offences Act 1985 in serious and complex cases

*Evans & others v Serious Fraud Office* [2015] 1 WLR 3595 – successful application for costs against the SFO in civil proceedings on an indemnity basis and in criminal proceedings on the basis of an unnecessary or improper act under section 19 of the Prosecution of Offences Act 1985

*Serious Fraud Office v Evans & others* [2015] 1 WLR 3526 – re applications in the High Court for voluntary bills of indictment

*R v Evans & others* [2014] 1 WLR 2817 – successful application to dismiss SFO blockbuster fraud involving an extensive review of the scope and boundaries of the common law offence of conspiracy to defraud

## Other Notable Cases

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*R v Mouncher & others*, 2011, Swansea Crown Court – represented 3rd defendant in the UK's biggest prosecution for police corruption (see the Mouncher Investigation Report, 2017 into the collapse of the trial of 8 defendants in 2011)

## Articles & Lectures

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Procedural Failure in Criminal Law: Malachi Williams (2017) to Lalchan (2022) and the rejection of the so-called 'Modern Approach', Cardiff University, 9 June 2023

Joint Enterprise in International Criminal Law: An Overview (slides & script), Crimeline Webinar Lecture, 21 May 2020

Joint Criminal Enterprise in the Kosovo Specialist Chambers, ANZSIL Perspective, May 2020 Edition 13,

Court's Jurisdiction to Order a Writ of Venire de Novo, Lexis PSL Corporate Crime, 16th April 2018

Jogee – Parity and Clarity?, CDLS Lecture, 27th October 2016

## Education

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1996–1999 Cambridge University, Jesus College:

## Lists, Panels, Memberships, etc

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Chair of the Legal Wales Foundation, 2022 – present

Bencher at the Honourable Society of the Inner Temple, 2020 – present

Member of the CBA Executive Committee, 2012 – present

Treasurer of the Wales & Chester Circuit, 2020 – 2022

Member of the Bar Council of England and Wales, 2020 – 2022

Admitted to the List of Counsel eligible to practise before the International Criminal Court

Admitted to the List of Specialist Counsel eligible to practise before the Kosovo Specialist Chambers established to exercise jurisdiction over crimes against humanity, war crimes and other crimes under Kosovo law which allegedly occurred between 1 January 1998 and 31 December 2000

## Appointments

Recorder of the Crown Court