



Paul Rogers

Year of Call: 1989

Direct Access: Yes

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Paul Rogers has a proven track record in handling complex investigations, trials and appeals as lead counsel, at both the **domestic and international level**.

Paul has significant experience in the international field as a senior prosecutor at the United Nations International Criminal Tribunal for the Former Yugoslavia (UNICTY), and domestically in relation to war crimes and crimes against humanity.

His current practice centres on the defence of corporations, directors and individuals for offences under the **Health and Safety** at Work Act, and gross negligence manslaughter. Recent corporate clients include British Airways Avionics, Wanis, Tesla Engineering, SERCO, Tayto, Anglian Windows Ltd . Paul acts for care homes and care providers in relation to CQC prosecution and in inquests concerning deaths in care. Recent clients include a hospital director employed by Priory Healthcare, and large care providers such as Lifeways Community Care Ltd.

Paul advises the DPP/AG and CPS in relation to grave international crimes and issues of diplomatic immunity. He appeared for the prosecution in the case of *R v Agnes Reeves Taylor* –(allegations of torture arising from the first Liberian Civil War in 1990) at all levels including in the Supreme Court **R v Reeves Taylor [2019] UKSC 51**. The case established a landmark ruling on the breadth of the international crime of torture as enacted in domestic legislation under section 134 Criminal Justice Act 1988. He also acted for the DPP in the Divisional Court and Court of Appeal in the case of **Freedom and Justice Party & Another v Secretary of State for the Foreign and Commonwealth Office [2018] EWCA Civ 1719, [2016] EWHC Admin 2010** a case determining the scope of immunities from arrest and prosecution for persons on special missions.

He trains advocates at both the national and international level in trial and appellate advocacy. He has taught advocacy programmes in the Balkans, The Hague – Netherlands, Poland and in the UK. He is an approved advocacy trainer for the Inner Temple.

Areas of Expertise

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Health, Safety & Environment

Paul represents company directors and individuals charged with gross negligence manslaughter and health and safety offences as a result of deaths in the workplace, and represents interested persons at inquests arising from work related deaths.

Paul acts for a wide range of companies from multinationals, to mid-range and small companies as well as their directors. His clients are drawn from a wide range of industries including construction, manufacturing, ferry operators, waste and recycling contractors, and local authorities. They include such organisations as Greene King, Hanson Aggregates, Downwell Demolition Ltd, Robinson & Birdsell Ltd, Anglian Windows Ltd, Tayto Group PLC, SERCO Ltd, British Airways Avionics Engineering Ltd and many other smaller construction and manufacturing firms.

He represents directors charged under section 37 HSWA. These include:

- A director of a construction company charged after a dumper truck overturned injuring the driver
- A director of a construction company charged after an employee was electrocuted after striking a buried cable
- A director of a company arising from the death of a worker after the collapse of a poorly retained wall
- A director of a building company after insufficient edge protection had been installed
- Together with Ben Compton QC, Paul represented the director and company (South Lakes Safari Zoo Ltd) in a prosecution brought by the local authority in relation to the death of a zoo keeper at the park after she was attacked and killed by a tiger.

Paul also acts for companies and individuals in Health and Safety related inquests. Recently he has represented:

- A firm of structural engineers at a 10-day jury inquest into the death of a worker arising from a collapsed wall during trench excavations
- The director of Capstone Building Ltd at a 5-day jury inquest arising from the death of a worker after the collapse of a wall during a concrete pour
- A groundwork construction company at a 4-day jury inquest into the death of a banksman during the operation of a telehandler.

Other recent instructions include acting for a Hospital Director in a three week Article 2 inquest relating to the death of a psychiatric patient at the Priory Roehampton.

In relation to health care and social care work, Paul has acted for social care providers in various cases including inquests, and CQC prosecution as well as fire safety enforcement.

He has provided extensive training to solicitors and insurers in relation to the implications of COVID-19 for workplace health and safety, and has advised a large children's services provider on managing COVID-19 risk throughout its operations and in the discharge of its statutory duties.

Paul was junior counsel to the Crown in the prosecution of Railtrack Plc arising from the Ladbroke Grove, Paddington rail crash in which hundreds were injured and 31 died as a result of the failures of Network Rail.

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Notable Health, Safety & Environment cases

HSE v NJP Engineering Ltd

Acting for the engineering company whose partner director was responsible for providing expert service to a demolition project in relation to the collapse of a wall during demolition of a church in Cardiff.

CQC v Lifeways Community Care

Representing one of the largest providers of residential care for those with special needs. This prosecution is arising from an assault by one home resident on another resulting in severe injuries to that resident.

Chester West DC v Motor Sport Vision Ltd

Acted for a major motor sport race track operator in a prosecution arising from a fatality in another accident during a motorbike track day.

Re; Osmane Diaby et al

Acted for the health and safety advisor to a company operating a scrap metal facility in relation to the deaths of 5 operatives arising from the collapse of a retaining wall.

R v Adsett & 6 others

Together with Ben Compton QC, Paul successfully defended a project manager at the Central Criminal Court in an eight week trial who was charged with gross negligence manslaughter and a section 7 HSWA offence arising from the collapse of a window frame in Hanover Square, London and the death of Amanda Telfer, a pedestrian passing by at the time.

HSE v Downwell Demolition Ltd

Successfully defended a demolition contractor in a prosecution of three construction contractors – not guilty verdict after a jury trial. In relation to a death from a fall from height during the construction of a steel framed warehouse. He is currently instructed by insurers for an interested party relating to the collapse of the Didcot boiler house during preparations for its demolition, and for one of the construction core participants in the Grenfell Fire Inquiry.

Transport

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Paul acts for defendants in the **road haulage industry**, and generally, in cases of deaths caused through dangerous and careless driving.

He has acted for many HGV drivers, and motorists involved in accidents where persons have lost their lives through the careless or dangerous driving of the accused.

Marine & Fisheries

Paul has considerable experience of **maritime matters** and is himself a yacht owner and sailor.

Notable Marine & Fisheries cases

He recently defended SERCO Ltd over a two week trial with **Ben Compton KC** in a prosecution brought by the Maritime and Coastguard Agency arising from the death of a crew-member on the Woolwich Ferry.

He also acted in the related inquest for SERCO Ltd.

He advised a man in relation to an investigation into gross negligence manslaughter arising from a boating accident on the Thames.

He represented SEADRILL MANAGEMENT LTD in an inquest relating to the death of an engineer aboard an offshore drilling platform in Brazil. He defended a Portsmouth based floating crane operator at Lewes Crown Court arising from a prosecution under the HSWA for a death resulting from a mooring line which parted during a lifting operation to secure a crawler crane on a floating barge.

He represented the master of a tug, and the tug owner in relation to an overturning and sinking accident on the River Thames causing the loss of the tug's engineer when a towing operation went wrong.

He acts for a major tug company in relation to an accident on the River Mersey.

Disciplinary & Regulatory

Paul represents health professionals including at consultant level, in a range of **misconduct and capability hearings** before the MPTS, Nursing and Midwifery Council, and internal NHS Trust disciplinary / capability proceedings. He has recently acted for doctors in relation to drug / alcohol misuse and treatments using alternative medicine, and was instructed in capability proceedings concerning the ability of a consultant colo-rectal surgeon.

He represents interested persons including companies, directors and families at inquests. Recent inquests include: seven day jury inquest into the deaths of two construction workers following the collapse of a gable wall into a trench excavation; a four day inquest acting on behalf of care providers into the death of a dementia sufferer who left a care home, and a two day inquest acting for a local authority in relation to a death of an elderly man associated with the operation of a care line facility.

He is currently instructed in an inquest listed for six weeks concerning the suicide of an inpatient at a psychiatric hospital, and in a lengthy inquest into the death of a young man with autism and down syndrome.

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International Crime

He was Senior Appeals and Trial Counsel for the Office of The Prosecutor (OTP) (UNICTY) between 2009 and 2014, leading complex factual and legal prosecutions of international war crimes and crimes against humanity involving multiple accused at the highest levels of political and military leadership.

Of particular note he led the prosecution response to the appeals of high-ranking military commanders convicted of genocide at Srebrenica in 1995, in the cases of Prosecutor v Popović et al and Prosecutor v Tolimir. He also prosecuted the first ever re-trial before the UNICTY for multiple murders and torture offences concerning a former prime minister of Kosovo and national war hero – in the case of Prosecutor v Haradinaj, Balaj and Brahimaj.

He has advised the Attorney General on whether crimes against humanity and war crimes offences can/ should be brought against individuals within the jurisdiction of the UK courts in relation to the Iraq conflict.

He recently led **Katarina Sydow** on behalf of the DPP in response to a judicial review application concerning the extent of customary international law in relation to diplomatic privilege of visiting officials to the UK in the case of **Freedom and Justice Party v (1) Secretary of State for the Foreign and Commonwealth Office, (2) DPP [2016] EWHC 2010 (Admin)**.

Paul has acted for the Isle of Man police in relation to a complex legal privilege review (LPP) in a substantial fraud investigation, and has been retained by the Securities and Exchange Commission in New York.

He acted for the prosecution in the case of R v Agnes Reeves Taylor – (allegations of torture arising from the first Liberian Civil War in 1990) at all levels including in the Supreme Court: **R v Reeves Taylor [2019] UKSC 51**. The case established a landmark ruling of international importance on the breadth of the international crime of torture as enacted in domestic legislation under section 134 Criminal Justice Act 1988. The case decided that non-state actors such as rebel armed groups could come within the ambit of the crime provided that certain conditions as to the state of organisation and governmental type control of the armed group were established.

Recommendations

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Privacy Policy

Read Paul's [Privacy Policy](#).

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