

T. 020 7404 3447 (Practice Manager, John Clements)
E. jonathanmarks@matrixlaw.co.uk

Year of Call: 1992



Main Areas of Practice

Commercial law	International law
Data Protection	International Arbitration
European Union law	Public law
Environmental law	Local Government law
Human Rights law	

Jonathan's practice encompasses international, EU, environmental, human rights (particularly privacy and data protection), health, and commercial law (including pharmaceutical regulation). Over the last decade his practice has involved commercial litigation (at both trial and appellate levels), judicial review and hearings before both the ECJ and CFI. Jonathan is a CEDR-accredited Mediator and has experience of mediation in both the UK and the US.

Before coming to the Bar, Jonathan taught at: Worcester College, Oxford; King's College, London; and in Australia. After September 11 2001 he developed a course on terrorism and the law, which he has taught in Europe and the USA (including the Woodrow Wilson School of Public and International Affairs at Princeton University, and UNC Chapel Hill Law School). In addition, Jonathan has participated in conference panels in the USA on international law and has lectured on topics including the Pinochet case, universal jurisdiction and the lawfulness of counter-terrorism measures after September 11. He has also been retained as an international law expert on the legality of the war in Iraq in criminal proceedings in the USA.

Having spent almost 4 years representing Dr Nancy Olivieri in ECJ proceedings against a Canadian pharmaceutical company and the European drug approval agency, Jonathan was recently appointed Greenwall Fellow in Bioethics, Health Law and Policy at Georgetown University Law Center and Johns Hopkins' Bloomberg School of Public Health (2004 - 2006).

Jonathan was the sole supporting EU environmental law expert on a team, led by Maurice Sheridan, that was awarded a contract by the European Commission to help ten Central and Eastern European States amend their environmental laws to meet EU standards prior to accession in May 2004.

He has also advised on the implications of the dissolution of the former Yugoslavia from commercial and international law perspectives.

Academic Positions

Associate Professor of Bioethics, Humanities and Law at Pennsylvania State University and Director, Intercollege Bioethics Program at the main campus, University Park (2006 - present)

Greenwall Fellow in Bioethics, Health Law and Policy at Georgetown Law Center (Georgetown University's law school) and John Hopkins' Bloomberg School of Public Health (2004 - 6)

Visiting Professor of Law, UNC Chapel Hill School of Law (2003 - 4)

Visiting Lecturer in Political Science, and Public and International Affairs, Princeton University (2001-2002)

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Recent / Notable Cases

Advisory work on distribution of assets following the dissolution of the former Federal Republic of Yugoslavia

Advisory (with Philippe Sands QC), on issues arising from Directive 96/29/EURATOM on radioactive substances, to an international environmental organisation and a foreign government

Advisory to Central and Eastern European states on implementation of EU environmental law

R (on the application of Robertson) v Wakefield [2001] 2 WLR 889

R v Secretary of State ex p First Corporate Shipping E.C.J. [2001] All E.R. (EC) 177

Olivieri v Commission C.F.I [2000] , Jan 2000 and April 2003

Barclays Bank v Coleman [2000] 1 A11 E R 385 (C.A)

R v Bow Street Mags ex p Pinochet (No 3) [1999] 2 WLR 827 (H.L)

R v Secretary of State ex p Hull City Council The Times 31.01.96; (1998) 8 JEL 336

Mortgage Express v Pearn [1998] 5 L S Gaz 30

Scottish Equitable v Virdee [1999] 1 FLR 863 (C.A)

Hypomortgage Services v Robinson [1997] 2 FLR 71 (C.A)

What Others Say

The Lawyer has described Jonathan as a barrister who "doesn't waffle, doesn't waste time and deals directly with the issues"

Publications Include

"Doctors as Pawns? Law and Medical Ethics at Guantanamo Bay" Seton Hall Law Review 37: 711-731 (2007) (Guantanamo Symposium Issue)

"Interrogational Neuro-imaging: A 'No-Brainer' or a Human Rights Hazard?" American Journal of Law and Medicine 37: 483 - 500 (2007)

"9/11 + 3/11 + 7/7 = ? What Counts in Counterterrorism" 37 Columbia Human Rights Law Review 559 - 626 (2006)

"Doctors and Interrogators at Guantanamo Bay" (with M. Gregg Bloche), New England Journal of Medicine, 353 (1): 6 - 8 (2005); cited in the UN Report on Guantanamo Detainees (Feb. 2006) and in the written argument of several detainees'

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Publications Include

'When Doctors Go To War' (with Prof. M. Gregg Bloche), New England Journal of Medicine, Jan 6, 2005 (on the ethical and international legal implications of physician involvement in interrogation in the war on terror)

'Mending the Web: Universal Jurisdiction, Humanitarian Intervention and the Abrogation of Immunity by the Security Council' 42 Columbia Journal of Transnational Law (2004)

'Britain is no longer an island - international law matters, too' (The Times, May 18, 2004)

Co-editor and contributor, Handbook on the Implementation of EU Environmental Legislation (European Commission, 2003)

Contributor, on environmental liability, in Banks, Liability and Risk, Ed. William Blair QC (Lloyd's of London Press, 2001)

Co-editor, and contributor, the supplement to Clayton & Tomlinson's The Law of Human Rights (Oxford University Press, 2001)

Selected recent lectures and academic presentations

Neuroimaging and Interrogation: Perspectives from International Law and Bioethics, American Journal of Law and Medicine Symposium on Brain Imaging and the Law, Boston University Law School (Feb. 2007)

Guest Speaker: Legal and Ethical Perspectives on the Role of Medical Professionals at Guantanamo Bay, National Guantanamo Conference/Teach-In, Seton Hall Law School (October 2006)

Guest Speaker and Panelist: "Behavioral Science & US Interrogation Practices: Are We Compromising Medical Ethics and Violating International Law?" The Brookings Institution, Washington, D.C. (October 2005)

Guest Speaker: "After Abu Ghraib: Medical Ethics, Human Rights and the Laws of War", Yale Law School and the Yale Bioethics Project (April 2005)

Guest Lecturer: Dean Rusk Center for International Studies, Davidson College, USA, "From Pinochet to Saddam: Putting Dictators on Trial" (April 2004)

Guest Speaker: "American Counter-Terrorism, European Privacy and Everyone's Security", Symposium on "Privacy v. Security in a Post-9/11 World," North Carolina, USA (February 2004)

Guest Speaker: "Uneasy Bedfellows: Drug Companies and Academic Researchers", Duke University Medical School and the Duke University Center for Medical Ethics and the Humanities (December 2003)

Guest Lecturer, invited by Deutsch-Amerikanische Juristen-Vereinigung e.V. (DAJV, German-American Lawyers Association): "Pre-emption, Detention & Contravention: US Foreign Policy & International Law after 9/11" at the Law Faculties of the University of Cologne and Ruhr-University, Bochum (June 2003)