

T. 020 7404 3447 (Practice Manager, Paul Venables 020 7611 7405)  
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Year of Call: 1986 Silk: 2000



## Main Areas of Practice

Commercial law

Crime, criminal due process and financial regulatory law

Human Rights law

Media and Information law

Public law

International law

Arbitration

Ben specialises in European Human Rights Law, with an emphasis on criminal due process, privacy, freedom of expression, and discrimination. He is recommended as a leading Silk, by both Chambers and Partners and the Legal 500, in three practice areas - Administrative and Public Law, Crime, and Human Rights. Ben has over ten years' experience in litigating before the European Court of Human Rights in Strasbourg, and has appeared in many landmark cases [see full list of cases below]. His domestic practice includes political crime, fraud, public law, media law, extradition, and compensation claims for miscarriages of justice and false imprisonment. He was founder editor of the European Human Rights Law Review and he edits the Human Rights section of Archbold and is author/editor of numerous books including, with Professor Ashworth QC and Alison Macdonald of Matrix, 2007's Human Rights and Criminal Justice (Sweet & Maxwell).

Ben is currently leading for the defence in the Prime Minister of Kosovo's, Ramush Haradinaj, war crimes trial at the ICTY in the Hague. In recent years he has been recognised for his well-developed niche practice in white collar crime, and for his work under the Anti-terrorism, Crime and Security Act 2001 and the internment and legality of UK derogation. Ben represented, before the House of Lords, the foreign terror suspects detained in British prisons without charge for nearly three years (A & Others v the Secretary of State for the Home Department). He also represented Katherine Gun, the former GCHQ employee charged with Official Secrets Act disclosure, in the run-up to the Iraq war. Ben also in 2005 successfully defended in two long terrorist trials at the Old Bailey.

He has a number of public authority clients including the Data Protection Registrar, the Official Solicitor and various government departments. His commercial clients have included Associated Newspapers and the Guardian/Observer group and leading city law firms.

## Notable Cases

[Al-Saadoon & Mufdhi v The United Kingdom \[2010\]](#) Transfer to the Iraqi authorities of 2 men detained by the UK in Iraq breached their right to freedom from inhuman treatment by exposing them to an ongoing fear that they may face the death penalty. Ben Emmerson QC, Raza Husain and Helen Law were involved in this case.

[Haradinaj \[2007\]](#) at ICTY, the Hague

[Laporte \[2006, House of Lords\]](#) - Rights of private citizen to demonstrate against government policy and powers of police to curtail the exercise of that right

[R v Mustapha Taleb \[2005, CCC\]](#) -Successfully defended one of the accused in the Ricin Terror Plot trial at the CCC

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## Notable Cases

[R v Parveen Sharif \[2005, CCC\]](#) - Successfully defended Ms Sharif in the prosecution for incitement of suicide bombing in Israel

[A & Others v Secretary of State for the Home Department \[2005\]](#) - The "Torture" case, Internment and legality of UK derogation, seminal decision of the HL to overrule the Court of Appeal and a landmark in recent English constitutional law

[Secretary of State for the Home Department v M \[2004\] EWCA Civ 324](#) - Court of Appeal held that SIAC's decision to quash a deportation order and certificate under Anti Terrorism, Crime and Security Act 2001 was not defective in law

[R \(Middleton\) v West Yorkshire Coroner \[2004\] UKHL 10](#) - HL case concerning available verdict where the authorities failed to take reasonable actions to prevent a suicide in custody

[R v C: R v H \[2004\] UKHL 3](#) - Safeguarding the appellant's interest at any public interest immunity hearing

[Pearce v Governing Body of Mayfield School \[2004\] 1 All ER 339](#) - Employment discrimination on grounds of sexual orientation

[R v Patrick C Cooper and Michael G McMahon \[2003\] EWCA Crim 2257](#) - Quashing 1970 murder conviction due to credibility of prosecution witnesses and failure to disclose evidence

[R v Jack Lyons, Anthony Parnes, Gerald Ronson and Ernest Saunders \[2002\] UKHL 44](#) - Concerning the convictions of the defendants in the Guinness trial in the light of the decision of the ECHR

[Attorney General's Reference \(No 3 of 2000\) \[2001\] EWCA Crim 1214](#) - Test case concerning the proper boundaries of police entrapment operations

[R v Sargent \(Ian Michael\) \[2001\] 3 WLR 992; \[2001\] UKHL 54](#) - Case concerning the unlawful obtaining of evidence

[Abdel-Bary v Governor of Brixton Prison \[2001\] UKHL 69](#) - Extradition, crime has to be committed within the jurisdiction of the requesting State

[Venables v News Group Newspapers Ltd \[2001\] 2 WLR 1038](#) - Provisions of the ECHR and the law of confidence should be extended, in exceptional cases, to protect individuals at risk of injury or death from the public

[R v Doubtfire \(Robert Henry\) \[2001\] 98 \(16\)](#)

[R v Governor of Brockhill Prison Ex. p Evans \(No 2\) \[2000\] 3 WLR 843](#)

[R \(on the application of Bright\) v Central Criminal Court \[2001\] 1 WLR 662](#)

[Foxley v United Kingdom \[2000\] BPIR 1009](#)

[Khan v United Kingdom \[2000\] Crim.L.R 684](#)

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## Notable Cases

[Condrón v United Kingdom \(35718/97\) \(No.2\)](#)

[Perks v United Kingdom \[2000\] 30 EHRR 33](#)

[R v DPP Ex p. Kebilene \[2000\] 2 AC 326](#)

[Regina v Botmeh Regina v Alami \[2001\]](#)

[Al-Fawwaz v Governor of Brixton Prison \[2001\] UKHL 69](#)

[R v Kansal \(Yash Pal\) \(Change of Law\) \[2001\] UKHL 62; The Times, 4 December 2001](#)

**Ben has more than ten years' experience litigating before the European Court of Human Rights in Strasbourg and has appeared in a number of landmark cases including:**

[Kafkaris v Cyprus \[2007\]](#) - acting for the Republic of Cyprus in a case currently before the Grand Chamber of the European Court of Human Rights concerning mandatory life sentences and the law of retroactive increases in penalties

[O'Halloran & Francis v UK \[2007\]](#) - Right to silence

[Kyprianou v Cyprus \[2005\]](#) - won this landmark case in the ECHR concerning the imprisonment of a criminal lawyer in Cyprus for contempt of court, arising from the manner in which he had conducted a murder trial on behalf of his client. The decision laid down vital protection for advocates, protecting their rights of free speech on behalf of their clients in court

[Edwards & Lewis V UK \[2004\]](#) - Right to a fair trial

[Smith and Grady v UK \[1999\]](#) - Exclusion of homosexuals from the armed forces

[T and V v UK \[1999\]](#) - Trial and sentencing of juveniles convicted of murder

[McLeod v UK \[1998\]](#) - Police powers of entry

[Osman v UK \[1998\]](#) - Police liability in negligence

[Welch v UK \[1995\]](#) - Confiscation of the proceeds of crime

[Benham v UK \[1996\]](#) - Imprisonment for non-payment of the poll tax

[McGonnell v UK](#) - Independence of the judiciary

[Rowe and Davis v UK](#) - Public interest immunity in criminal proceedings

[Khan v UK](#) - Admissibility of unlawfully obtained evidence

[ADT v UK](#) - Gross indecency and the right to private life

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## Notable Cases

[Condron v UK](#) - Right to silence in criminal proceedings

[Fogarty v UK](#) - State immunity for employment discrimination

[Z v UK](#) - Negligence liability of social services

He has also acted in human rights cases before the European Court of Justice, including:

[P v S and the Cornwall County Council](#) - Discrimination against transsexuals under the Equal Treatment Directive

## What the Directories Say

Chambers & Partners 2010 recommends Ben Emmerson QC as a leading silk in Administrative and Public Law; "*he has an incredibly wide knowledge of the area, is respected by the courts and is very claimant-oriented*". Also recommended as a star individual in Human Rights ("*he is just in a different class; he's hugely impressive*") and Crime.

Legal 500 2009 recommends Ben Emmerson QC in Administrative and Public Law and Civil Liberties.

Chambers and Partners 2009: Ranked as a leading Silk in Administrative and Public law; "*formidable opponent due to his mastery of the issues*". He is also ranked as a leading silk in Civil Liberties ("*pre-eminent in his field and impossible not to look up to*") and Crime ("*exceptionally gifted, with a wonderfully analytical, first-class brain*").

Legal 500 2008 ranks Ben Emmerson QC as a leading silk in Administrative and Public Law and Civil Liberties.

Chambers and Partners 2008: Ben Emmerson QC is recommended as a leading silk in Administrative and Public Law, "*at the top of the tree*". He is also recommended as a leading silk in Crime "*first-rate knowledge of the law and prepares arguments well*", and Civil Liberties "*absolutely at the top of his game*".

Legal 500 2007: Ben Emmerson QC is recommended as a leading silk in Administrative and Public Law, Civil Liberties "*first rate*" and Crime.

## Articles and Books

*Human Rights and Criminal Justice*, with Professor Andrew Ashworth QC, (Sweet & Maxwell).

*Human Rights Practice*, with Jessica Simor, (Sweet & Maxwell, December 2000).

"Silence and Safety: The Impact of Human Rights Law", article published in the *Criminal Law Review* (November 2000).

Ben was founder editor of the *European Human Rights Law Review* and edits the Human Rights section of *Archbold*.