

Year of call: 2000



Main Areas of Practice

Public Law

Public International Law / Arbitration

Crime and Regulatory Law

Prison Law

Police Law

Inquests

Described in Chambers and Partners 2009 as 'exceptionally bright and extremely easy to work with', Alison is an established junior practitioner with a wide-ranging civil and criminal practice, both in the domestic courts and in international tribunals. In October 2008 she was named as one of the ten 'future stars of the Bar' by Times Online.

Domestic work

In the domestic courts, Alison specialises in human rights and civil liberties within the criminal justice system. She regularly represents individuals in claims against the police, prison service and other State agencies, and the families of those who have died in custody. She has appeared in many inquests into controversial deaths, and is involved in a number of complex ongoing actions against the police. In that field, she has a particular interest in developing areas of law, including data protection and discrimination, as well as the established causes of action.

Alison has a broad criminal practice, with particular experience in complex crime, including offences under the anti-terrorism legislation, and cases with an international dimension. She also has experience in protest and direct action cases. She has appeared in many Privy Council capital appeals from Caribbean jurisdictions, and is currently working on a challenge to the mandatory death penalty in Sierra Leone.

Alison is the co-author of Prison Law. In that field, she has extensive experience of judicial review, parole board hearings, disciplinary hearings, discrimination claims, civil damages claims, and claims under the Human Rights Act 1998. Her current prison law work includes the judicial review of parole decisions, civil claims arising out of deaths or near-deaths in custody, discrimination claims on behalf of disabled prisoners, and issues relating to the use of restraint against children in custody. She has worked on a series of assault claims in relation to widespread violence in HMP Wormwood Scrubs, and a group of cases involving race and religious discrimination in HMP Leeds.

Alison regularly lectures on the right to life and the rights of those in detention, and has participated in the Council of Europe's human rights training for the Turkish prison service. She is currently a member of a JUSTICE committee on the future of the Parole Board.

International work

In the international field, Alison has extensive arbitration experience, including both advocacy and advisory work. She is instructed as counsel in a number of ongoing ICSID arbitrations and

Notable Cases

annulment proceedings, and has advised companies and governments on arbitration, environmental and trade law matters. Alison has an interest in international criminal law and the issue of domestic remedies for international crimes, as well as inter-jurisdictional offences such as corruption. With Philippe Sands QC, she acted as amicus to the Special Court for Sierra Leone on the question of whether Charles Taylor could be prosecuted for crimes committed while head of state. She was author, with Rabinder Singh QC, of a published opinion on the legality of the use of force against Iraq, and remains involved with the legal issues arising out of the Iraq conflict. She has a particular interest in the application of international law in the domestic courts. She has taken a number of cases to the European Court of Human Rights, including the Grand Chamber.

Notable Cases: Civil

[R \(FB\) v Director of Public Prosecutions \[2009\] EWHC 106 \(Admin\)](#)

Successful challenge to the decision of the CPS to drop a prosecution where the victim of a serious assault was not considered a reliable witness on account of his mental health problems: the decision was quashed as a violation of Article 3 of the ECHR, and damages were awarded.

[Inquests into the Deaths of Diana, Princess of Wales and Dodi Al Fayed \(2007-2008\).](#)

With Michael Mansfield QC, acted for Mohamed Al Fayed.

[R \(Bicknell\) v HM Coroner for Birmingham \[2007\] EWHC 2547 \(Admin\)](#)

Successful challenge to the refusal of the Coroner to hold an inquest into the death of an elderly man, one of a number of residents to die in suspicious circumstances in a care home in Birmingham.

[R \(D\) v Secretary of State for the Home Department \[2006\] 3 All ER 946](#)

Represented INQUEST, the intervener, in the Court of Appeal: what form of public inquiry was required by Article 2 when a young man had attempted suicide in prison, leaving him seriously injured.

[R \(Roberts\) v Parole Board \[2005\] 2 AC 738 \(HL\)](#)

Whether the Parole Board was entitled to adopt closed hearings and a Special Advocate procedure for the parole hearing of a mandatory lifer.

[Ezeh and Connors v United Kingdom ECtHR, \(2004\) 39 EHRR 1 \(Grand Chamber\)](#)

Prison disciplinary hearings in which the prisoner faced an award of additional days counted as 'criminal charges' for the purpose of Article 6 of the ECHR.

[R v BR \(2004\) 1 Cr App.R. \(S\) 59](#)

Compatibility of extended licence periods with Article 7 of the Convention, where the offences were committed before the legislation came into force

[R \(on the application of Compassion in World Farming\) v Secretary of State for the Environment, Food and Rural Affairs](#) The Times, 5 December 2003

Lawfulness of conditions in which fast-growing broiler chickens raised

Notable Cases

Criminal

[R v Tharan \(Kingston Crown Court, 2009\)](#)

Case involving the alleged provision of electronics assistance to the Tamil Tigers in Sri Lanka (Operation Osmium)

[R v Tarmohamed \(Central Criminal Court, 2007\)](#)

The 'Dirty Bomb' case: alleged terrorist conspiracy in the US and UK.

[R v Milling and Jones, Pritchard and Olditch, and Richards \[2007\] 1 AC 136 \(HL\)](#)

Whether anti-war protestors at RAF Fairford could argue at their criminal trial that they were preventing the crime of aggression in Iraq; the status of the crime of aggression in domestic law. Subsequently represented Pritchard and Olditch, who were acquitted at a retrial.

[Pitman v The State \[2008\] UKPC 16](#)

Admissibility of fresh evidence relating to the appellant's mental capacity.

[Anthony Taylor v The Queen \[2006\] UKPC 12 \(Jamaica\)](#)

The adequacy of joint enterprise directions in a murder trial.

[R v Tennyson Winston Griffith and Others \[2005\] 2 AC 235 \(PC\) \(Barbados\)](#)

Constitutionality of the felony murder rule and the sentence of detention at the Governor General's pleasure.

[Dookran v The State \[2005\] UKPC 78 \(Trinidad\)](#)

Application of the proviso where appellant's confession had been wrongly admitted at her trial for murder.

[Teeluck and John v The State \[2005\] 1 WLR 2421 \(PC\) \(Trinidad\)](#)

Failure of defence counsel to seek good character direction in murder trial.

[The Prosecutor v Charles Taylor \(Special Court for Sierra Leone, Appeals Chamber, 31 May 2004\)](#)

Immunity of former Head of State from prosecution for war crimes.

[R v Zardad \(Central Criminal Court, 2004\)](#)

First prosecution under section 134 of the Criminal Justice Act 1988, for torture and hostage-taking outside the jurisdiction: question of whether the defendant was a public official for the purposes of the offence.

Arbitration

[Siemens v Argentina \(ICSID Annulment\)](#)

Acting for Argentina in the ongoing annulment proceedings, arising out the Siemens worldwide corruption scandal and the emerging evidence that the contract on which Siemens brought the ICSID proceedings in Argentina was obtained by bribery.

Notable Cases & Publications

Vivendi v Argentina II (ICSID Annulment)

Acting for Argentina in the ongoing annulment proceedings, raising issues of expropriation and breach of the fair and equitable treatment standard in relation to the privatisation of the water services of a province of Argentina. Previously represented Argentina in the merits phase of the arbitration.

Azurix v Argentina (Annulment)

Acting for Argentina in this ongoing ICSID annulment application, relating to the privatisation of the water services of Buenos Aires. Judgment currently awaited. Raises important issues, following the case of CMS v Argentina, about the standard of review on annulment decisions and the standards to be applied to an economic crisis.

CMS v Argentina (Annulment), ICSID Annulment Committee.

Acted for Argentina in this important ICSID annulment application, relating to the application of the defence of necessity to the Argentine fiscal crisis.

Salini v Jordan, ICSID Arbitral Tribunal.

Acted for Jordan in this arbitration arising out of the construction of a dam in Jordan by an Italian company.

Ireland v United Kingdom (2003) 42 ILM 1187, OSPAR Arbitral Tribunal

Acted for Ireland in this inters-State arbitration relating to the scope and nature of the right of access to environmental information.

Ireland v United Kingdom (The MOX Plant Case) (2002) 41 ILM 405, Int. Tribunal for the Law of the Sea

Acted for Ireland in this application for provisional measures relating to the commissioning of the Sellafield MOX facility, and the failure of the United Kingdom to co-operate with Ireland.

Publications

Co-author, with Tim Owen QC, *Prison Law* (4th ed, Oxford University Press, 2008)

General Editor, with Ben Emmerson QC and Professor Andrew Ashworth QC, *Human Rights and Criminal Justice* (2nd ed, Sweet and Maxwell, 2007)

Contributing author, Blackstone's Guide to the *Serious and Organised Crime Act* (Oxford University Press, 2005)

Contributing author, Article 5 (right to liberty) and Article 7 (retrospective penalties): J Simor (Ed), *Human Rights Practice* (Sweet and Maxwell, 2000 and twice-yearly updates)

'R (Prolife Alliance) v BBC: Political Speech and the Standard of Review', [2003] European Human Rights Law Review 651

Research assistant: Starmer, Strange and Whitaker, with Jennings and Owen, *Criminal Justice, Police Powers and Human Rights* (Blackstone Press, 2001)

What the Directories say

Chambers and Partners 2010: recommended as a leading junior in Crime; Civil Liberties: 'a favourite among instructing solicitors when it comes to civil liberties cases involving prisons, and is also a specialist in disability discrimination claims'; and Police Law (Mainly Claimant): 'Sources praise her as "a standout advocate who is extremely thorough and well prepared: she always covers all the angles."'

Legal 500 2010: recommended as a leading junior in Administrative and Public Law: 'has a skill for bringing out the best in clients'; Public International Law: 'has acted for Argentina in a number of ongoing ICSID annulment proceedings.'

Chambers and Partners 2009: recommended as a leading junior in Administrative and Public Law: "She's streets ahead of the rest of us" note contemporaries; Civil Liberties and Human Rights: 'renowned for her impressive capabilities in prison law, and has built up a niche specialism representing disabled prisoners in human rights and disability discrimination claims. Market authorities are full of praise for this barrister who is both "exceptionally bright and extremely easy to work with".' Crime; Police Law (Mainly Claimant) leading junior in Alison is also recommended in Civil Liberties and Human Rights: 'commentators appreciate her "real flair for new legislation and very insightful and pragmatic way of interpreting it".'

Legal 500 2009: leading junior in Public International Law: she 'has further established herself as a capable junior, recommended for her understanding of international criminal law and arbitration know-how.'

Chambers and Partners 2008, Administrative and Public Law: 'The "extremely bright and able" Alison Macdonald is also rated highly by solicitors, praised by one as "one of the most reliable barristers I have ever instructed." She boasts extensive knowledge of prison law and human rights law.'

Legal 500, 2008: 'Recommended' in Crime, Police Law (Mainly Claimant), and Public International Law: 'Excellent junior Alison Macdonald is definitely one to watch, with strength in both advisory and advocacy work. She recently represented Argentina in CMS v Argentina, a significant ICSID annulment application.'

Appointments

2000 - 2006 Fellow of All Souls College, Oxford

1999 - 2000 Visiting Lecturer in Public Law, King's College London

Languages

Working knowledge of German
Basic Egyptian Arabic

Education

Bar Vocational Qualification - 2000

Gray's Inn Bedingfield Scholarship 1999-2000

BCL, University of Oxford, 1999 (first class)

BA (Law) University of Cambridge -1998 (first class; placed first in year); Slaughter & May prize for best performance in law finals;

George Long prize for jurisprudence.