

Called 2005



Main Areas of Practice

Crime and Due Process
Civil Actions Against the Police
Human Rights and Public Law

Public International Law
Prison Law

Helen has a broad criminal, civil and public law practice, with a focus on criminal justice and human rights.

Crime & Criminal Justice

Helen is regularly instructed in criminal matters, both in the Magistrates' and Crown Courts and has particular experience in protest and political cases. She is a Grade 1 prosecutor and is currently instructed with Clare Montgomery QC to prosecute Lord Hanningfield on charges of false accounting. She also successfully acted as junior counsel for the defence in two VHCC prosecutions concerning allegations of conspiracy to blackmail and conspiracy to harm an animal research organisation (under s145 SOCPA). She represented three defendants in a seven-handed prosecution for criminal damage and SOCPA offences arising from direct action at an American military base in the UK, raising human rights and public international law issues. She is currently instructed as junior counsel in two applications for leave to appeal to the Privy Council in Caribbean cases.

Helen has a developing interest in offences arising out of human trafficking. She has experience in representing defendants who are themselves credible victims of trafficking as well as advising in relation to judicial review proceedings for failure to investigate allegations of forced labour. She is regularly instructed in criminal justice related public law matters, including appeals by way of case stated and judicial reviews of prosecutorial decisions, and is a contributing author to *Human Rights and Criminal Justice* by Emmerson, Ashworth and Macdonald (2nd Ed., Sweet & Maxwell, 2007). She has appeared in extradition and confiscation matters, and is a contributing author to *Asset Recovery: Criminal Confiscation and Civil Recovery* edited by Smith, Owen and Bodnar (2nd Ed., OUP, 2007) and to *Fraud: Criminal Law and Procedure* edited by Montgomery and Ormerod (OUP, 2008). In 2009 Helen was junior counsel to Ben Emmerson QC for the Public Prosecution Service in the Robert Hamill Inquiry in Northern Ireland concerning a sectarian murder and alleged collusion in the subsequent criminal investigation.

Public Law, Human Rights & Public International Law

Helen has experience in public law, human rights and international law matters, and has an LLM in public international law, specialising in international criminal law. She was instructed with Ben Emmerson QC and Raza Husain before the European Court of Human Rights in *Al-Saadoon & Mufdhi v United Kingdom* [2010] ECHR 285, where the Court recently found that the transfer of two Iraqi men to the Iraqi authorities by the UK exposed them to a real risk of the death penalty and breached their Article 3 rights. The Court also held that the decision to transfer in breach of its own Rule 39 indication of interim measures further breached Articles 13 and 34 of the Convention. She has been instructed throughout the domestic proceedings before the Divisional Court ([2008] EWHC 3098 (Admin)) and Court of Appeal ([2009] EWCA Civ 7). Helen is also junior counsel in *Al-Jedda v United Kingdom* before the Grand Chamber of the European Court, concerning Article 1 jurisdiction and the interrelation of Article 5 with Resolutions of the UN Security Council. She is also currently instructed with James Crawford SC, Philippe Sands QC, Ben Emmerson QC and Kate Cook on behalf of Croatia in its claim against Serbia under the Genocide Convention before the International Court of Justice.

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Helen was instructed in the House of Lords with Ben Emmerson QC and Raza Husain QC in *JJ & Ors v SSHD* [2008] 1 AC 385, concerning the compatibility of anti-terrorism control orders with Articles 5 and 6. She has also appeared in the High Court on matters relating to the making of control orders under the Prevention of Terrorism Act 2005 and in the Special Immigration Appeals Commission. She intervened on behalf of the Commonwealth Lawyers Association and JUSTICE in *Al-Marri v Spagone* before the US Supreme Court, concerning the executive military detention of a US resident (with Ben Emmerson QC and Alex Bailin) and is currently instructed with Karon Monaghan QC and Jessica Simor to intervene on behalf of the EHRC before the UK Supreme Court in *HJ (Iran)*, concerning the correct approach to determining asylum claims based on sexuality. With Philippe Sands QC, she advised a major NGO on the legality under international humanitarian law and the Non-Proliferation Treaty of the replacement of the Trident nuclear deterrent. Helen has also been instructed, with Cherie Booth QC, in a complaint to the Investigatory Powers Tribunal against MI6.

Civil actions against the police and the Ministry of Justice

Helen is regularly instructed at all stages of civil claims against the police, from initial advisory work to trial. Her recent cases have included actions for false imprisonment, malicious prosecution, race discrimination and negligence. Helen has been instructed in claims against the Ministry of Justice for negligence and breaches of the Data Protection Act 1998 leading to wrongful imprisonment and has advised on claims under Article 2 and in negligence arising out of police failures to protect the public from known offenders. She has also advised in matters concerning criminal injuries compensation and has appeared in front of the Criminal Injuries Compensation 1st Tier Tribunal.

Prison Law

Helen has a strong interest in all aspects of prison law. Her recent cases include judicial reviews concerning the repatriation of prisoners within the EU in *R (Shaheen) v SSJ* [2008] EWHC 1195 (Admin) and the proper approach of the Parole Board to denial of guilt by those convicted of terrorism offences in *R (Botmeh & Alami) v Parole Board & Anor* [2008] EWHC 1115 (Admin) (with Tim Owen QC). She has appeared before Independent Adjudicators in discipline matters and before the Parole Board in lifer matters, and has advised on Human Rights Act issues arising out of the restraint of juvenile offenders in a prison setting, with Ben Emmerson QC and Alison Macdonald. She is a contributor to *Prison Law*, by Livingstone, Owen and Macdonald (4th ed., OUP, 2008).

Scholarships and previous experience

Phoenicia Scholarship, Bar European Group Conference, Ljubljana (2006)

Bedingfield Scholarship, Gray's Inn (2005)

Part-time tutor in criminal law, King's College London and Mansfield College, Oxford (2004-2005)

Research Assistant, Criminal Law Team, Law Commission for England and Wales (2003-2004)

Winner, Dutch National Round, Jessup International Moot Court Competition (2003)

Education

BVC, Outstanding, ICSL (2005)

LLM Public International Law, with International Criminal Law Specialisation, Leiden University, The Netherlands (2003)

LLB Law, First Class, Birmingham University (2002) (dissertation on international criminal law)