

Alison Macdonald

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matrix
chambers

Registered name on the Bar Standards Board Register: Alison Catherine Macdonald
VAT Number: 839365882

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 as 'exceptionally bright and extremely easy to work with', Alison has a wide ranging civil and criminal practice, in both domestic and international courts and tribunals. She has been named as one of the 'future stars of the Bar' by Times Online.

Alison is recommended in the leading directories in five areas (1) administrative and public law; (2) civil liberties; (3) public international law; (4) crime, and (5) police law (mainly claimant).

Public law and human rights

Alison has a broad public law and human rights practice. She has particular expertise in public law issues arising out of the criminal justice system, and cases with an international law dimension. She acts for individuals, NGOs, commercial organisations and governments. Her clients include: MPs and other potential victims of phone hacking by the tabloid press; families of those who have died in controversial circumstances; journalists prevented from reporting at the G20 protests; anti-war protestors; disabled prisoners; and NGOs such as INQUEST, Liberty, JUSTICE, the Howard League for Penal Reform, Corner House Research, and Compassion in World Farming. As well as her judicial review work, Alison is regularly instructed in Strasbourg applications, damages claims against the police, prison service and other State agencies, and inquests into controversial deaths. She has extensive civil litigation experience, and is currently instructed in a number of complex damages claims on behalf of clients left severely injured after suicide attempts in detention. In the police law context, she has a particular interest in discrimination and data protection, as well as the established torts, and has acted in a number of cases involving police retention of personal information.

Crime

Alison's domestic criminal practice ranges from terrorism cases to death row appeals. She has appeared in criminal cases at all levels, from the Crown Court to the House of Lords, Privy Council and Strasbourg. She regularly appears in cases which combine public law and criminal aspects, including judicial reviews of decisions not to prosecute. Her international criminal work includes corruption, war crimes, aggression, issues of state immunity and jurisdiction. She is expert at electronic case management and the preparation of large and complex cases. Recent and ongoing criminal work includes: advising on international law and mutual assistance matters in a Jersey money-laundering case; advising a multinational company charged with corruption; advising the CPS on the duties owed to victims of crime; advising solicitors' firms on the scope of legal professional privilege in the context of SFO investigations into their clients. In 2012, Alison was appointed to the CPS Advocate Panel at Level 3.

Other work

Alison has acted in a number of media and sports law-related matters, including: representing West Ham United in FA/FAPL arbitrations brought by Fulham FC and the players of Sheffield United arising out of the Carlos Tevez affair; advising the FA on a legal challenge to the BBC's decision to broadcast a Panorama documentary criticising FIFA on the eve of FIFA's decision on the England 2018 World Cup bid; representing Boy George in his judicial review challenge to the refusal of the Probation Service to allow him to appear on Celebrity Big Brother; and advising journalists on police conduct in public order situations.

Notable Cases

Public international law and international arbitration

Alison has extensive international arbitration experience, including both advocacy and advisory work. She is instructed as counsel in a number of ongoing ICSID arbitrations and annulment proceedings, and has advised companies, individuals and governments on arbitration, environmental and trade law matters. 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. Recent advisory work includes advising a foreign State-owned corporation on whether an arbitral award against the State could be enforced against its assets in England, and advising on post-award remedies arising out of an ICSID arbitration. Current public international law work includes acting for Mauritius in an arbitration relating to the UK's decision to establish a Marine Protected Area around the Chagos Islands.

Public Law/Human Rights

- [Inquest into the death of Ian Tomlinson \[2011\]](#): represented the Tomlinson family.
- Representing a number of public figures, including John Prescott, Chris Bryant and Brian Paddick in their ongoing judicial review of the failure of the Metropolitan Police Service to investigate News of the World phone hacking.
- [Austin and others v UK](#): ongoing Strasbourg challenge to the lawfulness of police 'kettling'.
- [R \(G\) v Commissioner of Police of the Metropolis \[2011\]](#): represented a prominent businessman in his successful challenge to the erroneous grant of a warrant to search his home for child pornography.
- [R \(Hindawi\) v Secretary of State for Justice \[2011\] EWHC 830 \(QB\)](#): challenge to refusal of Secretary of State to order the release of Nezar Hindawi, convicted of attempting to blow up a passenger plane in 1986.
- [R \(Adams\) v Secretary of State for Justice \[2011\] 2 WLR 1180](#): whether compensation for miscarriages of justice confined to cases of proven innocence: represented JUSTICE, the intervener.
- [Hanscombe v UK](#): representing the partner of Rachel Nickell in his ongoing Strasbourg claim arising out of the failure of the Metropolitan Police to apprehend Robert Napper before he murdered Rachel, and to bring him to justice.
- [R \(O'Dowd\) v National Probation Service \[2009\] EWHC 3415 \(Admin\)](#): represented Boy George in his challenge to the refusal of the Probation Service to allow him to appear on Celebrity Big Brother.
- [R \(Roberts\) v Parole Board \[2005\] 2 AC 738 \(HL\)](#): Lawfulness of the use of special advocates before the Parole Board.
- [Inquests into the Deaths of Diana, Princess of Wales and Dodi Al Fayed \[2007-8\]](#): represented Mohamed Al Fayed.
- [R \(B\) v Director of Public Prosecutions \[2009\] 1 WLR 2072](#): Article 3 violation arising out of the decision to drop a prosecution where the victim of a serious assault had mental health problems.
- [R \(Bicknell\) v HM Coroner for Birmingham \(2008\) 99 BMLR 1](#): first case on the scope of the duty of a Coroner to refer a suspicious death to the Attorney General.
- [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.
- [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.

Criminal

- [R v Dosanjh and others](#): Ongoing fraud case relating to the trade in carbon credits.
- [Campuzano v France](#): Ongoing Strasbourg case relating to the importation of large amounts of cocaine into France under cover of diplomatic immunity.
- [R v Bhojwani](#): Jersey money laundering prosecution arising out of the Nigerian Abacha investigation: instructed on international law and mutual assistance issues
- [R v Earlin White \[2010\] UKPC 22](#): guidelines on circumstances in which discretionary death sentence could be imposed.
- [R v Tharan \(Kingston Crown Court, 2009\)](#): case involving the alleged provision of electronics assistance to the Tamil Tigers in Sri Lanka.
- [R v Tarmohamed \(Central Criminal Court, 2007\)](#): the 'Dirty Bomb' case: alleged terrorist conspiracy in the US and UK.
- [R v Jones \(Margaret\) \[2007\] 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 international crime of aggression in domestic law.
- [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](#): adequacy of joint enterprise directions in a murder trial.
- [R v Tennyson Winston Griffith and Others \[2005\] 2 AC 235 \(PC\)](#): constitutionality of the felony murder rule and the sentence of detention at the Governor General's pleasure.
- [Dookran v The State \[2005\] UKPC 78](#): 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](#): 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 extraterritorial torture and hostage taking.

International

- [Mauritius v United Kingdom](#): Ongoing case in front of UNCLOS Annex VII Tribunal, arising out of UK's declaration of marine protected area around the Chagos islands.
- [Niko Resources Ltd v Bangladesh](#): Ongoing ICSID claim arising out of a project to revive marginal and abandoned gas fields.
- [ATA v Jordan \(ICSID Arbitral Tribunal\)](#): advised Jordan on post-award remedies in this arbitration, arising out of a construction dispute.
- [Siemens v Argentina \(ICSID Annulment\)](#): acted for Argentina in annulment proceedings arising out of the Siemens corruption scandal.
- [Vivendi v Argentina II \(ICSID Annulment\)](#): 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.

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- [Azurix v Argentina \(ICSID Annulment\)](#): acted for Argentina in this ICSID annulment application, relating to the privatisation of the water services of Buenos Aires.
- [CMS v Argentina \(ICSID Annulment\)](#): acted for Argentina in this annulment application, relating to the application of the defence of necessity to the Argentine fiscal crisis, and the standard of review on an annulment.
- [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 inter-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, ITLOS](#): 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

Alison regularly lectures on human rights issues, including the right to life and the rights of those in detention. She recently served on a JUSTICE committee on the future of the Parole Board.

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* (3rd ed, Sweet and Maxwell, forthcoming 2012)

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

- "Praised for her 'incredible focus and phenomenal brain, which is able to process huge amounts of information and formulate forceful arguments extremely quickly.'" (Chambers and Partners, Police Law (Mainly Claimant))
- "a 'rising star' of the Bar" (Chambers and Partners, Civil Liberties and Human Rights)
- "highly skilled and a pleasure to work with" (Chambers and Partners, Public International Law)
- "Fully lives up to her excellent reputation" (Legal 500, Administrative and Public Law)
- "At the forefront of cutting-edge litigation .. combines 'brilliant intellect with creativity and a meticulous attention to detail' ... a real champion of those who are disadvantaged or oppressed." (Legal 500, Civil Liberties and Human Rights)
- "Delivers 'considered advice'" (Legal 500, Crime)
- "Clever, creative and always ahead of the game ... shows great sensitivity to the client while battling tenaciously to get the best result possible." (Legal 500, Civil Liberties)
- "Super clever...one to watch." (Legal 500, Administrative and Public Law)
- "Highly recommended" (Legal 500, Public International Law)

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- "Commended for her excellent work on paper, her reliability and her strong client skills ... a junior with a bright future ahead of her." (Chambers and Partners, Civil Liberties and Human Rights)
- "Highly rated ... Macdonald's strength lies in the fact that 'she can be relied upon to analyse all aspects of a case to the nth degree.'" (Chambers and Partners, Police Law (Mainly Claimant))
- "A standout advocate who is extremely thorough and well prepared; she always covers all the angles" (Chambers and Partners, Police Law (Mainly Claimant))
- "A favourite among instructing solicitors" (Chambers and Partners; Civil Liberties and Human Rights)
- "Has a skill for bringing out the best in clients" (Legal 500, Administrative and Public Law)
- "'She's streets ahead of the rest of us', note contemporaries" (Chambers and Partners, Administrative and Public Law)
- "Renowned for her impressive capabilities in prison law" (Chambers and Partners, Civil Liberties and Human Rights)
- "Exceptionally bright and extremely easy to work with" (Chambers and Partners, Civil Liberties and Human Rights)
- "Commentators appreciate her 'real flair for new legislation and very insightful and pragmatic way of interpreting it.'" (Chambers and Partners, Police Law (Mainly Claimant))
- "Recommended for her understanding of international criminal law and arbitration knowhow." (Legal 500, Public International Law)
- "Extremely bright and able ... one of the most reliable barristers I have ever instructed." (Chambers and Partners, Administrative and Public Law)
- "Excellent junior ... definitely one to watch, with strength in both advisory and advocacy work." (Legal 500, Public International Law)

Appointments

1999 - 2006 Fellow of All Souls College, Oxford
1999 - 2000 Visiting Lecturer in Public Law,
King's College London

Education

Bar Vocational Qualification - 2000
Gray's Inn Beddingfield 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.