



DANNY FRIEDMAN QC

MAIN AREAS OF PRACTICE:

Crime and Regulatory
Extradition and Mutual
Assistance
Human Rights Law
Inquests and Inquiries
International Law
Mediation
Police Law
Prison Law
Public Law

Called to the Bar 1996
Appointed to Silk 2013

CONTACT:

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Paul Venables, Senior Practice
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Danny specialises at the interface between crime, human rights and public law, with additional focus on public international law. He advises private individuals, NGOs and companies, as well as UK and foreign state organisations seeking to comply with international human rights and humanitarian law obligations.

Danny's principal areas of litigation practice are in public and private law actions against the state, as well as criminal defence involving allegations that require an appreciation of social and political context. He has a particular expertise in national security cases and has been involved in many of the landmark judgments concerning counter-terrorism policy and legislation.

He is a leading expert in the country on inquests and public inquiries, especially where the subject engages the right to life or matters of human dignity.

His investigatory and advice work in relation to the public sector includes the operation of the rule of law in a number of foreign states, including the Middle East and Eastern Europe.

He has been involved in major inquiries in England and Northern Ireland concerning governance and accountability of the emergency, intelligence and armed services. He currently acts for more than 300 bereaved and surviving residents in the Grenfell Tower Inquiry.

He is a member of the Matrix Integrity team, with experience in assisting companies and state agencies to develop cultures of rule of law and human rights compliance. His work with corporate clients has particularly come to focus on the internet and the boundaries between free speech, safeguarding against risk, and the evolving jurisdiction of criminal and civil law.

Danny has co-authored publications on inquest law, human rights law and crime, including the human rights chapter in Archbold and INQUESTS – A Practitioners Guide (LAG 2014). Danny is a A-Panel member of the Equality and Human Rights Commission's Panel of Preferred Counsel and an ADR Group Accredited Civil and Commercial Mediator.

AWARDS AND NOMINATIONS

2008 Awarded the Chambers and Partners Junior of the Year award for Human Rights and Public and Administrative Law

2010 Short listed for the Justice Human Rights Lawyer of the Year

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DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY:

Chambers and Partners rank Danny in four areas: Administrative & Public Law, Civil Liberties & Human Rights, Inquests & Public Inquiries and Crime.

"He has an excellent manner with clients and is very, very knowledgeable." "He is a really impressive, meticulous and well-prepared advocate. He is very well read in human rights jurisprudence, both nationally and internationally." "He applies himself completely, does all the preparation and gives the best possible advice. He is formidable at every turn." (C&P 2019).

"Danny is an extremely impressive advocate whom judges enjoy listening to." "He has a forensic awareness like nobody else and can take on the biggest cases. Nothing is too complex for him." (C&P 2018)

Danny is also recommended by Legal 500 who described him as "Fiercely intelligent and committed to the client's interests." "He is a five star barrister with enormous expertise in inquiries and inquests." (L500 2018)

2011 Short listed for the Chambers and Partners Junior of the Year award for Human Rights and Public and Administrative Law

NOTABLES PUBLIC INQUIRIES AND INQUESTS

Grenfell Tower Inquiry (Ongoing 2019): Acting for more 300 bereaved and surviving residents of Grenfell Tower and its immediate vicinity in a public inquiry, chaired by Sir Martin Moore-Bick, that is investigating the cause and circumstances surrounding the fire at Grenfell Tower in June 2017 that led to the death of 72 persons.

Inquiry into the use of undercover police agents from 1968 to the present (Ongoing 2019): Acting for a number of families and individuals whose political campaigns may have been infiltrated. These include the families of Blair Peach, and Rodger Sylvester, as well as Winston Silcott and the Sharon Grant (widow of Bernie Grant MP). There is an ongoing inquiry chaired by Sir John Mitting.

Inquest into the death of Mohammad Hassan (2017): Inquest into the death of stowaway child in Oxford who boarded a truck in the UK control zone in Dunkirk having been detained 3 days earlier in the same control zone and handed back to the French authorities without advising him on his potential to claim asylum or conducting any form of risk assessment.

Inquest into the death of Gavin Williams (2016): Inquest into death of private soldier due to the imposition of an unlawful punishment system that operated in 2 Royal Welsh regiment at the time.

Campaign for Inquiry into Domestic Violence (2014-15): Advised the organisation REFUGE in its campaign for a public inquiry

Inquest into the Death of Alex Kelly (2014): Inquest into the self-inflicted death of a 15 year old boy in YOI Cookham Wood

Baha Mousa Public Inquiry (2009-2011): Acted for the victims of torture of Iraqi civilians in Basra, Iraq

Gibson Inquiry (now suspended) (2011): Advising a number of former detainees in Guantanamo Bay and elsewhere who were detained, interrogated and ill-treated with the alleged complicity of the UK security services

Inquest into death of Sabina Akhtar (2011): Bangladeshi woman who was murdered by her husband - acting on behalf of REFUGE as an intervenor

Inquest into the death of Terry Lloyd (2007): ITN Journalist killed in Basra, Iraq at the start of the ground war

Inquest into the death of James Miller (2006): Cameraman unlawfully killed by members of the Israeli Defence Force in Gaza

R (Middleton) v West Yorkshire Coroner [2004] 2 AC 182: House of Lords case concerning available verdict where the authorities have failed to take reasonable action to prevent a suicide in custody

INVESTIGATIONS AND EXPERT CONSULTATION

Internet Company (2017-2019): Ongoing advice to global platform in terms of its policies, safeguarding and legal exposure with regard to potential distribution of terrorism and hate speech publications.

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Child Abduction proceedings (2018): acted as an expert witness in UK family court proceedings that considered the prospect of the father's application under the Hague Convention receiving a fair hearing in Ukraine.

Operation Conifer (2017): Scrutineer Panel member giving feedback to Wiltshire police concerning an investigation into alleged sexual offences committed by Sir Edward Heath.

IPCC Hillsborough Disaster investigations (2017): Advised the Independent Police Complaints Commission in relation to its decision making with regard to complaints relating to previous members of South Yorkshire police and their alleged misconduct in public office and perversion of the course of justice during the original investigations into the death of 96 people at a football match in 1989.

Review of the Chilcot Inquiry Report (2017): Crowdfunded project on behalf of bereaved families of UK armed services personnel to review and summarize the findings and evidence of the Inquiry and the merits of any consequential civil and criminal proceedings before domestic and international courts.

Agency for the Modernisation of Ukraine (2015): Co-author of a three month field study in Ukraine on the development of the rule of the law of in the country. Study focused on the judiciary, criminal justice, commercial litigation, civil society and the law of war.

NOTABLE PUBLIC LAW CASES

Glennane Gang Killings (Ongoing 2019): Acts for the families whose relatives were murdered during the 1970s in Northern Ireland by a Loyalist paramilitary gang that included state agents and stolen UK army weapons. There are ongoing JR proceedings in Northern Ireland. **In R (Barnard) v PSNI (July 2017)**, the High Court found that the UK was in breach of its obligations to investigate the killings under Article. In addition as a matter of common law, the PSNI were held to have breached a substantive legitimate expectation that they would produce a thematic report into the killings. Judgment in the Court of Appeal is pending.

R (Warren) v CCRC (2019 pending) Judicial Review of the decision by the CCRC not refer the 1973 convictions of the Shrewsbury 24 to the Court of Appeal

N2 v SSHD [2018] 3 WLR 1532 Scope of Article 1Fc of the Refugee Convention and whether it extends to preparatory acts

R (Charles) v CCRC [2017] EWHC 1219 (Admin) Acted for the CCRC in defending challenge of refusal to refer to the Court of Appeal

R (Chong Keyu) v SSFCO & SSD [2015] 3 WLR 1665: Supreme Court challenge based on ECHR, customary international law and public law to the decision of the Defendants not to order a public investigation into a massacre of 24 villagers in Batang Kali, Malaya, in 1948 by the Scots Guards and the subsequent failures of inquiries that took place in 1949, 1970 and the 1990s. See also the decision of the European Court of Human Rights: Chong v United Kingdom (below).

Jean McConville v PSNI (2015): Claim under Article 2 ECHR and the common law to gain access to a report by the PSNI Historical Enquiries Team concerning the disappearance of Jean McConville in 1972. She was the mother of 10 children, who lived in the Divis Flats area of the Belfast. In

1999 the IRA admitted to her kidnapping. Her remains were discovered in 2003. In 2014, senior republican politicians were arrested by the PSNI for her murder including Gerry Adams.

R (Khaled Al Fawwaz) v SSHD [2015] EWHC 166 (Admin) National security based objection to a request for mutual legal assistance from a US court trying an Al Qaeda terrorist indictment in relation to the 1998 African Embassy bombings. This was also the first case in the UK that use a Closed Material Procedure under the Justice Security Act 2011 in order to determine proceedings.

R (Haider Hussain) v SSD [2014] EWCA 1087 Recognition that (1) international humanitarian law is justiciable under domestic law by virtue of the policy of the Minister to comply with it, (2) Common Article 3 of the Geneva Conventions contains both a negative obligation to refrain from war crimes, but also a positive obligation to ensure humane treatment, (3) the concept of humane treatment is to be further understood not just by reference to article 3 ECHR, but also by reference to the principle of dignity contained in Article 8 ECHR, but holding that an interrogation method of short sharp screaming at civilians detained incommunicado in Afghanistan was not unlawful

CF v SSHD [2014] 1 WLR 4240 Court of Appeal held that blanket non-disclosure in the face of an abuse of process allegation in control order proceedings was incompatible with Article 6. The control order was also quashed because of a breach of the duty of candour to the judge who gave permission to make the order

R (Elosta) v Comm of Police of the Metropolitan Police (Law Society intervening) [2014] 1 WLR 239 Acted for the Law Society in a case establishing that a person detained under Schedule 7 of the Terrorism Act has a mandatory right to consult with a lawyer on a face to face basis pending the start of questioning

R (Ali Zaki Mousa) v SSD (No 2) [2013] EWHC 1412: Group action brought by human rights complainants against UK army conduct in Iraq seeking a single inquiry structure to dispose of the state obligations under Article 2 and 3 ECHR. The Court constructed a bespoke approach to conducting fatality and abuse investigations that has led to a number of separate reports produced by Sir George Newman.

SSHD v Othman (Abu Qatada) [2013] EWCA Civ 277 Court of Appeal upheld the decision of SIAC that removal of Abu Qatada to Jordan would amount to a flagrant denial of his right to a fair trial

CF v SSHD [2013] EWHC 843 First variation appeal brought under the Terrorism Prevention Investigations Measures Act 2012 acknowledging the need for the subject of the order to have ordinary social relations with the students on his university course without prior authorisation from the Home Office

SSHD v GG [2010] QB 585, CA, CA Common law right not to be subjected to search without statutory authority

SSHD v Othman [2010] 2 AC 110, HL Deportation to unfair trial. Diplomatic assurances as a means of containing an accepted risk of torture in Jordan

SSHD v AS and DD [2008] HRLR 705 CA Diplomatic assurances not sufficient to justify deportation to Libya

Metropolitan Police v Hurst [2007] 2 AC 189, HL Non-retrospectivity of HRA in relation to an inquest concerning a death before the Act came into force

R v B [2007] HRLR 1, CA Contempt of court act proceedings relating to high profile terrorist trials

JJ v SSHD [2006] 3 WLR 866, CA 18 hour curfew amounted to breach of Art 5 ECHR

A and Ors (No 2) v SSHD [2006] 2 AC 221, HL Inadmissibility of evidence obtained by torture under the Common law, ECHR and wider international law

Bowman v Fels [2005] 1 WLR 3083 Legal Professional privilege not overridden by the terms of section 359 of POCA 2002

NOTABLES CRIMINAL CASES

R v Simpkins (2018) Winchester Crown Court, Acted for defendant accused on conspiracy to blackmail against companies associated with the Huntington Life Sciences laboratory

R v Baccus (2017) Winchester Crown Court, Joint enterprise murder.

R v Hasseen (2013) Central Criminal Court, Acted in for a defendant who assisted others to acquire firearms to defend a mosque in Dewsbury against an EDL march

R v Faraz, [2013] 1 WLR 2615 Bookshop manager charged with disseminating publications likely to be understood as encouraging the commission of acts of terrorism, which raised issues under Article 10 ECHR and the law on bad character

Barkshire & Ors v R [2011] EWCA Crim B3 Prosecution's failure to disclose covert recordings of the Ratcliffe on Soar protestors meetings, recorded by the undercover police officer Mark Kennedy

R v Waheed Ali, Kingston Crown Court 2009 Conspiracy to cause the 7 July London Bombings

R v Shaffi, Woolwich Crown Court 2006 Conspiracy to cause terrorist explosions in East Coast cities of the United States of America

R v Shariff and Ors, Central Criminal Court 2005 Sister of a suicide bomber in Tel Aviv accused of incitement and withholding information

R v Bourgass and Ors, Central Criminal Court 2004 The Ricin Conspiracy to carry out poison and explosives attacks in London

R v Choudhury [2005] EWCA Crim 1788 Abuse of process by HMCE drug liaison agents working in Pakistan

Attorney General's reference (N. 4 of 2002) [2005] 2 AC 264, HL Terrorist membership and reverse burden of proof

Attorney General's reference (N. 2 of 2001) [2004] 2 AC 72, HL Test case in the House of Lords outlining the point when a person is charged for the purposes of the reasonable time requirement under Article 6 and the available remedies for a breach of the right

R v Benjafield [2003] 1 AC 1099, HL Appeared for both appellants in the House of Lords which considered the compatibility of criminal confiscation procedures with Article 6 of the ECHR

R v Sargeant [2003] 1 AC 347, HL House of Lords case concerning the use of unlawfully obtained evidence

R (Wright and Bennett) v SSHD [2002] EHRLR 1 Order of the High Court for the Home Secretary to carry out a public inquiry into a death in custody pursuant to Article 2

Attorney General's Reference No 3 of 2000 [2001] 1 WLR 2060 Appeared for acquitted person before the House of Lords in test case concerning the proper boundaries of police entrapment operations

R v Offen [2001] 1 WLR 253 Appeared for Okwuegbunam in this mandatory sentencing case where O appealed against the imposition of an automatic life sentence in the light of Articles 3 and 5 of the ECHR

NOTABLES CIVIL ACTIONS AGAINST THE STATE

Flynn v Secretary of State for Defence and PSNI (2019) Operation Ballast case, where liability has been admitted but the outstanding issue concerns damages

Morley v Secretary of State for Defence and PSNI (2014-2019) Proceedings in Northern Ireland concerning an alleged state agent who has admitted to killing the Plaintiff's son during a period when he infiltrated the IRA.

Komoka v Security Services [2017] EWCA Civ 1665 Case concerning use of immigration powers to detain national security suspects in circumstances where it is argued that evidence showing UK involvement in rendition and torture was withheld from UK courts.

Amin v Security Services [2015] EWCA Civ 653 Case concerning the overlap between criminal abuse of process and subsequent criminal proceedings

ECHR CASES

Chong v United Kingdom (2019) EHRR SE2 Definitive guidance given on the temporal scope of the ECHR as it applies to events pre-dating the coming of the Convention into force

Malik v UK (2013) 57 EHRR SE173 Challenge under Article 5 and 8 to the mandatory detention and questioning powers under Schedule 7 of the Terrorism Act

Othman (Abu Qatada) v UK (2012) 55 EHRR 1 Deportation to Jordan incompatible with Article 6 ECHR because it would constitute a flagrant denial of justice

Alder v UK, App. No. 42078/02, 22 November 2011 UK Government settled a case concerning a black man who was left to die on the floor of police custody suite. Violations of Article 3 (substantive), Article 2 (investigatory) and Article 14

A and Ors v UK (2009) 49 EHRR 29 Detention without trial - Article 5(1), 5(4) and 15

Francis and O'Halloran v UK (2008) 46 EHRR 21 Speed cameras and the privilege against self-incrimination

Kyprianous v Cyprus (2007) 44 EHRR 28 Contempt of court summary proceedings - Articles 6 and 10

Keenan v UK (2001) 33 EHRR 38 Suicide of mentally ill prisoner while segregated in prison - engages Articles 2, 3 and 13

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SELECTED PUBLICATIONS

Inquests: A Practitioners Guide 3rd Edition (2014), co-author with Leslie Thomas QC, Adam Straw and Daniel Machover

Archbold Criminal Practice and Pleadings, contributing editor (Human Rights chapter)

Emmerson and Ashworth, *Human Rights and Criminal Law* (2nd Edition), contributing editor (Chapters 4, 14 and 18)

Owen and Smith, *Asset Recovery*, contributing editor to 1st Edition (Introductory chapter)

"A Common Law of Human Rights: History, Humanity and Dignity" (2016) 4 EHRLR 378

"Torture and Modernity" (2013) 5 EHRLR 494

"Torture and the Common Law" (2006) 2 EHRLR 180

"From Due Deference to Due Process: Human Rights Litigation in the Criminal Law" (2002) 2 EHRLR 218

Butterworths Guide to the Police Act (1998), co-author with Ben Emmerson QC

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