



## JONATHAN GLASSON QC

### MAIN AREAS OF PRACTICE:

Civil Actions Against the Police  
Commercial and Corporate Law  
Community Care Law  
CSR, Investigations and Audits  
Crime and Regulatory  
Environmental law and Natural Resources  
Extradition and Mutual Assistance  
Healthcare, Mental Health and Mental Capacity  
Human Rights Law  
Immigration, Asylum and Free Movement  
Inquests and Inquiries  
Local Government Law  
Prison Law  
Public Law  
Public and Private International Law

Called to the Bar 1996  
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*Shamima Begum v Secretary of State for Home Department* [2020] H.R.L.R. 7 Challenge to the decision to deprive so-called ISIS bride of UK citizenship. Preliminary issues on statelessness; whether or not Begum could have a fair and effective appeal; and whether the decision was in breach of the Secretary of State's policy.

*Privacy International v Secretary of State for Foreign and Commonwealth Affairs* ("Third Direction") (December 2019): acted as Counsel to the Investigatory Powers Tribunal in the challenge to MI5's policy authorising the participation of agents in criminality.

*R. (on the application of Privacy International) v Investigatory Powers Tribunal* [2019] EWHC 3285 (Admin) Judicial review challenge to the decision of the IPT concerning sharing of Bulk Data with foreign agencies.

*R. (on the application of Campaign Against Arms Trade) v Secretary of State for International Trade Court of Appeal* (Civil Division), 20 June 2019 [2019] EWCA Civ 1010 [2019] 1 W.L.R. Challenge to licensing of arms for export to Saudi Arabia for use in the Yemen conflict. (Appeal to the Supreme Court pending)

*Privacy International v Investigatory Powers Tribunal and others* [2019] UKSC 22 [2019] 2 W.L.R. Counsel for the Investigatory Powers Tribunal in the challenge to the "ouster" clause in s.67 (8) of the Regulation of Investigatory Powers Act 2000 where the Supreme Court concluded that the IPT was amenable to judicial review for error of law.

*D2 v Secretary of State for the Home Department*, SIAC, 8 February 2019 Challenge by Russian national to the refusal of entry clearance where the appellant was alleged to pose a risk to national security and that he had been involved in the assassination of Israilov in Austria.

*Privacy International v Secretary of State for Foreign and Commonwealth Affairs* [2018] 4 All E.R. 275 Acted as Counsel to the Investigatory Powers Tribunal in the challenge to the sharing of bulk data with foreign liaison partners.

*R. (on the application of Adath Yisroel Burial Society) v HM Senior Coroner for Inner North London Divisional Court*, 25 June 2018 : [2018] EWHC 1286 (Admin); [2018] 4 Costs L.R. 749; [2018] Inquest L.R. 118; [2018] A.C.D. 86 Circumstances where coroner defending JR proceedings is liable for costs.

*Privacy International v. Secretary of State for Foreign and Commonwealth Affairs* [2017] UKIPTrib IPT\_15\_110\_CH; EU OJ C 22, 22.1.2018, p. 29–30; [2018] 2 All E.R. 166 (8 September 2017, the judgment on the EU law issues in challenge to the collection of Bulk Communications Data and Bulk Personal Datasets.

*R. (on the application of Campaign Against Arms Trade) v Secretary of State for International Trade Divisional Court*, 10 July 2017 [2017] EWHC 1754 (Admin); [2017] H.R.L.R. 8 Challenge to licensing of arms for export to Saudi Arabia for use in the Yemen conflict.

*L2 v Secretary of State for the Home Department* SIAC, 31 May 2017, refusal of appeal of Nigerian dual national to deprivation of citizenship who had been deprived of his citizenship on national security grounds.

*K v Secretary of State for Defence* Divisional Court, 26 April 2017

[2017] EWHC 830 (Admin); [2017] A.C.D. 75; Standard of disclosure in judicial review challenge by three Afghans who claimed to have been at risk because of allegedly acting as spies for the UK. .

*Privacy International v Secretary of State for Foreign and Commonwealth Affairs* [2016] UKIPTrib 15\_110-CH [2017] 3 All E.R. 647; [2016] H.R.L.R. 21 (23 October 2016 Counsel to the Tribunal in challenge to Bulk Communications Datasets and Bulk Personal Datasets

*Privacy International v Secretary Of State For Foreign And Commonwealth Affairs & Anor* [2016] UKIPTrib 14\_85-CH (12 February 2016) Acted as Counsel to the Investigatory Powers Tribunal in challenge to GCHQ's use of Computer Network Exploitation (CNE, i.e. hacking and malware).

*Belhadj & Ors v Security Service & Ors* [2015] UKIPTrib 13\_132-H (29 April 2015) Acted as Counsel to the Investigatory Powers Tribunal in challenge to the intelligence agencies' interception and use of legal and professionally privileged material.

*L1 v Secretary Of State For The Home Department* [2015] EWCA Civ 1410 (December 2015) It had been lawful for the Home Secretary to await an appellant's departure from the UK, about whom she had national security concerns, before serving notices of deprivation of citizenship and exclusion from the UK and finalisation of those orders, so that he would remain outside of the UK during the currency of his appeals against orders finalising those notices.

*R (oao Delezuch and Duggan) v Delezuch* [2014] EWCA Civ 1635, *R (n the application of) v Leicestershire Constabulary & Ors* [2014] EWCA Civ 1635 [2014] Inquest LR 267 (19 December 2014) [2014] WLR(D) 560 Challenge to conferring between police officers following a fatal incident involving the police.

*R (oao Duggan) v Assistant Deputy Coroner for Northern District of Greater London* [2014] EWHC 3343 (Admin) (2015) 179 JP Inquest jury considering whether the killing of Mark Duggan had been lawful was not required also to consider whether the mistaken belief was reasonable. The criminal law test for self-defence applied at inquests not the civil law test.

*Bodo Community v Shell Petroleum Development Co of Nigeria* [2014] EWHC 1973 (TCC) claim for damages arising from oil spill in Bodo in Nigeria. Preliminary issues of law as to the operation of the Oil Pipelines Act  
*Inquest into the death of Mark Duggan* (2013-2014) before HHJ Cutler. Inquest into the death of Mark Duggan following his shooting by armed officers of the MPS.

*Khodorkovskiy and Lebedev* (no 2) v Russian Federation (2014) 59 EHRR 7. The European Court of Human Rights found that during the first trial of the former head of Yukos he had been detained in conditions contrary to Article 3; that the trial was unfair contrary to Article 6; that the decision to send him to serve his sentence in Siberia was unlawful and contrary to Article 8; that the decision to impose a huge damages award in relation to alleged tax debts was arbitrary and contrary to Article 1 of Protocol No 1 and that his ECHR lawyers had been subjected to harassment and intimidation contrary to Article 34.

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*Inquiry into the death of Azelle Rodney (2012-2013)* Instructed to act for the Independent Police Complaints Commission at the Public Inquiry heard by Sir Christopher Holland..

*L1 v Secretary of State for the Home Department [2013] EWCA Civ 906* The secretary of state had deliberately waited until a suspected terrorist had left the country before setting in train the procedure under the British Nationality Act 1981 s.40(2) to deprive him of his British nationality, the Court of Appeal held that the Special Immigration Appeals Commission ought to have granted him an extension of time to appeal under the Special Immigration Appeals Commission (Procedure) Rules 2003 r.8(5) but that the question as to whether that decision was an abuse of process should be decided by SIAC rather than the Court of Appeal.

*Mohan v Mohan [2013] EWCA Civ 586 [2013] Fam Law 959* Instructed by Attorney General to act as Amicus in appeal concerning privilege against self-incrimination in divorce proceedings and whether rules compatible with Article 6 ECHR.

*Patel v State of India and SSHD [2013] EWHC 819 (Admin) [2013] ACD 90* Acted for the Secretary of State in extradition appeal where appellant alleged that his extradition would breach specialty.

*Stopyra v Poland and Debreceni v Hungary [2012] EWHC 1787 (Admin) [2013] 1 All ER 187* The court considered issues relating to the delays in the provision of legal funding in European arrest warrant cases under the Extradition Act 2003 Pt 1. It indicated that there was a systemic failing in the structure of the present system for means testing which produced unacceptable delays that were contrary to the time limits set out in the Act and the Framework Decision and inconsistent with overarching principles of fairness and justice in timely decision-making in extradition cases, and invited the Ministry of Justice to undertake an urgent revision of that system to eliminate delays.

*E1/(OS Russia) v SSHD [2012] EWCA Civ 357 [2012] 1 WLR 3198* An appeal against an order dismissing the appellant's claim for judicial review of the notice of the respondent's decision to cancel his Indefinite Leave to Remain in the UK.

*HM Attorney General v HM Coroner Sheffield and HM Coroner Wakefield [2012] EWHC 3783 (Admin)* Application to quash the inquests into the deaths of those who died as a consequence of the disaster at the Hillsborough Stadium. Led by the Attorney General.

*Rawlinson and Hunter and Vincent Tchenguiz v Director of the Serious Fraud Office [2012] EWHC 2254 (Admin) [2013] 1 WLR 1634* Misrepresentations and non-disclosure by the SFO led to the quashing of the search warrants and indemnity costs. Instructed by Stephenson Harwood to act for Vincent Tchenguiz.

*SSHD v AY [2012] EWHC 2054 (Admin)* The Terrorism Prevention and Investigation Measures Act 2011 Sch.8 para.4 made clear that the period during which a person was subject to a control order was ignored for all purposes concerning a subsequent terrorism prevention and investigation measures notice. The control order was therefore irrelevant in considering whether, for the purposes of condition C of s.3 of the Act, it was necessary to impose restrictive measures on that person.

*Khodorkovsky v Russian Federation (2011 Application number 5829/04 (judgment, May 2011) (2011) 53 EHRR 32* Judgment in the first application brought by the former CEO of Yukos concerning his arrest and pre-trial detention. Court held that his initial arrest was unlawful and for an ulterior purpose; that he was subsequently detained in unsatisfactory conditions

which deteriorated such that they became inhuman and degrading; being confined within an iron cage in the court room was humiliating and contrary to Article 3; and the bail hearings were "flawed in many respects" and his 3 "continuous detention was not justified by compelling reasons outweighing the presumption of liberty".

*KP v SSHD* (2011) (SIAC, 28 March 2011) Refusal of entry on national security grounds. No appeal against cancellation of refugee status.

*R (Halpin) v Attorney General* (Administrative Court, December 2011) No arguable claim that the Attorney General had erred in deciding not to make an application for an inquest into the death of Dr David Kelly.

*Zatuliveter v SSHD* (SIAC, November 2011) (2011) Deportation of parliamentary assistant alleged to be working for an MP.

*OL v SSHD SC/86/2009* (2010) SIAC – 27 May 2010 The appellant, a Moroccan national, appealed against the SS's decision to refuse his application for a settlement visa under the Immigration Rules, paras 295A, 320(6) and 320 (11).

*R (on the application of Rex Cart) (2) U (3) XC (claimants) v (1) Upper Tribunal (2) Special Immigration Appeals Commission (defendants) & (1) Secretary of State for Justice (2) Secretary of State for the Home Department (3) Public Law Project (interested parties) & (1) Child Maintenance & Enforcement Commission (2) Wendy Cart (interveners)* (2009) EWHC 3052 (QB) [2010] 2 WLR 1012 SIAC was amenable to Judicial Review where it had made a gross and florid error of law. Article 5 (4) of the ECHR prevented SIAC from deciding bail solely on the basis of closed evidence that had not been disclosed to the deportee.

*Inquests into deaths arising from loss of Hercules XV197* (2008) Instructed by MoD in the Inquests arising from the loss of Hercules XV179 in Iraq in 2005, the single largest loss of life in that conflict.

*OO v SSHD* (2008) SC/51/2006 27th June 2008 (SIAC) Article 6 did not apply to deportation proceedings and the principles in MB were not applicable in an appeal against deportation.

*Stephen Michael Hibbert v Ministry of Defence* [2008] EWHC 1526 (QB) [2009] 105 BMLR 1 MoD's psychiatrist was not negligent in the treatment and diagnosis of a soldier suffering from symptoms suggestive of PTSD.

*Times Newspapers Ltd (2) Guardian News & Media Ltd (3) Soldier B (appellants) v (1) R (2) Soldier A (3) Soldier C (4) Soldier D (5) Soldier E (6) Soldier F (respondents) & Secretary of State for Defence (interested party)* [2008] EWCA Crim 2559 [2009] 1 WLR 1015 EWCA Crim 2559 Defendants in criminal proceedings who were members of the Special Forces were entitled to anonymity given the risk to their lives. The service history of two of the defendants made it clear that there would be a real and immediate risk if they were identified. The other three defendants did not fall into the same category. However, it was clear from the evidence that their identification would lead to the identification of the other two.

*Re Bullivant* (2007) EWHC 2938 (Admin) (2008) ACD 25 Save in the most exceptional cases, the courts would not make a finding that the withholding of material had rendered the proceedings unfair before the evidence had been tested in open and closed hearings, but there was an ongoing duty to consider whether there should be further disclosure.

*Secretary of State for Home Department v OL* (2007) EWHC 1970 (Admin) The Secretary of State had reasonable grounds for concluding that an offender was involved in the radicalisation of another and that he had a strong intention of travelling abroad to participate in terrorist activity and

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perhaps subsequently returning to the United Kingdom to engage in terrorist-related activity and accordingly those conclusions were not flawed for the purposes of the Prevention of Terrorism Act 2005 s.3(10). 4

*W v Secretary of State for Home Department* (2007) (SC/34/2005), SIAC, 2007 Appeal against deportation to Algeria on grounds of national security refused and that his deportation would not violate Articles 3, 5 and 6 of the ECHR.

*O, N and W v MoD* (2005) Soldier could not be compensated for the exacerbation of his symptoms arising from the direct consequences of a criminal offence that he committed at a time when he should have been receiving treatment.

*Loutchansky v Secretary of State for the Home Department* (2003) Acted as Special Advocate in challenge to exclusion order.

*P v SSHD* (2003) SC/20/2002 (SIAC, 2003) Certification under ATCSA upheld.

*Simms and PA v Another* (2003) Fam 83 It was in the best interests of two young people to receive highly experimental treatment for their otherwise terminal illness.

*The PTSD Litigation* (2003) Group actions brought by soldiers from the Falklands, Northern Ireland, the Gulf and Bosnia who unsuccessfully claimed clinical negligence on the part of the Ministry of Defence in failing to detect and treat their psychological problems following battle. The Crown was protected by immunity under s.10 Crown Proceedings Act 1947 in respect of claims by former members of the armed forces for damages for psychiatric illness caused by the stress of combat where the act or omission relied on occurred before 15 May 1987. The Ministry of Defence was not under a duty to maintain a safe system of work for service personnel in the course of combat and combat had an extended meaning. The claimants failed to establish that the Ministry of Defence was in breach of its duty of care to servicemen with regard to its systems for the prevention, detection and treatment of psychological/psychiatric reactions to the stress and trauma of combat, with three exceptions.

*Briody v St Helen's and Knowsley AHA* (2002) Whether a claimant is entitled to recover the costs of a surrogacy arrangement at common law or under Article 8 of the ECHR.

*R v HM Coroner for Lincoln ex p Hay* (2000) Lloyd's Rep Med 264 Family entitled to a new inquest following a death in custody and coroner's misdirections at first inquest. Privilege against self-incrimination at an inquest was concerned with the giving of an answer by a witness and the procedure adopted when dealing with such a claim of privilege should not be such as to give the witness complete immunity against further questioning. A verdict of "accident" may be returned where the death had been caused by some deliberate but lawful act which unforeseeably led to death.

*Christopher Clunis v Camden and Islington Health Authority* (1998) Where the claimant sought damages arising from his own act in killing another whilst in community care.

*The Bloody Sunday Inquiry* Acted for the Solicitor and Secretary of the Widgery Inquiry when they were called to give evidence to the Inquiry.

*The BSE Inquiry* Acted for the families of victims of vCJD at the Inquiry chaired by Lord Phillips of Worth Matravers...

*The Creutzfeldt-Jakob Disease/Human Growth Hormone Litigation* Recipients of growth hormone which contained the agent which causes CJD

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awarded damages as well as those who have suffered psychiatric injury as a consequence of being told that they may develop CJD in the future.

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