Phyllipha has extensive experience in complex private law claims brought against public authorities including central government department such as the Ministry of Justice and the Ministry of Defence, FCO as well as other public authorities such as the police. She was part of the claimant team in the recently settled “Mau Mau” litigation arising out of the systematic torture of suspected insurgents in the 1950s Kenyan uprising. She represented two women in a successful claim against the Metropolitan Police under the Human Rights Act 1998. The claimants were victims of serious sexual assaults by London cab driver John Worboys.

She is identified in three practice areas by Chambers & Partners (2016) (administrative and public law; civil liberties and police law) where it is said that she has been earmarked as “the leading silk of the next generation” (2013). She is identified as “the most fantastic advocate” (2016) and as an “exceptionally talented silk who maintains her outstanding reputation for her public law work” (2015). Senior solicitors, and their counterparts at the Bar, confirm that she is a “really remarkable”, “brilliant and hugely creative” practitioner (2013) who is “mellifluous, clever and very strategic” and “one of a kind” (2015), “a real joy to work with” (2013), “a great trial advocate who knows her law and tactics inside out, and is extremely dedicated. She is superb at thinking on her feet, and is as good at presenting innovative and detailed submissions as she is at responding off the cuff” (2015).

**CLAIMS AGAINST PUBLIC AUTHORITIES**

Phyllipha has extensive experience in complex private law claims brought against public authorities including central government department such as the Ministry of Justice and the Ministry of Defence, FCO as well as other public authorities such as the police. She was part of the claimant team in the recently settled “Mau Mau” litigation arising out of the systematic torture of suspected insurgents in the 1950s Kenyan uprising. She represented two women in a successful claim against the Metropolitan Police under the Human Rights Act 1998. The claimants were victims of serious sexual assaults by London cab driver John Worboys. In *DSD and NBV v Commissioner of Police of the Metropolis* [2014] EWHC 436 the High Court held that the police had failed to conduct an effective investigation into
their complaints of serious sexual assault and awarded them compensation as just satisfaction (at [2014] EWHC 2493). In total John Worboys is believed to have attacked more than 100 women. The Commissioner is appealing.

She is acting for eight women in claims against the Metropolitan Police Commissioner arising out of misconduct of undercover police officers who while undercover engaged in intimate relationships with claimant protesters: AKI and others v Commissioner of Police [2014] 1 WLR 285 (under appeal) and DIL and others v Commissioner of Police.

In Hicks and others v Commissioner of Police of the Metropolis she represents a group of protesters who were arrested on the day of the Royal Wedding. The case which is before the Supreme raises fundamental questions about the compatibility of preventative detention with Article 5(1) of the Convention.

She represents Martin McGartland a former IRA informant in a claim in negligence against the Intelligence Service for failures in the aftercare provided to him following a near fatal shooting in 1999 when his new identity was discovered. The case is one of the first in which the Court of Appeal will consider the provisions for closed material procedures under the Justice and Security Act 2013.

She represents over 800 Iraqis bringing private law damages claims both under the Human Rights Act and for assault and false imprisonment following their internment in the aftermath of the Iraq war. She represents Yunus Rahmatullah who was also captured by British forces in Iraq. In his case the British forces transferred him to US control after which he was held in Abu Ghraib before being rendered to Afghanistan. He was QD detained there in Bagram airbase until June 2014. The MOD’s application to strike out his claim on grounds of state immunity, foreign act of state and crown act of state was determined by the High Court in November 2014 (Rahmatullah v MOD [2014] EWHC 3846) and is in the process of being appealed both to the Supreme Court on foreign act of state and to the Court of Appeal on Crown Act of state.

Recent claims against the police include a successful claim on behalf of four young women trafficked from Nigeria in the first case before the English courts to examine in detail the investigative duty under Article 3 of the European Convention on Human Rights (OOO v Commissioner of Police of the Metropolis [2011] EWHC 1246 (QB); [2011] U.K.H.R.R. 767). Her long running involvement in litigation challenging the compatibility of “kettling” with respect for the right to liberty culminated in the judgment of the European Court of Human Rights in Austin v United Kingdom (15 March 2012).

She acted in Al Rawi and others v Security Service and others (claim by a number of Guantanamo detainees against the Government for complicity in their torture and detention).

ADMINISTRATIVE AND PUBLIC LAW

Phillippa has an extensive public law practice representing a broad range of individual applicants. She also acts for NGOs such as Reprieve and Privacy International. She is described in Chambers and Partners (2012) as “a true public law all-rounder,” who “can turn her hand to many matters.”

R (Delezuch and Duggan) v Chief Constable of the Leicestershire Constabulary, Commissioner of Police of the Metropolis, ACPO and another (CA) – challenge to the compatibility with the HRA and Article 2 of the police guidance on the investigation of deaths in custody and in particular the provisions regulating the conferring of officers in making their accounts.
R (Antoniou) v Secretary of State and others - challenge to the compatibility with the HRA and Article 2 of guidance on the investigation of deaths in psychiatric hospitals and in particular the failure to secure that investigations are conducted independently from the hospital authority from the outset (CA) ongoing.

R (Gudanavaciene and others v Director of Legal Aid Casework and the Lord Chancellor [2014] EWHC 1840 (Admin) – challenge to the approach of the Director of Legal Aid Casework and the guidance of the Lord Chancellor in respect of the application of s. 10 LASPO (the exceptional funding scheme) to immigration cases.

R (IS) v Director of Legal Aid Casework and the Lord Chancellor - systemic challenge to the operation of the exceptional funding scheme established to give effect to s. 10 LASPO on the ground that the scheme operates so as to undermine the statutory purpose of granting public funding where it is necessary to secure compliance with Convention rights.

IS R (Prisoners Advice Service and Howard League) v Lord Chancellor - systematic challenge to the removal from scope of certain areas of prison law which engage fundamental rights.

R (Tabbakh) v Secretary of State for Justice [2014] EWCA (Civ) 827 - Article 8 challenge to the lawfulness of licence conditions imposed upon applicant convicted of terrorist offences, including a challenge to the procedure by which such decisions are taken by MAPPA which provides no opportunity for making informed representations. The appeal raised the important issue as to the correct approach to the determination of the legality of a policy which gives rise to a risk of illegality in its application.

R (Atamewari v SSHD [2013] EWHC 2727 (Admin) (successful challenge to legality of UKBA guidance on identification of victim’s of trafficking for failure to give effect to European Convention Against Human Trafficking in Human Beings)

R (Omar) v Secretary of State for Foreign and Commonwealth Affairs [2013] EWCA Civ 118 - Norwich Pharmacal application, seeking disclosure of any information which will assist the claimant in demonstrating that he was unlawfully rendered from Kenya to Uganda.

R (MA and others) v Director of HMYOI Ashfield [2013] EWHC 438 (Admin) (judicial review of, among other things, Ashfield’s procedures governing adjudications before independent assessors together with the legality of an unregulated shadow segregation system).

R (Abu Hamza, Babar Ahmad and others) v Secretary of State for the Home Department [2012] EWHC 2736 (Admin) (judicial review of Home Secretary’s refusal to delay extradition of Babar Ahmad and Talha Ahsan pending a decision of the DPP whether to prosecute them in England).

R (BBC and Babar Ahmad) v Secretary of State for Justice [2012] EWHC 13 (Admin); (2012) 162 N.L.J. 94 - successful challenge to SSJ’s refusal to permit the BBC to broadcast an interview with Babar Ahmad, a prisoner detained pending extradition to the USA on terrorist related charges.

R (Kingly v Secretary of State for Justice [2012] EWCA Civ 376 , (CA) - judicial review to determine the applicability of Article 6 in its civil sphere to prison disciplinary proceedings resulting in punishment of cellular confinement.

R (Bary) v Secretary of State for Justice [2010] EWHC 587 (Admin)) - lawfulness of decision to separate from general prisoner population detainees held in relation to deportation and extradition proceedings deemed to present a threat to national security.
R (Reprieve) v Prime Minister and others [2010] - Judicial review of policy in force from 2004 governing interrogation by the Security Services on the grounds that it is unlawful as contrary to a common law prohibition on complicity in torture.


R (B) v Secretary of State for Justice [2009] EWHC 2220 (Admin); [2010] 2 All E.R. 151 - successful challenge under Article 8 ECHR to D’s refusal to transfer a male to female transsexual to the female prison estate.

R (Saunders and Tucker) v IPCC [2009] HRLR. Challenge under Article 2 ECHR to police officer practice of writing up post incident accounts in collaboration with one another on ground this is inconsistent with implied investigative obligation.

INQUIRIES AND INQUESTS
Phillippa has extensive experience both of inquests and bringing challenges to coronial decisions by way of judicial review.

INTERNATIONAL LAW
Phillippa has an extensive international law practice in the field of human rights. She was part of the team representing the claimants in the “Mau Mau” litigation against the Foreign and Commonwealth Office arising out of the systematic torture of suspected insurgents in the Kenyan uprising in the 1950s, and represents over 800 Iraqis bringing private law damages claims both under the Human Rights Act and for assault and false imprisonment following their internment in the aftermath of the Iraq war. Other recent or ongoing cases include:

R (Omar) v Secretary of State for Foreign and Commonwealth Affairs [2013] EWCA Civ 118 (application for Norwich Pharmacal relief to aid the claimants in constitutional proceedings in Uganda where the Court raised of its own motion the jurisdiction to grant the remedy in aid of foreign proceedings).

Al Rawi and others v Security Services - (High Court) Claims brought against the security services for complicity in torture by UK citizens and residents detained in Guantanamo.

Allbutt and others v Ministry of Justice - (High Court) Ongoing claim in negligence arising out of friendly fire incident during Iraq war.

Austin v United Kingdom - challenge to the compatibility of “kettling” with respect for the right to liberty.

Locally Employed Civilians v Ministry of Defence, DFID and FCO (High Court) - negligence claim brought by more than 50 Iraqi civilians employed by the defendants during the occupation of Iraq for failure to protect them against attack by insurgents.

MEDIA AND DEFAMATION
It was through her prisoners’ rights practice that Phillippa first branched out into media law. She has represented many prisoners seeking access to the media, including the appellants in the seminal House of Lords case Simms and Ö’Brien and in 2012, Babar Ahmad in the successful judicial review brought by the BBC in which exceptionally the Divisional Court held that a
refusal to allow an interview for broadcast purposes was contrary to Article 10 ECHR.

She has been involved in securing injunctive protection on behalf of a number of individuals convicted of notorious crimes whose life or mental well-being was put under threat by the glare of publicity. She represented Mary Bell and Maxine Carr when they secured lifelong contra mundum injunctions preventing the publication of any information liable to lead to the disclosure of their new identities. More recently she acted for Jon Venables in relation to the continued operation of the contra-mundum injunction secured on his release on licence in 2001, following his further prosecution in 2010.

**PRISON LAW AND CRIME RELATED PUBLIC LAW**

Phillippa began specialising in prisoner's rights in the early 1990s when this was a little known area of law. She was involved in most of the leading House of Lords cases extending the scope of prisoners' rights, particularly the rights of indeterminate sentence prisoners. She undertakes all aspects of prison law, be they Parole Board hearings, where she has recently represented Learco Chimdmo in relation to his recall to prison, or complex judicial reviews. Recent cases include:-

**IS R (Prisoners Advice Service and Howard League) v Lord Chancellor** - systematic challenge to the removal from scope of certain areas of prison law which engage fundamental rights.

**R (Tabbakh) v Secretary of State for Justice [2014] EWCA (Civ) 827** - Article 8 challenge to the lawfulness of licence conditions imposed upon applicant convicted of terrorist offences, including a challenge to the procedure by which such decisions are taken by MAPPA which provides no opportunity for making informed representations.

**R (Cossey) v SSJ** (pending judicial review claiming Article 14 discrimination in conjunction with Article 8 by reason of the less favourable conditions in which post tariff discretionary lifers are held compared to remand and civil prisoners).

**R (Abu Hamza, Babar Ahmad and others) v Secretary of State for the Home Department [2012] EWHC 2736 (Admin)** (judicial review of Home Secretary’s refusal to delay extradition of Babar Ahmad and Talha Ahsan pending a decision of the DPP whether to prosecute them in England).

**R (MA and others) v Director of HMYOI Ashfield [2013] EWHC 438 (Admin)** (judicial review of, among other things, Ashfield’s procedures governing adjudications before independent assessors together with the legality of an unregulated shadow segregation system).

**R (BBC and Babar Ahmad) v Secretary of State for Justice [2012] EWHC 13 (Admin); [2012] 162 N.L.J. 94** – successful challenge to SSJ’s refusal to permit the BBC to broadcast an interview with Babar Ahmad, a prisoner detained pending extradition to the USA on terrorist related charges.

**R (King) v Secretary of State for Justice [2012] EWCA Civ 376 , (CA)** - judicial review to determine the applicability of Article 6 in its civil sphere to prison disciplinary proceedings resulting in punishment of cellular confinement.

**Malcolm v Ministry of Justice [2011] EWCA Civ 1538, (CA)** - claim under HRA for violation of Article 8 arising out of failure to secure to a segregated prisoner his entitlement to one hour's exercise in the open air.
R (Bary) v Secretary of State for Justice [2010] EWHC 587 (Admin)) - lawfulness of decision to separate from general prisoner population detainees held in relation to deportation and extradition proceedings deemed to present a threat to national security.

R (B) v Secretary of State for Justice [2009] EWHC 2220 (Admin); [2010] 2 All E.R. 151 - successful challenge under Article 8 EHCR to D’s refusal to transfer a male to female transsexual to the female prison estate.

LANGUAGES
French and German

MEMBERSHIPS
Administrative Law Bar Association
Lawyers for Liberty
Justice

Phillippa accepts instructions under Standard Contractual Terms, details of which can be found on our website under Our Service.