



## RAJ DESAI

**MAIN AREAS OF PRACTICE:**

Civil Actions against the Police  
Community Care Law  
Discrimination and Equality  
Education  
Human Rights  
Immigration, Asylum and Free  
Movement  
Inquests and Inquiries  
International Law  
Local Government Law  
Prison Law  
Public and Private International  
Law

Solicitor 2007  
Called to the Bar 2010

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uk

Raj is a former solicitor. He joined Matrix as a full member in 2011.

Raj specialises in public and human rights law and has a mixed judicial review and civil actions practice. His practice encompasses prison law, civil actions against the police, equality law, asylum and immigration law, information law, education law, community care law and inquests and inquiries work. He also undertakes international law work, in particular applications to the European Court of Human Rights.

Raj's clients are predominantly individuals, but he is also instructed by NGOs, charities, public authorities, regulatory bodies, and companies. Raj believes in the importance of high quality representation and advice for all regardless of their means, and is pleased to accept instructions from legally aided clients. Where funding is not available, he will accept instructions on a pro bono basis if able to do so.

Raj is on the Equality and Human Rights Commission's Panel of Preferred Counsel.

He is also security cleared by the Home Office.

### PREVIOUS CAREER AND ACADEMIC WORK

Raj holds a first class undergraduate law degree and postgraduate law degree from Oxford University. Before joining the Bar, Raj qualified as a solicitor at Sharpe Pritchard solicitors. He subsequently worked as judicial assistant to the then Lord Chief Justice and Lord Justice (now Lord) Carnwath at the Court of Appeal. He has also worked for the Human Rights Department of the Victorian Government Solicitor's Office in Melbourne, Australia.

Raj has taught public law, and human rights law on both undergraduate and postgraduate courses, at Oxford University. He is a co-author of the Blackstone's Guide to the Human Rights Act (7th Ed., OUP) and 'Judicial Review: A Practical Guide' (Jordans). He is also a contributing author to

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## DIRECTORIES' RECOMMENDATIONS

### HERE'S WHAT THEY SAY:

#### Chambers & Partners 2019

"...meticulous in case preparation... identifies the key issues in a case clearly and quickly."

"Extremely bright and energetic... very approachable, very thorough in preparation, and very hands-on and strategic in planning."

#### Chambers & Partners 2018

"He is a very good advocate, clear and persuasive - and juries love him."

"His written work is excellent and he is able to absorb a huge amount of evidence quickly and methodically."

"He is just so wonderfully calm, thoughtful and thorough."

#### Chambers & Partners 2017

"He is extremely wise, great to work with and clever as hell."

"He offers very impressive advocacy."

"Very approachable, thorough and committed to the needs of vulnerable clients."

Criminal Justice and Human Rights (3rd Ed, Sweet & Maxwell) and Prison Law (5th Ed., OUP).

## NOTABLE CASES

Raj's notable cases include:

### Public law and human rights

- **R(DA and DS) v Secretary of State for Work and Pensions [2019] UKSC 21, [2019] 1 WLR 3289** – challenge to human rights compatibility of revised benefit cap.
- **Langford v Secretary of State for Defence [2019] EWCA Civ 1271** – successful human rights challenge to exclusion of unmarried partners from armed forces death in service benefits on grounds of marriage to a third party.
- **R(SC and ors) v Secretary of State for Work and Pensions [2019] EWCA Civ 615** – challenge to two child restriction on receipt of child tax credit.
- **Begg v Her Majesty's Treasury (on-going) [2017] EWHC 3329 (Admin)** - challenge to asset freezing order imposed under anti-terrorism powers against Mr Begg – a former Guantanamo detainee - on the basis of support provided to Syrian opposition.
- **R(Carmichael and Rourke and ors) (formerly MA and ors) v Secretary of State for Work and Pensions [2016] UKSC 58, [2016] 1 WLR 4550** – challenge to human rights compatibility of the bedroom tax by persons with disabilities and victims of domestic violence.
- **R(Tigere) v Secretary of State for Business Innovation and Skills [2015] UKSC 57, [2015] 1 WLR 3820** – challenge to exclusion of non-nationals with time-limited leave to remain from eligibility for student loans.
- **R(Catt) v Commissioner of Police of the Metropolis [2015] UKSC 9, [2015] AC 1065** – challenge to compatibility of retention of personal data of a peaceful protestor on a domestic extremist police database with Article 8.
- **R(Khatib) v Secretary of State for Justice [2015] EWHC 606 Admin** – judicial review of the review procedure for assignment to High Escape risk status of a Category A terrorist prisoner.
- **R(Miranda) v Secretary of State for Foreign and Commonwealth Affairs and ors [2014] EWHC 255 Admin, [2014] WLR 3140** – judicial review of detention (and seizure of Snowden files) of partner of Guardian journalist, Glen Greenwald, under Schedule 7 Terrorism Act 2000.
- **Daniel v State of Trinidad and Tobago [2014] AC 1290, [2014] 2 WLR 1154** – appeal to Privy Council against conviction for murder and death penalty, considering availability of provocation defence to felony murder; and challenging Constitutionality of application of mandatory death penalty for felony-murder.
- **Masatafa v HM Treasury [2012] EWHC 3578 (Admin), [2013] 1 WLR 1621** – application of Article 6 and common law fairness requirements of disclosure to special advocate appellate regime to challenge terrorist asset freezing orders.
- **R(London Borough of Lewisham and others) v Assessment and Qualifications Alliance and ors [2013] EWHC 211 (Admin), [2013] PTSR D18** – acted for the Office of Qualifications and Examinations Regulation in challenge to English GCSE marks.

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- **R(Botmeh and Alami) v Health Professions Council [2013] EWHC 1895 (Admin)** – judicial review of the health profession’s regulator’s summary rejection of complaint regarding registrant’s use of un-validated psychological risk assessment tools to assess risk of terrorist reoffending during Parole Board process.

#### **Civil actions against the police**

- **Mohidin and Khan v Commissioner of Police of the Metropolis [2015] EWHC 2740 QB** – High Court civil action for racially motivated assault and false imprisonment of two teenagers by TSG officers in which the Commissioner took the highly unusual step of joining the individual officers as Part 20 Defendants. Led by Philippa Kaufman QC.
- **Ebrahimi v Chief Constable of Avon and Somerset** – acted for family of Bijan Ebrahimi, an Iranian refugee, who was kicked to death and his body burnt by neighbours on the Bristol Estate he lived on following repeated pleas for assistance to the police to protect his life.
- Instructed in numerous successfully settled civil actions against the police at pre-trial and at mediation

#### **Inquest and Inquiries work**

- **Grenfell Tower public inquiry** – Raj is currently instructed by 277 bereaved, survivors and residents in this on-going Inquiry.
- **Inquest into the death by hanging of Amy El-Keria** - Article 2 inquest into the death by hanging of an informally detained child with serious mental health issues at Ticehurst House run by the Priory Group– the jury returned highly critical narrative conclusions and a conclusion of neglect and the Senior Coroner made a wide-ranging preventing future death report.
- **Inquest into the death of Jagdip Randhawa** – Article 2 Inquest into the death of a student seriously assaulted by a professional boxer at large in breach of bail conditions who was then subject to serious failings in the care provided by the hospital– the jury returned critical narrative conclusions regarding both the police and hospital staff’s actions and a conclusion of neglect in respect of the medical care.
- Advised BBC Trust on Dame Janet Smith (and Linda Dobbs) review into the activities of Jimmy Savile (and Stuart Hall) during their time at the BBC.
- **Inquest into the death of Daniel Byrne** - Article 2 jury Inquest into the death by hanging of a mentally unwell prisoner at HMP Woodhill. Narrative jury findings of a number of failings. The Senior Coroner issued a preventing future death report.
- **Inquest into the death of Dwayne Harper** - Article 2 jury Inquest into the death by hanging of a mentally unwell prisoner held in the segregation unit of HMP Woodhill. Narrative jury findings of a number of failings. The Senior Coroner issued a preventing future death report..
- **Azelle Rodney Inquiry** – concerning a fatal police shooting. The inquiry was set up under the Inquiries Act 2005 to circumvent difficulties with the disclosure of intelligence evidence, which prevented an Article 2 compliant inquest being concluded (led by Jonathan Glasson QC).
- Instructed in various post-Inquest civil claims.

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#### Access to justice:

- **Andrea Brown v Commissioner of Police of the Metropolis [2018] EWHC 2471 QB** – appeal concerning correct construction of mixed claims exception to Qualified One Way Cost Shifting provisions.
- Instructed by EHRC to assist with aspects of its Legal Aid Inquiry.

#### Notable Tribunal cases (miscellaneous):

- **GO and HO –v–Barnsley MBC (SEN) [2015] UKUT 0184 (AAC)** – SEN appeal concerning inter alia validity and composition of First Tier Tribunal when composition of Tribunal is altered between two hearings.
- **DEFRA v Information Commissioner and Badger Trust [2014] UKUT 0526 (AAC)** – represented Badger Trust in Environmental Information Regulations appeal regarding withholding of Risk and Information Logs by DEFRA relating to the formulation of the Government's controversial badger culling policy.
- **SC v London Borough of Hackney [2012] UKUT 214 (AAC)** – a lead appeal concerning parents' entitlement to challenge Academy admission decisions under the SEN appeal regime in Part IV of the Education Act 1996.

#### Other advisory work:

- Raj has undertaken wide-ranging advisory work for regulators and other public bodies, including the Equality and Human Rights Commission, the BBC Trust, the Financial Conduct Authority, the Office of Fair Trading and the Independent Police Complaints Commission.

#### Pro bono:

- Raj regularly accepts instructions on a pro bono basis. This work has ranged from representing clients before the First Tier Tribunal in SEN and immigration matters, to applications for judicial review in the High Court, applications to the European Court of Human Rights, and appeals to the Privy Council.
- Raj represents immigration detainees seeking immigration bail who are assisted by Bail for Immigration Detainees (<http://www.biduk.org/>).
- Raj supervises student volunteers representing pupils permanently excluded from school who are seeking a review of their permanent exclusion via the City/Matrix Exclusions Project.
- Raj was formerly a pro bono legal advisor at the Waterloo Legal Advice Centre.

#### NOTABLE PUBLICATIONS/RESEARCH WORK

- Co-author, **Blackstone's Guide to the Human Rights Act**, 7th Ed., OUP.
- Co-author, **'Judicial Review: A Practical Guide'** Jordans.
- Contributing author, **Prison Law**, 5th Ed., OUP.
- Contributing author, **Criminal Justice and Human Rights**, 3rd Ed., Sweet & Maxwell.
- Researcher, **'The Evolution of Fundamental Rights Charters and Case Law: A Comparison of the United Nations, Council of Europe and European Union systems of human rights protection'**, Study for the

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European Parliament Policy Department: Citizen's Rights and Constitutional Affairs, European Parliament, February 2011.

• Co-author, **The Relationship Between Rights and Responsibilities**, Ministry of Justice Research Series, December 2009.

## MEMBERSHIPS

- Administrative Law Bar Association
- Human Rights Lawyers Association (former Executive Committee Member)
- Young Public Lawyers Group (Committee Member)
- INQUEST
- Legal Action Group
- Liberty
- Police Action Lawyers Group
- UK Constitutional Law Association
- Young Legal Aid Lawyers

## EDUCATION

- BCL, Oxford University (2008)
- LPC, Oxford Institute of Legal Practice (2005)
- BA Law (1st Class), Oxford University (2004)

Raj is regulated by the Bar Standards Board and accepts instructions under Standard Contractual Terms, details of which can be found on our website under Code of Conduct.