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## JAMES STANSFELD

### MAIN AREAS OF PRACTICE:

Crime and Regulatory Law  
Extradition and Mutual  
Assistance  
Fraud, Financial and Business  
Crime  
Human Rights  
Immigration, Asylum and Free  
Movement  
Inquests and Inquiries  
Public Law

### Called to the Bar 2008

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Paul Venables, Senior Practice  
Manager  
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Recommended in Legal 500 2019 as a “real star of the extradition bar” and by Chambers and Partners 2017 as “academically very impressive”, James specialises in extradition, human rights and public law. In extradition he is regularly instructed to act for both requested persons and Governments in complex extradition cases. He has appeared twice before the Supreme Court and regularly appears before the Divisional and Administrative Courts. In public law he is frequently instructed by the Government in sensitive and complex judicial reviews, immigration proceedings and matters involving closed material and national security.

### EXTRADITION LAW

James is an experienced extradition practitioner. He acts for both requested persons and requesting States in Part 1 and Part 2 cases. James often acts in some of the most complex cases and has particular expertise in arguments regarding the validity of requests. He acted in *Alexander v France*, the seminal case on s.2 and the ability to correct invalid EAWs. He has often been successful in cases in which there has been considerable delay and he has acted in the majority of the lead cases on prison conditions in Part 1 territories, including Portugal, Lithuania, Romania, Hungary and Greece.

James has significant expertise in Part 2 requests, having appeared for the Turkish, Albanian and Norwegian Governments and represented individuals sought by countries including the Russian Federation, Falkland Islands, United States, Turkey and the Ukraine.

James is always available to advise on the merits of an appeal against an order for extradition and on challenges to Interpol Red Notices.

### NOTABLE CASES

#### Supreme Court

**Goluchowski & Sas v Poland [2016] 1 WLR 2665** – Whether section 2(6) Extradition Act 2003 requires a conviction EAW to contain details of the domestic warrant and the decision activating any suspended sentence.

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## DIRECTORIES' RECOMMENDATIONS

“Displays great technical ability when deciphering warrants and is good at analysing criminal judgments from other jurisdictions.”

“He is always willing to look at his cases in an inventive way and he’s good at drilling through the technical detail.”

Chambers & Partners 2019

“A real star of the extradition Bar – he is always on top of the paperwork.”

Legal 500, 2019

“He has a real talent for identifying and developing groundbreaking legal points”

Chambers & Partners 2018

“Praised by sources for his advocacy skills.”

“Very, very bright and academically very impressive.”

“He has great drafting skills, is extremely good at the technical aspects of the law, and is good at communicating complex problems in a very clear way.”

Chambers & Partners 2017

James was instructed by Lawrence & Co for Mr Goluchowski and was led by Clare Montgomery QC.

**Bucnys & Ors v Ministries of Justice of Lithuania & Estonia [2013] 3 WLR 1485** – Whether a Ministry of Justice could be a ‘judicial authority’ for the purposes of s.2 of the Extradition Act 2003.

### Divisional and Administrative Court

**Henriques v Portugal [2019] EWHC 1998** - Challenge to extradition on the grounds of prison conditions in Portugal and Mr Henriques’ ill-health. The challenge also considered a breach of the generic assurance provided by Portugal. James was instructed by [Kate Gould of Bindmans](#), for Mr Henriques and led by Steven Powles QC.

**Krupeckiene v Lithuania [2019] EWHC 569** – Challenge to whether, in light of decisions of the CJEU and the Supreme Court of Ireland, the Lithuanian Prosecutor General’s Office was a judicial authority.

**Grozavu v Romania [2018] EWHC 2606 (Admin)** – Clarification of the law on the validity of EAWs where there is a merged sentence of imprisonment. James was instructed by [MW Solicitors](#) for Mr Grozavu.

**Mohammed v Portugal (No.1) & (No.2) [2018] EWHC 225 (Admin) & [2017] EWHC 3237 (Admin)** – The first successful challenge to extradition to Portugal on the grounds of prison conditions. James was instructed by [Lawrence & Co solicitors](#) and led by Alex Bailin QC.

**Ristea v Italy [2018] EWHC 1876** – Successful challenge to extradition to Italy to serve a nine year sentence of imprisonment which had been served in Romania following a transfer of that sentence by the Romanian authorities without Italy’s consent. James was instructed by MW Solicitors.

**Alexander v France [2018] Q.B. 408** – Seminal case on the validity of European arrest warrants. The Court reviewed conflicting Supreme Court and CJEU authority and identified the basis on which further information can be used to correct deficiencies in EAWs. James was instructed by Powell Spencer & Partners and led by Helen Malcolm QC.

**Owda v Greece [2017] EWHC 1174 (Admin)** – A high profile request for the extradition of Mr Owda to face prosecution for people trafficking. James successfully represented the Greek authorities.

**Marku & Murphy v Greece [2016] EWHC 1801** – Determination of the compatibility of extradition with article 3 ECHR with respect to Korydallos Men’s Prison and Nafplio Prison.

**GS & Others v Central District of Pest, Hungary [2016] 4 WLR 33** –The leading case on the compliance of prisons in Hungary with article 3 ECHR and whether the generic assurance provided by the Hungarian authorities met any risk of an article 3 violation. James, led by Alex Bailin QC and instructed by [Tuckers Solicitors](#), acted for one for the four Appellants.

**Balaeiharis v Greece [2015] EWHC 3965** – Examination of prison conditions in Korydallos Men’s Prison, the fairness of proceedings and the proportionality of the sentence imposed. James acted for the Greek authorities.

**Blaj, Roman & Trebuian v Romania [2015] EWHC 1710** – Leading case on the compatibility of extradition to Romania with article 3 ECHR and on whether the generic assurance met the risk of article 3 mistreatment. James

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acted for Mr Roman, instructed by [Tuckers Solicitors](#).

**Kandola v Germany** [\[2015\] 1 WLR 5097](#) – The first Divisional Court decision on the interpretation and approach to take under s.12A of the Extradition Act 2003. James was instructed by Russell Nicholson of Tuckers Solicitors and led by Mark Summers QC.

**Ilia v Greece** [\[2015\] EWHC 547](#) & [\[2014\] EWHC 2372](#) – High profile request for the extradition of Ms Ilia, a former judge in Greece, on charges of bribery and corruption.

**France v Charbit** [\[2015\] 1 WLR 2341](#) – Decision on the limits of compliance with s.2 of the Extradition Act 2003 and whether information contained in an annex to the EAW could supplement the EAW. James was instructed by Lewis Nedas for Mr Charbit.

**Aleksynas & Others v Lithuania** [\[2014\] EWHC 437](#) – Seven cases were joined in this challenge to the prison conditions within the penitentiary system in Lithuania. The case involved examination of assurances given by foreign states and abuse of process arguments. James, led by Alun Jones QC, successfully represented the Lithuanian authorities.

**Brodziak, Madej, Dunec and Marczuk v Poland** [\[2013\] EWHC 3394 \(Admin\)](#) – Considered the approach of the Courts when extraditing under aggregate sentences. James was instructed by [Kaim Todner Solicitors](#) and was junior for Mr Madej.

**Lettieri v Italy** [\[2013\] EWHC 1530 \(Admin\)](#) – Successful challenge to the request for Mr Lettieri's extradition to serve a seven- year sentence following a conviction in his absence in 1999 on the ground of oppression. James was instructed by Lewis Nedas Solicitors.

#### **Westminster Magistrates' Court**

**France v B** [\[February 2019\]](#) – Successful challenge to a request for Mr B's extradition for involvement in people trafficking on the grounds of article 3 ECHR.

**USA v Abdullah** [\[January 2019\]](#) – Challenge to extradition to the United States for prosecution for credit card fraud. James was instructed by Marie Bourke at Russell Cooke LLP.

**Republic of Turkey v Ipek, Celik & Buyuk** [\[November 2018\]](#) - High profile request for the extradition of three individuals alleged to have been part of the Gülen movement in Turkey and sought for numerous offences, including attempting to overthrow the Turkish Government. James acted for the Government of Turkey.

**USA v Smith** [\[July 2018\]](#) – Challenge to extradition to the USA to face prosecution for the offence of murder. James was instructed for Mr Smith by Shearman Bowen Solicitors.

## **PUBLIC LAW & HUMAN RIGHTS**

James is frequently instructed to act in leading public law cases with national security and/or criminal features. He has appeared for the Government as junior before the Supreme Court, High Court and SIAC. James has acted in TPIM (Terrorism Prevention and Investigation Measures Act 2011) proceedings and was instructed as junior in the first ever Temporary

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Exclusion Order' (under the Counter-Terrorism and Security Act 2015) imposed on a returnee from ISIL-controlled territory. He acts in judicial reviews against immigration decisions, damage claims against the Government and inquests.

James' current instructions include challenges by the Secretary of State for the Home Department to deprive individuals of their British nationality or exclude them from the United Kingdom, on going advice on disclosure into legacy inquests in Northern Ireland and he is junior counsel to the Security Service in the Undercover Policing Inquiry.

With a criminal background and significant experience in human rights law James is always available to advise on challenges to decisions by public bodies.

## NOTABLE CASES

**Belhaj v DPP [2018] 3 WLR 435** - The first decision by the Supreme Court on the application of closed material procedures under the Justice and Security Act 2013 to judicial review challenges to decisions not to prosecute, in the context of the DPP's decision not to prosecute a UK intelligence services officer for his alleged involvement in extraordinary rendition. James was led by Sir James Eadie QC and Ben Watson.

**Abdule v Foreign and Commonwealth Office [2018] EWHC 3596** - Junior counsel in this successful application under s.6 Justice and Security Act for a declaration that a closed material application could be made to the Court in this civil claim for damages for alleged breaches of the Claimant's human rights. The claim was subsequently withdrawn.

**E3 N3 v SSHD (SC/138/2017 & SC/146/2017)** - Junior counsel for the Secretary of State in this challenge on the issue of statelessness following a decision to deprive E3 and N3 of their British nationality. SIAC has granted the Secretary of State permission to appeal to the Court of Appeal.

**T2 v SSHD (SC/129/2016)** - Junior counsel for the Secretary of State in this appeal against a decision to exclude T2 from the United Kingdom. The Commission upheld the Secretary of State's decision.

**SSHD v LG, IM & JM [2017] EWHC 1529 (Admin)** - Junior counsel for the Secretary of State in three TPIM proceedings brought against members of Al-Muhajiroun.

**Secretary of State for the Home Department v EB [2016] 1970 (Admin)** - Junior counsel for the Secretary of State in EB's section 9 review and section 16 appeal against his TPIM.

**R (on the application of Kozlowski) v Serious Organised Crime Agency [2013] EWHC 1741** - James was instructed to represent the interested party in this unsuccessful application to judicially review a decision to continue to remove the applicant pursuant to an extradition order.

## APPOINTMENTS

Attorney General's Panel C – 2014

Crown Prosecution Service Specialist Panel – Extradition Grade 4

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## PROFESSIONAL MEMBERSHIPS

Human Right's Lawyer's Association  
Defence Extradition Lawyer's Forum (Treasurer)  
Criminal Bar Association

James 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.