



John R.W.D. Jones

Year of call: 1992

Office: London

doughty street chambers



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Specialist Areas

Extradition

International Law

Human Rights

Overview

John Jones specialises in the law of extradition, war crimes and counter-terrorism. In addition to his domestic practice, which has included cases before the House of Lords, Supreme Court and the Privy Council, John has appeared as counsel before a number of international courts and tribunals, including the International Criminal Tribunal for the former Yugoslavia, the Special Court for Sierra Leone and the European Court of Justice.

John read Philosophy, Politics and Economics as an open exhibitioner at St. Edmund Hall, Oxford University where he gained an M.A.. He also has an M.A. in Law from City University in London and an LL.M. from George Washington University in Washington, D.C.

John is also admitted to practice law in the District of Columbia, USA and the Kingdom of Cambodia.

Counter-terrorism and financial sanctions

John is acting in several cases involving United Nations Security Council counter-terrorism sanctions imposed against individuals and entities allegedly associated with Usama bin Laden, Al-Qaeda and the Taliban network. He is advising four individuals and one entity placed on the United Nations Consolidated List about the de-listing procedures and avenues for legal redress both in domestic courts and before the Court of Justice of the European Communities (ECJ), which have so far engaged two separate proceedings before the ECJ (*Abdulbasit Abdulrahim v. Council and Commission*; *Faraj Hassan v. Council*) and one set of domestic proceedings involving asset-freezing against the Foreign and Commonwealth Office. John has also acted in control order cases under the *Prevention of Terrorism Act 2005* and has acted in extradition cases relating to terrorism. He is co-author (with Dr Miša Zgonec-Rožej) of an article which appeared in the Law Society Gazette in September 2009 entitled "Freezing assets of 'terrorists' - how fair is the UN sanctions committee?"



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Extradition

John is a specialist extradition practitioner and author. He publishes the Extradition Law Handbook (Oxford University Press, 2005, with Arvinder Sambei), and the Extradition Law Reports (Southside Legal Publishing, 2007). He has appeared on behalf of requested persons, foreign governments and judicial authorities in a large number of extradition proceedings. He has represented, among others, governments and judicial authorities of the Czech Republic, France, Germany, HKSAR, Hungary, Ireland, Italy, Latvia, Lithuania, New Zealand, Norway, Poland, Portugal, Russia, Spain, Sweden, Turkey, Ukraine and the United States. In 2007, he was seconded to the Extradition Unit of the Crown Prosecution Service's Serious Crimes Division, where he was responsible for preparing extradition requests on behalf of the CPS and representing foreign states and judicial authorities in extradition proceedings in the English courts.

War crimes

Since 1995, John has worked as an international criminal lawyer, practicing at the war crimes tribunals for the former Yugoslavia, Rwanda and Sierra Leone. He has recently been involved as counsel in three separate war crimes cases (Mehmed Alagić, Naser Orić and now Rasim Delić).

Between 1995 and 1999, he worked for the International Criminal Tribunal for the former Yugoslavia (**ICTY**) in The Hague, as a law clerk and then associate legal officer to Judge Antonio Cassese, the first President of the ICTY. In 1998, John worked at the International Criminal Tribunal for Rwanda, in Arusha, Tanzania, as an associate legal officer, where he helped draft the first judgment on genocide.

In 2003, John was the first acting Principal Defender of the Special Court for Sierra Leone (**SCSL**), in Freetown, Sierra Leone. In that capacity, he helped to set up the SCSL Defence Office and represented suspects and accused appearing before the SCSL - including a former Government minister, rebel (RUF) leaders and members of the AFRC junta - and assigned defence teams. He filed briefs and appeared in court on behalf of suspects, devised a legal aid system for the SCSL, and appeared on Sierra Leonean radio and television to explain the role of the Defence in international criminal trials.

Since 2001, John has been involved in international criminal defence work. He represented



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Naser Orić - the wartime commander of Srebrenica in Bosnia & Herzegovina - in his trial and appeal before the ICTY from 2003-2008. Orić was fully acquitted of all charges on appeal

John has also appeared before the ICTY in two other cases

- co-counsel in the case of Mehmed Alagić, a Bosnian Army General
- co-counsel in the appeal of Rasim Delić, the highest-ranking officer in the Army of Bosnia and Herzegovina, who was convicted on the basis of superior responsibility for crimes committed by mujahedin in Bosnia.

John has published and lectured extensively in the field of war crimes law. He has advised governments and international organisations on war crimes issues.

John has also taught international criminal law at the London School of Economics.

In 2009, John submitted written evidence to the Parliamentary Joint Committee on Human Rights in relation to amending the law on genocide, crimes against humanity and war crimes to allow retrospective prosecutions under the ICC Act 2001 (Parliamentary Joint Committee's 24th Report of Session 2008-09 ("Closing the Impunity Gap: UK law on genocide (and related crimes) and redress for torture victims")). John also acted as principal legal consultant for the Aegis Trust, the UK's Genocide trust, which successfully campaigned for a change in the law, resulting in section 70 of the Coroners and Justice Act 2009, enabling genocide, crimes against humanity and war crimes committed since 1 January 1991 anywhere in the world to be prosecuted in the UK, where the perpetrator is British or a British resident.

Criminal law

John's criminal practice includes Crown Court trials for serious offences, including robbery and aggravated arson, as well as District and General Courts-Martial.

Human rights / Civil liberties

John's practice encompasses human rights and civil liberties generally. He has an extensive pro bono practice, working with, among others, Fair Trials Abroad and the FCO's Pro Bono Panel, on



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cases involving the death penalty, prisoners abroad and/or extradition. For the past 3 years he has been listed in the "Legal Experts" directory in the field of Civil Liberties.

Asylum and immigration

John sits, part-time, as an Immigration Judge of the First-tier Tribunal (Immigration and Asylum Chamber). As an advocate, he has appeared for appellants in asylum applications.

International commercial arbitration

From 1999 to 2001, John worked for White and Case in Paris, practicing in international commercial arbitration and also lecturing, in French, at the Law Clinic of Paris (Université de Paris-I).

Public Access

John has now qualified and is available to take on public access work.

What the directories say

John is listed as a "band 2" extradition expert in Chambers & Partners' 2010 UK Guide. For the past 3 years he has also been listed in the "Legal Experts" directory in the field of Civil Liberties.

Recent Cases

- **Republic of Serbia v Ejup Ganic**
[2010] EWHC 878 (Admin)
Extradition request from Serbia
- **Orobator v Governor of HMP Holloway and Secretary of State for Justice**
[2010] EWHC 58 (Admin)
Repatriation of British prisoner from Laos - Repatriation of Prisoners Act 1984 and Prisoner Transfer Agreement with Laos - whether trial in Laos was a flagrant denial of justice - whether enforcement in the UK would breach Art 5 ECHR - setting a determinate sentence for a "transferred life prisoner" under section 273(2) of the Criminal Justice Act 2003



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- **Secretary of State for the Home Department v. Faraj Faraj Hassan Al Saadi**[2009] EWHC 3390 (QB)

Revocation of Control Order

- **Faraj Hassan (C-399/06 P) v. Council of the European Union and the European Commission**,3/12/2009 (Court of Justice of the European Union (Second Chamber))
EU law - restrictive measures taken against persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban - Regulation (EC) No 881/2002 - Freezing of funds and economic resources of a person following his inclusion in a list drawn up by a body of the United Nations - Action for annulment - Fundamental rights - right to respect for property, right to be heard and right to effective judicial review
- **Louca v. A German Judicial Authority (Supreme Court)**[2009] UKSC 4
Extradition to Germany - whether an EAW needs to refer to other EAWs issued for the same offence
- **Romanowski v Regional Court of Lublin, Poland**
[2009] EWHC 2878 (Admin)
Extradition to Poland - reference in EAW to fact of breach of bail - whether EAW sought extradition for offence of breach of bail
- **Secretary of State v. AS**
[2009] EWHC 2564 (Admin)
Control orders - disclosure - Article 6 of the ECHR
- **Sciezka (No. 2) v Sad Okregowy, Kielce, Poland**
[2009] EWHC 2748 (Admin)
Extradition to Poland - Passage of time - trial in absence - respect for first instance findings of fact
- **Sciezka v Sad Okregowy, Kielce, Poland**
[2009] EWHC 2259 (Admin)
Extradition to Poland - Validity of filing and serving unstamped notice of appeal



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- **R (Bary and Al Fawwaz) v. Secretary of State for the Home Department**

[2009] EWHC 2068 (Admin)

Extradition to the USA for alleged participation in a conspiracy to murder US citizens, US diplomats and other internationally protected persons in relation to 1998 bombings US embassies in Nairobi and Dar Es Salaam - whether conditions in "Supermax" federal prison constitute inhuman or degrading treatment or punishment - whether fair trial possible where defendant designated by US President as a global terrorist

- **Willcox (R on the application) v Ministry of Justice**

[2009] EWHC 1483 (Admin)

Repatriation of British prisoner from Thailand - Repatriation of Prisoners Act 1984 and Prisoner Transfer Agreement with Thailand - whether enforcement of sentence for drugs offences violated the ECHR because of its disproportionate length and/or breach of the right to a fair trial in Thailand

- **Navadunskis v Serious Organised Crime Agency**

[2009] EWHC 1292 (Admin)

Extradition to Lithuania - Judicial Review of SOCA's "decision" to remove extraditee after withdrawn appeal - Interaction of extradition and asylum law - remedies available where statutory appeal cannot be re-opened under CPR 52.17

- **Farnesi and Fawaz v Court of Livorno**

[2009] EWHC 1199 (Admin)

Extradition to Italy - whether EAWs sufficiently particularised and whether extradition compatible with human rights

- **Trenk v District Court in Plzen-Mesto**

[2009] EWHC 1132 (Admin)

Extradition to Czech Republic - appellant discharged on basis that it was unclear whether his extradition was sought as an accused person or merely for questioning

- **Moulay v Director of Public Prosecutions of Creteil France**

[2009] EWHC 1030 (Admin)

Extradition to France - Conviction in absence - whether EAW a conviction or accusation EAW



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- whether EAW sufficiently particularised

- **Spanovic v. Government of Croatia**
[2009] EWHC 723 (Admin)
Extradition to Croatia for war crimes - passage of time, psychiatric condition and extraneous circumstances - Articles 5, 6, 8 and 14 of the ECHR
- **Symeou v. Public Prosecutor's Office at the Court of Appeals, Patras, Greece**
[2009] EWHC 897 (Admin)
Extradition to Greece - abuse of process based on misconduct by Greek police.
- **R v Morton (William James)**
[2009] EWCA Crim 704 Appeal to Court of Appeal from General Court-Martial - Court-Martial ordering Newton hearing despite signed Basis of Plea, Goodyear indications
- **Hutton v Government of Australia**
[2009] EWHC 564 (Admin)
Extradition to Australia - psychiatric condition
- **Kalniets v District Court of Ogre**
[2009] EWHC 534 (Admin)
Extradition to Latvia - admissibility of fresh evidence in statutory appeal to High Court
- **Cleeland (R on the application of) v Criminal Cases Review Commission**
[2009] EWHC 474 (Admin) Judicial Review - alleged historical miscarriage of justice - status of lead tests for firearms discharge residue
- **Mucelli v Government of Albania/ Moulai v Deputy Public Prosecutor in Creteil, France (House of Lords)**
[2009] 1 WLR 276, [2009] UKHL 2
Extradition to Albania and France - Court's jurisdiction to vary time-limits for serving notices of appeal
- **Kwietniewski v Circuit Court in Tarnobrzeg Poland**



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[2008] EWHC 3121 (Admin)

Extradition to Poland - psychiatric condition and suicide risk

- **Louca v. The Office of Public Prosecutor in Bielefeld, Germany**

[2008] EWHC 2907 (Admin), The Times, 10 December 2008)

Extradition to Germany - whether an EAW needs to refer to other EAWs issued for the same offence

- **Olah v Regional Court In Plzen Czech Republic**

[2008] EWHC 2701 (Admin)

Extradition to the Czech Republic - District Judge refusing an adjournment - availability of judicial review in extradition proceedings

- **El Faragy v El Faragy & Ors**

[2008] EWCA Civ 884

Matrimonial finance - Article 6 of the ECHR

- **Bogdani v Albanian Government**

[2008] EWHC 2065 (Admin)

Extradition to Albania - rights of re-trial where conviction in absence

- **Moulai v Director of Public Prosecutions of Creteil France**

[2008] 1 WLR 2460, [2008] 3 All ER 226, [2008] EWHC 1024 (Admin)

Extradition to France - Court's jurisdiction to vary time-limits for serving notices of appeal

- **R (on the application of Hilali) v Secretary of State for the Home Department**

[2008] EWHC 905 (Admin)

Extradition to Spain - whether undetermined asylum claim is a bar to extradition to a third state

- **Wiercinski v. The 2nd Division of the Criminal Circuit in Olsztyn, Poland**

[2008] EWHC 200 (Admin);

Extradition to Poland - whether extradition may be ordered where aggregate sentence imposed for offences which include a non-extradition offence



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- **Prosecutor of the ICTY v. Naser Orić (IT-03-68-T) (International Criminal Tribunal for the former Yugoslavia)**

War crimes - command responsibility in relation to events in Srebrenica in 1992-1993

Publications

Among his publications, John has published the following books

International Criminal Practice (3rd edition, Transnational Publishers-Oxford University Press: 2003) by John R.W.D. Jones and Steven Powles

Extradition Law Handbook (Oxford University Press, 2005), co-author with Arvinder Sambei

The Rome Statute of the International Criminal Court: A Commentary (edited by Antonio Cassese, Paola Gaeta and John R.W.D. Jones) (Oxford University Press, 2002, 3 volumes)

The Practice of the International Criminal Tribunals for the former Yugoslavia and Rwanda (Transnational Publishers: Irvington-on-Hudson, NY, USA. 1st edition: 1998, 2nd edition: 2000)

Directorships

John is on the Board of Directors of the International Criminal Defence Attorney Association

He is also a director of Borneo Orangutan Survival

Memberships

Languages

John is a fluent French speaker and also proficient in Bosnian/Croatian/Serbian.