

## Ben Cooper KC



Call: 1999

Silk: 2020

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### Profile

#### What the directories say

*"Resolute and incisive, his analysis goes straight to the heart of the matter, and he is tenacious in putting legal strategies into effect."* - Legal 500 2024

*"Ben Cooper KC is exceptionally knowledgeable about extradition and international law, especially the human rights aspects. He is incredibly patient and empathetic, and obviously cares deeply about his clients."* - Chambers and Partners 2024

*"Ben is a brilliant barrister, who's highly intelligent."* - Chambers and Partners 2024

*"His tenacity and his dedication to his cases are excellent and he is always looking outside the box to help his client."* - Chambers and Partners 2023

*"He has an authoritative knowledge of the law in this field (Extradition)."* - Legal 500 2023

*"One of the best when it comes to defending American extradition requests. He is extremely knowledgeable and able to put forward very persuasive arguments orally and in writing. Ben is always approachable and caring of his clients."* - Chambers and Partners 2022

*"Ben is extraordinarily committed to achieving the best possible outcome for his clients and puts enormous effort into trying to do this." - Legal 500 2022*

*A "formidable defence advocate" who "is tireless in representing defendants." He is particularly experienced at handling US extradition requests and also highly capable of conducting extradition cases relating to complex human rights issues."One of the best senior juniors in extradition. He completely immerses himself in the case." "His dedication to the cause is impressive. He is very well known for high-profile American cases, which he does very well due to his extensive experience." - Chambers and Partners 2019*

## Overview

Ben acted for Gary McKinnon since his arrest in 2005 on a US extradition warrant all the way up to the House of Lords and European Court and for subsequent judicial reviews against the Secretary of State and DPP, finally securing his discharge on Article 3 grounds. He acts for Liberty defending a victim of serious domestic violence who is wanted in the US in relation to allegations of international child abduction. He represented Babar Ahmad and others accused of terrorism by the USA facing indefinite solitary confinement within federal Supermax prisons, ETA suspects, IRA suspects and terrorist allegations on the African continent.

Ben advises Governments on how to secure extradition agreements and local authorities on how to secure the return of fugitives. He defeated a German extradition request for IRA allegations before the High Court in Belfast. A number of his clients have obtained relief from the European Court preventing removal to the US on both Article 3 and Article 8 grounds.

Ben has successfully campaigned and lobbied Parliament for the introduction of the forum bar to extradition. He also received a landmark judgement from the Lord Chief Justice on the first extradition case to win on the new forum bar in the matter of **Lauri Love** (more information can be found [here](#)). He successfully defended Richard O'Dwyer against the US Government's request for his extradition for Copyright offences securing the first Deferred Prosecution Agreement to be used in the extradition context which resulted in his successful High Court appeal and subsequent withdrawal of all criminal charges against him in the US.

Ben has defended a number of large scale Cybercrime hacking cases before the English Crown Courts including Ryan Cleary the lead defendant in the prosecutions of LulzSec/Anonymous.

In November 2012, Ben was honoured by Liberty as Human Rights Lawyer of the Year. Ben has been highly recommended for many years in Chambers and Partners where he is top ranked as an extradition specialist and in The Legal 500 where he has been ranked top tier for his criminal law expertise.

Ben has successfully defended extradition cases taken on by Fair Trials International and is also a member of Fair Trials International's Legal Experts Advisory Panel, a formal network of defence lawyers, criminal justice NGOs and academics from across Europe which highlights priorities for reform in order to assure fair trial rights across the EU.

### **Related practice areas**

Extradition

Criminal Law

Criminal Appeals

Business Crime

Anti-Trafficking

International Law

International Criminal Law

International Human Rights Law

Public International Law

Data Protection and Information Law

Sanctions

Children's Rights Group

Climate and Environmental Justice

Foreign Jurisdiction Work

## **International Criminal Law**

Ben successfully defended the head of a human rights NGO in Kenya who was facing the death penalty in Uganda after travelling there to provide legal assistance to Kenyan citizens who had been unlawfully rendered to Uganda and he has acted on behalf of numerous death row prisoners in the Caribbean. After working at the Jamaica Council for Human Rights and representing the Council before the UNHRC he founded the Bar Caribbean Pro Bono Project providing trial assistance in capital murder trials in Jamaica.

Ben was counsel for Feroz Abbasi in the first legal challenge to both the regime at Guantanamo Bay and the UK's refusal to intercede on behalf of British citizens detained there. He since represented returning prisoners from Guantanamo Bay preventing further criminal proceedings against them in Spain.

He was called to the Bar of Northern Ireland in order to defend a historic IRA case concerning the bombing of a British army base in Germany. He has worked in Trinidad and Tobago as junior counsel for the Lord Mackay Royal Commission into the Administration of Justice and

later in defending a businessman facing fraud allegations (Piarco National Airport) in both Trinidad and the US, preventing his extradition to the US.

His international practice has included litigating cases against the Spanish Government before the European Court advising foreign nationals facing extradition and other criminal proceedings abroad and advisory work attacking unjustified Interpol red notices and immigration and asylum advisory work including challenging the denials of visas and refusals to repatriate and transfer prisoners to their home country.

## Extradition

Ben has acted in many of the landmark and most high profile extradition cases of recent years. He leads the Doughty Street Extradition team together with Edward Fitzgerald QC.

He presently defends US allegations of conspiracy to supply chemical weapons to Syria, a number of US extradition requests for fraud allegations, requests from Turkey alleging support for terrorism (PKK) and acted for Christopher Tappin defending the US request alleging that he conspired to supply missile parts to Iran. He won the first US extradition case in the European Court against the UK on Article 3 grounds.

Ben was counsel for the only successful appellant, F-K and her 5 children in the first extradition case (HH v Italy) in which the Supreme Court/House of Lords has ordered a defendant requested person to be discharged. It was also the first time it has upheld a human rights argument in extradition since the HRA was brought within the statutory extradition scheme. The case has transformed the approach courts must now adopt when faced with the Article 8 family rights of young dependent children to remain with parents facing extradition and the family rights of all facing extradition.

In a landmark case he prevented extradition by relying on the Defendant's right to life (Article 2) where the court accepted the defendant faced a "foreseeable, (perhaps very) real risk of death and torture" at the hands of the requesting Government authorities.

## Other Serious Criminal Offences

Ben defends the most serious cases in the Crown Court from multi billion pound frauds to murders. He specialises in defending Cybercrime allegations and has defended domestic Crown Court and US based prosecutions of high profile computer crime charges. He has secured notable acquittals on human rights grounds defending medical

cannabis users, importers of Peruvian Cacti and the English leader of the Brazilian Sainte Daime Church on Article 7 and 9 grounds for importing an ayahuasca based tea (alleged to be a class A drug) for his congregation in the UK. He recently secured the acquittal of a 12 year old boy on a GBH conspiracy before Southwark Crown Court.

## Criminal Appeals

Ben has brought 6 extradition appeals to the House of Lords and the Supreme Court and achieved the only two defence victories there under the 2003 Extradition Act and the first success on human rights grounds. He has brought a number of successful appeals to the Court of Appeal Criminal Division where he appears regularly and obtained a landmark victory against the UK before European Court of Human Rights against the UK on Article 3 grounds (re: the adequacy of mental health care in US federal prisons). He has acted in a number of significant appeals before the Privy Council, uncovering fresh eyewitness evidence resulting in successful appeals on Caribbean death penalty cases.

## Public Law

Ben has brought numerous judicial reviews against decisions of Ministers, Courts and public bodies arising out of criminal cases including the first public law challenge to Guantanamo Bay resulting in the High Court describing the regime in Cuba as "a legal black hole". His human rights based public law practice saw a successful Article 6 and 8 based challenge to Closure (eviction) Orders under the ASBO Act 2003 resulting in new due process guidance for those facing summary evictions (Cleary).

## Environmental Justice

- Founder and Chair of Doughty Street Chambers Green Team
- Founding Chair of Bar Council Climate Crisis Working Group

- Founded Bar Sustainability Network to coordinate the Bar's Net Zero transition
- Chair of Dream for Trees urban 'mini forest' planting charity – ([dreamfortrees.com](https://dreamfortrees.com))
- Duarte Agostinho & Ors v Portugal & 32 Other States App no. 39371/20 (European Court of Human Rights): Ongoing climate case test case challenging States' failures to take sufficient action to prevent dangerous climate change based on Articles 2, 3, 8 and 14 ECHR: instructed by Global Legal Action Network (GLAN)
- Advising in judicial review of decisions of the Environmental Protection Agency of Guyana to issue and amend licences awarded to ExxonMobil / Esso permitting methane flaring from its offshore oil rigs in Guyana
- Advising Extinction Rebellion protesters in relation to policing and prosecutions of protests