

Geoffrey Robertson KC



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Profile

He has had a distinguished career as a trial and appellate counsel, an international judge, and author of leading textbooks. He has argued many landmark cases in media, constitutional and criminal law, in the European Court of Justice; the European Court of Human Rights; the Supreme Court (House of Lords and Privy Council); the UN War Crimes courts; the World Bank's International Centre for Settlement of Investment Disputes (ICSID) and in the highest courts of many commonwealth countries.

Geoffrey has, as a jury advocate, appeared in many criminal trials at the Old Bailey and libel trials in the High Court. He has appeared in several hundred reported cases in the Court of Appeal (both civil and criminal divisions) and in judicial reviews in the High Court, and in subsequent appeals. He has a large advisory practice, for clients including governments, media corporations, NGO's and local councils.

Education

BA LLB (Hons) Sydney

BCL (Oxon) Rhodes Scholar

Honorary Degrees (Doctor of Laws) from Sydney, Brunel and Bucharest Universities.

Visiting Professor at Queen Mary College and the New College of the Humanities.

Related practice areas

International Law

International Criminal Law

International Human Rights Law

International Media Law

Sanctions

Public International Law

Data Protection and Information Law

Media, Defamation and Freedom of Expression

Homicide and Related Grave Offences

Geoffrey has defended in many trials of murder and other serious offences, and a number of associated appeals. He defended in R v Wang Yam, a three month Old Bailey trial in 2010 which frequently had to go into camera, but could not appear at the retrial in which the defendant was convicted. He appeared on appeal – see R v Wang Yam [2010] EWCA Crim 2072. Amongst his groundbreaking criminal appeal cases are R v Ahluwalia, which established the right of beaten women to plead diminished responsibility for killing their assailant partners as a result of traumatic stress disorders (this case was the subject of several books and a movie). He argued the landmark case of Pratt & Morgan v AG of Jamaica [1994] 2 AC1 in which the Privy Council ruled that the death sentence could not be carried out on men who had served several years on death row: as a consequence of this case, hundreds of convicts facing execution in the Caribbean have had their death sentences commuted.

Terrorism

Geoffrey appeared in the past in many high profile terrorist cases involving IRA suspects: the Brighton bombing (his client was the only defendant to be acquitted); and he successfully defended the IRA bomb-maker Dessie Ellis, the first Irish national to be extradited to the UK. He also defended in the “persons unknown” anarchist case (R v Ronan Bennett and ors) and successfully appealed the conviction in the ‘Winchester 3 case (R v McCann & ors, 92 Cr AppR239). He argued the leading case of R v Al Bashir Mohammed Al Faqih [2007] in which

the Court of Appeal determined the definition of “Terrorism” under the Terrorism Act 2000.

Criminal Appeals

Geoffrey has handled an array of appeals in criminal matters – from the most serious – see Pratt, above, and many other successful murder appeals in the Privy Council, such as R v Reid & Dennis [1990] AC 363 (seven convictions quashed through misdirection of eyewitness evidence) to the recent case of R v Mears [2011] EWCA Crim 2651. There, the Court of Appeal quashed the conviction of the man who over-promoted “Lapland” because a juror had been communicating via mobile telephone with her boyfriend in the public gallery. He has appeared in a number of “reference back” cases in the Court of Appeal on behalf of the Criminal Cases Review Commission, most recently (and successfully) R v Allen Stevens [2010] EWCA Crim 2630. He has also dealt with national security issues in the House of Lords – see R v Shayler [2002] UKHL 11 and issues such as the right of journalists to protect their sources of information – Goodwin v UK, [1996] 22 EHRR 123, a case which he won in the European Court after losing in every court below. Mr. Robertson has conducted many appeals involving important points of criminal law – e.g. R v Elizabeth Forsythe [1997] 2 Criminal Appeal reports 299, where he had the conviction of Asil Nadir’s assistant quashed, R v Felixstowe Justices ex p David Leigh [1994] 2 AC 1, which established the right of the press to know details of Justices trying criminal cases.

International Crime

Geoffrey Robertson served as a UN appeal judge, as President of the War Crimes Court in Sierra Leone (which indicted Charles Taylor), from 2002-2007, and delivered a number of groundbreaking judgments, e.g. on the illegality of recruiting child soldiers and the limits of amnesty. His book on international criminal law – “*Crimes Against Humanity*” is now in its fourth edition. He has appeared at the ICTY in the leading case of ex parte Jonathan Randall and the Washington Post, successfully establishing a testamentary privilege for war correspondents. He has a wide advisory practice in respect of war crimes and in 2008 was appointed by the UN to its Justice Council as a ‘distinguished jurist’ member.

Inquests and Inquiries

Geoffrey has appeared as counsel in some of the most publicised inquests of recent times, including that of Helen Smith (which inspired two books, one by Paul Foot), *R v West Yorkshire Coroner, ex parte Smith (No 2)*, [1985] Q.B.1096. He appeared in the first friendly fire inquest, Oxford Coroner's Court, 18th May 1992, on behalf of the families of nine British soldiers killed by American pilots in the first Gulf War. He also appeared for the family of Cynthia Jarrett, (Tottenham Coroner's Court, November 1985), in the inquest into the police raid which started the Broadwater Farm riots. Geoffrey's writing, both in newspaper articles and in his book "Freedom, the Individual and The Law" has contributed to recent changes in coronial procedures.

National Security

Geoffrey has argued the most important case on national security in recent times at first instance, court of appeal and House of Lords, namely *R v Shayler* [2002] UKHL 11. He was counsel for the main defendant, Duncan Campbell in the legendary "ABC" case (*R v Aubrey, Berry and Campbell*, 1978, unreported) which first led to the revelation of the existence of GCHQ. More recently, he was counsel for the New York Times and other international media in the important case of Binyan Mohamed, [2010] EWCA Civ 65, in the Divisional Court and Court of Appeal: he produced the evidence from the US that undermined the government's position. The appeal of Wang Yam, [2010] EWCA Crim 2072, which has a significant national security dimension, is in the Strasbourg court at present.

Extradition

Geoffrey is frequently consulted on cases of extradition. He has been engaged in recent years on behalf of Mr. Galbaransingh in Trinidad in a long-running case in which extradition has now finally been refused (there are extensive judgments at first instance and in the Court of Appeal),- *Galbarasingh v A-G of Trinidad and Tobago*, TT 2007 CA 44. He represented Julian Assange in the extradition proceedings before the District Court judge, [2010] EWHC 3473 (Admin), and has written about and provided legal opinions for the press on the attempted extradition of Gary Mackinnon.

Immigration - Asylum and Personal

Geoffrey acted for the Human Rights and Equality Commission in the very important case of *Najibullah Saeedi v The Secretary of State for the Home Department*, [2010] EWCA Civ 990, both in the Court of Appeal and in the European Court of Justice. This was the first case in which the court had interpreted the "right to dignity" in Article 1 of the Lisbon Treaty. The result changed the interpretation of the Dublin Convention and gave greater protection to immigrants and asylum seekers. Geoffrey has also acted in a series of important immigration cases in the High Court and Court of Appeal: see *Vasquez v Asylum and Immigration Tribunal* [2010] EWCA Civ 491 and *MW (DRC) v Secretary of State* [2011] EWCA Civ 1240 - the latter an important Court of Appeal decision on the approach to "settled immigrants".

Media Law and Defamation

Geoffrey has been at the forefront of media law and practice over the past thirty years and is the author of "Robertson & Nicol on Media Law (written with Sir Andrew Nicol, now a High Court judge. He has been counsel in many landmark media law cases such as *Jameel v Wall Street Journal (Europe)*, [2006] UKHL 44, where the House of Lords quashed an adverse jury verdict and developed a public interest defence for the media in defamation cases. Geoffrey acted for *The Times*, *The Guardian* and *The Economist* in the first media case heard by the Supreme Court, *AKMQG v Her Majesty's Treasury*, [2010] UKSC1, the "Alphabet Soup" decision where the court deprecated the use of acronyms to anonymise parties to litigation. He also acted in the High Court and Court of Appeal in a case brought to argue for public access to Royal wills: *in the matter of The Estate of HM Queen Elizabeth the Queen Mother v Robert Andrew Brown* [2007] UKHC 1607 (Fam). He conducted the defence of the *New York Times* in *Mardas v New York Times* (settled) [2008] EWHC 3135 (QB) and is currently appearing in two major libel actions, for Alexander Lebedev (proprietor of *The Independent* in *Polonsky v Lebedev* and for the Magnitsky campaigners in *Karpov v Bill Browder and Hermitage*. He has an extensive advisory practice and is called upon to provide advice to many newspapers, broadcasters and media corporations.