



Jennifer Robinson

Year of Call: 2016

j.robinson@doughtystreet.co.uk



Profile

Jen has a broad practice in media law, public law and international law. She has been instructed as junior counsel in the Court of Appeal in human rights related judicial review cases, has advised individual and state clients in international law and has given expert evidence at the UN and in Parliament. Jen has a particular focus on free speech and civil liberties, advising media organisations, journalists and whistle-blowers on all aspects of media law, including defamation, privacy, contempt, freedom of information, national security and reporting restrictions.

Many of her cases and clients are high-profile and involve novel cross-jurisdictional and comparative law issues. For example, recent cases include acting for the BBC World Service to take action against Iran for the persecution of BBC Persian staff and their families, the first time in BBC history that BBC journalists have appealed to the UN for their protection; advising Julian Assange and WikiLeaks on legal issues related to publication, asylum, extradition and international law; and is acting with French counsel for a group of NGOs from around the world in challenging the cross-jurisdictional impact of the right to be forgotten in Google v CNIL before the Conseil d'État and the European Court of Justice.



Before coming to the Bar, Jen created the Bertha Justice Initiative, a global program to support strategic public interest and human rights litigation and educate the next generation of human rights lawyers. From this work around the world, she brings a unique global network and comparative perspective to her practice. Having practised as a solicitor, she has an in-depth understanding of both sides of practice and is easy to use for professional and direct access clients.

Jen serves as a trustee of Article 19 and the Bureau for Investigative Journalism, as well as on the advisory board of the European Center for Constitutional and Human Rights. She is a founding board member of the Grata Fund, Australia's first independent public interest litigation fund, which has supported key strategic human rights cases. She has previously served on the Executive Committee of the Commonwealth Law Association and conducted trial observation and human rights missions for the International Bar Association.

Jen is a contributing author for media law texts Borrie and Lowe: *The Law of Contempt* (2010, 4th edition) and Philip Coppel QC, *Information Rights and Practice* (2014, 4th edition). She has also taught law at the University of Sydney and worked as a judicial associate.

She is admitted to practice in England and Wales and in Australia. She is also direct access qualified.

Media Law

Jen practises in media law in cases concerning free speech, reporting and newsgathering, freedom of information, misuse of information, data protection and privacy. She does pre-publication work and accepts instructions on a wide range of media law issues. Her advisory work and cases often involve an international and comparative perspective, advising media organisations, journalists, filmmakers and NGOs on their liability in the United Kingdom and advising on international protection issues for journalists around the world, often acting with co-counsel in other jurisdictions. Recent cases include:

- *BBC World Service v Iran*: acting for BBC World Service to represent BBC Persian staff in a complaint using UN Special Mechanisms over the harassment and persecution of journalists and their families, as well as the collective criminal investigation into crimes against national security and an associated asset freeze injunction against 152 current and former BBC Persian staff.
- *Google v CNIL*: acting with French counsel for a group of NGOs from around the world intervening in the French Conseil d'Etat appeal by Google against the French data protection agency decision that right to be forgotten orders must be implemented globally and the European Court of Justice referral.
- *Maurizi v Crown Prosecution Service*: acting for Italian journalist from La Repubblica in her freedom of



information case against the Crown Prosecution Service for correspondence related to the Assange case and potential US extradition request.

Jen brings a wealth of experience to the Bar from her previous experience as a solicitor, which involved acting on behalf of media organisations, journalists and human rights organisations on a wide range of issues before the English courts, the European Court of Human Rights, the European Court of Justice. Her case work included:

- Mohammed Jabar and Others v HM Treasury [2010] UK SC 1: acted on behalf of media interveners in the first application before the UK Supreme Court in a seminal case on anonymity and reporting restrictions, known as the “alphabet soup” case.
- United States v Manning (2011): represented WikiLeaks and Julian Assange in intervention in military proceedings of alleged source Chelsea Manning.
- Sanoma Uitgevers B.V. v the Netherlands, Application no. 38224/03, European Court of Human Rights (Grand Chamber), Judgment 14 September 2010: intervened on behalf media in relation to police seizure of journalistic material.
- Thesing and Bloomberg Finance v European Central Bank, Application T-590/10, European Court of Justice, Judgment of the General Court (Seventh Chamber), 29 November 2012: filed first ever freedom of information case in European Court of Justice against European Central Bank for access to information related to Greek financial crisis.
- Browning v Information Commissioner & Department for Business, Innovation & Skills EA/2011/0044: represented Bloomberg journalists challenging failure to provide information in relation to export controls to Iran and the use of closed hearings.
- Don Van Natta v Information Commissioner and Metropolitan Police Service, EA/2011/0106 & 0107: represented NYTimes in freedom of information claims against Metropolitan Police Service in relation to phone hacking investigations and advised on publication of related stories about the failure to prosecute key editors.
- Mosley v United Kingdom [2011] 53 E.H.R.R. 30: intervened on behalf of the media on the right to privacy.
- Mohamed, R (on the application of) v Secretary of State for Foreign & Commonwealth Affairs (No 2) [2010] EWCA Civ 158: intervened on behalf of the media on access to information related to UK use of torture.
- Affairs (No 2) [2010] EWCA Civ 158: intervened on behalf of the media on access to information related to UK use of torture.
- General Suharto v Time Magazine (2008), Jakarta Supreme Court: co-authored amicus brief for international interveners.
- John Alexis Mardas v New York Times [2008] EWHC 3135 [QB]: represented NYTimes in “libel tourism” defamation claim.

Public law

Jen has expertise in a range of public law work.



She is currently instructed with Caoilfhionn Gallagher QC and Katie O'Byrne to represent the AIRE Centre in R (Help Refugees Limited) v SSHD, the leading case on the Secretary of State's interpretation and implementation of her duties under s.67 Immigration Act 2016. ('the Dubs Amendment'). Help Refugees is challenging the lawfulness of the government's implementation of the Dubs Amendment and its refusal to allow more vulnerable, unaccompanied child refugees into the UK.

International law

Jen has advised states, organisations and individuals on a wide range of public international law issues, including on sensitive high-profile cases. She is experienced in engaging with UN special mechanisms and in conducting advocacy at the UN Human Rights Council, as well as broader high level diplomatic advocacy. Recent cases include:

- BBC World Service v Iran: acting for BBC World Service to represent BBC Persian staff in a complaint using UN special mechanisms over the harassment and persecution of journalists and their families, as well as the collective criminal investigation into crimes against national security and an associated asset freeze injunction against 152 current and former BBC Persian staff.
- Request for an Advisory Opinion on Asylum submitted by the Republic of Ecuador before the Inter-American Court of Human Rights: intervened in Inter-American Court with Spanish jurist, Baltasar Garzon, on developments in customary international law on diplomatic and political asylum.
- Lula v Brazil: worked with Geoffrey Robertson QC in President Lula's complaint to the Human Rights Committee in relation to fair trial issues in the corruption investigation and prosecution in Brazil.

She advises the United Liberation Movement for West Papua on international law issues, including on their claim for self-determination and international human rights claims.

Protest law

Jen advises social movements, NGOs and activists on protest rights and has been involved in challenging anti-protest injunctions. She is currently acting for environmental activist Joseph Boyd in INEOS Upstream Ltd v Persons Unknown, known as #INEOSvThePeople, challenging a sweeping anti-protest injunction aimed at preventing protests by the anti-fracking movement.

Extradition and Interpol

Jen provides advice to individuals, journalists and human rights defenders on extradition and Interpol-related issues.

In her previous work as a solicitor Jen acted in Swedish Prosecution Authority v Julian Assange (2010), defending Julian Assange in extradition proceedings brought by Sweden. She also initiated proceedings with Interpol on behalf of Nobel Peace Prize nominated West Papuan leader, Benny



Wenda, to challenge Indonesia's abuse of the Interpol system. This case became Fair Trials International's first test case on challenging the abuse of the Interpol system against political dissidents and human rights defenders, which led to a broader campaign for reform of the Interpol system.

Bar Admissions

Called to the Bar of England and Wales (2016)

Solicitor of England and Wales (2016)

Supreme Court of New South Wales, Australia (2006)

Education

LLB (First Class Honours), Australian National University

BA Asian Studies (Distinguished Scholar), Australian National University

BCL (Distinction), Balliol College, Oxford

MPhil in Public International Law, Balliol College, Oxford

Awards and Scholarships

UK Attorney-General Pro Bono Hero

Rhodes Scholarship

University Medal in Law, Australian National University

Attorney-General's Award for Outstanding Achievement in Law

Languages

Indonesian (fluent)

Malay (competent)