

## Tim Moloney KC



Call: 1993

Silk: 2010

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### Profile

Tim won the Legal 500 '**Crime and Extradition Silk of the Year**' for 2024.

Tim was one of the Lawyer Magazine's **Hot 100 Lawyers** for 2022.

### What the directories say

Tim is in Tier 1 for Crime Silks in the Legal 500 2024 and 2023 and is ranked in Band 1 amongst Crime Silks in Chambers and Partners 2024 and 2023. In international work, he is included in the Spotlight Table for International Criminal Law in Chambers and Partners 2023 and as a Leading Silk in International Crime and Extradition in the Legal 500 2023.

*"One of the best criminal silks working today, he's very clever and innovative and respected by judges."* - Chambers and Partners 2024

*"A skilled, empathetic silk with whom it's a privilege to work."* - Chambers and Partners 2024

*"Tim is a superstar. He commands great respect in the field and is highly regarded by judges, clients, opponents and colleagues."* - Legal 500 2024

*"Tim is a class act. Although he is intellectual in his approach he is naturally warm and so gets on with everyone and in particular his client and jurors. He is an excellent advocate and lawyer who combines those talents with hard work. He is a top silk in the field." - Legal 500 2024*

*"A supreme advocate and a great tactician. He is incisive and able to carry a jury or tribunal with his arguments.". "An intelligent, human, compassionate advocate, who is also a wonderful strategic thinker". "Tim is an absolute diamond. He is really nice to deal with and is really good with clients." - Chambers and Partners 2023*

*"Tim is at the top of his game. One of the few silk stars of the criminal Bar. Extremely able advocate. Fearless. Has complete authority with the court. Highly-regarded." - Legal 500 2023*

*"A phenomenally clever and dedicated lawyer." - Chambers and Partners 2022*

*"Watching Tim cross-examine is like watching an exorcism. He has a supernatural ability to expose the truth.". " Displays super judgement, has a very, very personable style and is charming in court." - Chambers and Partners 2020*

*"Absolutely first-rate." - Legal 500 2020*

*"Amazingly perceptive and detail-oriented, he has a brilliant grasp of the facts and takes a very strategic approach". "An absolute joy to work with and a barrister who is brilliant on his feet, incredibly thorough and just lovely." - Chambers and Partners 2019*

*He is highlighted as "a class performer with a tactical brain" who is "court smart" and "always on top of the materials." - Chambers and Partners 2018*

*"His intellect and knowledge are matched only by his compassion and humanity". "An 'outstanding' practitioner who is highly praised for his exceptional advocacy skills, client-handling abilities and intellectual acumen. "A phenomenal academic lawyer with an incredible grasp of detail." "He is dedicated and passionate, has astonishing recall and attention to detail, and possesses a truly incisive mind". "A remarkable barrister" Considered a "true professional" he is particularly accomplished when it comes to handling serious criminal matters involving terrorism and murder. He is also well known for his niche experience in advising on reviews of death penalty decisions resulting from the actions of British government departments." - Chambers and Partners 2017*

*"He is fiercely impressive and very effective in trials. He is a very personable advocate who is very smart - it's a lethal combination." "He is very attentive, very good on the detail, very articulate and very good at winning cases." "He is really bright, really committed, accessible, proactive, always there with the clients and a pleasure to work with." "He never makes clients*

*feel like they are an inconvenience, and he responds immediately."* - Chambers and Partners 2016

## **Overview**

Throughout his career, Tim has consistently acted in high profile cases involving allegations of homicide, fraud, terrorism and general crime including sexual offences. He also has extensive experience of all levels of appellate advocacy including in both the House of Lords and the Supreme Court. He has acted in a number of high profile, criminal law and death penalty related judicial reviews and has substantial experience in major extradition proceedings. Tim also advises high profile organisations (including media organisations pursuing investigations) on their exposure to involvement with acts of terrorism and does a large amount of pro bono work around the world on death penalty issues.

Following the completion of his Ph.D, Tim was a lecturer in law before being called to the Bar in 1993. He continues to write and lecture extensively on criminal law and procedure. He is the author of the sexual offences, terrorism and appeals sections of Blackstone's Criminal Practice and is the author of the sentencing chapters in Rook and Ward on Sexual Offences. Tim is also on the panel of experts for Halsbury's Laws.

Tim is also called to the Bar of Northern Ireland and the Bar of Ireland and is approved counsel at the International Criminal Court.

Tim Moloney KC is direct access qualified, if you would like to instruct him please **click here**.

## **Education**

Bachelor of Laws (Law and Politics)

Doctor of Philosophy

## **Related practice areas**

Criminal Law

Criminal Appeals

Media, Defamation and Freedom of Expression

International Law

International Criminal Law

Public International Law

International Human Rights Law

International Media Law

Inquests and Public Inquiries

Foreign Jurisdiction Work

Business Crime & Investigations

## Homicide and Related Grave Offences

Tim is one of the foremost practitioners in England in this area of law. At appellate level, he has recently appeared in the series of cases concerned with the law relating to joint enterprise, namely, **Jogee, Johnson and others**, and **Garwood and others**. He regularly defends in high profile murder trials.

## Terrorism

Tim's first terrorist case was **Kebilene and others** in 1997, a plot by members of the Algerian GIA. Since then he has been instructed in a great many of the major terrorist trials seen in this country.

For 10 years, he has been the author of the terrorism section of *Blackstone's Criminal Practice*. He advises a number of organisations on preventing their inadvertent involvement in terrorism in the course of their activities. He also regularly provides training around the world on terrorism and human rights for the United Nations and other organisations and regularly advises major media organisations on issues of disclosure.

## Extradition

Tim's first major extradition case was **Al Fawwaz and others** [2002] 1 AC 556, a case concerning the Bin Laden bombings of the US embassies in Dar es Salaam and Nairobi in 1998 which proceeded to the House of Lords.

Since then he has appeared in many extradition cases involving a range of clients including alleged members of the Naples Camorra, members of Irish Republican groups and individuals from a wide range of countries around the world. His most recent notable cases include **Algeria v K**, the first extradition of a person from the UK to Algeria and **Brown and others** [2017], the long-running proceedings against men accused of involvement in the 1994 Rwandan genocide.

## Criminal Appeals

Tim is one of the country's leading appellate advocates. He is regularly instructed in legally and factually complex criminal appeals in the Court of Appeal (including advice work on applications to the CCRC) and the Supreme Court. He is the author of the Appeals chapters in *Blackstone's Criminal Practice*. His recent cases include **Jogee**, **Johnson**, **Hewitt**. He has also appeared in a number of appeals in Court of Appeal in Northern Ireland.

## Regulatory and Financial Crime

Tim is very experienced in this area. He has acted in three major fraud trials in the past two years, one of which was prosecuted by the Serious Fraud Office and the other two by the Metropolitan Police specialist fraud team.

## Prison Law and Crime Related Public Law

Tim has represented a number of people subject to control order proceedings.

- **Secretary of State for the Home Department v BB** – Divisional Court and Court of Appeal, 2012 Control Order proceedings
- **Secretary of State for the Home Department v BF** – Divisional Court, 2011 Control Order proceedings
- **Secretary of State for the Home Department v AM** – Divisional Court and Court of Appeal, 2011 Control Order proceedings

He is regularly instructed in judicial review proceedings related to criminal law. His recent cases include:

- **GR v WPZ** – Divisional Court, 2014, judicial review of decision of CPS not to intervene in a private prosecution
- **AK** – Divisional Court, 2013, judicial review of decision of the CCRC

## International Crime

Tim has extensive knowledge of International Humanitarian Law, including its relationship with domestic law. He appeared before the Supreme Court 2013 in the leading case on the extent to which s.1 of the Terrorism Act 2000 has to be read down in the light of international law so as to exclude legitimate military acts perpetrated during a non-international armed conflict. (see **Gul** [2014] 1 Cr. App. R. 14).

Tim is also regularly involved in international training of lawyers on issues of terrorism and human rights for organisations including the United Nations Office for Drugs and Crime.

He also has a special interest in international maritime piracy, having written and been consulted on the subject on numerous occasions. He is acting in litigation on the transfer of pirate detainees to the Seychelles. He regularly delivers lectures on the law relating to maritime piracy to the Attorney General's Department of the Sultanate of Oman. Tim is also joint author of the chapter relating to piracy in 'Blackstone's Criminal Practice'.

He has recently advised in proceedings concerned with the imposition of sanctions by the European Union on a person suspected of close connections with the Syrian government.