

## Graeme L. Hall



Call: 2011

Email: [g.hall@doughtystreet.co.uk](mailto:g.hall@doughtystreet.co.uk)

### Profile

#### Extradition

Graeme is at the forefront of defence extradition work, both nationally and internationally, and regularly provides strategic advice and representation pre- and post- extradition request. Recent high profile work includes advising on the legal challenges to the proposed Hong Kong Extradition Bill.

Graeme exclusively defends extradition requests and specialises in high-value, complex fraud and international money laundering cases. Recent examples include a multi-million euro international carousel fraud (**Germany v C**); a multi-million euro fraudulent land transaction (**Romania v GP**); a £800m fraud (**Romania v AP**); and a multi-million dollar oil fraud (**Kenya v D**).

Graeme also defends heavy weight criminal extradition requests. Recent examples include murder (**Lithuania v Z**), child murder (**India v D**), and infanticide (**Italy v S**). Graeme has had numerous successes defending parents against extradition requests to protect their children's rights, and he remains at the forefront of prison conditions' litigation: from France, Romania and Lithuania to India and Kenya.

## **International**

Graeme represents individuals and (multi-)national companies before international tribunals including the European Court of Human Rights, the UN Human Rights' Committee and the UN Special Rapporteur on Torture. Graeme conducts Public International Law litigation and has advised on proceedings in other jurisdictions, including Hong Kong. Graeme is a founder member of the Centre for the Enforcement of Human Rights International (CEHRI), which conducts public interest litigation in Austria and around the world. Graeme worked extensively on death row in Uganda and continues to litigate death penalty appeals before the Privy Council.

## **Domestic**

Graeme has a growing domestic public law practice and recently appeared as led junior for Humanists UK arguing that the blanket ban on assisted suicide breaches Article 8 ECHR ( **Conway v SSJ**). Graeme advises in judicial review proceedings spanning criminal proceedings to public service closures. Graeme has achieved notable successes in contentious inquests involving state responsibility, including the inquests relating to Luisa Mendes and Luke Rhoden.

## **Education**

2011: Bar Professional Training Course, City Law School (Outstanding)

2009: MA in Healthcare Ethics & Law (2009), University of Manchester (Distinction)

2007: LL.B (Hons) English Law & French Law, University of Manchester/Lyon Université Jean Moulin III (Upper Second Class)

## **Languages**

French

## **Related practice areas**

International Law & Arbitration

Actions Against the Police and Public Authorities

Extradition

Criminal Law and Appeals

Inquests and Public Inquiries

International Criminal Law

Public International Law

## Extradition

### Notable recent and ongoing first instance cases include:

- **Cyprus v EM** – Representing mother of two young children whose extradition is sought by Cyprus for offences she was forced to commit whilst a victim of trafficking (instructed by Sonn Macmillan Walker).
- **Czech Republic v PM** – Defending extradition proceedings where the requested person was previously extradited and likely prosecuted in breach of specialty (instructed by Sonn Macmillan Walker).
- **Germany v D** - Successful compromise of extradition request for alleged EUR 6 million fraud (instructed by Sanders Law).
- **Spain v O’Flaherty** – Successful representation of an extradited person where Spain sought the UK’s consent to prosecute him for a further allegation of murder. Important guidance given by the Deputy Senior District Judge relating to consent provisions under the Extradition Act 2003. Further information **here** (instructed by Healey Kenyon McAteer).
- **Czech Republic v Balaz** – Successful discharge of a requested person whose surrender was sought for alleged £40,000 fraud (instructed by Neumans LLP).
- **Slovak Republic v K** – Successful discharge of mother of three children whose surrender was sought for alleged EUR 50,000 fraud (instructed by JD Spicer Zeb).
- **Kenya v Devani** – Representation of defendant sought for £50m petroleum fraud (led by Edward Fitzgerald QC, instructed by Neumans LLP).

### Recent and ongoing notable appeal cases include:

- **Lewicki v Italy** (2017) – Divisional Court appeal relating to inter alia whether the requesting state has flagrantly breached the Appellant’s fair trial rights under article 6

ECHR by convicting the Appellant at first instance while he was legitimately defending extradition proceedings (led by Mark Summers QC, instructed by Neumans LLP Solicitors. Graeme appeared alone at first instance).

- **Herbert v Germany** (2017) – Divisional Court appeal arguing inter alia that (i) the Court of Appeal in *R v Rogers* [2015] 1 WLR 1017 was wrong to find that s. 329 of the Proceeds of Crime Act 2002 has extraterritorial effect, and (ii) the Divisional Court decision in *Puceviciene and others v Lithuania and others* [2016] EWHC 1862 (Admin) was wrong in its interpretation of section 12A EA (which prevents extradition where the prosecution decisions have not been taken in the requesting state) (led by Helen Malcolm QC, instructed by Lansbury Worthington Solicitors. Graeme appeared alone at first instance).
- **MI and BI v Italy** (2017) – Divisional Court appeal relating to the right of children to be heard under Article 12 of the UN Convention on the Rights of the Child. In particular, whether and how district judges need to hear from children before making a decision regarding their parents' extradition (Graeme appeared alone at first instance. Instructed by Lansbury Worthington Solicitors).
- **Dabrowski v Poland** (2017) – Divisional Court appeal relating to the interaction between the 'proportionality bar' under s.21A EA and the use of Mutual Legal Assistance under s.21B EA (Judgment awaited. Graeme appeared alone on appeal. Instructed by Kaim Todner Solicitors).
- **Auzins v Latvia** (No 2) [2017] EWHC 48 (Admin) – Divisional Court appeal regarding whether extradition should be stayed under s.36B EA to allow a requested person to appeal his conviction from the Magistrates' Court (led by Geoffrey Robertson QC, instructed by Kaim Todner Solicitors).
- **Pakstys v Lithuania** [2017] EWHC 47 (Admin) – Divisional Court appeal regarding police corruption in Lithuania and abuse of process (Graeme appeared alone on appeal and at first instance, instructed by Hodge Jones and Allen).
- **K v Poland** (November 2016, unreported) – High Court appeal quashing order for extradition of mother of three children (instructed by Powell Spencer & Partners).
-

**Sunca and others v Romania** [2016] EWHC 2786 (Admin); [2016] A.C.D. 140 – Divisional Court appeal relating to Romanian prison conditions and retrial rights (led by Edward Fitzgerald QC, instructed by Shaw Graham Kersh. Graeme appeared alone at first instance).

- **Doci and Motiu v Italy** [2016] EWHC 2100 (Admin) – Divisional Court appeal relating to the interpretation of section 12A EA (led by James Lewis QC, instructed by Sonn Macmillan Walker Solicitors. Graeme appeared alone at first instance).
- **Iftimie v Romania** [2016] EWHC 1637 (Admin) – High Court appeal quashing order for extradition as the Appellant would not receive a retrial upon surrender (instructed by Dalton Holmes Gray Solicitors).
- **Auzins v Latvia** (No 1) [2016] EWHC 802 (Admin); [2016] 4 W.L.R. 75 – Divisional Court appeal relating to whether res judicata / issue estoppel applies to extradition proceedings, as well as the interpretation of “most exceptional circumstances” under section 14 EA (led by Geoffrey Robertson QC, instructed by Kaim Todner Solicitors. Graeme appeared alone at first instance).
- **Wawrzyczek v Poland** [2015] EWHC 2854 (Admin) – High Court appeal quashing order for extradition as the Appellant would not receive a retrial upon surrender (Instructed by Lansbury Worthington Solcitors).
- **R (Harkins) v Secretary of State for the Home Department** [2014] EWHC 3609 (Admin); [2015] 1 W.L.R. 2975 – Divisional Court judicial review challenging the compatibility of a “Life Without Parole” sentence in the USA with Article 3 ECHR.

## International Law

Graeme has a keen and developing interest in all areas of international law.

### **The following offers a flavour of his ongoing and recent work:**

- **OvaHerero and Nama Tribes:** Graeme continues to represent the OvaHerero and Nama Tribes seek restorative justice from the German Republic for the genocide committed at the turn of the 20th century (with Kirsty Brimelow QC, Emilie Gonin and Robert Murtfeld).
- **Rhoden v Spain:** Graeme continues to assist the family of Luke Rhoden seek justice

in Spain for the death of their son, who died after the Spanish police used excessive force (instructed by and REDRESS and Russell & Co Solicitors). Graeme appeared for the family at Luke's inquest where a jury returned a critical narrative of the police. See [here](#) for more background and press reports.

- **Tuffney v Panama**: Special Rapporteur on Torture found that Mr Tuffney was detained in prison conditions which amounted to inhuman and degrading conditions (led by the late John Jones QC, instructed by REDRESS). Graeme continues to assist with the ongoing fight for reparations. See [here](#) for more background.
- **Sargsyan v Azerbaijan; Chiragov v Armenia** – written submissions to the Grand Chamber of the ECtHR arising from the Nagorno-Karabakh conflict. The cases involved Article 1 jurisdiction (as a consultant to Lansky Ganzger & Partner).
- Assisted the late John Jones QC with a chapter on 'the Bar' in Elgar's Handbook on International Courts and Tribunals.
- Reviewer of the Handbook on European Data Protection Law by the European Union Agency for Fundamental Rights and the European Court of Human Rights (instructed by the Ludwig Boltzmann Institute)
- As a lawyer stagiaire, Graeme drafted admissibility judgments on applications to the ECtHR against the UK, assisted with Rule 39 applications, and assisted with important judgments such as **M.M. v. UK** concerning the retention and disclosure of cautions. Graeme also dealt extensively with applications from Greek Cypriots alleging human rights violations arising from the Turkish occupation of Northern Cyprus.
- In 2011 / 2012, Graeme was selected by the Centre for Capital Punishment Studies to set up and co-ordinate a project on **death row in Kampala**, Uganda, aiming to increase the capacity of capital offence defence lawyers. An account of Graeme's experience was published in the August 2012 edition of Counsel magazine (click [here](#)). Graeme has written a chapter on capital litigation strategies in Uganda for the Ashgate publication Capital Punishment: New Perspectives.
- **Benjamin and Ganga v The State** – drafting grounds of appeal following the UKPC's decision to remit the appellants' case to the Court of Appeal of Trinidad and Tobago following fresh medical evidence relating to their fitness to plead and ability participate in proceedings. The grounds also incorporated a challenge to the constitutionality of the death penalty for those suffering with mental impairment.
- **Human Dignity Trust** – pro bono advice regarding anti-homosexuality laws in other

jurisdictions.

- **Prosecutor v Hariri** – assisting the late John Jones QC with the defence of Badreddine before the Special Tribunal for Lebanon.

## Public Law

Graeme accepts instructions across the spectrum of public law.

### Recent and ongoing work includes:

- **R (Williams) v Shropshire County Council** (led by Nicholas Bowen QC) – successful challenge to library closure decision.
- **R (HH) v Camberwell Magistrates' Court** – challenge to a magistrate's decision not to stay the prosecution as an abuse of process.
- **R (Harkins) v SSHD** (with Edward Fitzgerald QC and Ben Cooper) – Articles 3 and 6 ECHR challenges to the Home Secretary's decision to extradite the claimant where he faces a mandatory sentence of life without parole if convicted.
- **R (Hadland) v Rhondda Cynon Taf County Borough Council** (with Nicholas Bowen QC) – successful consultation challenge to library closure decision. Click [here](#) for further information.
- **R (Irfan) v SSHD** (with John Jones QC) – challenge involving the compatibility of the notification requirements contained in Part IV of the Terrorism Act 2008 with Article 8 ECHR.
- **R (DW) v Bromley Magistrates' Court** – successful challenge to the Magistrates' refusal to appoint special measures for the claimant's trial.

## Inquiries and Inquests

Graeme provides legal advice and representation to bereaved families at Inquests, which extends to civil claims against the police and health Trusts, and judicial reviews of coroners' decisions.

## Recent and ongoing work includes:

- Inquest touching on the death of **CW** – Inquest before HM Assistant Coroner for Nottinghamshire concerning the death of a vulnerable young woman detained in Rampton Hospital. The inquest will explore the adequacy of the observations policy and staff training (instructed by Irwin Mitchell Solicitors).
- Inquest touching on the death of **Luke Rhoden** – Inquest before HM Assistant Coroner for Warwickshire concerning the death of a young man while in Ibiza Spain. The jury gave a critical narrative which found that the police in Ibiza caused or contributed to Luke's death by the use of excessive force. Graeme continues to assist Luke's family in the fight for justice in Spain. The case received much media attention - see **here** for more background (instructed by Russell & Co Solicitors, and with the assistance of REDRESS).
- Inquest touching on the death of **Luisa Mendes** – Inquest before HM Assistant Coroner for Warwickshire concerning the death of a woman in circumstances where the police did not respond to a 999. The jury gave a critical narrative and the police subsequently provided the family with an apology and compensation. The case received a much media attention – see **here** and **here** for further background (instructed by Hodge, Jones & Allen solicitors).
- Inquest touching the death of **Nico Reed** – HM Senior Coroner for Oxford found that Article 2 ECHR applies in private care homes (believed to be one of the first of such rulings following the Supreme Court decision in P v Cheshire West), and ruled that the death of Nico, a profoundly disabled young man, could have been prevented. This sad case generated much media interest – click **here** for further information (instructed by Irwin Mitchell Solicitors).