

Adam Wagner



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Profile

Adam has acted in some of the key public law and human rights cases of recent years, including test cases on human rights issues during the Covid-19 pandemic, major inquiries including into Covid-19 and Child Sexual Abuse, and leading cases on constitutional law and the right to protest. He is described in the leading legal directories as an *"an amazing practitioner"*, *"top of the game"* and *"at the frontier of developing a lot of the new case law in relation to human rights"* (**Chambers and Partners 2024**), and *"extremely incisive and a strong and effective advocate"* with an *"advocacy style [that] means he is able to hold the attention of the room with ease"* (**Legal 500 2024**)

Human rights, public and constitutional law

Adam is an experienced public and human rights lawyer. He often acts in cases involving developing areas of constitutional law and issues of the highest political sensitivity. He acted for intervenors in the Law Society's **successful judicial review challenge** to the Government's funding of Legal Aid, and in the **recent challenge** by the Scottish Government over its proposed gender recognition reform bill.

Free expression and the right to protest are areas of particular interest. He has acted in a number of the recent leading cases relating protest, including acting for women's rights organisation Reclaim These Streets in the leading case on protest rights in the pandemic, relating to the Metropolitan Police's response to the Sarah Everard vigil (**Leigh and Others**), in the first Court of Appeal judgment on protesters held in contempt of court (**Cuadrilla Bowland Ltd & Ors v Lawrie & Ors**), and in a number of leading cases involving **criminal damage and costs in contempt cases**.

Adam is a recognised authority on the law relating to Covid-19. His book, *Emergency State: How We Lost Our Freedoms in the Pandemic and Why it Matters*, was published in 2022, and he is currently a Commissioner to **Independent Commission on UK Public Health Emergency Powers**, chaired by Sir Jack Beatson. From 2020-2021, he was Specialist Advisor to Parliament's Joint Committee on Human Rights Inquiry into the government's response to the pandemic and assisted in the writing of five reports. He acted in a number of path-breaking cases relating to the pandemic, including the Good Law Project's **challenge** to the Metropolitan Police's refusal to investigate the Downing Street parties and two key judicial reviews of the hotel quarantine system, on the discriminatory impact of fees (**Boardman and Others**) and if hotel quarantine is compatible with the right to liberty (**Hotta and Others**). He **acted** for a range of people to secure their release from inhumane hotel quarantine conditions, such as **international journalists** and a severely disabled child, and obtained the first hotel quarantine **court injunction** of its type. He successfully acted for people unlawfully given fixed penalty notices including the first **withdrawal by police** of £10,000 FPNS against students. He acted in the **successful challenge** to the government's failure to fund equipment for children to engage in online learning during school closures and in two successful judicial reviews of failures by the Home Office to protect **asylum seekers** at Colnbrook IRCC and **immigration detainees** at Napier Barracks from COVID-19.

International law

Adam regularly acts in cases involving complex issues of international law, including international human rights law. He is currently acting for the families of British and British-linked hostages of Hamas in Gaza. He regularly acts in cases involving international human rights law issues, including at the European Court of Human Rights in Strasbourg, for examine in the ongoing case of *Cuciurean v UK*, on the human rights implications of costs orders against protesters found in contempt of court orders.

He is currently acting for the former Commissioner of the Royal Gibraltar Police in a corruption inquiry chaired by Sir Peter Openshaw, which raises a range of issues relating to UK Overseas Territories. He **acted** for the family of Harry Dunn in the judicial review challenge to the Foreign Office's interpretation of an international agreement with the United States. He

regularly advises on the law relating to British Overseas Territories and former colonies.

Inquiries and Inquests

Adam regularly acts in politically sensitive public inquiries and inquests and is ranked as a “Spotlight Individual” in Chambers and Partners for Independent Investigations. He is currently acting for the Clinically Vulnerable Families group and a coalition of baby and maternity charities in the Covid-19 Public Inquiry, and for the former Commissioner of the Royal Gibraltar Police in a high-profile **corruption Inquiry in Gibraltar**. He acted in the **investigation into antisemitism** in the Labour Party, in the Westminster strand of the Independent Inquiry into Child Sexual Abuse, in the Manchester Arena Bombing Inquiry, as sole Counsel to the **investigation in to the death of Welsh Minister Carl Sargeant** and in the Whyte Review investigation into abuse in British gymnastics.

He also regularly acts in high-profile coroners inquests such as into the **death of an immigration detainee** at Wormwood Scrubs prison, the death of a young woman who **took her own life in a mental health hospital** and the inquest into the avoidable death of a young **HIV positive man in prison**.

Actions against the police

Adam is regularly instructed in actions against the police, including claims by protesters, individuals subject to Covid-19 legal enforcement and who have been discriminated against – for example the ongoing case involving **Dale Semper**, a black bank manager who was subjected to a two-year investigation by the Metropolitan Police following false anonymous allegations against him.

Public outreach and awards

Adam is a passionate advocate, educator and writer on human rights. He founded and chairs the multi-award winning human rights education charity **EachOther**, set up the widely-read UK Human Rights Blog and hosted the **Better Human Podcast**. He regularly speaks on human rights law to charities, parliamentary committees and government departments and is a Visiting Professor of Law at Goldsmiths University where he teaches undergraduate students. He is the Consultant Editor of the 2020 Prison Law edition of Halsbury’s Laws of England and regularly writes for the **New Statesman**, **Prospect** and appears on TV and radio.

Adam won the **2024 Halsbury Rule of Law award** for his work on the right to protest and the Covid-19 Pandemic, was the **Lawyer of the Week** in The Lawyer magazine. He has been shortlisted for Human Rights Junior of the Year in the 2020 Legal 500 Awards, Human Rights Lawyer of the Year at the Liberty Awards and Legal Personality of the Year at the Solicitors

Journal Awards. He has won the **Plain English Campaign's Communicator award** for human rights public education.

Education

Columbia University - MA, Political Science, Pass

Oxford University, St Annes College - Politics, Philosophy and Economics, BA & MA Oxon, 1st Class Hons.

Related practice areas

Actions Against the Police and Public Authorities

Education

Inquests and Public Inquiries

Administrative & Public Law

Community Care and Health

Discrimination

Immigration Detention Group

International Law

Investigations

Administrative and Public Law

Adam is a versatile lawyer who has acted in key public law and human rights cases across a variety of areas. He regularly lectures on public law for example to the Judicial Review and Public Law Project conferences and is regularly called on to assist with parliamentary committees and inquiries.

Key cases

- Currently representing the family of **Harry Dunn** in a Judicial Review and human rights claim against the Foreign and Commonwealth Office.
- **Newby, R (on the application of) v The Secretary of State for Justice** [2019] EWHC 3118 (Admin) - acting for Phil Newby in a landmark challenge to the ban on assisted dying
- Acting for a complainant in the Equality and Human Rights Commission's Investigation into antisemitism in the Labour Party

- **Cuadrilla v Lawrie, Walsh and Wilson** - currently acting in the Court of Appeal, led by Kirsty Brimelow QC, for anti-fracking protesters committed for contempt of court for protesting
- **R (on the application of Susan Wilson & Others) v The Prime Minister** [2019] – Acting for the Claimant in a Brexit-related case against the Prime Minister for failing to take into account the findings of the Electoral Commission that the Leave campaign cheated during the 2016 Referendum campaign.
- **Jogee and Ruddock v The Queen (Jamaica)** [2016] UKSC 8. Junior Counsel for Ameen Jogee in the landmark Supreme Court challenge to the law of Joint Enterprise, including making oral submission on Article 7 ECHR and Principle of Legality.
- Acting for **Asher Johnson** in a follow-up application to Jogee in the European Court of Human Rights, led by Felicity Gerry Q.C.
- **Janet Alder** [2016]. Acted for Janet Alder, whose brother Christopher's body was retained in a local mortuary for almost a decade without her knowledge, in a successful human rights claim against the local mortuary. Instructed by Liberty;
- **Chief Constable of Greater Manchester v Calder** [2015] EWHC B11 (QB)). Acted for a Grime rapper in a High Court appeal by the Greater Manchester Police, who sought to impose a gang injunction on him with reference to the lyrics of his online rapping
- **Begraj v Secretary of State for Justice** [2015] EWHC 250 (QB)), Acted in a human rights damages claim following the collapse of a 'caste discrimination' employment tribunal

Prison Law

Adam acts in claims involving parole reviews, provision of rehabilitative courses, prison violence, claims arising from deaths in prisons and claims involving repatriation of foreign prisoners.

- **AB, R (On the Application Of) v Secretary of State for Justice** [2019] EWCA Civ 9. Acted for the Equality and Human Rights Commission (led by Caoilfhionn Gallagher QC) intervening in the Court of Appeal in this case about the prolonged detention of a minor in solitary confinement

- **Scott Johnson v Governor of HMP Wayland and SSJ** [2018] CO/2389/2018. Successfully acted for a prisoner with severe mental health issues in a judicial review claim against the refusal to place him in segregation and transfer him to protect him from violence within a prison
- **Dixon, R (on the application of) v The Secretary of State for Justice** [2017] EWCA Civ 961). Acted (unled) for Francis Dixon in a 2017 Court of Appeal challenge to delay in releasing him from prison
- **Bucpapa v Secretary of State for Justice** [2017] EWHC 1895 (Admin). Acted successfully for a participant in the “Securitor Heist” in a Judicial Review of a refusal to repatriate him to Albania
- **Stephen Helm v SSJ** [2016] CO/5780/2016. Acted successfully for a prisoner in a challenge to the SSJ’s pilot policy of automatically preventing oral Parole Board hearings being held if a recalled prisoner has 24 weeks or less from their Sentence Expiry Date
- **Calder, R (on the application of) v Secretary of State for Justice** [2015] EWCA Civ 1050. Acted in a key Court of Appeal decision on the powers and duties of the Secretary of State when recalling people to prison

Inquiries and Inquests

Adam has acted in five major public inquiries:

- Equality and Human Rights Investigation into Antisemitism in the Labour Party - (2019 to ongoing). Currently acting for the principal complainant, Campaign Against Antisemitism
- Independent Inquiry into Child Sexual Abuse. Acting for former MP Harvey Proctor in the Westminster Strand, led by Geoffrey Robertson QC (2019)
- Independent Investigation into the First Minister’s Actions relating to the death of Carl Sargeant AM. Currently acting as sole Counsel to the Investigation (2018 - ongoing)
- Al-Sweady Inquiry into allegations of mistreatment and unlawful killing by the British military in Iran

- Mid Staffordshire NHS Trust Inquiry: acted for the Department of Health in an investigation into systemic failings in the NHS
- Baha Mousa Inquiry into the use of 'stress' and 'conditioning' techniques on detainees by the British military in Iraq, acting for most of the soldiers.

Adam regularly acts for families in inquests. He has a particular expertise in relation to deaths resulting from mental and physical health conditions. He has extensive experience in medical law including clinical negligence and regularly acts in civil claims arising from inquest findings.

- Inquest into the death of **Claire Greaves (2019)** - Acted for the family in an inquest of a young mental health campaigner who sadly died whilst detained at Cygnet Hospital in Coventry. The jury found there were multiple 'unbelievable' failings which caused the death (**Press coverage**)
- Inquest into the death of **Terry Perkins (2019)** - Acted for the family in an inquest relating to the death in prison of the ringleader of the Hatton Garden robbery (**Press coverage**)
- Inquest into the death of **Tyrone Givans (2019)** – Acted in this inquest in which the jury concluded there had been multiple failings in caring for a profoundly deaf prisoner who hanged himself (**Press coverage**)
- Inquest into the Death of **Emma Butler (2018)** - Acted for the family of Emma Butler in a three-week inquest relating to her death whilst detained in a mental health facility. The jury reached a number of critical conclusions (**Press coverage**)
- Inquest into the death of **John Delahaye (2018)** – Acted for the family in a 5-day inquest concerned the death of a diabetic prisoner who deliberately overdosed on insulin. The jury found that he should not have been given the insulin pen in the first place (**Press coverage**)

Immigration and Asylum

Adam has strong expertise in all aspects of immigration and asylum law. He regularly acts in the High Court, Upper Tribunal and First Tier Tribunal and has extensive experience of unlawful detention claims. Recent examples include:

- **Mr Muhammed Ali v The Home Office** [2019] – Successfully acted for a man with severe mental health issues was detained for over a month despite there being no possible justification for the Home Office doing so.
- **Miss Bokan Mohamad -and- Secretary of State for the Home Department** [2018] - successfully acted for the Appellant in this asylum appeal which related to the refusal by the Secretary of State to accept the Appellant faced discrimination and undue hardship if she was returned to Kirkuk, Iraq
- **Mr. Ricardo Orlando Saunders v Secretary of State for the Home Department** [2018] successfully acted for the Appellant in an Article 8 ECHR appeal against the refusal to grant him leave to remain – the Tribunal ruled that he was deeply involved in his family's lives and so should be granted leave
- **Khazar v SSH** [2016] - Successfully acted for the claimant in a false imprisonment claim by an Iraqi national, including twice resisting a strike out on res judicata grounds prior to settlement

Actions Against The Police

Adam regularly acts for claimants in actions against the police. He has particular expertise in actions which include human rights elements. Recent cases include:

- **R(Seik) v- Commissioner of Police of the Metropolis** [2018] – Successfully acted for the claimant in a judicial review challenge to the refusal to instigate misconduct proceedings against two police officers who assaulted the claimant
- **JL v Chief Constable** [2018] – a claim relating to the allegedly unlawful arrest and strip search of a child with autism

Equality and Discrimination

Adam has strong expertise in equalities law and has acted in a number employment cases with an equalities element.

In 2019, Adam acted for the Campaign Against Antisemitism in its application to the Equality and Human Rights Commission to launch a formal 'section 20' investigation into the Labour

Party.

He has regularly acted for the University College Union (UCU) and various teaching unions representing academics and teachers in the Employment Tribunal and the Employment Appeal Tribunal (EAT), including acting for a professor at Brunel University (Vaseghi v Brunel), a blind disability officer in a successful discrimination claim against his employer (Lambert v Lewisham College) and 24 teachers in a successful Employment Tribunal and EAT claim against a private school (Morris & Ors v E Ivor Hughes Trust).

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