

## Nick Stanage



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### Profile

Since 1997 Nick Stanage has specialised in actions and complaints against the police, inquests, public inquiries, human rights and judicial review. For the UN he advises governments, judiciaries, prosecution and police services on criminal justice, fair trial rights and human rights. Fluent in French and Spanish, he has been instructed to work as an independent legal expert in 17 countries from Colombia to Cambodia.

Chambers and Partners Guide to the UK Legal Profession and the Legal 500 have described him as *'highly cerebral, calm and assured'*, *'a really fantastic trial barrister'* with *'the canny knack of communicating in plain English and getting his point across in the most effective manner possible'*, *'a compelling advocate whose cross-examinations are very astute'*, *'an outstanding natural orator and has a great rapport with clients'*, *'charismatic and knows how to get the best out of the client on the stand, and the worst out of the defendant in cross-examination'* and *'one of the finest legal minds at the Bar'*. Chambers and Partners have recommended him for the last 16 years and says *"When you instruct him you know you are going to have the ear of the judge"*.

Nick Stanage is **public access qualified** and authorised to litigate. You can instruct him to take all necessary steps in litigation and at hearing or trial without the need for a solicitor.

He sits as an Assistant Coroner and as a Legally Qualified Chair of Police Misconduct Hearings. He is a consultant to the UN Institute of Training and Research, and is on the UN Experts Roster for Rapid Response. He was shortlisted to be the member for Western Europe on the UN Working Group on Arbitrary Detention. Nick is a deployable civilian expert and criminal justice advisor to the UK Government's Stabilisation Unit. He lectures at professional and judicial conferences in the UK and abroad.

### **Education**

MA (First Class) in French & Spanish with distinction in spoken French & Spanish, University of St Andrews, 1995.

Postgraduate Diploma in Law, University of the West of England.

Bar Vocational Course, Inns of Court School of Law, London.

### **Languages**

French

Spanish

### **Related practice areas**

Actions Against the Police and Public Authorities

Inquests and Public Inquiries

Immigration Detention Group

International Law

Business Crime

Data Protection and Information Law

International Criminal Law

International Human Rights Law

## **Actions Against the Police and Public Authorities**

Nick specialises in high value complex claims for compensation against police and other detaining authorities for misfeasance in public office, malicious prosecution, **false** imprisonment, **assault** (on **video**), **trespass**, and deaths in (and following) custody.

Thousands of clients, many of whom require anonymity or discretion, have included Members of Parliament, high value companies, prominent professionals, alleged serious organised

criminals, **tenacious political protestors**, the **mentally disordered**, the **disabled**, foreign dissidents, refugees and rape survivors.

In cases of the most serious criminal offences, Nick represents those who have been wrongly accused, investigated and **convicted** due to:

- demonstrably **false** evidence.
- evidence distorted by police or prosecuting authorities.
- unlawful failure to **disclose** exculpatory evidence.
- other police **corruption** or breach of human rights.

Clients have sustained life-threatening injuries, permanent disability, deformity and catastrophic loss of livelihood and reputation caused by **unlawful use of taser, firearms, CS spray, pepper spray, batons**, police pursuit or police **dogs**. Other clients have died as a result of police neglect.

Nick acts in cases involving breaches of the Data Protection Act, the Equality Act, Regulation of investigatory Powers Act, and in applications/judicial reviews for the removal of records of arrest or 'non-crime hate incidents'.

Nick currently acts in two large public inquiries, the **Undercover Policing Inquiry** and the **Independent Inquiry Into Child Sexual Abuse**, which will investigate systematic, politically-motivated abuse of human rights by police over many decades.

In the first truth-seeking commission in the Arab world he was instructed by the UN and by **Dignity** (Danish Institute Against Torture) to advise the executives of the Tunisian Truth and Dignity Commission and Ministry of Justice on the investigation and prosecution of some 63,000 allegations of torture in police custody from 1955-2013. He trained all judges and prosecutors in the Special Chambers created to prosecute alleged perpetrators.

Nick was the expert chosen by the UN to advise the Attorney General, the Prosecution Service, the Police Service and the Human Rights Commission of the Maldives on the implementation of the new Criminal Procedure Code, which for the first time in that country obliged police and prosecutors to apply human rights law to the investigation, detention and prosecution of suspects.

The British Embassy Mexico City instructed Nick to advise the State Directors of the **Public Defender Service** in Mexico on strategies to promote and protect the presumption of innocence at trial and in pre-trial investigation.

As independent chair of police misconduct hearings Nick decides in adversarial public proceedings whether police authorities have proved against their own officers alleged breaches of **professional standards of behaviour**. In each case complex abuse of process arguments may arise and the officer may be **dismissed** without notice for gross misconduct.

With other members of the **actions against the police team** Nick is a contributing author to the forthcoming fifth edition of *Police Misconduct* to be published by the Legal Action Group. This unique guide has been described by the Law Society Gazette as 'essential reading' for lawyers and non-lawyers concerned with complaints of police misconduct.

## Inquiries and Inquests

### Inquests

Nick Stanage was a pupil barrister on the legal team of Michael Mansfield QC and Stephen Kamlish QC representing Mrs (now Baroness) Doreen Lawrence and Mr Neville Lawrence at the **public inquiry** into the death of their son Stephen.

Since then Nick has specialised in inquiries and inquests involving serious failure, abuse of the right to life, inhumanity and neglect by **police, prison**, hospital, care home and other public authorities.

At his first inquest he obtained from the jury a rare finding of neglect which was upheld by the High Court in **R. v HM Coroner for Coventry Ex p. Chief Constable of Staffordshire** [2000] 7 WLUK 81, (2000) 164 J.P. 665, [2000] Inquest L.R. 35. Police officers had on CCTV mocked the deceased as he died unattended in an exercise yard.

Nick has acted in countless inquests, persuading juries or Coroners sitting alone to find that systematic **failures** caused or contributed to avoidable deaths of **vulnerable** people.

Cases have involved:

- police firearms operations.
- murder or diminished responsibility manslaughter by one prisoner upon another.
- suicide pacts among prisoners.
- suicide in the community following arrest for sexual offences.
- neglect of the elderly.

- clinical negligence.
- neglect and abuse of human rights in psychiatric detention.

Nick acts for all manner of properly interested persons at inquests and has been appointed Counsel to the Inquest.

Nick is expert in inquests involving arguable breach of the right to life under Article 2 of the European Convention on Human Rights. The UK Ministry of Justice and the Judicial College of England and Wales instructed him to design and deliver mandatory training to all Coroners in England, Wales and Northern Ireland on Article 2 and on the formulation of conclusions on the Record of Inquest.

He has been involved in the following cases:

- The inquests into the deaths in the 9/11 Twin Tower attacks in New York in 2001 (advising the family of a British victim).
- Inquest into the death of Diana Princess of Wales and Dodi Al Fayed (advising during the inquest a prominent witness close to Princess Diana).
- Inquests into the deaths in a **hostage crisis** and massacre by Islamists at **In Amenas, Algeria** in 2013. Nick was instructed with Maître Georges Holleaux of the Paris Bar to advise the family of Yann Desjeux, a former French Special Services commander who was **murdered** while saving the lives of fellow hostages. For such heroism the French Republic posthumously decorated Mr Desjeux as *Chevalier de la Légion d'Honneur*.
- Inquest into the death of **Caroline Flack** (advised a witness).
- Inquests involving suicides after arrest for rape and other serious sexual offences. In one such case the complainant's allegation led to a recommendation that she be prosecuted for perverting the course of justice.
- Applications for the Attorney General's authority to apply to the High Court for a fresh inquest under section 13 of the Coroners Act 1988 (in cases of insufficient inquiry and new evidence).
- Civil claims for compensation for death and for the recovery of inquest legal costs.
- Applications for judicial review of decisions/conclusions by Coroners.

An Assistant Coroner since 2011, Nick often sits with a jury in complex cases involving alleged breach of Art 2 ECHR or other serious systemic failure by authorities.

## Public Inquiries

In the **Independent Inquiry into Child Sexual Abuse** Nick is instructed by **Kim Harrison** and **Richard Scorer** of Slater and Gordon to represent 14 alleged victims of child sexual abuse by the late Lord Greville Janner QC MP. The Inquiry will examine failings in institutional responses to the allegations and why, according to the Independent Inquiry of Sir Richard Henriques, Lord Janner **should have been**, but was not, prosecuted on the basis of evidence available to three separate investigations. The Inquiry will also examine how despite the evidence against him, Janner was allowed to continue as a Labour MP and was ennobled.

The Inquiry will consider **evidence** that detectives wished to arrest Lord Janner and search his home but were prevented from doing so by more senior officers, leaving Janner free to continue his alleged sexual abuse of children with impunity.

In the Undercover Policing Inquiry Nick is instructed by **Richard Parry of Saunders Solicitors** and led by Rajiv Menon QC to represent Tariq Ali and Ernie Tate formerly of the **Vietnam Solidarity Campaign**.

The success of their political activities against the Vietnam War led the Wilson government and Metropolitan Police to authorise **illegal spying and undercover activities** against them by police in the 1960's and 1970's. The cases of Messrs Ali and Tate will be among the first to be considered by the Inquiry at which Nick also represents Piers Corbyn. The unlawful spying and **infiltration** by police continued and intensified against **hundreds** of other political activists well into the present century.

## International

### Europe

#### Hungary

Nick Stanage was mission rapporteur for the **International Bar Association's Human Rights Institute (IBAHRI)** report **Still Under Threat: The Independence of the Judiciary and the Rule of Law in Hungary**. The report, launched in Budapest and Vienna, was used during the Universal Periodic Review of Hungary by the UN Human Rights Committee.

#### Albania

The **Slynn Foundation** and the Albanian School of Magistrates instructed Nick to design and deliver training for judges on the **Art 5 right to liberty** and on the **Art 6 right to a fair trial**. Nick worked with **Jonathan Cooper OBE** and Dr Sokol Berberi, judge of the **Constitutional Court of Albania**.

## France

Nick regularly works on international legal projects with human rights lawyers practising at the Paris Bar.

## Turkey

IBAHRI sent Nick as its independent trial observer to report on a trial of 46 lawyers and to interview the presiding judge, prosecutor, various parliamentarians and the Istanbul Bar Association.

## **Asia**

### Kazakhstan

**The Legal Policy Research Center** and British Embassy Astana instructed Nick to address an international conference on jury trials and to deliver training to the Bar Associations of Almaty, Astana and Oskemen on jury advocacy. Nick was later a contributing author to the LPRC Manual on Effective Jury Advocacy, the first of its kind in the region.

### China

An international organisation commissioned Nick to write a manual for judges and prosecutors on the right to a fair trial in international human rights law.

## **MENA**

From the Ocean to the Gulf, Nick has been instructed to advise prosecutors, investigating judges and Ministries of Justice on their legal obligations under international human rights law in the administration of justice.

Instructed by the **Raoul Wallenberg Institute for Human Rights and Humanitarian Law (RWI)**, Nick has worked in Jordan with Court of Appeal judges and senior prosecutors from Morocco, Algeria, Tunisia, Libya, Lebanon, Palestinian Authority, Jordan, and Iraq to produce training guides on how international human rights Treaties should be implemented in their respective national Courts.

In Tunisia Nick was instructed by **Dignity** (the Danish Institute Against Torture), the Tunisian Ministry of Justice and the United Nations to train all prosecutors and judges assigned to the Special Chambers created to investigate and prosecute allegations of **torture**, inhuman and degrading treatment, religious/political persecution and deaths in custody at the hands of security forces from 1955-2013.

Following the revolution of 2011, Nick trained the Tunisian judiciary for IBAHRI and the International Legal Assistance Consortium (**ILAC**) on the implementation of international human rights law in the administration of justice.

IBAHRI instructed Nick with José Igreja Matos, President of the European Association of Judges, to advise the executive members of the newly-created **National Institution for Human Rights** in Bahrain.

## **West Africa**

### Mauritania

**Minority Rights Group International** instructed Nick to advise judges, prosecutors and the Ministry of Justice in Mauritania, the last country in the world to abolish slavery, on their legal obligation to investigate and prosecute slavery as a **crime against humanity** irrespective of tradition.

Nick worked in French and some Arabic with **Mrs Salimata Lam** and **Mr Boubacar Ould Messaoud** of SOS Esclaves.

## **East Africa**

### Ethiopia

The Embassy of the Netherlands and the University of Amsterdam instructed Nick with Professor Theo de Roos and Deputy Chief Justice N. Tuijn to advise senior police and judges on international human rights law in the investigation and prosecution of crime.

### Kenya

RWI instructed Nick to advise the Judiciary Training Institute on the **global overuse of pre-trial detention** and on alternatives to custody.

## **South Asia**

### Maldives



The UN instructed Nick on a two-month mission to advise the Attorney General, the Prosecutor General's Office, the Police Service and the Human Rights Commission of the Maldives on the implementation of the new Criminal Procedure Code, which for the first time obliged the Maldives to apply human rights law to the investigation, detention and prosecution of suspects.

The Judicial Academy of the Maldives invited Nick as keynote speaker at its conference on judicial independence, reform and the Constitution.

## **South East Asia**

### Myanmar

The **International Senior Lawyers Project** instructed Nick with **Ms Chez Cotton** and the Public Legal Aid Network to train lawyers in trial advocacy.

### Thailand

RWI instructed Nick to lecture at Mahidol University Institute of Human Rights and Peace Studies.

### Cambodia

In 2019-2020 Nick was an affiliated expert in international human rights law at the **RWI Cambodia office**, working with the Royal Academy for the Judicial Professions and the Center for the Study of Humanitarian Law at the Royal University of Law and Economics, Cambodia's only academic centre conducting research on fair trial rights, human rights and humanitarian law.

## **North and South America**

### Mexico

The British Embassy Mexico City instructed Nick to advise the State Directors of the Public Defender Service in Mexico on strategies to promote and protect the presumption of innocence at trial and in pre-trial investigation.

### Colombia

**The Inter-Parliamentary Union** in Geneva appointed Nick as its trial observer in the **Supreme Court of Colombia** in respect of trials of two Senators which caused international concern. Nick conducted high-level meetings in the Senate, assessed voluminous trial documentation entirely in Spanish and visited the detained Senators with their lawyers Maître Philippe Valent and Maître Mariana de Sevin.

# Freedom of Thought and Freedom of Expression

**Article 9** of the European Convention on Human Rights protects freedom of thought.

**Article 10** protects freedom of expression. In public life these freedoms are under unprecedented attack.

Police forces, our legal system and many workplaces fail in their duty to protect the human right of freedom of thought and expression. Groupthink is imposed and dissent is punished.

'Free speech includes not only the inoffensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative provided it does not tend to provoke violence. Freedom only to speak inoffensively is not worth having' per Sedley J in *Redmond-Bate v Director of Public Prosecutions* [2000] H.R.L.R. 249

Nick Stanage believes that these freedoms should be 'practical and effective not theoretical and illusory'.

## International work

Nick was, under **Ahmed Benchemsi**, a contributing editor to **Free Arabs**, the world's first online satirical and cultural blog to feature Arab writing in English on 'democracy, secularism and fun'.

With the International Bar Association's Human Rights Institute, and the International Legal Assistance Consortium, Nick with appropriate security arrangements has advised human rights defenders, lawyers, prosecutors and judges on the duty to protect freedom of expression even in the wake of riots and killings orchestrated to curtail it.

Relying on both human rights law and George Orwell, Nick agrees that 'If liberty means anything at all it means the right to tell people what they do not want to hear'.

## England and Wales

In the Asylum and Immigration Tribunal Nick successfully represented:

- theologians accused in Iran of thinking for themselves.
- artists persecuted by Russian authorities.

- journalists, lecturers and political protestors.

In claims against the police Nick has successfully represented or advised photojournalists, film makers and politicians against English and Welsh police forces who fancy that they have power to decide which opinions the State will tolerate. He acts in applications and judicial reviews for the removal of arrest records or the recording of 'non-crime hate incidents'.

In all Courts, criminal, civil or Administrative, and Tribunals Nick Stanage advises and represents bloggers, preachers, politicians, academics, journalists and anyone else whose case requires the robust protection of free thought and free speech.

Nick encourages clients not to accept cautions, warnings, harassment, arrests, detention or damage to reputation and livelihood for the exercise of free thought and speech.

He is a supporter of **Index on Censorship**, the **National Secular Society** and the late Lawyers' Secular Society. He is a member of the **Free Speech Union**.

## Clinical Negligence & Personal Injury

Nick specialises in high value complex claims for compensation against police and other detaining authorities for misfeasance in public office, malicious prosecution, **false imprisonment**, **assault** (on **video**), **trespass**, and deaths in (and following) custody.

Nick has extensive experience representing clients who have sustained life-threatening injuries, permanent disability, deformity and catastrophic loss of livelihood and reputation caused by **unlawful use of taser, firearms, CS spray, pepper spray, batons**, police pursuit or police **dogs**. Other clients have died as a result of police neglect.