

Ben Cooper QC



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Profile

What the Directories Say

*A "formidable defence advocate" who "is tireless in representing defendants." He is particularly experienced at handling US extradition requests and also highly capable of conducting extradition cases relating to complex human rights issues. "One of the best senior juniors in extradition. He completely immerses himself in the case." "His dedication to the cause is impressive. He is very well known for high-profile American cases, which he does very well due to his extensive experience." - **Chambers and Partners 2019***

*Ben Cooper is an "acclaimed junior frequently instructed in high-profile and controversial proceedings. Commentators stress his intelligence and the creative strategic advice he offers. He is recommended for matters with significant human rights components to them and noted for his success in presenting arguments about prison conditions. "He is a tenacious barrister who is unwilling to give up in difficult cases." "He is single-minded and focused when on a matter and very very clever." - **Chambers and Partners 2016***

"When he takes a case on you know nothing will be missed as he goes into such detail." Acted on the extradition request for a Syrian national by the USA for importing chemical weapons to Syria. The case is controversial as it is public knowledge that the defendant is

opposed to the Assad regime. - **Chambers and Partners 2015**

"Sources commend him for his fearless approach to extradition proceedings. Expertise: "He is involved in very big cases, and is very well known and respected at the Extradition Bar". "Recent work: He successfully acted for Gary McKinnon, the Scottish hacker requested for extradition by the USA." - **Chambers and Partners 2014**

"Admiring sources say Ben Cooper "has an amazing attention to detail and great knowledge." He is another at the set with strong extradition expertise allied to criminal defence, civil liberties and human rights capability. He has acted in Northern Ireland, Jamaica, Trinidad & Tobago and Uganda, where he successfully represented Mr Kimathi, the director of a Kenyan human rights NGO, in a case concerning the World Cup bombings in July 2010." - **Chambers and Partners 2013**

"A fighter willing to put all his efforts into his client's case". - **Legal 500 2015**

"Ben Cooper 'Defends complex extradition and criminal cases at all levels.' - **Legal 500 2014**

"Ben Cooper 'fights hard to pursue every legal remedy available'." - **Legal 500 2012**

Profile

Ben acted for Gary McKinnon since his arrest in 2005 on a US extradition warrant all the way up to the House of Lords and European Court and for subsequent judicial reviews against the Secretary of State and DPP, finally securing his discharge on Article 3 grounds. He acts for Liberty defending a victim of serious domestic violence who is wanted in the US in relation to allegations of international child abduction. He represented Babar Ahmad and others accused of terrorism by the USA facing indefinite solitary confinement within federal Supermax prisons, ETA suspects, IRA suspects and terrorist allegations on the African continent.

Ben advises Governments on how to secure extradition agreements and local authorities on how to secure the return of fugitives. He defeated a German extradition request for IRA allegations before the High Court in Belfast. A number of his clients have obtained relief from the European Court preventing removal to the US on both Article 3 and Article 8 grounds.

Ben has successfully campaigned and lobbied Parliament for the introduction of the forum bar to extradition. He also received a landmark judgement from the Lord Chief Justice on the first extradition case to win on the new forum bar in the matter of **Lauri Love** (more information can be found **here**). He successfully defended Richard O'Dwyer against the US Government's request for his extradition for Copyright offences securing the first Deferred Prosecution Agreement to be used in the extradition context which resulted in his successful High Court appeal and subsequent withdrawal of all criminal charges against him in the US.

Ben has defended a number of large scale Cybercrime hacking cases before the English Crown Courts including Ryan Cleary the lead defendant in the prosecutions of LulzSec/Anonymous.

In November 2012, Ben was honoured by Liberty as Human Rights Lawyer of the Year. To read more please click **here**. Ben has been highly recommended for many years in Chambers and Partners where he is top ranked as an extradition specialist and in The Legal 500 where he has been ranked top tier for his criminal law expertise.

Ben has successfully defended extradition cases taken on by Fair Trials International and is also a member of Fair Trials International's Legal Experts Advisory Panel, a formal network of defence lawyers, criminal justice NGOs and academics from across Europe which highlights priorities for reform in order to assure fair trial rights across the EU.

Related practice areas

Extradition

Criminal Law and Appeals

Business Crime and Investigations

Anti-Trafficking

International Criminal Law

International Human Rights Law

Public International Law

Data Protection and Information Law

Children's Rights Group

International Criminal Law

Ben successfully defended the head of a human rights NGO in Kenya who was facing the death penalty in Uganda after travelling there to provide legal assistance to Kenyan citizens who had been unlawfully rendered to Uganda and he has acted on behalf of numerous death

row prisoners in the Caribbean. After working at the Jamaica Council for Human Rights and representing the Council before the UNHRC he founded the Bar Caribbean Pro Bono Project providing trial assistance in capital murder trials in Jamaica.

Ben was counsel for Feroz Abbasi in the first legal challenge to both the regime at Guantanamo Bay and the UK's refusal to intercede on behalf of British citizens detained there. He since represented returning prisoners from Guantanamo Bay preventing further criminal proceedings against them in Spain.

He was called to the Bar of Northern Ireland in order to defend a historic IRA case concerning the bombing of a British army base in Germany. He has worked in Trinidad and Tobago as junior counsel for the Lord Mackay Royal Commission into the Administration of Justice and later in defending a businessman facing fraud allegations (Piarco National Airport) in both Trinidad and the US, preventing his extradition to the US.

His international practice has included litigating cases against the Spanish Government before the European Court advising foreign nationals facing extradition and other criminal proceedings abroad and advisory work attacking unjustified Interpol red notices and immigration and asylum advisory work including challenging the denials of visas and refusals to repatriate and transfer prisoners to their home country.

Extradition

Ben has acted in many of the landmark and most high profile extradition cases of recent years. He leads the Doughty Street Extradition team together with Edward Fitzgerald QC.

He presently defends US allegations of conspiracy to supply chemical weapons to Syria, a number of US extradition requests for fraud allegations, requests from Turkey alleging support for terrorism (PKK) and acted for Christopher Tappin defending the US request alleging that he conspired to supply missile parts to Iran. He won the first US extradition case in the European Court against the UK on Article 3 grounds.

Ben was counsel for the only successful appellant, F-K and her 5 children in the first extradition case (HH v Italy) in which the Supreme Court/House of Lords has ordered a defendant requested person to be discharged. It was also the first time it has upheld a human rights argument in extradition since the HRA was brought within the statutory extradition scheme. The case has transformed the approach courts must now adopt when faced with the Article 8 family rights of young dependent children to remain with parents facing extradition and the family rights of all facing extradition.

In a landmark case he prevented extradition by relying on the Defendant's right to life (Article 2) where the court accepted the defendant faced a "foreseeable, (perhaps very) real risk of death and torture" at the hands of the requesting Government authorities.

Other Serious Criminal Offences

Ben defends the most serious cases in the Crown Court from multi billion pound frauds to murders. He specialises in defending Cybercrime allegations and has defended domestic Crown Court and US based prosecutions of high profile computer crime charges. He has secured notable acquittals on human rights grounds defending medical cannabis users, importers of Peruvian Cacti and the English leader of the Brazilian Sainte Daime Church on Article 7 and 9 grounds for importing an ayahuasca based tea (alleged to be a class A drug) for his congregation in the UK. He recently secured the acquittal of a 12 year old boy on a GBH conspiracy before Southwark Crown Court.

Criminal Appeals

Ben has brought 6 extradition appeals to the House of Lords and the Supreme Court and achieved the only two defence victories there under the 2003 Extradition Act and the first success on human rights grounds. He has brought a number of successful appeals to the Court of Appeal Criminal Division where he appears regularly and obtained a landmark victory against the UK before European Court of Human Rights against the UK on Article 3 grounds (re: the adequacy of mental health care in US federal prisons). He has acted in a number of significant appeals before the Privy Council, uncovering fresh eyewitness evidence resulting in successful appeals on Caribbean death penalty cases.

Public Law

Ben has brought numerous judicial reviews against decisions of Ministers, Courts and public bodies arising out of criminal cases including the first public law challenge to Guantanamo Bay resulting in the High Court describing the regime in Cuba as "a legal black hole". His human rights based public law practice saw a successful Article 6 and 8 based challenge to Closure (eviction) Orders under the ASBO Act 2003 resulting in new due process guidance for those facing summary evictions (Cleary).