

## Adam Straw QC



Call: 2004

Silk: 2021

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### Profile

Adam practices in judicial review, human rights and civil claims against public authorities. He has experience of a wide range of fields, including discrimination, police, prisons, environmental challenges, social welfare, terrorism, children's rights, immigration and trafficking. He has acted in important recent public law challenges involving the right to life, abortion, deprivation of citizenship, open justice, inquests, assisted suicide, data protection, pensions and welfare benefits.

Adam is an author of Sweet & Maxwell's Human Rights Practice, and Inquests – A Practitioner's Guide (LAG). He was previously awarded Chambers & Partners human rights and public law junior of the year, and is called to the Bar in Northern Ireland.

### What the Directories say

Adam was ranked in band 1 by Chambers and Partners 2020 in four categories: administrative & public law, inquests and public inquiries, police law, and civil liberties and human rights.

Feedback in Chambers & Partners includes the following:

*"...a real class act." "A truly outstanding advocate who is authoritative and decisive. Adam has brilliant analytical skills and is lethal in court."*

*"... he's an amazing human rights thinker who knows the law inside out."*

*"A formidable barrister who has incredible intelligence and brilliant judgement."*

*"He is coveted by solicitors, and he deserves it. He will always come up with creative and brilliant solutions to whatever problems you throw at him. He is the complete package."*

### **Related practice areas**

Actions Against the Police and Public Authorities

Business Crime and Investigations

Inquests and Public Inquiries

Data Protection and Information Law

Administrative & Public Law

Children's Rights Group

Clinical Negligence, Personal Injury & Product Liability

Discrimination

Immigration Detention Group

Anti-Trafficking

### **Administrative and Public**

Adam represents claimants and NGOs in a broad range of public law and human rights cases. He was an author for *Judicial Review* (2014) 5th edition, by Supperstone, Goudie and Walker; and for Simor QC and Emmerson QC, *Human Rights Practice*. He regularly presents seminars on Administrative law, such as for the Public Law Project.

For example, Adam represents or has represented the Claimant in the following cases:

- **R (Schofield) v Secretary of State for the Home Department** [2021] EWHC 902 (Admin): A challenge to the law prohibiting the use of intercept evidence in criminal proceedings.
- **R (Turner) v Secretary of State for Work and Pensions** [2021] 24 CCL Rep 75: A challenge to the DWP policy on assessing claimants who have mental health problems,

for employment support allowance.

- **R (Begum) v Special Immigration Appeals Commission** [2021] 2 WLR 556: A challenge to the decision to deprive Shamima Begum of her citizenship
- **R (Maughan) v HM Senior Coroner for Oxfordshire** [2021] AC 454: Adam acted for INQUEST, and persuaded the Supreme Court to lower the standard of proof for the conclusion of 'unlawful killing' at an inquest.
- **R (Delve) v. Secretary of State for Work and Pensions** [2021] ICR 236. A challenge to the decision to delay the state pension age for women, and inadequate notice of the change.
- **Chief Constable of West Yorkshire v Dyer** [2021] 1 WLR 1233: The leading case on the use of screens and anonymity at an inquest.
- **R (RD) v Secretary of State for Justice** [2021] 1 WLR 262: a challenge to national law requiring disclosure of criminal reprimands and cautions in respect of certain employments.
- **Re Ewart** [2020] NIQB 33; and [2019] NIQB 88. A successful claim that the legal prohibition on abortion in Northern Ireland was incompatible with the ECHR.
- **R (GS (A Child) v HM Senior Coroner for Wiltshire and Swindon** [2020] 1 WLR 4889: a challenge to the decision not to investigate Russian state responsibility for the use of Novichok in the attempted poisoning of Sergei Skripal.
- **R (SXM) v Disclosure and Barring Service** [2020] 1 WLR 3259: a claim challenging the DBS policy not to disclose to victims, the outcome of barring decisions.
- **RXG v. Ministry of Justice** [2020] QB 703. The court granted a life-time order for anonymity in favour of the claimant, who was the youngest convicted terrorist in the UK.
- **R (Hallam) v Secretary of State for Justice** [2020] AC 279. A challenge to legislation on compensation for miscarriage of justice.
- **Re McGuigan** [2019] NICA 46. The Court of Appeal held that the 'Hooded Men' had been tortured, and the state's investigation into evidence that Ministers authorised the torture was unlawful.
- **R (Hall) v. Secretary of State for Justice** [2018] EWHC 1905 (Admin). Adam represented the claimant, who is an autistic prisoner who argued that there was failure

to meet his disability needs in prison.

- **Re Northern Ireland Human Rights Commission** [2018] UKSC 27. The Supreme Court concluded that legislation criminalising abortion in Northern Ireland is incompatible with article 8 ECHR, but declined to grant any relief. Adam represented Amnesty International and Sarah Ewart.
- **R (R) v. National Police Chiefs Counsel** [2018] 1 WLR 1651. Adam acted for the claimant. The High Court concluded that national law on the disclosure of reprimands imposed on a child, together with national police policy about the reliance on a reprimand in police recruitment, were unlawful.
- **R (Scarfe) v. Governor of HMP Woodhill** [2017] EWHC 1194 (Admin). Adam was instructed by the Claimants who sought orders requiring the Defendant to take action to tackle the unprecedented level of suicide at HMP Woodhill.
- **R (Duggan) v. Assistant Coroner for North London** [2017] EWCA Civ 142. Adam acted for the family of Mark Duggan in this challenge to the conclusion at his inquest.
- **R (Rahmatullah) v. Secretary of State for Defence** [2017] 2 WLR 219. Adam represents Mr Rahmatullah in this claim about the investigation of, and liability for, mistreatment by the British and US armies in Iraq and Afghanistan.
- **R (Keyu) v. Secretary of State for Foreign and Commonwealth Affairs** [2016] AC 1355. Adam represented the intervener in a claim regarding the duty to investigate historic deaths, and those taking place abroad.
- **R (L) v. Commissioner of Police for the Metropolis** [2016] EWHC 2880 (Admin). Adam acted for the Claimant in this challenge to a decision to allow a police officer to retire and thereby avoid facing disciplinary proceedings.
- **R (Hawke) v. Secretary of State for Justice** [2016] ACD 56. The court concluded there had been a breach of the public sector equality duty in formulating a policy about where prisoners would be located, by failing to have due regard to the needs of disabled people. Adam represented the Claimant.
- **R (Nunn) v. Chief Constable of Suffolk** [2015] AC 225. A case about miscarriage of justice and the scope of the duty on the police to disclose relevant material to a convicted offender. Adam represented Mr Nunn.
- **R (Joseph) v. Director of Legal Aid Casework** [2015] EWHC 2749 (Admin). Adam represented the Claimant who challenged a decision not to provide funding for legal

representation at an inquest into a fatal police shooting.

- **R (Sandiford) v Secretary of State for Foreign and Commonwealth Affairs (SC)** [2014] 1 WLR 2697. Adam represented Mrs Sandiford. The Supreme Court advised the Foreign Secretary to urgently review his policy not to provide funding for legal representation for a British national facing the death penalty abroad, and to consider whether to make an exception in this case.
- **R (FI) v. Home Secretary** [2014] HRLR 30. Challenge to the national framework on the use of force during removal of immigration detainees.
- **R (Litvinenko) v. Home Secretary** [2014] HRLR 6. Adam represented the Claimant in this successful challenge to the Home Secretary's decision not to hold a public inquiry into the killing.
- **R (Duggan) v. Association of Chief Police Officers** [2014] EWCA Civ 1635. A decision about the lawfulness of national policy on the investigation of deaths in police custody.
- **Attorney General v HM Coroner of South Yorkshire (West)** [2013] ACD 22. The court quashed the original inquisitions and ordered fresh inquests into the Hillsborough disaster. Adam wrote the application by 63 families.
- **R (MPS) v Chairman of Azelle Rodney Inquiry** [2013] ACD 3. The court upheld the Chairman's decision to disclose material to Mr Rodney's family.
- **R (MP) v. Secretary of State for Justice** [2012] ACD 58. The court quashed the Secretary of State's policy on childcare resettlement leave for prisoners. Adam acted for the children of prisoners.
- **R (JF) v. Secretary of State for Justice** [2011] 1 AC 331. Adam represented the Claimant, who successfully argued that the absence of a right to a review for those subject to the sex offender registration requirements was contrary to article 8 ECHR.

## Inquiries and Inquests

Adam has acted for the family of the deceased in respect of many of the most controversial recent inquests and inquiries. They include the deaths of Dawn Sturgess, who died by Novichok poisoning, Mark Duggan, Alexander Litvinenko, Anthony Grainger, Jean Charles

de Menezes and the Hillsborough tragedy. Adam acted for the family of Azelle Rodney at the inquest and inquiry into his death, which ended with the first ever upheld conclusion of unlawful killing against a UK firearms officer. He has a particular expertise in cases involving sensitive material, police shootings, deaths following restraint, state sponsored assassination, public law challenges relating to inquests, and bringing about inquiries into controversial deaths or major disasters. For example, he acted for Mark Duggan's family in judicial review claims which argued that the national law should be changed to enable the IPCC to compel officers to attend interviews, and to ensure officers are separated before they give their first accounts, following a death in custody. The law has subsequently been changed. He co-authored the 2014 book 'Inquests - a practitioner's guide', and regularly presents seminars about inquests and inquiries.

- Adam represents the family of Dawn Sturgess, who died from Novichok poisoning, in the inquest and other proceedings involving her death.
- The inquests into the Stardust fire in Dublin. Adam acts for the families of the deceased, whose application for fresh inquests was recently granted.
- Other current cases include the inquest into the death following police restraint of Leon Briggs, representing Neville Lawrence at the pending public inquiry into undercover policing, and representing the family of Sean Fitzgerald who was shot dead by a police officer.
- Adam was leading counsel for the investigation into custodial institutions for the Independent Inquiry into Child Sexual Abuse.
- R (Dyer) v. HM Coroner for West Yorkshire [2019] EWHC 2897 (Admin). The court defined the approach a coroner should take to applications for screening at inquests, and held that the Coroner's decision to screen a number of police officers from the family was unlawful. Adam acts for the family.
- R (Maughan) v. HM Senior Coroner for Oxfordshire [2019] 3 All ER 567. The Court of Appeal determined the standard of proof to be applied to conclusions of suicide and unlawful killing at an inquest. Adam acts for INQUEST.
- R (AB) v. HM Assistant Coroner for Inner South London [2019] EWHC 1334 (Admin). The High Court quashed the inquest into the death of Ella Kissi-Debrah, on the ground that fresh evidence indicates her death was contributed to by unlawful air pollution. Adam represents the family.

- The Alexander Perepilichnyy inquest, acting for Hermitage.
- The Mark Duggan inquest, and related public law challenges, such as R (Duggan) v. Assistant Coroner for North London [2017] EWCA Civ 142. Adam acted for the family of Mark Duggan in this challenge to the conclusion of his inquest.
- R (Rahmatullah) v. Secretary of State for Defence [2017] 2 WLR 219. Adam represents Mr Rahmatullah in this claim about the investigation of, and liability for, mistreatment by the British and US armies in Iraq and Afghanistan.
- Secretary of State for the Home Department v. HM Senior Coroner for Surrey [2017] 181 JP 157. This case defined the correct approach to be taken to claims of PII where the underlying material cannot be seen by a coroner.
- R (Keyu) v. Secretary of State for Foreign and Commonwealth Affairs [2016] AC 1355. Adam represented the intervener in a claim regarding the duty to investigate historic deaths, and those taking place abroad.
- Da Silva v. United Kingdom [2016] 63 EHRR 12. Adam represented the family of Jean Charles de Menezes in this challenge to the UK law on self-defence.
- R (Joseph) v. Director of Legal Aid Casework [2015] EWHC 2749 (Admin). Adam represented the Claimant who challenged a decision not to provide funding for legal representation at an inquest into a fatal police shooting.
- The Alexander Litvinenko inquest, and related litigation including R (Litvinenko) v. Home Secretary [2014] HRLR 6. Adam represented Mr Litvinenko's family in this successful challenge to the Home Secretary's decision not to hold a public inquiry into the killing.
- R (Duggan) v. Association of Chief Police Officers [2014] EWCA Civ 1635. A decision about the lawfulness of national policy on the investigation of deaths in police custody.
- Attorney General v HM Coroner of South Yorkshire (West) [2013] ACD 22. The court quashed the original inquisitions and ordered fresh inquests into the Hillsborough disaster. Adam wrote the application by 63 families of victims of the Hillsborough disaster.
- Foreign Secretary v HM Coroner for North London [2013] EWHC 1786. The court decided that the deceased's family was an interested party to a judicial review against the Coroner's decision.

- The Azelle Rodney inquiry, and related litigation including R (MPS) v Chairman of Azelle Rodney Inquiry [2013] ACD 3. An important case about disclosure at public inquiries. The court upheld the Chairman's decision to disclose material to Mr Rodney's family.
- R (E) v. Chairman of Azelle Rodney Inquiry [2012] EWHC 563 (Admin). The court upheld Chairman's decision not to screen police witnesses when they gave evidence.
- R (AP) v. HM Coroner for Worcestershire [2011] EWHC 1453 (Admin). A case involving the scope of the article 2 duties for the police and local authorities to protect vulnerable and disabled people.
- R (McLeish) v. HM Coroner for North London [2010] Inquest LR 202. Adam represented the mother of the deceased in a successful challenge to delay by the coroner in disclosure of relevant information.
- R (Lewis & ors) v. HM Coroner for Shropshire [2009] EWHC 661 (Admin). An important case about narrative verdicts at article 2 inquests, including a successful challenge to the coroner's decision to prevent the jury from leaving a judgmental verdict and verdict of neglect.

## Prison Law and Criminal Justice

Adam represents claimants in public law claims relating to all aspects of the criminal justice system, including the prison service, police, CPS and IPCC. He acts in cases involving the international criminal justice system, such as those involving rendition and UK involvement in torture, and a claim on behalf of Mrs Sandiford that the UK Government should provide funding for legal assistance for British nationals facing the death penalty abroad. He also undertakes civil claims for damages, and has been successful in a number of claims for mistreatment and human rights breaches in custody, such as by handcuffing prisoners during medical treatment.

Please refer to the section on Administrative and Public law for examples of Adam's cases in this field. Further examples are below, in each of which Adam represented the Claimant:

- **R (Hall) v. Secretary of State for Justice** [2018] EWHC 1905 (Admin). Adam represented the claimant, who is an autistic prisoner who argued that there has been a



failure to meet his disability needs in prison.

- **R (Dowsett) v. Secretary of State for Justice** [2013] Eq. L.R. 491. A case about whether the policy for the search of male prisoners was discriminatory, and whether a civil claim for damages may be brought in the Administrative Court.
- **R (F) v. Secretary of State for the Home Department** [2013] ACD 17. Whether transfer of a prisoner violated article 3.
- **R (Modhej) v. Secretary of State for Justice** [2013] 1 WLR 801. A decision on which sentencing regime applies to a person re-sentenced by the Court of Appeal.
- **R (Bell) v. Secretary of State for Justice** [2011] EWHC 3942 and 3409 (Admin). A challenge to prison service policy on pre-tariff parole reviews.
- **R (Gill) v. Secretary of State for Justice** [2010] 13 CCLR 193. The court held the Secretary of State unlawfully discriminated against the Claimant on grounds of his learning disability, and also breached public law, by failing to provide him with offending behavior work.
- **R (Roberts) v. Secretary of State for Justice** [2009] EWHC 2321 (Admin). The court held the Defendant unlawfully failed to publish policy on prisoner medical treatment.

## Community Care and Health

Adam acts in a wide range of community care and social welfare cases. His public law work involves children, mental health, age assessments and challenges to refusals to fund or meet the care needs of individuals. He represents Sarah Ewart in her successful challenge to the prohibition on abortion in Northern Ireland, and represents Paul Lamb in his challenge to the ban on assisted suicide. He has acted in a number of cases involving benefits and pensions, such as challenges to universal credit and to the delay in state pension age for women.

## Equality and Discrimination

Adam is regularly represents claimants in judicial review and civil claims which involve discrimination and failure to comply with the equality duties. He has a particular interest in

discrimination claims against public authorities.

- **R (Delve) v. Secretary of State for Work and Pensions** [2019] All ER (D). This was a claim that the decision to delay the state pension age for women, and inadequate notice of the change, were discriminatory. Adam acts for the claimants.
- **R (Hawke) v. Secretary of State for Justice** [2016] ACD 56. The court concluded there had been a breach of the public sector equality duty in formulating a policy about where prisoners would be located, by failing to have due regard to the needs of disabled people. Adam represented the Claimant.
- **R (Dowsett) v. Secretary of State for Justice** [2013] Eq. L.R. 491: whether policy on searching of male prisoners was discriminatory, and whether a civil claim for damages may be brought in the Administrative Court.
- **R (Gill) v. Secretary of State for Justice** [2010] 13 CCLR 193: Secretary of State unlawfully discriminated against the Claimant on grounds of his learning disability, and also breached public law, by failing to provide him with offending behavior work. Adam acted for the Claimant inmate.

## Actions Against the Police and Public Authorities

Adam represents claimants in civil actions against public authorities. He specialises in claims involving breaches of human rights and those relating to deaths. For example, Adam acted for the family of Mark Duggan and Anthony Grainger, who settled their civil claims for damages against the police in respect of these fatal police shootings. He has represented a number of individuals in claims for damages against the UK government in respect of mistreatment abroad, such as Mr Rahmatullah in respect of his mistreatment and rendition in Afghanistan and Iraq, and Mr Mustafa who alleged British agents were involved in his mistreatment by the Bangladeshi authorities.

- **R (Dowsett) v. Secretary of State for Justice** [2013] Eq. L.R. 491: whether policy on searching of male prisoners was discriminatory, and whether a civil claim for damages may be brought in the Administrative Court.
- **FGP v. Serco Plc** [2012] EWHC 1485 (Admin): acted for an immigration detainee who established that handcuffing him during medical treatment was a

violation of article 3.

- **Geeta Ahir v. Director of Public Prosecutions** [2011]: successful judicial review regarding CPS failure to prosecute, and unlawful disclosure of private information.

## International Law

Adam represents claimants in claims against the government involving international issues, such as cases involving rendition and UK involvement in torture, and a claim on behalf of Mrs Sandiford that the UK Government should provide funding for legal assistance for British nationals facing the death penalty abroad.

- **R (Rahmatullah) v. Secretary of State for Defence** [2017] 2 WLR 219. Adam represents Mr Rahmatullah in this claim about the investigation of, and liability for, mistreatment by the British and US armies in Iraq and Afghanistan.
- **R (Sandiford) v Secretary of State for Foreign and Commonwealth Affairs** (SC) [2014] 1 WLR 2697. Adam represented Mrs Sandiford. The Supreme Court advised the Foreign Secretary to urgently review his policy not to provide funding for legal representation for a British national facing the death penalty abroad, and to consider whether to make an exception in this case.

## National Security

Adam has a particular interest in claims involving terrorism, sensitive material, closed material procedures, and national security. He regularly acts on behalf of individuals alleged to be involved in terrorism or extremism, in judicial review claims as well as in SIAC. He is currently acting for Shamima Begum. He has been involved in several public law claims aimed at protecting an individual's anonymity or reputation. For example, he represented two young boys who were referred to the police under the Prevent duty as being at risk of radicalisation. The defendant LEA admitted unlawful discrimination and breach of articles 8, 9 and 10 ECHR, and that its policy on the Prevent duty was unlawful. He represented RXG, the youngest person in the UK to be convicted of terrorism offences, in a successful claim for a lifetime anonymity order. He was involved in public law proceedings involving anonymity and Mr Scappaticci ('Steakknife') in Northern Ireland. Adam has represented individuals who claim they were subject to extraordinary rendition and torture, including Yunus Rahmatullah.

He has also acted in public law challenges involving secret material and/or anonymity in respect of the deaths of Alexander Perepilichnyy, Alexander Litvinenko, Mark Duggan and Azelle Rodney.

Adam is a special advocate, and is currently acting as such in the case of Bank Mellat v. HM Treasury, a judicial review challenge to Financial Restrictions Orders, and an associated damages claim for \$4 billion.

## Freedom of Information and Data Protection

Adam has a great deal of experience in this area. It includes judicial reviews of state decisions on the retention and disclosure of data, and interference with private life, going back to the Supreme Court decision of *R (F) v. Secretary of State for Justice* [2011] 1 AC 331, in which the Supreme Court decided that the legislation requiring certain ex-offenders to register with the police, and the consequent risk of disclosure of their private data, breached article 8. His experience includes judicial reviews of state decisions not to publish information or policies (such as the pending Court of Appeal decision regarding the publication of policy on the use of force on immigration removals: *R (FI) v. Secretary of State for Justice*), and judicial reviews involving RIPA, such as a pending claim that the Act is incompatible with Article 2. He has been involved in a number of important cases involving surveillance, secrecy and RIPA, such as the Mark Duggan and Alexander Litvinenko inquests, and the Azelle Rodney inquiry. Adam has also written and presented seminars, including an article in the most recent edition of *Judicial Review* journal on data, surveillance and privacy.

## Clinical Negligence & Personal Injury

Adam represents claimants in civil actions against public authorities. He specialises in claims involving breaches of human rights and those relating to deaths. For example, Adam acted for the family of Mark Duggan and Anthony Grainger, who settled their civil claims for damages against the police in respect of these fatal police shootings. He has represented a number of individuals in claims for damages against the UK government in respect of mistreatment abroad, such as Mr Rahmatullah in respect of his mistreatment and rendition in Afghanistan and Iraq, and Mr Mustafa who alleged British agents were involved in his mistreatment by the Bangladeshi authorities. ?