



Kirsten qualified as a solicitor at Slaughter and May in 2001 having trained in commercial, employment and EU law. After working on legal projects in Egypt, Serbia and as a government lawyer Kirsten became a tenant at Garden Court in November 2008 after successfully completing pupillage under the supervision of Leslie Thomas and Bethan Harris.

## Practice

### Inquests

Kirsten has extensive experience of representing bereaved families in inquest proceedings and specialises in prison and police related deaths, restraint deaths, deaths of persons detained under the Mental Health Act 1983, deaths of children in the care of the state, deaths of foreign nationals both detained and non detained and clinical negligence related hospital deaths.

Kirsten also specialises in advising on public law challenges to coronial proceedings and post inquest civil actions.

### Claims Against the Police and Public Authorities

Kirsten advises on causes of action against the police and police-related litigation, including, claims for false imprisonment, malicious prosecution, trespass to property/person, misfeasance in public office, claims under the Human Rights Act and judicial review challenges to the IPCC.

Kirsten gained wideranging experience of police actions during her pupillage with Leslie Thomas and was involved in the case of *Sonia and Mohammed Raissi v The Commissioner of the Police of the Metropolis [2007] EWHC 2842*. Kirsten has a particular interest in protestor related civil actions and represents claimants in claims arising from unlawful immigration detention and injuries sustained during removal from the UK (see link).

### Mental Health and community care

Kirsten provides advice and representation before mental health review tribunals and advises on appeals to the Upper Tribunal. She also provides advice and representation concerning mental health and capacity issues raised in the county court and before the Court of Protection.

Kirsten advises on community care law, including assessments and duties under Children Act 1989, section 47 NHS and Community Care Act 1990 and section 21 of the National Assistance Act 1948.

### Asylum and Immigration

Kirsten has experience of advising and representing applicants in the Tribunal and the Administrative Court in a wide range of immigration, asylum and deportation cases involving victims of trafficking, unaccompanied children, spouses and other family members and of advising on appeals to the Court of Appeal. She also acts for clients in civil claims for unlawful detention in the Administrative Court and claims arising from assaults during the course of removal from the UK (see link) and specialises in inquests into deaths of foreign nationals both detained and non-detained (see immigration detention / foreign national prison death). Kirsten is currently instructed in an inquest into a suicide of a chinese national in Heathrow shortly after release from police custody.

### Year of Call

2007 (Solicitor 2001 - 2006)

### Email Address

kirstenh@gclaw.co.uk

### Telephone

020 7993 7687

### Education

MA (Oxon), LL.M  
International Human Rights  
Law (University of Essex)

### Practice Areas:

Kirsten Heaven is a member of the following Practice Areas:

- Civil Law
- Claims Against The Police & Public Authorities
- Community Care
- Court of Protection
- Extradition Law
- Immigration - Asylum and Human Rights
- Immigration - Business and Private
- Inquests
- International Advice and Litigation
- Mental Health
- Prison Law
- Public & Administrative Law

### Garden Court Chambers

57 - 60 Lincoln's Inn Fields  
London WC2A 3LJ  
Tel 020 7993 7600  
Fax 020 7993 7700



Kirsten is well-versed in international refugee law and practice, after having taught international refugee law in Cairo and run a refugee legal aid project, advised on EU asylum law in Serbia and focused on UK asylum law and practice in her LL.M.

## Notable cases

- Suicide of Chinese national suspected of overstaying: narrative verdict critical of MET
- Death of patient detained under Mental Health Act contributed to by neglect
- Death in Oakington immigration detention centre
- Police and ambulance related death: critical narrative
- Death of a former relevant child / former unaccompanied asylum seeking child in prison custody (extensive investigation of failure to comply with duties under the Children Acts): critical narrative verdict
- Article 2 inquest into death of child in care of the state
- Death of person detained under Mental Health Act 1983: critical narrative and neglect verdict
- Restraint death of person detained under Mental Health Act 1983
- Clinical negligence related death of cancer patient: critical narrative
- Suicide of old person in hospital setting: critical narrative
- Prison suicide: neglect verdict
- Suicide recalled prisoner: critical narrative of Prison, the Probation Service and Mental Health Inreach Team
- Police death in Plumstead Police Station London, "excited delirium" related death: critical narrative
- Police restraint "excited delirium" related police death
- R (on the application of Equality & Human Rights Commission) v SS for Justice & SSHD [2010] EWHC 147 (Admin) - NOMS failure to conduct equality impact assessment

## Background

As a pupil Kirsten gained experience in crime (Magistrates' and Crown Court), confiscation, extradition, housing, inquests, civil actions against the police, asylum and immigration, prison law, homelessness and community care. Kirsten qualified as a solicitor in Slaughter and May in 2001 having trained in commercial, employment and EU law in Brussels.

Kirsten has an interest in domestic and international refugee protection and international human rights law. After leaving private practice Kirsten spent a year running a refugee legal aid programme in Cairo, providing legal assistance to refugees seeking protection from UNHCR, working specifically with former child soldiers from Liberia and Sierra Leone, survivors of the Rwandan Genocide and victims of torture.

Kirsten was seconded to the OSCE Mission to Serbia and Montenegro rule of law / human rights department for one year and worked on war and organised crime trials, minority rights, legal reform, the Serbian draft law on asylum and training Serbian lawyers on ECHR litigation.

Kirsten worked as a government legal adviser for three years gaining experience in public and administrative law, international law (including public international law) in areas ranging from war crimes, extradition law and practice and EU law.



Kirsten undertakes pro bono work for the Bar Pro Bono unit, FRU and the College of Law and has helped set up a school for street children in Guatemala City  
[www.studyguatemala.com](http://www.studyguatemala.com)

## Publications

- "*Heathrow death preventable?*", Institute of Race Relations News, 28 April 2011
- "*Darfuri asylum seeker failed by the system*", Institute of Race Relations, June 2010
- "*Inadequate inquiry into natural causes death in Oakington immigration detention centre*", Inquest Law, October 2010;
- "*Death of patient detained under mental health act from postural asphyxia, airway obstruction and acute alcohol intoxication contributed to by neglect*", Inquest Law, October 2010;
- "*Jury highlight failings by east midlands ambulance service and derbyshire constabulary that contributed to the death of a vulnerable male in their custody*", Inquest Law, October 2010;
- "*Suicide of recalled prisoner in HMP Leeds*", Inquest Law June 2010;
- "*Suicide of care leaver*", Inquest Law June 2010;
- "*Excited delirium" related death in police custody : failures by MET Police and a FME*", Inquest Law June 2010;
- "*Part 6 of the Counter-terrorism Bill: Inquests*", Leslie Thomas, Adam Straw, Kirsten Heaven, Legal Action Group Magazine, May 2008;
- "*PPO fails to adequately investigate natural causes death*", Inquest Law, June 2008;
- "*Restraint death in mental health hospital*", Kirsten Heaven and Leslie Thomas, Inquest Law, November 2008;
- "*Suicide at HMP Foston Hall: contributed to by neglect*", Inquest Law, December 2009.

## Professional Memberships

- INQUEST Lawyers Group
- Police Action Lawyers Group
- Liberty

Profile updated April 2011