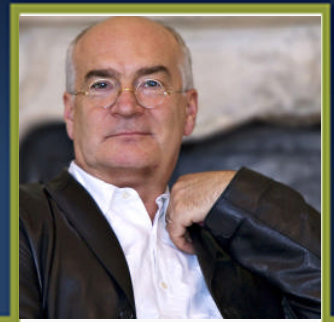




## Barrister profile

# Owen Davies QC MA (Cantab)



## Practice

Owen Davies QC is our Head of Chambers which means that he has been elected by the tenants to lead us and chair our Management Committee and meetings of chambers. He is responsible under the Code of Conduct for the efficient running of chambers and our professional conduct. He deals with any complaints that are made and is on hand to deal with professional and personal problems. Although this takes up a great deal of his time he loves his role as steward of a large, harmonious and successful set.

This he combines with his busy practice which has been noteworthy for its variety and depth. Since coming to the Bar with a passion to serve unmet need at a time when the law centre movement was flourishing, Owen's practice has been in the field of human rights from the time it was not fashionable. Defending in cases brought against demonstrators, miners, black disaffected, victims of police misconduct, his practice encompassed anti-nuclear activities and included arguing cases for those who wished to withhold tax attributable to supporting nuclear armaments (a guide he wrote at the time was called *A Tax on Peace*).

Very early on he was involved in a hugely demanding **extradition case**, that of **Astrid Proll**, a member of the Baader Meinhof Red Army Faction. From then on, extradition has played a big role in his work, ultimately representing Amnesty International in the **Pinochet** case but also, in **Al Fawwaz** the first of the Al Qaeda suspects accused of participation in the bombings in Dar es Salaam.

In the areas of **public law** he has challenged government and local authority decisions in a number of cases that have widened the grounds upon which challenges can be brought and the persons or organizations who are able to bring them before the courts.

Examples are,

The **Pergau Dam case** brought by the World Development Movement in a case where overseas aid was held to have been misused

The **Save Our Railways case** which challenged the privatization of the railways system.

In the **THORP case** Greenpeace challenged the building of a nuclear reprocessing plant.

In a case called **Trawnick v The AG** he challenged the decision of the British military government in Berlin to build a shooting range on the airfield claimed by the British after the war. The case went all the way to Strasbourg.

As the issue of protection for **asylum seekers** came on the agenda, Owen was among the pioneers of efforts to prevent people being forced back to countries where they would expect to be tortured. In this he was one of the first to turn the computer into an effective and speedy tool to aid litigation.

But he has argued judicial review cases in the areas of immigration, mental health, prison rights, arms sales abroad,

Latterly he has been involved in the challenge to **control orders under the Terrorism Act** and the successful exposure of the procedures as being unfair and contrary to human rights.

In the area of **human rights** he has brought a significant case to the Strasbourg court concerning the question as to whether a state can claim immunity for acts of

### Year of Call

1973 1995 Called to the Bar of Antigua and Barbuda

### Email Address

owend@gclaw.co.uk

### Telephone

020 7993 7721

### Queen's Counsel

1999

### Education

1999 Recorder of the Crown Court (part time judge), 2008 qualified to try serious sex cases, 2008 Accredited Mediator

### Languages

German (fluent) and French.

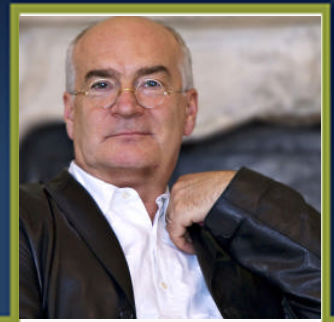
### Practice Areas:

Owen Davies QC MA (Cantab) is a member of the following Practice Areas:

- Crime
- Extradition Law
- International Advice and Litigation
- Mediation
- Planning & Environmental Law
- Public & Administrative Law

### Garden Court Chambers

57 - 60 Lincoln's Inn Fields  
London WC2A 3LJ  
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torture in a civil claim for damages (**Al Adsani v Govt Kuwait**).

As standing counsel for **Greenpeace** he represented the organization in judicial review challenges as well as in the criminal courts (together with Judy Khan he represented all 28 accused in the Genetically modified crops case).

A consistent professional passion is Owen's work against the **death penalty**. For the last 15 years he has argued cases mainly in the Privy Council where convicted persons from the Caribbean have been sentenced to death. Among the very many kept alive it is still a tragedy that two of his clients were hanged during this time.

## Current Work

The focus of Owen's practice has moved towards heavy crime. This has meant that as a silk he is engaged in purely defence work in cases of homicide, fraud and terrorism. His passion for court advocacy and the fearless fight for individuals' freedom and the challenge of mastering large amounts of facts and staying on top of the law is what, ultimately, this job is all about.

In the last year, because all were long matters, the main cases he was involved in are the following :-

1. **Portugal v J Azevedo**. An extradition request from Portugal brought against the former president of Benfica. Issues of Portuguese and English extradition law.

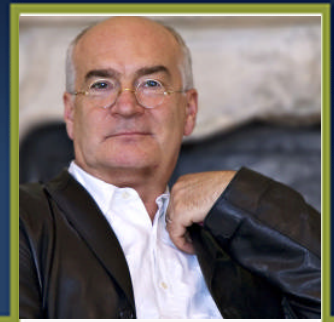
2. **R v Mustaf Jama**. Accused of murder of WPC Beshevinsky. Defence included issues relating to his removal from Somalia giving rise to abuse of process. He was removed from Somalia by non government forces in the absence of any extradition arrangements. Simon J held prosecution should proceed. Openshaw J tried the case. Original jury failed to agree and there was a conviction on a retrial.

3. **R v Ahmed Mohammed**. Accused of terrorism offences relating to the activities of Al Shabbab in Somalia before McKay J. Defended principal defendant who was alleged to have been disseminating information in order to recruit terrorists and raising money for terrorist purposes. Issues of Somalian politics, expert evidence re computers and voice recognition etc. Defendant acquitted.

4. Advising **Greenpeace International** in Amsterdam in relation to legal matters not in the public domain - yet.

5 The **State of Bermuda v Shannon Tucker**. The defence of the principal defendant accused of murder in Bermuda. A month long trial involving an interesting legal scenario constituted of legal material imported from other common law jurisdictions.

6. **Sec State v AE**. A control order case which occupied Silber J throughout the year and the Court of Appeal and the House of Lords. We established that none of the disclosed material could be relied upon to justify the belief of the Sect State that the controlee was involved in terrorism. We brought separate proceedings to try to establish that he should be able to embark upon a course of study during his order. Ultimately the Court of Appeal, by a majority, upheld the control order but the House of Lords quashed it and remitted the matter to the High Court. The Sec State then offered no further evidence and the controlee was discharged.



7. The **State of Trinidad v Tabeel Lewis**. A death penalty case before the Privy Council. Ongoing, representing the appellant in a case where there is a real probability he will be hanged if not successful.

## Commitments Outside Independent Practice

- Owen sits as **Chair of the Bar Standards Disciplinary Tribunal**
- Member of South Eastern Circuit
- Member of Foreign Office Pro Bono Panel
- Since 2000 **Master of the Bench** Inner Temple
- Currently member of the Executive Committee
- Teacher (Grade A) of Advocacy Inner Temple, International criminal tribunal at the Hague and Keble College Oxford
- Member of Appeals Panel, Liberty
- Member Amnesty International
- Member *liberty*, *JUSTICE*
- Member of British - German Jurists Member ( and past Chair and Secretary) of the Constitutional and Administrative Law Bar Association
- Member of Criminal Bar Association

## Publications

Owen has published and contributed to numerous articles on human rights, criminal law, law and information technology, public law, humanitarian laws of war/ nuclear disarmament and German legal affairs. Teaching materials in all above areas.

## Training

A teacher of advocacy and legal practice management. Lectures and seminars on human rights, extradition, immigration and asylum, use of digital technology in legal practice.

When not in Court or Chambers, Owen can often be found on the narrowboat *Matilda Matildaor* in his flat in Berlin .

(Last updated March 2010)