



Edward Grieves

YEAR OF CALL: 1995



Edward Grieves is an immigration law barrister with expertise in national security, civil liberties and terrorism cases.

"He has done a lot of work before the SIAC and produces high-quality immigration work."

CHAMBERS UK, 2019

"Excellent strategic and tactical judgement and a very robust advocate."

LEGAL 500, 2019

"An incredible barrister – one of a kind"

LEGAL 500 2017

"Genuinely passionate about his cases."

LEGAL 500 2016

If you would like to get in touch with Edward please contact the clerking team:

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EUROPEAN COURT OF JUSTICE

Edward represents many individuals and groups in separate and joint actions before the European Court of Justice, challenging their inclusion on United Nations and European Union terrorist asset freezing lists.

NOTABLE CASES

Edward represented Mr Abdulrahim in the landmark ruling of *Abdulrahim v European Commission and European Council* [C-239/12] (28.5.13) where the Grand Chamber of the European Court of Justice overturned the decision of the General Court ruling that an annulment action did not survive the de-listing of an individual (allegedly rendering the action “devoid of purpose”) as it was so important that an individual be able to vindicate himself and seek to restore his reputation in the face of serious allegations.

In its further judgment [T-127/09] of 14 January 2015, where Edward appeared for Mr Abdulrahim, the General Court annulled the measure which added Mr Abdulrahim to the UN Al Qaida asset-freezing list as there was insufficient detail of the allegations given and there was insufficient evidence upon which to base the listing. Edward also appeared in *Ayadi v European Commission*, where the Court of Justice remitted Mr Ayadi’s case to the General Court so it could re-decide the matter in line with Abdulrahim. The General Court annulled the measure which listed Mr Ayadi on 14.4.15 [T-527/09], refusing to find that the allegations were well founded on the evidence provided.

Edward represented Mr Yusef in *Yusef v European Commission* (21.3.14) [T-306/10] where the General Court made the important finding that an action against the Commission based upon a failure to revoke the measure which imposed the asset freeze was admissible, despite the fact that an annulment action against the measure had not been brought within time. The Court went on to allow the action, finding that Mr Yusef’s procedural rights had not been observed.

He was also successful in *Al-Faqih, Sanabel Relief Agency Ltd, Abdrabbah, Nasuf v. Council of the European Union* [T/135/06 – T138/06] (right to property, reputation and fair hearing) where the Court annulled the contested decision for all Applicants. The measures were re-imposed and then the individuals were all later de-listed. The litigation continues in the Court of Justice as the Commission argues that the Applicants ought not to be vindicated concerning the period between the re-imposition of the measure and the de-listing of the Applicants.

Edward also successfully appealed an adverse judgment in the Court of First Instance (as it then was) to the

European Court of Justice in *PKK and KNK v Council of the European Union* (C-229/05), which was remitted back to the Court of First instance where it was ultimately successful (T-229/02), along with the joined case of *Kongra-Gel and Others v Council of the European Union* (T-253/04)

In 2015 Edward secured the de-listing of an individual from the UN Al Qaida list through the Ombudsperson mechanism and in 2013 obtained the removal of an individual on the asset-freezing regime imposed against Burma through representations to the Foreign and Commonwealth Office.

SPECIAL IMMIGRATION APPEALS COMMISSION (SIAC)

Naturalisation Reviews

Since the Justice and Security Act 2013 widened the jurisdiction of SIAC to embrace judicial reviews of a decision to refuse naturalisation and deny British citizenship Edward has represented a large number of Applicants in SIAC seeking reviews of their naturalisation decisions. He appeared in the preliminary hearing of *AHK and others v Secretary of State for the Home Department* [SN/2/2014, SN/3/2014, SN/4/2014 and SN/5/2014] (18.7.14) which determined the approach in law to the new naturalisation reviews and also in the Administrative Court when the Secretary of State appealed the ruling of *SIAC in Secretary of State for the Home Department v SIAC* [2015] EWHC 681 (Admin) (18.3.15). These rulings required the Secretary of State to disclose the underlying material said to inform the decision to refuse naturalization.

Prior to the 2013 Act Edward was involved in the Administrative Court in *AHK and Ors v SSHD* [2012] EWHC 1117 (Admin) (where the court held that there could be no closed material procedure in proceedings for judicial review of the Secretary of State's refusal to grant naturalisation) and *MH and Ors v Secretary of State for the Home Department* [2008] EWHC 2525 (Admin) (special advocates were necessary where Article 8 rights were engaged through deprivation of citizenship).

Other SIAC cases

Edward regularly represents individuals in SIAC and appeals from SIAC to the Court of Appeal and has appeared in the following cases:

- *Farooq and Sharif v. Secretary of State for the Home Department* (SN/7/2014 and SN/8/2014) (26.11.15) (National Security Exclusion decisions flawed)
- *E1 (OS Russia) v SSHD* [2012] EWCA Civ 357 CA (It was appropriate to quash a decision notice informing a Russian national, who was abroad at the time of the notice, that his indefinite leave to remain was cancelled, as it failed to inform him of his in-country right of appeal, thereby providing for his entry for the

- duration of his SIAC appeal).
- *IR (Sri Lanka), GT (Libya) AN (Pakistan) AK (Pakistan) v SSHD* [2011] EWCA Civ 704 CA (The procedural requirements of the European Convention on Human Rights 1950 art.8, if applicable, did impact on cases of deportation or exclusion for national security reasons but they did not equate with the procedural requirements of art.5 or art.6 but had the more limited content set out in the *Al-Nashif v Bulgaria* (50963/99) (2003) 36 E.H.R.R. 37 line of authority. The procedure of the Special Immigration Appeals Commission as to the disclosure to be made to individuals in such cases satisfied those more limited requirements)
- *LO (Jordan) v SSHD* [2011] EWCA Civ 164 CA (The court lacked jurisdiction to hear the appeal of a Jordanian national against a decision on a preliminary ruling by the Special Immigration Appeals Commission where there had been no final determination of the appeal for the purposes of the Special Immigration Appeals Commission Act 1997 s.7)
- *Ahmed Faraz Khan v SSHD* [SC/80/09] (Deportation – national security – reliability of Pakistani assurances)
- *Sihali v SSHD* [SC/38/2005] (Deportation – use of assurance in non national security case – reliability of Algerian assurances)
- *T v SSHD* [SC/31/2005] (Deportation – national security risk – Article 8)
- *LO v SSHD* [SC/73/2009] (Deportation – national security – “best evidence” rule)
- *GT v SSHD* [SC/68/2008] (Entry clearance – right to family life – exclusion)
- *OO v SSHD* [SC/51/2006] (Deportation – preliminary issue: (MB) Judgment)

ASYLUM AND IMMIGRATION TRIBUNAL

Edward appears at all levels and has developed a particular experience in Article 1F Exclusion cases concerning allegations of war crimes and/or acts contrary to the purposes and principles of the United Nations.

NOTABLE CASES

Edward appeared in *MH (Syria) DS (Afghanistan) v SSHD* [2009] EWCA Civ 226 where the Court maintained that nursing was a protected activity in international law and usually not a terrorist act even if it was for the PKK, a proscribed organization. He also has a specialist knowledge as regards cases concerning Turkey, appearing in the Country Guidance (CG) case on Turkey in 2004, which still remains the lead CG case.

CHARITIES TRIBUNAL

Seevaratnam v Charity Commission CA/2008/0001 was the first appeal to be lodged in the newly constituted Charities Tribunal where Edward appeared on behalf of Mr Seevaratnam, a trustee of the Sivayogam charity, who had been accused of misconduct and mismanagement relating to allegations concerning links to the LTTE and subsequently been removed as a trustee by the Charity Commission. In a 50-page judgement the Tribunal allowed Mr Seevaratnam's appeal and ordered his re-instatement.

PROSCRIBED ORGANISATIONS APPEALS COMMISSION (POAC)

Edward appeared in the landmark case of *Lord Alton and Others*, on behalf of members of both Houses, where POAC ordered the Secretary of State to deproscribe the PMOI from the list of terrorist organisations under the Terrorism Act 2000. This is the first, and only, full merits judgment made by POAC. The decision was upheld by the Court of Appeal in *Secretary of State v Lord Alton of Liverpool and Others* [2008] 1 WLR 2341 which defined the test to be applied when proscribing or deproscribing organizations under the Terrorism Act 2000. This case led to the deproscription of the PMOI from the European terrorist legislation.

TPIM AND CONTROL ORDERS

Ed's experience in the Social Security Tribunal has included Disability Living Allowance and Housing Benefit appeals.

NOTABLE CASES

Edward has extensive experience in control order proceedings and appeared in *SSHD v BF* [2012] EWHC 1718 (Admin) (TPIM); *SSHD v BF* [2009] EWHC 2919 (Admin) (where the Court revoked a control order on the basis it was unnecessary on account of the existence of parallel criminal proceedings); *CP and BP v SSHD* [2012] EWCA Civ 418 in the Court of Appeal (the Divisional Court did not have power to stay or discontinue proceedings concerning a non-derogating control order under the Prevention of Terrorism Act 2005 s.3(10) unless the controlled person requested it); *NN and GG v SSHD* [2009] EWHC 142 (Admin) (personal searches of controlees were unlawful and the control order was unnecessary) and *AV v SSHD* [2009] EWHC 902 (Admin) (Control order was not necessary in light of developments in Libya and AV's lack of connection

to Al-Qaeda); *BX v SSHD* [2010] All ER (D) 60 (May) (Control order – Article 8 – relocation)

The case of *AV, AT, AW, AR, AU v SSHD* [2008] EWHC 2789 (Admin) concerned the background situation in Libya and the alleged links between the LIFG and Al-Qaeda. Edward appeared for AT, AW and AR and went on to appear in *AT and AW v SSHD* [2009] EWHC 512 (Admin) where the impact of a previous prosecution on the same facts which underpinned the control order was one of the issues. He appeared in AT's appeal in the Court of Appeal which was allowed: *AT v SSHD* [2012] EWCA Civ 42.

MEDIATION

Edward acted on behalf of three Guantanamo ex-detainees in the confidential mediated negotiation process concerning settlement of civil compensation claims.

CRIME

Edward has represented in a number of criminal trials in connection with proscribed organisations (e.g. DHKP-C, LIFG and LTTE). He appeared in a trial relating to the LIFG which culminated in the Court of Appeal judgment of *R v IK, AB and KA* [2007] EWCA Crim 971 (double jeopardy) and in a trial concerning the LTTE – *R v Arunachalam Chrishantchakumar and Others* – in which his client was acquitted.

AWARDS

Young Barrister, Legal Aid Lawyer of the Year Awards 2005.

EDUCATION

- BSc (Economics) LSE
- CPE

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