



# Sarah Hemingway

YEAR OF CALL: 2006



Sarah Hemingway regularly represents claimants in civil jury trials, including multi-handed and multi-claim cases, often involving false imprisonment, assault and malicious prosecution. She appears at the county courts, high courts and Court of Appeal.

"A really good trial lawyer and a strong cross-examiner." "She is always well prepared and produces detailed submissions and advocacy, and is very good with clients."

CHAMBERS UK 2020 (POLICE LAW: MAINLY CLAIMANT)

"She is very approachable, motivated and reliably provides quality advice."

CHAMBERS UK 2017 (CIVIL LIBERTIES AND HUMAN RIGHTS)

"She knows her stuff and turns the paperwork around very quickly." "She will go the extra mile to help clients," and "is very detailed and thorough".

CHAMBERS UK 2017 (POLICE LAW: MAINLY CLAIMANT)

"She draws on her experience as a Human Rights Consultant for the UN Office of the High

Commissioner to represent both claimants and defendants."

CHAMBERS UK 2016 (CIVIL LIBERTIES AND HUMAN RIGHTS)

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"She is brilliant. She is one of my first choices for counsel and has an expertise in human rights and specifically freedom of assembly and association with a look at protests and protesters' rights."

CHAMBERS UK 2016 (POLICE LAW: MAINLY CLAIMANT)

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

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You can also contact Sarah directly:

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## CLAIMS AGAINST THE POLICE AND PUBLIC AUTHORITIES

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A major part of Sarah's practice involves civil claims against public bodies, with a particular focus on actions against the police. She is experienced in jury trials involving false imprisonment, assault, malicious prosecution and other torts and regularly advises on similar claims.

Sarah also has experience of round-table negotiation and mediation in police cases and recently helped to settle a race discrimination claim against Kent police for £50,000 plus an extensive written apology. In the case of *Alford v CC Cambridgeshire Police* she was junior counsel to a serving police officer who brought a claim against a neighbouring police service for false imprisonment and malicious prosecution.

### NOTABLE CASES

#### ***Erinle v CC Merseyside Police***

Sarah secured damages for a man assaulted by police in the course of an arrest then maliciously prosecuted for assault PC.

#### ***Pannell v Chief Constable of Surrey Police***

Sarah was junior counsel in a team that managed to secure £40,000 for the victim of an assault by a police officer.

### ***Deakin v Chief Constable of Merseyside Police***

Sarah secured substantial damages for a man falsely imprisoned, assaulted and maliciously prosecuted for affray.

### ***Stanford v Chief Constable of Merseyside Police***

Successfully represented a claimant in relation to a case involving an arrest for breach of the peace in a domestic setting.

### ***Hayes v Chief Constable of Merseyside Police [2012] 1 WLR 517***

Sarah was junior counsel before the Court of Appeal case clarifying the application of the "necessity of arrest" requirement.

### ***Marper v UK***

Sarah worked on this case as a pupil, wherein the ECtHR unanimously held that the blanket retention of DNA breached Article 8.

## **INQUESTS AND INQUIRIES**

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Sarah's inquest work includes deaths in custody, deaths occurring soon after contact with police and health authorities, and deaths at work or those involving prospective prosecutions by the Health and Safety Executive. Civil claims in negligence or Article 2 claims following the inquest procedure are growing areas of practice.

## **PRISONERS' RIGHTS**

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Sarah is regularly instructed in prisoner adjudications and parole board applications, providing written representations and advocacy at oral hearings. She also advises on potential challenges to recall, prisoner complaints and other civil actions or human rights claims brought by prisoners.

## **ADMINISTRATIVE AND PUBLIC LAW**

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### **Judicial Review**

Sarah mainly advises on judicial reviews arising from the criminal justice system such as the decisions of the Parole Board, the Independent Police Complaints Commission, magistrates, the Criminal Cases Review Commission and CICA. She has represented both prisoners and victims of crime in their applications before the High Court and is currently acting in a number of challenges against the IPCC. A growing area of work involves challenging decisions to detain within the immigration context.

## **MENTAL HEALTH LAW**

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Sarah is often instructed in cases involving detention and human rights before the Mental Health Tribunals. Court of Protection work is a growing area of interest.

## **CRIMINAL DEFENCE**

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Criminal work makes up a significant part of Sarah's practice involving crown court trials, appeals and cases stated to the High Court.

## **NOTABLE CASES**

### ***R v Abad Siddique and ors* [2010]**

Led junior for the main defendant in a prosecution arising from "Operation Retriever" where the charges included rapes, several false imprisonments and sexual assaults against a number of complainants.

## **PROTEST RIGHTS**

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Sarah has substantial experience in the area of protest cases, such as those arising out of "Climate Camp and other environmental campaigns, including sentencing of the 49 Stansted protesters ("Plane Stupid") case. She continues to represent people in cases where there is a potential civil claim arising out of police acts or omissions and in ASBO applications.

## **INTERNATIONAL HUMAN RIGHTS**

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Sarah works internationally as a human rights expert for the Council of Europe training police in developing

countries (completing missions in Georgia, Albania, Azerbaijan, Russia) and has represented Northern Ireland at international seminars held in Paris and Strasbourg.

In June 2011 and March 2012 she was involved in the training of senior UK police officers in human rights and public order.

In 2010 she was an international legal observer of an employment trial in Turkey for the International Centre for Trade Union Rights. And her report assisted in speeding up victory for the unfairly dismissed employees.

## PRO BONO WORK

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Sarah continues to work for the Asylum Support Appeals Project, which provides free representation for failed asylum seekers needing financial support and housing. She also works for the organisation Bail for Immigration Detainees (BID) providing free representation at bail hearings in the AIT.

## BACKGROUND

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Before coming to the Bar, Sarah was the human rights training adviser to the Police Service of Northern Ireland.

She has also worked extensively on human rights issues at the international level. As an immigration and human rights consultant for the UN Office of the High Commissioner for Human Rights (Bosnia and Herzegovina), she worked predominantly on issues of trafficking, discrimination and economic and social rights. As a human rights officer at the OSCE/ODIHR (Poland) she worked with the senior legal adviser on anti-trafficking issues and international human rights law.

## PUBLICATIONS

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*Turkey: Sinter metal trial observation report*, ICTUR, August 2010

Legal response to women as victims of trafficking: A European perspective, *Pakistan Journal of Women's Studies: Alam-e-Niswan*, Vol 16, No. 1&2, 2009 (co-authored with Phillippa Kaufmann)

DNA Discrimination, *New Law Journal* (co-authored with Azeem Suterwalla), April 2008

*Challenges in defining and operationalising a human rights-based approach to development: Experience from the Rights-Based Municipal Assessment and Planning Project in Bosnia and Herzegovina*,

IDPM, University of Manchester, 21-22 Feb 2005

The impact of tourism on the human rights of women in South East Asia; *The International Journal of Human Rights*, vol.8, No.3, pp.275-304 Autumn 2004

Sexual minorities and the international human rights framework; presented at Croatian Helsinki Committee for Human Rights Summer School, "3rd Generation Human Rights", September 2003.

Excess Baggage?: The responsibility of companies and individuals for human rights abuses within the tourism industry, *Human Rights Law Review Student Supplement*, 2002.

## **TRAINING AND SEMINARS**

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Sarah works internationally as a human rights expert for the Council of Europe training police in developing countries (completing missions in Georgia, Albania, Azerbaijan, Russia) and has represented Northern Ireland at international seminars held in Paris and Strasbourg.

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## **EDUCATION**

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- BA (Hons) Politics
- LLM Human rights law (University of Nottingham)
- Middle Temple Diplock Scholar

## **PROFESSIONAL MEMBERSHIP**

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[Police Action Lawyers Group](#)

Inquest Lawyers Group

Free Representation Unit (Employment Law)

Fair Trials International Young Defenders Network 2009

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