



Owen Greenhall

YEAR OF CALL: 2010



Owen Greenhall is an extremely adaptable advocate whose broad practice encompasses all aspects of the criminal justice system. Equally at home making speeches to juries or arguing points of law before the higher courts, he is an expert in cases involving freedom of expression.

"Top choice for cases raising human rights arguments."

LEGAL 500, 2020

"He brings together skills in crime, civil liberties and civil law."

LEGAL 500, 2019

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

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CRIMINAL DEFENCE

Owen is a committed criminal defence barrister and will always fight hard to protect his client's rights. He appears led and un-led in cases of significant gravity. Owen has particular expertise in public order trials, particularly those concerning protests.

He is also very experienced in cases concerning allegations of police misconduct in which he is able to apply his police law experience to a variety of areas, including abuse of process applications and exclusion of evidence. His expertise in prison law gives him an in-depth knowledge of sentencing matters.

Owen acts in extradition proceedings in first instance and High Court hearings. He has a good record of securing the discharge of European Arrest Warrants (EAWs) in the magistrates' court. Owen often acts in regulatory and POCA matters where his experience of civil and public law are of cross-over benefit.

NOTABLE CASES

Crown Court

***R v H & Others*, Inner London Crown Court (2018)**

Conspiracy to cause public nuisance. Scumoween rave. Original trial stayed as abuse of process in charging decision. See coverage in [The Evening Standard](#).

***R v E*, Oxford Crown Court (2017)**

Crown sought to bring charge of s18 GBH based on hearsay evidence from complainant who had died of unrelated causes. Successfully re-argued application to exclude hearsay evidence on first day of trial following disclosure of police material affecting credibility of complainant forcing Crown to offer no evidence.

***R v M*, Cardiff Crown Court (2017)**

Suspended sentence for bomb hoax.

***R v M*, Woolwich Crown Court (2017)**

Assault with intent to resist arrest x 3. Acquittal on basis of unlawful arrest.

R v Hameed and Others, Southwark Crown Court (2016)

Operation 'Kadenza' vishing fraud targeting solicitors firms and property companies. Total losses over £160 million. Largest cyberfraud seen by Met Police. Junior counsel to Dafna Spiro. See coverage in [The Guardian](#).

R v O'K & Others, Southwark Crown Court (2016)

Conspiracy to burgle by gang targeting high-end retailers on Bond Street using mopeds. Successful submission of no case to answer on basis of flaws in mixed-profile DNA results and weaknesses in cell-site evidence.

R v M, Blackfriars Crown Court (2016)

Violent disorder acquittal. Crowd dispersed by police dogs. Defendants acting in self-defence. See coverage in [Southwark News](#) and [artist's impression of trial](#).

R v L, Cardiff Crown Court (2016)

Successful defence of young vulnerable man accused of violent disorder. CCTV showed defendant kicking a kneeling police officer in the head. Acquitted on basis of defence of another. See coverage in [The Daily Mail](#) and [Wales Online](#).

R v M, Harrow Crown Court (2014)

No case to answer on counts of possession with intent to supply cannabis valued at £4,000 and possession of a stun gun.

R v S, Southwark Crown Court (2013)

Prisoner accused of possession with intent to supply heroin in HMP Thameside.

R v T, Northampton Crown Court (2013):

£25,000 Cash-in-transit robbery, disputed identification by police officer from CCTV.

R v S, Isleworth Crown Court (2013)

Client accused of threatening ex-partner with knife, successful alibi defence where alibi witness not called to give evidence.

R v T, Harrow Crown Court (2013)

Abuse of process: the defendant was a victim of human trafficking.

R v F, Harrow Crown Court (2013)

Suspended sentence for client who lived for 23 years under a false identity. Defendant charged with 13 identity document offences, including several false passports.

Magistrates' and Youth Court

R v L, Brighton Magistrates' Court (2013)

Successful defence of duress and self-defence to charges of careless driving, failing to stop and failing to report an accident.

R v P, Luton Magistrates' Court (2012)

Abuse of process argument on basis of racial discrimination in charging decision of trading standards case against Irish Traveller lead to prosecution discontinuing case.

R v M, Wimbledon Magistrates' Court (2012)

Assault PC. No case to answer on basis that police officer engaged in unlawful car chase.

Extradition, Regulatory and POCA

R v I, Snarebrook Crown Court (2015)

Successful appeal against closure order. One of the first such appeals to be brought.

Lithuania v G (2014)

Successful Art 8 defence to extradition proceedings on basis of five-year delay in certification of EAW and child born in UK.

Germany v S (2014)

Successful defence to accusation EAW on basis of deficient particulars of alleged VAT fraud offence.

CRIMINAL APPEALS

Owen regularly acts in cases in the Court of Appeal Criminal Division. He also has considerable experience of appeals by way of case stated and judicial review challenges to decisions of magistrates' courts.

A number of appeals have involved complex aspects of sentencing where Owen is able to apply his prison law experience.

NOTABLE CASES

Court of Appeal Criminal Division

R v Ras (Joseph) [2017]

Successful appeal against setting of minimum term for contract killing murder. Insufficient credit given for time on remand pending extradition. Extension granted for appeal brought 7 years out of time.

R v Gastall [2017] EWCA Crim 1785

Appeal against conviction on basis of flawed disclosure.

R v DS [2017] EWCA Crim 1430

Acted for defendant in prosecution appeal against stay of multi-handed trial of for abuse of process due to charging decision.

R v Carling [2016] EWCA Crim B1

Appeal against sentence for violent disorder

R v Threadgold (2015)

Successful appeal against conviction on basis of flawed direction on identification from CCTV evidence.

R v Saliuka [2014] EWCA Crim 1907

Appeal against sentence for supplying drugs in prison on basis of disparity.

High Court Case Stated Appeals and Judicial Review

Owen regularly acts in appeals by way of case stated and judicial review challenges to decisions of magistrates' courts. A significant number of his High Court appeal cases have not been opposed by the CPS following the lodging of detailed grounds.

Dougall v CPS [2018] EWHC 1367 (Admin)

Successful challenge to jurisdiction of magistrates' court to try an amended charge of a summary only offence where appellant initially charged with indictable offence outside six-month time limit for summary offences and charge later amended.

R(DPP) v Stratford Magistrates Court [2017] EWHC 1794 (Admin)

Acted for respondent in judicial review brought by DPP against refusal of district judge to state a case for the High Court. A leading case on ambit of defence of prevention of crime under s3 Criminal Law Act 1967.

L v DPP (2014)

Appeal by way of case stated from Crown Court on basis of irrational findings by justices that police officers acting in execution of duty when failing to inform appellant of grounds of arrest. Appeal unopposed by CPS

after skeleton argument submitted.

PROTEST RIGHTS

Owen is a specialist in all aspects of the law relating to protest and freedom of expression and has extensive experience of litigation in this area. Owen acts in both criminal trials and civil claims relating to protests, including actions against the police and possession proceedings. He has provided pre-litigation advice to several national NGOs on criminal and civil liability for direct action protests.

Owen is co-author of [*'The Protest Handbook'*](#) (Bloomsbury 2012) a leading textbook in the field. Owen regularly gives talks and training sessions on protest law to audiences which have ranged from small activist groups to members of the Welsh Assembly.

Owen is co-chair of the Netpol Lawyers Group a group of protest lawyers affiliated to the [Network for Police Monitoring](#).

NOTABLE CASES

Owen has represented activists from a large number of different protest groups and campaigns, including: Balcombe Anti-Fracking, CAAT, CAPS, Cardiff Anarchist Network, Coombe Haven Defenders, Greenpeace, Heathrow13, London Palestine Action Group, Occupy Sussex, Occupy Democracy, Plane Stupid, SHAC, Sheffield Tree Action Group, SmashEDO, West Midlands Hunt Sabs, Unite Against Fascism and UKuncut.

Criminal cases

Owen has extensive experience defending activists accused of criminal offences arising from protests and is well versed in articulating issues relating to freedom of expression within the context of criminal trials. He has particular experience in defences of necessity and justification.

High Court

R(DPP) v Stratford Magistrates Court [2017] EWHC 1794 (Admin)

Junior counsel to Edward Fitzgerald QC acting for respondent in judicial review brought by DPP against acquittal by district judge of anti-arms fair protestors on basis they acted in order to prevent crime. A leading case on ambit of defence of prevention of crime under s3 Criminal Law Act 1967 in the protest context.

L v DPP (High Court, 2014)

Appeal by way of case stated from Crown Court on basis of irrational findings by justices that police officers acting in execution of duty when failing to inform appellant of grounds of arrest. Appeal unopposed by CPS after skeleton argument submitted.

R v C & Others (Stafford Crown Court/Birmingham High Court, 2015)

Acted *pro bono* in High Court proceedings successfully challenging a harassment injunction restraining protest at an arms factory, with the judge finding that there were "serious and manifold" failings in disclosure. Owen also acted in criminal proceedings for 19 defendants facing Crown Court trial for breaching the injunction. Following legal argument, the CPS discontinued all criminal charges. The case was reported in the media including: the [International Business Times](#), the [BBC](#) and the [Birmingham Mail](#).

Crown Court

R v M, Cardiff Crown Court (2017)

Suspended sentence for protestor who sought to halt arms fair with bomb hoax. Necessity defence.

R v G, Canterbury Crown Court (2017)

Violent disorder. Anti-fascist protestor on march against Britain First in Dover 2017.

R v M, Blackfriars Crown Court (2016) (East Street 3)

Violent disorder acquittal. Protestors taking direct action against immigration raid. Crowd dispersed by police dogs. Defendants acting in self-defence. See coverage in [Southwark News](#) and [artist's impression of trial](#).

R v L, Cardiff Crown Court (2016)

Successful defence of member of Cardiff Anarchist Network on charge of violent disorder. CCTV showed defendant kicking a kneeling police officer in the head. Acquitted on basis of defence of another. See coverage in [The Daily Mail](#) and [Wales Online](#).

R v G & B (2015)

Crown Court Appeal against conviction for breach of Section 14 conditions imposed on a protest in Sealife Centre, Blackpool. Successful submission of no case to answer on basis that the imposition of conditions was unlawful.

Magistrates' Court

R v H & Others (2018) (DSEI 2017)

Acted in series of trials for defendants who staged lock-on protests at the DSEI 2017 arms fair. Defendants acquitted on basis that actions reasonable taking into account Articles 10 and 11 ECHR.

R v B & Others (2017)

Represented 10 Greenpeace activists who staged seven-hour lock-on protest at Preston New Road fracking site. Acquitted on basis of reasonableness defence taking into account freedom of expression. See coverage on [BBC](#).

R v B & Others (2016) (DSEI 2015)

Represented anti-arms fair protestors who blocked access to the DSEI 2015 arms fair at the Excel centre. Acquitted on basis that acted in order to prevent crimes relating to unlawful weapons sales.

R v M & Others (2016) (Heathrow13)

Acted for 5 of 13 defendants who took direct action on runway of Heathrow airport stopping flights for several hours. Defence of necessity to prevent deaths through climate change. Links to coverage on the [BBC](#), [The Guardian](#) and [The Independent](#).

E-K v CCSP(2015)

Successful submission of no case to answer. No lawful direction given under Section 65 CJPOA 1994 relating to alleged rave.

R v J-L & P (2015):

Acquittal of two men facing charges of assaulting police officers during the Aylesbury Estate eviction. The case was listed for two-days, but all charges were dismissed by lunchtime on the first day. The eviction received national media coverage, including the [BBC](#), [The Guardian](#) and [The Evening Standard](#).

R v W & others (Occupy Parliament Square) (2015)

One of two counsel jointly instructed to represent all those charged with offences arising out of the Occupy Democracy protests in Parliament Square in late 2014. Out of 31 defendants facing 61 charges over the course of 11 sets of proceedings, not one person was convicted. The case was widely reported in the media including [The Evening Standard](#), [The Guardian](#) and ITV.

R v P (2014)

Successful submission of no case to answer for two defendants facing charges under s144 squatting in residential premises during occupation protest. The case has been reported in [Camden New Journal](#) and [The Evening Standard](#).

R v Lucas and others(2014)

Represented two defendants accused alongside Caroline Lucas MP of breaching conditions of a Section 14 notice. Judge found that Section 14 notice was unlawful. The case was widely reported in the media by the [BBC](#),[The Guardian](#)

and [The Independent](#).

R v I (2014)

Successful submission of no case to answer against student accused of sitting in front of police van as form of protest. Actions did not constitute an obstruction in context of ECHR Articles 10 and 11.

R v L, R v H (2014)

Coombe Haven Defenders represented on charges of aggravated trespass and obstruction of the highway.

R v C (2013)

Successful defence of student accused of disorderly behaviour for calling Conservative MP a coward. The case was reported in [The Independent](#) and [The Brighton Argus](#).

R v D (2013)

Successful acquittal at half time. Following the (now repealed) principle in *R v Munim Abdul*, CPS failed to prove that prosecution of anti-EDL protester on charge under Section 5 Public Order Act was proportionate interference with right to freedom of expression.

Civil cases

During pupillage, Owen worked on several high-profile civil cases relating to protests including *Corporation of London v Samede* (Occupy St Paul's), *Sun Street v Persons Unknown* (Occupy UBS) and *R v Clarke & Ors* (Fortnum and Mason's protest).

E-K v CCSP (2018)

Successful claim for damages for unlawful arrest and under HRA on basis of unlawful directions made under anti-rave legislation. Owen also acted for the claimant in criminal proceedings where the case was dismissed on a submission of no case to answer.

MR & DT v CCWYP (2017)

Claims for false imprisonment and trespass to goods arising out of arrest of alleged environmental protestors.

W v CCGMP (2014):

Successful civil claim for unlawful arrest following the imposition of a Section 14 notice on demonstrators in Manchester.

Injunctions

Owen regularly advises on challenges to injunctions sought by both local authorities and state and private

companies seeking to restrict protest activity.

UKOG v Persons Unknown (2018)

Junior to Stephanie Harrison QC in challenge to wide-ranging injunction sought by oil company seeking to prevent protest.

Sheffield City Council v Brooke [2018] EWHC 1540 (QB)

First time High Court acknowledges defence of another as defence to contempt of court. Sheffield tree protestor facing committal proceedings. [Link to judgement](#).

Elbit Systems Ltd v Persons Unknown (High Court, 2015)

Acted *pro bono* in High Court proceedings successfully challenging a harassment injunction restraining protest at an arms factory, with the judge finding that there were "serious and manifold" failings in disclosure. Owen also acted in criminal proceedings for 19 defendants facing Crown Court trial for breaching the injunction. The case was reported in the media including: [The International Business Times](#), the [BBC](#) and the [Birmingham Mail](#).

INQUESTS AND INQUIRIES

Owen regularly appears in inquests on behalf of the families of those who have died in state custody or following contact with the police. His extensive experience of both prison law and police actions are of direct relevance to many of these cases.

NOTABLE CASES

Inquest into death of PP (2017)

Jury held that multiple failings by prison mental health team contributed to death at HMP Bedford.

Inquest into death of AH (2017)

Jury recorded that HMP Thameside failed to conduct adequate medical assessment on arrival into prison,

Inquest into death of James Fox (2016)

Acted as sole-counsel for family in police shooting inquest. First police shooting to be captured on body-worn video cameras worn by firearms officers. Prevention of future death report ordered into adequacy of police equipment to safely deal with firearms situations. See coverage on the [BBC](#).

CLAIMS AGAINST THE POLICE AND PUBLIC AUTHORITIES

Owen regularly acts in civil actions against the police in matters ranging from excessive force and unlawful arrest to improperly obtained and executed search warrants.

He combines in-depth knowledge of police powers and civil/public law challenges with the skills of jury advocacy gained through his criminal defence work.

NOTABLE CASES

E-K v CCSP (2018)

Successful claim for damages for unlawful arrest and under HRA on basis of unlawful directions made under anti-rave legislation. Owen also acted for the claimant in criminal proceedings where the case was dismissed on a submission of no case to answer.

P v CC Leicestershire Police (2017)

Successful negligence claim against police officers breaking detainees leg during restraint in custody. Single claimant witness and 7 police officers giving evidence for defendant.

F v CC Sussex Police (2017)

Civil claim for damages for damages from improperly obtained search warrant.

MR & DT v CCWYP (2017)

Claims for false imprisonment and trespass to goods arising out of arrest of alleged environmental protestors.

R v CCNWP (2015)

Successful claim for race discrimination for unlawful police stop.

S v CCKP (2015)

Successful negligence claim where detainee's teeth broken when pulled out of police van.

Keelagher v CCMP, Liverpool County Court (2015)

Successful jury trial in claims for false imprisonment and breach of ECHR Article 8 due to unnecessary arrest and improperly conducted search.

D v CCMP (2015)

Series of claims for unlawful strip searches.

Banton v Met Police, High Court (2014)

Jury found that unlawful force was used against client following his arrest at a tube station. Claimant was serving prisoner who lacked corroborating witnesses, but jury found officers had no reasonable belief for their use of force.

Roberts v CCMP, Liverpool County Court (2014)

Seven-day jury trial for false imprisonment, assault and malicious prosecution arising from improperly executed search. Jury found for claimant on all heads of claim resulting in damages of £25,000.

M v UKBA (2013)

Damages in excess of £10,000 for unlawful detention following UKBA raid on restaurant.

PRISONERS' RIGHTS

Owen is a prison law specialist. He cut his teeth as an advocate representing prisoners in disciplinary proceedings and is committed to upholding prisoners' rights.

Before coming to Garden Court, Owen worked as a race discrimination caseworker at the Prisoners' Advice Service (Firm of the Year, Legal Aid Lawyer of the Year Awards 2011). He has extensive experience representing prisoners in parole board hearings and has acted for a significant number of IPP prisoners who have been granted release. Owen also has a long history of acting in adjudication hearings.

Owen is regularly instructed in judicial review challenges to decisions of the Parole Board as well as free-standing civil claims for parole board delays. Similarly he acts in judicial review claims arising from prison adjudications. Owen has also acted in matters related to home detention curfew, sentence calculation, categorisation, licence conditions, repatriation and recalls. Owen represents foreign national prisoners serving prison sentences and when held under immigration powers.

NOTABLE CASES

Parole Board Hearing of MS (2018)

Parole granted for female life sentenced prisoner who committed murder aged 16.

WL v Parole Board (2017)

Successful civil claim under HRA for breach of Art 5(4) ECHR on basis of delays in holding parole hearing.

R(N) v Independent Adjudicator (2015)

Successful judicial review challenge to Independent Adjudicator's finding of guilt for possession of

unauthorised articles in shared cell on basis of knowledge alone and not control.

Parole Board Hearing of SW (2015)

Lifer ineligible for open conditions due to previous absconding re-released direct from closed conditions.

R(S) v HMP B and MOJ (2014)

Successful judicial review challenge to governor's adjudication relating to mental element in offence of administration of controlled drug.

R(S) v Parole Board (2013)

Judicial review of refusal to hold oral hearing to consider transfer to open conditions.

R(A) v Independent Adjudicator (2013)

Judicial review of independent adjudication; finding of guilt quashed on basis of error of law in the elements of the offence.

Parole Board Hearing of MW (2013)

Acted for prisoner serving life sentences for serial rape and murder.

ROMANI GYPSY AND TRAVELLER RIGHTS

Owen has a discrete interest in discrimination claims brought by Gypsies and Travellers. He is regularly instructed in claims relating to the provision of goods and services, often involving the refusal of service in pubs and restaurants. Owen is the author of the chapter on Discrimination in the forthcoming edition of *Gypsy and Traveller Law* (LAG, 2019). During his pupillage at Garden Court, Owen gained significant experience of the law relating to Gypsies and Travellers including assisting with the Dale Farm litigation.

Owen was junior counsel for the claimants in *The Traveller Movement & Others v Wetherspoons* (2015) where the court held that the refusal to allow those attending a Traveller's rights conference to enter to a pub constituted direct race discrimination on the basis of association with Irish Travellers. The judge also held that a corporation could bring proceedings for discrimination by association. The case received considerable media attention, including: [The Guardian](#), [The Daily Mail](#), [The Independent](#) and the [BBC](#).

NOTABLE CASES

Owen has been instructed in a large number of number of discrimination claims, several of which concern well-known nation-wide supermarkets and restaurant chains. In many cases conditions of settlement prevent

publication of further details.

The Traveller Movement & Others v Wetherspoons (2015),

Owen was junior counsel for the claimants. The court held that the refusal to allow those attending a Travellers' rights conference to enter to a pub constituted direct race discrimination on the basis of association with Irish Travellers. The judge also held that a corporation could bring proceedings for discrimination by association.

R v P, Luton Magistrates' Court (2012):

Abuse of process argument on basis of racial discrimination in charging decision of trading standards case against Irish Traveller lead to prosecution discontinuing case.

ADMINISTRATIVE AND PUBLIC LAW

Owen acts in public law proceedings across his areas of expertise. He also accepts instructions in cases that raise public law and human rights grounds more widely.

NOTABLE CASES

Sheffield City Council v Brooke [2018] EWHC 1540 (QB)

First time High Court acknowledges defence of another as defence to contempt of court. Sheffield tree protestor facing committal proceedings.

R(DPP) v Stratford Magistrates Court [2017] EWHC 1794 (Admin)

Junior counsel to Edward Fitzgerald QC acting for respondent in judicial review brought by DPP against acquittal by district judge of anti-arms fair protestors on basis they acted in order to prevent crime. A leading case on ambit of defence of prevention of crime under s3 Criminal Law Act 1967 in the protest context.

SMS v The Lord Chancellor (High Court, 2015)

Procurement challenge to Legal Aid Agency duty contracts tender scheme.

Elbit Systems Ltd v Persons Unknown (High Court, 2015)

Acted *pro bono* in High Court proceedings successfully challenging a harassment injunction restraining protest at an arms factory, with the judge finding that there were "serious and manifold" failings in disclosure. Owen also acted in criminal proceedings for 19 defendants facing Crown Court trial for breaching the injunction. The case was reported in the media including: [*The International Business Times*](#), the [BBC](#) and the [*Birmingham Mail*](#)

R (Harrow Community Support Ltd) v MOD [2012] (The "Olympic Missiles" case).

Owen was junior counsel for the residents of the Fred Wigg Tower.

BACKGROUND

Owen became a tenant at Garden Court Chambers in October 2012, after completing his pupillage under the supervision of Marc Willers QC and Dafna Spiro.

Owen is actively involved with a number of voluntary organisations including the Netpol Lawyers Group and the Haldane Society. He was previously a member of the Climate Camp Legal Team. He is always keen to use his legal experience to assist those working on behalf of disadvantaged groups through the provision of training and collaborative projects.

PUBLICATIONS

Gypsy and Traveller Law (3rd edition) (LAG, forthcoming). Co-author of chapter on discrimination.

The Protest Handbook, Wainwright, Morris, Craig and Greenhall, (Bloomsbury, 2012). Author of chapter on occupations.

Travellers Advice Team News, The UK Government's Response to the EU Framework on National Roma Integration Strategies, (March 2012), co-written with Marc Willers.

Garden Court Prison Law Blog (2011+), case reports.

Prisoners' Legal Rights Group Bulletin (2009-2011), information sheets and case reports.

Articles and book reviews in *Socialist Lawyer Magazine*, (2009-now).

JUSTICE Journal (2009), Book review of Beatson *et al: Human Rights: Judicial Protection in the United Kingdom* (Sweet & Maxwell, 2008).

TRAINING AND SEMINARS

Owen regularly gives talks, seminars and training sessions on matters relating to his areas of practice.

He has provided training on protest law to audiences ranging from small activist groups to members of the Welsh Assembly.

AWARDS

Albion Richardson Award (Gray's Inn)

EDUCATION

- MA (Maths and Philosophy) (Edin)
- DPhil (Philosophy) (Oxon)
- GDL (City)
- Albion Richardson Award (Gray's Inn)

PROFESSIONAL MEMBERSHIP

- Administrative Law Bar Association (ALBA)
- Criminal Bar Association (CBA)
- Extradition Lawyers Association (ELA)
- INQUEST Lawyers Group (ILG)
- NetPol Lawyers Group (NLG) (Co-Chir)
- Police Action Lawyers Group (PALG)

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