

## Clair Dobbin KC

Call: 1999 / Silk: 2021



Clair Dobbin KC practises in the fields of public law, human rights (with a particular expertise in children's rights), international co-operation law (extradition, mutual legal assistance and diplomatic law), inquests and inquiries and civil recovery.

Prior to taking silk, Clair was Counsel to the Crown (civil) for 17 years, seven of which she spent on "A" Panel of Treasury Counsel. She has been in many seminal cases in her areas of expertise in recent years. Recent or current instructions include **United States v Assange** in which she is Counsel for the United States; **Secretary of State for the Home Department v El Gizouli** (Supreme Court litigation concerning the death penalty and the so-called Jihadi Beatles); **Terra Services v Home Secretary** (concerning the investigations in the United Kingdom of associates of former President Trump); **EVAW v DPP** (judicial review litigation concerning the decline in rape cases being charged and prosecuted); the inquiry into **Children's Homes** in Lambeth (as part of her role as Counsel to the Independent Inquiry into Child Sexual Abuse); and the **East London Inquests** (concerning the investigations into the murders of four young men).

Clair has appeared alone before the Supreme Court, the Privy Council and in the European Court of Human Rights. She is recommended as a leading practitioner across six different practice areas (public law, extradition law, inquests and inquiries, professional discipline, police law and civil liberties).

## Public Law

Clair has extensive public law experience having been Counsel to the Crown for seventeen years (seven of which were spent on the 'A' Panel). In this capacity she has dealt with very many highly sensitive and complex cases.

Her most recent public law cases include **El Gizouli v SSHD** before the Supreme Court (judicial review of the decision to offer assistance to the USA absent a death penalty assurance in the case of the so-called "Jihadi Beatles"); **Terra**

**Services v NCA, SSHD** (on the confidentiality of diplomatic correspondence in MLA and the use of closed material procedures in the MLA context, related to the investigation of associates of former President Trump); **Terra Services v NCA, SSHD** on the Secretary of State's functions in MLA; **EVAW v DPP** (judicial review on the issue of whether the Crown Prosecution Service had changed its guidance and training so as to cause a fall in the number of rape cases being charged or brought to trial); **R (Birks) v Commissioner of Police of the Metropolis** (Article 2 and misconduct proceedings arising out of a death in police custody) and **ZY v Ministry of Justice** (the use of restraint techniques at Feltham Young Offenders' Institute).

## Notable Public Law cases

- **Elgizouli v Secretary of State for the Home Department (Supreme Court) [2020] 2 WLR 857**
- **R (on the application of End Violence Against Women Coalition) v DPP (Court of Appeal) [2021] 2 Cr App R. 2**
- **Jane v NCA [2019] 4 WLR 95**
- **R (on the application of Terra Services Ltd) v National Crime Agency [2021] 1 WLR 1**
- **R (on the application of Terra Services Ltd) v National Crime Agency WHC 130 (Admin) I [2020] 1 WLR 1149**
- **R (on the application of Salvato) v Secretary of State for Work and Pensions I [2021] HRLR 4**
- **Scott v United States [2019] 1 WLR 774**  
Clair acted for a former HSBC banker in these extradition proceedings.
- **R (on the application of Birks) v Commissioner of Police of the Metropolis I [2018] ICR 1400**  
Acted for Reverend Birks in this case concerning the issue of the extent to which Article 2 requires a professional misconduct process as part of the State's duty to investigate deaths for which the State may be responsible.
- **Neville v Commissioner of Police of the Metropolis [2018] EWHC 20 (QB)**  
Defended the police in this civil claim for damages under Article 2 arising out a death during restraint.
- **R (on the application of Unaenergy Group Holding Pte Ltd) v Director of the Serious Fraud Office [2017] 1 WLR 3302**  
Whether the SFO has the power to require production of documents held outside the jurisdiction of the English courts.
- **R (on the application of Akarcay) v Chief Constable of West Yorkshire I[2017] EWHC 159 (Admin)**  
Policing, international law and dealing with territories which are not recognised as a matter of international law.
- **R (on the application of Hisbani) v Secretary of State for the Home Department [2016] EWCA Civ 1215**  
Diplomatic law and immigration.

- **R (on the application of AB) v Commissioner of Police of the Metropolis [2016] EWHC 2714 (Admin)**  
Article 2 obligations in respect of employees who wish to retire.

## International Co-operation Law

Clair began her career practising in extradition law and has been in a number of the leading cases in this jurisdiction and before the European Court of Human Rights.

Cases include, in extradition, a number of important terrorist cases such as **USA v Abu Hamza**, **USA v Aswat**, **USA v Babar Ahmad** and **Hilali v Central Court of Criminal Proceedings National Court Madrid**. She is counsel for the United States in the ongoing extradition proceedings against Julian Assange.

Other cases include **Bat v Germany** (special mission immunity); **Gary Mc Kinnon v USA** (computer hacking); **India v Shankaran** (the War Room spying case). She was junior counsel for the UK in the **Harkins v UK** litigation before the European Court of Human Rights (concerning whether the UK can extradite to USA where there is a real risk of life without parole). Although led, she made the submissions in **Scott v USA** which resulted in the discharge of a HSBC banker (on grounds of forum) wanted by the United States of America to face allegations of fraud related to the manipulation of the foreign exchange market.

She has been in every case on MLA to have gone to the Supreme Court – **El Gizouli v Secretary of State**, **Ismail v Secretary of State** and **Montgomery v Secretary of State**.

She recently acted in **USA v Connolly and Black** instructed by the US Department of Justice in this prosecution of two former Deutsche Bank bankers extradited to the United States (in respect of Libor manipulation).

## Notable International Co-operation Law cases

- **United States v Julian Assange (ongoing)**
- **Harkins v UK (No.1)/Edwards v UK**  
Whether the UK can extradite to the USA where there is a real risk of a 'whole life' sentence.
- **Harkins v UK (No.2)**  
Grand Chamber reconsideration of Harkins No.1 in light of further caselaw; extent to which the ECtHR can revisit cases.
- **Jane v Westminster Magistrates' Court [2019] 4 WLR 95**  
European Court of Justice approach to obligation to surrender and application in English law.
- **Scott v United States [2019] 1 WLR 774**  
Successful defence of a HSBC banker on grounds of forum.

- **Shankaran v India [2014] EWHC 957 (Admin)**  
Successful defence of the Appellant in the ‘War Room’ extradition proceedings.
- **R (on the application of Aswat) v Secretary of State for the Home Department [2014] MHLR 140**  
Acted for the United States concerning extradition after the European Court of Human Rights decision in Aswat.
- **Bat v Germany [2013] QB 349**  
Special Mission Immunity and extradition.
- **Halligen v Secretary of State [2012] 1 WLR 1604**  
Whether Article 6 applies to extradition proceedings.
- **USA v Abu Hamza**
- **USA v Aswat**
- **USA v Babar Ahmad**
- **Hilali v Central Court of Criminal Proceedings National Court Madrid.**
- **Ismail v Secretary of State for the Home Department [2016] 1 WLR 2814**  
Supreme Court case on the application of Article 6 to extradition proceedings.

## Public inquiries and inquests

Clair’s other main area of practice is public inquiries and inquests. She was in the Bloody Sunday Inquiry and was junior counsel to Sir James Dingemans in the Baha Mousa Inquiry.

Clair joined The Independent Inquiry into Child Sexual Abuse in 2015. She was responsible for developing the Inquiry’s investigations into the abuse of children in local authority children’s homes. She was counsel to the Inquiry in its Rochdale and Cyril Smith MP investigation and remains as counsel to the Inquiry in its investigation into the abuse of children in the care of Lambeth.

Clair has appeared in many leading inquests of recent years. These include the inquests into the deaths of Smiley Culture, Ian Tomlinson, Alexander Litvinenko and Mark Duggan. She is currently instructed in the Inquests into the deaths of four young men killed by a serial killer in Barking (the East London Inquests).

Clair has a great deal of experience in dealing with inquests concerning very vulnerable individuals. Please contact her clerks for further information about this.

She has also appeared in related litigation. Recent examples include the misconduct proceedings related to the death of Sean Rigg (in which all officers were found not to have committed any misconduct) and *Neville v Commissioner of Police of the Metropolis* where Clair successfully defended the MPS in a claim seeking damages under Article 2 for the death of

the Claimant's son arising out of a restraint by the police.

## Notable Public inquiries and inquests cases

- **Bloody Sunday Inquiry**
- **Baha Mousa Inquiry**  
Junior counsel to Sir James Dingemans.
- **Independent Inquiry into Child Sexual Abuse**
- **Inquest into the death of MA**  
The death of prisoner in a specialist wing at HMP Manchester.
- **Inquest into the death of Child K**
- **Inquest into the death of KK**  
During police emergency response.
- **Inquest into the death of Child AD**
- **David Emmanuel ('Smiley Culture') Inquest**
- **Ian Tomlinson Inquest**
- **Litvinenko Inquest**
- **Mark Duggan Inquest**

## Notable Cases

### Public Law

#### **Elgizouli v Secretary of State for the Home Department**

[2020] 2 WLR 857

#### **R (on the application of End Violence Against Women Coalition) v DPP**

[2021] 2 Cr App R. 2

#### **Jane v NCA**

[2019] 4 WLR 95

**R (on the application of Terra Services Ltd) v National Crime Agency**

[2021] 1 WLR 1

**R (on the application of Terra Services Ltd) v National Crime Agency**

WHC 130 (Admin) | [2020] 1 WLR 1149

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**R (on the application of Birks) v Commissioner of Police of the Metropolis**

[2018] ICR 1400

**Neville v Commissioner of Police of the Metropolis**

[2018] EWHC 20 (QB)

**R (on the application of Unaenergy Group Holding Pte Ltd) v Director of the Serious Fraud Office**

[2017] 1 W.L.R. 3302

**R (on the application of Akarcay) v Chief Constable of West Yorkshire**

[2017] EWHC 159 (Admin)

## Public Inquiries and inquests

### East London Inquests

### Independent Inquiry into Child Sexual Abuse

### Litvinenko Inquest

### Mark Duggan Inquest

### David Emmanuel (“Smiley Culture”) Inquest

### Ian Tomlinson Inquest

### Bloody Sunday Inquiry

### The Baha Mousa Inquiry

## European Court of Human Rights (extradition and deportation)

### Harkins v UK litigation

Grand Chamber decision concerning extradition to face a whole life sentence

**Onur v United Kingdom**

(Application no. 27319/07) Judgment 17 February 2009

Successfully defended the UK in a challenge to the UK's ability to deport convicted criminals in historical cases

**Edwards v United Kingdom;**

**Harkins v United Kingdom**

Counsel for the UK in Article 3 challenges to extradition on the basis of possible imposition of life sentence without parole upon extradition

## House of Lords/Supreme Court/Privy Council

**Elgizouli v Secretary of State for the Home Department**

[2020] 2 WLR 857

**Ismail v Secretary of State for the Home Department**

[2016] 1 WLR 2814

**Sherry v Queen, Privy Council (Guernsey)**

[2013] UKPC 7

**Halligen v SSHD**

[2012] UKSG 20; [2012] 1 WLR

**Pilecki v Poland**

1 WLR 325; [2008] 4 All ER 445; [2008] Extradition LR 78; (2008) 152(6) SJLB 29; Times, February 14, 2008; Official Transcript

**Barnett v USA**

(HL) (2004) 1 WLR 2241

**Attorney General's Reference (No. 2 of 2001)**

HL (2004) 2 AC 72

**R (Guisto) v Governor of Brixton Prison**

[HL] [2003] 2 WLR 1089

## Administrative Court (judicial review, human rights and extradition)

**R (on the application of End Violence Against Women Coalition) v DPP**

[2021] 2 Cr App R 2

**Jane v NCA**

[2019] 4 WLR 95

**R (on the application of Terra Services Ltd) v National Crime Agency** [2021] 1 WLR 1

**R (on the application of Terra Services Ltd) v National Crime Agency**

WHC 130 (Admin) | [2020] 1 WLR 1149

**R (on the application of Salvato) v Secretary of State for Work and Pensions** | [2021] HRLR 4

**Scott v United States** [2019] 1 WLR 774 (Clair acted for a former HSBC banker in these extradition proceedings)

**R (on the application of Hisbani) v Secretary of State for the Home Department**

[2016] EWCA Civ 1215

**R (on the application of AB) v Commissioner of Police of the Metropolis**

[2016] EWHC 2714 (Admin)

**R (on the application of Birks) v Commissioner of Police of the Metropolis**

[2014] EWHC 3041 (Admin); [2015] ICR 204; [2014] Inquest LR 221

**R (on the application of Mackaill) v Independent Police Complaints Commission**

[2014] EWHC 3170 (Admin); [2015] ACD 19.

Judicial review challenging the IPCC investigation into the misconduct of officers linked to “Plebgate”.

**R (on the application of Aswat) v Secretary of State for the Home Department**

[2014] EWHC 1216 (Admin); [2014] MHLR 140; [2014] ACD 116

**Ismail v SSHD**

[2013] EWHC 663 (Admin)

**R (on the application of T) v Secretary of State for Justice**

[2013] EWHC 1119 (Admin)

**Hamza v Secretary of State for the Home Department**

[2012] EWHC 2736 (Admin)

**R (on the application of Woolley) v Ministry of Justice**

[2012] Lloyd’s Rep FC 442

**R (on the application of MP) v Secretary of State for Justice**

[2012] EWHC 214 (Admin); [2012] ACD 58; (2013) 109(9) LSG 17

**Bat v The Investigating Judge of the German Federal Court**

[2011] EWHC 2029 (Admin) (29 July 2011) [2011] EWHC 2029 (Admin)

**Inzunza & Ors v United States of America & Ors**

(Rev 1) [2011] EWHC 920 (Admin) (14 April 2011)



**R (on the application of Saunders) v Independent Police Complaints Commission**

[2009] 1 All ER 379; [2009] HRLR 1; [2009] UKHRR 137; Times, October 22, 2008

**R (on the application of B) v DPP**

[2009] 1 WLR 2072; [2009] 1 Cr App R 38; [2009] UKHRR 669; (2009) 106 BMLR 152; [2009] Crim LR 652; [2009] ACD 19; (2009) 153(5) SJLB 29; Times, March 24, 2009; Official Transcript

**SOCA v Pelekanos**

[2009] EWHC 2307 (QB); (2009) 106(40) LSG 20

**R (on the application of McKinnon) v DPP, R (on the application of McKinnon) v Secretary of State for Home Affairs**

[2009] EWHC 2021 (Admin)

**Serious Organised Crime Agency v Matthews**

[2009] EWHC 1544 (Admin)

**Brown v Rwanda**

[2009] EWHC 770 (Admin)

**Yuen v Secretary of State for the Home Department**

[2009] EWHC 573 (Admin)

**Director of the Assets Recovery Agency v Virtosu**

[2008] EWHC 149 (QB); [2009] 1 WLR 2808; [2008] 3 All ER 637; [2008] Lloyd's Rep FC 225

**Abu Hamza v United States**

[2008] EWHC 1357 (Admin); [2008] 1 WLR 2760; [2008] 3 All ER 1069; [2008] Extradition LR 263

**Akaroglu v Government of Romania R (on the application of Akaroghu) v Secretary of State for the Home Department**

[2007] EWHC 367 (Admin)

**Arain v Republic of Germany**

[2006] TLR 24th March 2006

**Regina (Slator) v Bow Street Magistrates' Court**

[2006] TLR 25th October 2006

**Ahmad v USA; Aswat v USA**

[2006] EWHC 2927

**Hilali v Central Court of Criminal Proceedings Number 5 of the National Court of Madrid and another**

[2006] All ER (D) 388 (May)

**R (on the application of Slator) v Bow Street Magistrates' Court**

[2006] All ER (D) (Oct)

**An Chen v Government of Romania**

[2006] All ER (D) 265 (Jun)

**Pillar and another v Provincial Court of Klagenfurt, Austria**

[2006] All ER (D) 43 (Jul)

**R (Redgrave) v Comm of Police of the Metropolis**

[2003] 1 WLR 1136

**R v Governor of Brixton Prison ex parte Saifi**

[QBD] [2001] 1 WLR 1134

**R v Governor of Brixton Prison ex parte Iyayi**

[2002] All ER (D) 160

**A-G's Ref (No 2 of 2001)**

[2004] 2 WLR 1

**Woodcock v Govt of New Zealand**

[2004] 1 WLR 1979

**Holmes v Germany TLR**

28th October 2004

**Kalvenas v Lithuania**

[2003] ACD 103

## Directory Recommendations

“She’s superb; she’s got a really penetrating intellect and she’s extremely pleasant to work with.” **Chambers UK 2023: Admin & Public**

“Clair is really great to work with. She is intellectually brilliant, passionate about the cause and extremely empathetic to the client. Her attention to detail is also extraordinary.” **Chambers UK 2023: Extradition**

“She works ferociously hard and she has a very good manner with vulnerable and bereaved people. She has a careful way of explaining the process, and combines it with a keen intellect, which is hard to bear.” **Chambers UK 2023: Inquests**

“A superb lawyer and outstandingly able.” **Legal 500 2023: Administrative & Public Law**

“A powerful advocate who is absolutely fantastic on extradition law.” **Legal 500 2023: International Crime and Extradition**

“She is fiercely intelligent, unbelievably hard-working and utterly charming to work with.” **Chambers UK 2022: Admin & Pub**

“You can do no wrong if you instruct her. She is brilliant.” **Chambers UK 2022: Extradition**

“She works phenomenally hard, has a very good grasp of inquests and has a very nice manner with clients.” **Chambers UK 2022: Inquests**

“She is a super bright, really persuasive and fantastic advocate.” **Chambers UK 2022: Inquests**

“Very intellectual and really knows everything about the law.” **Chambers UK 2022: Professional Discipline**

“Clair has a remarkable work ethic, and turns significant bits of work around with great speed but also with care.” **Legal 500 2022: Inquests and Inquiries**

“A superb lawyer and outstandingly able.” **Legal 500 2022: Administrative & Public Law**

“Excellent and incisive drafting skills. Meticulous preparation. Is always fully and completely prepared. Brilliant mind.” **Legal 500 2022: International Crime and Extradition**

Excellent and incisive drafting skills. Meticulous preparation. Is always fully and completely prepared.” **Legal 500 Civil Liberties & Human Rights**

## Education

- St Louise’s Comprehensive College, Belfast
- MA Hons (Cantab) Clare College, Cambridge
- Middle Temple Diplock Scholar

## Appointments

- Appointed Member of Treasury C Panel 2004
- Appointed Member of Treasury B Panel 2007
- Appointed Member of Treasury A Panel 2014
- Appointed Silk 2021

## Other Information

Clair is a Governor of the Ark Atwood Primary Academy in London.

She is on the Three Raymond Buildings Management Committee. Motivated by her own experiences, she strongly supports initiatives to improve access to careers in law by young people from disadvantaged backgrounds. She leads the Three Raymond Buildings mentoring scheme with the London Academy of Excellence Tottenham.

She volunteers with, and supports the Cambridge University, Criminology Department “Learning Together” programme at HMP Warren Hill for students within the prison and at Cambridge.

## Accreditations



## Privacy Statement

I, Clair Dobbin KC, am a data controller and can be contacted at 3 Raymond Buildings, Gray’s Inn, London WC1R 5BH or by telephone on 020 7400 6400 or by email at [clerks@3rblaw.com](mailto:clerks@3rblaw.com). My Data Protection Policy can be found below.

All personal data that I process is for the purposes of providing legal services, conducting conflict-checks, marketing, defending potential complaints, legal proceedings or fee disputes, keeping anti-money laundering records, training other barristers and pupils and when providing work-shadowing opportunities, and/or exercising a right to a lien. The types of data I process vary upon the nature of the legal matter in relation to which I am engaged to advise, but can include names, contact details, biographic details and ‘special category personal data’ (such as details of racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life and criminal convictions and proceedings).

Depending upon the circumstances of the case, the legal bases upon which I process personal data are (i) the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract, (ii) the processing is necessary to comply with legal obligations to which I am subject, or (iii) the processing is necessary for the legitimate interests set out above, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subjects which require protection of personal data, in particular where the data subject is a child. When I rely on (iii) legitimate interests, my ‘Legitimate Interests Assessment’

can be found [here](#). When I process data which has not be obtained directly from the data subject (e.g. personal data contained in evidential materials), it will have been supplied to me as part of my instructions in circumstances covered by legal professional privilege.

Depending upon the circumstances of the case, I may share the personal data with:

1. my Chambers, which supplies professional and administrative support to my practice;
2. Courts and other tribunals to whom documents are presented;
3. my lay and professional clients;
4. potential witnesses, in particular experts, and friends or family of the data subject;
5. solicitors, barristers, pupils, mini pupils and other legal representatives;
6. ombudsmen and regulatory authorities;
7. current, past or prospective employers;
8. education and examining bodies;
9. business associates, professional advisers and trade bodies.

I retain personal data for no longer than twenty years after the case has come to an end or as otherwise required by law.

I do not intend to transfer data to any country which is not either within the European Union, 'white listed' by the EU or otherwise permitted by EU law (e.g. to the USA under the provisions of the 'Privacy Shield').

Under the GDPR, data subjects whose personal data I process have the right to request from me access to, and rectification or erasure of, their personal data, the right to the restriction of processing concerning them, the right to object to processing as well as the right to data portability. Data subjects also have the right to lodge a complaint with the Information Commissioner's Office ([ico.org.uk](http://ico.org.uk)).

In cases where there is a contract between me and the data subject, the provision of personal data is a contractual requirement and the data subject is obliged to provide the personal data in order that I can supply legal services. A failure to provide such data may mean that I will not be able to provide the legal services.

Rev 1.1 12.03.2019

[Data Protection Policy](#)

[Legitimate Interests Assessment](#)