



Joel Bennathan QC

Called 1985 (QC 2006)

Areas of Practice

Criminal defence, appeals, extradition, control orders and High Court actions for the victims of torture.

Notable Cases

Recently secured acquittals for two of the Airline Bomb Plot defendants, **Shamim Uddin**, with Peter Wilcock [November 2009], and **Usman Saddique** [February 2010].

In 2009, with Martin Huseyin, conducted the successful defence of one of three men accused of conspiring to cause the July 7th tube bombings [**R v Shakil and Others**, Kingston Crown Court]

Currently advising the victims of torture in Bangladesh and Pakistan who allege UK government complicity in their mistreatment.

Recently concluded an appeal against in an extradition case, seeking to deploy the appellant's article 8 rights to block his being sent to the United States [Onwuzulike v USA, Divisional Court 29th May 2009]

Conducted the successful defence of **Michael Demetris**, accused of being part of the **£53,000,000 Securitas** robbery. Michael Demetris was acquitted by a jury after less than a day's deliberations following a three month trial. December 2008.

Anthony Stock [2008] EWCA Crim 1862. This was a unique second reference back to the Court of appeal by the Criminal Cases Review Commission in a case widely believed to be a miscarriage of justice from a conviction in the 1970s. Joel, leading Katy Thorne, had to advance arguments that tackled the Court's approach to a total of three previous refusals by different constitutions of the Court of Appeal.

R v Clarke and McDaid [2008] UKHL 8 Joel, leading Peter Wilcock, won this appeal in the House of Lords dealing with the fundamental approach to technicalities in criminal procedure. "A landmark decision", according to Criminal Law Week, won with what Lord Bingham described as "a notably able and attractive argument for the appellants (by) Mr Joel Bennathan QC".

Zafar and others (2008) 2 WLR 1013 "Government Terrorist Legislation in Tatters" according to the front page of *The Times* in February of 2008 after Joel, together with Michel Massih, brought about a fundamental re-writing of the provisions of the Terrorism Act 2000 before Lord Phillips, the Lord Chief Justice. All five student appellants

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were set free in this important judgment on the limits to the criminalisation of the possession of radical literature. In the linked case of *K* [2008] 2 WLR 1026, Tim Moloney did the same for the adjoining section of the same Act.

Al-Khawaja and Taherey v UK. 2008. Presented oral argument to the European Court of Human Rights on behalf of two linked applicants; an attempt to show that the failure by the UK Courts to apply the *Luca v Italy* test to the admission of hearsay evidence is in breach of the applicants' right to a fair trial.

R v Fletcher [2008] Crim.L.R. 50. An appeal focusing on the powers of the Criminal Cases Review Commission to refer old convictions back to the Court of Appeal on the basis of a subsequent change in the law.

R v Hamid and others (training camp case). 2008. Leading for the main defendant in the trial of the men alleged to have supplied training and indoctrination to the 21/7 bombers. After a mixed result of convictions and acquittals, the case is now due to be listed in the Court of Appeal to challenge the meaning of the training provisions of the Terrorism Act 2006.

R v Stretch and Puttock CA, September 2008. Joel, leading Katy Thorne, presented the arguments that persuaded the Court of Appeal to quash the murder convictions of these two appellants because of the trial judge's errors in his summing up.

Stephanie Williams [2007] EWCA Crim 2264. In this appeal against a conviction for murder, Joel, leading Julia Dick, advanced fresh psychiatric and eyewitness evidence in the case of a battered woman who had stabbed her abusive partner.

R v Khyam and others (Fertiliser Bomb plot). 2007. Led for the first defendant in this year long, major terrorist trial at the Old Bailey.

R v Yousaf and Akhtar [2006] EWCA Crim 469. Successful appeal against a High Court Judge's finding of contempt during murder trial.

R v Mr. Justice Collins, ex parte Nabeel Hussain. 2006. Attempt to judicially review the extension of pre-trial detention under extended terrorism provisions.

R v Ley [2006] EWCA Crim 3063. Appeal about the need for specific warnings in cases where the judge regards identification evidence as weak.

R v Ryan Prosser [2006] EWCA Crim 3380. Successful appeal against near-fatal section 18 assault based on trial Counsel's incompetence.

R v Stephenson [2005] EWCA Crim 1778. Successful appeal against armed robbery and associated offences that had led to 24 year sentence, on the basis of failures in prosecution disclosure.

R v Bourgass. 2005. Appeal against a murder conviction on behalf of the accused convicted of the ricin conspiracy.

A v B. 2005. A successful defence in the High Court of a case in which the Claimant was suing the Defendant for the negligent transmission of a sexual disease.

R v Sajad Badat (Gloucester Shoe bomber). 2004. Appeared for the defence of the defendant accused of plotting with Richard Reid.

R v Safi & others (2004) Cr.App.R. 14 (Acted, without leading Counsel, for the leader of the Afghani Airlines hijack; appeal won on Judge's error on law of duress).

R v Mills and Poole. 2002. (a successful murder appeal in an historic miscarriage of justice case arising from police misconduct).

R v Offen (2001) 1 W.L.R. 253 ("two strikes" life sentences)

R v Janjua & Choudhury (1999) 1 Cr.App.R. 91 (mens rea of accomplice in murder).

R v Callan (1998) Cr.App.R. 467 (out of court confession by another party).

R v Rankin (1997) Crim.L.R. 757 (jury retirement).

Francesco v Diedrick. 1997. High Court action for murder, leading to later successful prosecution.

R v Kendrick & Hopkins (1997) 2 Cr.App.R.524 ("appropriation" in theft).

He also acts for a number of appellants awaiting hearings at the Court of Appeal, including two referred there by the Criminal Cases Review Commission.

Publications

Occasional columnist in *The Times* and the *New Statesman*, Joel has also appeared on Channel 4 News and Newsnight discussing law and law reform

Published articles on the defence of provocation (with Peter Wilcock) – Solicitors Journal May 2006 and on the Carter Review (September 2006).

Speaking Events and Training, Seminars

Honorary lecturer at South Bank University.

Membership and Societies

Criminal Appeal Lawyers Association
Society of Labour Lawyers
Member SE Circuit
Criminal Bar Association (CBA).
Haldane Society of Socialist Lawyers

Other Activities

Joel has also given evidence to the Home Affairs Select Committee on criminal law reform.

Joel was a member of the Bar Council's Race and Religion Committee for many years. He also prosecutes allegedly errant barristers for the Bar Standard's Board.