

# Isabel Buchanan

*"Isabel has a sharp legal mind. She is a fantastic communicator and provides top quality advice."*

– LEGAL 500, 2024

Year of call: **2015**  
Degree: **LLB (Hons) (Glasgow): First Class; MRes (Glasgow): Distinction; Kennedy Scholar (Harvard); BPTC (BPP): Outstanding**  
Languages: **Chinese (Mandarin) (some knowledge), Urdu (some knowledge), Hindi (some knowledge), Japanese (some knowledge)**



Isabel practices across the main areas of Chambers' work, with particular experience of public, regulatory and human rights law, competition law, commercial litigation, public international law and sanctions and employment law.

She is ranked in The Legal 500 and Chambers and Partners. Recent comments include:

- "Isabel has a sharp legal mind. She is a fantastic communicator and provides top quality advice."- Legal 500, 2024
- "A brilliant academic whose written work is just fantastic", "a real asset to have on a team", "she is incredibly bright", "she is very responsive and friendly and she goes the extra mile" - Chambers UK, 2023
- "Her quick thinking supports the effectiveness of her delivery and fluency in court", "she is really clear in the advice she gives [...] she is thorough and her drafting is spot on" - Legal 500, 2023
- "A real star of the future", "a fantastic advocate; she is great to work with and makes things easy for solicitors" - Chambers UK, 2022

Isabel combines her commercial practice with a substantial pro bono and publicly funded practice. She has appeared before the Supreme Court, Court of Appeal, High Court, Competition Appeal Tribunal, First Tier Tribunals (Immigration), SIAC and Employment Tribunals.

Some highlights of Isabel's practice include:

- Acting pro bono for Ukraine in Ukraine v Russia, an inter-state case before the ECtHR (details in "News" section below).
- Acting pro bono for Kate Wilson in her claim against the Commissioner of Police of the Metropolis and the National Police Chief's Council, which resulted in findings that the police had breached Articles 3, 8, 10, 11 and 14 of the ECHR when using undercover officers to spy on protest groups.
- Acting for Visa in its defence of multiple claims brought by retailers alleging that interchange fees applicable to card transactions are anti-competitive and breach Article 101 and Article 102 TFEU.

- Acting for the claimants in a challenge to the fee set by the SSHD for children's applications for registration of their citizenship (R (PRCBC) v SSHD [2020] 1 WLR 1486 (High Court); [2021] 1 WLR 3049 (Court of Appeal); [2022] UKSC 3 (Supreme Court)).
- Acting for HNA Group Co Ltd in an appeal before the Supreme Court relating to the admissibility of evidence alleged to have been obtained by torture (Shagang Shipping CO Ltd (In Liquidation) v HNA Group Co Ltd [2020] 1 WLR 3549).
- Acting for Her Royal Highness Princess Haya bint Al Hussein (on issues related to international law and diplomatic assurances) in proceedings before the Family Division (Re Al M [2019] EWHC 3415 (Fam), [2020] 1 WLR 1858).
- Acting for the claimant in obtaining a US\$1.5 billion worldwide freezing order and other injunctive relief (ArcelorMittal USA LLC v Essar Steel Ltd [2019] EWHC 724 (Comm)).
- Acting for Libyan investment funds in a matter involving the application of sanctions regimes and Libyan public law.

Before coming to the Bar, Isabel worked as a caseworker for Justice Project Pakistan, providing pro bono representation to persons facing the death penalty in Pakistan. Isabel also taught jurisprudence and property law at the University of Glasgow and equity and trusts and contract law at Birkbeck College, University of London. She was a legal panellist and contributor to *Protecting Children in Armed Conflict* (London: Hart Publishing, 2018). She is the author of *Trials: On Death Row in Pakistan* (London: Jonathan Cape, 2016) which won the Saltire Scottish First Book Award and was an Economist and Spectator book of the year.

Isabel is member of the Attorney General's panel of counsel (C panel) and the Equality and Human Rights Commission's panel of counsel.

## EXPERIENCE

### Public & Regulatory

Isabel has a broad public law practice. She regularly acts and advises (led and unled) for claimants and defendants in wide range of cases: from those engaging issues of international human rights law to commercial judicial review. Her clients include regulators, government departments, individuals, NGOs and companies. In addition to privately paid and publicly funded work, Isabel has a strong commitment to pro bono work.

She is ranked as a "rising star" in Legal 500 (Administrative Law & Human Rights and Immigration) and "up and coming" in Chambers and Partners (Administrative & Public Law and Civil Liberties & Human Rights). She is a member of the Attorney General's C Panel of Counsel and the Equality and Human Rights Commission's Panel of Counsel, and she is a committee member of the Young Public Law Group.

***"Intelligent and helpful at all times."***

– CHAMBERS AND PARTNERS, 2023

### Cases

#### **R (Radiocentre Ltd) v Ofcom and the BBC (as Interested Party)**

[2023] EWHC 1977 (Admin)

Acted for the Claimant in a challenge to Ofcom's regulation of the launch of BBC Radio 1 Dance.

## **Working with the Human Dignity Trust**

Ongoing (2020-2022)

Working (pro bono) with the Human Dignity Trust, and in particular assisting counsel in foreign jurisdictions, on strategic litigation claims challenging laws that persecute people on the basis of their sexual orientation and/or gender identity.

## **Ukraine v Russia**

App No 11055/22

Acting pro bono on behalf of Ukraine in an inter-state case before the ECtHR concerning the Ukrainian Government's allegations of "human rights violations committed by the Russian Federation in its military operations on the territory of Ukraine since 24 February 2022".

## **Dune Group Ltd v Visa Europe Ltd**

[2022] EWCA Civ 1278

Acted for Visa in successfully (i) resisting the Claimants' appeal against refusal of summary judgment on certain aspects of their claim; and (ii) maintaining Visa's appeal (in part) against summary judgment on certain aspects of their defence.

## **Dune Group Ltd v Visa Europe Ltd**

[2022] CAT 14

Acted for Visa at a substantial CMC before the CAT concerning the case management of mass parallel claims.

## **CityFibre v Ofcom**

[2022] CAT 33; [2022] CAT 8

Acted for the Appellant in an appeal brought under s.192 of the Communications Act 2003 against a decision contained in a statement made by Ofcom in September 2021, relating to Openreach's new proposed pricing arrangements for FTTP services.

## **FF v SSHD (Prince Nasser Bin Hamad Al Khalifa of Bahrain named as Interested Party)**

[2021] EWHC 2566; [2022] 1 WLR 2411

Acted for the claimant in a judicial review challenging the Home Secretary's decision (i) not to consider, and apply her "Exclusion from the UK" policy to, a dossier of material provided by the claimant in support of his request for exclusion of the interested party; and (ii) not to notify the claimant of whether a decision has been made and give reasons for that decision.

## **Dune Group Ltd v Visa Europe Ltd**

[2021] CAT 35

Acted for Visa in resisting (successfully in part) the Claimants' application for summary judgment.

### **Sainsbury's Supermarkets Ltd v Visa Europe Services LLC**

[2021] CAT 17

Acted for Visa in a hearing concerning the relevant counterfactual for the (remitted) trial of quantum in these proceedings.

### **Advising Government Departments on ECHR compliance**

2021

Advising Government Departments on the ECHR compliance of proposed legislation and policy.

### **Westover Ltd v Visa Europe Ltd**

[2021] CAT 12; [2021] 5 CMLR 14

Acted for Visa in a hearing of a preliminary issue concerning the law applicable to certain of the Claimants' claims.

### **Kate Wilson v The Commissioner of Police of the Metropolis**

[2021] UKIPTrib IPT\_11\_167\_H

Acted for the Claimant (with Charlotte Kilroy QC and Tom Lowenthal) in her successful claim against the Commissioner of Police of the Metropolis and the National Police Chiefs' Council. The Investigatory Powers Tribunal found that the police had breached Articles 3, 8, 10, 11 and 14 ECHR in deploying undercover police officers to spy on protest groups in the late 1990s and 2000s.

### **NG v SSHD**

April 2021

Successfully acted (unled) for the appellant in an appeal against refusal of asylum.

### **PRCBC, A and O v SSHD**

[2020] 1 WLR 1406; [2021] 1 WLR 3049; [2022] 2 WLR 343

Acting (with Jason Pobjoy and others) for the claimant in a judicial review challenging the legality of the regime imposing a fee for applications by children for registration as a British citizen.

### **R (SSJ) v Parole Board**

[2020] EWHC 3490 (Admin); [2021] ACD 28

Represented the Secretary of State in a successful application for judicial review of the Parole Board's refusal to reconsider a release direction made in error. The High Court held that the Parole Board's decision was a nullity and there was therefore no valid release direction. In obiter comment, the Court noted, however, that the Secretary of State has no power to 're-refer' a prisoner's case to the Parole Board. (With Sir James Eadie QC and Jason Pobjoy.)

### **Advertising Standards Authority Ltd**

(October 2020)

Acting (unled) for the ASA in defence of a County Court claim brought in relation to investigation of a complaint, and a related application for strike out and/or summary judgment.

### **Advice to financial services company**

August 2020

Provision of advice to a financial services company in relation to a regulatory investigation. With Javan Herberg QC.

### **Advising a foreign public body on an issue of statutory interpretation**

February 2020

Providing advice to a foreign public body on the scope and effect of freedom of information legislation. With Monica Carss-Frisk QC.

### **SB v SSHD**

February 2020

Successfully represented (unled) the Appellant (an EU citizen) in an appeal against a deportation made against her.

### **Advice in relation to a potential judicial review**

(October 2019)

Advising the claimant in relation to a potential judicial review challenging the FCO's failure to act in relation to British nationals seeking to return from refugee camps in Syria.

### **Anwer v SSHD**

(September 2019)

Acting for the claimant in an application for permission to proceed with judicial review following rejection of his claim for asylum.

### **SG v SSHD**

(August 2019)

Acted (unled) for the appellant in her appeal to the Upper Tribunal against rejection of her deportation appeal.

### **Xu v SSHD**

(August 2019)

Acted (unled) for the appellant in an appeal against a deportation order.

### **Drafting grounds in a judicial review relating to a child's application for citizenship**

(August 2019)

Acting for the claimant, a child, in their claim for registration as a British citizen.

### **Provision of pro bono advice in relation to an application for asylum**

(May 2019)

Advising an individual making an application for asylum.

### **Acting for a claimant before the ECtHR**

(April 2019)

Acting for a claimant bringing a challenge before the ECtHR in relation to the UK's violation of Articles 6, 8 and 13 of the ECHR.

### **Judicial review claims relating to treatment of prisoners**

(2019)

Acted for the claimants in a number of cases concerning strip searches in prisons (with Jason Pobjoy).

### **Immigration advice**

(2019)

Providing pro bono advice in relation to an asylum claim.

### **LW and others v Sodexo and SSJ**

[2019] EWHC 367 (Admin); [2019] 1 WLR 5654

Successfully acted (with Jason Pobjoy) for the claimants in a challenge to the SSJ's failure to put in place measures to ensure that prison officers in a contracted-out prison were adequately trained in the strip searching of female and transgender prisoners.

### **R (Kamoka) v Security Services and Others**

(2018-2019)

Acted for a group of Libyans said to be members of or affiliated to the LIFG in connection with their detention in the UK, detention and torture abroad and subsection to domestic sanctions (with Thomas de la Mare QC and others).

**Grenfell Tower Inquiry: Beyond Grenfell**

(2018-2019)

Acted for the Equality and Human Rights Commission, advising and preparing submissions on the human rights and equality implications of the Grenfell Tower tragedy including, in particular, in relation to the right to life under Article 2 ECHR, the right to adequate and dignified housing, the right to non-discrimination and equality, and children's rights under the Convention on the Rights of the Child (with Jason Pobjoy).

**Advice on judicial review**

(2018)

Advising an overseas entity on susceptibility of certain government decisions to judicial review (with David Pannick QC).

**Advice on special police services**

2018

Advising a public body on the legality of charges imposed by the police for the provision of special police services (with Nick De Marco QC).

**Advice on regulatory policy**

(April 2016)

Advising the General Medical Council on whether allowing registered doctors to serve in the armed forces was compatible with international humanitarian law (assisting Ivan Hare).

**R (Vinter) v Secretary of State for Justice and R (Du) v Secretary of State for Justice**

(High Court, 2016)

Acted for the Secretary of State in these cases challenging the Secretary of State's policy on release of prisoners with a whole life tariff or (as in Du's case) a tariff which is likely to extend beyond their lifetime on the basis of Article 5 of the ECHR. The cases follow the ECtHR's decision in *Vinter v United Kingdom* (2012) 55 EHRR 34 (assisting Ivan Hare who, in *Vinter*, appeared with James Eadie QC).

**Tax judicial review**

(March 2016)

Advised a potential claimant in a judicial review claim as to possible grounds of review and the merits of a claim against HMRC (assisting Ivan Hare).

**R (Jordan Cunliffe) v Secretary of State for Justice**

[2016] EWHC 984 (Admin)

Acted for the Secretary of State in a judicial review challenging the Secretary of State's policy of accepting the recommendation of a High Court judge in a detention at Her Majesty's Pleasure tariff review, the Secretary of State's decision not to allow the claimant to make submissions on the High Court judge's representation, the Secretary of State's refusal to review the High Court judge's decision not to disclose a victim impact statement (assisting Ivan Hare).

**R (States of Guernsey) v (1) Secretary of State for the Environment, Food and Rural Affairs, and (2) the Marine Management Organisation**

(High Court, 2016)

Acted for the Secretary of State in resisting an application for permission to proceed with judicial review challenging the Secretary of State's decision to temporarily suspend a fisheries management agreement with the States of Guernsey and to temporarily suspend licences issued to fishing vessels of the States of Guernsey (assisting James Segan).

**R (Greenpeace) v Secretary of State for Environment, Food and Rural Affairs**

[2016] EWHC 55 (Admin)

Acted for Defra in defence of a challenge by Greenpeace to the UK's allocation method for fishing quota and effort, on ground of alleged incompatibility with EU law (assisting James Segan).

**R (Colin McKenzie) v Directors of the Serious Fraud Office**

[2016] EWHC 102 (Admin), [2016] 1 WLR 1308

Acting for the SFO in a judicial review claim concerning the SFO's procedure for handling of documentary evidence potentially attracting legal professional privilege (assisting James Segan).

**Fisheries regulation**

(October 2015)

Advice to a commercial fishing company as to whether EU Regulation 404/2011 required the installation of a vessel monitoring system ("VMS") on-board their vessels and advice as to the merits of a potential judicial review claim challenging a government decision not to grant a licence to vessels without a VMS (assisting James Segan).



## Civil Liberties & Human Rights

Isabel frequently acts and advises, both led and unled, on matters concerning civil liberties and human rights in both a domestic and international context. Her clients include charities, government departments, the Equality and Human Rights Commission and individual claimants. In addition to privately paid and publicly funded work, Isabel undertakes substantial pro bono work.

She is ranked as a “rising star” in Legal 500 (Administrative Law & Human Rights and Immigration) and “up and coming” in Chambers and Partners (Administrative & Public Law and Civil Liberties & Human Rights). She is a member of the Attorney General's C Panel of Counsel and the Equality and Human Rights Commission's Panel of Counsel, and she is a committee member of the Young Public Law Group.

***“A brilliant academic whose written work is just fantastic.”***

– CHAMBERS AND PARTNERS, 2023

## Cases

### **Working with the Human Dignity Trust**

Ongoing (2020-2022)

Working (pro bono) with the Human Dignity Trust, and in particular assisting counsel in foreign jurisdictions, on strategic litigation claims challenging laws that persecute people on the basis of their sexual orientation and/or gender identity.

### **Ukraine v Russia**

App No 11055/22

Acting pro bono on behalf of Ukraine in an inter-state case before the ECtHR concerning the Ukrainian Government's allegations of "human rights violations committed by the Russian Federation in its military operations on the territory of Ukraine since 24 February 2022".

### **Advising individuals on application of Magnitsky sanction regime**

2021-2022

Advising on the application of the UK's Magnitsky sanction regime; in particular on making submissions to the UK Government under that regime.

### **FF v SSHD (Prince Nasser Bin Hamad Al Khalifa of Bahrain named as Interested Party)**

[2021] EWHC 2566; [2022] 1 WLR 2411

Acted for the claimant in a judicial review challenging the Home Secretary's decision (i) not to consider, and apply her "Exclusion from the UK" policy to, a dossier of material provided by the claimant in support of his request for exclusion of the interested party; and (ii) not to notify the claimant of whether a decision has been made and give reasons for that decision.

**AAA and others v Petra Diamonds Ltd**

2021

Acted for 71 Claimants in reaching settlement with Petra Diamonds Ltd. The Claimants alleged that they suffered serious human rights abuses at the Williamson Diamond Mine in Tanzania.

**Advising Government Departments on ECHR compliance**

2021

Advising Government Departments on the ECHR compliance of proposed legislation and policy.

**Kate Wilson v The Commissioner of Police of the Metropolis**

[2021] UKIPTrib IPT\_11\_167\_H

Acted for the Claimant (with Charlotte Kilroy QC and Tom Lowenthal) in her successful claim against the Commissioner of Police of the Metropolis and the National Police Chiefs' Council. The Investigatory Powers Tribunal found that the police had breached Articles 3, 8, 10, 11 and 14 ECHR in deploying undercover police officers to spy on protest groups in the late 1990s and 2000s.

**C3, C4, C7 v Secretary of State for the Home Department**

March 2021

Acted for C4 in an appeal against the Secretary of State's decision to deprive C3, C4 and C7 of their British citizenship. Allowing their appeal, SIAC found that the decision to deprive C3, C4 and C7 of their citizenship breached s.40(4) of the British Nationality Act 1981 since a consequence of the decision would be to leave them stateless.

**NG v SSHD**

April 2021

Successfully acted (unled) for the appellant in an appeal against refusal of asylum.

**PRCBC, A and O v SSHD**

[2020] 1 WLR 1406; [2021] 1 WLR 3049; [2022] 2 WLR 343

Acting (with Jason Pobjoy and others) for the claimant in a judicial review challenging the legality of the regime imposing a fee for applications by children for registration as a British citizen.

**Prevention of torture**

February 2020

Delivering training in Lebanon to two Lebanese Bar Associations on international and domestic law standards prohibiting torture and the role of human rights lawyers in upholding those standards (with Timothy Otty QC and Natasha Simonsen).

## Advising an NGO on the rule of law

March 2020

Providing advice to a foreign NGO on the rule of law and the right to property. With Jeffrey Jowell QC and Naina Patel.

## Re: Al-M

[2019] EWHC 3415 (Fam); [2020] EWHC 67 (Fam); [2020] EWHC 122 (Fam); [2020] EWCA Civ 283

Acted (on issues related to international law and assurances) for Her Royal Highness Princess Haya bint Al Hussein (the “Mother”) in family law proceedings that concerned her, His Highness Sheikh Mohammed bin Rashid Al Maktoum (the “Father”) and their two children. The proceedings concerned a process of fact-finding and the application of international law relevant to assurances and human rights. By judgments published in March 2020, the High Court found that (i) the Father had been involved in the abduction of one of his daughters from the UK and the forcible return of another daughter to Dubai, and had conducted a campaign of harassment against the Mother; and (ii) no weight could be placed on assurances and waivers of immunity provided by the Father and the UAE. The Father appealed the decision to publish those judgments to the Court of Appeal, which dismissed the appeal. The Father was refused permission to appeal by the Supreme Court. Led by Timothy Otty QC.

## LW and others v Sodexo and SSJ

[2019] EWHC 367 (Admin); [2019] 1 WLR 5654

Successfully acted (with Jason Pobjoy) for the claimants in a challenge to the SSJ's failure to put in place measures to ensure that prison officers in a contracted-out prison were adequately trained in the strip searching of female and transgender prisoners.

## Judicial review claims relating to treatment of prisoners

(2019)

Acted for the claimants in a number of cases concerning strip searches in prisons (with Jason Pobjoy).

## Freedom of Expression and Fair Trial Advice

(2019)

Provided advice on the international law applicable to freedom of expression and the right to a fair trial.

## Immigration advice

(2019)

Providing pro bono advice in relation to an asylum claim.

## Xu v SSHD

(August 2019)

Acted (unled) for the appellant in an appeal against a deportation order.

**R (Kamoka) v Security Services and Others**

(2018-2019)

Acted for a group of Libyans said to be members of or affiliated to the LIFG in connection with their detention in the UK, detention and torture abroad and subjection to domestic sanctions (with Thomas de la Mare QC and others).

**Grenfell Tower Inquiry: Beyond Grenfell**

(2018-2019)

Acted for the Equality and Human Rights Commission, advising and preparing submissions on the human rights and equality implications of the Grenfell Tower tragedy including, in particular, in relation to the right to life under Article 2 ECHR, the right to adequate and dignified housing, the right to non-discrimination and equality, and children's rights under the Convention on the Rights of the Child (with Jason Pobjoy).

**The Government of the Republic of Turkey v Buyuk, Celik and Ipek**

(2018)

Support provided to Sir Jeffrey Jowell QC in his giving expert evidence in extradition proceedings on the rule of law and protection of fundamental rights and constitutional guarantees in contemporary Turkey. Such evidence was accepted and relied upon by the Court.

**Vilca v Xstrata**

[2018] EWHC 27 (QB)

Successfully defended a tort claim brought by 22 Peruvian nationals regarding a protest in Peru. The matter raised issues of foreign act of state, choice of law and corporate liability for alleged human rights abuses by the Peruvian National Police (with Shaheed Fatima QC and Hanif Mussa).

**Application under ss. 790ZF and 790ZG of the Companies Act 2006**

(May 2016)

Advising an applicant on the convention and charter rights potentially relevant to applications under ss. 790ZF and 790ZG (assisting Ivan Hare).

**R (Vinter) v Secretary of State for Justice and R (Du) v Secretary of State for Justice**

(High Court, 2016)

Acted for the Secretary of State in these cases challenging the Secretary of State's policy on release of prisoners with a whole life tariff or (as in Du's case) a tariff which is likely to extend beyond their lifetime on the basis of Article 5 of the ECHR. The cases follow the ECtHR's decision in Vinter v United Kingdom (2012) 55 EHRR 34 (assisting Ivan Hare who, in Vinter, appeared with James Eadie QC).

## **R (Jordan Cunliffe) v Secretary of State for Justice**

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Acted for the Secretary of State in a judicial review challenging the Secretary of State's policy of accepting the recommendation of a High Court judge in a detention at Her Majesty's Pleasure tariff review, the Secretary of State's decision not to allow the claimant to make submissions on the High Court judge's representation, the Secretary of State's refusal to review the High Court judge's decision not to disclose a victim impact statement (assisting Ivan Hare).

## **EU & Competition**

Isabel is presently acting in one of the largest domestic competition cases being litigated in the United Kingdom, representing Visa in defence of multiple competition damages claims alleging that multilateral interchange fees charged on the use of credit and debit cards breached EU and English competition law. Isabel also acts in matters in which issues of EU law arise, in a sanctions context or through the application of directives and the Charter of Fundamental Rights. And she is frequently instructed on judicial reviews that raise competition law issues and analysis.

***“Isabel is extremely bright and very responsive. She produces clear, thorough and well-written analysis and presents well. She is also adept at grasping the key issues on a large piece of competition litigation.”***

– LEGAL 500, 2024

## **Cases**

### **Umbrella Interchange Fee Proceedings**

[2023] CAT 49

This judgment is particularly significant for its analysis of the European Union (Withdrawal) Act 2018, the scope of retained EU law and the effect of post-IP Completion Date CJEU judgments. Isabel (with Jason Pobjoy and others) successfully acted for Visa in resisting the Claimants' arguments. Further detail below in "News".

### **Ideal Shopping Direct Ltd v Visa Europe Ltd**

[2022] 1 WLR 1541

Acted for Visa in successfully resisting the Claimants' appeal against a decision that their unsealed amended claim forms had not been validly served.

### **Dune Group Ltd v Visa Europe Ltd**

[2022] CAT 14

Acted for Visa at a substantial CMC before the CAT concerning the case management of mass parallel claims.

### **Dune Group Ltd v Visa Europe Ltd**

[2022] EWCA Civ 1278

Acted for Visa in successfully (i) resisting the Claimants' appeal against refusal of summary judgment on certain aspects of their claim; and (ii) maintaining Visa's appeal (in part) against summary judgment on certain aspects of their defence.

### **CityFibre v Ofcom**

[2022] CAT 33; [2022] CAT 8

Acted for the Appellant in an appeal brought under s.192 of the Communications Act 2003 against a decision contained in a statement made by Ofcom in September 2021, relating to Openreach's new proposed pricing arrangements for FTTP services.

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[2021] CAT 17

Acted for Visa in a hearing concerning the relevant counterfactual for the (remitted) trial of quantum in these proceedings.

### **Westover Ltd v Visa Europe Ltd**

[2021] CAT 12; [2021] 5 CMLR 14

Acted for Visa in a hearing of a preliminary issue concerning the law applicable to certain of the Claimants' claims.

### **Ideal Shopping Direct Ltd & Ors v Visa Europe Ltd & Ors**

[2020] EWHC 3464 (Ch); [2020] EWHC 3399 (Ch)

Represented Visa who successfully defended an application for relief under CPR rr.6.15, 6.16 and 6.17. The Chancery Division held that service of unsealed amended claim forms is not good service (with Brian Kennelly QC).

### **SB v SSHD**

February 2020

Successfully represented (unled) the Appellant (an EU citizen) in an appeal against a deportation made against her.

### **R (Greenpeace) v Secretary of State for Environment, Food and Rural Affairs**

[2016] EWHC 55 (Admin)

Acted for Defra in defence of a challenge by Greenpeace to the UK's allocation method for fishing quota and effort, on ground of alleged incompatibility with EU law (assisting James Segan).

**Application under ss. 790ZF and 790ZG of the Companies Act 2006**

(May 2016)

Advising an applicant on the convention and charter rights potentially relevant to applications under ss. 790ZF and 790ZG (assisting Ivan Hare).

**Fisheries regulation**

(October 2015)

Advice to a commercial fishing company as to whether EU Regulation 404/2011 required the installation of a vessel monitoring system ("VMS") on-board their vessels and advice as to the merits of a potential judicial review claim challenging a government decision not to grant a licence to vessels without a VMS (assisting James Segan).

**No-challenge clauses and settlement agreements**

(November 2015)

Advice as to the treatment of no-challenge clauses under article 101(1) of the Treaty on the Functioning of the European Union (assisting James Segan).

## Commercial

Isabel frequently acts and advises, led and unled, on a variety of commercial matters, ranging from small claims in the County Court to cases involving complex international and cross-jurisdictional disputes in the High Court and appellate jurisdictions. She has particular experience of the intersection between international, commercial and public law. In that context, she is regularly instructed in cases that involve the application of foreign law.

## Cases

**Ideal Shopping Direct Ltd v Visa Europe Ltd**

[2022] 1 WLR 1541

Acted for Visa in successfully resisting the Claimants' appeal against a decision that their unsealed amended claim forms had not been validly served.

**Dune Group Ltd v Visa Europe Ltd**

[2022] CAT 14

Acted for Visa at a substantial CMC before the CAT concerning the case management of mass parallel claims.

### **Dune Group Ltd v Visa Europe Ltd**

[2022] EWCA Civ 1278

Acted for Visa in successfully (i) resisting the Claimants' appeal against refusal of summary judgment on certain aspects of their claim; and (ii) maintaining Visa's appeal (in part) against summary judgment on certain aspects of their defence.

### **Dune Group Ltd v Visa Europe Ltd**

[2021] CAT 35

Acted for Visa in resisting (successfully in part) the Claimants' application for summary judgment.

### **Source Bioscience UK Ltd v Wheatcroft**

[2021] EWHC 2909 (QB)

Successfully acted for the Claimants (with Tom Croxford QC) on their application for an injunction enforcing restrictive covenants.

### **Advertising Standards Authority Ltd**

(October 2020)

Acting (unled) for the ASA in defence of a County Court claim brought in relation to investigation of a complaint, and a related application for strike out and/or summary judgment.

### **Ideal Shopping Direct Ltd & Ors v Visa Europe Ltd & Ors**

[2020] EWHC 3464 (Ch); [2020] EWHC 3399 (Ch)

Represented Visa who successfully defended an application for relief under CPR rr.6.15, 6.16 and 6.17. The Chancery Division held that service of unsealed amended claim forms is not good service (with Brian Kennelly QC).

### **Shagang Shipping Co Ltd v HNA Group Co Ltd**

[2020] 1 WLR 3549

Acted for HNA Group (the Respondents to an appeal before the Supreme Court) in a claim under a guarantee relating to a charterparty which raised issues of torture and bribery. The Supreme Court held that in assessing the reliability of evidence, a Court should take into account any reasonable grounds for suspecting that such evidence was obtained by torture.

### **ArcelorMittal USA v Essar Steel**

[2019] EWHC 724 (Comm)

Claim for enforcement of foreign arbitral award worth in excess of US\$1bn involving applications for search, freezing and information orders in England and various foreign jurisdictions including the Cayman Islands, Mauritius, the USA and India (with Andrew Scott and Tony Peto QC).



### **Assisting Harish Salve SA**

(2018-2019)

Assisting Harish Salve SA on matters of English law relevant to ongoing litigation in India.

### **Advice on scope of common interest privilege**

(January 2018)

Advice on the scope of common interest privilege and its application in the context of a dispute between companies and shareholders.

### **PIAM v Upper Brooks**

(2018)

Representing investment funds, owned by the Libyan Investment Authority, in 10-day trial in the Cayman Islands. The case raises a number of complex issues involving the interaction between the UN, EU, UK and Cayman sanctions regimes and the application of private and public Libyan law (with Jason Pobjoy and Dinah Rose QC).

### **Vilca v Xstrata**

[2018] EWHC 27 (QB)

Successfully defended a tort claim brought by 22 Peruvian nationals regarding a protest in Peru. The matter raised issues of foreign act of state, choice of law and corporate liability for alleged human rights abuses by the Peruvian National Police (with Shaheed Fatima QC and Hanif Mussa).

### **Claim against property developer**

(2017)

Counsel for the Claimant in a commercial property dispute relating to appointment of directors and unjustified enrichment (unled).

### **Ipswich Town Football Club Company Ltd v the Chief Constable of Suffolk Constabulary**

[2016] EWHC 1682 (QB)

Acted for the claimant in a claim in unjust enrichment, challenging the police power to charge for the provision of policing services under s. 25 of the Police Act 1996 (assisting Nick De Marco).

### **Loanline (UK) Ltd v (1) Mr Barrington McIntosh, and (2) Global Sports Marketing Ltd**

(High Court, 2016)

Acting for the claimant in a claim for breach of a series of finance agreements (assisting Nick De Marco).

**Application under ss. 790ZF and 790ZG of the Companies Act 2006**

(May 2016)

Advising an applicant on the convention and charter rights potentially relevant to applications under ss. 790ZF and 790ZG (assisting Ivan Hare).

**Takahata Precision Pte Ltd v Sentec Ltd**

(High Court, 2015)

Acted for the claimant in a claim for a declaration, an injunction and damages for breach of contract (assisting James Segan).

## Public International Law

Isabel's public international law practice is centred on cases raising issues of international human rights and humanitarian law. Her clients range from individuals to NGOs, from companies to public bodies and governments. She frequently advises on and acts in cases that concern the application of international human rights law in both the UK and foreign jurisdictions, and the interaction between public international law and domestic law in this jurisdiction.

Isabel has also published in this area. She is the author of *Trials: On Death Row in Pakistan* (London, Jonathan Cape). And in 2018 she was a legal panellist and contributing author to *Children in Armed Conflict* (London, Hart) (of which she worked on four of the book's eight chapters). Prior to coming to the bar, Isabel spent several years working in Pakistan as a caseworker with local lawyers providing pro bono defence representation to death row inmates.

## Cases

**Working with the Human Dignity Trust**

Ongoing (2020-2022)

Working (pro bono) with the Human Dignity Trust, and in particular assisting counsel in foreign jurisdictions, on strategic litigation claims challenging laws that persecute people on the basis of their sexual orientation and/or gender identity.

**Ukraine v Russia**

App No 11055/22

Acting pro bono on behalf of Ukraine in an inter-state case before the ECtHR concerning the Ukrainian Government's allegations of "human rights violations committed by the Russian Federation in its military operations on the territory of Ukraine since 24 February 2022".

**AAA and others v Petra Diamonds Ltd**

2021

Acted for 71 Claimants in reaching settlement with Petra Diamonds Ltd. The Claimants alleged that they suffered serious human rights abuses at the Williamson Diamond Mine in Tanzania.

**C3, C4, C7 v Secretary of State for the Home Department**

March 2021

Acted for C4 in an appeal against the Secretary of State's decision to deprive C3, C4 and C7 of their British citizenship. Allowing their appeal, SIAC found that the decision to deprive C3, C4 and C7 of their citizenship breached s.40(4) of the British Nationality Act 1981 since a consequence of the decision would be to leave them stateless.

**Shagang Shipping Co Ltd v HNA Group Co Ltd**

[2020] 1 WLR 3549

Acted for HNA Group (the Respondents to an appeal before the Supreme Court) in a claim under a guarantee relating to a charterparty which raised issues of torture and bribery. The Supreme Court held that in assessing the reliability of evidence, a Court should take into account any reasonable grounds for suspecting that such evidence was obtained by torture.

**Re: Al-M**

[2019] EWHC 3415 (Fam); [2020] EWHC 67 (Fam); [2020] EWHC 122 (Fam); [2020] EWCA Civ 283

Acted (on issues related to international law and assurances) for Her Royal Highness Princess Haya bint Al Hussein (the "Mother") in family law proceedings that concerned her, His Highness Sheikh Mohammed bin Rashid Al Maktoum (the "Father") and their two children. The proceedings concerned a process of fact-finding and the application of international law relevant to assurances and human rights. By judgments published in March 2020, the High Court found that (i) the Father had been involved in the abduction of one of his daughters from the UK and the forcible return of another daughter to Dubai, and had conducted a campaign of harassment against the Mother; and (ii) no weight could be placed on assurances and waivers of immunity provided by the Father and the UAE. The Father appealed the decision to publish those judgments to the Court of Appeal, which dismissed the appeal. The Father was refused permission to appeal by the Supreme Court. Led by Timothy Otty QC.

**Advising an NGO on the rule of law**

March 2020

Providing advice to a foreign NGO on the rule of law and the right to property. With Jeffrey Jowell QC and Naina Patel.

**Prevention of torture**

February 2020

Delivering training in Lebanon to two Lebanese Bar Associations on international and domestic law standards prohibiting torture and the role of human rights lawyers in upholding those standards (with Timothy Otty QC and Natasha Simonsen).

### **R (Kamoka) v Security Services and Others**

(2018-2019)

Acted for a group of Libyans said to be members of or affiliated to the LIFG in connection with their detention in the UK, detention and torture abroad and subjection to domestic sanctions (with Thomas de la Mare QC and others).

### **Freedom of Expression and Fair Trial Advice**

(2019)

Provided advice on the international law applicable to freedom of expression and the right to a fair trial.

### **Advising a charity on the scope of domestic obligations under international human rights law.**

(January 2020)

Advising a charity on the scope of the UK's obligations under international human rights law, international humanitarian law and international criminal law in relation to children in armed conflict.

### **Acting for a claimant before the ECtHR**

(April 2019)

Acting for a claimant bringing a challenge before the ECtHR in relation to the UK's violation of Articles 6, 8 and 13 of the ECHR.

### **The Government of the Republic of Turkey v Buyuk, Celik and Ipek**

(2018)

Support provided to Sir Jeffrey Jowell QC in his giving expert evidence in extradition proceedings on the rule of law and protection of fundamental rights and constitutional guarantees in contemporary Turkey. Such evidence was accepted and relied upon by the Court.

### **Grenfell Tower Inquiry: Beyond Grenfell**

(2018-2019)

Acted for the Equality and Human Rights Commission, advising and preparing submissions on the human rights and equality implications of the Grenfell Tower tragedy including, in particular, in relation to the right to life under Article 2 ECHR, the right to adequate and dignified housing, the right to non-discrimination and equality, and children's rights under the Convention on the Rights of the Child (with Jason Pobjoy).

**PIAM v Upper Brooks**

(2018)

Representing investment funds, owned by the Libyan Investment Authority, in 10-day trial in the Cayman Islands. The case raises a number of complex issues involving the interaction between the UN, EU, UK and Cayman sanctions regimes and the application of private and public Libyan law (with Jason Pobjoy and Dinah Rose QC).

**Advice on regulatory policy**

(April 2016)

Advising the General Medical Council on whether allowing registered doctors to serve in the armed forces was compatible with international humanitarian law (assisting Ivan Hare).

**Steve Ferguson v the Attorney General of Trinidad and Tobago**

[2016] UKPC 2

Appeared for appellants in an important constitutional appeal from Trinidad and Tobago concerning the retrospective repeal of a limitation period for certain criminal offences (assisting James Segan who appeared with Michael Beloff QC).

## Sanctions

Isabel has acted in, or advised on, a range of matters involving the application of UK, UN and EU sanctions regimes. Some relevant work is detailed below. More generally, she has given detailed consideration to the application of the UK's Magnitsky sanction regime, on which her advice is frequently sought. And whilst on secondment in the US in 2016-2017 she gained experience of US-Iran sanctions, working with attorneys challenging and advising on that regime.

## Cases

**Advising individuals on application of Magnitsky sanction regime**

2021-2022

Advising on the application of the UK's Magnitsky sanction regime; in particular on making submissions to the UK Government under that regime.

**Employment and Sanctions Advice**

(2018)

Providing advice on the effect of certain sanctions regimes on employment contracts.

**PIAM v Upper Brooks**

(2018)

Representing investment funds, owned by the Libyan Investment Authority, in 10-day trial in the Cayman Islands. The case raises a number of complex issues involving the interaction between the UN, EU, UK and Cayman sanctions regimes and the application of private and public Libyan law (with Jason Pobjoy and Dinah Rose QC).

## Immigration

Isabel has experience of both advising on and acting in cases concerning immigration, asylum, deportation and citizenship. In particular, she has acted for several individuals subject to deportation orders, individuals who have been deprived of their citizenship, individuals appealing refusals of asylum. She has represented clients before the First Tier Tribunal (Immigration) and SIAC and in the Admin Court, Court of Appeal and Supreme Court on applications for judicial review (and appeals therefrom).

*“Isabel is very smart and provides top quality advice. She understands cases and their facts quickly and thinks creatively to find solutions. Her legal analysis is top quality and she is a pleasure to work with.”*

— LEGAL 500, 2024

## Cases

**FF v SSHD (Prince Nasser Bin Hamad Al Khalifa of Bahrain named as Interested Party)**

[2021] EWHC 2566; [2022] 1 WLR 2411

Acted for the claimant in a judicial review challenging the Home Secretary's decision (i) not to consider, and apply her "Exclusion from the UK" policy to, a dossier of material provided by the claimant in support of his request for exclusion of the interested party; and (ii) not to notify the claimant of whether a decision has been made and give reasons for that decision.

**C3, C4, C7 v Secretary of State for the Home Department**

March 2021

Acted for C4 in an appeal against the Secretary of State's decision to deprive C3, C4 and C7 of their British citizenship. Allowing their appeal, SIAC found that the decision to deprive C3, C4 and C7 of their citizenship breached s.40(4) of the British Nationality Act 1981 since a consequence of the decision would be to leave them stateless.

**NG v SSHD**

April 2021

Successfully acted (unled) for the appellant in an appeal against refusal of asylum.

**SB v SSHD**

February 2020

Successfully represented (unled) the Appellant (an EU citizen) in an appeal against a deportation made against her.

### **PRCBC, A and O v SSHD**

[2020] 1 WLR 1406; [2021] 1 WLR 3049; [2022] 2 WLR 343

Acting (with Jason Pobjoy and others) for the claimant in a judicial review challenging the legality of the regime imposing a fee for applications by children for registration as a British citizen.

### **SG v SSHD**

(August 2019)

Acted (unled) for the appellant in her appeal to the Upper Tribunal against rejection of her deportation appeal.

### **Anwer v SSHD**

(September 2019)

Acting for the claimant in an application for permission to proceed with judicial review following rejection of his claim for asylum.

### **Drafting grounds in a judicial review relating to a child's application for citizenship**

(August 2019)

Acting for the claimant, a child, in their claim for registration as a British citizen.

### **Immigration advice**

(2019)

Providing pro bono advice in relation to an asylum claim.

### **Xu v SSHD**

(August 2019)

Acted (unled) for the appellant in an appeal against a deportation order.

### **Provision of pro bono advice in relation to an application for asylum**

(May 2019)

Advising an individual making an application for asylum.

## **Employment**

Isabel has experience in a range of employment cases, acting for claimants and respondent in both the Tribunals and the High Court. She also has particular experience of advising on employment issues arising in a public and public international law context.

## Cases

### **Source Bioscience UK Ltd v Wheatcroft**

[2021] EWHC 2909 (QB)

Successfully acted for the Claimants (with Tom Croxford QC) on their application for an injunction enforcing restrictive covenants.

### **Employment Tribunal claim**

(2020)

Acted (unled) for the respondent in an age discrimination claim.

### **Advice on potential victimisation claim**

(September 2019)

Advising a claimant in relation to the merits of a potential victimisation claim against their employer.

### **Harris v Avocet**

(August 2019)

Successfully acted (unled) for the claimant in his claim for unfair and wrongful constructive dismissal.

### **TULR(C)A claim**

(2019)

Acted for a group of claimants bringing a claim in the Employment Tribunal under s.189 of TULR(C)A in relation to a collective redundancy.

### **Employment and Sanctions Advice**

(2018)

Providing advice on the effect of certain sanctions regimes on employment contracts.

### **Moralez-Perez v Blaser Mills LLP**

(Employment Tribunal, 2016)

Acting for the respondent in a claim of unfair dismissal and discrimination (assisting Nick De Marco).

### **Mauro Milanese v Leyton Orient Football Club Limited**

[2016] EWHC 1263 (QB), [2016] EWHC 1161 (QB)

Acting for the claimant in a claim for damages following the termination of the claimant's employment contract without notice (assisting Nick De Marco).



### **Dr Shreedhar Vaidya v Dr Andrew Fergusson**

(Employment Tribunal, 2016)

Acted for the respondent in direct discrimination, harassment and victimisation claim (assisting Ivan Hare).

### **Unpaid wages High Court claim**

(February 2016)

Acted for a number of care home workers in relation to their High Court breach of contract claim for unpaid wages (assisting Diya Sen Gupta).

### **Concurrent High Court and Employment Tribunal claims**

(February 2016)

Advising on the interrelation of statutory and contractual claims in the Employment Tribunal and contractual claims in the High Court (assisting Diya Sen Gupta).

### **High Court breach of contract claim**

(January 2016)

Acting for a claimant in a High Court stigma damages claim against a bank (assisting Tom Linden QC and Diya Sen Gupta).

### **High Court team move**

(December 2015)

Acting for the claimant in a team move case (assisting Paul Goulding QC and Diya Sen Gupta).

### **Client confidential information**

(2015)

Acting for Citibank N.A. defending various claims by former Foreign Exchange traders arising from their dismissal for sharing client confidential information in Bloomberg Chats. These cases have been widely reported in the press. (Assisting Diya Sen Gupta.)

## **Sport**

Isabel has advised sports teams and institutions on regulatory compliance generally, and financial regulation particularly. Being confidential, these matters are not further detailed below. She also gained a broad experience of sports law as Nick De Marco's pupil.

## Cases

### **Advice to sports body**

(2020)

Provision of advice to a sports body on matters of internal governance.

### **Sports disciplinary investigation**

(2017)

Acted for a sports agent in connection with a disciplinary investigation (with Nick De Marco QC).

### **Mauro Milanese v Leyton Orient Football Club Limited**

[2016] EWHC 1263 (QB), [2016] EWHC 1161 (QB)

Acting for the claimant in a claim for damages following the termination of the claimant's employment contract without notice (assisting Nick De Marco).

### **Third party costs orders**

(July 2016)

Advised on the availability of third party cost orders in the event of costs having been awarded against a bankrupt party (assisting Nick De Marco).

### **Rule K arbitration**

(July 2016)

Acted for the claimant in a potential Rule K arbitration (assisting Nick De Marco).

### **FIFA v (1) the Saudi Arabian Olympic Committee, (2) the Saudi Arabian Anti-Doping Committee, and (3) Mr Mohammed Mohammed Noor Adam Hawsawi**

(Court of Arbitration for Sport, 2016)

Acted for the player resisting FIFA's appeal to the Court of Arbitration for Sport against the decision of the Saudi Arabian Anti-Doping Appeals Panel (assisting Nick De Marco).

### **Ipswich Town Football Club Company Ltd v the Chief Constable of Suffolk Constabulary**

[2016] EWHC 1682 (QB)

Acted for the claimant in a claim in unjust enrichment, challenging the police power to charge for the provision of policing services under s. 25 of the Police Act 1996 (assisting Nick De Marco).

### **FA Football Agents Regulations**

(May 2016)

Acting for the respondent to a charge brought by The FA for breach of the Football Agents Regulations 2009 (assisting Nick De Marco).

### **The FA v Mr Alan Judge**

(June 2016)

Acted for the player defending a charge of an anti-doping rule violation following use of an inhaler (assisting Nick De Marco).

### **RFU v Luke Willmott**

(RFU Anti-Doping and Appeal Panels, 2015)

Acted for the RFU in a successful disciplinary prosecution for attempted trafficking of a human growth hormone (assisting James Segan).

## ACHIEVEMENTS

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### Education

LLB (Hons) (Glasgow), First Class; MRes (Glasgow), Distinction; Kennedy Scholar (Harvard); BPTC (BPP), Outstanding

### Prizes & Scholarships

- Saltire Scottish First Book Award (awarded for *Trials: On Death Row in Pakistan*)
- Buchanan Prize (Lincoln's Inn, 2015)
- Hardwicke Entrance Award (Lincoln's Inn, 2014)
- Lord Mansfield Scholarship (Lincoln's Inn, 2013)
- Kennedy Memorial Scholarship (Kennedy Memorial Trust, 2012)
- Reprieve Fellowship (Reprieve, 2011)
- Theodore David Lowe Prize (Glasgow University, 2009)

### Publications

- *Protecting Children in Armed Conflict* (Legal Panellist, Contributor) (London: Hart Publishing, 2018)
- *Trials: On Death Row in Pakistan* (London: Jonathan Cape, 2016), winner of the Saltire Scottish First Book Award and an Economist and Spectator book of the year.
- 'Torture in Pakistan: A Lawyer's Handbook' (Lahore: Pakistan's Parliamentarians' Commission for Human Rights and Open Society Foundations, 2012)

## Memberships

- Administrative Law Bar Association
- Advocate Pro Bono Panel
- Bar European Group
- Bar Human Rights Committee
- Employment Law Bar Association
- Justice
- Liberty
- Young Public Lawyers' Group (Committee Member)

## Other relevant experience

- Prior to joining Chambers, Isabel worked in Pakistan as a caseworker for Justice Project Pakistan, a charitable organisation in Lahore which provides pro bono defence representation to persons facing a death sentence in Pakistan and Pakistani detainees in Bagram Airbase, Afghanistan. During this time, she also wrote instruction manuals for litigation in Pakistan and authored several UN shadow reports on Pakistan's compliance with UNCAT and ICCPR.
- Isabel was judicial assistant to Lord Reed JSC at the Inner House of the Scottish Court of Session.

VAT registration number: 447008068

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