

Naina Patel

"She has a fantastic reputation."

– CHAMBERS AND PARTNERS, 2016

Year of call: **2005**
Degree: **BA Hons (Oxon) (PPE), MPP (Harvard) (International Law and Development)**
Languages: **French (working knowledge), Spanish (working knowledge), Hindi (working knowledge)**



Naina is recognised as a leading barrister in a broad range of areas. Her practice encompasses administrative and public law, civil liberties and human rights, commercial, employment, EU & competition, immigration, police law, professional discipline and regulatory, public international law, the rule of law and sanctions. Naina is ranked as a leading junior in 6 practice areas in the leading independent legal directories. Recent comments include: "Deeply experienced" (Chambers 2019); "An excellent public lawyer" (Legal 500 2018); "Extremely impressive" (Chambers 2018); "Committed and tenacious" (Legal 500 2017); "On the path to stardom" (Chambers 2017); "A star in the making:" (Legal 500 2016); "She has a fantastic reputation" (Chambers 2016); "A powerful advocate" (Legal 500 2015); "very skilled...pleasant to work with, but...a steely determination" (Chambers 2015); and "very clever, calm and a good tactician" (Legal 500 2014).

Naina acts for a wide range of clients, including international organisations, states, companies and individuals, whether as claimants, defendants and interveners. She is experienced in litigating before a wide variety of courts and tribunals, including the Administrative Court, the Chancery Division, the Commercial Court and the European Court of Human Rights. She has appeared in over ten cases before the House of Lords/Supreme Court, several Privy Council matters and numerous Court of Appeal cases, including as sole Counsel.

Recent highlights of Naina's practice include:

- acting for EK in her claim for damages against the Home Office for breaches of positive obligations under Article 4 ECHR following her trafficking into domestic servitude following EK (Article 4 EHCR: Anti-Trafficking Convention [2013] UKUT 00313 (IAC));
- acting for the Secretaries of State for Justice and the Home Department defending multiple challenges to the criminal records disclosure scheme (R (P, G and W) v SSJ & SSHD, [2019] UKSC 3, [2019] 2 WLR 509);
- representing an individual at a 7 day trial in a claim brought by his ex-employer alleging breaches of restrictive covenants and misuse of confidential information (Argus Media v Halim [2019] EWHC 42 (QB))
- successfully representing a destitute asylum seeker in a challenge to the failure to grant leave following an express representation to do so (2018);
- advising the Government of the Cayman Islands on the lawfulness of the Order in Council proposed under the Sanctions and Anti-Money Laundering Act 2018 to introduce public registers of beneficial interests in the jurisdiction (2018);

- securing a judgment for over \$50 million against the Syrian Arab Republic for damages relating to an aircraft hijacking in 1985, following a novel approach to service under the State Immunity Act 1978 and successful arguments about immunity (Certain Underwriters & Ors v Syrian Arab Republic & Ors [2018] EWHC 385 (Comm));
- acting for Peugeot Citroen Automobiles SA in a cartel damages action arising out of the European Commission's Bearings decision (CAT, 2018, settled).

Naina was profiled as the Times' "Lawyer of the Week" in December 2011 and won the Sydney Elland Goldsmith Bar Pro Bono Award in 2008.

Naina is a member of the Attorney-General's Civil and Public International Law Panels, the Equality and Human Rights Commission's Panel and the UNHCR's Pro Bono Panel. She is also an expert member of HMG's Civilian Stabilisation Group, providing justice and security advice to the Ministry of Defence, Foreign and Commonwealth Office and Department for International Development.

Naina is a Senior Rule of Law Fellow at the Bingham Centre for the Rule of Law and a widely published author on rule of law issues around the world. She regularly speaks and provides training in this area to governments and civil society in the UK and overseas.

Naina has held a number of significant posts in public office, accommodated around her legal practice. These include a Director-level post at the Bingham Centre for the Rule of Law (September 2012-March 2015), Rule of Law Advisor to DFID (January 2013-April 2013) and Senior Justice Advisor to the Helmand Provincial Reconstruction Team (June 2010-July 2011).

EXPERIENCE

Civil Liberties & Human Rights

Naina's practice encompasses all areas of civil liberties and human rights law, including immigration and asylum. She has particular experience in claims for judicial review involving constitutional law, discrimination, foreign and defence policy, the Human Rights Act 1998, immigration and asylum, prison law and public international law.

"She is dedicated and extremely bright"

— CHAMBERS AND PARTNERS, 2019

Cases

EK v Home Office

[2019] EWHC 1535 (QB) and ongoing (High Court)

Representing the Claimant in this Article 4 ECHR claim for damages for breach of the protective obligation to protect against trafficking and forced labour by virtue of entry clearance procedures in place and properly operated. Successfully defended strike out application.

R (BS and JP)

Ongoing (High Court)

Representing the claimants in this challenge to the SSHD's failure to consider their eligibility for DLR as a victim of modern slavery before considering their protection claims and her policies on victims on modern slavery as failing to reflect the obligations imposed by the Anti-Trafficking Convention.

R (Saad-Allah) v SSHD

Ongoing (High Court)

Representing a destitute asylum seeker in this urgent challenge to the SSHD's failure to grant leave following an express representation to do so.

R (P, G and W) v SSJ & SSHD

[2019] UKSC 3, [2019] 2 WLR 509

Junior Counsel to the Secretaries of State in these appeals concerning challenges to the compatibility of the criminal records disclosure regime with Article 8 ECHR.

OSJA Review

(2018-2019)

Conducted a review for the FCO of the implementation of HMG's current OSJA Guidance and a study of best practice in mitigating the human rights risks of security and justice assistance overseas, looking at risks such as the arbitrary arrest and detention, torture and CIDT, unfair trial and the imposition of the death penalty.

SA (Iran) v SSHD

(Court of Appeal, 2018)

Successfully represented the Respondent in this second appeal against an entry clearance decision relating to a minor seeking to join his mother on the basis of an error concerning serious and compelling circumstances.

Corbiere v Xu

[2017] EWHC 3364 (Admin)

Acted for the Claimant company in this judicial review and related applications [2017] EWHC 255 (Admin) and [2017] EWHC 2482 (Admin) challenging various decisions of the SSHD and SSJ relating to a foreign criminal convicted of stealing their confidential investment strategies, including his proposed deportation to China where there was a real risk of his being reunited with the fruits of his crime.

WA v Home Office

[2017] EWHC 3503 (QB)

Acted for the Claimant in this Article 4 ECHR claim for damages for breaches of the protective obligation to protect against trafficking and forced labour by virtue of operating the join ship visa scheme.

R (Qarani) v SSHD

[2017] EWHC 507 (Admin)

Successfully represented the Claimant in this complex unlawful detention claim where, following 3 interlocutory hearings, the Claimant was released on bail pending the expedited hearing of his claim for judicial review.

R (KCM) v SSHD

(High Court, 2016)

Acted for the Metropolitan Police, an interested party in this challenge to the decision to seize and cancel passports using powers under the Counter-Terrorism and Security Act 2015 and the royal prerogative.

FS (Albania) v SSHD

(Court of Appeal, 2016)

Successfully acted for the Appellant in this claim concerning the demands of procedural fairness in an interview with a victim of human trafficking.

R (Jayeola) v SSHD

[2016] EWHC 2335 (Admin)

Represented the Secretary of State in this unlawful detention claim where the Court accepted the submission that the Secretary of State was entitled to a period of time to consider a change of circumstances and decide whether to release.

R (McAtee) v SSJ

[2016] EWHC 1019 (Admin)

Successfully represented the Defendant in this challenge to the recall of a prisoner from open conditions following the introduction of a new policy on transfers to open conditions for prisoners with an abscond history. The Court found no illegality or Article 5 ECHR breaches.

R (G) v (1) Chief Constable of Surrey & (2) SSHD

[2016] 4 WLR 94

Acted for the Secretary of State in this challenge to the criminal records disclosure scheme on the grounds its alleged absence of procedural safeguards infringed Article 8 ECHR (with Kate Gallafent QC).

Brexit and Article 50

(2016)

In the immediate aftermath of the referendum, advised a confidential client on whether the UK Government's giving notice of the UK's intention to leave the EU under Article 50 TFEU is revocable and whether it requires prior Parliamentary consent (with Professor Sir Jeffrey Jowell QC).

R (Public Law Project) v SSJ

[2016] UKSC 39 (Admin); [2016] AC 1531

Successfully acted for PLP in this successful challenge to the proposed residence test for civil legal aid, set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2014. The Supreme Court found that the test was ultra vires its authorising statute (with Michael Fordham QC).

R (Gilbert) v SSJ

[2015] EWCA Civ 802

Successfully represented the Defendant in this appeal concerning a challenge to a new policy on transfers to open conditions and temporary release for prisoners with an abscond history, following the dismissal of the claim R (Gilbert) v SSHD [2015] EWHC 927 (with Tom Weisselberg QC).

SSHD v Gedi

AA/02649/2015

Successfully acted for the successful Respondent in this case concerning whether the Secretary of State's use of a second deportation order to deport following a successful appeal against a first order constituted an abuse of process.

R (Jackley) v SSJ

[2015] EWHC 1266 (Admin)

Successfully represented the Defendant in this challenge to a new policy on temporary release for prisoners with an abscond history on grounds which included alleged indirect discrimination for prisoners suffering from certain disabilities.

AH (Algeria) v SSHD

[2015] EWCA Civ 1003

Represented the Appellant in this appeal from AA/03394/2006 on remittal from the Court of Appeal following its decision in AH (Algeria) [2012] EWCA Civ 395 regarding the application of the exclusion clauses in Article 1F of the Refugee Convention (with Raza Husain QC).

ID Deria (Somalia) v SSHD

(Court of Appeal, 2014)

Successfully acted for the Respondent in this contested application for permission to appeal to the Court of Appeal raising issues as to the status of an undertaking given by a Home Office Presenting Officer to the Tribunal regarding route of return and whether a Tribunal is entitled to decide the question of Article 3 ECHR risk on return by reference to events eg. documentation of an individual which has not yet taken place.

R (O) v DFID

[2014] EWHC 2371 (Admin)

Acted for the Department in this challenge to its process of assessing the Government of Ethiopia's compliance with its Partnership Principles (in particular its commitment to respecting human rights and other international obligations) for the purposes of making continued aid disbursements to the country (with James Eadie QC).

R (Hodkin & Church of Scientology Religious Education College) v Registrar General

[2013] UKSC 77; [2014] AC 610

Successfully represented the Claimants in this in this leapfrog appeal from [2012] EWHC 3635 Admin, a challenge to the decision of the Registrar-General for Births, Deaths and Marriages not to register the London Scientology Chapel as a place of meeting for religious worship on grounds of unlawfulness and religious discrimination (with Lord Lester QC).

R (Kamara) v SSHD

[2013] EWHC 959 (Admin)

Successfully acted for the Claimant in this judicial review of the unlawfulness of his detention given the improbability of obtaining an Emergency Travel Document within any reasonable period of time.

Tawakoli v SSHD

JR/2090/2013

Successfully acted for the Defendant in this judicial review of the refusal to treat further submissions as a fresh claim in the context of a Claimant who raised Article 3 and Article 8 ECHR issues arising from his claimed Christianity and his return to Afghanistan – where the Claimant had been returned and he sought to rely on evidence consequential upon his return.

R (Chief Justice of the Cayman Islands) v (1) Governor of the Cayman Islands & (2) Judicial and Legal Services Commission

[2012] UKPC 39

Successfully acted for the Governor of the Cayman Islands in this challenge to the constitutionality of various provisions of the Cayman Islands Constitution Order 2009 relating to judicial independence pursuant to section 4 of the Judicial Committee Act 1833 (with Lord Pannick QC and Professor Sir Jeffrey Jowell QC).

R (Hoffmann) v the Commissioner of Inquiry and the Governor of the Turks and Caicos Islands

[2012] UKPC 17

Acted for the Claimant in this vires and fairness challenge to the conduct of the Commission of Inquiry into corruption in the government and legislature of the Islands (with Lord Pannick QC and Javan Herberg QC).

Christian Concern v Law Society

(County Court, 2012)

Acted for the Law Society in this challenge to its decision to cancel a room booking for an event on gay marriage on grounds it amounted to religious discrimination. Settled.

RT (Zimbabwe) & Ors v SSHD; KM (Zimbabwe) v SSHD

[2012] UKSC 38; [2013] 1 AC 152

Acted for UNHCR in this case concerning the application of HJ (Iran) v Secretary of State for the Home Department [2010] UKSC 31 to cases concerning imputed political opinion, where individuals are politically apathetic but be persecuted for being perceived to be politically opposed to a particular regime (with Michael Fordham QC).

R (Diedrick) v Chief Constable of Hampshire Police & Ors

[2012] EWHC 2144 (Admin)

Successfully acted for the Thames Valley Police in this challenge to the amendments to Code A of the PACE Code of Practice removing the requirement to monitor the ethnicity of a person subject to stop and search powers, successfully resisting the grant of permission.

Tariq v Home Office

[2011] UKSC 35; [2012] 1 AC 452

Acted for JUSTICE/Liberty in this appeal regarding the compatibility of the closed material in employment proceedings with Article 6 ECHR and EU law, brought on the context of a claim for racial and religious discrimination (with John Howell QC).

R (Al-Skeini & Ors) v UK

(2011) 53 EHRR 18

Successfully acted for the Claimants in this appeal from [2007] UKHL 26; [2007] 3 WLR 33 concerning the extra-territorial application of the Human Rights Act 1998 to killings by British soldiers in post-war Iraq (with Rabinder Singh QC and Michael Fordham QC).

Al Rawi & ors v SS, SIS & Ors

[2011] UKSC 34; [2012] 1 AC 531

Acted for JUSTICE/Liberty intervening in this appeal from [2010] EWCA Civ 482 and [2009] EWHC 2959 on the question of whether the Government may withhold sensitive evidence from several former victims of extraordinary rendition and torture in civil claims for damages but rely on that evidence in closed proceedings (with John Howell QC). Acted for individual claimants below (with Michael Fordham QC).

HJ (Iran) v SSHD; HT (Cameroon) v SSHD

[2010] UKSC 31; [2011] 1 AC 596

Successfully represented UNHCR in this landmark case on the rights of gay asylum seekers where the Supreme Court held that such individuals could not be expected to seek to protect themselves from persecution in their home country by concealing sexual identity (with Michael Fordham QC)

Commercial

Naina has broad experience of commercial litigation in areas including consumer credit, aviation, civil fraud, directors' duties, shareholder rights and the supply of goods and services as well as claims involving private international law and state immunity issues. She has represented both claimants and defendants in interlocutory work, including ex parte applications for injunctions, and at trial.

Cases

Delta Petroleum (Caribbean) Ltd v British Virgin Islands Electricity Corporation

Ongoing (Privy Council)

Acting for the Appellant in this appeal concerning the proper interpretation of an agreement for the exclusive supply of fuel and the application of the doctrine of waiver by election.

An Individual v A Bank

(County Court, 2018)

Represented a bank in this discrimination claim brought by an individual relating to the cessation of banking services.

Certain Underwriters at Lloyds & Ors v Syria & Ors

[2018] EWHC 385 (Comm)

Successfully sued on USD50 million United States judgment for losses from terrorist destruction of aircraft in a claim raising issues of service absent diplomatic relations, state immunity, submission to the jurisdiction and frozen assets (with Tim Otty QC).

R (UKPN) v Gas and Electricity Markets Authority

[2017] EWHC 1175 (Admin)

Successfully acted for Scottish and Southern Electricity, a proposed third party to a judicial review of a determination by GEMA relating to charges payable by customers for connections to electricity distributors under the Electricity Act 1989.

Commissioner of Customs v Delta Petroleum (Caribbean) Ltd

[2016] UKPC 27

Successfully acted for the Respondent in this appeal against the decision of the Eastern Caribbean Court of Appeal (British Virgin Islands) that the Commissioner's seizure of Delta's fuel storage tank and its contents was unlawful, the fuel not having been liable to forfeiture under the Customs Management and Duties Act No 6 of 2010.

In the Matter of a Chemicals Project

(2015)

Advised a state corporation in relation to possible inter-state claims and claims under a Bilateral Investment Treaty relating to a failed joint venture with companies in another state (with Michael Beloff QC).

Martin Coward v Elena Ambrosiadou, IKOS AM, and Kroll

(QBD, 2014)

Acted for the Claimant in these claims by a hedge-fund billionaire against his former business partner (and estranged wife) concerning allegedly illegal surveillance commissioned by her, raising issues of privacy/Article 8 and privilege in relation to the products of the surveillance (with Michael Bloch QC).

Otkritie and Others v Urumov & Ors

[2014] EWHC 191 (Comm)

Acted for a Defendant in this high value claim involving allegations of fraud, breach of fiduciary duty, knowing receipt and dishonest assistance (with Tom Weisselberg).

Ablyazov v JSC BTA Bank

(Commercial Court, 2013)

Assisted the Defendants in relation to Mr Ablyazov's appeal against the debarment of his defence to civil proceedings following a failure to comply with a surrender order and disclosure order following his failure to attend Court following his committal for contempt and his breach of a freezing injunction respectively.

Victor Topa and Anor v Nostix Corporation LLP & Ors

(Commercial Court, 2012)

Acted in this claim for Norwich Pharmacal and related relief against a number of shell companies involved in an alleged international securities fraud perpetrated through or with the complicity of the Moldovan Courts and other justice institutions (with Tony Peto QC).

Employment

Naina has a broad experience of employment law, involving work in the Employment Tribunal, the County Court and the High Court. She has been involved in several high worth "whistle-blowing" actions, claims for breach of contract and cases involving restrictive covenants and TUPE transfers. She regularly represents both claimants and respondents in unfair dismissal and discrimination cases. She also acts for individuals and for regulatory bodies in the employment field, such as the General Teaching Council and the General Medical Council.

Naina has a particular interest in discrimination on the grounds of religion and belief, and the interplay between the law in this area and Article 9 ECHR jurisprudence.

Cases

SD v SA

(ET, 2019)

Acting for the Claimant in this 6 day hearing of a claim for discrimination, harassment and constructive dismissal against her former employer.

Argus v Halim

[2019] EWHC 42 (QB)

Acted for an individual in this High Court speedy trial of a claim brought by his ex-employer alleging breaches of restrictive covenants and misuse of confidential information

An Individual v A PLC

(ET, 2018)

Acting for the Respondent PLC in this claim regarding alleged post-termination of employment sexual harassment of an employee.

Clark v Department for Work and Pensions

ET, 2017

Acted for the Respondent department in this claim for age and disability discrimination raising issues regarding the alleged discriminatory impact of aspects of the civil service pension scheme.

An Individual v A Private Bank

(ET, 2016)

Acted for the Bank in this whistle-blowing claim regarding alleged breaches of the FCA Handbook. Settled.

Beaumont v Costco Wholesale UK Ltd

(ET, 2016)

Acted for the Claimant in this claim for unfair dismissal concerning when public reporting of a conviction brings an employer into disrepute.

R (MF) v SSHD

(High Court, 2016)

Successfully acted for the Defendant in this challenge to a decision of the Service Complaints Panel to discharge an individual from service, permission being refused on the papers.

Tariq v Home Office

[2011] UKSC 35; [2012] 1 AC 452

Acted for JUSTICE/Liberty in this appeal regarding the compatibility of the closed material in employment proceedings with Article 6 ECHR and EU law, brought on the context of a claim for racial and religious discrimination (with John Howell QC).

Burke v (1) College of Law & (2) The Law Society

(ET, 2010)

Successfully represented the Second Respondent at a three-day hearing of claims as to a failure to make reasonable adjustments in the arrangements for sitting the Legal Practice Course.

EU & Competition

Naina has significant experience of competition law. Following a secondment at the Office of Fair Trading advising on a major cartel investigation into the construction industry she has acted in a number of CMA and High Court matters, including follow on damages claims. Naina's interest in competition and international trade law builds upon a strong academic background in economics, which she has studied to PhD level at Harvard.

Cases

Peugeot Citroen Automobiles SA and others v NSK Ltd & Ors

(CAT, 2017)

Represented the Claimants in this cartel damages action arising out of the European Commission's Bearings decision (CAT). Settled shortly before trial.

In the Matter of the Proposed Quality Contracts Scheme for Buses in Tyne and Wear

(QCS Board, November 2015)

Successfully represented Stagecoach in proceedings before the Quality Contracts Board regarding the proposed Quality Contracts Scheme for buses in Tyne and Wear (with Tim Ward QC).

Airline Payment Surcharges

(QBD, 2012)

Advised the OFT in pre-litigation relating to the OFT's crack down on airlines applying payment surcharges for standard modes of payment. The case raised significant questions under the relevant EU consumer Directives and instruments (with Tom de la Mare QC).

Legislative Implications of Technical Standards Directive

(2010)

Advised in relation to the legislative implications of the Technical Standards Directive in the domestic context (with David Pannick QC and Tom de la Mare).

London Living Wage

(2009)

Advised in relation to the competition law implications of the London Living Wage (with Tom de la Mare).

Communications Sector Anti-Trust Action

(Chancery Division, 2009)

Advised in relation to a major potential group anti-trust action and in the communications sector (with Tom de la Mare).

A Potential Challenge vs a Regulator

Ongoing (High Court/CAT)

Representing a utility provider in this potential challenge to a regulator relating to changes in the regulatory regime.

Immigration

Naina appears at all levels of Courts and tribunals on behalf of both Claimants and Defendants in immigration and asylum matters. She has, for example, appeared for both individuals and the Government in the First-Tier Tribunal up to the Court of Appeal and for the United Nations High Commissioner for Refugees on several occasions in the Supreme Court. She has particular expertise in immigration and asylum matters involving international law.

***“One of the hardest working juniors
and easy to work with”***

– LEGAL 500, 2018

Cases

EK v Home Office

[2019] EWHC 1535 (QB) and ongoing (High Court)

Representing the Claimant in this Article 4 ECHR claim for damages for breach of the protective obligation to protect against trafficking and forced labour by virtue of entry clearance procedures in place and properly operated. Successfully defended strike out application.

SA (Iran) v SSHD

(Court of Appeal, 2018)

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Corbiere v Xu

[2017] EWHC 3364 (Admin)

Acted for the Claimant company in this judicial review and related applications [2017] EWHC 255 (Admin) and [2017] EWHC 2482 (Admin) challenging various decisions of the SSHD and SSJ relating to a foreign criminal convicted of stealing their confidential investment strategies, including his proposed deportation to China where there was a real risk of his being reunited with the fruits of his crime.

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[2017] EWHC 3503 (QB)

Acted for the Claimant in this Article 4 ECHR claim for damages for breaches of the protective obligation to protect against trafficking and forced labour by virtue of operating the join ship visa scheme.

R (Qarani) v SSHD

[2017] EWHC 507 (Admin)

Successfully represented the Claimant in this complex unlawful detention claim where, following 3 interlocutory hearings, the Claimant was released on bail pending the expedited hearing of his claim for judicial review.

FS (Albania) v SSHD

(Court of Appeal, 2016)

Successfully acted for the Appellant in this claim concerning the demands of procedural fairness in an interview with a victim of human trafficking.

R (Jayeola) v SSHD

[2016] EWHC 2335 (Admin)

Represented the Secretary of State in this unlawful detention claim where the Court accepted the submission that the Secretary of State was entitled to a period of time to consider a change of circumstances and decide whether to release.

SSHD v Gedi

AA/02649/2015

Successfully acted for the successful Respondent in this case concerning whether the Secretary of State's use of a second deportation order to deport following a successful appeal against a first order constituted an abuse of process.

AH (Algeria) v SSHD

[2015] EWCA Civ 1003

Represented the Appellant in this appeal from AA/03394/2006 on remittal from the Court of Appeal following its decision in AH (Algeria) [2012] EWCA Civ 395 regarding the application of the exclusion clauses in Article 1F of the Refugee Convention (with Raza Husain QC).

ID Deria (Somalia) v SSHD

(Court of Appeal, 2014)

Successfully acted

for the Respondent in this contested application for permission to appeal to the Court of Appeal raising issues as to the status of an undertaking given by a Home Office Presenting Officer to the Tribunal regarding route of return and whether a Tribunal is entitled to decide the question of Article 3 ECHR risk on return by reference to events eg. documentation of an individual which has not yet taken place.

Tawakoli v SSHD

JR/2090/2013

Successfully acted for the Defendant in this judicial review of the refusal to treat further submissions as a fresh claim in the context of a Claimant who raised Article 3 and Article 8 ECHR issues arising from his claimed Christianity and his return to Afghanistan – where the Claimant had been returned and he sought to rely on evidence consequential upon his return.

R (Kamara) v SSHD

[2013] EWHC 959 (Admin)

Successfully acted for the Claimant in this judicial review of the unlawfulness of his detention given the improbability of obtaining an Emergency Travel Document within any reasonable period of time.

RT (Zimbabwe) & Ors v SSHD; KM (Zimbabwe) v SSHD

[2012] UKSC 38; [2013] 1 AC 152

Acted for UNHCR in this case concerning the application of HJ (Iran) v Secretary of State for the Home Department [2010] UKSC 31 to cases concerning imputed political opinion, where individuals are politically apathetic but be persecuted for being perceived to be politically opposed to a particular regime (with Michael Fordham QC).

HJ (Iran) v SSHD; HT (Cameroon) v SSHD

[2010] UKSC 31; [2011] 1 AC 596

Successfully represented UNHCR in this landmark case on the rights of gay asylum seekers where the Supreme Court held that such individuals could not be expected to seek to protect themselves from persecution in their home country by concealing sexual identity (with Michael Fordham QC)

Advising the Immigration Law Practitioner's Association

(2009)

Advised the Immigration Law Practitioner's Association on the legality of performance standards introduced by the Legal Services Commission for franchised immigration and asylum solicitors in the context of the Government's detained fast-track scheme (with Michael Fordham QC).

R (Saad-Allah) v SSHD

Ongoing (High Court)

Representing a destitute asylum seeker in this urgent challenge to the SSHD's failure to grant leave following an express representation to do so.

R (BS and JP)

Ongoing (High Court)

Representing the claimants in this challenge to the SSHD's failure to consider their eligibility for DLR as a victim of modern slavery before considering their protection claims and her policies on victims on modern slavery as failing to reflect the obligations imposed by the Anti-Trafficking Convention.

Public & Regulatory

Naina's practice encompasses all areas of public and regulatory law. She has particular experience in claims for judicial review involving constitutional law, discrimination, education law, financial services, immigration and asylum, prison law and professional discipline. She acts for both Claimants and Defendants and has worked with a variety of regulators, including the GMC, GTC, FCA, Ofgem, the OFT and the SRA.

“Joins the dots very quickly and provides scenarios and alternatives”

– CHAMBERS AND PARTNERS, 2019

Cases

GC v SSWP & AE (CSM)

[2019] UKUT 199 (AAC)

Successfully represented the Secretary of State in this important decision about the treatment of informal agreements by non-resident parents to maintain children outside the jurisdiction of the UK for the purposes of child maintenance assessments

R (BS and JP)

Ongoing (High Court)

Representing the claimants in this challenge to the SSHD's failure to consider their eligibility for DLR as a victim of modern slavery before considering their protection claims and her policies on victims on modern slavery as failing to reflect the obligations imposed by the Anti-Trafficking Convention.

R (Saad-Allah) v SSHD

Ongoing (High Court)

Representing a destitute asylum seeker in this urgent challenge to the SSHD's failure to grant leave following an express representation to do so.

Qureshi v (1) ICO and (2) FCO

Ongoing (FTT)

Representing the FCO in this appeal against the ICO's determination of a FOIA appeal concerning documentation relating to an attempted aircraft bombing in 1986.

R (P, G and W) v SSJ & SSHD

[2019] UKSC 3, [2019] 2 WLR 509

Junior Counsel to the Secretaries of State in these appeals concerning challenges to the compatibility of the criminal records disclosure regime with Article 8 ECHR.

In the Matter of a Property

(2018)

Advised on issues under the Diplomatic and Consumer Premises Act 1987 relating to the sale of a property.

A Potential Challenge vs a Regulator

Ongoing (High Court/CAT)

Representing a utility provider in this potential challenge to a regulator relating to changes in the regulatory regime.

Corbiere v Xu

[2017] EWHC 3364 (Admin)

Acted for the Claimant company in this judicial review and related applications [2017] EWHC 255 (Admin) and [2017] EWHC 2482 (Admin) challenging various decisions of the SSHD and SSJ relating to a foreign criminal convicted of stealing their confidential investment strategies, including his proposed deportation to China where there was a real risk of his being reunited with the fruits of his crime.

R (UKPN) v Gas and Electricity Markets Authority

[2017] EWHC 1175 (Admin)

Successfully acted for Scottish and Southern Electricity, a proposed third party to a judicial review of a determination by GEMA relating to charges payable by customers for connections to electricity distributors under the Electricity Act 1989.

R (John Ford Solicitors) v Director of Legal Aid Casework

High Court, 2017

Acted for the Director in this challenge to a decision to refuse funding to pursue a costs appeal following the compromise of a claim for judicial review and no order as to costs being made.

R (Allam Marine) v Department for International Trade

(High Court, 2016-2017)

Acted for Allam Marine in this challenge to the decision to refuse an export licence for the export of industrial generators to the UAE.

R (P and A) v SSJ

[2016] EWHC 89 (Admin)

Acted

for the Secretary of State in these challenges to the criminal records disclosure scheme on the grounds its alleged absence of procedural safeguards infringed Article 8 ECHR.

R (G) v (1) Chief Constable of Surrey & (2) SSHD

[2016] 4 WLR 94

Acted for the Secretary of State in this challenge to the criminal records disclosure scheme on the grounds its alleged absence of procedural safeguards infringed Article 8 ECHR (with Kate Gallafent QC).

Commissioner of Customs v Delta Petroleum (Caribbean) Ltd

[2016] UKPC 27

Successfully acted for the Respondent in this appeal against the decision of the Eastern Caribbean Court of Appeal (British Virgin Islands) that the Commissioner's seizure of Delta's fuel storage tank and its contents was unlawful, the fuel not having been liable to forfeiture under the Customs Management and Duties Act No 6 of 2010.

R (MF) v SSHD

(High Court, 2016)

Successfully acted for the Defendant in this challenge to a decision of the Service Complaints Panel to discharge an individual from service, permission being refused on the papers.

R (McAtee) v SSJ

[2016] EWHC 1019 (Admin)

Successfully represented the Defendant in this challenge to the recall of a prisoner from open conditions following the introduction of a new policy on transfers to open conditions for prisoners with an abscond history. The Court found no illegality or Article 5 ECHR breaches.

R (Bushell) v (1) Manchester Mental Health and Social Care Trust & (2) Clinical Commissioning Groups

(2016)

Successfully acted for the Claimant service user in this challenge to proposed cuts to seven specialist mental health services in Manchester. Following the grant of permission, the decisions challenged were withdrawn (with Karen Monaghan QC).

R (KCM) v SSHD

(High Court, 2016)

Acted for the Metropolitan Police, an interested party in this challenge to the decision to seize and cancel passports using powers under the Counter-Terrorism and Security Act 2015 and the royal prerogative.

R (Jayeola) v SSHD

[2016] EWHC 2335 (Admin)

Represented the Secretary of State in this unlawful detention claim where the Court accepted the submission that the Secretary of State was entitled to a period of time to consider a change of circumstances and decide whether to release.

Brexit and Article 50

(2016)

In the immediate aftermath of the referendum, advised a confidential client on whether the UK Government's giving notice of the UK's intention to leave the EU under Article 50 TFEU is revocable and whether it requires prior Parliamentary consent (with Professor Sir Jeffrey Jowell QC).

R (Public Law Project) v SSJ

[2016] UKSC 39 (Admin); [2016] AC 1531

Successfully acted for PLP in this successful challenge to the proposed residence test for civil legal aid, set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2014. The Supreme Court found that the test was ultra vires its authorising statute (with Michael Fordham QC).

R (Gilbert) v SSJ

[2015] EWCA Civ 802

Successfully represented the Defendant in this appeal concerning a challenge to a new policy on transfers to open conditions and temporary release for prisoners with an abscond history, following the dismissal of the claim R (Gilbert) v SSHD [2015] EWHC 927 (with Tom Weissenberg QC).

In the Matter of the Proposed Quality Contracts Scheme for Buses in Tyne and Wear

(QCS Board, November 2015)

Successfully represented Stagecoach in proceedings before the Quality Contracts Board regarding the proposed Quality Contracts Scheme for buses in Tyne and Wear (with Tim Ward QC).

AH (Algeria) v SSHD

[2015] EWCA Civ 1003

Represented the Appellant in this appeal from AA/03394/2006 on remittal from the Court of Appeal following its decision in AH (Algeria) [2012] EWCA Civ 395 regarding the application of the exclusion clauses in Article 1F of the Refugee Convention (with Raza Husain QC).

R (Jackley) v SSJ

[2015] EWHC 1266 (Admin)

Successfully represented the Defendant in this challenge to a new policy on temporary release for prisoners with an abscond history on grounds which included alleged indirect discrimination for prisoners suffering from certain disabilities.

Oxford Aviation Services v (1) CAA & (2) SDD

[2015] EWHC 24

Successfully acted for the Civil Aviation Authority in this challenge regarding the safety standards to be applied at RAF Northolt, a government aerodrome which accepts civil passenger and commercial air traffic as well as military aircraft (with Sarah Wilkinson).

Lawrence v General Medical Council

(High Court, 2014)

Acting for the GMC in this appeal under section 40 of the Medical Act 1983 against a doctor's erasure from the medical register following information she provided by way of a witness statement in County Court proceedings.

R (Rusal) v London Metal Exchange

[2014] EWCA Civ 1271

Acted for the aluminium producer United Company Rusal in its judicial review of a warehousing rule change by the London Metal Exchange (with Monica Carss-Frisk QC and James Segan).

R (Hodkin & Church of Scientology Religious Education College) v Registrar General

[2013] UKSC 77; [2014] AC 610

Successfully represented the Claimants in this in this leapfrog appeal from [2012] EWHC 3635 Admin, a challenge to the decision of the Registrar-General for Births, Deaths and Marriages not to register the London Scientology Chapel as a place of meeting for religious worship on grounds of unlawfulness and religious discrimination (with Lord Lester QC).

R (Kamara) v SSHD

[2013] EWHC 959 (Admin)

Successfully acted for the Claimant in this judicial review of the unlawfulness of his detention given the improbability of obtaining an Emergency Travel Document within any reasonable period of time.

RT (Zimbabwe) & Ors v SSHD; KM (Zimbabwe) v SSHD

[2012] UKSC 38; [2013] 1 AC 152

Acted for UNHCR in this case concerning the application of HJ (Iran) v Secretary of State for the Home Department [2010] UKSC 31 to cases concerning imputed political opinion, where individuals are politically apathetic but be persecuted for being perceived to be politically opposed to a particular regime (with Michael Fordham QC).

R (Chief Justice of the Cayman Islands) v (1) Governor of the Cayman Islands & (2) Judicial and Legal Services Commission

[2012] UKPC 39

Successfully acted for the Governor of the Cayman Islands in this challenge to the constitutionality of various provisions of the Cayman Islands Constitution Order 2009 relating to judicial independence pursuant to section 4 of the Judicial Committee Act 1833 (with Lord Pannick QC and Professor Sir Jeffrey Jowell QC).

R (Hoffmann) v the Commissioner of Inquiry and the Governor of the Turks and Caicos Islands

[2012] UKPC 17

Acted for the Claimant in this vires and fairness challenge to the conduct of the Commission of Inquiry into corruption in the government and legislature of the Islands (with Lord Pannick QC and Javan Herberg QC).

R (Diedrick) v Chief Constable of Hampshire Police & Ors

[2012] EWHC 2144 (Admin)

Successfully acted for the Thames Valley Police in this challenge to the amendments to Code A of the PACE Code of Practice removing the requirement to monitor the ethnicity of a person subject to stop and search powers, successfully resisting the grant of permission.

Tariq v Home Office

[2011] UKSC 35; [2012] 1 AC 452

Acted for JUSTICE/Liberty in this appeal regarding the compatibility of the closed material in employment proceedings with Article 6 ECHR and EU law, brought on the context of a claim for racial and religious discrimination (with John Howell QC).

R (Al-Skeini & Ors) v UK

(2011) 53 EHRR 18

Successfully acted for the Claimants in this appeal from [2007] UKHL 26; [2007] 3 WLR 33 concerning the extra-territorial application of the Human Rights Act 1998 to killings by British soldiers in post-war Iraq (with Rabinder Singh QC and Michael Fordham QC).

HJ (Iran) v SSHD; HT (Cameroon) v SSHD

[2010] UKSC 31; [2011] 1 AC 596

Successfully represented UNHCR in this landmark case on the rights of gay asylum seekers where the Supreme Court held that such individuals could not be expected to seek to protect themselves from persecution in their home country by concealing sexual identity (with Michael Fordham QC)

R (British American Tobacco) v SSH

(2010)

Acted for the Claimant in this challenge, on EU and ECHR grounds, to legislation banning the display of tobacco products (with Tom de la Mare QC).

Public International Law

Naina has a growing practice in public international law. She acts regularly in claims for judicial review involving public international law. She has also advised in relation to international agreements and the compatibility of domestic legislation with international legal obligations.

Naina also advises domestic and foreign governments, private sector organisations and NGOs on rule of law issues arising in the field of international development, as well as providing training on related issues. This work builds on Naina's experience prior to coming to the Bar, focusing on the role of law in post-conflict reconstruction efforts. After leaving university, she researched comparative access to justice and its human rights implications across the developing world for the British Institute of International and Comparative Law. While at Harvard, Naina spent a year teaching international human rights with Professor Michael Ignatieff. Thereafter, Naina worked for organisations including the Ministry of Rural Rehabilitation and Development in Afghanistan, the United Nations Development Program and the charity International Rescue Committee, advising on furthering local and national economic objectives through human-rights-promoting development programming. This work took her to Rwanda, Kosovo, Azerbaijan and Afghanistan before coming to the Bar.

“User-friendly, perceptive and deeply experienced”

– CHAMBERS AND PARTNERS, 2019

Cases

In the Matter of a Public Register of Beneficial Interests

(2018)

Advised the Government of the Cayman Islands on the lawfulness of the Order in Council proposed under the Sanctions and Anti-Money Laundering Act 2018 to introduce public registers of beneficial interests in the jurisdiction (with Lord Pannick QC and Sir Jeffrey Jowell QC).

In the Matter of a Property

(2018)

Advised on issues under the Diplomatic and Consumer Premises Act 1987 relating to the sale of a property.

Certain Underwriters at Lloyds & Ors v Syria & Ors

[2018] EWHC 385 (Comm)

Successfully sued on USD50 million United States judgment for losses from terrorist destruction of aircraft in a claim raising issues of service absent diplomatic relations, state immunity, submission to the jurisdiction and frozen assets (with Tim Otty QC).

Brexit and Article 50

(2016)

In the immediate aftermath of the referendum, advised a confidential client on whether the UK Government's giving notice of the UK's intention to leave the EU under Article 50 TFEU is revocable and whether it requires prior Parliamentary consent (with Professor Sir Jeffrey Jowell QC).

AH (Algeria) v SSHD

[2015] EWCA Civ 1003

Represented the Appellant in this appeal from AA/03394/2006 on remittal from the Court of Appeal following its decision in AH (Algeria) [2012] EWCA Civ 395 regarding the application of the exclusion clauses in Article 1F of the Refugee Convention (with Raza Husain QC).

In the Matter of a Chemicals Project

(2015)

Advised a state corporation in relation to possible inter-state claims and claims under a Bilateral Investment Treaty relating to a failed joint venture with companies in another state (with Michael Beloff QC).

R (O) v DFID

[2014] EWHC 2371 (Admin)

Acted for the Department in this challenge to its process of assessing the Government of Ethiopia's compliance with its Partnership Principles (in particular its commitment to respecting human rights and other international obligations) for the purposes of making continued aid disbursements to the country (with James Eadie QC).

Constitutional Options for Myanmar

(2013-2014)

Provided support to the Myanmar national consultation process on the Constitution of the Republic of the Union of Myanmar 2008 through a Constitutional Bus Tour that travelled the country raising awareness of the current Constitution and assisting individuals who wished to submit recommendations to the Joint Committee for Reviewing the Constitution. Also provided technical assistance to Parliamentarians as they considered and debated amendments (with Professor Sir Jeffrey Jowell QC).

JSC BTA Bank v Ablyazov

(2013)

Advised on whether a proposed application to the ECtHR is an appeal for the purposes of section 3(2)€ of the Reciprocal Enforcement of Judgments Act 1922 (with Michael Beloff QC).

Legal Barriers to Women's Credit

(2013)

Advised the EBRD on legal barriers to women's access to credit in both Morocco and the Kyrgyz Republic (with the Law and Development Partnership).

Constitutional Options for the New Libya

(2012)

Advised the Libyan Progress Initiative on constitutional options for the new Libya (with Professor Sir Jeffrey Jowell QC).

RT (Zimbabwe) & Ors v SSHD; KM (Zimbabwe) v SSHD

[2012] UKSC 38; [2013] 1 AC 152

Acted for UNHCR in this case concerning the application of HJ (Iran) v Secretary of State for the Home Department [2010] UKSC 31 to cases concerning imputed political opinion, where individuals are politically apathetic but be persecuted for being perceived to be politically opposed to a particular regime (with Michael Fordham QC).

Al Rawi & ors v SS, SIS & Ors

[2011] UKSC 34; [2012] 1 AC 531

Acted for JUSTICE/Liberty intervening in this appeal from [2010] EWCA Civ 482 and [2009] EWHC 2959 on the question of whether the Government may withhold sensitive evidence from several former victims of extraordinary rendition and torture in civil claims for damages but rely on that evidence in closed proceedings (with John Howell QC). Acted for individual claimants below (with Michael Fordham QC).

R (Al-Skeini & Ors) v UK

(2011) 53 EHRR 18

Successfully acted for the Claimants in this appeal from [2007] UKHL 26; [2007] 3 WLR 33 concerning the extra-territorial application of the Human Rights Act 1998 to killings by British soldiers in post-war Iraq (with Rabinder Singh QC and Michael Fordham QC).

HJ (Iran) v SSHD; HT (Cameroon) v SSHD

[2010] UKSC 31; [2011] 1 AC 596

Successfully represented UNHCR in this landmark case on the rights of gay asylum seekers where the Supreme Court held that such individuals could not be expected to seek to protect themselves from persecution in their home country by concealing sexual identity (with Michael Fordham QC)

Rule of Law

Naina regularly advises domestic and foreign governments, private sector organisations and NGOs on rule of law issues arising in the field of international development, as well as providing training on related issues. This work builds on Naina's experience prior to coming to the Bar, focusing on the role of law in post-conflict reconstruction efforts. After leaving university, she researched comparative access to justice and its human rights implications across the developing world for the British Institute of International and Comparative Law. While at Harvard, Naina spent a year teaching international human rights with Professor Michael Ignatieff. Thereafter, Naina worked for organisations including the Ministry of Rural Rehabilitation and Development in Afghanistan, the United Nations Development Program and the charity International Rescue Committee, advising on furthering local and national economic objectives through human-rights-promoting development programming. This work took her to Rwanda, Kosovo, Azerbaijan and Afghanistan before coming to the Bar.

Cases

OSJA Review

(2018-2019)

Conducted a review for the FCO of the implementation of HMG's current OSJA Guidance and a study of best practice in mitigating the human rights risks of security and justice assistance overseas, looking at risks such as the arbitrary arrest and detention, torture and CIDT, unfair trial and the imposition of the death penalty.

In the Matter of a Public Register of Beneficial Interests

(2018)

Advised the Government of the Cayman Islands on the lawfulness of the Order in Council proposed under the Sanctions and Anti-Money Laundering Act 2018 to introduce public registers of beneficial interests in the jurisdiction (with Lord Pannick QC and Sir Jeffrey Jowell QC).

Models of Sustainable and Scalable Basic Legal Services

(2015)

Advising OSF on available models of sustainable and scalable basic legal service provision for the developing world, giving particular thought to cost, financing options and political economy considerations.

Measuring Policy on Access to Justice and Taxation in the UK

(2015)

Advised OSF on approaches to measuring access to justice and taxation employed in the UK for guidance on approaches to measuring progress against the new Global Goals.

UK Legal and Judicial Expertise Programme

(2014)

Advised DFID on the design of its new programme designed to harness the provision of pro bono legal and judicial expertise to assist with rule of law assistance in development programming around the world.

Constitutional Options for Myanmar

(2013-2014)

Provided support to the Myanmar national consultation process on the Constitution of the Republic of the Union of Myanmar 2008 through a Constitutional Bus Tour that travelled the country raising awareness of the current Constitution and assisting individuals who wished to submit recommendations to the Joint Committee for Reviewing the Constitution. Also provided technical assistance to Parliamentarians as they considered and debated amendments (with Professor Sir Jeffrey Jowell QC).

Legal Barriers to Women's Credit

(2013)

Advised the EBRD on legal barriers to women's access to credit in both Morocco and the Kyrgyz Republic (with the Law and Development Partnership).

Rule of Law Adviser, DFID

(2013)

Advised DFID on a new rule of law policy and programming options in light of the Prime Minister's "golden thread" agenda.

Constitutional Options for the New Libya

(2012)

Advised the Libyan Progress Initiative on constitutional options for the new Libya (with Professor Sir Jeffrey Jowell QC).

Senior Justice Adviser, Provincial Reconstruction Team, Helmand, Afghanistan

(2010-2011)

Spent a sabbatical year leading justice sector reform in Helmand province, including conducting trial observations, mentoring prosecutors and civil mediators and capacity-building local NGOs.

Discrimination

Naina has extensive experience in discrimination law in a wide range of contexts including employment, the provision of goods and services and the exercise of public functions. She has particular experience in discrimination on the grounds of religion and belief, and the interplay between the law in this area and Article 9 ECHR jurisprudence, having authored the relevant chapters on this topic Lester, Pannick and Herberg: Human Rights Law and Practice (2009) and Tolley's Discrimination in Employment Handbook (2007).

Cases

SD v SA

(ET, 2019)

Acting for the Claimant in this 6 day hearing of a claim for discrimination, harassment and constructive dismissal against her former employer.

An Individual v A Bank

(County Court, 2018)

Represented a bank in this discrimination claim brought by an individual relating to the cessation of banking services.

R (Public Law Project) v SSJ

[2016] UKSC 39 (Admin); [2016] AC 1531

Successfully acted for PLP in this successful challenge to the proposed residence test for civil legal aid, set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2014. The Supreme Court found that the test was ultra vires its authorising statute (with Michael Fordham QC).

R (Jackley) v SSJ

[2015] EWHC 1266 (Admin)

Successfully represented the Defendant in this challenge to a new policy on temporary release for prisoners with an abscond history on grounds which included alleged indirect discrimination for prisoners suffering from certain disabilities.

R (Hodkin & Church of Scientology Religious Education College) v Registrar General

[2013] UKSC 77; [2014] AC 610

Successfully represented the Claimants in this in this leapfrog appeal from [2012] EWHC 3635 Admin, a challenge to the decision of the Registrar-General for Births, Deaths and Marriages not to register the London Scientology Chapel as a place of meeting for religious worship on grounds of unlawfulness and religious discrimination (with Lord Lester QC).

Christian Concern v Law Society

(County Court, 2012)

Acted for the Law Society in this challenge to its decision to cancel a room booking for an event on gay marriage on grounds it amounted to religious discrimination. Settled.

Tariq v Home Office

[2011] UKSC 35; [2012] 1 AC 452

Acted for JUSTICE/Liberty in this appeal regarding the compatibility of the closed material in employment proceedings with Article 6 ECHR and EU law, brought on the context of a claim for racial and religious discrimination (with John Howell QC).

Foreign & Defence Policy

Naina has extensive experience in litigation involving foreign and defence policy. She has acted in both public and private law claims involving policy issues of this kind, often including issues relating to jurisdiction, foreign law and conflict of laws. She also has experience of the practical issues around taking instructions and providing disclosure in these contexts, having spent time deployed on behalf of the British Government as Senior Justice Advisor to the multi-lateral Provisional Reconstruction Team in Helmand, Afghanistan and as a Rule of Law Advisor to the Department of International Development.

Cases

Qureshi v (1) ICO and (2) FCO

Ongoing (FTT)

Representing the FCO in this appeal against the ICO's determination of a FOIA appeal concerning documentation relating to an attempted aircraft bombing in 1986.

OSJA Review

(2018-2019)

Conducted a review for the FCO of the implementation of HMG's current OSJA Guidance and a study of best practice in mitigating the human rights risks of security and justice assistance overseas, looking at risks such as the arbitrary arrest and detention, torture and CIDT, unfair trial and the imposition of the death penalty.

R (MF) v SSHD

(High Court, 2016)

Successfully acted for the Defendant in this challenge to a decision of the Service Complaints Panel to discharge an individual from service, permission being refused on the papers.

X, Y and Z

[2016] EWHC 2400 (Fam)

Acted for the Metropolitan Police at a number of preliminary hearings leading up to the fact finding hearing in these care order proceedings concerning a child allegedly poisoned and/or infection and at risk of being taken to Syria.

R (O) v DFID

[2014] EWHC 2371 (Admin)

Acted for the Department in this challenge to its process of assessing the Government of Ethiopia's compliance with its Partnership Principles (in particular its commitment to respecting human rights and other international obligations) for the purposes of making continued aid disbursements to the country (with James Eadie QC).

Al Rawi & ors v SS, SIS & Ors

[2011] UKSC 34; [2012] 1 AC 531

Acted for JUSTICE/Liberty intervening in this appeal from [2010] EWCA Civ 482 and [2009] EWHC 2959 on the question of whether the Government may withhold sensitive evidence from several former victims of extraordinary rendition and torture in civil claims for damages but rely on that evidence in closed proceedings (with John Howell QC). Acted for individual claimants below (with Michael Fordham QC).

R (Diedrick) v Chief Constable of Hampshire Police & Ors

[2012] EWHC 2144 (Admin)

Successfully acted for the Thames Valley Police in this challenge to the amendments to Code A of the PACE Code of Practice removing the requirement to monitor the ethnicity of a person subject to stop and search powers, successfully resisting the grant of permission.

R (Al-Skeini & Ors) v UK

(2011) 53 EHRR 18

Successfully acted for the Claimants in this appeal from [2007] UKHL 26; [2007] 3 WLR 33 concerning the extra-territorial application of the Human Rights Act 1998 to killings by British soldiers in post-war Iraq (with Rabinder Singh QC and Michael Fordham QC).

Human Trafficking and Modern Slavery

Naina has experience of both judicial review claims concerning alleged victims of trafficking and civil claims for damages on behalf of those trafficked and forced into labour. She is also familiar with the Modern Slavery Act 2015 and its implications for business.

Cases

EK v Home Office

[2019] EWHC 1535 (QB) and ongoing (High Court)

Representing the Claimant in this Article 4 ECHR claim for damages for breach of the protective obligation to protect against trafficking and forced labour by virtue of entry clearance procedures in place and properly operated. Successfully defended strike out application.

WA v Home Office

[2017] EWHC 3503 (QB)

Acted for the Claimant in this Article 4 ECHR claim for damages for breaches of the protective obligation to protect against trafficking and forced labour by virtue of operating the join ship visa scheme.

In the Matter of a Corporate Group

(2019)

Naina has advised a major corporate group as to its obligations under the Modern Slavery Act 2015, in particular in relation to a section 54 statement.

Police

Naina has acted for or alongside a number of forces, including the Metropolitan Police and Thames Valley Police, in claims involving criminal records disclosure, the use of stop and search powers and passport seizures.

“Her administrative law practice includes policing issues”

– LEGAL 500, 2018

Cases

R (G) v (1) Chief Constable of Surrey & (2) SSHD

[2016] 4 WLR 94

Acted for the Secretary of State in this challenge to the criminal records disclosure scheme on the grounds its alleged absence of procedural safeguards infringed Article 8 ECHR (with Kate Gallafent QC).

R (KCM) v SSHD

(High Court, 2016)

Acted for the Metropolitan Police, an interested party in this challenge to the decision to seize and cancel passports using powers under the Counter-Terrorism and Security Act 2015 and the royal prerogative.

X, Y and Z

[2016] EWHC 2400 (Fam)

Acted for the Metropolitan Police at a number of preliminary hearings leading up to the fact finding hearing in these care order proceedings concerning a child allegedly poisoned and/or infected and at risk of being taken to Syria.

R (Diedrick) v Chief Constable of Hampshire Police & Ors

[2012] EWHC 2144 (Admin)

Successfully acted for the Thames Valley Police in this challenge to the amendments to Code A of the PACE Code of Practice removing the requirement to monitor the ethnicity of a person subject to stop and search powers, successfully resisting the grant of permission.

Privy Council & Offshore

Naina has a particular interest in the constitutional law of the British Overseas Territories, Crown Dependencies and the Caribbean. She has advised a wide range of governments including Gibraltar and the Cayman Islands and has appeared before the Judicial Committee of the Privy Council on a number of occasions, including as an advocate.

Cases

In the Matter of a Public Register of Beneficial Interests

(2018)

Advised the Government of the Cayman Islands on the lawfulness of the Order in Council proposed under the Sanctions and Anti-Money Laundering Act 2018 to introduce public registers of beneficial interests in the jurisdiction (with Lord Pannick QC and Sir Jeffrey Jowell QC).

Commissioner of Customs v Delta Petroleum (Caribbean) Ltd

[2016] UKPC 27

Successfully acted for the Respondent in this appeal against the decision of the Eastern Caribbean Court of Appeal (British Virgin Islands) that the Commissioner's seizure of Delta's fuel storage tank and its contents was unlawful, the fuel not having been liable to forfeiture under the Customs Management and Duties Act No 6 of 2010.

R (Chief Justice of the Cayman Islands) v (1) Governor of the Cayman Islands & (2) Judicial and Legal Services Commission

[2012] UKPC 39

Successfully acted for the Governor of the Cayman Islands in this challenge to the constitutionality of various provisions of the Cayman Islands Constitution Order 2009 relating to judicial independence pursuant to section 4 of the Judicial Committee Act 1833 (with Lord Pannick QC and Professor Sir Jeffrey Jowell QC).

R (Hoffmann) v the Commissioner of Inquiry and the Governor of the Turks and Caicos Islands

[2012] UKPC 17

Acted for the Claimant in this vires and fairness challenge to the conduct of the Commission of Inquiry into corruption in the government and legislature of the Islands (with Lord Pannick QC and Javan Herberg QC).

Delta Petroleum (Caribbean) Ltd v British Virgin Islands Electricity Corporation

Ongoing (Privy Council)

Acting for the Appellant in this appeal concerning the proper interpretation of an agreement for the exclusive supply of fuel and the application of the doctrine of waiver by election.

Sanctions

Naina is experienced in bringing both commercial and public law claims relating to sanctions. This includes experience of asset freezing and export controls in a variety of country contexts.

Cases

Certain Underwriters at Lloyds & Ors v Syria & Ors

[2018] EWHC 385 (Comm)

Successfully sued on USD50 million United States judgment for losses from terrorist destruction of aircraft in a claim raising issues of service absent diplomatic relations, state immunity, submission to the jurisdiction and frozen assets (with Tim Otty QC).

R (Allam Marine) v Department for International Trade

(High Court, 2016-2017)

Acted for Allam Marine in this challenge to the decision to refuse an export licence for the export of industrial generators to the UAE.

ACHIEVEMENTS

Education

BA Hons (Oxon) (PPE); Diploma in Law (City) (Major Scholar); MPP (Harvard) (Fulbright Scholar), BVC (Princess Royal Scholar, Inner Temple)

Prizes & Scholarships

- Civilian Service Medal Afghanistan (2012)
- Sydney Elland Goldsmith Bar Pro Bono Award (Bar Pro Bono Unit, 2008)
- Princess Royal Scholarship (Inner Temple, 2004)
- Thesis Award (Carr Center for Human Rights Policy, Harvard, 2004)
- Harvard International Development Award (Center for International Development, Harvard, 2003)
- Major Scholarship (Inner Temple, 2002)
- Duke of Edinburgh Entrance Award (Inner Temple, 2002)
- Fulbright Scholarship (US-UK Fulbright Commission, 2002)
- Coolidge Award (Balliol College, Oxford, 2001)
- Paton Scholarship (Balliol College, Oxford, 2001)
- Fletcher Exhibition (Balliol College, Oxford, 2000)

Publications

- "Key Modern Slavery and Anti-Trafficking Cases of the Last 10 Years", Blackstone Chambers (2019)
- "Islands of jurisdiction for competition damages claims in a post-Brexit world", Competition Bulletin, 22 November 2016
- "Miller is Right", UK Constitutional Law Association Blog, 11 November 2016
- "Developing a Portfolio of Financially Sustainable, Scalable, Basic Legal Service Models", Open Society Foundation and International Development Research Centre (2015)

- "Measuring Policy on Access to Justice and Taxation in the United Kingdom", Bingham Centre Working Paper (2015)
- "India and the Post-2015 Agenda: Shaping the Connections between Law and Development", Bingham Centre (2015)
- "Building the Rule of Law in Helmand: Testing the Bingham Principles", Bingham Centre Working Paper (2014)
- "Constitutional Reform in Myanmar: Priorities and Prospects for Amendment", Bingham Centre Working Paper (2014)
- "Secure Property Rights and Development", DFID Research and Development, with Chiara Selvetti and Others (2014)
- "Constitutional Reform on the Road to Mandalay" published in Myanmar Times (30 December September 2013)
- "The Rule of Law and International Development", DFID Research and Evidence Division, with Caroline Roseveare, Will Evans and Tam O'Neill (2013)
- "The long road to justice in Afghanistan" published in the Guardian newspaper, 15 September 2011
- Lester, Pannick and Herberg: Human Rights Law and Practice published by LexisNexis Butterworths (2009): chapters on Article 5 and Article 9 of the ECHR, and Wales.
- UK case section of Sweet & Maxwell's Human Rights Alerter: from May 2008 to May 2009.
- Tolley's Discrimination in Employment Handbook published by LexisNexis Butterworths (2007): chapters on Religion and Belief and Marital Status
- "State Immunity and the UN Convention: A Practitioner's View" [2007] Int.T.L.R. 1, with Shaheed Fatima
- "Understanding IRC Approaches from Relief to Post-Conflict: Community-Driven Reconstruction" with Lizanne McBride, International Rescue Committee, 2005, presented at the World Bank/USAID Conference on Community-Based Development in Fragile/Conflict Affected Environments, 26-28 October 2005, Washington DC
- "Building on the Foundations of NSP: Developing a Viable and Effective Framework for Local Government in Afghanistan", John F Kennedy School of Government, June 2004

Teaching and Training

Naina regularly provides teaching and training both in the UK and overseas.

Recent experience includes:

- Constitutional Options for Myanmar (Bingham Centre, Myanmar, 2013-2015)
- Human Rights Beyond the State, International Law in Practice (BIICL, 2014)
- Freedom of Expression Standards (Bingham Centre, Bahrain, 2013)
- Constitutional Options for Libya (Bingham Centre, Tunisia, 2012)
- European Convention on Human Rights (Slynn Foundation, Albania, 2011)
- European Convention on Human Rights (British East West Centre, Armenia, 2009)
- International Human Rights (Bar Human Rights Committee, Afghanistan, 2007-2008)

Speaking

Naina frequently speaks at conferences, seminars and other events, both in the UK and internationally.

Recent speaking appointments include: ALBA Summer Conference (July 2016); Blackstone Brexit Seminar (July 2016); Public Law Project North Conference (July 2016); Open Society Justice Initiative Conference (June 2016); Stanford University Roundtable (April 2016); Holywell Manor Festival, Oxford (April 2016); Innovating Justice Forum, the Hague (Nov 2015); Public Law Project Conference (October 2015); Blackstone Chambers Religion and Belief Seminar (May 2015); Bingham Centre India Seminar, Delhi (Feb 2015); HRLA, JUSTICE and the Law Society Seminar (May 2014); BIICL Seminar (October 2012); Blackstone Chambers Public Law Seminar (June 2012); Oxford Bar Society (May 2012); Society of Legal Scholars (April 2012); Lawyers without Borders (March 2012); OXFID Conference (Feb 2012); A4ID Knowledge Group (Dec 2011); Bingham Centre, Post-Conflict States Seminar (Dec 2011); JUSTICE/Sweet & Maxwell Conference (Oct 2011).

Memberships

- A4ID
- ALBA (Executive Committee)
- BHRC
- COMBAR
- ELA
- HRLA
- ILPA
- UNHCR Pro Bono Panel
- Fellow, Bingham Centre for the Rule of Law
- Principal Associate, Law and Development Partnership
- Bar European Group

Naina has been a member of the Executive Committee of both the Bar Human Rights Committee and the Human Rights Law Association.

Selected earlier reported cases

Civil Liberties & Human Rights

- *Al Rawi & ors v Security Service, Secret Intelligence Service & Ors* [2010] EWHC 1496
- *R (Madni) v Secretary of State for Foreign and Commonwealth Affairs and Commissioner of the British Indian Ocean Territory* (2010)
- *R (ZO) Somalia v Secretary of State for the Home Department* [2009] 1 WLR 2477
- *(McKoy) v Oxford Brookes University* [2009] EWCA Civ 1561
- *R (London Secure Services Ltd) v Youth Justice Board* [2009] EWHC 2347 (Admin)
- *R (Nuclear Information Service) v Secretary of State for Defence and Secretary of State for the Foreign and Commonwealth Office* [2008] EWHC 1634 (Admin)
- *R (Saleh Hasan) v Secretary of State for Trade and Industry* [2008] EWCA Civ 1312R
- *R (Green) v City of Westminster Magistrates' Court* [2007] EWHC 2785 (Admin)
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