



T: +44 (0)20 7583 1315  
E: [clerks@tgchambers.com](mailto:clerks@tgchambers.com)  
W: [tgchambers.com/](https://tgchambers.com/)  
<https://tgchambers.com/member-profile/juliet-wells/>



## Juliet Wells

Year of Call: 2016

### Practice Areas

- Civil Fraud
- Costs
- Employment
- Extradition
- Inquests
- Inquiries
- Personal Injury
- Public International Law
- Public Law

### Email:

[julietwells@tgchambers.com](mailto:julietwells@tgchambers.com)

### Experience

Juliet has a varied practice, with a particular focus on extradition, public international law, public law and personal injury. She regularly appears before the High Court, both led and unled, and has been instructed as sole counsel in a number of judicial review and Multi-Track claims.

Before coming to the Bar, Juliet held research posts at UCL and Oxford University, specialising in constitutional law and civil procedure. She has recently been appointed as the general editor of Zuckerman on Civil Procedure: Principles of Practice (4th Ed. Sweet & Maxwell, forthcoming), and is currently co-authoring a book on the theory and practice of disclosure around the common law world.

### Extradition

Juliet frequently represents requested persons in extradition proceedings before Westminster Magistrates' Court and the High Court, both led and as sole counsel. She is experienced in dealing with the full range of issues arising in EAW cases, and regularly handles cases well beyond her level of call. She has also acted in cases under Part 2 of the Extradition Act 2003, and is well-versed in human rights issues arising out of detention in the Gulf states.

Notable recent cases in this area include:

- *Hosseinali v Germany* CO/3559/2019, led by David Perry QC

(the joint lead case on whether EAWs issued *ultra vires* are invalid as a matter of EU law).

- *Diaconu v France* CO/945/2019, led by Alison Macdonald QC (the joint lead case on the competence of French public prosecutors to issue EAWs).
- *Kotsev v The Sofia District Public Prosecutor's Office, Bulgaria* [2019] 1 WLR 2353, led by Myles Grandison.
- The application to certify a point of general public importance in *Duarte v The Comarca De Lisboa* [2018] EWHC 2995 (Admin), led by Robin Tam QC and Myles Grandison.
- *Lis, Lange and Chmielewski v Poland* [2018] EWHC 2848 (Admin) (assisting Myles Grandison).

### **Public International Law**

Juliet is also building a busy practice in public international law, with a particular emphasis on representing persons who have been detained and mistreated overseas. Her work in this field has included representing individuals in proceedings before the Special Procedures of the UN Human Rights Council, prosecutions under universal jurisdiction, and related civil claims. She is currently appointed international counsel for a British national who was detained and tortured in the United Arab Emirates, and for a number of former and current detainees in Saudi Arabia, led by Rodney Dixon QC.

She is also representing two former members of the International Criminal Court's Office of the Prosecutor in international disciplinary proceedings before the UN International Labour Organisation, led by Rodney Dixon QC.

Juliet is regularly invited to speak at conferences on public international law issues. Most recently, she has spoken at an interdisciplinary conference on international human rights issues in the Middle East, and addressed the 42nd Regular Session of the UN Human Rights Council in Geneva.

### **Public Law, Inquests and Inquiries**

Juliet advises and acts in a wide range of public law challenges, typically concerning civil liberties and human rights.

She regularly represents claimants in judicial review proceedings. Recent instructions in this area have included challenges to prosecution decisions, and actions challenging the lawfulness of police data retention policies.

She has a particular interest in cases concerning the tort liability of public authorities and Human Rights Act damages. She has represented claimants in Multi-Track claims arising out

of substandard detention conditions and inter-prisoner violence, raising complex issues of liability and causation. In addition, she has recently acted in a number of claims concerning wrongful arrest and false imprisonment.

She is also alive to the utility of supervisory and regulatory authorities in this field, and has often assisted her clients in bringing parallel complaints before such bodies as the Prisons and Probation Ombudsman and the Information Commissioner's Office.

Alongside her contentious work, Juliet acts in inquests and inquiries. She is currently instructed by the Ministry for Housing, Communities and Local Government as a junior junior in the Grenfell Tower Inquiry.

### **Private Law**

Juliet has a diverse private law practice, covering personal injury, civil fraud, costs and civil procedure. She has been instructed as trial counsel in a number of Multi-Track personal injury cases, and recently acted pro bono in an appeal concerning solicitors' liability to pay the fees of expert witnesses, which raised complex issues of agency law, costs law, and professional regulation.

Juliet also undertakes pro bono work in the fields of employment and education law, and is very happy to accept instructions in these areas.

Prior to joining Chambers, for the legal year 2016-2017, Juliet was Judicial Assistant to Lord Justices Tomlinson, Flaux and Jackson. During this time, she undertook research and advised on the merits of appeals. High-profile cases in which she advised included *Kamoka & Others v The Security Services & Others* [2017] EWCA Civ 1665, *Purcell & Others v Public Prosecutor of Antwerp, Belgium & Others* [2017] All ER (D) 113, *Turley v London Borough of Wandsworth* [2017] EWCA Civ 189, *Qader v Esure Services Ltd* [2016] EWCA Civ 1109, and *McBride v UK Insurance Ltd* [2017] EWCA Civ 144. She also worked closely with Lord Justice Jackson on his latest review of civil litigation costs.

### **Education**

- Magdalen College, University of Oxford: BA Jurisprudence (2014)
- BPP Law School, London: BPTC (2016, Outstanding)

## Memberships

- Administrative Law Bar Association
- Defence Extradition Lawyers Forum
- Personal Injury Bar Association

## Cases

### **Kotsev v Sofia District Public Prosecutor's Office, Bulgaria**

**[2019] 1 WLR 2353**

16.11.2018

Barristers involved: Myles Grandison Juliet Wells

The case dealt with whether the District Judge was entitled to find that the Appellant had deliberately absented himself from his trial and whether he was entitled to a re-trial upon his return. The High Court held that the District Judge had erred in seeking to interpret foreign law without the assistance of expert evidence. Furthermore, the bare fact that a requesting state was a signatory to the European Convention on Human Rights was not of itself sufficient to show that section 20(5) and (8) of the 2003 Act would be satisfied.

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## Publications

### **A Practical Guide to Extradition Law Post-Brexit**

09/09/2021

Authors: Kathryn Howarth Myles Grandison Daniel Sternberg Benjamin Seifert Émilie Pottle Saoirse Townshend Emily Wilsdon Juliet Wells

Published on 6 September 2021 by the TGC Extradition Team.

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### **Zuckerman on Civil Procedure: Principles of Practice (4th edition) Out Today**

28/01/2021

Authors: Juliet Wells juliet

Published by Sweet & Maxwell, Juliet Wells is the General Editor of the 4th edition. First published in 2003 in the wake of the Woolf Reforms, Zuckerman on Civil Procedure has for many years been the leading academic and practitioners' text on civil procedure. It presents a clear and thematic analysis of litigation under the Civil Procedure Rules, explaining how the court interprets and applies the Rules, how judges exercise their extensive case management powers, and how this impacts the conduct of litigation.

Throughout, the emphasis is on bringing out the principles that govern the exercise of judicial discretion in order to help judges and practitioners to understand the relationship between individual Rules and general principles, and to deal with difficult problems that arise in the course of litigation. Its analysis is authoritative – the previous editions have been regularly cited by the High Court, the Court of Appeal, the Supreme Court and Privy Council, and by the highest courts in other common law jurisdictions. The 4th edition is available in print at the link below, or as an add-on to a Westlaw subscription.

You can view the publication at

<https://www.sweetandmaxwell.co.uk/Product/Dispute-Resolution/Zuckerman-on-Civil-Procedure-Principles-of-Practice/Hardback/42771311>

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### **TGC Costs Newsletter Vol IV**

04/06/2019

Authors: Richard Wilkinson Lionel Stride Anthony Johnson Richard Boyle Matthew Waszak Ellen Robertson James Yapp Juliet Wells Harriet Wakeman Olivia Rosenstrom

Please see link below to the latest update from the TGC Costs Team.

You can view the publication on our website <http://tgchambers.com>

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### **J. Wells, 'A commentary on the Irish Supreme Court's preliminary references in Lisaukas and**

## **Dunauskis', Defence Extradition Lawyers Forum.**

04/12/2018

Authors: Juliet Wells

Juliet Wells discusses the Irish Supreme Court's preliminary references in Minister for Justice and Equality v Lisauskas [2018] IESC 42 and Minister for Justice and Equality v Dunauskis [2018] IESC 43 (now joined Cases C-508/18 and C-509/18 before the CJEU), seeking clarity as to the circumstances in which a public prosecutor can be a "judicial authority" for the purposes of the 2002 Framework Decision.

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## **J. Wells and R. Hazell, 'Judicial Input into Parliamentary Legislation' [2018] Public Law Journal 106**

02/02/2018

Authors: Juliet Wells

Juliet Wells discusses the constitutional role played by judges in shaping legislation at the select committee stage in Parliament, in leading academic law journal *Public Law*.

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## **J. Wells, 'Reforming Electoral Law: a Comment on the Law Commission's Joint Consultation Paper', U.K. Const. L. Blog**

25/02/2015

Authors: Juliet Wells

Available at link below. Cited by the Electoral Commission in its consultation response.

You can view the publication at

<http://ukconstitutionallaw.org/2015/02/25/juliet-wells-reforming-electoral-law-a-comment-on-the-law-commissions-joint-consultation-paper/>.

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## **News**

### **A Practical Guide to Extradition Law Post-Brexit**

09/09/2021

Barristers involved: Kathryn Howarth Myles Grandison Daniel Sternberg Benjamin Seifert Émilie Pottle Saoirse Townshend Emily Wilsdon Juliet Wells

The TGC Extradition Team is delighted to announce the publication on 6th September of 'A Practical Guide to Extradition Law Post-Brexit'. Find it at [www.lawbriefpublishing.com/ExtraditionLawPostBrexit](http://www.lawbriefpublishing.com/ExtraditionLawPostBrexit). A 10% off discount code can be found [here](#). Kathryn Howarth; Myles Grandison; Daniel Sternberg; Benjamin Seifert; Émilie Pottle; Saoirse Townshend; Emily Wilsdon; Juliet Wells.

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### **Juliet Wells interviewed by Sky News, Channel 5 News and LBC about Prince Andrew lawsuit**

11/08/2021

Barristers involved: Juliet Wells

She was asked to comment on immunity, jurisdictional and procedural issues arising out of Virginia Guiffre's US lawsuit against Prince Andrew, and on whether there is any prospect of the Prince being extradited as a result of the claim.

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### **Chief Magistrate discharges Hungarian EAW**

09/07/2021

Barristers involved: Juliet Wells

Mr Lakatos had been sought to serve a lengthy sentence for five offences, including three theft offences allegedly committed in Austria but prosecuted in Hungary. Hungary argued that the English courts would have extra-territorial jurisdiction over the theft offences in corresponding circumstances, on the basis that they constituted 'money-laundering' under s.329 of the Proceeds of Crime Act 2002 (POCA), which has extra-territorial effect following R v Rogers [2015] 1 WLR 1017. In a significant decision, the Chief Magistrate agreed with Mr Lakatos' submissions that R v Rogers did not have the effect contended for by Hungary. Contrary

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to what has commonly been assumed (see for example Archbold 2021 at 26-14), “some element of the impact of the substantive underlying criminality would have to be felt in this jurisdiction” in order for s.329 POCA to apply to conduct committed abroad. He therefore discharged the three theft offences as they were not extradition offences.

He discharged the remaining two offences under s.25 of the Extradition Act 2003 and Art 8 of the European Convention on Human Rights. Mr Lakatos had a number of complex medical conditions which rendered him unfit to fly, and which could have potentially life-threatening consequences if his supply of medication was interrupted even for a short period. Hungary had not provided adequate assurances as to the care Mr Lakatos would receive if he was extradited, and in those circumstances extradition would be unjust and oppressive.

Juliet Wells represented Mr Lakatos, instructed by Katy O'Mara of ITN Solicitors.

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## **Requested person discharged on s.20 grounds**

16/04/2021

Barristers involved: Juliet Wells

The case was unusual in that the hearings at issue were not conventional trials, but (i) a hearing to ratify a suspended sentence agreed between the Requested Person and prosecutor after she had admitted an offence, and (ii) a subsequent hearing at which the conditions of the suspension were varied.

The Court agreed that both hearings were ‘trials’ for the purposes of Art. 4a of the Framework Decision and s.20 of the Extradition Act 2003, following the approach in Criminal proceedings against Zdziasek (Case C-271/17 PPU). It went on to find that the Requested Person had not been properly summoned to the hearings, and that she had not been informed of any right to appeal their outcomes. She was therefore entitled to a ‘retrial’ (or equivalent) in respect of both hearings, which Poland had not shown she would have.

Juliet Wells represented the Requested Person, instructed by Harry Grayson of Shaw Graham Kersh.

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## **Zuckerman on Civil Procedure: Principles of Practice (4th edition) Out Today.**

26/01/2021

Barristers involved: Juliet Wells

The new 4th edition has been extensively restructured and revised, with an expanded chapter on case management and party compliance, and a new chapter on committal proceedings and other enforcement processes. It is fully updated to take account of new legislation, case law, and recent reviews into the workings of civil justice, including:

- The Criminal Justice and Courts Act 2015 (which provides for dismissal of personal injury claims in cases of fundamental dishonesty, a new ‘different outcome’ test in applications for judicial review, and costs-capping orders in judicial review claims)
- The Consumer Rights Act 2015, together with the Competition Appeal Tribunal Rules 2015, which provide for a new scheme of opt-in or opt-out class actions before the Competition Appeal Tribunal
- The Disclosure Pilot in the Business and Property Courts
- Revisions to the CPR and amendments to specialist court guides
- Denton v TH White Ltd [2014] EWCA Civ 906
- Tchenguiz v Director of the Serious Fraud Office [2014] EWCA Civ 1129
- Coventry v Lawrence [2015] UKSC 50
- Broadhurst v Tan [2016] EWCA Civ 94, Bird v Acorn Group Ltd [2016] EWCA Civ 1096, and Qader v Esure Services Ltd [2016] EWCA Civ 1109
- R (Haralambous) v St Albans Crown Court [2018] UKSC 1
- Barton v Wright Hassall LLP [2018] UKSC 12
- Belhaj v Director of Public Prosecutions [2018] UKSC 33
- Cameron v Liverpool Victoria Insurance Co Ltd [2019] UKSC 6
- Cape Intermediate Holdings Ltd v Dring [2019] UKSC 38
- Jet 2 Holidays Ltd v Hughes [2019] EWCA Civ 1858
- R (on the application of Jet2.com Ltd) v Civil Aviation Authority [2020] EWCA Civ 35
- Chapelgate Credit Opportunity Master Fund Ltd v Money & Ors [2020] EWCA Civ 246
- Mastercard Inc v Merricks [2020] UKSC 51
- Lord Justice Brigg’s Chancery Modernisation Review and Civil Courts Structure Review

- Lord Justice Jackson's latest Review of Civil Litigation Costs

The 4th edition is available in print [here](#), as an add-on to a Westlaw subscription, or on Proview [here](#).

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## **ALBA publishes its response to the Independent Review of Administrative Law**

19/10/2020

Barristers involved: Juliet Wells

ALBA's response (which can be read [here](#)) calls attention to the fundamental importance of judicial review in upholding the rule of law, and expresses concern about the intentions behind the IRAL, as well as the timescales and methodology adopted by it.

[Juliet Wells](#) was a member of the Working Group tasked with preparing ALBA's response.

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## **German EAWs: Divisional Court approves local courts as 'judicial authorities'**

11/05/2020

Barristers involved: Émilie Pottle Juliet Wells

The issue arose following the judgment of the CJEU in OG and PI, in which it held that German public prosecutors were not 'judicial authorities' because they may be influenced by instructions issued by the executive. Following that decision, EAWs issued by German public prosecutors were withdrawn and were replaced in most instances with warrants issued by local courts.

Article 6(1) requires issuing judicial authorities to be competent 'by virtue of the law' of the requesting state. The Applicants relied upon expert evidence which showed that according to German law there was no clear basis for local courts to issue EAWs. Accordingly, some local courts had refused applications to issue EAWs.

Further, the Applicants argued that the requirement in Article 6(3) that member states inform the Council of the competent judicial authority was a mandatory requirement. At the time the EAWs were issued, the German authorities had not made the necessary notification. The Applicants sought a preliminary reference to the CJEU on both points.

The Respondents' position was that German law did provide a sufficiently clear basis for the issue of EAWs by local courts and that notification was not a mandatory requirement. A reference on either point was unnecessary.

The Divisional Court held that there was no doubt as to the ability of the German local courts to issue EAWs. Further, notification pursuant to Article 6(3) was not a mandatory requirement. The Court declined to make a reference on either point, holding that the meaning of Articles 6(1) and (3) were *acte clair*.

Émilie Pottle was instructed by Stephen Fidler & Co for the first Applicant, Juliet Wells was instructed by Armstrong Solicitors for the Second Applicant.

### **What Next?**

This is the latest in a slew of cases challenging EAWs on the basis that the authorities who issued them are not judicial authorities within the meaning of the Framework Decision. It seems likely that further challenges will be made in the near future. A reference to the CJEU was made by the Divisional Court in the case of VA, concerning the issue of whether the Bulgarian public prosecutor was capable of being a judicial authority within the meaning of the Framework Decision.

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## **Juliet Wells obtains permission to appeal in landmark extradition case on the status of French public prosecutors**

04/12/2019

Barristers involved: Juliet Wells

The basis of the appeal is that, following the CJEU's recent judgment in *Minister for Justice and Equality v OG and PI* (joined cases C-508/18 and C-82/19 PPU), French public prosecutors are not to be regarded as 'judicial authorities' within the meaning of s.2 of

the Extradition Act 2003, since: (i) the French legislative framework governing the issuance of EAWs does not comply with the minimum standards required by EU law, and (ii) French public prosecutors are insufficiently independent of the executive. If the appeal succeeds, the consequence is likely to be that all EAWs emanating from France are invalid.

Juliet Wells is instructed by Robert Katz of Brooklyn Solicitors on behalf of the Appellant. She is led by Alison Macdonald QC of Matrix Chambers.

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## **Juliet Wells addresses an interdisciplinary conference on human rights issues in the Arabian Gulf**

18/11/2019

Barristers involved: Juliet Wells

In her talk, Juliet addressed the key legal and human rights issues arising in GCC states. She highlighted the international legal mechanisms available to help secure accountability for abuses, as well as the potential utility of domestic mechanisms such as the Sanctions and Anti-Money Laundering Act 2018 in the UK and the Global Magnitsky Act in the US.

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## **Rodney Dixon QC and Juliet Wells address an event at the 42nd Regular Session of the UN Human Rights Council in Geneva**

16/09/2019

Barristers involved: Rodney Dixon QC Juliet Wells

In his address, Rodney set the recent executions in context, highlighting the mass arrests of government critics and human rights defenders in Saudi Arabia since 2017. Juliet discussed human rights violations committed by the Saudi regime in administering the death penalty in a cruel and inhumane manner, and in withholding the remains of victims from their families, and explored the legal remedies available to the families.

Other speakers at the event included Baroness Helena Kennedy QC, Saul Lehrfreund (Co-Executive Director of the Death Penalty Project), and Baroness Janet Whitaker. The press release for the event can be viewed below.

You can view the publication at

<https://www.deathpenaltyproject.org/2019/09/12/press-release-the-death-penalty-and-illegal-executions-in-saudi-arabia/>

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## **Juliet Wells appears live on Al Jazeera evening news to comment on the legality of executions in Saudi Arabia**

16/09/2019

Barristers involved: Juliet Wells

As the report identified, there has been an alarming rise in the number of executions in recent months, with political activists, human rights defenders and religious minorities among those targeted. The majority of those executed were subject to grossly unfair investigative and trial processes, some were children at the time of their alleged offending, and the manner of executions violated international standards. The interview followed an event at the 42nd Regular Session of the UN Human Rights Council in Geneva, at which Juliet gave an address concerning these issues.

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## **Rodney Dixon QC and Juliet Wells make complaint to FIFA on behalf of client tortured in the UAE**

15/07/2019

Barristers involved: Rodney Dixon QC Juliet Wells

In the complaint, Rodney and Juliet argue that FIFA and its member organisations did not have adequate human rights and safeguarding policies in place, and that they failed in their duties to protect fans such as Mr Ahmad from violence and discrimination perpetrated by the host state. Please see the link below for news coverage in English.

You can view the publication at <https://www.bbc.co.uk/news/uk-england-birmingham-48948129>

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## **Rodney Dixon QC and Juliet Wells attend the 41st Regular Session of the UN Human Rights Committee in Geneva on behalf of clients detained in Saudi Arabia**

25/06/2019

Barristers involved: Rodney Dixon QC Juliet Wells

Ms Desai and Ms Mohammad spoke about their experiences at the event, alongside Hatice Cengiz (the fiancée of murdered journalist Jamal Khashoggi), Agnes Callamard (the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions), Abdullah Alaoudh (an academic and the son of imprisoned cleric Salman Al-Awdah), and Matthew Hedges. Please see the link below for the event programme. See [here](#) and [here](#) for news items in English.

Rodney and Juliet are instructed by Cameron Doley of Carter-Ruck Solicitors.

You can view the publication at <http://tgchambers.com/wp-content/uploads/2019/07/Silencing-Dissent-Event-Invitation-25.06.pdf>

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## **TGC Costs Newsletter**

04/06/2019

Barristers involved: Richard Wilkinson Lionel Stride Anthony Johnson Matthew Waszak Ellen Robertson James Yapp Richard Boyle Juliet Wells Harriet Wakeman Olivia Rosenstrom

Please see link below for the 4th edition of the the TGC Costs Newsletter.

You can view the publication on our website <http://tgchambers.com>

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## **Aidan Ellis, Juliet Wells and others brief the press on the death of Alia Abdulnoor**

30/05/2019

Barristers involved: Aidan Ellis Juliet Wells

On 30 May 2019, Juliet Wells joined a panel of human rights lawyers and experts chaired by Aidan Ellis, to brief members of the press including the BBC, Al Jazeera and Middle East Eye on the legal and political implications of the death of Alia Abdulnoor. Ms Abdulnoor was diagnosed with breast cancer whilst detained in the United Arab Emirates, and subsequently died in inhumane conditions on 4 May 2019 having been refused medical treatment.

You can view the publication at

<http://aohr.org.uk/index.php/en/all-releases/item/10654-alia-abdulnoor-died-in-uae-custody-from-illness-after-being-denied-adequate-treatment.html>

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## **Breakfast Costs Conference**

22/02/2019

Barristers involved: Simon Browne QC James Laughland Joanna Hughes Juliet Wells

Please see [here](#) for further details and booking information.

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## **Appeal against extradition to Bulgaria**

04/12/2018

Barristers involved: Myles Grandison Juliet Wells

The judgment also provided helpful guidance on the extent to which courts can interpret matters of foreign law in the absence of expert evidence.

The appeal was subsequently allowed on 3rd December 2018.

Myles and Juliet were instructed by Chris Stevens at Sonn Macmillan Walker.

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## **TGC Welcomes New Junior Tenants**

03/10/2018

Barristers involved: Juliet Wells Harriet Wakeman

Temple Garden Chambers is delighted to announce that Juliet Wells and Harriet Wakeman have accepted invitations to join chambers after successfully completing pupillage.

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