



## Kathryn Howarth

Call 2005

✉ [clerks@tgchambers.com](mailto:clerks@tgchambers.com)

☎ +44 (0)20 7583 1315

Kathryn Howarth practices in public international law, public law, including inquests and public inquiries and extradition.

She is on the Attorney General's Public International Law Panel of Counsel and the Attorney General's Civil Panel of Counsel. She is instructed by UK and foreign government departments, as well as private companies, individuals and NGOs. She has a wealth of experience in relation to international criminal law and has appeared in leading cases, including in The Hague and domestically before the UK Supreme Court.

She is the author and co-author of a number of legal textbooks, relating to international criminal law, extradition and judicial review.

## Expertise

### International Law

Kathryn Howarth advises and acts in domestic and international proceedings where public international law issues arise, including international criminal law, international human rights law and sanctions. She is consistently recognised as a leading junior in the Legal 500 for her expertise in international criminal law and has worked in this field since 2002. She recently published, '***A Practical Guide to International Crimes in Proceedings Before the Courts of England and Wales***' which is the first publication to set out the law and practice in relation to international crimes in the domestic setting.

#### Public international law in UK courts:

Kathryn has represented clients in cases involving public international law in the Supreme Court, Court of Appeal, High Court, Central Criminal Court and at Westminster Magistrates' Court. She has particular experience of:

- Litigation involving the domestic application of the United Nations Convention against Torture,
- Public international law immunities, and
- Advising on potential litigation in relation to war crimes, crimes against humanity and genocide under



the International Criminal Court Act 2001 and other domestic legislation in relation to international crimes.

She represented the Crown in the case of **R v TRA** before the Supreme Court and **R v Kumar Lama** before the Court of Appeal.

### **Public international law and the United Nations:**

Kathryn advises and acts for organisations and individuals in making representations to various United Nations bodies and Special Rapporteurs.

### **Sanctions:**

Kathryn advises and acts for organisations and individuals in making applications for UK and EU sanctions. She is currently acting with Rodney Dixon KC representing a number of clients making applications to the FCDO and the EU for sanctions against the President of Tunisia, as well as current and former senior members of the Tunisian government.

### **International criminal law and transitional justice:**

Kathryn advises and represents clients in relation to proceedings before international criminal courts, including referrals to the Office of the Prosecutor (“OTP”) at the International Criminal Court (“ICC”). Kathryn has worked in The Hague and at courts and tribunals including the Special Court for Sierra Leone (“SCSL”) in Freetown, the International Criminal Tribunal for Rwanda (“ICTR”) and the State Court for Bosnia & Herzegovina. Between 2008 and 2012 she worked in The Hague, for the OTP at the SCSL, in both trial and appellate proceedings, in the seminal case against Charles Taylor, the former President of Liberia.

## **Notable International Law cases**

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R v TRA [2019] UKSC

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Led by David Perry QC in a landmark case decided by the UK Supreme Court, which considered the interpretation of the United Nations Convention against Torture.

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R v TRA (2018-2020)

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Central Criminal Court – criminal litigation under section 134 of the Criminal Justice Act 1988 concerning charges of torture arising from the first civil war in Liberia.

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R v Kumar Lama (2012-2016)

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Central Criminal Court – trials in which a former Colonel in the Nepalese army was tried with charges of



torture under section 134 of the Criminal Justice Act 1988 arising from the civil war in Nepal.

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R v KL [2014] EWCA 1729

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Led by Bobbie Cheema QC (now Mrs Justice Cheema-Grubb QC) in litigation in the UK Court of Appeal, which considered the interpretation of the United Nations Torture Convention, immunities of United Nations personnel under a SOFA, and the case of Pinochet No. 3.

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Maric v Croatia [2016] EWHC 3256 (Admin)

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Represented the Croatian Government in relation to an extradition request concerning historic war crimes allegations.

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[Prosecutor v Charles Taylor](#)

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The Hague – represented the Office of the Prosecutor at the Special Court for Sierra Leone during the appellate litigation, in which Charles Taylor, the former President of Liberia appealed against his conviction for war crimes and crimes against humanity.

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[Prosecutor v Charles Taylor](#)

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The Hague – represented the Office of the Prosecutor at the Special Court for Sierra Leone during the trial, examining witnesses, including cross-examining members of the NPFL and Liberian Army) and drafting legal pleadings on a range of legal issues.

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Prosecutor v Norman, Moinina, Kondewa (CDF); Prosecutor v Brima, Kamara, Kanu (AFRC), Prosecutor v Brima, Kamara, Kanu (RUF); P v Charles Taylor

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SCSL in Freetown – intern then consultant for the Appellate section of the OTP responding to the challenges to the Court's jurisdiction: constitutionality, effects of domestic amnesty (Lome), the crime of use and recruitment of child soldiers, and head of state immunity (2003-2004).

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## **Extradition & Interpol**

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Kathryn Howarth is consistently recognised in the Legal 500 as a leading junior in the field of extradition. She is regularly instructed in extradition proceedings at Westminster Magistrates' Court and in the Administrative Court. She has appeared in the Divisional Court, acting alone against Kings Counsel and as a led junior. She is a contributing author in 'A Practical Guide to Extradition Law Post-Brexit' (Law Brief Publishing).

Kathryn regularly represents Requested Persons at first instance and on appeal and has achieved impressive results in hearings at Westminster Magistrates Court in securing the discharge of her clients on Article 8 ECHR grounds. She has been instructed in some of the leading cases in relation to the Extradition Act 2003, including the provisions on temporary transfer and the charge or try bar to extradition, as well as complex cases, involving historic war crimes allegations and issues of dual criminality in respect of the International Criminal Court Act 2003. She is often instructed in proceedings involving the USA and has experience in Part 2 extradition requests involving countries such as Brazil, South Africa, Albania, the United Arab Emirates and Nigeria. She undertook a secondment with the CPS Extradition Unit in 2013.

## **Notable Extradition & Interpol cases**

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### Poland v Adam Ganske (July 2023)

Secured the discharge from extradition proceedings at Westminster Magistrates' Court of the RP on the basis of Article 8 ECHR. Mr Ganske's surrender was sought in relation to a sentence of 3 years imprisonment. His family circumstances and culpable delay tipped the balance.

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### Czech Republic v Anita Sarayova (June 2023)

Secured the discharge from extradition proceedings at Westminster Magistrates' Court of the RP, whose extradition was sought by the Czech Republic in relation to several offences of imprisonment. The RP was discharged on Article 8 grounds in view of the impact that extradition would have on her two young children.

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### Maric v Croatia (March 2023)

Represented the Croatian JA in relation to a second request for extradition in relation to alleged war crimes during the war in Croatia in the 1990's. Cranston J refused permission to appeal.

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### Poland v Graczyk (October 2022)

Represented the RP who was discharged at Westminster Magistrates' Court on the basis that extradition would result in a disproportionate interference with his private life (Article 8 ECHR).

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### Sanchez v USA [2020] EWHC 508 (Admin)

Represented the Government of the USA the Divisional Court comprised of Fulford LJ and Laing J in relation to life sentences without parole. The case is currently on appeal before the European Court of Human Rights.

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### Jasieniewicz v District Court in Wroclaw-Fabryczna, Poland [2019] EWHC 3187 (Admin)



Represented the RP in a case which considered the interpretation of the test under s.20 in relation to trial in absence.

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Benmaimum v France [2019] EWHC 1798 (Admin)

Represented the RP in an abuse of process challenge, concerning the interpretation of Article 28 of the Framework Decision of the EAW regarding the deduction of time served in custody.

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Malar v Slovakia [2018] EWHC 2589 (Admin)

Represented the RP in relation to time served in custody appeal.

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Taylor v Belgium [2018] EWHC 2453 (Admin)

Represented the JA in a case which considered s.20 trial in absence and re-trial rights.

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Maric v Croatia [2016] EWHC 3526 (Admin)

Represented the JA in relation to an extradition request concerning historic war crimes allegations.

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Chirino v Germany [2016] EWHC 3524 (Admin)

Represented the JA in a case which considered s.2(4)(c) particulars.

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Duncan v Presiding Magistrate, Malaga, Spain [2015] EWHC 3466 (Admin)

Represented the JA before the Divisional Court, in the leading case which provided the first guidance on applications under section 21B of the Extradition Act (the "temporary transfer" provision).

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Oparcik v Poland [2015] EWHC 2067 (Admin)

Successfully appealed against an order for extradition, on the basis of Article 8 owing to culpable delay by the requesting state (post Celinski).

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Macaulay v Spain [2015]

Successfully obtained the adjournment of extradition before the Administrative Court, until satisfactory assurance of medical treatment was provided, following a kidney transplant (section 25).



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Kandola v Germany; Ijaz v Italy; Droma v Germany [2015] EWHC 619 (Admin)

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Represented the JA in leading case, the first to consider section 12A of the Extradition Act (“absence of a prosecution decision” provision).

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Jankowski v Poland [2015] EWHC 2522 (Admin)

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Represented the JA in a case involving a dispute about the service of the notice of appeal form.

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Anghel v France [2015] EWHC 493 (Admin)

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Represented the JA in a case in which the RP had been extradited before his appeal hearing was heard.

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Trocha v Poland [2015] EWHC 710 (Admin)

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Represented the JA in relation to a s.20 trial in absence.

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Skraba v Poland [2014] EWHC 2193 (Admin)

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Represented the JA in the first case to consider the jurisdiction to award costs in extradition proceedings.

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## Inquests

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Kathryn is recognised in the Legal 500, as a band 4 senior junior in the field of inquests and inquiries. She advises and represents a range of interested parties at Pre-Inquest Review Hearings and Inquests, both with and without a jury. Kathryn’s experience includes representing the Ministry of Justice, local authorities and police forces at inquests relating to deaths in prison custody, deaths following a period in police custody and Inquests where there are or have been criminal proceedings in the Crown Court. Kathryn accepts instructions on behalf of families, including pro-bono.

## Notable Inquests cases

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Inquest into the death Marine Benjamin McQueen

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Kathryn is currently instructed in the counsel team for the Ministry of Defence in relation to an inquest into the death of Marine Benjamin McQueen during military training at Portland Harbour in 2018.

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Katrina Makunova



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Represented the London Borough of Merton in an inquest concerning the death of 17 years old Katrina Makunvoa, who was killed by a knife wound in an altercation with her ex-boyfriend at a block of flats in London. The case was widely reported in the media.

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## Inquiries

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Kathryn is recognised in the Legal 500, as a band 4 senior junior in the field of inquests and inquiries. Kathryn has experience acting for core participants in a number of significant Public Inquiries, including where national security issues arise. She represents the Department of Health and Social Care in the Infected Blood Inquiry, led by Eleanor Grey KC and Nicholas Moss KC. She was instructed for the Department for Levelling Up, Housing and Communities in the Grenfell Tower Inquiry, led by Jason Beer KC. She was also instructed by a Core Participant in the Undercover Policing Inquiry in relation to disclosure.

## Notable Inquiries cases

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[The Infected Blood Inquiry](#)

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[The Grenfell Tower Inquiry](#)

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[The Undercover Policing Inquiry](#)

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## Public Law

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Kathryn Howarth has a broad public law practice, which includes acting for government departments and individuals in proceedings, including judicial review. She accepts instructions on matters, including human rights law, civil liberties, environmental law, national security, prison law and immigration and asylum law. She is Junior Counsel to the Crown (Attorney General's B Panel).

Kathryn also acts in cases where criminal, civil and public law intersect, including proceedings for contempt of court. She brings her prior experience from a criminal practice to bear in these cases; having previously been instructed in heavy weight criminal litigation, including jury trials, litigation before the Crown Court, Court of Appeal and Supreme Court and criminal proceedings involving large and complex cross-border disclosure exercises. She is a contributing author in **'Criminal Judicial Review'** (Hart).

## Notable Public Law cases

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[His Majesty's Attorney General v Elavi Dowie \[2022\] EWCA Civ 1574](#)

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Kathryn Howarth successfully represented the Attorney General in proceedings before the Court of Appeal (Lord Justice Bean, Lord Justice Peter Jackson and Lady Justice Asplin). At first instance, Mr Justice MacDonald found Mr Dowie to be in contempt of court for posting recordings and information on You Tube

about private family law proceedings involving his children. The Court of Appeal ruled that Mr Dowie could have no possible complaint about his conviction and eight-month sentence but adjusted the costs order on account of Mr Dowie's means. The Court of Appeal also helpfully noted that there was "considerable force" in the Attorney General's position that (contrary to the decision in the court below) it was not an element of the mens rea of the category of contempt of court involved that the defendant needed to have an intention to interfere with the course of justice.

His Majesty's Attorney General v Elavi Dowie [2022] EWCA Civ 1574, [2023] 1 F.C.R. 221, [2023] 3 C.L. 21

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## Appointments

- B Panel (Attorney General's Civil Panel)
- B Panel (Attorney General's Public International Law Panel)
- Deputy Judge of the Upper Tribunal, Immigration and Asylum Chamber

## Awards

- Mansfield Scholar, Lincoln's Inn
- Denning Scholar, Lincoln's Inn
- Howland Prize for the Most Outstanding Performance on the LLM, University of Toronto

## Education

- M.A. (Cantab)
- LL.M. (Public International Law), University of Toronto

## Memberships

- Lincoln's Inn
- Defence Extradition Lawyers Association (DELF)
- Administrative Law Bar Association (ALBA)
- Extradition Lawyer's Association (ELA)

## Publications

A Practical Guide to International Crimes in Proceedings Before the Courts of England and Wales, Law Brief





Publishing, February 2023 <http://www.lawbriefpublishing.com/product/internationalcrimes/>

A Practical Guide to Extradition Law Post-Brexit, August 2021 (contributing author)  
<http://www.lawbriefpublishing.com/product/extraditionlawpostbrexit/>

Criminal Judicial Review, A Practitioner's Guide to Judicial Review in the Criminal Justice System and Related Areas, September 2014 (contributing author)  
<https://www.bloomsbury.com/uk/criminal-judicial-review-9781782254218/>

## Recommendations

- "Very knowledgeable and diligent in her preparation work, able to identify and pursue novel and complex grounds to resist extradition and persuasive on her feet". **Legal 500 2024**
- "A valued member of the Government Team and good with witnesses". **Legal 500 2023**
- "Kathryn is a very experienced advocate in the field on international criminal law. She is practical and balanced, she is hard working and has good attention to factual details and a+ strong understanding of the legal issues." **Legal 500 2021**
- "Kathryn is a careful and measured advocate, in and out of court. She is very intelligent and brings her experience of international crime to the field of extradition, to the benefit of clients. She is very calm and pleasant to work with." **Legal 500 2020**
- "She combines intellectual strength with an imperturbable, yet reassuring, court manner." **Legal 500 2019**
- "A well-rounded, hardworking and energetic advocate." **Legal 500**
- "Up and coming junior." **Legal 500**