



GARDEN COURT CHAMBERS

Edward Grieves KC

YEAR OF CALL: 1995 | YEAR OF SILK: 2023



Edward Grieves is a public and immigration law barrister with particular expertise in closed material procedures, serious criminality, national security and terrorism.

"He's really inventive and thorough in his approach. He is a safe pair of hands."

CHAMBERS UK, 2024

"Edward breaks down a complex case and really gets to the very smallest details."

CHAMBERS UK, 2024

"A real star. He is an incredible tactician and his SIAC work is second to none."

CHAMBERS UK, 2023

"An intensely creative and adaptive lawyer who leaves no fact or legal principle unearthed. He will track down the most elusive solution."

CHAMBERS UK, 2022 (IMMIGRATION)

"Ed is visionary in terms of strategy on cases which have significant legal and geo-political implications. He understands SIAC, the immigration court dealing in national security cases, better than any other barrister in practice."

LEGAL 500, 2022 (IMMIGRATION)

"He has tons of experience in very intense and complicated SIAC nationality cases and he has an amazingly strategic mind."

CHAMBERS UK, 2021 (IMMIGRATION)

If you would like to get in touch with Edward please contact the clerking team:

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EUROPEAN COURT OF JUSTICE

Edward has represented many individuals and groups in separate and joint actions before the European Court of Justice, challenging their inclusion on United Nations and European Union terrorist asset freezing lists.

NOTABLE CASES

Abdulrahim v European Commission and European Council[C-239/12] (28.5.13) (Grand Chamber of the European Court of Justice overturned the decision of the General Court ruling that an annulment action did not survive the de-listing of an individual (allegedly rendering the action “devoid of purpose”) as it was so important that an individual be able to vindicate himself and seek to restore his reputation in the face of serious allegations) and [T-127/09] of 14 January 2015 (the General Court annulled the measure which added Mr Abdulrahim to the UN Al Qaida asset-freezing list as there was insufficient detail of the allegations given and there was insufficient evidence upon which to base the listing)

Ayadi v European Commission(the Court of Justice remitted Mr Ayadi’s case to the General Court so it could re-decide the matter in line with Abdulrahim. The General Court annulled the measure which listed Mr Ayadi on 14.4.15 [T-527/09], refusing to find that the allegations were well founded on the evidence provided.

Yusef v European Commission (21.3.14) [T-306/10] (the General Court made the important finding that an action against the Commission based upon a failure to revoke the measure which imposed the asset freeze was admissible, despite the fact that an annulment action against the measure had not been brought within time)

Al-Faqih, Sanabel Relief Agency Ltd, Abdrabbah, Nasuf v. Council of the European Union [T/135/06 – T138/06] (right to property, reputation and fair hearing)

PKK and KNK v Council of the European Union (C-229/05), (which was remitted back to the Court of First instance where it was ultimately successful (T-229/02) along with the joined case of Kongra-Gel and Others v Council of the European Union (T-253/04))

In 2015 Edward secured the de-listing of an individual from the UN Al Qaida list through the Ombudsperson mechanism and in 2013 obtained the removal of an individual on the asset-freezing regime imposed against Burma through representations to the Foreign and Commonwealth Office.

SPECIAL IMMIGRATION APPEALS COMMISSION (SIAC)

Edward is a specialist in SIAC, representing individuals in all types of appeals and applications for review, including deprivation of citizenship (while outside the UK); deportation; or refusal of naturalization or asylum on grounds of national security or links to serious crime.

NOTABLE CASES

U3 v SSHD (SC/153/2018 and 2021)

Deprivation/Human Rights Appeal - approach to national security assessment in deprivation and human rights appeals.

P3 v SSHD (SC/148/2018 and 2020)

Human Rights Appeal - application for entry clearance on human rights grounds that deprivation appeal would not be fair and breach of Article 8).

SSHD v P3 [2021] EWCA Civ 1642

Court of Appeal - approach to national security in human rights appeals post-Begum.

U2 v SSHD (SC/130/2016)

Deprivation of citizenship – national security.

Farooq and Sharif v. Secretary of State for the Home Department (SN/7/2014 and SN/8/2014) (26.11.15)

National Security Exclusion decisions flawed for want of procedural fairness.

AHK and others v Secretary of State for the Home Department (SN/2-5/2014) (18.7.14)

The approaches in law to the new naturalisation reviews as to disclosure of the underlying evidence of a naturalisation decision.

Secretary of State for the Home Department v SIAC[2015] EWHC 681 (Admin) (18.3.15)

E1 (OS Russia) v SSHD [2012] EWCA Civ 357 CA

It was appropriate to quash a decision notice informing a Russian national, who was abroad at the time of the notice, that his indefinite leave to remain was cancelled, as it failed to inform him of his in-country right of appeal, thereby providing for his entry for the duration of his SIAC appeal.

IR (Sri Lanka), GT (Libya) AN (Pakistan) AK (Pakistan) v SSHD[2011] EWCA Civ 704 CA

The procedural requirements of the European Convention on Human Rights 1950 art.8, if applicable, did impact on cases of deportation or exclusion for national security reasons but they did not equate with the procedural requirements of art.5 or art.6 but had the more limited content set out in the *Al-Nashif v Bulgaria* (50963/99) (2003) 36 E.H.R.R. 37 line of authority. The procedure of the Special Immigration Appeals Commission as to the disclosure to be made to individuals in such cases satisfied those more limited requirements.

LO (Jordan) v SSHD [2011] EWCA Civ 164 CA

The court lacked jurisdiction to hear the appeal of a Jordanian national against a decision on a preliminary ruling by the Special Immigration Appeals Commission where there had been no final determination of the appeal for the purposes of the Special Immigration Appeals Commission Act 1997 s.7.

Ahmed Faraz Khan v SSHD [SC/80/09]

Deportation – national security – reliability of Pakistani assurances.

***Sihali v SSHD* [SC/38/2005]**

Deportation – use of assurance in non-national security case – reliability of Algerian assurances.

***T v SSHD* [SC/31/2005]**

Deportation – national security risk – Article 8

***LO v SSHD* [SC/73/2009]**

Deportation – national security – “best evidence” rule

***GT v SSHD*[SC/68/2008]**

Entry clearance – right to family life – exclusion

***OO v SSHD* [SC/51/2006]**

Deportation – preliminary issue: (MB) Judgment

PROSCRIBED ORGANISATIONS APPEALS COMMISSION (POAC)

Edward appeared in the landmark case of *Lord Alton and Others*, on behalf of members of both Houses, where POAC ordered the Secretary of State to deprecise the PMOI from the list of terrorist organisations under the Terrorism Act 2000. This is the first, and only, full merits judgment made by POAC.

The decision was upheld by the Court of Appeal in *Secretary of State v Lord Alton of Liverpool and Others* [2008] 1 WLR 2341 which defined the test to be applied when prescribing or deprecising organizations under the Terrorism Act 2000. This case led to the deprecise of the PMOI from the European terrorist legislation.

TPIM AND CONTROL ORDERS

Edward has extensive experience in control order proceedings and appeared in *SSHD v BF* [2012] EWHC 1718 (Admin) (TPIM); *SSHD v BF* [2009] EWHC 2919 (Admin) (where the Court revoked a control order on the basis it was unnecessary on account of the existence of parallel criminal proceedings); *CP and BP v SHD* [2012] EWCA Civ 418 in the Court of Appeal (the Divisional Court did not have power to stay or discontinue proceedings concerning a non-derogating control order under the Prevention of Terrorism Act 2005 s.3(10) unless the controlled person requested it); *NN and GG v SSHD* [2009] EWHC 142 (Admin) (personal searches of controlees were unlawful and the control order was unnecessary) and *AV v SSHD* [2009] EWHC 902

(Admin) (Control order was not necessary in light of developments in Libya and AV's lack of connection to Al-Qaeda); *BX v SSHD* [2010] All ER (D) 60 (May) (Control order – Article 8 – relocation)

The case of *AV, AT, AW, AR, AU v SSHD* [2008] EWHC 2789 (Admin) concerned the background situation in Libya and the alleged links between the LIFG and Al-Qaeda. Edward appeared for AT, AW and AR and went on to appear in *AT and AW v SSHD* [2009] EWHC 512 (Admin) where the impact of a previous prosecution on the same facts which underpinned the control order was one of the issues. He appeared in AT's appeal in the Court of Appeal which was allowed: *AT v SSHD* [2012] EWCA Civ 42.

CHARITIES TRIBUNAL

Seevaratnam v Charity Commission CA/2008/0001 was the first appeal to be lodged in the newly constituted Charities Tribunal where Edward appeared on behalf of Mr Seevaratnam, a trustee of the Sivayogam charity, who had been accused of misconduct and mismanagement relating to allegations concerning links to the LTTE and subsequently been removed as a trustee by the Charity Commission. In a 50-page judgement the Tribunal allowed Mr Seevaratnam's appeal and ordered his re-instatement.

ASYLUM AND IMMIGRATION TRIBUNAL

Edward appears at all levels and has developed a particular experience in Article 1F Exclusion cases concerning allegations of war crimes and/or acts contrary to the purposes and principles of the United Nations.

NOTABLE CASES

Edward appeared in *MH (Syria) DS (Afghanistan) v SSHD* [2009] EWCA Civ 226 where the Court maintained that nursing was a protected activity in international law and usually not a terrorist act even if it was for the PKK, a proscribed organization. He also has a specialist knowledge as regards cases concerning Turkey, appearing in the Country Guidance (CG) case on Turkey in 2004, which still remains the lead CG case.

MEDIATION

Edward acted on behalf of three Guantanamo ex-detainees in the confidential mediated negotiation process concerning settlement of civil compensation claims.

CRIME

Edward has represented in a number of criminal trials in connection with proscribed organisations (e.g. DHKP-C, LIFG and LTTE). He appeared in a trial relating to the LIFG which culminated in the Court of Appeal judgment of *R v IK, AB and KA* [2007] EWCA Crim 971 (double jeopardy) and in a trial concerning the *LTTE – R v Arunachalam Chrishantchakumar and Others* – in which his client was acquitted.

BACKGROUND

Edward specializes in cases involving counter-terrorism, serious criminality, national security and complex closed material procedures which raise serious human rights and fairness issues, including financial sanctions, deprivation of citizenship, deportation, refusal of naturalisation and Control Orders/TPIMS and proscribed organisations.

AWARDS

Young Barrister, Legal Aid Lawyer of the Year Awards 2005.

EDUCATION

BSc (Economics) LSE

CPE

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