



GARDEN COURT CHAMBERS

# Jodie Blackstock

YEAR OF CALL: 2003(ENGLAND AND WALES), 2009 (TRINIDAD AND TOBAGO)



Jodie is a public law and human rights specialist, with extensive experience in justice system reform through policy, research and strategic litigation.

Jodie's particular interest is in challenging, through judicial review and civil actions, criminal justice system actors for violations of fair trial standards, abuse and death in custody. She is particularly concerned for the effective participation rights of adults with disabilities and children accused of crime.

"My profound thanks to Jodie for dealing with the Inquest on behalf of the family. It was not an easy Inquest and Jodie was excellent throughout and her attention to detail and preparation was superb. Her working relationship with my colleague and the family throughout the Inquest was first class."

IFTIKHAR MANZOOR, HUDGELL SOLICITORS

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## ADMINISTRATIVE AND PUBLIC LAW

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Jodie has extensive knowledge of the processes of the criminal justice system, from research, policy, trial practice in prosecution and defence and as a member of the Criminal Procedure Rule Committee. She practises in criminal justice-related judicial reviews that draw on this expertise.

### NOTABLE CASES

#### **Lack of appeal route for refusal to prosecute**

*R (Monica) v DPP (2020)*

This third-party intervention for JUSTICE supported the Centre for Women's Justice in a permission stage application to the UK Supreme Court to challenge the lacuna in an appeal route for claimants seeking judicial review in criminal causes without certification from the High Court to do so. Unfortunately the UK Supreme concluded that it did not have jurisdiction to hear the case. This raises clear issues for access to justice, effective remedies and discrimination by comparison to other judicial review claimants.

#### **No duty of post-conviction disclosure, but stronger duty to consider applications**

*Nunn v Chief Constable of Suffolk Police [2014] UKSC 37*

This third-party intervention for JUSTICE, Innocence UK and Criminal Appeals Lawyers Association supported the Court's review of the post-conviction duty of disclosure to shed light on the difficulties appellant's face in challenging convictions. While the Court did not find a duty to disclose, it did find that the police and prosecuting authorities should not impose unreasonable bars to requests for disclosure.

## ACTIONS AGAINST THE POLICE AND PUBLIC AUTHORITIES

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Jodie has extensive knowledge of the processes of the criminal justice system, from research, policy, trial practice in prosecution and defence and as a member of the Criminal Procedure Rule Committee.

She also drafted the England and Wales report of an EU-wide research project by the Hungarian Helsinki Committee to evaluate the legal and procedural framework for preventing and investigating police mistreatment of people held in custody.

She practises in criminal justice-related civil actions that draw on this expertise.

## NOTABLE CASES

### **Compensation for miscarriage of justice and violation of the ECHR right to the presumption of innocence**

*Hallam and Nealon v SS for Justice*, pending in ECtHR and [2019] UKSC 2

This third-party intervention for JUSTICE supported the UK Supreme Court review of the compensation scheme and continues to support review by the European Court of Human Rights, which is awaiting hearing. Revisions to the compensation scheme in England, Wales and Northern Ireland require an applicant to demonstrate they did not commit the offence for which their conviction was subsequently quashed. The Supreme Court did not find a violation of the presumption of innocence. However, the ECtHR has previously held in a line of cases that legislation requiring such a demonstration violates the rights of the applicant by undermining their acquittal.

### **Suspects have the right to a lawyer in Scottish police custody**

*Cadder v HM Advocate* [2010] UKSC 43

This third-party intervention for JUSTICE assisted the Court with extensive comparative and historical evidence on the unequivocal right to legal assistance pursuant to Article 6 ECHR and at common law. The case was a seismic change in procedural rights in Scotland, following which Jodie was heavily involved in policy engagement and research to bring the right into practice.

## INQUESTS AND INQUIRIES

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Having overseen one of JUSTICE's longest and most complex working party examinations into the inquests and inquiries process - *When things Go Wrong: the response of the justice system* (2020) - with many recommendations for reform to the system, Jodie is developing a practice focused on deaths in custodial settings, particularly concerning people of colour and people with disability.

## INTERNATIONAL HUMAN RIGHTS

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Jodie undertakes constitutional and judicial review matters in the Caribbean and on appeal to the Privy Council.

She has also advised upon and acted in third party interventions for NGOs in a number of jurisdictions.

### NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

#### **Constitutionality of lethal injection**

*Sepulvado v Jindal, Governor of Louisiana*, USSC 2014, Amicus Curiae for BHRC (co-authored with Reprieve and Louisiana Justice Center)

This case challenged the cocktail of drugs used to execute death penalty prisoners. The appellant's leave application was denied, however, the amicus was granted in principle.

#### **Challenge to conviction on grounds of torture**

*Zeidan v State of UAE*, UAE Court of Appeal 2014, Amicus Curiae for BHRC

The case concerned allegations of torture during police custody of a British national convicted of drugs offences. The Amicus raised the obligations upon the State to investigate allegations of torture pursuant to the UN Convention Against Torture. Unfortunately, the appellant's appeal was refused without consideration of the torture allegations.

#### **Withdrawal of civil servant's promotion due to security concerns held unlawful**

*Perm Sec, Ministry of Foreign Affairs and Prime Minister of Trinidad and Tobago v Feroza Ramjohn* [2011] UKPC 20

The operation of the Prime Minister's veto on civil service appointments, among other reasons, on national security grounds, was successfully challenged for being based on flawed evidence.

#### **Privy Council clarifies the availability of damages for violation of constitutional rights**

*Romauld James v AG of Trinidad and Tobago* [2010] UKPC 23

While the appellant did not succeed on the facts of this discrimination claim, the case helpfully clarified the nature and availability of constitutional damages claims.

## EXTRADITION AND MUTUAL ASSISTANCE

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Jodie was instrumental in the passing of EU legislation to strengthen procedural safeguards while working at JUSTICE. She undertook EU Commission funded research on the operation of the European arrest warrant across the EU member states, which led to a major EU Parliamentary report recommending amendment of the framework decision to improve the proportionate use of the warrant. This work also led to the ECBA guide on defending a European arrest warrant, which she assisted in drafting.

She was also a member of a major EU Commission funded empirical research project looking at how defence rights operate in police custody across Europe and is very familiar with fair trial issues across Europe through her position on the Legal Experts Advisory Panel of Fair Trials.

Post-Brexit her work is looking to clarify the procedural safeguards of suspected and accused persons in the operation of mutual legal assistance requests.

### NOTABLE CASES

#### **Care of children should be considered in extradition cases**

*PH and others v Deputy Prosecutor of Italian Republic, Genoa* [2012] UKSC 25

A third-party intervention for JUSTICE where the Supreme Court confirmed that article 8 ECHR/article 24 EU Charter of Fundamental Rights required that the circumstances of dependent children must be taken into account where the extradition would leave them without parental care.

## CHILDREN'S RIGHTS

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Jodie undertakes cases that challenge the operation of the youth justice system. She regularly acts against the police for the unlawful arrest and detention of children, specifically in conditions where their rights as children are not respected or protected during that process. Her cases also involve challenging the inappropriate and unlawful use of a child's data, investigations that breach or fail to protect child rights and intersectional claims on grounds of race and disability.

For over a decade, Jodie has been involved in research and policy work that promotes child rights. As legal director at JUSTICE, Jodie prioritised and oversaw key projects that looked at the way the justice system treats children, and sought to recommend changes that placed the child – and their voice as a child – at the centre of

the process, for example, [Understanding Courts \(2019\)](#); [Tackling Racial Injustice: Children and the Youth Justice System \(2021\)](#); [Improving Access to Justice for Separating Families \(2022\)](#) (until August 2021). She also acted in the case that brought the right to legal advice in police custody to Scotland, in the case of a 16-year-old boy (*Cadder v HM Advocate*), and conducted research, training and briefing to support the development of procedural safeguards in EU law, with a specific focus on child suspects and accused persons.

Jodie welcomes instructions to advise or consult on any research, projects or cases involving the treatment of children in the criminal justice context.

## BACKGROUND

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Jodie was Legal Director of JUSTICE for five years until joining Chambers in 2021, with a further seven years in criminal justice and EU justice roles prior to her promotion. She brings extensive policy, research and strategic litigation expertise to her practice in Chambers. She sat on the Criminal Procedure Rule Committee for four years prior to joining Chambers.

Jodie also has considerable international and comparative law experience, particularly of EU and Caribbean law. She undertook internships in Texas (on defending appellate capital cases) and Trinidad and Tobago prior to pupillage in 2003, following which she qualified to practice in the English-speaking Caribbean in 2007. She has appeared in local appellate courts as well as the Privy Council.

Jodie had a heavy trial practice, acting across all levels of criminal (both prosecution and defence) and civil courts for five years prior to moving to JUSTICE in order to address systemic problems in the legal process that she saw repeatedly occurring in individual cases.

Jodie is Treasurer of the Bar Human Rights Committee with which she has undertaken training programmes, trial observations and drafted statements on human rights abuses across the globe.

Jodie enjoys folk music, singing in the Cecil Sharp House Choir, as well helping to conserve her local ancient woodland.

## PUBLICATIONS

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Jodie has over a decade of experience in providing Parliamentary briefing and consultation responses to both UK and EU legislative reform processes. As Legal Director at JUSTICE, she edited all policy outputs. She has

extensive experience in empirical research, with a particular focus on the criminal justice system, as shown by her authored reports listed below. Jodie provides commentary to a wide range of blogs and news outlets and journals.

*Understanding Courts* (2019) JUSTICE Working Party Report

*Legal Assistance in the Police Station* (2018) JUSTICE Working Party Report

*Mental Health and Fair Trial* (2017) JUSTICE Working Party Report

*Investigation of police ill-treatment in Europe* (England and Wales) (2017) Hungarian Helsinki Committee

*How to Defend a European arrest Warrant* (2017) (co-author) European Criminal Bar Association

*Complex and Lengthy Criminal Trials* (2016) JUSTICE Working Party Report

*In the Dock: re-assessing the use of the dock in criminal trials* (2015) JUSTICE

*Inside Police Custody: an empirical study of suspect's rights during police detention* (co-author) (2014)

Intersentia

*European arrest warrants: ensuring an effective defence* (2012) JUSTICE

## TRAINING AND SEMINARS

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Jodie has extensive experience in delivering seminars for universities and organisations, giving evidence to Parliamentary committees and providing training, both in the UK and other countries on fair trial rights.

[2nd March 2021, Evidence to the UK Parliament Justice Commons Select Committee on its Court Capacity Inquiry](#)

[17th March 2021 Briefing Parliament: what we do and why it matters, JUSTICE Student Conference](#)  
(Recording available on JUSTICE website for members)

[23rd June 2020 Lay Participation in criminal proceedings, London School of Economics](#)

## EDUCATION

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LLB (Hons), University of Leicester

LLM Human Rights, Birkbeck College, University of Law

BVC, Nottingham Law School

Legal Education Certificate, Hugh Wooding Law School, University of the West Indies

## PROFESSIONAL MEMBERSHIP

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Administrative Law Bar Association

Bar Human Rights Committee

European Criminal Law Bar Association

JUSTICE

Fair Trials

Amicus

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