
Cecilia Ivimy

Cecilia is an experienced public law advocate. She has represented clients at all levels in the domestic courts and in multiple complex appeals. She has particular expertise in domestic and international human rights law and has frequently represented the United Kingdom in cases before the European Court of Human Rights.

Cecilia returned to practice and to Chambers in 2020 after a career break. Since her return, Cecilia has been instructed in a number of high profile challenges including to Covid travel restrictions, the Census, public sector exit payments, and the Prime Minister's decision concerning the Home Secretary under the Ministerial Code. She is currently instructed on a number of sensitive FOIA appeals including for the Cabinet Office and Ministry of Justice.

Cecilia is a member of the Attorney General's A Panel. She is a CEDR accredited mediator.



Professional Summary

Called 1995

Contact Details

+44 (0)20 7632 8500

Clerk Tom Street

Clerk Chris Smith

[Contact Clerks](#)

Specialisms

Public

Cecilia has appeared in judicial review cases at all levels, including disputes concerning military action, terrorism, health and community care, secure hospitals, prisons, sentencing, inquests and inquiries. She has particular expertise in all aspects of human rights law, domestic and international, and in cases which involve the inter-relationship between domestic and international law. Cecilia also has extensive advisory experience. On her return to practice in 2020 she has been re-appointed as a member of the Attorney General's A Panel of Counsel.

Cecilia's recent and current public law cases include:

- judicial review of the Prime Minister's decision that the Home Secretary did not breach the Ministerial Code; acting for the Prime Minister
- judicial review of the ONS approach to the question "what is your sex" on the 2021 Census; acting for the ONS
- judicial review of quarantine restrictions for travellers arriving in the UK brought by BA, Easyjet and Ryanair on public law, human rights and EU law grounds; representing the Secretary of State for Health
- judicial review of the public sector "Exit Payment" regulations and their effect on the Local Government Pension Scheme; representing the claimants including a public sector union;
- judicial review of the quarantine regulations brought by individual claimants alleging, amongst other things, breach of Article 5 right to liberty; representing the Secretary of State for Transport
- a number of public law and human rights challenges to Covid lockdown restrictions and Covid-related guidance; representing the Secretary of State for Health and HM Treasury
- advising on potential public law challenges to public sector pension reform in the wake of the *McCloud* litigation

Her recent reported cases immediately before her career break included:

- **Al-Jedda v United Kingdom** Grand Chamber (2011) 53 EHRR 789
Preventative detention of Iraqi nationals in Iraq pursuant to UN Security Council resolution:

relationship between rights under the ECHR, the UN Charter and action mandated by the UN Security Council; compliance with Article 5 right to liberty.

Represented the United Kingdom Government

- **Al-Skeini v United Kingdom** Grand Chamber (2011) 53 EHRR 589
Extra-territorial jurisdiction of the ECHR: whether Iraqi citizens shot by UK forces in Iraq during the period of occupation came within the jurisdiction of the United Kingdom under Art 1 ECHR. Duty of the state to carry out investigations into the deaths under Articles 2 and 3 of the ECHR.
Represented the United Kingdom Government
- **R (Mousa & Ors) v Secretary of State for Defence & Legal Services Commission (Interested Party)** Divisional Court [2010] H.R.L.R. 33
Whether the state's obligation under ECHR art. 3 to investigate allegations of the ill-treatment of Iraqi citizens by British armed forces required that it conduct an immediate public inquiry.
Represented the Secretary of State for Defence
- **R (Willcox) v Secretary of State for Justice** Divisional Court [2010] 2 Prison L.R. 179
The HRA did not entitle a repatriated prisoner to have his sentence by a Thai court reviewed by the English courts where he had been transferred back to the United Kingdom under a prison transfer agreement between Thailand and the UK.
Represented the Secretary of State for Justice
- **Secretary of State for the Home Department v AF & ors; AE v Secretary of State for the Home Department & Justice (Intervener)** House of Lords [2010] 2 A.C. 269
Joined appeals to the House of Lords concerning control orders made against suspected terrorists; clarification of previous House of Lords decisions on the use of open and closed evidence in proceedings and compatibility with Art 6.
Represented the Secretary of State for the Home Department in each of the joined appeals
- **Savage v South Essex Partnership NHS Foundation Trust** House of Lords [2009] 1 A.C. 681
Public authority's duties under Art 2 to prevent patients detained under the Mental Health Act 1983 s. 3 from committing suicide.
Represented the Foundation Trust
- **Secretary of State for the Home Department v MB & AF; Secretary of State for the Home Department v JJ & ors; Secretary of State for the Home Department v E & ors** House of Lords [2008] 1 A.C. 440, [2008] 1 A.C. 385 [2008] 1 A.C. 499; Court of Appeal [2007] QB 415
A series of joined appeals concerning control orders against suspected terrorists, including their compatibility with ECHR rights under Art 6 right to a fair trial and Art 5 right to liberty.
Represented the Secretary of State for the Home Department in each of the joined appeals and in the Court of Appeal in MB & AF
- **Johnson & ors v Havering London Borough Council & Secretary of State for Constitutional Affairs (Interested Party) & National Association (Intervener)** House of Lords [2008] 1 A.C. 95; Court of Appeal [2007] 2 W.L.R. 1097
Closure of care homes and Art. 2 ECHR. In providing care and accommodation for residents placed with it by a local authority, a privately-owned care home was not performing functions of a public nature within the meaning of the Human Rights Act 1998 s.6(3)(b).
Represented the Secretary of State for Constitutional Affairs as interested party before the House of Lords and Court of Appeal

Public International Law

Cecilia has in-depth experience on the inter-relationship between international and domestic law in the UK law, particularly in relation to the ECHR, the ICCPR, the Geneva Conventions and international humanitarian law and resolutions of the UN Security Council. Immediately prior to her career break Cecilia was advising and representing the UK Government in relation to multiple issues arising out of military action in Iraq and Afghanistan and in relation to terrorism, including control orders and sanctions regimes.

During her career break, in 2017 and 2018, Cecilia also assisted, and co-authored the report of, an inquiry by an All Party Parliamentary Group into the legality and practice of the UK's use of drone strikes and its cooperation with their use by other states and allies.

Her recent cases immediately before her career break included:

- **Al-Jedda v United Kingdom** Grand Chamber (2011) 53 EHRR 789
Preventative detention of Iraqi nationals in Iraq pursuant to UN Security Council resolution: relationship between rights under the ECHR, the UN Charter and action mandated by the UN Security Council; compliance with Article 5 right to liberty.
Represented the United Kingdom Government
- **Al-Skeini v United Kingdom** Grand Chamber (2011) 53 EHRR 589
Extra-territorial jurisdiction of the ECHR: whether Iraqi citizens shot by UK forces in Iraq during the period of occupation came within the jurisdiction of the United Kingdom under Art 1 ECHR. Duty of the state to carry out investigations into the deaths under Articles 2 and 3 of the ECHR.
Represented the United Kingdom Government
- **A & ors v United Kingdom** Grand Chamber (2009) BHRC 1
The “Belmarsh” case concerning foreign nationals detained as suspected terrorists post 9/11. Lawfulness of derogation under Article 15 of the ECHR and compatibility with Art 13 right to effective remedy, Art 3 right not to be subject to inhuman or degrading treatment and Article 5 right to liberty.
Represented the United Kingdom Government
- **R (M) v HM Treasury & Ors** House of Lords [2008] 2 All E.R. 1097
Proper interpretation of UK regulation implementing EU regulation giving effect to UN Security Council resolution requiring the freezing of funds of persons designated as associates of Al Qaida and the Taliban by the UN Sanctions Committee. Reference made to the ECJ.
Represented HM Treasury in the House of Lords
- **R (Al-Skeini & ors) v Secretary of State for Defence** House of Lords [2008] 1 A.C. 153; Court of Appeal [2007] QB 140; Divisional Court [2005] 2 WLR 1401
Jurisdictional scope of the Human Rights Act and the ECHR, arising out of the deaths of Iraqi citizens during the occupation of parts of Iraq by the UK. Scope of the obligation to investigate such deaths under Art 2 and 3 of the ECHR.
Represented the Secretary of State for Defence in the House of Lords, Court of Appeal and Divisional Court

Human Rights

Cecilia’s recent and current cases include:

- human rights challenge to quarantine restrictions for travellers arriving in the UK brought by BA, Easyjet and Ryanair; representing the Secretary of State for Health
- judicial review of the public sector “Exit Payment” regulations and their effect on the Local Government Pension Scheme including under Article 1 Protocol 1 and Article 14; representing the claimants including a public sector union;
- judicial review of the quarantine regulations brought by individual claimants alleging, amongst other things, breach of Article 5 right to liberty; representing the Secretary of State for Transport
- a number of public law and human rights challenges to Covid lockdown restrictions and Covid-related guidance including in relation to care homes; representing the Secretary of State for Health and HM Treasury
- advising on potential public law challenges to public sector pension reform in the wake of the *McCloud* litigation

Recent reported Cecilia appeared in prior to her career break include:

- **Al-Jedda v United Kingdom** Grand Chamber (2011) 53 EHRR 789
Preventative detention of Iraqi nationals in Iraq pursuant to UN Security Council resolution: relationship between rights under the ECHR, the UN Charter and action mandated by the UN Security Council; compliance with Article 5 right to liberty.
Represented the United Kingdom Government
- **Al-Skeini v United Kingdom** Grand Chamber (2011) 53 EHRR 589
Extra-territorial jurisdiction of the ECHR: whether Iraqi citizens shot by UK forces in Iraq

during the period of occupation came within the jurisdiction of the United Kingdom under Art 1 ECHR. Duty of the state to carry out investigations into the deaths under Articles 2 and 3 of the ECHR.

Represented the United Kingdom Government

- **Mousa & Ors v Secretary of State for Defence & Legal Services Commission (Interested Party)**
Divisional Court [2010] H.R.L.R. 33
Whether the state's obligation under ECHR art. 3 to investigate allegations of the ill-treatment of Iraqi citizens by British armed forces required that it conduct an immediate public inquiry.
Represented the Secretary of State for Defence
- **A & ors v United Kingdom** Grand Chamber (2009) BHRC 1
The "Belmarsh" case concerning foreign nationals detained as suspected terrorists post 9/11. Lawfulness of derogation under Article 15 of the ECHR and compatibility with Art 13 right to effective remedy, Art 3 right not to be subject to inhuman or degrading treatment and Article 5 right to liberty.
Represented the United Kingdom Government
- **Johnson & ors v Havering London Borough Council & Secretary of State for Constitutional Affairs (Interested Party) & National Association (Intervener)** House of Lords [2008] 1 A.C. 95; Court of Appeal [2007] 2 W.L.R. 1097
Closure of care homes and Art. 2 ECHR. In providing care and accommodation for residents placed with it by a local authority, a privately-owned care home was not performing functions of a public nature within the meaning of the Human Rights Act 1998 s.6(3)(b).
Represented the Secretary of State for Constitutional Affairs as interested party before the House of Lords and Court of Appeal
- **R (JL) v Secretary of State for the Home Department** House of Lords [2009] 1 A.C. 588
Scope of the duty of the state under ECHR Art. 2 to investigate a near-suicide of a prisoner in custody.
Represented the Secretary of State for the Home Department
- **R (Al-Skeini & ors) v Secretary of State for Defence** House of Lords [2008] 1 A.C. 153; Court of Appeal [2007] QB 140; Divisional Court [2005] 2 WLR 1401
Obligation under Art 2 & 3 of the ECHR to investigate the deaths of Iraqi citizens in Iraq at the time of its occupation by UK forces.
Represented the Secretary of State for Defence in the House of Lords, Court of Appeal and Divisional Court

Inquests and Inquiries

Cecilia is experienced in the law relating to inquests and inquiries, particularly in relation to deaths and near-deaths in a range of contexts including military action, prisons and secure hospitals. She has been involved in and advised on a number of judicial review and human rights challenges arising out of coroner's inquests. Her recent cases immediately before her career break included:

- **Mousa & Ors v Secretary of State for Defence & Legal Services Commission (Interested Party)**
Divisional Court [2010] H.R.L.R. 33
Whether the state's obligation under ECHR art. 3 to investigate allegations of the ill-treatment of Iraqi citizens by British armed forces required that it conduct an immediate public inquiry.
Represented the Secretary of State for Defence
- **R (JL) v Secretary of State for the Home Department** House of Lords [2009] 1 A.C. 588
Scope of the duty of the state under ECHR Art. 2 to investigate a near-suicide of a prisoner in custody.
Represented the Secretary of State for the Home Department
- **R (Al-Skeini & ors) v Secretary of State for Defence** House of Lords [2008] 1 A.C. 153; Court of Appeal [2007] QB 140; Divisional Court [2005] 2 WLR 1401
Obligation under Art 2 & 3 of the ECHR to investigate the deaths of Iraqi citizens in Iraq at the time of its occupation by UK forces.
Represented the Secretary of State for Defence in the House of Lords, Court of Appeal and Divisional Court

- **Al-Skeini v United Kingdom** Grand Chamber (2011) 53 EHRR 589
Whether Iraqi citizens shot by UK forces in Iraq during the period of occupation came within the jurisdiction of the United Kingdom and the scope of the duty to investigate such deaths under Article 2 and 3 of the ECHR.
Represented the United Kingdom Government

Information

Cecilia's current and recent cases include a number of sensitive FOIA and DPA related appeals and advisory work, including for the Cabinet Office, Ministry of Justice, Ofqual and Highways England:

- an appeal against requirement to disclose of information concerning ministerial meetings with a major technology company
- an appeal against a requirement to disclose information concerning a high-profile prisoner
- advising on information rights issues arising in relation to the law officers' convention
- advising on a range of FOI issues in relation to exam qualifications and awards during the pandemic
- advising on FOI and DPA issues arising out of a prison service investigation

Significant cases she appeared in immediately before her career break include:

Chief Constable of Humberside & Ors v Information Commissioner & Secretary of State for the Home Department (Intervener) Court of Appeal [2010] 1 W.L.R. 1136

- Whether the data protection principles under the Data Protection Act 1998 Sch.1 compel the police to delete spent convictions from the Police National Computer.
Represented the Secretary of State for the Home Department intervening in the Court of Appeal and below in the Information Tribunal
- **Cabinet Office v Information Commissioner** (2009) Information Tribunal
High profile case concerning whether Cabinet Office minutes recording the decision to commit forces to military action in Iraq should be disclosed under FOIA.
Represented the Cabinet Office

Health and Community Care

Cecilia has advised extensively on health and community care matters, including in relation to adult community care services, continuing NHS care, care home funding, after care services, deprivation of liberty and mental capacity. She has particular expertise in health and community care cases involving allegations of breaches of the Human Rights Act.

Cecilia's recent and current cases and advisory work include:

- judicial review/mediation dispute concerning review of social care needs and direct payments
- judicial review concerning disputed age assessment
- Covid-related guidance to care homes

Her reported cases before her career break included leading cases on duties owed to detained patients and on the application of the HRA to the closure of care homes:

- **Savage v South Essex Partnership NHS Foundation Trust** House of Lords [2009] 1 A.C. 681
Public authority's duties under Art 2 to prevent patients detained under the Mental Health Act 1983 s. 3 from committing suicide.
Represented the Foundation Trust
- **Johnson & ors v Havering London Borough Council & Secretary of State for Constitutional Affairs (Interested Party) & National Association (Intervener)** House of Lords [2008] 1 A.C. 95; Court of Appeal [2007] 2 W.L.R. 1097
Closure of care homes and Art. 2 ECHR. In providing care and accommodation for residents placed with it by a local authority, a privately-owned care home was not performing functions of a public nature within the meaning of the Human Rights Act 1998

s.6(3)(b).

Represented the Secretary of State for Constitutional Affairs as interested party before the House of Lords and Court of Appeal

Local Government

Since her career break, Cecilia has been instructed in a number of disputes concerning local government pay and pensions including:

- acting for a public sector union in judicial review proceedings challenging public sector severance payment and local government pension scheme reform
 - advising on public sector pension reform in the wake of the *McCloud* judgment
 - advising on appointment of inspectors under s. 10 Local Government Act 1999
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Recent Cases

Since her return to practice in June 2020, Cecilia's cases include:

- **BA, Easyjet & Ryanair v Secretary of State for Health** (Divisional Court, June 2020)
Challenge to quarantine regulations. Settled part-way through hearing.
Represented the Secretary of State for Health
- an on-going JR claim to quarantine regulations brought by individuals claimants alleging, amongst other things, breach of Article 5 and Article 8; representing the Secretary of State for Transport
- a number of human rights challenges to various local lockdown restrictions; representing the Secretary of State for Health and HM Treasury
- an on-going judicial review challenge to public sector severance payment and pension reform raising issues under Article 1 Protocol 1 (right to property); representing the claimants including a public sector union

Prior to her career break, Cecilia's recent reported cases included:

- **Al-Jedda v United Kingdom** European Court of Human Rights Grand Chamber (2011) 53 EHRR 789
Preventative detention of Iraqi nationals in Iraq pursuant to UN Security Council resolution: relationship between rights under the ECHR, the UN Charter and action mandated by the UN Security Council; compliance with Article 5 right to liberty.
Represented the United Kingdom Government
- **Al-Skeini v United Kingdom** European Court of Human Rights Grand Chamber (2011) 53 EHRR 589
Extra-territorial jurisdiction of the ECHR: whether Iraqi citizens shot by UK forces in Iraq during the period of occupation came within the jurisdiction of the United Kingdom under Art 1 ECHR. Duty of the state to carry out investigations into the deaths under Articles 2 and 3 of the ECHR.
Represented the United Kingdom Government
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Represented the Secretary of State for Defence
- **R (Willcox) v Secretary of State for Justice** Divisional Court [2010] 2 Prison L.R. 179
The HRA did not entitle a repatriated prisoner to have his sentence by a Thai court reviewed by the English courts where he had been transferred back to the United Kingdom under a prison transfer agreement between Thailand and the UK.
Represented the Secretary of State for Justice
- **Chief Constable of Humberside & Ors v Information Commissioner & Secretary of State for the Home Department (Intervener)** Court of Appeal [2010] 1 W.L.R. 1136
Whether the data protection principles under the Data Protection Act 1998 Sch.1 compel the police to delete spent convictions from the Police National Computer.

Represented the Secretary of State for the Home Department intervening in the Court of Appeal and below in the Information Tribunal

- **Secretary of State for the Home Department (Appellant) v AF & ors (Respondents); AE (Appellant) v Secretary of State for the Home Department (Respondent) & Justice (Intervener)** House of Lords [2010] 2 A.C. 269
Joined appeals to the House of Lords concerning control orders made against suspected terrorists; clarification of previous House of Lords decisions on the use of open and closed evidence in proceedings and compatibility with Art 6.
Represented the Secretary of State for the Home Department in each of the joined appeals
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Represented the Foundation Trust
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The "Belmarsh" case concerning foreign nationals detained as suspected terrorists post 9/11. Lawfulness of derogation under Article 15 of the ECHR and compatibility with Art 13 right to effective remedy, Art 3 right not to be subject to inhuman or degrading treatment and Article 5 right to liberty.
Represented the United Kingdom Government
- **Cabinet Office v Information Commissioner** (2009) Information Tribunal
Whether Cabinet Office minutes recording the decision to commit forces to military action in Iraq should be disclosed under FOIA.
Represented the Cabinet Office
- **Johnson & ors v Havering London Borough Council & Secretary of State for Constitutional Affairs (Interested Party) & National Association (Intervener)** House of Lords [2008] 1 A.C. 95; Court of Appeal [2007] 2 W.L.R. 1097
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Represented the Secretary of State for Constitutional Affairs as interested party before the House of Lords and Court of Appeal
- **Secretary of State for the Home Department v MB & AF; Secretary of State for the Home Department v JJ & ors; Secretary of State for the Home Department v E & ors** House of Lords [2008] 1 A.C. 440, [2008] 1 A.C. 385 [2008] 1 A.C. 499; Court of Appeal [2007] QB 415
A series of joined appeals concerning control orders against suspected terrorists, including their compatibility with ECHR rights under Art 6 right to a fair trial and Art 5 right to liberty.
Represented the Secretary of State for the Home Department in each of the joined appeals and in the Court of Appeal in MB & AF
- **R (M) v HM Treasury & Ors** House of Lords [2008] 2 All E.R. 1097
Proper interpretation of UK regulation implementing EU regulation giving effect to UN Security Council resolution requiring the freezing of funds of persons designated as associates of Al Qaida and the Taliban by the UN Sanctions Committee. Reference made to the ECJ.
Represented HM Treasury in the House of Lords
- **R (Al-Skeini & ors) v Secretary of State for Defence** House of Lords [2008] 1 A.C. 153; Court of Appeal [2007] QB 140; Divisional Court [2005] 2 WLR 1401
Jurisdictional scope of the Human Rights Act and the ECHR, arising out of the deaths of Iraqi citizens during the occupation of parts of Iraq by the UK. Scope of the obligation to investigate such deaths under Art 2 and 3 of the ECHR.
Represented the Secretary of State for Defence in the House of Lords, Court of Appeal and Divisional Court

Education

1993 Oxford University (Merton College) – BA English Language and Literature – First

1994 City University – Diploma in Law – Distinction

Other

Cecilia is an an accredited CEDR mediator. Cecilia also has experience as a mediation advocate in a range of contexts including community care and employment.



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