
John Bethell

John practises across Chambers' specialisms, with particular expertise in public law and public international law. He has substantial experience in commercial disputes and investment treaty arbitration and a developing information law practice.

John was appointed to the Attorney General's C Panel of Civil Counsel in March 2019 and to the C Panel of Public International Law Counsel in October 2020.

John is regularly instructed in sensitive and high-profile litigation, particularly in matters that raise national security or diplomatic and state immunity issues. His current cases include:

- ***Liberty and Privacy International v Security Service and SSHD***, a claim in the Investigatory Powers Tribunal, alleging misuse of authorised data by MI5 (with Julian Milford QC).
- ***R (Hoareau and Bancoult (No.5)) v SSFCA [2020] EWCA Civ 1010***, the latest challenge to UK government policy in the Chagos Islands, now before the Supreme Court.
- ***R (Saifullah) v Secretary of State for Defence***, a judicial review claim arising from alleged extrajudicial killings by UK forces in Afghanistan.

Before coming to the Bar, John completed a PhD in history and was a soldier and diplomat.



Professional Summary

Called 2014

Contact Details

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Clerk Michael Smith

Clerk Hannah Rayner

[Contact Clerks](#)

Specialisms

Public Law and Human Rights

- ***R (Hoareau and Bancoult (No.5)) v SSFCA*** (On appeal to the Supreme Court from [2020] EWCA Civ 1010 and previously [2019] EWHC 221 (Admin)): ECHR and public law challenge to the outcome of a policy review on resettlement of the British Indian Ocean Territory, now raising novel issues about the significance of an ICJ Advisory Opinion in domestic law (with Sir James Eadie QC, Kieron Beal QC and Philippa Webb, instructed by GLD).
- ***R (Liberty) v SSHD and SSFCA***: Challenge to the compatibility of the Investigatory Powers Act 2016 with EU and ECHR law (with Sir James Eadie QC, Gerry Facenna QC, Julian Milford QC and Michael Armitage, instructed by GLD).
- ***R (Saifullah) v SSD***: Article 2 ECHR investigative duty challenge to the adequacy of an investigation into alleged unlawful killings by UK forces in Afghanistan, considering the recent Grand Chamber judgment in *Hanan v Germany* (with Neil Sheldon QC, Steven Gray and Natasha Barnes, instructed by GLD).
- ***R (Uzbek-German Forum for Human Rights) v HMRC and DIT***: Defending an application for judicial review of a decision to apply preferential customs tariffs under EU law, on cotton goods allegedly produced using forced labour (with Robert Palmer QC and Ben Lask, instructed by GLD).
- ***R (Eider Reserve Power Ltd) v BEIS***: Claim for judicial review of certain provisions of the Electricity Capacity (Amendment) Regulations 2017 (with Gordon Nardell QC, instructed by Mischon de Reya).
- Advising a client on matters relating to the UK's post-Brexit sanctions regime.

Public International Law

John is a member of the Attorney General's PIL Panel and is regularly instructed in matters that straddle domestic and public international law, including:

- ***A Local Authority v X and Others*** [2018] EWHC 874 (Fam): submissions in Care Order proceedings in the Family Division of the High Court, on the nature and extent of a particular form of diplomatic immunity, on behalf of the Secretary of State for Foreign and Commonwealth Affairs, led by Guglielmo Verdirame.
- ***R v TRA*** [2019] UKSC 51: junior counsel for the Intervener, REDRESS, in the Supreme Court, in a case concerning the definition of "torture" in s.134 of the Criminal Justice Act 1988 and Article 1 of the UN Convention Against Torture – arising from the prosecution of alleged offences during the Liberian civil war (led by Sudhanshu Swaroop QC).
- Advising a client on the use of force.
- Advising a client on the extra-territorial effect of data protection law.
- Representing a diplomat of foreign state in proceedings before the English courts.

In addition, John has gained substantial experience of investment treaty matters and is currently instructed in two ICSID arbitrations:

- ***ICSID Arbitration ARB 16/20, Iskander Safa and Akram Safa v Hellenic Republic***: junior counsel for Greece in a Bilateral Investment Treaty arbitration (with Guglielmo Verdirame QC and Jonathan Ketcheson).
- ***ICSID Arbitration ARB/16/24, CEZ v Bulgaria***: junior counsel for CEZ in an Energy Charter Treaty dispute (with Guglielmo Verdirame).

Information Law

John has a developing practice in information law. His recent instructions include:

- ***Liberty and Privacy International v Security Service and SSHD*** (IPT/20/01/CH): a claim in the Investigatory Powers Tribunal concerning MI5's handling of data obtained under warrants and authorisations.
- ***Privacy International v SSFCA, SSHD, GCHQ, Security Service and SIS*** (IPT/15/110/CH): a claim in the Investigatory Powers Tribunal concerning the secret intelligence agencies' use of 'bulk' data obtained by directions under the Telecommunications Act 1984.
- Advising a client on freedom of information and market abuse issues in connection with the authorisation and licensing of COVID-19 vaccines in the UK.
- Advising a client on the extra-territorial effect of UK data protection law, following Brexit.

Commercial

Before joining 11KBW, John practised from another leading commercial set. He is very familiar with commercial disputes work, in both courts and arbitration. His reported cases include:

- ***SAS Institute Inc v World Programming Limited*** [2019] EWHC 2496 (Comm) and [2019] EWHC 2481 (Comm): junior counsel for the Defendant / Applicant, WPL, resisting enforcement of a US judgment for multiple damages in a multi-jurisdictional intellectual property dispute and seeking anti-suit relief (with Paul Lowenstein QC, Thomas Raphael QC and Josephine Davies).
- ***Paylor & Ors v Bowers and Ors*** [2018] EWHC 2244 (Ch): Civil fraud proceedings against the former directors of insolvent companies, suspected of involvement in a complex multi-jurisdictional fraud. *Ex parte* applications for freezing and search orders, *inter partes* return dates and applications to discharge, ancillary applications and substantive claims (both unled and as junior to Marcia Shekerdemian QC and Philip Riches, instructed by MHS Sprecher Grier)

EU and Competition

John regularly undertakes work that raises European Union law and/or competition law issues. In addition to the public law cases described above, recent instructions have included:

- Advising a client on responding to a Competition and Markets Authority warning letter,

regarding anti-competitive practices in the musical instruments sector.

- Advising clients on potential follow-on cartel damages claims arising from the Commission Decision in Case AT.39824 Trucks.

Education

BPP University Law School: Bar Professional Training Course, Very Competent (2014)

BPP University Law School: Graduate Diploma in Law, Distinction (2013)

University of Cambridge, Peterhouse: PhD in History (2006)

King's College London: MA in War Studies, Distinction (2003)

University of Cambridge, Pembroke College: BA (Hons) in History, First Class (2002)

Awards

Queen Mother Scholarship for BPTC, Middle Temple (2013)

Excellence Award for BPTC, BPP (2013)

Domestic Research Scholarship, University of Cambridge (2003)

Foundress Scholarship, Pembroke College, Cambridge (2002)



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