

Stephen Kosmin

Call: 2011

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Stephen Kosmin specialises in administrative and public law, procurement law, financial services, and information and data protection law. He is ranked by both Chambers and Partners and the Legal 500 in each of those areas of practice. Stephen is additionally ranked by the Legal 500 in local government law and by Chambers and Partners in civil liberties and human rights. In August 2023, Stephen was appointed to the Attorney General's A Panel.

Stephen has wide-ranging trial and appellate court experience, particularly in high-value and multi-party disputes. Recently, Stephen has appeared:

- in the Supreme Court in *R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs (No 3)*, acting for the appellant; in *Cox v Ministry of Justice*, acting for the respondent; and in *Independent Workers Union of Great Britain v Central Arbitration Committee and Rooffoods Ltd (t/a Deliveroo)*, acting for the intervener;



Stephen is a natural advocate. He has a strong legal mind and his analysis is crystal clear.

LEGAL 500

- in the Court of Appeal in *Secretary of State for Work and Pensions v AT (European Union law, Universal Credit)*, acting for the Secretary of State; in *Cobalt Data Centre 2 LLP v HMRC*, acting for HMRC; in *R (Bridges) v Chief Constable of South Wales*, acting for the Surveillance Camera Commissioner; in *Kimathi v Foreign and Commonwealth Office*, acting for the Foreign and Commonwealth Office; and in *R (Tesfay) v Secretary of State for the Home Department*, acting for the Home Secretary;
- in the Administrative Court in public law cases, including *R (Charles Street Securities Europe LLP) v Financial Ombudsman Service*; *R (Get Real Marketing Company Ltd) v Culture Recovery Board*; *R (Police Superintendents' Association) v HM Treasury*; and *R (Enterprise Managed Service Ltd) v Secretary of State for Housing, Communities and Local Government*;
- in the Technology and Construction Court in procurement claims, including *James Waste Management LLP v Essex County Council*; *Alstom Transport UK Ltd v Network Rail Infrastructure Ltd*; *R (Good Law Project) v Prime Minister*; *Altiatech Ltd v Birmingham City Council*; and *Kenson Contractors (Benington) Ltd v Haringey Ltd*;
- in the King's Bench Division in *Prismall v Google UK Ltd*; *Seadrill Ghana Operations v Tullow Ghana Ltd*; and *Berkeley Burke Sipp Administration v Financial Ombudsman Service*;
- in the Upper Tribunal and First-tier Tribunal in tax disputes and information law cases, including *Ticketmaster UK Ltd v Information Commissioner*; *Ofqual v Information Commissioner*; *Maurizi v Information Commissioner*; and *Myhill v General Medical Council*.

Stephen also has considerable experience and expertise of public international law, arbitral proceedings, and negotiations.

Expertise

Public International

Stephen has considerable experience and expertise in public international law.

Stephen's practice regularly encompasses advising on and litigating issues of public international law in the English courts. Stephen is currently instructed by the Foreign Office in respect of a number of public international law issues.

- Stephen has advised on the incorporation and operation of the Palermo Convention against Transnational Organised Crime.
- Stephen has advised the Government on the Geneva Conventions, the Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954, the Bonn-Paris Conventions, and the Hague Convention Concerning the Laws and Customs of War on Land 1907.
- Stephen has advised on customary international law governing restitution and compensation, including in respect of cultural artefacts.

Stephen also acts for the Government in national security cases of greatest sensitivity.

In the course of Stephen's practice, he has worked extensively with leading academics, including Professor Robert McCorquodale (the Director of the British Institute of International and Comparative Law and Professor of International Law and Human Rights at the University of Nottingham) and the late Professor Vera Gowlland-Debbas (Honorary Professor of Public International Law at the Graduate Institute of International and Development Studies in Geneva and a Visiting Professor at University college London). He wrote "Wikileaks and International Law: Inviolability v Inadmissibility" [2017-18] 9 UK Supreme Court Yearbook 92 with Professor Robert McCorquodale.

Cole v ICO and MOD

In which the First-tier Tribunal considered an information rights appeal relating to the legality of the use of drones by the military.

Kamoka v The Security Service

[2019] EWHC 290 (QB)

Which concerned the legality of deportation and detention orders of members or associates of the Libyan Islamic Fighting Group.

Kamoka v The Security Service

In which Jay J considered the legality of deportation and detention orders of members or associates of the Libyan Islamic Fighting Group. Various public international law issues concerning 'extraordinary rendition' were in dispute.

Kimathi and others v Foreign and Commonwealth Office

[2018] EWCA CIV 2213

In which the FCO successfully defended an application for permission to appeal a final judgment in the first of 25 test cases arising from the acts of the British colonial administration in Kenya during a State of Emergency declared in 1952 to deal with the Mau Mau uprising.

Kimathi and others v Foreign and Commonwealth Office

In which the Foreign and Commonwealth Office successfully defended an application for permission to appeal a final judgment in the first of 25 test cases arising from the acts of the British colonial administration in Kenya during a State of Emergency declared in 1952 to deal with the Mau Mau uprising.

R (on the application of Bancoult) v Secretary of State for the Foreign and Commonwealth Office

In which the Supreme Court considered the admissibility of Wikileaks cables and the operation of the Vienna Convention on Diplomatic Relations. Stephen was instructed to address the issues of international law, including the Vienna Convention on the Law of Treaties 1969, the Vienna Convention on Diplomatic Relations 1961, and the Vienna Convention on Consular Relations 1963.

Kimathi and others v Foreign and Commonwealth Office

[2018] EWHC 3144 (QB), [2018] EWHC 2066 (QB), [2018] EWHC 853 (QB), [2018] EWHC 605 (QB), [2017] EWHC 2703 (QB), [2017] EWHC 2145 (QB), [2017] EWHC 938 (QB), [2017] EWHC 203 (QB)

In which he successfully defended approximately 40,000 claims for damages arising from the alleged actions of the British colonial administration in Kenya during the State of Emergency.

Kimathi and others v Foreign and Commonwealth Office

in which Stewart J dismissed claims for damages arising from the alleged actions of the British colonial administration in Kenya during a State of Emergency declared in 1952 to deal with the Mau Mau uprising. The public international law issues concerned interpretation (regarding the United Nations Convention Against Torture 1984), pleading and proving customary international law, and the extent to which public international law confers rights or causes of action in domestic law, including by reason of the European Convention on Human Rights.

Tesfay v Secretary of State for the Home Department

In which the Court of Appeal considered the operation of the Dublin Convention.

R (Al Saadoon) v Secretary of State for Defence

Concerning the effects of non-ratification of treaties and of ius cogens norms of public international law.

Achievements

Education

2010/2011: Bar Professional Training Course, City University.

2011: Admitted as an Attorney to the New York Bar.

2009/2010: LL.M., University of Pennsylvania Law School, Distinction.

2008/2009: BCL, University of Oxford, Lincoln College.

2005/2008: BA Law Tripos, University of Cambridge, Gonville and Caius College.

Scholarships and Prizes

2010, Queen Mother's Scholarship, Middle Temple.

2009, Thouron Award to study at University of Pennsylvania.

2009, Ralph Chiles CBE Prize for the Best Performance in Human Rights Law in Oxford University.

2008, W M Tapp Scholarship for Postgraduate Studies, Gonville and Caius College.

2008, James William Squire Scholar, University of Cambridge Law Faculty.

2008, Frere-Smith Prize for Law, Gonville and Caius College.

2007, Senior Scholar, Gonville and Caius College.

2006, Sir William McNair Law Prize, Gonville and Caius College

Publications

- *"An introduction to the Business Banking Resolution Scheme"* (2021) 6 Journal of International Banking and Finance Law 411.
- *"Different approaches to SIPP operators' liability"* (2020) 8 Journal of International Banking and Finance Law 527.

- *"Wikileaks and International Law: Inviolability v Inadmissibility"*, co-authored with Professor Robert McCorquodale [2017-18] 9 UK Supreme Court Yearbook 92.
- *"Supreme Court rules Wikileaks cable document should have been admitted into evidence"*, in Lexis Nexis Butterworths News, February 2018.
- *"Ensuring anti-money laundering compliance through the senior managers regime of the Financial Services (Banking Reform) Bill: Hansard brings comfort"* (2014) 3 Journal of International Banking and Finance Law 179.
- Chapter 8 on 'Mistake, Misrepresentation and Frustration', in Wilmot-Smith on 'Construction Contracts' (Third Edition, 2014).
- *"The Enforcement of Arbitral Awards in UAE "*, (2013) Lexis PSL Arbitration.
- Assistant to Justice Dr Yoram Danziger, Justice of the Israeli Supreme Court, *"Changes in Methods of Freezing Funds of Terrorist Organisations since 9/11: A Comparative Analysis"*, (2012) 15(2) Journal of Money Laundering Control 210.
- Interviewed as an International Law expert by BBC Newshour, 2015.

Additional Information

- Appointed to the League Managers Association Commercial Law Panel.
- Marshall in the Technology and Construction Court, March 2013.
- Foreign Clerk with the Supreme Court of Israel, July to August 2011.
- Admitted as an Attorney to the New York Bar, 2011, currently non-practicing.
- Lecturer in Administrative Law at London Metropolitan University, 2011.
- Lecturer in Constitutional Law of the European Union at London Metropolitan University, 2010.
- German, advanced.



His advocacy style is very clear, succinct and authoritative. He's confident on his feet, gives well-structured arguments and is authoritative.

CHAMBERS AND PARTNERS



Stephen is a strikingly clever and very versatile lawyer who brings to bear a great deal of wisdom in his analysis.

CHAMBERS AND PARTNERS



His attention to detail is phenomenal and he has an uncanny ability to find discrete points to nail the case. Stephen thinks commercially and engages well with clients.

CHAMBERS AND PARTNERS

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Very responsive and an excellent advocate.

CHAMBERS AND PARTNERS

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An excellent barrister who is very methodical in his approach.

CHAMBERS AND PARTNERS

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Stephen Kosmin is very good at presenting complex issues in a clear way and is always a pleasure to work with.

CHAMBERS AND PARTNERS

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Grapples with issues quickly and puts in the legwork to get the best outcome for the client.

CHAMBERS AND PARTNERS

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He's extremely clear in his thinking and communication. Very bright and organised.

CHAMBERS AND PARTNERS

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Stephen is diligent, ultra responsive and totally reliable.

CHAMBERS AND PARTNERS