

# John Bethell

CALL: 2014

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Languages: Spanish (conversational); French (conversational); Urdu (conversational)



## Overview

John practises mainly in the areas of commercial disputes and public law. He was appointed to the Attorney General's C Panel of Counsel in March 2019.

John regularly appears in the Administrative Court, the Commercial Court, the Chancery Division, and the county courts, as well as in arbitral proceedings. He advises and represents both private clients and government departments and undertakes pro bono work in suitable cases.

In addition to general commercial disputes and civil fraud work, John is developing a strong administrative law practice, including work that straddles domestic and international public law and cases that raise national security or diplomatic and state immunity issues.

Before coming to the Bar, John spent six years as an army officer with the Welsh Guards. He completed two operational tours in Afghanistan and served as a Military Adviser at the British High Commission in Pakistan. He retains a particular interest in defence, security and international affairs.

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## Professional memberships

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- Attorney General's C Panel of Counsel
- Administrative Law Bar Association
- British Institute of International and Comparative Law
- Commercial Bar Association
- Human Rights Lawyers Association

## Education

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- 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)

## Example cases

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- *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).
- *R (on the application of Hoareau and Bancoult (No 5)) v Secretary of State for Foreign and Commonwealth* [2019] EWHC 221 (Admin): junior counsel for the Secretary of State in judicial review proceedings challenging the outcome of a policy review on resettlement of the British Indian Ocean Territory (with Penelope Nevill, Sir James Eadie QC, Steven Kovats QC, Kieron Beal QC and Sarah Wilkinson). (Appeal forthcoming).
- *A Local Authority v X and others* [2018] EWHC 874 (Fam): instructed to make submissions on diplomatic immunity on behalf of the Secretary of State for Foreign and Commonwealth Affairs (led by Guglielmo Verdirame).
- *Iskandar Safa and Akram Safa v Hellenic Republic*, ICSID Case No. ARB/16/20: junior counsel for Greece in an investment treaty arbitration (with Guglielmo Verdirame QC and Jonathan Ketcheson).
- Civil fraud proceedings in the Chancery Division, including applications for multiple search orders and worldwide freezing orders (both unled and as junior to Philip Riches and Marcia Shekerdemian QC).

## Commercial disputes

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- Instructions in a complex, multi-jurisdictional civil fraud matter, with Philip Riches and Marcia Shekerdemian QC. John has drafted pleadings and submissions and appeared in interlocutory hearings, including to obtain worldwide freezing orders, search orders and ancillary relief. *Paylor & others v Bowers & others* [2018] EWHC 2244 (Ch).
- Instructions in a multi-jurisdictional intellectual property case with Paul Lowenstein QC, Thomas Raphael QC and Josephine Davies. *SAS Institute Inc v World Programming Ltd* [2019] EWHC 2481 (Comm) and [2019] EWHC 2496 (Comm).
- Drafting submissions in a multi-million dollar dispute between a provider of foreign language testing services and one of its regional distributors.
- Assisting Timothy Hill QC with drafting advice for a major UK transport operator, in relation to a dispute with its advertising supplier.
- Assisting with various large-scale document reviews in banking and fraud cases.

## EU and competition

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European Union law, particularly competition law, has featured prominently in many of the cases that John has worked on since pupillage, including most recently advising clients on potential follow-on cartel damages claims arising from the Commission Decision in Case AT.39824 *Trucks* (with Sara Masters QC).

## Constitutional, public and human rights

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John has a keen interest in human rights and rule of law issues and is developing a strong public law practice, including cases that straddle domestic and international public law and those that raise national security issues. He has worked on a number of cases involving public interest immunity issues and CLOSED proceedings.

John’s most notable recent instructions have included:

- Appearing in *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).
- Appearing as junior counsel for the Secretary of State in *R (on the application of Hoareau and Bancoult (No 5)) v Secretary of State for Foreign and Commonwealth Affairs* [2019] EWHC 221 (Admin), judicial review proceedings challenging the outcome of a policy review concerning resettlement of the British Indian Ocean Territory (the Chagos Islands), with Penelope Nevill and Sir James Eadie QC, Steven Kovats QC, Kieron Beal QC and Sarah Wilkinson.
- Appearing with Guglielmo Verdirame to make 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: *A Local Authority v X and Others* [2018] EWHC 874 (Fam).

- Appearing unled, pro bono, in a successful judicial review application in the Upper Tribunal (Immigration and Asylum Chamber) to challenge the Home Office's refusal to grant indefinite leave to remain to an applicant.
- An ongoing review of certain UK administrative measures, in light of 'Brexit', for a central government department.
- Undertaking a review of certain UK legislation in light of 'Brexit', for another central government department.
- Wide ranging work on the Kenya Emergency Group Litigation (*Kimathi & Others v Foreign and Commonwealth Office*), in and out of court, including legal research, reviewing documentary evidence, assisting senior counsel with drafting submissions and appearing as junior to Guy Mansfield QC.
- Advising the Department for Transport on both international and domestic aspects of planned legislation for commercial space activity in the Space Industry Act 2018 (formerly the Spaceflight Bill).

## **International arbitration**

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John was recently instructed as junior counsel for the Greek Government in an ICSID investment treaty arbitration *Iskandar Safa and Akram Safa v Hellenic Republic*, ICSID Case No. ARB/16/20: (with Guglielmo Verdirame QC and Jonathan Ketcheson).

He was junior to Duncan Matthews QC and Edward Ho in a UNCITRAL arbitration of a \$300m+ drilling services contract dispute between two state-owned oil companies.

John recently drafted a defence and counterclaim in a high-value international arbitration between an educational services provider and one of its exclusive distributors.

John has previously assisted with drafting submissions in appeals under s.68 and s.69 of the Arbitration Act 1996.

As a pupil, John assisted counsel in preparing for an LCIA arbitration on the enforceability of a shareholding agreement for a joint venture business. The agreement was said to contain provisions that were illegal in the foreign place of performance in the Middle East.

## **Public international law**

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- 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.

## **Banking and financial services**

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As a pupil, John worked on a number of cases in the banking and financial services sector.

Typical work included: drafting advice for a major bank on its liability to indemnify a financial services company for setting anti-competitive multilateral interchange fees; and assisting in drafting advice for a building society on the possibility of recovering from a firm of surveyors the costs of terminating interest rate swap agreements on over-valued properties.

## **Energy and natural resources**

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As a pupil and in practice, John has worked on several cases relating to the energy and natural resources sector, both in court proceedings and in arbitration.

Typical work has included assisting in drafting advice for a petroleum company on a dispute over the warranties and disclosure obligations contained in a Farm-In Agreement.