

Gemma Lindfield

YEAR OF CALL: 2002



Gemma is an experienced extradition, family, criminal and public law barrister with a particular focus on human rights. Gemma has been instructed in some of the most complex and high-profile extradition cases and is ranked in Chambers & Partners and the Legal 500.

Overview

Gemma is an experienced extradition barrister and has been involved in some of the most complex and high-profile cases. She frequently appears in the High Court on matters of complexity. She is ranked in Chambers and Partners and the Legal 500 for extradition.

"Quite a fighter in court, she battles hard for the client." "Excellent on her feet, she is incredibly tenacious and highly persuasive, always standing her ground."

Chambers and Partners 2021.

"A lawyer with gravitas who is well liked by the judges." "She fights for her clients."

Chambers and Partners 2019.

Gemma also appears in judicial review and public law matters and she has a particular interest in Human Rights and international cases.

'Excellent advocate and very persuasive on her feet. She is never phased by often difficult and demanding judges and will steadfastly argue on behalf of her clients.'

The Legal 500 2021.

'She appears in cases with human rights elements.'

Legal 500 2019.

"She is really down to earth and a great lawyer."

Chambers and Partners 2018.

Gemma is an experienced family law barrister and is regularly instructed in all aspects of family law.

Seminars and lectures

Gemma frequently delivers presentations on extradition to solicitors, the Foreign and Commonwealth Office (FCO), Interpol. She is also quoted in the media in publications such as **The Times** and the Guardian and appears on **Sky News**. Gemma successfully applied for Rule 39 interim relief from the European Court of Human Rights to prevent the removal of a Polish single mother sought on an EAW for possession of 5 grammes of amphetamine. Gemma argued that it would be disproportionate for her to be extradited and that her Article 8 rights would be breached.

"She gives clear, robust advice to the clients, especially the difficult ones."

"She's very hard-working, and has a good grasp of the broad landscape."

Chambers and Partners 2017.

Gemma is a grade 3 appointed panel advocate on the Crown Prosecution Service (CPS) list. Gemma is on the CPS Specialist list for Extradition: Grade 3.

Professional Memberships

Defence Extradition Lawyers Forum
Family Law Bar Association.

Family, Children & International Family

Gemma is instructed in public and private law children cases in the County Court and High Court and is particularly skilled at dealing with the heightened emotions such cases may cause. Gemma acts for parents, other family members, NYAS, CAFCASS and Local Authorities.

Gemma represents children in complex residence and contact proceedings where children have been made party to the proceedings.

Gemma has advised on the impact of immigration status in the context of family proceedings and appeared in the High Court on this issue.

Gemma advises and appears in family finance and divorce cases.

Gemma undertakes child abduction work, involving the use of the 1980 Hague Convention, Brussels II Revised regulation and the UK-Pakistan Judicial protocol. Gemma's knowledge of the law and practices of many jurisdictions from her extradition practice gives her a particular

edge in this field.

Gemma has provided a report on Rwandan law for a case in the Family Division.

Care proceedings and Adoption

Gemma has been engaged in cases of neglect, non-accidental injury (including multiple injuries and “baby shaking”) and allegations of sexual abuse. Gemma represents both Local Authorities and parents.

Gemma also represents police authorities who are subject to disclosure requests by the family court.

Extradition & International

Gemma is an experienced extradition barrister and has been involved in some of the most important cases in recent years. She frequently appears in the High Court on matters of complexity.

"An excellent advocate who is very persuasive on her feet, she is never fazed by difficult or demanding judges and will argue steadfastly on behalf of her clients. Her family law expertise gives her a great advantage when dealing with extradition cases that have a family element to them."

Chambers and Partners 2020.

Since 2006, Gemma has been instructed as junior counsel for Rwanda in ongoing extradition proceedings where five men are sought so that they may be prosecuted for genocide and crimes against humanity. This case has involved many novel issues of law and fact. Gemma has recently appeared in the Supreme Court on an interlocutory point as junior counsel on behalf of Rwanda where the Applicant requested persons argued that reverse closed material procedure could be deployed.

Gemma has appeared in numerous cases where a prima facie case must be shown and is being actively contested. Gemma often advises on the sufficiency of a request prior to any arrest.

Gemma has deployed various methods in representing those resisting extradition such as utilising FOI requests from UK authorities and Interpol, investigations in the requested countries and identifying novel legal argument. In one case, Gemma successfully argued a common law basis for the court hearing pivotal defence witness evidence via Skype where they would not have otherwise been able to testify. This led to a change in statute.

Gemma is skilled at liaising with foreign authorities and working with them to further their case.

Gemma has represented the Crown in a number of complex Bennett style abuse cases where it has been alleged that the UK authorities have colluded in the illegal extradition of defendants to face trial.

"Gemma Specialises in extradition, and has particular expertise in complex genocide cases. She is also highly experienced at handling extremely high-profile European Arrest Warrants and abuse of process applications."

Chambers and Partners 2017.

Criminal Prosecutions - Private & Public & Criminal Defence

International Criminal Law

Gemma has been instructed as junior counsel for Rwanda in ongoing extradition proceedings where five men are sought so that they may be prosecuted for genocide and crimes against humanity. In this matter, Gemma has provided ongoing advice in the Brown case on whether there was a prima facie case against the defendants and how to deal with their defence evidence. A significant knowledge base was gained in international criminal law and of the rules of the UN ICTR as a result of liaison with them. Visited Rwanda on six occasions to advise Government of Rwanda on the

extradition proceedings and on the prima facie case.

Assisted in the preparation of amicus briefs before the UN ICTR in the application by the Prosecutor of the Tribunal to transfer cases to Rwanda. Gemma was appointed Assistant Trial Attorney in the Office of the Prosecutor at the UN ICTR in the case of Prosecutor v Ildephonse Nizeyimana (ICTR-2000-55). Assisted with preparing cross-examination of defence witnesses and appeared before the Tribunal. Drafted written submissions and acquired a detailed knowledge of the Rules and Procedure and law of the Criminal Tribunals.

Judicial Review & Public Law

Gemma's practice often involves appearing at the appellate courts, and Gemma is therefore skilled at Judicial Review and Public law cases and instructions.

Cases of Note

I and L (Children), Re [2020] EWHC 893 (Fam)

Gemma Lindfield appears in Zoom final hearing involving inherent jurisdiction. Gemma appeared in a final hearing in respect of an inherent jurisdiction application, heard by Mostyn J, involving the removal of children to South Africa. The case was heard via Zoom video-conferencing and was one of the first final hearings to do so

Waltham Forest LBC v F [2014] EWFC 13

Advising on the procedure to be followed in Rwanda where a Special Guardianship Order was made in respect of child's relatives there.

Bedfordshire Police v RU and another (2013)

Acted for a respondent in the first ever committal proceedings for breach of a Forced Marriage Protection Order.

B v A (2013)

Advising on the impact of immigration status in the context of family proceedings and

appearing in the High Court on this issue

Enfield v A and M (2013)

Successfully representing a Respondent Mother in care proceedings that involved complex allegations of sexual abuse.

Lincoln CC v S and L (2012)

Representing a Respondent Mother in lengthy care proceedings concerning a baby with a non-accidental brain injury.

Extradition

Rwanda v. Brown and others (ongoing)

Junior counsel for Rwanda in ongoing extradition proceedings where five men are sought so that they may be prosecuted for genocide and crimes against humanity.

Richards v. Ghana [2013] EWHC 1254 (Admin)

Successfully represented Ghana where prison conditions were argued.

Sadiku v Albania (2013)

Successfully represented the requested person who was convicted of murder in Albania and sentenced to 23 years imprisonment. The court found that the requested person's confession had been elicited through torture and discharged him on the basis that extradition would be oppressive by reason of his mental health, namely PTSD.

Sweden v Assange

Represented the Swedish Judicial Authority in this high profile case.

Asztalos v. Hungary [2011] 1 W.L.R. 252

Represented the Respondent in the unusual situation where the Appellant had been extradited in error prior to appeal.

Patel v Office of the Attorney General [2011] EWHC 155 (Admin)

Represented the Respondent where it was argued that the Appellant was not an accused person.

Rozanski v District Court of Suwalki [2014] EWHC 135 (Admin)

Successfully sought late admission of a psychological report on the Appellant's daughter resulting in discharge under Article 8.

Accreditation

