

# Natasha Draycott

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YEAR OF CALL: 2005



*A "brilliant" and "tenacious" advocate who attracts praise for her thorough preparation of cases and her ability to "make judges relax when she stands up because they're confident in what she's saying."*

CHAMBERS AND PARTNERS 2018 FOR EXTRADITION

## Overview

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Natasha is a leading extradition barrister who acts for both foreign governments and requested persons. Natasha is ranked as Band 2 barrister in Chambers and Partners as a leader in the field of extradition at the London Bar.

*"Well liked by clients, she makes the most complex of arguments in a straightforward and comprehensive way. Her advocacy style is relaxed and she is well received by judges at all levels." "Natasha is a tactically astute lawyer who is very experienced and knowledgeable."*

Chambers and Partners 2021.

*"She is fantastic with clients and able to put the most anxious of them at ease." "A real champion of the underdog,"*

*"she is the type of counsel that solicitors love working with. Both engaging and responsive, she really works with you on a case. Clients really like her as she is charming, down to earth and tenacious."*

Chambers and Partners 2019.

Natasha is ranked as a Tier 2 leading individual in the Legal 500 in the field of International Crime and Extradition at the London Bar.

*'She is brilliant with clients and commands a great deal of trust from them. She is very good in cases with human rights considerations and is a fantastic advocate.'*

*'An outstanding barrister and a dream to work with; collaborative, very diligent and clients love her. She is also a charming and compelling advocate who is tremendous on her feet and impresses the bench. Highly intelligent with an incisive mind she has a fantastic ability to win cases which initially don't appear winnable.'*

The Legal 500 2022 & 2021.

*'Very diligent and a great court performer.'*

The Legal 500 2020.

*'Very approachable and personal, and able to think outside the box.'*

The Legal 500 2019.

She has expertise in cases involving Article 8 and was recently led by Alan Jones QC in the leading authority on Article 8: *Celinski & Others* [2015].

She was the first to win an appeal involving a fugitive with only a partner in the UK, *Sobieraj* [2013]. This was followed by the landmark case of *Chmura* [2013], the first appeal allowed where the Appellant had no family.

*Very bright and particularly good at handling clients."*

*"She is an excellent advocate who is extremely diligent in her work and has an impressive ability to quickly identify the issues in her cases."*

Chambers and Partners 2018.

*"She is very dogged: she doesn't let go of a point and is very effective either prosecuting or defending."*

Chambers and Partners 2016.

Natasha successfully represented Parlinska [2017] in an appeal that set an important precedent for single parents facing extradition. In *White* [2017] Natasha was instrumental in persuading the Spanish Judicial Authority to withdraw an EAW when an Appellant faced a lengthy sentence for drugs offences.

Natasha deals with a broad spectrum of EAWs. She was led by David Josse QC in *India v. Kapoor* [2015] a complex Part 2 case involving child abduction and recently represented an Appellant in a triple murder case *Albania v Xhelili* [2015]. She is adept at making arguments relating to prison conditions in a variety of jurisdictions including Lithuania, Romania and Hungary. She represented the successful Appellant in *Alekynas & others* [2014]. She is also experienced in Habeas Corpus and Judicial Review proceedings *Siuda* [2014].

Natasha frequently acts for foreign governments. She recently acted for the US Government in relation to a \$70m cyber fraud *Konovalenko* [2014]; for the Swiss Government, a drug importation case [2014]; for the Polish Government, one of the first reported 'forum' cases *Piotrowicz* [2014] and for the Hungarian Government in a lengthy human trafficking case

Udvardy [2014].

## *Professional Panel Appointments:*

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Attorney General's Panel of Counsel: C Panel.

Crown Prosecution Service (CPS) Level 2 advocate.

Specialist Crown Prosecution Service (CPS) Level 2 advocate: Extradition.

## *Extradition & International*

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Natasha has appeared in numerous significant extradition appeals concerning insufficient particularisation in warrants, improper certification, dual criminality, contested extradition on medical grounds, double jeopardy and issues under Articles 2, 3, 5, 6 and 8 of the ECHR. She has a wealth of experience acting for Appellants raising Article 8 and has had a number of appeals allowed on this issue, including the first successful appeal where the Appellant had no children; *Sobieraj v Poland* [2013].

*"Very capable counsel" who is praised for being "always extremely diligent in her work and willing to explore novel lines of challenge." She is renowned for her knowledge of European Arrest Warrants as well as her experience of handling matters relating to the standard of prison conditions in international domains.*

*"Produces great performances in court and is very helpful at giving advice on preparing cases. She is willing to take on and run any cases, whether the arguments are strong or weak." "Particularly good at handling clients and very bright," she is "able to think outside the box and provide accessible and straightforward advice."*

Chambers and Partners 2020.

Natasha has appeared in over 100 appeals in the Administrative court and has experience in imports and Part 2 cases, successfully acting for Switzerland and the USA Government.

Natasha acted for the Government in a double jeopardy case where individuals were convicted in the UK of “cyber-crime” offences, described as the largest ever prosecution of its kind.

She also appeared in *Lumenica v Government of Albania [2012]* a leading authority on powers of the Administrative Court to extend time for service of appeals. She represented the Government of Poland in the only successful conjoined appeal (*Demkowski v Poland*).

*"She's always shown full commitment to her cases." "Knowledgeable and experienced," she's "excellent with clients."*

Chambers and Partners 2015.

## *Immigration*

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Natasha also accepts immigration instructions.

## *Cases of Note*

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### **Poland v Ewelina Parlinska [2017] EWHC 3251 (Admin)**

Successfully represented Ms Parlinska who had been the victim of domestic violence and is the sole carer for two young children. Mr Justice Supperstone was persuaded that it would be entirely disproportionate to extradite the requested person for an offence of fraud when her children would be separated and placed into foster care. This is an important precedent for cases where a single parent faces extradition.

### **Vasilev v Bulgaria [2016] EWHC 1401 (Admin)**

Successfully represented the Bulgarian Judicial Authority before the Divisional Court against David Josse QC in this test case on prison conditions. The two joined cases involved complex issues ranging from the quality of the Bulgarian assurance to allegations of government corruption. It is the lead authority on Bulgarian prisons conditions.

### **France v Youssef Fattouki [2016]**

Natasha successfully represented Mr Fattouki in relation to allegations of complex offences of participating in a criminal organisation, fraud and money laundering against the accountancy firm KPMG. The Requested Person raised multiple technical arguments including the new provisions of s.12A, forum and s.21A in one of the first cases of its kind.

### **Hungary v Szasz and others [2016] EWHC 64 (Admin)**

Led by Alex Balin QC before the Divisional Court in the test case on Hungarian prison conditions. Following the ECHR ruling in Varga v Hungary it was argued that Mr Rafael and other Appellants would be detained in conditions that violated ECHR Article 3. The Hungarian authorities provided an assurance relating to the space that each Appellant would enjoy if incarcerated. In order to rebut the presumption that the assurance would be complied with a large body of expert evidence was argued before the court over the course of two days. This is the lead authority on Hungarian prison conditions.

### **Poland v Wisniewski & Others [2016] EWHC 386 (Admin)**

Led by Alun Jones QC representing Mr Sapor before the Divisional Court. The appeal outlined complex legal arguments including the difficulties in applying the different concepts of 'unlawfully at large' and 'fugitive' to section 14 arguments and in construing the different requirements of s.14 and Article 8 of the ECHR. Lord Justice Lloyd Jones certified two questions of general public importance and the case was sent to the Supreme Court. This case altered the landscape of the approach to the passage of time bar.

### **Dragos Iacob v Courthouse of Bacau Romania [2016]**

Successfully represented Mr Iacob in the first case where an application for permission to appeal out of time was granted. Mr Justice Ouseley granted the application and gave important guidance about complying with the guidelines in Szegfu. He found that both parties had done everything that they reasonably could. The case has set an important precedent for future applications.

### **Poland v Grzegorz Pogorzelski [2015] EWHC 1076 (Admin)**

Represented the successful Appellant. Holroyde J was persuaded that one of the European

Arrest Warrants was not compliant with s.20. A novel s.20 argument was raised which led to the case being listed before the Divisional Court as a 'test case.'

**Poland v Celinski, Nida & Others [2015] EWHC 1274 (Admin)**

Led by Alun Jones QC before the Divisional Court representing Mr Nida, the only successful Appellant. This a landmark case where the court considered five conjoined appeals against extradition decisions that raised common issues in relation to ECHR Article 8. On behalf of Mr Nida it was argued that the High Court's jurisdiction in Part 1 appeals regarding Article 8 should not be limited to determining irrationality and or misapplication of the law. The appeal changed the landscape of Article 8 and issued guidance for District Judges on how to approach issues raised at the lower court.

**India v Kapoor [2015] EWHC 1378 (Admin)**

Led by David Josse QC in a Part 2 case involving allegations of child abduction. A number of complex issues were raised including whether the Indian Government had established a prima facie case on the evidence, abuse of process and Indian prison conditions. The case is ongoing.

**Albania v Xhelili [2015]**

Recently represented an Appellant in a triple murder case.

**Aleksynas v Others [2014] EWHC 437 (Admin)**

Successfully represented the Appellant in the leading authority on Lithuanian prisons.

**Siuda [2014]**

Habeas Corpus and Judicial Review proceedings.

**Konovalenko is [2014] EWHC 176 (Admin) and the ref for Xheilli is [2015] EWHC 641 (Admin)**

Natasha acted on behalf of the US Government in relation to a \$70m cyber fraud.

**Chmura v Poland [2013] EWHC 3896 (Admin)**

Extradition Appeal where Mr Justice Ouseley found that it would be disproportionate to return an Appellant for an offence of theft of railway track bars which took place in 2005. The Appellant was a fugitive who had no partner or children, but Ouseley J acknowledged the importance of his right to a private life and that he had friends and employment in the UK. This was the first appeal to be allowed where Article 8 ECHR was raised and the Appellant had no family. It is currently the most cited Article 8 case and has paved the way for Appellants with only a 'private' as opposed to 'family' life.

### **Poland v Sobieraj [2013] EWHC 2450 (Admin)**

This was the first extradition appeal to be allowed on Article 8 grounds where the Appellant was a fugitive and had a partner but no children. The Appellant was sought by Poland to serve a sentence for drugs offences. The Appellant had already spent some time in custody in the UK and Natasha argued that there was no information from the Polish judicial authority about whether the sentence in Poland would be reduced accordingly. Mr Justice Ouseley's judgment has provided precedent for Appellants without children to successfully argue Article 8.

### **Lumenica (aka Bedri Cala) v Government of Albania[2012] EWHC 2589 (Admin) and [2012] EWHC 3802 (Admin)**

Leading authority on the powers of the Administrative Court to extend time for the service of appeals. Represented the Government of Poland in the only successful conjoined appeal (Demkowski v Poland).

### **USA v Konovalenko (Divisional Court, February 2014)**

Natasha successfully acted for the US government throughout the magistrates' court and the Administrative court where she was junior counsel. The case concerned a number of complex issues including abuse of process and double jeopardy. The defendant, a Ukrainian, was prosecuted in the UK and wanted by Nebraska for conspiring to commit internet banking and wire fraud. It has been described as the largest "cyber-crime" prosecution of its kind. The sum sought to be forfeit is in excess of \$70 million.

### **USA v Dennis [2012]**

Conspiracy to import 1,000 or more kilograms of marijuana into the United States. Involved



issues of extra territorial offences and jurisdiction.

### **Switzerland v Hamisi [2012]**

Case involving a large importation of cocaine. The requested person suffered from HIV and the case was initially contested on medical grounds.

### **The Queen on the Application of Cazan v Court of Law Romania [2012] EWHC 3991 (Admin)**

Article 8 discharge.

## *Accreditation*

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