

OUR PEOPLE

## Jonathan Worboys

CALL 2010

LEGAL 500

“When it comes to complex inter-state disputes, he has an eye for strategy and is always thinking two steps ahead.”



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Jonathan has a versatile practice across a range of Chambers' areas of expertise, with a focus on public international law, international arbitration and commercial law. He is a member of the Attorney General's Panel of C Counsel for Public International Law.

Since joining the Bar, Jonathan has:

- acted as counsel and legal adviser to States, corporations, private individuals and NGOs in some of the most significant recent legal matters (e.g. EU withdrawal, the ICJ Chagos Request for an Advisory Opinion and Micula v Romania enforcement proceedings);
- developed a unique public international law advisory practice, where he works with clients on an ongoing and long-term basis to find solutions to complex legal and policy issues;
- represented clients in cases at all levels of the English courts (High Court, Court of Appeal and Supreme Court);
- been instructed in International Court of Justice cases; appeared twice before Appeals Chamber of the International Criminal Court; and appeared as defence counsel in one of the first cases before the Kosovo Specialist Chambers;
- acted for clients in arbitration proceedings under most of the major arbitral rules (e.g. ICC, UNCITRAL, LCIA);
- acted in arbitration enforcement proceedings and arbitration related court proceedings before the English Courts;
- acted for Governments, opposition groups and private parties during multiple high stakes international negotiations, mediations, peace processes and cases before the UN (e.g. Sudan's peace process and the Syrian peace process; cases before the UN Working Group on Arbitrary Detention, UN Special Rapporteurs and Universal Periodic Reviews; constitutional negotiations);
- been engaged by the Foreign, Commonwealth & Development Office to act on a continuing basis in respect of multiple issues relating to the law of treaties, EU Withdrawal, overseas territories and the law of the sea.

Recommendations:

- Legal 500, Public International Law 2023: “Jonathan has an in-depth knowledge of international law. He is very creative in terms of constructing legal arguments. He is well liked by clients and teams alike. He is a persuasive and charming advocate.”
- Legal 500, International Criminal Law 2023: “Jonathan is an excellent technical lawyer, precise and thoughtful. His extremely easy manner is appreciated by clients and lawyers alike.”
- Legal 500, European Union Law 2023: “Jonathan's advice is always accurate and takes into account the bigger picture of an issue.”
- Legal 500, Public International Law 2022: “When it comes to complex inter-state disputes, he has an eye for strategy and is always thinking two steps ahead.”
- Legal 500, European Union Law 2022: “Though light-hearted in manner, Jonathan is deeply serious about his work. A wise head on rather young shoulders.”
- Legal 500, European Union Law 2020/2021: “Commended by silks for the way he sparks off ideas.”

Jonathan is a Visiting Lecturer in public international law at King's College London and a Senior Legal Adviser with the Public International Law & Policy Group in Washington DC.

## Privacy Policy

Click here for a [Privacy Policy](#) for Jonathan Worboys.

## Expertise

### Commercial Law

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Jonathan represents clients in a variety of commercial disputes, ranging from the sale and supply of goods and services, to shareholder disputes, product liability, group actions, environmental harm and personal injury. His work often focuses on cases with an international dimension and he frequently acts as counsel in cases raising questions of jurisdiction and / or applicable law. This includes jurisdiction challenges. Since joining the Bar, Jonathan has worked on cases with Cypriot, Cayman, German, Greek, Falkland Islands, Iraqi, Korean, Kuwaiti and Mauritian governing law.

#### Featured Commercial Law cases

- *Palram v LG Chem Limited* (Commercial Court) – junior counsel for a defendant in an application to set aside service of the Claim Form and Particulars of Claim out of the jurisdiction (common law rules, parallel proceedings, complex questions as to the applicable law).
- *Jani v Garrido* (High Court of Justice, QBD) – sole counsel for the defendant in an application to set aside service of the Claim Form and Particulars of Claim out of the jurisdiction.
- *Volkswagen NOx Emissions Group Litigation* – junior counsel to Volkswagen.
- *Dana UK Axle Ltd v Freudenberg Sealing Technologies GmbH & Co* (Commercial Court) – junior counsel for a Claimant in a claim for £7m+ in respect of a defective product.
- *Lord Westbury and Others v Buka* (Commercial Circuit Court) – junior counsel for the Claimants in a shareholder dispute regarding a luxury hotel in Madagascar.
- *Micula & Others v Romania* (Commercial Court; Court of Appeal; Supreme Court) – junior counsel for the First Claimant in enforcement proceedings arising out of the Award in ICSID Case No. ARB/05/20.
- *A v State B* (Commercial Court) – sole counsel for a claimant in relation to a \$25m arbitration enforcement. Complex questions as to State Immunity and service (details confidential).
- *A section 69 Arbitration Act Appeal* (Commercial Court) – junior counsel for a major UK entity in an appeal on a point of law under section 69 of the Arbitration Act 1996.
- Advising a French company in a dispute regarding the application of the Commercial Agents Regulations (settled).
- Advising and acting for claimants and defendants in cases raises questions of jurisdiction and applicable law.
- Acting for claimants and defendants in a range of applications, including strike out applications, disclosure applications and summary judgment.

### International Arbitration

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Jonathan acts as counsel and adviser for commercial parties, private individuals and States in commercial and investment arbitrations under the LCIA, ICC, ICSID, UNCITRAL and AAA rules. He also acts in arbitration related court proceedings before the English courts, including enforcement matters.

## Featured International Arbitration cases

- *Lazareva v Kuwait*, ICSID Case No. UNCT/19/1 – investment claim arising out of a series of measures by Kuwaiti authorities, including unsubstantiated charges against the claimant, and improper detention.
- *UNCITRAL arbitration* – acting for a claimant in a \$150m London seated UNCITRAL arbitration against a State arising out of contract disruption due to an armed conflict (led by George Spalton KC).
- *LCIA London arbitration* – representing a gaming company in a London seated LCIA arbitration against a European State in relation to a dispute regarding a gaming license (led by Wendy Miles KC).
- *LCIA arbitration* – representing a gaming company in a London seated LCIA arbitration arising out of a share purchase agreement (led by Wendy Miles KC).
- *A DIFC seated ICC arbitration* – representing a sub-contractor in an ICC arbitration arising out of the construction of a Middle East airport (led by Wendy Miles KC).
- *Ad hoc petroleum arbitration* – advising a State on a dispute (details confidential).
- *A domestic ad hoc commercial arbitration* – advising in relation to a potential domestic ad hoc commercial arbitration arising out of failure to pay for services provided (sole counsel).
- *A section 69 Arbitration Act Appeal* – junior counsel for a major UK entity in an appeal on a point of law under section 69 of the Arbitration Act 1996 (led by Prashant Popat KC).
- *Micula & Others v Romania* (Commercial Court; Court of Appeal; Supreme Court) – junior counsel for the First Claimant in enforcement proceedings arising out of the Award in ICSID Case No. ARB/05/20 (led by Sir Alan Dashwood KC and Patrick Green KC).
- *A v State B* (Commercial Court) – sole counsel for a claimant in relation to a \$25m arbitration enforcement. Complex questions as to State Immunity and service (details confidential).
- Advising a State in respect of a series of potential investment treaty disputes (details confidential).
- Advising parties on questions regarding the territorial application of investment treaties and trade agreements (details confidential).

## International Criminal Law

**“Jonathan is an excellent technical lawyer, precise and thoughtful. His extremely easy manner is appreciated by clients and lawyers alike.”** – Legal 500, 2023

Jonathan is a leading expert in international criminal law. He acts for States, individuals, victims and NGOs in international criminal law cases and investigations concerning genocide, war crimes and crimes against humanity. He also acts as counsel or legal adviser in cases concerning the structure and establishment of transitional justice accountability mechanisms, and in claims concerning arbitrary detention, enforced disappearances or torture, in particular cases before UN Special Procedures. He is experienced acting in cases before the International Criminal Court and ad hoc tribunals.

## Featured International Criminal Law cases

- *Prosecutor v. Bosco Ntaganda* (International Criminal Court Appeals Chambers) – counsel appearing on the meaning of “attacks” in Article 8(2)(e)(iv) of the Rome Statute.
- *Prosecutor v. Dominic Ongwen* (International Criminal Court Appeals Chambers) – counsel appearing on whether the ICC’s procedural and statutory framework allows for the shifting the burden of proof to the defence in cases of mental incapacity.
- *Decision Pursuant to Article 15 of the Rome statute on the Authorisation of an Investigation into the Situation in Bangladesh/Myanmar* (International Criminal Court) – investigation into crimes against the Rohingya cited more than 20 times in the Court’s decision and more than 50 times by the Prosecutor in her request to commence an investigation.
- *Specialist Prosecutor v. Gucati and Haradinaj* (Kosovo Specialist Chambers): co-counsel for Mr Haradinaj in one of the first cases before the KSC. Delivered opening speech for Mr Haradinaj; appeared as counsel before the court during Gucati defence and examined all Gucati defence witnesses; examined two Prosecution witnesses that were recalled.
- *A large-scale and strategically important international investigation* – counsel to a State (details confidential).
- *International Court of Justice* – acting for a State in respect of a potential international criminal law related case before the ICJ.
- *A long-term strategically important international criminal law related advisory project* – counsel to a State (details confidential).

- *Extradition requests* – Counsel to a State in respect of a series of extradition requests concerning international crimes.
- *The Ministry of Justice of a Government* – Counsel to the Ministry of Justice of a Government in advising on the establishment of transitional justice mechanisms and advising on cooperation obligations in respect of the International Criminal Court.
- *The Ministry of Justice of a Government* – counsel to the Ministry of Justice of a Government in advising on accession to the Rome Statute to the International Criminal Court.
- *The Ministry of Justice of a Government* – counsel to the Ministry of Justice of a Government in advising on the establishment of its transitional justice and accountability mechanisms.
- *UN Special Procedures* – advising States and individuals in respect of numerous complaints before UN Special procedures, including the Working Group on Arbitrary Detention, the Committee on Enforced Disappearances and UN Special Rapporteurs.

## International Human Rights Law

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Jonathan is a specialist in international human rights law and UN engagement. He has extensive experience in cases before UN Special Procedures (such as the Working Group on Arbitrary Detention, Special Rapporteurs, UN Reprisals mechanisms), as well as working on Human Rights Council matters, including the Universal Periodic Review. He is further experienced in cases of business and human rights.

### Featured International Human Rights cases

- *Business and human rights* – advising a government on aspects of the UN Guiding Principles on Business and Human Rights.
- *An individual v a European State* – counsel to an individual in potential complaints to international human rights bodies, including the UN Working Group on Arbitrary Detention, UN Special Rapporteurs and Human Rights Committee (led by Cherie Blair CBE QC).
- *Bytyqi v Republic of Serbia* – advising the family of three American-Kosovan Albanians killed by Serbian police in a proposed claim to the European Court of Human Rights for breach of the investigative duty under Article 2 ECHR.
- *Marsha Lazareva v Kuwait* – counsel to Marsha Lazareva in her human rights complaints against Kuwait. Marsha Lazareva is a Russian national and businesswoman who is detained in Kuwait on charges of embezzlement. Complaints submitted to the UN Working Group on Working Group on Arbitrary Detention, Special Rapporteurs, UN Reprisals mechanisms and engagement with the UN through the Universal Periodic Review (led by Cherie Blair CBE QC).
- *An individual v a European State* – advising on the extra-territorial application of the ECHR and the merits of a potential application to the ECHR (led by Cherie Blair CBE QC).
- *The Permanent Mission of Sierra Leone to the UN Human Rights Council* – legal adviser to the Permanent Mission of Sierra Leone to the UN Human Rights Council. Attended 23rd, 24th and 27th sessions of the UN Human Rights Council as a member of Sierra Leone's delegation. Acted in negotiations resulting in the first ever UN resolution on early and child forced marriage.
- *Universal Periodic Review* – strategic and legal advice to a State in respect of various aspects of its Human Rights Council Universal Periodic Review (led by Cherie Blair QC).
- *UN Special Procedures* – advising States and individuals in respect of numerous complaints before UN Special procedures, including the Working Group on Arbitrary Detention, the Committee on Enforced Disappearances and UN Special Rapporteurs.

## International Trade & European Union Law

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**“Jonathan’s advice is always accurate and takes into account the bigger picture of an issue.”** – Legal 500, 2023

**“Though light-hearted in manner, Jonathan is deeply serious about his work. A wise head on rather young shoulders.”** – Legal 500, 2022

**“Commended by Silks for the way he sparks off ideas.”** Legal 500, 2021

## Featured International Trade & European Law cases

Jonathan is a leading expert on EU withdrawal and international trade. Between 2017-2021, Jonathan worked as an Assistant Legal Adviser at the Foreign, Commonwealth & Development Office on legal issues relating to the UK's withdrawal from the EU. As part of this work, Jonathan acted for the UK or advised Government departments on all manner of issues ranging from UK-third country treaty negotiations to advising on fisheries and the post-EU jurisdictional regime.

Further examples of current and recent work include:

- *Micula & Others v Romania* (Commercial Court; Court of Appeal; Supreme Court) – junior counsel for the First Claimant in enforcement proceedings arising out of the Award in ICSID Case No. ARB/05/20 (led by Sir Alan Dashwood QC and Patrick Green QC).
- *Sanctions* – advising the Foreign, Commonwealth & Development Office in relation to various EU law sanctions issues.
- *Commercial Agents Regulations* – advising a French company in a dispute regarding the application of the Commercial Agents Regulations.
- *A Permanent Mission of a State to the WTO* – adviser to the Permanent Mission of a State to the World Trade Organization and other economic institutions.
- *Customs Cooperation and Mutual Administration Assistance Agreements* – advising a United Kingdom government department on questions relating to customs related issues and CCMAAs with third countries (sole counsel).

## Public International Law

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**“Jonathan has an in-depth knowledge of international law. He is very creative in terms of constructing legal arguments. He is well liked by clients and teams alike. He is a persuasive and charming advocate.”** – Legal 500, 2023

**“When it comes to complex inter-state disputes, he has an eye for strategy and is always thinking two steps ahead.”** – Legal 500, 2022

Jonathan has a substantial public international law practice spanning all areas of public international law (law of the sea; the law of treaties; immunities; State responsibility; international criminal law; international environmental law; international organizations etc.). He is particularly experienced in high-stakes international negotiations and often works with clients on an ongoing and long-term basis to find solutions to complex legal and policy issues. Jonathan accepts instructions as a mediator.

Jonathan has more than six years of experience working for the Foreign, Commonwealth & Development Office as an Assistant Legal Adviser on issues relating to the law of treaties, EU withdrawal, overseas territories and law of the sea.

For further details of Jonathan's international human rights and international trade and EU law experience, please see the tabs above.

## Featured Public International Law cases

### International Court of Justice:

- Acting for a State in respect of a potential case at the ICJ (details confidential).
- Counsel for a State in a potential International Court of Justice cases regarding an international watercourse; advising the State during negotiations.
- *Chagos Request for an Advisory Opinion* (International Court of Justice) – counsel for the United Kingdom.

### International Criminal Court:

- *Prosecutor v. Bosco Ntaganda* (International Criminal Court Appeals Chambers) – counsel appearing on the meaning of “attacks” in Article 8(2)(e)(iv) of the Rome Statute.
- *Prosecutor v. Dominic Ongwen* (International Criminal Court Appeals Chambers) – counsel appearing on whether the ICC's procedural and statutory framework allows for the shifting the burden of proof to the defence in cases of mental incapacity.
- Decision Pursuant to Article 15 of the Rome statute on the Authorisation of an Investigation into the Situation in Bangladesh/Myanmar (International Criminal Court) – investigation into crimes against the Rohingya cited more than 20



times in the Court's decision and more than 50 times by the Prosecutor in her request to commence an investigation.

## Kosovo Specialist Chambers:

- *Specialist Prosecutor v. Gucati and Haradinaj* (Kosovo Specialist Chambers): co-counsel for Mr Haradinaj in one of the first cases before the KSC. Delivered opening speech for Mr Haradinaj; appeared as counsel before the court during Gucati defence and examined all Gucati defence witnesses; examined two Prosecution witnesses that were recalled.

## Investment arbitration:

- *Lazareva v Kuwait*, ICSID Case No. UNCT/19/1 – investment claim arising out of a series of measures by Kuwaiti authorities, including unsubstantiated charges against the claimant, her harassment and improper detention).
- *Micula & Others v Romania* (Commercial Court; Court of Appeal; Supreme Court) – junior counsel for the First Claimant in enforcement proceedings arising out of the Award in ICSID Case No. ARB/05/20 (led by Sir Alan Dashwood QC and Patrick Green QC).
- *A v State B* (Commercial Court) – acting for a claimant in relation to a \$25m arbitration enforcement. Issues of State immunity and service (sole counsel).
- Advising a State in respect of a series of potential investment treaty disputes (details confidential).

## European Court of Human Rights:

- *An individual v a European State* – advising on the extra-territorial application of Article 5 ECHR (led by Cherie Blair CBE QC).
- *Bytyqi v Republic of Serbia* – advising the family of three American-Kosovan Albanians killed by Serbian police in a proposed claim to the European Court of Human Rights for breach of the investigative duty under Article 2 ECHR.

## International law in the English courts:

- *Bancoult (No 5) and Chagosian Committee Seychelles v Secretary of State for Foreign and Commonwealth Affairs* – junior counsel for the Foreign, Commonwealth and Development Office in judicial review proceedings arising out of United Kingdom policy regarding the British Indian Ocean Territory.
- Cyprus Colonial litigation – junior counsel for the Foreign, Commonwealth and Development Office in claims relating to alleged historic abuse.

## International negotiations, mediations and significant advisory work:

- *EU Withdrawal* – advising and acting for the Foreign, Commonwealth and Development Office and other United Kingdom government departments (including MOJ and DEFRA) on a continuing basis in respect of legal and policy issues arising out of the United Kingdom's withdrawal from the European Union (2017 to 2021).
- *Sanctions* – advising the Foreign, Commonwealth and Development Office on sanctions issues.
- *Treaty law* – acting for and advising various United Kingdom government departments on complex treaty issues relating to approximately 50+ treaties. Issues advised on have included questions relating to form and substance, termination, suspension, revival, reservations and declaration, entry into force, State succession, territorial application and dispute resolution. Lead lawyer on treaty extensions.
- *Maritime boundary delimitation* – acting for a government in a maritime boundary delimitation.
- Constitutional negotiations – lead lawyer in constitutional negotiations between the Government of St Helena and the United Kingdom. Drafted Constitutional amendments that are now in force.
- *IHL* – advising a State on inter-State international humanitarian law obligations.
- International Air Agreement: lead lawyer negotiating an air agreement on behalf of a State.
- Law of the sea: advising and acting for the United Kingdom in respect of a range of law of the sea issues.
- *Environmental treaty ratification* – advising a group of States on ratifying a protocol to a multilateral environmental treaty.
- *Immunities* – advising an international organization on immunity issues arising out of its operations (sole counsel).
- *Customs Cooperation and Mutual Administration Assistance Agreements* – advising a United Kingdom government department on questions relating to customs related issues and CCMAAs with third countries (sole counsel).
- *A Permanent Mission of a State to the WTO* – adviser to the Permanent Mission of a State to the World Trade Organization and other economic institutions.
- *The Ministry of Justice of the Government of C* – counsel to the Ministry of Justice of Government of C in an international investigation into alleged international crimes.
- *The Ministry of Justice of Government D* – counsel to the Ministry of Justice of Government of D in respect of a series of extradition requests concerning international crimes.

- *The Ministry of Justice of Government E* – advising the Ministry of Justice of Government E on the establishment of transitional justice mechanisms and cooperation with the International Criminal Court.
- *The Ministry of Justice of Government F* – advising the Ministry of Justice of Government F on accession to the Rome Statute to the International Criminal Court.
- *Sudan's peace process* – legal adviser to parties to Sudan's peace process on legal and process related issues including ceasefires, accountability mechanisms and resource sharing (2019 – 2020).
- *Yemen's peace process* – advising parties to Yemen's peace process on transition issues, including state structure, constitutional drafting processes and UN engagement (2018 – 2020).
- *Syria's peace process* – advising members of the Syrian opposition during Geneva peace negotiations and the UN led Constitution drafting processes with the Government of Syria (2016 – 2020).

#### UK Parliamentary Inquiries:

- UNCLOS: fit for purpose in the 21st Century? (2021) – contributing to evidence for the Foreign, Commonwealth and Development Office.

#### UN Human Rights and / or Special Procedures:

- *The Permanent Mission of Sierra Leone to the UN Human Rights Council* – adviser to the Permanent Mission of Sierra Leone to the UN Human Rights Council. Attended the 23rd, 24th and 27th sessions of the UN Human Rights Council as a member of Sierra Leone's delegation. Acted in negotiations resulting in the first ever UN resolution on early and child forced marriage.
- *Marsha Lazareva v Kuwait* (human rights complaints) – counsel to Marsha Lazareva in her human rights complaints against Kuwait. Complaints submitted to the UN Working Group on Arbitrary Detention, Special Rapporteurs, UN Reprisals mechanisms and engagement with the UN through the Universal Periodic Review (led by Cherie Blair CBE, QC).
- *Universal Periodic Review* – strategic and legal advice to a State in respect of various aspects of its Human Rights Council Universal Periodic Review.
- *UN Special Procedures* – advising States and individuals in respect of numerous complaints before UN Special procedures.

## Awards



## Qualifications

#### Education

- Bachelor of Civil Law, University of Oxford (2011).
- Bachelor of Laws, King's College London (First Class Honours) (2009) (Russian Law prize).

#### Book Chapters

- *The Interpretation and Application of Peace Agreements*, International Law and Peace Settlements (Cambridge University

Press) (forthcoming).

- *Elections and Electoral Law*, Handbook on Post-Conflict State Building (Edward Elgar Publishing) (forthcoming).

## Law Journal

- *Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Islamic Republic of Afghanistan* (29(2) ILM, 280 – 301 (2020)).
- *Reflections on a Potential Peace Treaty for the Korean Peninsula* YJIL Forum (August 2018) (co-authored).
- *Belhaj v. Straw* (Eng. Wales Ct. App.) (54(6) ILM, 1069 – 1114 (2015)).
- *Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: UNHRC Res S-22/1; UNSCRs 2170 and 2178* (54(2) ILM 306 – 346 (2015)).
- Book Review: *Customary International Law in Times of Fundamental Change* (25 (2) KLJ (2014)).
- *Preventing Mass Atrocity Crimes: The Responsibility to Protect and the Syria Crisis*, 45 (1 and 2) CWRJIL (2012) (co-authored)).

## Policy Articles and Op-Eds

- *The Legal Case for Using Force to Prevent a Government from Employing Chemical Weapons to Commit Mass Atrocities*, The Atlantic Council, Sept. 2012 (co-authored).
- *Chemical Red Lines on Syria*, Foreign Policy, Dec. 2012 (co-authored).
- *Preventing Atrocity Crimes*, The Atlantic Council, Sept. 2012 (co-authored).

## Invited Lectures and Other Speaking Engagements

- *Burma's Constitutional Reform Process*, PILPG and DLA Piper, Dec. 2013.
- *International Law and Transitional Justice*, Integrity Research and Consulting, Dec. 2013.
- *Peace Agreements in International Law*, 9 Bedford Row International, Dec. 2012.
- *State Interventions: Somalia to Libya*, George Washington University, Nov. 2012.
- *International Law and the English Legal System*, American University J.D/M.A, Oct. 2012.
- *The Responsibility to Protect*, Georgetown University, Sept. 2012.