

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 broad practice, encompassing all aspects of commercial litigation, group actions, environmental law, international arbitration, public law/human rights and public international law. Many of his cases have an international component to them and often involve questions of private international law, including jurisdiction challenges and foreign law. In 2023, Jonathan was nominated for Legal 500 international law junior of the year.

Jonathan's **clients are wide-ranging** and include sovereign States (seven different States in the last eight years), UK Government departments (e.g. Foreign, Commonwealth and Development Office, Department for Business and Trade, Cabinet Office), businesses and multinational corporations, high-net worth individuals and private parties (e.g. Viorel Micula, Marsha Lazareva), NGOs, civil society groups and international organisations. He has experience acting in cases before **a variety of courts and tribunals**, including:

- All levels of the English courts (High Court; Court of Appeal; Supreme Court);
- The courts of UK overseas territories; international arbitration tribunals; the International Court of Justice; the International Tribunal for the Law of the Sea; the European Court of Human Rights; the International Criminal Court; internationalised tribunals such as the Kosovo Specialist Chambers;
- UN Special Procedures (UN Working Group on Arbitrary Detention; UN Special Rapporteurs; UN Working Group on Enforced Disappearances) and the UN Human Rights Council (e.g. during Universal Periodic Reviews).

Jonathan's **international practice** includes all aspects of public international law and international arbitration. He acts for States and private parties in cases ranging from investment disputes to disputes concerning territory, the use of transboundary rivers and overseas territories law. In addition to his international litigation practice, Jonathan has notable expertise acting as legal counsel/legal adviser to States during **high-stakes international negotiations and significant advisory projects**, including in matters ranging from the negotiation of BITs and FTAs to maritime boundaries and constitutions.

Jonathan's **domestic practice** covers the full spectrum of **commercial disputes**, from civil fraud to shareholder disputes, product liability and contract claims. He has broad sectoral experience including in respect of banking and finance, mining,

pharmaceuticals/healthcare, aviation and insurance. **Group and multi-party claims** comprise an increasingly significant part of Jonathan's domestic practice, particularly where cases concern parent company liability, ESG or civil liability for alleged transnational torts and human rights abuses committed abroad.

Jonathan has notable experience (both before domestic and international courts and tribunals) in cases of **private international law/conflicts of laws, environmental law and public law/human rights**. His work frequently includes cases at the intersection of these areas (e.g. sanctions, civil damages claims against Government and ESG claims). He has acted in, among other matters:

- Jurisdiction challenges concerning cases with facts arising in, among others, Anguilla, Korea (Republic of), Spain and South America;
- Cases involving aspects of Anguillan, Bermudian, Cypriot, Caymanian, German, Greek, Falkland Islands, French, Iraqi, Korean, Kuwaiti, Mauritian and Spanish law;
- Arbitration enforcements raising questions of State immunity and compliance with European Union law;
- Human rights claims relating to Article 1 of Additional Protocol 1 to the ECHR and claims relating to arbitrary detention of business executives;
- Civil damages claims under the Human Rights Act and as torts;
- Sanctions matters under a variety of Regulations.

The legal directories describe Jonathan as a *"highly sought after practitioner"*, with an excellent ability to see both the *"bigger picture of an issue"* while also providing *"precise and thoughtful"* legal advice. Jonathan has further been described as having a *"quick, sharp intelligence"* and *"a wonderful ability to see to the heart of the matter and to explain the key questions and process clearly, bringing the team and the clients together."* Clients have additionally praised Jonathan for *"always thinking two steps ahead"*, for being an *"excellent technical lawyer"* and a *"persuasive and charming advocate"*.

For additional details of Jonathan's practice, please see the tabs below.

## Privacy Policy

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## Expertise

## Commercial Litigation

Jonathan has a **broad commercial practice** covering all aspects of commercial disputes, from civil fraud to the sale and supply of goods and services, shareholder disputes, product liability, sanctions, environmental harm, personal injury and arbitration enforcement. He has wide sectoral experience, including in respect of banking and finance, mining, pharmaceuticals/healthcare, aviation and insurance.

**Group and multiparty actions** comprise an increasingly significant part of Jonathan's commercial practice, particularly where cases involve jurisdiction challenges, questions of foreign law or parent company liability for transnational torts/torts committed abroad. For further details on Jonathan's group and multi-party experience, see the tab below.

Jonathan has notable experience (both before domestic and international courts and tribunals) in cases of **private international law/conflicts of laws, environmental law and public law/human rights**. His work frequently includes cases at the intersection of these areas (e.g. sanctions and civil damages claims against Government).

For further details on Jonathan's experience in these areas, please see the tabs below.

Example cases include:

- *Silvnik and others v Martin Dinning and others* (High Court of Anguilla) – junior counsel for the 8<sup>th</sup> Defendant (Foreign, Commonwealth and Development Office) in respect of a claim for alleged losses arising out of the Anguillian banking crisis. Case raised allegations of civil fraud, procuring breach of contract, breaches of statutory duty and breaches of the Anguilla Constitution and / or European Convention on Human Rights (led by Daniel Saoul KC).
- *Party A v Party B* (High Court of Justice, KBD) – acting for a respondent healthcare provider in resisting an application for disclosure under the Evidence (Proceedings in Other Jurisdictions) Act 1975, for use in US class action proceedings
- *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 in respect of a fire arising from the supply of allegedly defective chemicals (common law rules, parallel proceedings, complex questions as to the applicable law) (led by Toby Riley-Smith KC).
- *Jani v Garrido* (High Court of Justice, KBD) – sole counsel for the defendant in an application to set aside service of the Claim Form and Particulars of Claim out of the jurisdiction in respect of a case concerning Spanish inheritance.
- *Volkswagen NOx Emissions Group Litigation* – junior counsel to Volkswagen.
- *Dana UK Axle Ltd v Freudenberg Sealing Technologies GmbH & Co* (Commercial Court) – junior counsel for the claimant in a claim for £7m+ in respect of a defective product relating to the automotive industry.
- *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 (led by Sir Alan Dashwood KC and Patrick Green KC).
- *R (L1T FM Holdings and LetterOne Core Investments) v Secretary of State in the Cabinet Office* – junior counsel for the defendant in a judicial review under the National Security and Investment Act 2021.

## Group Actions

Group and multi-party actions **comprise an increasingly significant part** of Jonathan's practice, particularly where cases involve jurisdiction challenges, questions of foreign law or parent company liability for transnational torts/torts committed abroad (both environmental claims and human rights claims).

Jonathan has acted in jurisdiction challenges concerning cases with facts arising in, among others, Anguilla, Korea (Republic of), Spain and South America. He has also acted in cases involving aspects of Anguillian, Bermudian, Cypriot, Caymanian, German, Greek, Falkland Islands, Iraqi, Korean, Kuwaiti, Mauritian and Spanish law.

Example cases include:

- Acting for a party in a case concerning alleged transnational environment torts (questions of jurisdiction and foreign law).
- *Party A v Party B* (High Court of Justice, KBD) – acting for a respondent healthcare provider in resisting an application for disclosure under the Evidence (Proceedings in Other Jurisdictions) Act 1975, for use in US class action proceedings.
- *Volkswagen NOx Emissions Group Litigation* – junior counsel to Volkswagen.
- *Cyprus Colonial litigation* – junior counsel for the Foreign, Commonwealth and Development Office in claims relating to alleged historic abuse arising out of the Cyprus Emergency.

## Environmental Law

Jonathan's practice includes environmental law cases both before international courts and tribunals and domestic courts. His **instructions are varied** and range from acting for States in public international law disputes regarding the use of international watercourses, to acting for parties in transboundary environmental tort claims and environmental claims raising questions of public law.

Example cases include:

- Acting for a party in a case concerning alleged transnational environment torts (questions of jurisdiction and foreign law).
- Counsel to a State in a potential International Court of Justice cases regarding an international watercourse, and acting for the State during negotiations.

- Advising a State on its obligations under the Basel on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

## International Arbitration

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Jonathan has a **broad international arbitration practice** that includes commercial arbitration, investment disputes and international trade. He acts as counsel for commercial parties, private individuals and States in arbitrations under the LCIA, ICC, ICSID, UNCITRAL, AAA rules etc and in arbitration related court proceedings before the English courts. He further acts for States as legal counsel/legal adviser in respect of the negotiation of BITs and FTAs.

Example cases include:

### 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, and arbitrary detention.

### Commercial arbitration:

- *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).

### Arbitration related matters before the English courts:

- *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. Questions as to State Immunity and service (details confidential).

### International negotiations and advisory work:

- Advising a State in respect of a series of potential investment treaty disputes (details confidential).
- Acting for a State in the negotiation of a BIT (details confidential)
- Acting for a State in the negotiation of an FTA (details confidential).

## Public Law & Human Rights

Jonathan's public and human rights law practice **includes both international human rights law and domestic human rights / public law.**

**Internationally**, Jonathan's cases span the full range of international human rights law, from fair trial rights to same-sex marriage rights. Jonathan has notable expertise in cases before UN Special Procedures (such as the Working Group on Arbitrary Detention, Special Rapporteurs, UN Reprisals mechanisms), as well cases before the UN Human Rights Council Universal Periodic Reviews and the European Court of Human Rights.

**Before the domestic courts**, Jonathan's practice includes human rights claims under the Human Rights Act as well as general public law claims. His practice further extends to sanctions, civil damages claims against Government and questions relating to the UK overseas territories, in respect of which he has significant experience acting for the Foreign, Commonwealth and Development Office.

Example cases include:

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

- *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 Arbitrary Detention, Special Rapporteurs, UN Reprisals mechanisms and engagement with the UN through the Universal Periodic Review (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.
- *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.

### European Court of Human Rights:

- *Ferguson and others v United Kingdom* – acting for the United Kingdom before the European Court of Human Rights in respect of alleged breaches of Articles 9 and 12, read alone or together with Article 14 arising out of the Bermuda Domestic Partnership Act 2018.
- *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.
- *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).

### Domestic public law / overseas territories and civil damages claims:

- *R (L1T FM Holdings and LetterOne Core Investments) v Secretary of State in the Cabinet Office* – junior counsel for the defendant in a judicial review under the National Security and Investment Act 2021.
- *Bancoult (No 5) and Chagossian Committee Seychelles v Secretary of State for Foreign and Commonwealth Affairs* – counsel acting for the Foreign, Commonwealth and Development Office in judicial review proceedings arising out of United Kingdom policy regarding the British Indian Ocean Territory.
- *Silvnik and others v Martin Dinning and others* (High Court of Anguilla) – junior counsel for the 8<sup>th</sup> Defendant (Foreign, Commonwealth and Development Office) in respect of a claim for alleged losses arising out of the Anguillan banking crisis. Case raised allegations of civil fraud, procuring breach of contract, breaches of statutory duty and breaches of the Anguilla Constitution and / or European Convention on Human Rights and the application of the Anguilla Crown Proceedings Act (led by Daniel Saoul KC).

- *Cyprus Colonial litigation* – junior counsel for the Foreign, Commonwealth and Development Office in claims relating to alleged historic abuse.
- *Sanctions* – acting for the FCDO in respect of sanctions designations under a variety of Regulations, and providing advice on cross-cutting sanctions issues (details confidential).
- *Overseas territories law* – acting for the FCDO in a variety of overseas territories matters, ranging from the negotiation of Constitutions to prisoner transfers and compliance with international obligations.

## Public International Law

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Jonathan has a **substantial public international law practice** spanning all areas of public international law (e.g. law of the sea; the law of treaties; immunities; State responsibility; international criminal law; international environmental law; international organizations).

In addition to his international litigation practice, Jonathan has notable experience as legal counsel/legal adviser to States during **high-stakes international negotiations and significant advisory projects**, including in matters ranging from the negotiation of BITs and FTAs to maritime boundaries and constitutions.

Example cases include:

### International Court of Justice:

- Counsel for a State in a potential International Court of Justice case 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 KC and Patrick Green KC).
- *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:

- *Ferguson and others v United Kingdom* (ECtHR) – acting for the United Kingdom in respect of alleged breaches of Articles 9 and 12, read alone or together with Article 14 arising out of the Bermuda Domestic Partnership Act 2018.
- *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 Chagossian Committee Seychelles v Secretary of State for Foreign and Commonwealth Affairs* – counsel acting 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 arising out of the Cyprus Emergency in the 1950s.

## 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 legal 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 cross-cutting questions relating to sanctions and acting for the FCDO in respect of sanctions designations under a variety of Regulations.
- *Treaty law* – acting for and advising various United Kingdom government departments on 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.
- *Maritime boundary delimitations* – acting for a government in two maritime boundary delimitations.
- *Constitutional negotiations* – advising and acting for the United Kingdom in constitutional negotiations between the Government of St Helena and the United Kingdom.
- *IHL* – advising a State on inter-State international humanitarian law obligations.
- *International Air Services Agreement*: legal counsel/legal advisor to a State during negotiations for an air services agreement.
- *Law of the sea*: advising and acting for the United Kingdom in respect of a range of law of the sea issues (details confidential).
- *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 HMRC 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 A* – counsel to the Ministry of Justice of Government of A in an international investigation into alleged international crimes.
- *The Ministry of Justice of Government B* – counsel to the Ministry of Justice of Government of B in respect of a series of extradition requests concerning international crimes.
- *The Ministry of Justice of Government C* – advising the Ministry of Justice of Government C on the establishment of transitional justice mechanisms and cooperation with the International Criminal Court.
- *The Ministry of Justice of Government D* – advising the Ministry of Justice of Government D on accession to the Rome

Statute to the International Criminal Court.

- *Sudan's peace process* – advising 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:

- *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.
- *Marsha Lazareva v Kuwait* (human rights complaints) – 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 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.