

## Anthony Metzger KC

Call: 1987 - QC: 2013

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Anthony Metzger KC is a highly regarded silk known for his committed and forensically-detailed approach to his practice. He specialises in crime; immigration; Claimant civil actions against the police, defamation and inquests.

Anthony has been nominated for Immigration Silk of the year at the Legal 500 Awards 2024.

Anthony won the award for Mentor of the Year at the Women and Diversity in Law awards 2024.

Anthony was an invited speaker at conferences in Warsaw about diversity and in Tbilisi about judicial independence and the rule of law which he delivered in April 2024.

Anthony was awarded Bar Pro Bono KC of the Year for 2021 for the second time, following receipt in 2019. He was also Highly Commended as runner-up for this award in 2020.

Anthony has been instructed on some of the most influential cases in recent years. Anthony was leading Counsel in *MCP, C-603/20 PPU*, (see below) which was shortlisted for Family Law Case of the Year at the Family Law Awards 2021. In immigration law, *Banger v UK*, in which Anthony was also successful leading Counsel, was Highly Commended as the runner up for Lexis Nexis Case of the Year 2020.

Anthony was also nominated as a finalist for Women in Law 'Male Champion 2020' and as "Champion of the Year" for Inspirational Women in Law 2021.

Anthony also sits as a Deputy High Court Judge for England and Wales in the Administrative Court hearing Judicial Review applications; and in the Upper Tier Tribunal of the Immigration and Asylum Tribunal, having previously sat as a First Tier Judge in the IAT since 2002. He was also appointed to the War Pensions and Armed Forces Tribunal as a First Tier Judge.

Anthony is highly recommended as a leading silk again in the 2025 edition of *Chambers and Partners* in the categories of *Crime* (Band 3) "*Anthony is fearless in his pursuit of justice and a very accomplished advocate. He is compassionate, extremely hard-working and hugely respected by his peers and clients alike.*"; *Police Law – mainly Claimant* (Band 2) – "*Anthony Metzger is a team player, ready to listen to and consider contrary views on evidence and strategy. Clients love*

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him and take great reassurance in his ability to get to the core issues; “Anthony is patient and easy to work with. He is an exceptional advocate and will go above and beyond to ensure he achieves the desired outcome for his client”; and Immigration (Band 3) – “As a leader, Anthony is easy to work with and wholly respectful and encouraging, while giving a careful overall strategic steer;” “He’s exceptionally experienced and responsive;” “He is very involved from the beginning. The client gets the best service because of this.”

In the 2025 edition of the *Legal 500*, Anthony is ranked in Immigration (Tier 1 – Leading Silks) ‘Anthony is an excellent communicator and extremely sensitive to the needs of the client. His approach to any problem is clear and sensible, overcoming any difficulties to reach a suitable solution for any problem.’; is again ranked in Crime (Band 2 – Leading Silks) ‘Anthony’s preparation of a case is meticulous and no stone is left unturned. His attention to detail and analysis of the facts means that he is able to identify case strategies which achieve the best possible outcome for clients. He is a fearless defender, charismatic and a genuine gentleman.’; and Actions against the Police (Band 2 – Leading Silks) ‘Anthony has a remarkable ability to quickly grasp the intricacies of a case, have sound judgement on merits and trial strategy, which are fully reflected in the results he secures’. He has also been ranked in Administrative Law and Human Rights (Band 3 – Leading Silks) ‘He is a formidable force in the legal realm.’

Anthony is known for his skill in building a successful rapport with clients and is also distinguished by his ability to achieve substantial settlements for Claimants.

Anthony was leading Counsel for the second joint intervenors in the 2021 case *Re C*, in which the Court of Appeal overturned the decision of the Court of Protection which many feared would lead to a “human right” to buy sex. Instructed by the Centre for Women’s Justice, as leading counsel, Anthony represented two organisations who work directly with women who are at risk of exploitation through prostitution, [nia](#) and [Women@thewell](#).

As leading Counsel, Anthony successfully represented the mother at a hearing before the CJEU in the case of *MCP, C-603/20 PPU*. The application sought clarity in relation to the territorial reach of Article 10 of Brussels IIa and, principally, whether the provisions of the Regulation applied between Member States and third States, such as India. The CJEU concluded that Article 10 of Brussels IIa applied to member states and not third states, such as India. This case was the second last case referred to the CJEU from the UK and following referral back, the mother succeeded in the High Court.

Anthony’s growing reputation as leading Counsel in Immigration cases is reflected in the landmark case of *Secretary of State for the Home Department v Banger – C-89/17; [2019] UKUT 00194(IAC)*. The CJEU found, for the first time, that the *Surinder Singh* rationale applies to the unmarried partner of a British national. In this case the Court found that Article 21 TFEU applies to extended family members by analogy. The Court found that a refusal of a residence card must follow as a result of an extensive examination of the applicant’s personal circumstances and must be justified by reasons. Finally, on the issue of appeal rights, the Court determined that the redress procedure must *enable a full assessment of the facts and involve an extensive examination of the applicant’s personal circumstances*. The case before the Upper Tribunal resumed on 20 March 2019 and concluded successfully. It has now been reported as *Banger (EEA: EFM – Right of Appeal) [2019] UKUT 00194(IAC)*.

Anthony, along with Dr Charlotte Proudman, represented the mother in an appeal brought by the Metropolitan Police Service – *Re B (Children: Police Investigation) [2022] EWCA Civ 982 (15 July 2022)*. The Court of Appeal, Civil Division, allowed the appeal from an injunction made by the High Court under its inherent jurisdiction. The court held that the injunction impermissibly interfered with an operational decision made by the MPS regarding the scope and manner of a criminal investigation to be conducted into the circumstances of the case.

Anthony has delivered webinars and seminars on numerous areas of law, including a recent webinar entitled “Hamid Courts: How best to avoid them and tips if you can’t!” and as a guest speaker on a Podcast through Global Mediation where he is due to speak again shortly on how internal sexual abuse is treated within the police force. He has also been a regular contributor to newspaper articles.

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## Civil

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Anthony Metzger KC is one of the leading silks in civil actions against the police, with cases appearing in the High Court, County Court and the Court of Appeal. He has also been instructed as leading counsel in two substantial misfeasance claims against police forces.

Anthony's work encompasses claims for Claimants in professional negligence and contractual claims, in particular solicitor's negligence, and libel and inquests.

Anthony was instructed as main leading counsel in what is believed to be the UK's largest civil action against the police: *Wayne Pugh & Others v Commissioner of Police of South Wales*, which arose from the well-publicised and criticised prosecution of the 'The Cardiff Three', following the murder of a prostitute, Lynette White. Anthony represented 8 out of 15 Claimants in proceedings, which lasted three months and involved over one million documents.

## Notable Cases

- **Re B (Children: Police Investigation) [2022] EWCA Civ 982 (15 July 2022):** Anthony Metzger KC and Dr Charlotte Proudman represented the mother in an appeal brought by the Metropolitan Police Service. The Court of Appeal, Civil Division, allowed the appeal from an injunction made by the High Court under its inherent jurisdiction. The court held that the injunction impermissibly interfered with an operational decision made by the MPS regarding the scope and manner of a criminal investigation to be conducted into the circumstances of the case.
- **Dad v General Dental Council:** Instructed as leading counsel in a challenge by a dentist for not being restored to the register for non-declaration of an ongoing investigation by the Scottish Counter Fraud Service on the basis that it was neither a police investigation or an investigation by a regulatory or licensing body in the UK.

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- *Damalie v Secretary of State for Justice and others*: Anthony is representing the Claimant who, as a prisoner on licence, was recalled to prison for allegedly repeatedly tampering with her electronic monitoring tag. Three tags had been fitted before it transpired that they were part of a faulty batch, with a mass recall of tags by the manufacturer and procedures put into place to deal with recorded tampers. The case raises strong public interest considerations, especially on the administration of the prison services via private contractors, as the claimant repeatedly expressed her concerns to the contractor and the probate services that her tag was faulty, and was reassured she had done nothing wrong.
- *Sayers and others v Hyland and CPS*: Anthony advised the Claimant, a well-known figure in organised crime, who was charged in 2009 with conspiracy to pervert the course of justice in respect of his acquittal in 2002 on a charge of murder. The 2009 prosecution was stayed for abuse of process; the Judge finding a 'gross failure' by the CPS to comply with the AG Guidelines for Disclosure. The incident featured in an episode of BBC Panorama. The claim has recently resulted in successful settlement. A second claim against the Chief Constable of Northumbria and the second remains ongoing.
- *Brewer v Commissioner of Police of the Metropolis*: Anthony advised and represented the Claimant in a fully contested complex trial, tried remotely in this substantial claim for loss and personal injury sustained in custody as a result of a cell door having been forcibly closed on the Claimant's foot as a physical struggle broke out between the Claimant and the officers on either side of the door.
- *McCormick* (Dec 2020) – Anthony is acting in this police misconduct hearing where fraud, sexual complaint, and production of false documents have been alleged.
- *Carr and Shanahan v Chief Constable of the Kent Constabulary* (Maidstone County Court, March 2021) – Anthony is acting for the Claimants in this case involving trespass to private property, false imprisonment, and misfeasance in public office. The case has many aggravating features, including allegations of child neglect for which there was no reasonable basis.
- *Serafin v Malkiewicz & Ors* [2020] UKSC 23 – Anthony continued to act for the original Defendants in this case as one of two leading counsel leading Anton van Dellen, whose appeal in the Supreme Court was heard on 17th and 18th March 2020. This followed a hearing in the Court of Appeal ([2019] EWCA Civ 852), after a rare, fully-contested libel and misuse of private information trial lasting 8 days in the High Court ([2017] EWHC 2992 (QB)), where Anthony successfully defeated the claims for damages and injunctive relief was defeated on the basis of truth, public interest and lack of privacy. The trial involved sustained cross-examination of the Claimant, which was described by the High Court Judge as 'skilful and patient'. The decision was overturned by the Court of Appeal and the Supreme Court will hear important submissions, amongst other things, as to the parameters of the public interest defence and the extent to which a trial Judge is permitted to intervene in the trial process and the court of Appeal can legitimately reverse findings of fact.  
<https://inform.org/2017/12/05/case-comment-serafin-v-malkiewicz-unbounded-self-confidence-and-lack-of-judgment-results-in-failed-libel-action-persephone-bridgman-baker/>
- *R (on the application of Mohammed Hashim) v Police Misconduct Panel and Commissioner of Police, PC Paul Delevitt and IPCC* – This was an application for judicial review in which Anthony acted for the Claimant, who had been arrested by officers of the Metropolitan Police Service and prosecuted to trial for attempted burglary of a bank. Anthony submitted that the decision was an error of law. Although unsuccessful in that claim, Anthony is now instructed in the civil claim arising out of the events.
- *Alexander-Theodotou and ors v Kournis* – Anthony is currently acting as leading counsel leading Anton van Dellen for the Claimant, who seeks damages and an injunction for claims in libel and inducing breach of contract. The parties are rival litigation businesses engaged in group litigation arising from property developments in Cyprus.
- *Pollard v Ministry of Justice* – Anthony represented the Claimant in respect of a personal injury claim where he sustained a serious personal injury which resulted in the loss of an eye whilst working at HMP Ford. The claim was recently settled on good terms for the Claimant.

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- *Habib v Commissioner of Police of the Metropolis* (2017) (Oxford CC) – Mr Ullah died during a forceful arrest made by the police. Anthony Metzer KC originally appeared in the **inquest proceedings** into his death concluded on 2 March 2015, in which the jury reached a narrative conclusion of misadventure and were highly critical of the police conduct both in respect of his initial control and restraint and then in respect of his after-care. Anthony Metzer KC ultimately appeared as leading counsel for Mrs Habib on behalf of Mr Ullah’s estate in a disputed action against the police for assault and breach of Articles 3 and 8 of the ECHR, which was listed for a three-week trial. He was able to successfully secure a substantial settlement for the family, inclusive of an apology.
- *B* (anonymised) – Anthony represented the Claimant in an unusual claim for damages arising out of an incident whereby the Defendant breached confidentiality. The Claimant had entrusted the Defendant, her community psychiatric nurse, with highly personal and sensitive information about herself. The Defendant received an award for his work and he disclosed details of the Claimant’s personal life which were published in a Press Release, causing the exacerbation of her psychiatric condition. The claim was settled with Anthony’s assistance, on excellent terms for the Claimant.
- *Makinde v Commissioner of Police of the Metropolis* (2017) (CLCC) – Anthony represented the Claimant at trial in a fully contested action against the police for assault and battery, false imprisonment and malicious prosecution. It was argued that the police officers were not acting within their powers under the Road Traffic Act at the time they sought to seize the Claimant’s vehicle and therefore they were not acting in the execution of their duty when they arrested the Claimant for obstructing them in the execution of their duty.
- *Boyle v Chief Constable of Hampshire* (2016) (Winchester CC): Fully contested claim for damages for assault, false imprisonment and malicious prosecution arising out of a football incident which will proceed as a probable three-week trial in early 2018, pending an interlocutory appeal in the Court of Appeal.
- *Pugh & Others v Chief Constable of South Wales Police* (2015): Acting as leading counsel with two junior counsels for 8 of 15 Claimants in the UK’s largest action against the police, arising from the collapsed prosecution of the ‘Cardiff Three’.
- *Christmas Island, War Pensions Appeal* (2015): Leading counsel in a substantial claim brought against the Ministry of Defence. The veterans were exposed to extremely harmful nuclear testing on Christmas Island during the 1950s; the case involved complex evidence from experts of different fields, including nuclear physics and meteorology.
- *M* (anonymised) & *Others v Commissioner of Police of the Metropolis* (2015): A heavily contested, complex action against the police concerning widespread corruption and police connections with a notorious criminal gang.
- *Mr Lea Leighton v Chief Constable of Derbyshire Constabulary* [2015] High Court (QB): Civil action relating to social services records in respect of unproven sexual allegations.
- *McDonnell v Commissioner of Police of the Metropolis* (2014) [2015] EWCA Civ 573: Considered excessive force by police as invariably “*grossly disproportionate*”, involving novel Article 3 and 6 ECHR submissions.
- *Walker v Commissioner of the Police of the Metropolis* [2014] EWCA Civ 897 UPDATE – Following a successful application for leave to appeal at Central London County Court, Anthony appeared in the Court of Appeal and won the appeal in respect of damages for false imprisonment. The complex legal arguments, which flowed from the first instance Judge’s findings of fact, have resulted in Walker becoming now one of the leading cases in this area of the law.
- *Bailey v Commission of Police for the Metropolis* (2012) Central London County Court: Successful recent trial for assault, false imprisonment and malicious prosecution.
- *R v HM Court Service ex parte Hunter* (2012) Upper Tier Tribunal: Successful Judicial Review concerning a CICA Claim rejection which had denied a claim as the Claimant was too slow to bring an allegation of rape.
- *Buckley v Chief Constable of Thames Valley Police & Ollivierre & Ors v Chief Constable of Thames Valley*

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*Police & Another* (2010 / 2011) Oxford County Court; CLCC; Court of Appeal [2009] EWCA Civ 356: Instructed in two of the leading cases in the Court of Appeal determining what constitutes objective reasonable grounds to arrest.

- *Ryder-Large v King* (2010) [2008] EWHC 3404 (QB): Acted for Claimant in an unprecedented multiple malicious prosecution claims (29 separate allegations).
- *Hunt v AB* [2008] EWHC 2724 [QB]; [2009] EWCA Civ 1092 (CA): Successful leading counsel in the High Court for a Defendant in a malicious prosecution claim brought against a woman who claimed to be a rape victim, who was subject to an unprecedented claim by her alleged rapist. The Judgment was upheld in the Court of Appeal. The case had huge potential ramifications for rape victims in the future and received national publicity in the press and media.
- *Morton Insurance v Sidhu* (2008) Courts of Justice [2008] EWHC 417: Civil claim involving an allegation of insurance fraud by an ex-employee.

## Crime

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Anthony Metzger KC is a highly distinguished and established silk in criminal defence work with considerable appellate and Privy Council experience. He has a substantial criminal practice, principally in murder and manslaughter, serious offences of a sexual nature and drug offences. He also specialises in fraud and money laundering allegations and has extensive experience in health and safety prosecutions.

Prior to obtaining silk, Anthony had been listed as a leading junior in every edition of the Legal 500 since 2007 and is presently listed under the headings of general crime and criminal fraud.

His criminal practice includes high-profile cases such as the 'Nigella Lawson Case', where he successfully represented the first of two sisters charged with defrauding their employers, Ms Lawson and Charles Saatchi.

## Notable Cases

- *Abayahoudayan v Abayahoudayan* (2022, Harrow Crown Court)- Anthony is instructed in this private prosecution brought by the Defendant's former wife for an offence of controlling and coercive behaviour, based on his refusal to give a bill of religious Jewish divorce (a "Get") to his ex-wife. This matter was referred to the CPS by the Defendant for review; they have confirmed that they do not intend to intervene in the prosecution and this case will therefore proceed to trial in April.
- *Hilton and others* (2022, Kingston Crown Court)- Anthony was instructed as leading counsel to represent the third Defendant in this multi-handed conspiracy to import class B drugs and conspiracy to remove criminal property.
- *Moher v Moher* (2022, Southwark Crown Court)- Anthony acted as leading counsel for the prosecution in this landmark case, in which, for the first time, a man was convicted of coercive and controlling behaviour contrary to s.76(1) of the Serious Crimes Act 2015 for withholding a religious Jewish divorce (a "Get") following divorce proceedings in the Family Courts. This case has wide-reaching implications for the orthodox Jewish community, as well as other religious communities, and raises awareness of coercive abuse in marital and other personal relationships.
- *Provan* (2021, Wood Green Crown Court)- Anthony was instructed for the Prosecution in this appeal, in which the Defendant successfully appealed his conviction for two counts of rape of a 16-year-old girl. There will be a re-trial, in which he will be instructed again. The Defendant was a serving Metropolitan

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- Police Officer at the time of the offence; Anthony had secured his conviction after trial.
- *R v Watkinson* (Leeds Crown Court): Anthony was instructed as leading Counsel to represent the First Defendant, who was one of five co-defendants charged with murder by stabbing. The Defendant pleaded guilty to manslaughter on the basis that he anticipated that the victim might come to some harm, but expressly denied he held the necessary intention to inflict GBH. The case raised complex issues of joint enterprise, namely, the extent to which mere presence, without brandishing a knife in the context of a fatal stabbing, would be sufficient to show the necessary elements for murder. There was a substantial cut-throat defence between the First Defendant and the Second Defendant.
  - *R v Christensen* (Stafford Crown Court): Anthony was instructed to represent the Defendant in this murder case. The facts were particularly shocking: the Defendant had a history of living wild and killing animals to survive, and had expressed to family members a week before the homicide that he wished to kill people. Upon an ultimatum to seek treatment for his mental health or otherwise be reported for a referral, the Defendant left the home with a knife. He then considered suitable victims to kill, before settling on an elderly man whom he stabbed repeatedly. The case was particularly challenging, as the Defendant fully admitted murder, his intention to kill a person, and pre-planning, having himself reported his actions to the police. Anthony argued a psychiatric defence, namely diminished responsibility. It was necessary to substantially cross-examine a Crown psychiatrist who fundamentally disputed the defence. The defence called two experts in support. The client required careful and sensitive management.
  - *R v Smith* (Lewes Crown Court): In this murder trial, Anthony led for the First Defendant alleged to have jointly stabbed the victim to death following a dispute about drugs. He denied presence and participation. The Defendant had significant disabilities and there was an application for an intermediary which was rejected and is the subject of an appeal. He had substantial learning difficulties and vulnerabilities and, as a young man, was facing a difficult trial including the complex relationship with his Co-Defendant. He required careful management and sensitivity.
  - *T (anonymised) v X (anonymised)* – Anthony led Adam Gersch of Goldsmith Chambers in an unprecedented and landmark private prosecution of a man for an offence of Controlling and Coercive Behaviour, based on his refusal to give a religious Jewish divorce (“Get”) to his ex-wife. The man finally provided the religious divorce certificate and the prosecution was discontinued as it was no longer in the public interest despite the evidential strength of the case. The case was widely reported and has wide implications for the orthodox Jewish, and other religious communities.
  - *R v Kleski* (2019; 2021) – This case arose out of police allegations of large-scale importation and distribution of non-UK duty paid cigarettes and tobacco products by a West Midlands-based Organised Crime Group, and the associated money laundering of the proceeds of this alleged criminality. Between July 2013 and January 2016, no fewer than 25 suspects were arrested, including the Defendant who was charged with conspiracy to evade excise duty and allegedly using his furniture-importing business in the UK as a front. The trial lasted around 10 weeks after which the jury was discharged and there will be a full re-trial between April and June 2021.
  - *R v Smith* (Nov 2020, Brighton Crown Court) – this is a murder case in which Anthony is leading Nicholas Wayne of Goldsmith Chambers.
  - *R v The Hilton* (Jan-Feb 2021, Kingston Crown Court) – a serious drugs importation case in which Anthony is leading Christabel McCooey.
  - *R v Wardley* (June 2021, Salford Crown court) – an indecent assault and possession of child pornography case.
  - *R v Chambers* (Jul -Aug 2021, Chelmsford Crown Court) – a violent disorder case.
  - *R v Rekaya* (2019) -The Defendant was charged with fraud totalling nearly £90,000 by falsely representing that he was a victim of the Grenfell Tower tragedy. He was also prosecuted on a further charge of obtaining leave to remain in the UK by deception. The case was listed for trial, but upon advice from Anthony on the strength of the evidence, the Defendant changed his pleas. Additional mitigation resulted

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in a substantially reduced sentence, which is especially significant given the public distaste for cases of this kind.

<https://www.standard.co.uk/news/crime/grenfell-tower-fraudster-jailed-after-claiming-90k-by-posing-as-victim-a4005006.html>

<https://www.bbc.co.uk/news/uk-england-london-46401808>

- *R v Aloudha (2019)* – The Defendant was prosecuted for a serious sexual assault and trespass with intent to commit a sexual offence in the London hotel room of the complainant, whom the Defendant had met whilst staying at the same hotel.
- *R v Simpson-Scott (2019)* – The Defendant was prosecuted for the alleged murder of his partner of 15 year and for the alleged attempted murder of his friend and neighbour. The Defendant pleaded guilty to unlawful killing but denied murder and attempted murder. Anthony led for the defence. The Defendant was convicted of the former offence, but acquitted of the latter.
- *R v Lockridge (2019)* – Instructed as leading Counsel to represent Defendant charged with the murder of her partner. Trial listed for February 2019.
- *R v T (Anonymised) (2018)* – Successfully prosecuted the Defendants for offences against their two daughters, aged under 9 at the time of the offences. Defendant one was convicted of counts of sexual assault on a child and cruelty. Defendant two was convicted of Perverting the Course of Justice. A re-trial of further counts of sexual assault is likely to be heard in February 2019.
- *R v Bosha (2018)* – Leading Counsel defending one of five co-accused on a murder where the victim was killed in a frenzied stabbing for revenge. His Client was acquitted and obtained a relatively light sentence for manslaughter in contrast to three co-Defendants who were convicted and received tariff sentences of nearly 30 years.
- *R v Rekaya (2018)* – Defendant charged with fraud totalling nearly £90,000 by falsely representing that he was a victim of the Grenfell Tower tragedy. He was also prosecuted on a further charge of obtaining leave to remain in the UK by deception. Mitigation put forth by Anthony resulted in a substantially reduced sentence, which is especially significant given the public distaste for cases of this kind.
- *R v Provan (2018)* – Successfully prosecuted the Defendant, a Met Police Officer at the time of the offences, on two counts of rape upon a 16-year old girl. Defendant was convicted and sentenced to a substantial term of imprisonment.
- *R v P (Anonymised) (2017)* (Snaresbrook Crown Court)– Anthony, instructed by the RASSO unit, has prosecuted a police officer accused of historic indecent assault. He will be prosecuting the Defendant in July separately on two counts of rape.
- *R v Procter (2017)* Liverpool Crown Court–Anthony was leading counsel defending in a murder trial involving the shocking and particularly violent death of a young woman when the Defendant was under the influence of cocaine. Upon advice, the Defendant changed his plea at trial and he received a substantially reduced tariff sentence.
- *R v Ledesma (2016)* Southward Crown Court – Anthony was leading counsel representing a nurse who faced two trials for gross negligence manslaughter for a fatal blood transfusion error. The case raised complex issues as to whether the events amounted to gross negligence, and relating to causation. Ultimately, he was able to successfully ensure that his client did not receive a custodial sentence despite the general guidelines for offences of this type.
- *R v Beadman (2016)* Nottingham Crown Court: Leading counsel in defending the murder, rape and false imprisonment of a school girl. Highly publicised case.
- *R v Dalli (2016)* Manchester Crown Court: 17-year old boy successfully defended on allegation of conspiracy to murder.
- *R v Khan (2016)* Manchester Crown Court: Leading counsel defending a husband accused of the murder of

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his wife.

- *R v Jason Podesta* (2016) Chichester Crown Court: Allegation of historic rape.
- *R v Ledesma* (2016) Southwark Crown Court: Leading counsel defending a nurse accused of unlawful killing after she transferred the wrong type of blood to the deceased. Re-trial in November 2016.
- *R v Hoyle* (2015) Chester Crown Court: Leading counsel defending in a brutal murder trial, known as the 'Facebook Reunion Murder', featuring in the BBC documentary, 'The Prosecutors'.
- *R v Jordan Daley* (2015) Central Criminal Court: Leading counsel in murder trial.
- *R v Purkins & Others* (2014) Central Criminal Court: Leading counsel defending in a case involving the death a private gym user after consuming 'DNP', a toxic pesticide.
- *R v Grillo & Grillo* (2013) Isleworth Crown Court: Successfully defending one of two sisters charged with defrauding Charles Saatchi and Nigella Lawson.
- *R v Zinkevicius* (2013) Central Criminal Court: Leading counsel in murder trial.
- *R v Konigshofer* (2012) Wood Green Crown Court: Conspiracy to rape in the Haredi community.
- *R v McGrath* (2009) Manchester Crown Court: Vast money-laundering allegation. The client was a former Deputy Chairman of Preston Borough Council.
- *R v Etchu-Abangma* (2009) Wood Green Crown Court: Health and safety prosecution concerning death of vulnerable young person in care home.
- *R v Gomulu* (2008 / 2009) Central Criminal Court and Court of Appeal: Murder.

## Immigration

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Anthony Metzger KC practises primarily at appellate level. Anthony has recently been appointed as a Deputy High Court Judge for England and Wales, and will also sit in the Administrative Court hearing Judicial Review applications and in the Upper Tier Tribunal of the Immigration and Asylum Tribunal. Since 2002, he has also been sitting part-time as an Immigration Judge at the First Tier Tribunal level, which gives him unparalleled expertise.

## Notable Cases

- *Mir v Secretary of State for the Home Department* (2022): Anthony successfully represented the Appellant in his appeal against the refusal of his application for leave to remain under the EU Settlement Scheme. The basis of the Appellant's appeal was that he had retained a right of residence by virtue of his relationship with an EEA national; it was found, on the facts, that the Respondent had failed to discharge the burden of proof that the marriage was one of convenience and the appeal was therefore allowed.
- *OS (Ukraine) v SSHD* (2021)- Anthony is instructed to act for the Appellant in this case, in which permission has recently been granted by the Court of Appeal to appeal the country guidance decision of the Upper Tribunal in *PK and OS (basic rules of human conduct) Ukraine CG[2020] UKUT 314 (IAC)*, on the basis that Tribunal had misapplied the threshold as to 'indispensable support' for acts which are contrary to international humanitarian law, and had not addressed the further question as to whether compulsory recruitment to a military force committing human rights abuses was in itself capable of causing mental anguish, irrespective of the role assigned.
- *Democracy Newham Ltd v London Borough of Newham* (2021)- Anthony was instructed as leading counsel to act for the solicitor for the Claimant in this case in relation to the alleged breach of an embargo placed on a draft Judgment in the substantive matter in the case. He sought to argue that a referral to a *Hamid* judge or the Solicitors Regulatory Authority would be disproportionate in light of the factual background of this case, and he successfully secured a non-custodial disposal for his client.

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- MCP (Case C-603/20 PPU; CJEU); *SS v MCP* [2020] EWHC 2971 (Fam): This concerned a child abduction. The father applied for the immediate return of the child from India to the UK, which the mother opposed in circumstances of alleged domestic abuse. Following an urgent request for a preliminary ruling by the High Court, Anthony's submissions as leader acting on behalf of the mother were upheld by the CJEU. The decision is a rare departure by the CJEU from the Opinion of the Advocate General in holding that Article 10 of Brussels IIa would *not* apply to a child who had acquired habitual residency in a third State following their abduction to that State. The case has been referred back for final determination in the High Court.
- *MB v Secretary of State for the Home Department* (2020): Anthony continues to act for the Appellant in their appeal against the refusal of a permanent residence card. The appeal against the decision of the First-tier Tribunal upholding the Respondent's decision was heard in March 2021 and the determination of the Upper Tribunal is awaited.
- *KP and another (anonymised) v Secretary of State of the Home Department* (2020): Anthony successfully represented the Appellants, a Russian national formerly working in the finance sector and their dependent minor child, in their claim for asylum in the UK. The judge found that the Appellants had discharged the burden of proof to establish they are entitled to asylum as a refugee, and that the Appellants' removal would cause the UK to be in breach of its obligations under the Qualification Regulations.
- *Banger (EEA: EFM – Right of Appeal)* – Anthony was instructed, leading Sanaz Saifolahi of Goldsmith Chambers, in this landmark case. Following a successful preliminary ruling from the CJEU, the law was directly amended in March 2019 to account for the findings made, to now include unmarried partners and reintroducing appeal rights for extended family members. The Upper Tribunal characterised the case as of public importance. The case was highly commended and was runner up for the LexisNexis Case of the Year 2020.
- Anthony was also interviewed by Lexis Nexis on the *Banger* CJEU judgment.
- *PK V SSHD [2019] EWCA Civ 1756* – Anthony represented the Appellant leading Julian Norman of Drystone Chambers in the Court of Appeal against the decision of the Upper Tribunal that his client was not entitled to asylum. The principal issue was whether the Upper Tribunal properly analysed (a) the background evidence concerning military service in Ukraine and (b) the consequences which the Appellant would face as a draft evader upon return to Ukraine. The appeal was allowed and the case was remitted to the Upper Tribunal, where it was heard in March 2020 and a renewed application for permission to appeal to the Court of Appeal will be heard in May 2021.
- *Commonwealth Veterans v Ministry of Defence & SSHD* – Anthony led in this important group judicial review claim regarding (i) breaches of guidance and general failings in post-discharge immigration status and procedures; and (ii) the fees involved in post-discharge applications for Indefinite Leave to Remain. The case raised complex, historic issues of discriminatory treatment between Commonwealth and UK veterans in the enjoyment of rights under the Armed Forces Covenant. The claim led to opposition calls for changes to be made to the Armed Forces Bill and cross-political support to correct the injustices of Commonwealth veterans paying high-costs for the right to settle in the UK.
- *P v SSHD* – Anthony led Sanaz Saifolahi of Goldsmith Chambers, in this significant judicial review arguing that the EEA Regulations are unlawful in restricting the family members category to the EEA national, but not their spouse. A second challenge was raised concerning the removal of appeal rights for extended family members following *Banger*. The SSHD conceded the application and directly laid amendments to the law incorporating changes due to this challenge under Regulation 8 of the Immigration (European Economic Area) Regulations 2016 by: <http://www.legislation.gov.uk/ukxi/2019/1155/made>
- *Prutsa v Entry Clearance Officer* – In this case, Anthony successfully represented the elderly and functionally blind Ukrainian Appellant, whose application to join her British daughter had been refused on the basis, inter alia, that adequate care could be provided where the Appellant was living alone in rural Ukraine. The appeal was allowed on the basis that the refusal was a disproportionate breach of the Appellant's rights under Article 8 of the ECHR.
- *Zharskiy v SSHD* – Anthony led Sanaz Saifolahi of Goldsmith Chambers, in this appeal against the decision

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refusing the Appellant, a Russian national, a permanent residence card as a former family member of an EEA national exercising treaty rights and who had retained a right of residence in the UK.

- *LS v SSHD – LS (Article 45 TFEU – derivative rights) [2018] UKUT 00426 (IAC)* – LS was the primary carer of a British Citizen child. Anthony was leading counsel, leading Sanaz Saifolahi who successfully argued that Article 45 of the TFEU applied.
- *Martin v HM Passport Office* – Anthony led Sarah Pinder of Goldsmith Chambers in this case which arose out of a delay in issuing a new passport following a legal change in name. It became necessary to bring two judicial review proceedings. The case was settled on excellent terms with and a rare apology for the Claimant. The case has wider public significance as the Defendant will amend its guidance on Use and Change of Names to ensure the situation would not occur again to others, despite its professed aims of deterrence and detection of crime for citizen protection.
- *KE (Nigeria) v SSHD [2017] EWCA Civ 1382* – Anthony, leading Alexis Slatter, also of Goldsmith Chambers, appeared in an appeal from the Secretary of State for the Home Department against a decision of the Upper Tribunal ('UT') to revoke a deportation order made against the Respondent. Anthony successfully resisted the SSHD's submissions that, *inter alia*, the UT erred in holding that a person who is sentenced to a hospital order combined with a restriction order for an indefinite period does not fall within the provisions of section 117D (4) of the Nationality, Immigration and Asylum Act ('NIAA') 2002 which defines "a period of imprisonment".
- *RK (Burundi) v SSHD (2014) (Court of Appeal)* – Anthony acted as leading counsel on behalf of the Appellant in an appeal against a refusal of a declaration of unlawful detention. RK had continued to be detained following a refusal for his return by the only country ascertained for the purpose of carrying out a deportation order, and for a period of time which was no longer justified under the Hardial Singh Principles (*R v Governor of Durham Prison, ex parte Hardial Singh [1984] 1 WLR 70*

## Inquests and Inquiries

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Anthony Metzger KC was instructed on three major inquests in 2015. One of these inquests became the subject of a BBC Panorama programme, exploring issues including the death of an Asian man where excessive police force was used upon arrest. The other inquests were regarding the tragic death of a 13-year old girl following a high-speed police chase and a suspicious death in Germany possibly involving anti-Semitism which attracted international media attention.

## Notable Cases

- *Douglas (2021, Worcester Crown Court)*- Anthony was instructed on behalf of the family of the deceased in an on-going inquest into the death of a prisoner some days after arriving at HMP Long Lartin following transfer from HMP Bristol. The issues surrounding his death were highly complex, encompassing, *inter alia*: alleged failings in handover between prisons; inadequate medical treatment; and poor decision-making and governance within HMP Long Lartin. The full inquest took place over three weeks in October 2021. An open verdict and a narrative conclusion highly critical of the prison was provided.
- *Young v Commissioner of Police of the Metropolis (2021)*- Anthony represented the Claimant in a claim for assault and false imprisonment. The Claimant had been driving in an innocuous manner when he was stopped by police vehicles with flashing blue lights and was apprehended by officers wearing balaclavas and pointing machine guns directly at him. Upon search of the Claimant's vehicle, the officers confirmed he was no longer under suspicion of having committed an offence. However, he was not notified of this or

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released from handcuffs. Following a lengthy mediation, Anthony secured a substantial settlement on very favourable terms.

- *Gill* (2021)- Anthony represented the family of the deceased in this Article 2 inquest, concerning the death in hospital of young man who had repeated seizures and had ingested cocaine. Anthony asked substantial questions and made submissions critical of the London Ambulance Service and the NHS regarding the delay in treatment, notwithstanding the Metropolitan Police having correctly reported that the deceased was especially vulnerable and at 'life threatening' risk. Anthony submitted that the delay pointed to an arguably systemic or structural dysfunction in the hospital services. The inquest proceeded for 8 days, and the jury delivered highly critical findings of the LAS and NHS in their narrative conclusion.
- *Marshalleck v Ministry of Justice* (2021)- Anthony advised the Claimant in this claim for assault and battery by prison officers whilst in custody at HMP Brixton. The Defendant failed to explain why use of force was reasonable and proportionate when the Claimant was fully compliant and was passive throughout; the Claimant was alone in his cell when force was used and there were as many as six officers present. The claim was fully prepared for trial before an adjournment at the last minute, after which the Defendant made substantial offer to settle which was accepted by the Claimant.
- *Norman and Anor v Adler and Anor* (2021 and ongoing)- Anthony is leading Counsel for the Applicants in this unprecedented application for the committal of police officers for contempt of court arising from applications made by them to the Crown Court for search and seizure warrants. Notwithstanding that the Respondents had not provided certain highly relevant material indicative of the Applicants' innocence, and further provided factually incorrect answers to direct questions from the judge, those applications were ultimately granted. Anthony continues to be instructed in the application for permission to appeal to the Court of Appeal.
- *Douglas* (2018 – ongoing) – Anthony is instructed on behalf of the family of the deceased in an on-going inquest into the death of a prisoner some days after arriving at HMP Long Lartin following transfer from HMP Bristol. The issues surrounding his death are highly complex, encompassing, inter alia: alleged failings in handover between prisons; inadequate medical treatment; and poor decision-making and governance within HMP Long Lartin. The fourth PIR took place in February 2020, and the full inquest with a jury was due to begin in November 2020, but has been vacated to be relisted for three weeks in 2021 due to the COVID-19 pandemic.
- *McGowan* (2018) – Acted for the family of the deceased in an inquest into the death of a patient of Southmead hospital. Argued that the hospital failed to act with due care and diligence and misadministered medical treatment which they ought to have known could be fatal to the deceased, and that this caused the death.
- *Shestopal* (2017) (WLCC) – Anthony, acting pro bono, represented the widow of Mr Shestopal, a retired solicitor and was able following questioning to make successful submissions to the Coroner who concluded in a narrative finding that Mr Shestopal's nurse's improper removal of a vascath (a flexible plastic tube inserted into a vein) led directly to his heart attack and his subsequent death.
- *Abiona* (2017) (Maidstone CC) – Acting for the family in an inquest, Anthony was able to demonstrate to the Assistant Coroner serious issues about the training and care provided in an emergency tracheotomy replacement. The Assistant Coroner concluded in a narrative finding that the death was accidental but contributed to by neglect, having made, inter alia, a finding of gross failure on the part of the carer in her actions after the deceased had his tracheotomy dislodged.
- *Ullah* (2015): Acting for the family in a highly charged inquest into the death of a man during a routine stop-and-search, which later featured on Panorama.
- *Was* (2015): Acting for the family of a 13-year-old killed in a collision arising from a high-speed police pursuit.
- *Duggan* (2015): This high-profile inquest explored the suspicious death of Mr Duggan after attending a conference by the anti-Semitic La Rouche movement.

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# Animal Rights

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Anthony Metzger KC has represented animal rights protesters in a number of leading civil actions against the police in assault, false imprisonment and malicious prosecution claims. He has also defended others in criminal trials in the Crown Court and is particularly interested in private prosecution work, for which he has expertise, acting for organisations who campaign and act for those concerned with the protection of animals, including potential fraud cases. He has also libel-read for a campaigning group focused on alerting the public to issues of animal cruelty. Anthony is currently leading the team in advising in relation to a couple of impending animal rights private prosecutions and/or judicial review claims.

## Appointments

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- Fee-paid Immigration Judge (2002)
- War Pensions & Armed Forces Compensation Chamber of the First Tier Tribunal (2018)
- Deputy High Court Judge for England and Wales (2018)

## Memberships

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- Civil Actions Against The Police Lawyers
- Criminal Bar Association
- South Eastern Circuit
- Member of the Council of the Institute of Law and Ethics at Tomsk State University

## Awards

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Mr Metzger QC has been credited as a legal consultant on various TV series, including the BAFTA-winning Criminal Justice 1, Criminal Justice 2 and books including:

- Almost True (Francis Lincoln, 2010)
- When I Was Joe (Francis Lincoln, 2009)
- Major Farran's Hat (Heinemann, 2009)
- Eichmann: His Life & Crimes (Heinemann, 2004)

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