Jonathan Swain



Junior Counsel - Above 15 Years
CALLED 2010

"Jonathan really knows his stuff inside-out, back-to-front, and upside-down."
CHAMBERS AND PARTNERS, 2027

Jonathan is a highly regarded barrister with over a decade of specialist experience in extradition law.

Recognised by both Chambers and Partners and The Legal 500, Jonathan is regularly instructed in some of the most complex and high-profile extradition matters at both Westminster Magistrates' Court and the High Court in London. He has appeared in the Supreme Court, and his cases have featured in national and international press.

Jonathan advises and represents clients across the full spectrum of extradition work. He is regularly instructed in serious and complex matters including murder, terrorism and human trafficking. His cases have involved warrants from countries such as Albania, Colombia, Georgia, Nigeria, Switzerland, the United States, and many EU member states.

Whether he is acting for a requested person or a foreign government he applies equal expertise and skill in advancing both technical arguments and human rights points. He brings a forensic approach to case preparation and advocacy.

He is a specialist Grade 4 specialist prosecutor - reserved for the most experienced counsel - and also advises on related areas such as mutual legal assistance, sanctions, and sentence transfer. He is a regular contributor to CrimeLine's *Extradition Hub*.

He is also a member of the Attorney General's civil panel, acting in a wide range of public and private law matters. He is frequently instructed by government departments including the Home Office and the Foreign, Commonwealth and Development Office.

Notable Cases

Appeals

Hebda v Poland [2025] EWHC 860 (Admin)

Successfully argued that extradition for alleged £2 million fraud would be unjust and oppressive because of the Appellant's severe mental-health issues (including multiple suicide attempts). The High Court ordered his discharge.

Acted for the Appellant

Full judgment here

Zeka v Belgium [2025] EWHC 36 (Admin)

Leading case before the Divisional Court considering whether detention in Belgian prisons would breach the right not to face inhuman or degrading treatment under Article 3 ECHR.

Acted for the Appellant (junior counsel)

Full judgment here

Sefanov v Italy [2023] EWHC 463 (Admin)

The Appellant argued he would not be entitled to a re-trial in Italian law. Following Jonathan's cross-examination of the fresh expert evidence, Mrs Justice Yip found expert's evidence was not wholly balanced and the appeal was dismissed. Jonathan's submissions were described as "a model of clarity" by Mrs Justice Yip.

Acted for the Respondent

Full judgment here

Bobirnac v Romania [2023] EWHC 479 (Admin)

Challenged Romania's reliance on assurances about prison conditions, raising human-rights concerns over the treatment the Appellant might face.

Acted for the Appellant

Full judgment here

Ashby v Croatia [2024] EWHC 2613 (Admin)

Argued that extradition was an abuse of process because UK authorities had already agreed the sentence should be served here.

Acted for the Appellant

Full judgment here

Stumbre v Lithuania [2024] EWHC 406 (Admin)

The sole carer of three children, who had fled from Lithuania back to the UK after her previous extradition, argued extradition to face trial for multiple fraud offences breached her Article 8 ECHR rights.

Acted for the Respondent

Full Judgment here

Ossowski v Poland [2023] EWHC 3249 (Admin)

Argued that extradition was disproportionate under Article 8 ECHR, focussing on the culpable delay since he left Poland given that he had informed probation that he was leaving for the UK.

Acted for the Appellant

Delik v Poland [2022] EWHC 785 (Admin)

Successfully argued that extradition would disproportionately affect the Appellant's partner, who was dependent on him due to her alcoholism. The Court quashed the order for extradition and discharged the Appellant.

Acted for the Appellant

Feraru v Swedish Judicial Authority [2022] EWHC 400 (Admin)

Appellant's appeal allowed on the grounds that her husband's medical condition had severely deteriorated since the hearing, making extradition a breach of Article 8 ECHR. The Appellant also argued that there was no decision to charge and try the Appellant in Sweden.

Acted for the Appellant

Burghelea v Romania [2022] EWHC 2015 (Admin)

The Appellant argued he was not deliberately absent from his trial in Romanian, as he was in the U.S. where he was cooperating with law enforcement and could not appear in person at his trial.

Acted for the Appellant

Full judgment here

Rogala v The Circuit Court in Lublin, Poland [2021] EWHC 3324 (Admin)

Argued that the alleged conduct did not meet UK requirements for dual criminality, raising questions about the correctness of Court of Appeal's approach to extraterritorial money-laundering offences.

Acted for the Appellant (junior counsel)

Full judgment here

Antochi v Germany [2020] EWHC 3092 (Admin)

The Court examined whether extradition was disproportionate, including the impact of 'Brexit uncertainty', the factors to be considered under the proportionality exercise, and the status of the appellant's account of the offences.

Acting for the Respondent

Full judgment here

VA v Bulgaria CO/1965/2019, January, 2020

The first case 'referred' from the English courts to the CJEU in extradition proceedings; whether a

public prosecutor can issue an EAW without prior judicial oversight.

Acted for the Respondent (junior counsel)

Danfelds v Latvia [2020] EWHC 2041 (Admin)

Leading case before the Divisional Court on Latvian prison conditions and whether they placed requested persons at a real risk of a violation of Article 3 ECHR.

Acted for the Respondent (junior counsel)

Konecny v Poland [2019] UKSC 8

The Supreme Court considered whether an individual who has been convicted, but where the conviction is not final because he has an unequivocal right to a retrial after surrender, is "accused" pursuant to s.14(a of the Extradition Act 2003 or "unlawfully at large" pursuant to s.14(b for the purposes of considering the "passage of time" bar to surrender.

Acted for the Respondent (junior counsel)

Full judgment here

FK v Germany [2017] EWHC 2160 (Admin)

Junior counsel for the Respondent. The Divisional Court considered the powers of the court to admit fresh evidence of the respondent on appeal, and the court's analysis remains the test today.

Acted for the Respondent (Junior counsel)

Full judgment here

Sobczyk v Poland [2017] EWHC 3353 (Admin)

The Divisional Court upheld extradition to Poland, including considering time on remand in the UK. Acted for the Respondent.

Full judgment here

Mlynarik v Czech Republic [2017] EWHC 3212 (Admin)

Clarified how an Appellant's evidence may be used to support a warrant's validity; the appeal was dismissed.

Acted for the Respondent

Appeals

Challenges to Extradition

Various v Georgia, 2025

Currently instructed in three requests for extradition to Georgia on behalf of the Requesting State.

France v S, 2025

High profile extradition request to France on high-value allegation of fraud.

Press coverage here

Acted for the French authorities

Slovakia v B

High-profile extradition request of alleged right-wing extremist for extremism offences.

Press coverage here and here

Acted for the Slovakian authorities

Colombia v V, 2023

The Colombian authorities sought extradition to serve a 38-year sentence for kidnapping and extortion. Multiple human rights and legal challenges were raised, as lack of a sufficient evidence to establish a prima facie case.

Acting for the Requesting State

USA v W, 2023

Extradition sought by the United States to prosecute the Requested Person for serious sexual offences. Argued that extradition should not take place as the requested person's conduct had taken place in the UK, and that he might be subject to indefinite detention in the U.S.

Acted for the Requested Person

Switzerland v A, 2022

Extradition sought over the theft of three Ming dynasty artefacts worth over USD 3.5 million.

Press coverage here

Acted for the Requested Person

Belgium v H & M, August, 2018

Successfully resisted extradition for two individuals accused of high-value thefts. Both were discharged under section 12A, with additional arguments under Article 8 ECHR due to mental health vulnerabilities.

Acted for the Requested Persons

Belgium v M, April, 2018

Resisted extradition where the Requested Person had already served the sentence in Greece for the same offences. The warrant was discharged on grounds including double jeopardy, Article 8 ECHR and abuse of process.

Acted for the Requested Person

Challenges to Extradition

Mutual Legal Assistance

Zilinskas v Lithuania

The Appellant had been convicted in Lithuania following a trial held via video link from the UK—despite the UK's express prohibition on this. He argued that extradition would amount to an abuse of process. The Secretary of State intervened in the appeal. *Acted for the Appellant*

Ahmedzai v Italy [2023] EWHC 3343 (Admin)

The Appellant argued that his extradition to Italy on terrorism charges was disproportionate and abusive. He had agreed to participate in an 'abbreviated trial' in Italy, intending to appear via video link, but was unable to do so. The Court examined the relationship between mutual legal assistance and extradition frameworks. The appeal was dismissed. *Acted for the Respondent*

Press coverage here and here

Mutual Legal Assistance

Achievements

Memberships

- DELF
- Criminal Bar Association
- CPS Extradition Panel grade 4
- CPS General Crime Panel Grade 2
- Attorney General's Civil Panel C

Appointments

- CPS Extradition Panel (Grade 4)
- CPS Panel (Grade 2)
- Attorney General's list of civil panel counsel (C panel)

Publications

Publications on CrimeLine's Extradition Hub:

- 'Lies, damn lies, and statistics: what do the extradition numbers really tell us?'
- 'Anonymity in extradition proceedings'
- 'Extradition to the EU-27 under the UK/EU Trade & Cooperation Agreement: similarities and ten key differences'
- 'Looking beyond the transition period: will there be surrender?'
- 'All Change, Please: Post-Brexit extradition and beyond'
- Proportionality in extradition under the Trade and Cooperation Agreement: Plus Ça Change?

Education

- BVC, BPP Law School (2010)
- MA in International Criminology, University of Sheffield (2009)
- LLB in Law and Criminology, University of Sheffield (2008

Recognition

"Jonathan really knows his stuff inside-out, back-to-front, and upside-down." **Chambers and Partners, 2027**

"Jonathan does things in a very cooperative and collaborative manner. He isn't at all combative and his approach is much more persuasive; the judges know that if he is saying something, then it is worth listening to him." **Chambers and Partners, 2027**

"Jonathan knows everything about prison conditions." **Chambers and Partners, 2027**

"Jonathan is a very experienced, hard-hitting and a persuasive advocate." **Chambers and Partners, 2026**

"Jonathan is a very cool and relaxed advocate. He is experienced and at ease in both Magistrates' and High Court." **Chambers and Partners, 2026**

"Excellent knowledgeable and fantastic to work with." **Legal 500, 2026**

"Jonathan strikes a fantastic balance between defending interests without being abrasive in any way. He is very pragmatic." **Chambers and Partners, 2026**

"Jonathan is excellent in court, very clear and experienced." **Chambers and Partners, 2026**

"He makes crisp submissions orally and has a good judicial brain to determine the outcome, which serves him well." **Chambers and Partners, 2025**

"He is a high calibre barrister. He is devastatingly efficient both in terms of his oral and written advocacy." **Legal 500, 2025**

"Jonathan is an extremely good barrister with a wide breadth of knowledge and great depth in dealing with complicated cases." **Chambers and Partners, 2025**

"Jonathan is an exceptionally good extradition counsel who is highly recommended for technical legal arguments as well as human rights challenges." **Chambers and Partners, 2025**

"He makes crisp submissions orally and has a good judicial brain to determine the outcome, which serves him well." **Chambers and Partners, 2025**

"Jonathan Swain delivers well with his oral submissions in court, and is also excellent in terms of his

written submissions." **Chambers and Partners, 2024**

"A really good extradition barrister I would trust with just about any case." **Chambers and Partners, 2024**

"He is a great all-rounder. Prosecutes and defends with equal grace and skill." **Legal 500, 2024**

"Jonathan Swain gives clear, cogent arguments to the court." **Chambers and Partners, 2024**

"Jonathan is regularly involved in difficult cases and proves unflappable in court. He is excellent with his clients and exudes a confidence that helps put them at ease." **Chambers and Partners, 2023**

"Jonathan is a savvy, user-friendly and confident advocate." **Legal 500, 2023**

Activities and Interests

- Member of 9BR Chambers Extradition team
- Elected member of 9BR's management committee
- Trustee at ESDAS