

T. 020 7404 3447 (Practice Manager, Paul Venables)  
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Called 2007 (Admitted as a Solicitor 2002)



## Main Areas of Practice

Crime and Due Process	Extradition Law
Human Rights and Public Law	Immigration & Asylum Law
Public International Law, including Arbitration	Prison & Police Law

Michelle's practice encompasses all aspects of international law and human rights. She specialises in international criminal law and terrorism.

Michelle moved to the Bar in 2007 after originally practising as a Solicitor in Australia, where she was named the 2002 Australian Young Lawyer of the Year for her "significant individual contribution to the legal profession and the community". She joined Matrix as a full member in October 2008 upon completion of her twelve month traineeship, during which she was supervised by Raza Husain, Danny Friedman, Julian Knowles and Sam Grodzinski.

Michelle's international law experience includes both trial and appeal proceedings at the International Criminal Tribunal for the Former Yugoslavia (the "ICTY"), and complaints before the United Nations Human Rights Council. Her human rights and public law practice encompasses fact-finding delegations to various countries, as well as cases before the High Court, the Court of Appeal, the House of Lords, the Privy Council and the European Court of Human Rights (the "ECHR"). Michelle also has a developing practice in extradition, immigration, police and prison law.

On the domestic front, she is currently instructed in *Secretary of State for the Home Department v BB & BC* (before the Court of Appeal); *Secretary of State for the Home Department v JS (Sri Lanka)* (before the Supreme Court); and *Republic of Georgia v Russian Federation* (before the ECHR). Internationally, she is presently representing Stojan Zupljanin (during trial) and Milan Gvero (on appeal) before the ICTY.

Michelle completed undergraduate degrees in politics and law at the University of Queensland and obtained an LLM from Cambridge University specialising in international law.

Michelle has been involved in the following notable cases:

### Domestic

*Cannonier v The Queen*, (Appeal Ongoing), Junior Counsel to Julian Knowles This appeal to the Judicial Committee of the Privy Council from the Court of Appeal of the Eastern Caribbean is regarding the conviction for murder and corresponding death sentence imposed on Romeo Cannonier. The grounds of appeal primarily relate to the right to a fair hearing and include a challenge to the lawfulness of inflexible procedural rules regarding time limits for appealing in death penalty cases.

*Secretary of State for the Home Department v BB & BC* [2009] EWHC 2927 (Admin), Junior Counsel to Hugh Southey In this Administrative Court case a preliminary issue arose as to whether article 6 (the right to a fair hearing) of the European Convention applied to control orders which had less restrictive obligations in them than those traditionally imposed in control order cases. It was held that due to the impact of even a 'light' control order upon a person's good reputation, their article 8 rights (private and family life), their article 11 rights (freedom of association), and their EU free movement rights, the civil limb of article 6 was engaged in control order proceedings. Accordingly, the guidance in *SSHD v AF* (No 3) [2009] 3 WLR 74 applied and an irreducible minimum of disclosure was required.

## Notable cases continued

***Secretary of State for the Home Department v GG* [2009] EWCA Civ 786, Junior Counsel to Danny Friedman**

This Court of Appeal case concerned a challenge by GG to the obligation to submit to searches of his person for the purpose of monitoring his compliance with the control order. The Court of Appeal upheld Collins J's finding that the general language of section 1(3) of the Prevention of Terrorism Act 2005, in the absence of specific parliamentary authorization for such an invasion of fundamental rights, was insufficient to authorise the inclusion of the search requirement into the control order.

***RB & U v Secretary of State for the Home Department*, [2009] 2 WLR 512, intervened on behalf of Liberty, Second Junior Counsel to Ian MacDonald QC & Mark Henderson** This House of Lords case concerned the deportation for national security reasons of two Algerian individuals who faced a risk of torture on return. The House of Lords had to consider, *inter alia*, whether diplomatic assurances provided an adequate safeguard against treatment contrary to article 3 (freedom from torture or inhuman or degrading treatment) of the European Convention on Human Rights.

***Secretary of State for the Home Department v GG* [2009] EWHC 142 (Admin), Junior Counsel to Danny Friedman**

This Administrative Court case concerned a challenge by GG to the control order imposed upon him by the Secretary of State under the *Prevention of Terrorism Act 2005*. It raised issues under articles 5 (right to liberty), 6 (right to a fair hearing) and 8(right to private and family life) of the European Convention on Human Rights.

**European**

***Republic of Georgia v Russian Federation* (ongoing), Junior Counsel to Ben Emmerson QC** This ECHR case concerns human rights violations committed by the armed forces of the Russian Federation occurring during the August 2008 armed conflicts in Abkhazia and South Ossetia. The violations complained of are breaches of articles 2 (right to life), 3 (freedom from torture or inhuman or degrading treatment), 5 (right to liberty), 8 (right to private and family life) and 13 (right to effective remedy) of the Convention, Articles 1 (right to peaceful enjoyment of possessions) and 2 (right to education) of Protocol 1 to the Convention and Article 2 (right to liberty of movement and freedom of residence) of Protocol 4 to the Convention.

***Ababekir and others v Turkey; Elya and others v Turkey* (both ongoing), Second Junior Counsel to Ben Emmerson QC & Mark Muller QC** These ECHR cases, brought on behalf of five Iraqi-Kurdish civilians and seven Iraqi Chaldean Christian civilians, concern the bombing of civilian villages in Northern Iraq by the Turkish military on 13 October 2007. The violations complained of are breaches of articles 2 (right to life), 3 (freedom from torture or inhuman or degrading treatment), 6 (right to fair hearing), 8 (right to private and family life), 13 (right to effective remedy), 14 (freedom from discrimination) of the Convention and article 1 (right to peaceful enjoyment of possessions) of Protocol 1 to the Convention.

**International**

***Office of the Prosecutor v Stojan Zupljanin*, (trial ongoing), Legal Consultant to Igor Pantelic and Dragan Krgovic** ICTY case representing Stojan Zupljanin (the former police chief of Banja Luka) on charges of crimes against humanity and war crimes against the Bosnian Muslim and Bosnian Croat populations, both within and outside detention centres, in the municipalities of the Bosnian-Serb Autonomous Republic of the Krajina in 1992.

***Office of the Prosecutor v Milan Gvero* (awaiting trial judgment), Legal Consultant to Dragan Krgovic and David Josse QC** ICTY case representing Milan Gvero (the former Assistant Commander for Morale, Legal and Religious Affairs of the Main Staff of the Bosnian Serb Army) on charges of crimes against humanity and war crimes, arising out of the treatment of Bosnian Muslims in the Srebrenica and Zepa enclaves in Bosnia-Herzegovina in 1995.

***Office of the Prosecutor v Momcilo Krajisnik*. Appeal Judgment, 17 March 2009, Legal Consultant to Colin Nicholls QC** ICTY case acting as amicus curiae for Momcilo Krajisnik (the former President of the Bosnian Serb Assembly) appealing against his conviction for crimes against humanity primarily on grounds relating to his lack of a fair trial and the proper limits of the joint criminal enterprise mode of liability.

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## Education, Publications & Awards

*Office of the Prosecutor v Momcilo Krajisnik*, Trial Judgment, 27 September 2006, Legal Assistant to Nicholas Stewart QC and David Josse QC ICTY case representing Momcilo Krajisnik (the former President of the Bosnian Serb Assembly) on charges of genocide, crimes against humanity and war crimes against the Bosnian Muslim and Bosnian Croat populations in the Bosnian-Serb Republic in 1992.

*Office of the Prosecutor v Vojislav Seselj* (trial ongoing), Legal Assistant to David Hooper and Andreas O'Shea during pre-trial stage ICTY case as Assigned Counsel and subsequently, Standby Counsel, in the pre-trial stage assisting Vojislav Seselj (the former President of the Serbian Radical Party) on charges of crimes against humanity and war crimes in parts of Serbia and Bosnia-Herzegovina between 1991 and 1993.

*Office of the Prosecutor v Fatmir Limaj*, Trial Judgment, 30 November 2005; Appeal Judgment, 27 September 2007, Legal Assistant to Michael Mansfield QC, Michael Topolski QC, Karim A.A. Khan and Steven Powles ICTY case representing Fatmir Limaj (a former deputy of the Kosovo Parliament) and Isak Musliu (a former Kosovo Liberation Army Commander), pre-trial, at trial and on appeal on charges of crimes against humanity and war crimes arising out of the armed conflict in Kosovo in 1998.

### Education

- Public International Law Program, Hague Academy of International Law, 2005
- Master of Laws (International Law), University of Cambridge, 2004
- Graduate Diploma in Legal Practice, College of Law, Australia, 2002
- Bachelor of Laws (First Class Honours), University of Queensland, Australia, 2002 (with exchange programs to the University of British Columbia, Canada, 2001 and Marquette University, USA, 1999)
- Bachelor of Arts (Government), University of Queensland, Australia, 2000

### Publications

- Contributing Author and Expert Panelist, International Bar Association, *Manual on International Criminal Law*, (forthcoming 2009).
- Contributing Author, Clayton & Tomlinson, *Law of Human Rights*, 2nd edition (2009), Oxford University Press, section on 'Fair trial rights in criminal cases'.
- Rapporteur, International Bar Association Human Rights Institute, *Justice in retreat: A report on the independence of the legal profession and the rule of law in Sri Lanka* (2009).
- Rapporteur, International Bar Association Human Rights Institute, *Balancing Independence and Access to Justice: a Report on the Justice System in Iran* (2007).
- Research Assistant, Khan & Dixon, Archbold, *International Criminal Courts: Practice, Procedure & Evidence*, 2nd Edition (2005), Sweet and Maxwell, Chapters on 'Contempt, offences against the administration of justice and removal from office'; and 'Defences and procedural bars to jurisdiction'.
- Research Assistant, Daws, *Reform of the United Nations Security Council reform: A legal, political and historical analysis*, (forthcoming), Oxford University Press.

### Scholarships & Awards

- Ede & Ravenscroft Prize, Inner Temple (2007)
- Pegasus Scholarship, Inner Temple (2004)
- British Chevening - Cambridge Commonwealth Trust Scholarship (2003)
- Law Council of Australia, Australian Young Lawyer of the Year (2002)
- Administrative Law Prize, University of Queensland (2000)
- Commendation for High Academic Achievement, University of Queensland (1999, 2000)