

Michelle Butler

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matrix
chambers

Registered name on the Bar Standards Board Register: Michelle Butler
VAT Number: 104238061

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 has a broad practice encompassing all aspects of international law and human rights. She appears in both domestic and international courts and tribunals and specialises in international criminal law. Michelle moved to the Bar 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". Michelle's international law experience includes undertaking trials and appeals at the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia and the Special Court for Sierra Leone. She also acts as counsel in arbitral proceedings, including investment treaty arbitrations under the ICSID and UNCITRAL rules. 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 Supreme Court, the Privy Council and the European Court of Human Rights (the "ECtHR"). Michelle also has a developing practice in extradition, immigration, police and prison law. She completed undergraduate degrees in politics and law at the University of Queensland and obtained an LLM from Cambridge University. Michelle is a member of the Executive Committee of the Commonwealth Lawyers Association and is a Trustee of Stepping Stones Nigeria.

Michelle has been involved in the following notable cases:

Domestic

Cannonier v The Queen (Ongoing) Privy Council appeal challenging the lawfulness of inflexible procedural rules regarding time limits for appealing in death penalty cases.

R (on the application of JS (Sri Lanka)) v Home Secretary [2010] 2 WLR 766 Supreme Court case considering the test to be applied when seeking to exclude an asylum seeker from protection under the Refugee Convention on the basis of complicity in war crimes.

Home Secretary v BB & BC [2009] EWHC 2927 (Admin) High Court case determining the applicability of fair trial rights to 'light' control orders imposed on persons suspected of involvement in terrorism related activity.

Home Secretary v GG [2009] EWCA Civ 786 Court of Appeal case challenging GG's obligation under his control order to submit to searches of his person in the absence of specific parliamentary authorization for such a power.

RB & U v Home Secretary [2009] 2 WLR 512 Intervention by Liberty House of Lords case on whether diplomatic assurances provide sufficient protection against a risk of torture on return in order to facilitate the deportation for national security reasons of two Algerians.

Home Secretary v GG [2009] EWHC 142 (Admin) High Court case challenging the control order imposed upon GG by the Secretary of State under the Prevention of Terrorism Act 2005.

European

Chiragov and others v Armenia (ongoing) ECtHR Grand Chamber case concerning the forced displacement of the Azeri Kurdish population of Lachin in the province of Nagorny Karabakh when it was captured by Armenian forces in May 1992.

Republic of Georgia v Russian Federation (ongoing) ECtHR Grand Chamber case concerning human rights violations committed by the armed forces of the Russian Federation during the August 2008 armed conflicts in Abkhazia and South Ossetia.

Ababekir and others v Turkey; Elya and others v Turkey (ongoing) ECtHR cases brought on behalf of five Iraqi-Kurdish civilians and seven Iraqi Chaldean Christian civilians concerning the bombing of civilian villages in Northern Iraq by the Turkish military on 13 October 2007.

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International

KT Asia v Government of Kazakhstan Investor-State Arbitration under the ICSID arbitration rules, proceedings ongoing.

Prosecutor v Ruto, Kosgey and Sang, International Criminal Court pre-trial proceedings Representing Henry Kosgey (Member of Parliament and Chairman of the ODM) in relation to crimes against humanity allegedly committed as part of the 2007-2008 post election violence in Kenya.

Prosecutor v Charles Taylor, Special Court for Sierra Leone, trial ongoing Represented Naomi Campbell in her testimony regarding the alleged receipt of uncut diamonds from Charles Taylor.

Prosecutor v Stojan Zupljanin, ICTY trial ongoing Representing Stojan Zupljanin (the former police chief of Banja Luka) on charges of crimes against humanity and war crimes.

Prosecutor v Milan Gvero, ICTY Trial Judgment, 10/07/10, ICTY appeal ongoing Representing Milan Gvero (a former Main Staff General in the Bosnian Serb Army) on charges of crimes against humanity and war crimes.

Prosecutor v Momcilo Krajisnik, ICTY Trial Judgment, 27/09/06; ICTY Appeal Judgment 17/03/09 Representing Momcilo Krajisnik at trial (the former President of the Bosnian Serb Assembly) and assisting Amicus Curiae on Appeal on charges of genocide, crimes against humanity and war crimes.

Prosecutor v Vojislav Seselj, ICTY Pre-trial proceedings Representing Vojislav Seselj (the former President of the Serbian Radical Party) on charges of crimes against humanity and war crimes.

Prosecutor v Fatmir Limaj, ICTY Trial Judgment 30/11/05; ICTY Appeal Judgment 27/09/07 Representing Fatmir Limaj (a former deputy of the Kosovo Parliament) and Isak Musliu (a former Kosovo Liberation Army Commander) on charges of crimes against humanity and war crimes.

Publications

- Contributing Author and Expert Panelist, International Bar Association, *Manual on International Criminal Law*, 2010.
- 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.

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

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)

Memberships

- Executive Committee Member, Commonwealth Lawyers Association
- Trustee, Stepping Stones Nigeria
- Member, ICTY Association of Defence Counsel