



## MICHELLE BUTLER

**MAIN AREAS OF PRACTICE:**

Arbitration  
Civil Actions against the Police  
Commercial and Corporate  
Law  
Crime and Regulatory  
EU Law  
Extradition and Mutual  
Assistance  
Fraud, Financial and Business  
Crime  
Human Rights  
Immigration, Asylum and Free  
Movement  
International Law  
Mediation  
Prison Law  
Public Law  
Sports Law

Admitted as a Solicitor 2002  
Called to the Bar 2007

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Paul Venables, Senior Practice  
Manager  
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Michelle is described in Chambers and Partners as "incredibly knowledgeable, effective, client-friendly, persuasive and a delight to work with". She has an extensive practice in human rights, arbitration, public international law and international criminal law, in both domestic and international courts and tribunals. Michelle is experienced in advising and representing States, corporations, public bodies and individuals in complex and document-heavy disputes. She is well versed at both working in and managing multi-disciplinary and cross-jurisdictional litigation teams.

In addition to her court and tribunal work, Michelle has conducted casework in fragile States, and has undertaken fact-finding delegations, provided human rights training and carried out trial observations in an array of jurisdictions. Michelle is consistently recognised in the leading UK directories in both International Criminal Law and Public International Law. She was appointed to the Attorney-General's Public International Law Panel in 2014. Prior to coming to the Bar in 2007, Michelle qualified as a Solicitor in Australia and worked both in private practice (in commercial litigation) and as a Government lawyer (specialising in international law). In her early career, she was recognised as the Law Council's Australian Young Lawyer of the Year (2002).

### ARBITRATION

Michelle is experienced in investment treaty arbitration, international commercial arbitration, and sports-related arbitrations and has acted or advised in a number of significant ICC, ICSID, LCIA, DIFC-LCIA, OIC, CAS and FA arbitrations. She represents States, companies and individuals on arbitration matters and also undertakes a range of court applications related to arbitration, including anti-suit injunctions, interim relief in support of arbitration (including freezing orders) and enforcement of arbitral awards. Recent work includes acting for Sudan in an ICC arbitration relating to

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## DIRECTORIES' RECOMMENDATIONS

### HERE'S WHAT THEY SAY

"Tireless, steely, wise, and client-friendly, Michelle is a very careful and measured advocate who provides good written submissions. She was a very thorough opponent, who did a good job of getting across a difficult case." "She is resolute in her commitment to the law and her clients. Combines real expertise with real emotional intelligence." "Highly diligent, knowledgeable, incredibly experienced, and hardworking, bright and tenacious. A pleasure to work with."

**Legal 500 2021**

"She is absolutely superb and a first-rate international criminal lawyer. She has a great knowledge of jurisprudence and is really easy to work with." "She is very experienced, hard-working, and someone with substantial knowledge of the area."

**Chambers & Partners 2020**

"She is conscientious and has a great bedside manner with clients."

**Legal 500 2020**

"A 'powerhouse' practitioner: clever, determined and thoughtful in her approach. She has a fantastic knowledge of the law and is very practical in her approach."

**Chambers & Partners 2019**

"She is incredibly knowledgeable, effective, client-friendly, persuasive and a delight to work with."

**Chambers & Partners 2018**

"A solid expert and practitioner ... a real pleasure to work with due to her knowledge of law, her creativity and organisation."

**Chambers & Partners 2018**

"She has a strong track record in international tribunal cases."

banking instruments and acting for an investor in an ICSID arbitration relating to Kazakhstan.

## PUBLIC INTERNATIONAL LAW

Michelle has acted in a variety of public international law disputes and is recommended in this field as a "technically brilliant" barrister who "does meticulous research, gives really good advice and is very good at managing expectations". Michelle has represented States in inter-state cases before the International Tribunal for the Law of the Sea ("ITLOS") and the Grand Chamber of the European Court of Human Rights ("ECtHR") and has acted for States challenging the jurisdiction of the International Criminal Court ("ICC"). Michelle has also represented Governments, NGOs and individuals in English Court proceedings dealing with public international law issues arising in the context of enforcement proceedings and foreign law claims. Michelle regularly advises governments, companies and NGOs on matters pertaining to the law of the sea; treaty law; immunities; attribution; extra-territorial jurisdiction; non-justiciability and the act of State doctrine; international human rights; international criminal law; and international humanitarian law.

## CRIME AND INTERNATIONAL CRIMINAL LAW

Michelle is an international criminal law specialist having conducted pre-trial, trial and appellate proceedings before the International Criminal Court ("ICC"), the International Criminal Tribunal for the Former Yugoslavia ("ICTY") and the Special Court for Sierra Leone ("SCSL"). She has acted in these proceedings as counsel for suspects, defendants, witnesses and for States challenging the jurisdiction of the ICC. She routinely advises on a variety of international criminal law issues, including advising both Governments and leaders of opposition movements of their respective duties under international humanitarian law. Michelle is also experienced in dealing with EU and UN sanctions, Interpol Red Notices & Diffusions, extradition proceedings and appeals to the Privy Council.

## PUBLIC LAW AND HUMAN RIGHTS

Michelle's public law practice focusses on judicial review and other human rights claims arising in the context of crime and armed conflict. Her work includes advising and undertaking casework on the duty to prevent breaches of human rights in armed conflict; national security matters (control orders, TPIMs, deprivations of citizenship); and police misconduct issues. Michelle has also successfully represented clients in human rights complaints to the European Court of Human Rights and the various UN Individual Complaints Mechanisms.

## NOTABLE CASES

### Public International Law

**Al-Sadeq v Dechert et al [2020]** Acting for Dechert in QBD claim alleging human rights breaches under UAE law and international law

**London Steam-Ship Owners' Mutual Insurance Association Ltd v The Kingdom of Spain [2020] EWHC 142 (Comm)** Acting for Spain in enforcement proceedings challenging the recognition of a Spanish Judgment on public policy grounds due to allegations of breaches of the ECHR and international human rights law

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**Situation in Palestine [2020]** Instructed to prepare Amicus Curiae brief for the ICC in relation to the status of Palestine under international law

**European Patent Office Technical Board of Appeals (Patent EP2771468)** [2019] Assisting Philippe Sands QC with an Expert Opinion on treaty interpretation in the context of the Paris Convention for the Protection of Industrial Property

**Kontic & Ors v Ministry of Defence [2016] EWHC 2034 (QB)** Successfully representing the Ministry of Defence in relation to civil claims brought following the deaths of ethnic Serbs following NATO intervention in Kosovo in June 1999.

**Prosecutor v Gaddafi & Al-Senussi** Counsel for Libya (with Professor Philippe Sands QC and Professor Payam Akhavan) in its historic ICC admissibility challenge to the trials of Mr Gaddafi and Mr Al-Senussi taking place in the Hague. Mr Al-Senussi's case was the first case ever in international law where a State was successful in its application to the ICC to prosecute the accused in-country rather than at the ICC.

**Kurdistan Regional Government Oil and Gas Proceedings** Providing an expert opinion (with Professor Philippe Sands QC) on the interpretation of the Iraqi Constitution in relation to the oil and gas resources of the Kurdistan Region

**The "ARA Libertad" Case (Argentina v. Ghana)** Counsel for Ghana (with Professor Philippe Sands QC) in this International Tribunal for the Law of the Sea ("ITLOS") case relating to the detention of an Argentinian warship (the ARA Libertad) by the Government of Ghana in Tema Port.

**Chiragov and others v Armenia** Successfully represented the Applicants in this European Court of Human Rights ("ECHR") 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** Acted for Georgia in this European Court of Human Rights ("ECHR") 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.

## Arbitration

**Acting for a premier league footballer** in proceedings before the Court of Arbitration for Sport and related freezing injunction proceedings in the English Commercial Court

**Acting for a Mauritanian telecommunications company** against a multinational telecommunications supplier in a DIFC-LCIA arbitration.

**Advising a Jordanian chemical company** in relation to potential ICC arbitration proceedings arising from a joint venture dispute.

**Advising a UAE energy conglomerate** in relation to potential OIC arbitration proceedings in relation to an oil refinery joint venture.

**Adria v Sudan and Sudan-Ren** (with Antony White QC) Acting for Sudan in a substantial international commercial arbitration under the ICC rules and in related proceedings in the Court of Appeal for Bermuda.

**Acting for a Russian individual** in an LCIA arbitration brought against a bank in relation to a loan agreement.

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**Tethyan Copper Company Pty Ltd v Islamic Republic of Pakistan;  
Tethyan Copper Company Pty Ltd v Government of Balochistan**

Assisted Cherie Booth QC in representing the Governments of Pakistan and Balochistan in ICSID and ICC proceedings in relation to interim relief applications over gold and copper deposits.

**KT Asia v Government of Kazakhstan** Together with Professor Zachary Douglas, represented KT Asia in an investor-State Arbitration under the ICSID arbitration rules.

**Sky Andrews v Jermain Defoe** Assisted Mark Afeeva in FA Arbitration proceedings for the football agent Sky Andrew in his breach of contract claim against Jermain Defoe.

### Public Law and Human Rights

**Al-Sadeq v Dechert et al [2020]** Acting for Dechert in QBD claim alleging human rights breaches under UAE law

**Acting for an international oil company [2019-2020]** Advising on international human rights law issues arising in the context of an armed conflict

**London Steam-Ship Owners' Mutual Insurance Association Ltd v The Kingdom of Spain [2020] EWHC 142 (Comm)** Acting for Spain in enforcement proceedings challenging the recognition of a Spanish Judgment on public policy grounds due to allegations of breaches of the ECHR and international human rights law

**IOPC Investigation into the death of Jermaine Baker [2019] EWHC 2215 (Admin)** Acting for the IOPC (with Tim Owen QC) in proceedings before the Divisional Court and the Court of Appeal in relation to the legal test for self-defence in disciplinary proceedings

**Mikhail Khodorkovsky v Russian Federation** (AppIn No 51111/07), 14 January 2020, Assisting Jonathan Glasson QC with ECHR Application on behalf of former Yukos CEO

**Sophocleous v Defence and Foreign Secretaries.** Acting for the Defence and Foreign Secretaries on preliminary issues relating to a group of claims alleging mistreatment by security officials during the Cyprus Emergency (2017-2018).

**Kontic & Ors v Ministry of Defence [2016] EWHC 2034 (QB)** Successfully representing the Ministry of Defence in relation to civil claims brought following the deaths of ethnic Serbs following NATO intervention in Kosovo in June 1999.

**Home Secretary v GG [2016] EWHC 1193 (Admin)** High Court case challenging the imposition, renewal and modification of a control order imposed upon GG by the Secretary of State under the Prevention of Terrorism Act 2005.

**Acting for a prominent Czech businessman** in relation to his UK asylum application and extradition proceedings [2015]

**Acting for a Georgian businessman** in relation to his UK asylum application and extradition proceedings [2015]

**Acting for two prominent Crimean politicians** in order to challenge their EU sanctions listings [2015]

**Tunc v Turkey** (Appn No. 24014/05), 14 April 2015 ECHR Grand Chamber case brought by the family of a deceased conscripted soldier who was shot

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whilst on duty. Issues related to inadequate investigation and just satisfaction.

**IPCC Investigation into the death of Mark Duggan** Advising the IPCC (with Julian Knowles QC) on various aspects of the investigation into the shooting of Mark Duggan in August 2011.

**Ababekir and others v Turkey; Elya and others v Turkey** ECHR 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.

**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 [2010] QB 585**, CA 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.

## **International Criminal Law**

**Instructed by a former President [2020]** to conduct an independent investigation in relation to war crimes allegedly committed by his forces when in power

**Advising an opposition leader [2019]** in relation to alleged international crimes being committed by Government forces

**Advising a Government [2018]** in relation to alleged international crimes committed against its people during an armed conflict with another State

**Prosecutor v Ntaganda** Counsel for Human Rights Watch witness giving evidence at the International Criminal Court ("ICC") against Bosco Ntaganda in relation to war crimes allegedly committed in the DRC.

**Prosecutor v Gaddafi & Al-Senussi** Counsel for Libya (with Professor Philippe Sands QC and Professor Payam Akhavan) in its historic ICC admissibility challenge to the trials of Mr Gaddafi and Mr Al-Senussi taking place in the Hague. Mr Al-Senussi's case was the first case ever in international law where a State was successful in its application to the ICC to prosecute the accused in-country rather than at the ICC.

**Prosecutor v Ruto, Kosgey and Sang** Successfully represented Henry Kosgey (Member of Parliament and Chairman of the ODM) before the ICC in relation to charges of crimes against humanity allegedly committed as part of the 2007-2008 post election violence in Kenya. Charges against him were dismissed during pre-trial.

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**Prosecutor v Zupljanin Representing Stojan Zupljanin** (the former police chief of Banja Luka) before the International Criminal Tribunal for the Former Yugoslavia ("ICTY") on charges of crimes against humanity and war crimes.

**Prosecutor v Gvero Representing Milan Gvero** (a former Main Staff General in the Bosnian Serb Army) on charges of crimes against humanity and war crimes during his trial and appeal at the ICTY.

**Prosecutor v Taylor** Represented Naomi Campbell during her witness testimony before the Special Court for Sierra Leone ("SCSL") regarding the alleged receipt of uncut diamonds from President Charles Taylor of Liberia.

**Prosecutor v Krajisnik** Represented Momcilo Krajisnik (the former President of the Bosnian Serb Assembly) at trial and acted as legal consultant to amicus curiae on appeal with respect to charges of genocide, crimes against humanity and war crimes before the ICTY.

**Prosecutor v Seselj** Represented Vojislav Seselj (the former President of the Serbian Radical Party) on charges of crimes against humanity and war crimes before the ICTY during the pre-trial phase of his case.

**Prosecutor v Limaj, Musliu & Bala** Represented 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 before the ITCY. Both clients acquitted of all charges at trial and on appeal.

## **Extradition, Sanctions and Crime**

**Acting for an international oil company [2019-2020]** advising on UN targeted sanctions issues

**Acting for a prominent Eastern European businessman and former political figure [2019]** in relation to a potential Interpol Diffusion / Red Notice

**Pearse, Singh and others v United States [2019]** Westminster Magistrates Court proceedings challenging the extradition of three Credit Suisse bankers in relation to loans in Mozambique

**Acting for a prominent Czech businessman** in relation to his UK asylum application and extradition proceedings [2015]

**Acting for a Georgian businessman** in relation to his UK asylum application and extradition proceedings [2015]

**Acting for two prominent Crimean politicians** in order to challenge their EU sanctions listings [2015]

**R v Ali (Nazakat) [2015] EWCA Crim 43** Court of Appeal proceeding in relation to the conviction of a solicitor involved in arranging sham marriages for immigration purposes. Led by Matthew Ryder QC in both trial and appeal proceedings.

**Bucnys and others v Lithuania and Estonia [2013] UKSC 71** Supreme Court proceedings challenging the meaning of a 'judicial authority' in the context of extradition proceedings.

**Daniel v The State of Trinidad and Tobago [2012] 5 LRC 93**, Led by Julian Knowles QC in this Trinidad and Tobago death penalty case heard by the Privy Council raising issues of fresh evidence and diminished responsibility.

**Cannonier v The Queen, ECCA, 21 March 2012** Led by Julian Knowles QC in this successful Eastern Caribbean Court of Appeal appeal challenging death sentences imposed on Romeo Cannonier, Reudeny Williams and Louis Gardener in St Christopher and Nevis.

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**HH v Deputy Prosecutor of the Italian Republic, Genoa; PH v Deputy Prosecutor of the Italian Republic, Genoa; F-K (FC) v Polish Judicial Authority [2012] UKSC 25** Led by Matthew Ryder QC and Steven Powles in Supreme Court case considering how to safeguard the article 8 rights of children of persons subject to extradition proceedings.

## PUBLICATIONS

- Contributing Author, *Blackstone's International Criminal Practice* (2020), OUP.
- Contributing Editor, *Prison Law*, 5th Edition (2015), OUP
- Contributing Editor, *Human Rights and Criminal Justice*, 3rd Edition (2012), Sweet & Maxwell.
- Contributing Author and Expert Panelist, International Bar Association, *Manual on International Criminal Law*, 2010.
- Contributing Editor, Clayton & Tomlinson, *Law of Human Rights*, 2nd edition (2009), OUP.
- 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).

## EDUCATION, PRIZES & PREVIOUS EXPERIENCE

- Ede & Ravenscroft Prize, Inner Temple (2007)
- Public International Law Program, Hague Academy of International Law (2005)
- Pegasus Scholarship, Inner Temple (2004)
- Master of Laws (International Law), University of Cambridge (2004)
- British Chevening - Cambridge Commonwealth Trust Scholarship (2003-2004)
- Legal Advisor, Attorney-General's Department, Canberra, Australia (2003)
- Solicitor, Mallesons Stephen Jacques, Brisbane, Australia (2002-2003)
- Australian Young Lawyer of the Year, Law Council of Australia (2002)
- 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)

Michelle is regulated by the Bar Standards Board and accepts instruction under Standard Contractual Terms. To find out more information on this and the way we work at Matrix, including our fee transparency statement, please see our [service standards](#).