



MICHELLE BUTLER

MAIN AREAS OF PRACTICE:

International arbitration
Civil Liberties and Human Rights
Commercial Law
Commercial Public Law
Crime
EU Law
Extradition and Mutual Assistance
Fraud and Financial Crime
Immigration, Asylum and Free Movement
Mediation
Police Law
Prison Law
Public International Law
Public Law
Sports Law

Called to the Bar 2007

Appointed as solicitor: 2002

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CASE LIST

Arbitration

- **Advising a Dubai Energy conglomerate [2021]** in relation to potential international arbitration proceedings arising out of a Yemeni oil dispute
- **Acting for a premier league footballer [2019]** 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 [2019]** against a multinational telecommunications supplier in a DIFC-LCIA arbitration.
- **Advising a Jordanian chemical company [2018]** in relation to potential ICC arbitration proceedings arising from a joint venture dispute.
- **Advising a UAE energy conglomerate [2018]** 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.
- **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 International Law

- **Democratic Republic of Congo v Uganda [2021]** Acting for the DRC in reparations proceedings before the ICJ including the cross-examination of expert witnesses before the Court
- **Advising the UK FCO [2021]** in relation to its cooperation obligations under the ICC Statute and the implementation of these in UK domestic law

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- **Advising in relation to potential ICJ proceedings [2021]** related to breaches of international aviation law by an Eastern European State
- **Ghanem Al-Masarir v Kingdom of Saudi Arabia [2021]** Acting for Saudi Arabia in relation to a challenge to the jurisdiction of the UK courts on the basis of the State Immunity Act 1978
- **Al-Sadeq & Quzmar v Dechert et al [2020-2022]** 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]** 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
- **Advising in relation to allegations of breaches of consular and diplomatic immunity by the Australian government [2020]** arising out of 'foreign interference' criminal proceedings in Australia
- **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.

Crime and International Criminal Law

- **Advising UNI Global Union [2020-2021]** in relation to a potential ICC Preliminary Examination of crimes against humanity committed by President Bolsonaro in Brazil in relation to his handling of the coronavirus pandemic
- **Advising the UK FCO [2021]** in relation to its cooperation obligations under the ICC Statute and the implementation of these in UK domestic law
- **Advising two Russian individuals [2021]** in relation to an application for revision of an Interpol Commission Decision in respect of a Red Notice
- **Preparation of independent investigative report [2020]** submitted to ICC Prosecutor in relation to war crimes allegedly committed by Georgian peacekeepers during armed conflict with Russia in 2008 (appointed by former Georgian President Mikheil Sakashvili)
- **Acting for a prominent Eastern European businessman and former political figure [2019]** in relation to a potential Interpol Diffusion / Red Notice
- **Situation in Palestine [2020]** Instructed to prepare Amicus Curiae brief for the ICC in relation to the status of Palestine under international law
- **Advising an opposition leader in Uganda [2019]** in relation to alleged international crimes being committed by Government forces
- **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
- **Advising a Government in Eastern Europe [2018]** in relation to alleged international crimes committed against its people during an armed conflict with another State
- **Acting for two prominent Crimean politicians** in order to challenge their EU sanctions listings [2015]
- **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.

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- **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.
- **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 ICTY. Both clients acquitted of all charges at trial and on appeal.
- **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 case challenging death sentences imposed on Romeo Cannonier, Reudeney Williams and Louis Gardener in St Christopher and Nevis.
- **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.

Public Law and Human Rights

- **Al-Sadeq & Quzmar v Dechert et al [2020-2022]** Acting for Dechert in QBD claim alleging human rights breaches under UAE law
- **Acting for an international oil company [2019-2021]** 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]** 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** (Appln 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 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.

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- **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.