



Christopher Staker

Year of call: 2003

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“Possesses a deep intellect in analysis, and competency and clarity in drafting opinions and court presentations.” The Legal 500 2020

Christopher has extensive experience in international law and public law at both national and international levels. He appears in cases before international courts (such as the International Court of Justice (ICJ)) as well as before national courts and tribunals, and advises, in matters involving international law, immigration and asylum law, human rights, European law, administrative and public law, and tax.

Positions that he has previously held include Principal Legal Secretary (head of the Legal Department) at the International Court of Justice (The Hague), Deputy (Chief) Prosecutor of the Special Court for Sierra Leone (Freetown), Senior Appeals Counsel at the International Criminal Tribunal for the Former Yugoslavia (The Hague), Counsel Assisting the Solicitor-General of Australia (Canberra), and counsel in the Office of International Law of the Australian federal Attorney-General’s Department (Canberra). He originally trained as a diplomat with the Australian Department of Foreign Affairs.

Christopher is appointed to the Attorney General’s Public International Law A Panel of Junior Counsel to the Crown.

He has also been called to the bar in the Republic of Ireland and has been admitted to practice as a lawyer (Rechtsanwalt) in Germany, and like all lawyers in those jurisdictions, can appear before the Court of Justice of the European Union (CJEU).

Christopher is fluent in French and German.

Areas of expertise

Public International Law

EU Law

Civil Liberties and Human Rights

Immigration and Business Immigration

Tax

Civil Liberties and Human Rights

Christopher advises and appears in cases before domestic courts and tribunals in cases involving human

rights issues under the Human Rights Act 1998 and the European Convention on Human Rights (ECHR), as well as issues arising under other international treaties such as the Human Trafficking Convention and Rights of the Child Convention. He has dealt with human rights issues in cases before international courts and tribunals, including the European Court of Human Rights, international criminal courts and tribunals, and the International Court of Justice.

Cases of note

- ***AXB (Jamaica) v Secretary of State for the Home Department*** [2019] UKUT 397 (IAC) - Claimed obligations of a contracting state under Article 3 ECHR when removing from its jurisdiction a seriously ill person lacking medical treatment in the country of return.
- ***R (NS) v Secretary of State for the Home Department*** [2019] EWHC 861 (Admin) - Human trafficking.
- ***SL (St Lucia) v The Secretary of State for the Home Department*** [2018] EWCA Civ 1894 - Removal from the UK of a person suffering a medical condition, Articles 3 and 8 ECHR.
- ***Secretary of State for the Home Department v Minh*** [2016] EWCA Civ 565 - Effect in domestic law of "unincorporated" human rights treaties, Human Trafficking Convention, Article 4 ECHR (prohibition of slavery and forced labour).
- ***Hassan v United Kingdom (European Court of Human Rights, Grand Chamber)*** - Interrelationship between the international law of armed conflict and the ECHR, whether a person in Iraq is within the "jurisdiction" of the UK for purposes of Article 1 ECHR (led by James Eadie QC).

Recommendations

- *"I cannot speak highly enough of the quality of his research and reasoning, and the impressive speed at which he works. The texts that he produces, under huge time pressure, are clear, persuasive and elegantly written."* The Legal 500 2021
- *"He is an outstanding counsel both in opinion and appearances work."* The Legal 500 2021
- *"He is a lawyer with deep knowledge, great experience and care for detail. His advice has been very on point, well-researched, constructive and helpful."* The Legal 500 2021
- *"Possesses a deep intellect in analysis, and competency and clarity in drafting opinions and court presentations."* The Legal 500 2020
- *"Absolutely outstanding public international lawyer and scholar."* Legal 500 2019

Memberships

- Chartered Institute of Arbitrators
- London Court of International Arbitration
- European Circuit
- Bar European Group
- Constitutional and Administrative Bar Association

Qualifications

Education

- 1992: Doctor of Philosophy (DPhil), University of Oxford (public international law)
- Diploma in International Commercial Arbitration (with distinction), Queen Mary and Westfield

College, University of London

- 1987: Legal Workshop Course, Australian National University, Canberra, Australia
- 1986: Bachelor of Laws (Honours) (First Class), University of Adelaide, Australia
- 1984: Bachelor of Arts, University of Adelaide, Australia (French and German)

Scholarships and Prizes

- Menzies Scholar in Law 1989 (to undertake DPhil at Oxford 1989-1991)

Appointments

- Fellow of the Chartered Institute of Arbitrators (FCIArb)
- Panel Arbitrator with the Asian International Arbitration Centre
- Attorney General's Public International Law A Panel
- Attorney General's (Treasury) A Panel (2016 – 2021), B Panel (2013-2016), C Panel (2010-2013)

Languages

- English (native speaker)
- German (fluent)
- French (fluent)
- Dutch (passive knowledge)

Publications

- The section on *'Decisions of British Courts Involving Questions of Public International Law'* in the British Yearbook of International Law, 1990-1995 (volumes 61-66).
- The section on *'Australian Cases Involving Questions of Public International Law'* in the Australian Yearbook of International Law, 1992-1995 (volumes 14-15, 17).
- *'Public International Law and the Lex Situs Rule in Property Conflicts and Foreign Expropriations'* (1987) 58 British Yearbook of International Law 151.
- *'Vienna Sales Convention takes effect in Australia next year'* (1988) 23 Australian Law News (No 5) 19 (with Ian Govey).
- *'Diplomatic Protection of Private Business Companies: Determining Corporate Personality for International Law Purposes'* (1990) 61 British Yearbook of International Law 155.
- *'Section 92 of the Constitution and the European Court of Justice'* (1990) 19 Federal Law Review 322.
- *'Free Movement of Goods in the EEC and Australia: A Comparative Study'* (1990) 10 Yearbook of European Law 209.
- The Laws of Australia (Law Book Company Ltd), Title 19, *'Government'*: contributed sections on Australian Constitution, section 51(x) (fisheries), (xxiv) (service and execution of process), (xxv) (recognition throughout Australia of laws, public acts and records, and judicial proceedings, of the States), (xxix) (external affairs) and (xxx) (relations with islands of the Pacific), and section 122 (federal territories).
- Will there be a role for other international criminal tribunals after the establishment of an ICC' (1998) 0 International Law Forum/Forum du droit international 18.

- *'The Jurisdiction and Merits Phases Distinguished'*, in Laurence Boisson de Chazournes and Philippe Sands (eds.), *International Law, The World Court and Nuclear Weapons* (Cambridge University Press, 1999) (with G. Griffith).
- Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court (Nomos Verlag, Baden Baden, 1999): contributed section on "Part 8: Appeal and Revision"* (Articles 81-85 of the ICC Statute), pp. 1015-1043.
- *'The Prosecutors of the International Tribunals: The Cases of the Nuremberg and Tokyo Tribunals, the ICTY and ICTR, and the ICC Compared'*, in Louise Arbour, Albin Eser, Kai Ambos and Andrew Sanders (eds.), *The Prosecutor of an International Criminal Court (Beiträge aus dem Max-Planck-Institut für ausländisches und internationales Strafrecht, Freiburg, Band S 81, 2000)*, pp. 121-154 (with M. Bergsmo and C. Cissé).
- *'The Definition of "waste" in the Waste framework Directive'*, *European Current Law*, March 2005, xi.
- *'Defence of Superior Orders Revisited'* (2005) 79 *Australian Law Journal* 431.
- Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (second edition, CH Beck, Munich, 2008): contributed updates of *"Part 8: Appeal and Revision"* (Articles 81-85 of the ICC Statute), and of Articles 38-40 and 52.
- *'Jurisdiction'*, in Malcolm D Evans (ed.), *International Law* (3rd edn, Oxford University Press, 2010) (with Vaughan Lowe) (4th edn, Oxford University Press 2014).
- *Interpretive Methodologies and the Use of Precedent in Cases Before International Criminal Courts'* in *Principles of Evidence in International Justice* (Oxford University Press, 2010).
- *Proelss, United Nations Convention on the Law of the Sea: A Commentary* (CH Beck, Hart, Nomos 2017) (contributor/co-contributor Annex VI, Articles 21-34).
- *'Integrity and the Inevitable Political Exposure of International Criminal Justice'*, in Morten Bergsmo and Viviane E. Ditrach (eds.), *Integrity in International Justice* (Torkel Opsahl Academic EPublisher, 2020).

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