



“He is an outstanding counsel both in opinion and appearances work.”

The Legal 500 2021

Christopher Staker has extensive experience in international law and public law, at both national and international levels. He is an experienced advocate in cases before international courts (International Court of Justice (ICJ), International Tribunal for the Law of the Sea (ITLOS), International Criminal Tribunal for the Former Yugoslavia (ICTY), Special Court for Sierra Leone (SCSL), European Court of Human Rights), as well as before national courts and tribunals in England and Wales and Australia. He has worked also in ICSID investment treaty arbitration matters.

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.

He was counsel in various prominent cases before the High Court of Australia (the highest Australian court) and other Australian courts involving issues of constitutional law, administrative law and public international law. The cases that he has been involved in before international criminal tribunals have been primarily at the appellate level, dealing with a broad range of international law, human rights and substantive and procedural international criminal law issues, which were often being raised for the first time before an international tribunal. In England and Wales, he has been counsel in cases before the Supreme Court, Court of Appeal, High Court and tribunals in matters of international law, immigration and asylum law, human rights, European law, administrative and public law, and tax.

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 can appear before the Court of Justice of the European Union.

Christopher is fluent in French and German. You can read his CV in French [here](#) and in German [here](#).

PRACTICE AREAS

- Administrative & Public
 - International Arbitration
 - International Litigation
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PRACTICE AREAS

ADMINISTRATIVE & PUBLIC

Cases in which Christopher has been counsel include:

- Yaseen v Secretary of State for the Home Department [2020] EWCA Civ 157 (immigration)
- AXB (Jamaica) v Secretary of State for the Home Department [2019] UKUT 397 (IAC) (human rights, immigration)
- SL (St Lucia) v The Secretary of State for the Home Department [2018] EWCA Civ 1894 (human rights, immigration)
- Ali v Secretary of State for the Home Department [2018] EWCA Civ 2220 (immigration, Points Based System)
- Kaur v Secretary of State for the Home Department [2018] EWCA Civ 411 (immigration)
- R (Akarcay) v West Yorkshire Police & Ors [2017] EWHC 159 (Admin) (public international law)
- Caroopen & Myrie v The Secretary of State for the Home Department [2016] EWCA Civ 1307 (administrative law—supplementary decisions)
- Secretary of State for the Home Department v Minh [2016] EWCA Civ 565 (human trafficking)
- Singh v The Secretary of State for the Home Department [2016] EWCA Civ 492 (alleged apparent bias of judge)
- Ryanair Ltd v Secretary of State for the Home Department [2016] EWFC B5 (Central London County Court)
- R (ZA (Iraq)) v Secretary of State for the Home Department [2015] EWCA Civ 168 (immigration detention)
- R (Ali and Bibi) v Secretary of State for the Home Department [2015] UKSC 68 (immigration, human rights)
- R (OP) v Secretary of State for Justice [2014] EWHC 1944 (Admin) (criminal justice)
- HF (Iraq) v Secretary of State for the Home Department [2014] WLR 1329, [2013] EWCA Civ 1276 (EU law, asylum)

- West v Governor of HMP Bure [2013] EWCA Civ 604 (habeas corpus, interrelationship of Scottish and English criminal justice)
- R (Bibi & Anor) v Secretary of State for the Home Department [2013] EWCA Civ 322 (immigration, human rights)
- Pryce v London Borough of Southwark [2012] EWCA Civ 1572 (immigration, EU law)
- R (Y) v Secretary of State for the Home Department [2012] EWHC 1075 (Admin) (human trafficking)
- HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409 (IAC) (asylum country guidance case)
- HM (Iraq) & Anor v Secretary of State for the Home Department [2011] EWCA Civ 1536 (appeal against country guidance determination on procedural grounds)
- AMM and others (conflict; humanitarian crisis; returnees; FGM) Somalia CG [2011] UKUT 445 (IAC) (asylum country guidance case)
- MP (Sri Lanka) v Secretary of State for the Home Department [2011] EWCA Civ 362 (asylum)
- SK v Secretary of State for the Home Department [2011] EWCA Civ 134 (immigration)
- HM and Others (Article 15(c)) Iraq CG [2010] UKUT 331 (IAC) (asylum country guidance case)
- TK (Tamils, LP updated) Sri Lanka CG [2009] UKAIT 00049 (asylum country guidance case)
- Minister for Immigration and Ethnic Affairs v Teoh (1995) 183 CLR 273 (legitimate expectation, unincorporated treaties) (High Court of Australia)

INTERNATIONAL ARBITRATION

Christopher is a Fellow of the Chartered Institute of Arbitrators (FCIArb). He has experience in particular in relation to ICSID investment treaty arbitration matters, including:

- Enron Creditors Recovery Corp v Argentine Republic, Annulment Proceeding (as counsel assisting the ad hoc Committee)
- Continental Casualty Company v Argentine Republic, Annulment Proceeding (as assistant to the ad hoc Committee)

INTERNATIONAL LITIGATION

Christopher has experience of working as an international lawyer in government and in international organisations. In private practice, his clients have included governments, international organisations, corporations and non-governmental organisations. He advises on all areas of international law, including the application of international law in domestic law and Brexit. Cases in which he has been counsel include:

PUBLIC INTERNATIONAL LAW

- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v Myanmar) (ICJ)
- Case concerning East Timor (Portugal v Australia) (ICJ)
- Legality of the Use by a State of Nuclear Weapons in Armed Conflict (ICJ)
- Legality of the Threat or Use of Nuclear Weapons (ICJ)

- “Juno Trader” Case (Saint Vincent and the Grenadines v Guinea-Bissau) (ITLOS)
- Hassan v United Kingdom (European Court of Human Rights, Grand Chamber)
- R (Akarçay) v West Yorkshire Police & Ors (England and Wales Divisional Court)
- British Arab Commercial Bank PLC v National Transitional Council of Libya (England and Wales Commercial Court)
- Horta v Commonwealth (High Court of Australia)
- Minister for Immigration and Ethnic Affairs v Teoh (High Court of Australia)

INTERNATIONAL CRIMINAL LAW

- Prosecutor v Sesay, Kallon and Gbao, Appeals Chamber (SCSL)
- Prosecutor v Fofana and Kondewa, Appeals Chamber (SCSL)
- Prosecutor v Brima, Kamara and Kanu, Appeals Chamber (SCSL)
- Prosecutor v Taylor, Decision on Immunity from Jurisdiction, Appeals Chamber (SCSL)
- Prosecutor v Norman, Decision on Recruitment of Child Soldiers, Appeals Chamber (SCSL)
- Prosecutor v Krnojelac, Appeals Chamber (ICTY)
- Prosecutor v Delalic et al (Celebici case), Appeals Chamber (ICTY)

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

“Absolutely outstanding public international lawyer and scholar.”

Legal 500 2019

“An international lawyer of distinction; his work is of outstanding quality.”

The Legal 500 2017

“A very strong international lawyer” with “an encyclopaedic knowledge of the law.”

Chambers and Partners 2016

“Deeply impressive judgement and abilities as a lawyer.”

The Legal 500 2015

"An excellent practitioner with a deep understanding of public international law."

The Legal 500 2014

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)
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QUALIFICATIONS

- 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).
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ADDITIONAL INFORMATION

LANGUAGES

English (native speaker), French (fluent), German (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)

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