



GARDEN COURT CHAMBERS

# Paul Clark

YEAR OF CALL: 2010



Paul provides representation and advice in public, civil, environmental and international law. His practice includes judicial review, private law, inquests and inquiries, with a focus upon human rights. He is Assistant Coroner for Cambridgeshire and Peterborough.

"He works exceptionally hard and is concise and consistent in his work. Clients like him as he is clear and empathetic."

LEGAL 500, 2024 (ADMINISTRATIVE LAW & HUMAN RIGHTS)

"Paul is exceptionally good with bereaved families – sincere and kind but extremely professional. He is always keen to take a collaborative approach both with the family, as it is very important to ensure they feel at the heart of the inquest, and instructing solicitors."

LEGAL 500 2023 BAR GUIDE

"A measured, persuasive and indomitable advocate."

LEGAL 500, 2020 (INTERNATIONAL CRIME AND EXTRADITION)

"A real legal powerhouse who is very innovative and whose knowledge of the law in this area is superb."

CHAMBERS UK, 2019 (INTERNATIONAL CRIMINAL LAW)

"His written and oral advocacy are very good, particularly on complex Article 2 points, and he is extremely knowledgeable and creative in his thinking."

LEGAL 500 2023 BAR GUIDE

"He is an inspirational young man who we will never forget because he slotted into our lives and understood instinctively our situation... Words cannot express our gratitude."

PUBLIC ACCESS CLIENT

If you would like to get in touch with Paul please contact the clerking team:

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## ENVIRONMENTAL LAW AND CLIMATE JUSTICE

Paul Clark is an established practitioner in the field of climate justice, as well as in international and domestic human rights law. He acts for the Applicants in the ground-breaking case of *Duarte Agostinho and others v 33 States before the European Court of Human Rights* - a challenge to the climate targets and policies of all of the state respondents - and has done so since its inception. He was also advised and represented 'Climate Action Network Europe' in *Carvalho & others v European Parliament & Council* ('the People's Climate Case') in which families and youth challenged the EU in order to protect their fundamental rights from the insufficiency of the EU's 2030 greenhouse gas emission reduction target. Other work includes advising on the human rights elements of *Município de Mariana v BHP Group UK Ltd*, following which the Court of Appeal gave permission for some 200,000 Brazilian claimants to pursue their class action for damages for the collapse of the Fundão

Dam in Brazil. Having appeared before the International Court of Justice and several of the international criminal tribunals, he offers expertise in general international law that forms a key part of his practice in climate justice.

## INQUESTS AND INQUIRIES

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Paul has a wealth of experience in representing bereaved families in all types of Article 2 and domestic inquests. His practice includes inquests concerning deaths in prison, in police custody and during police pursuits, and in the mental healthcare context.

Paul has been appointed [Assistant Coroner for Cambridgeshire & Peterborough](#).

### NOTABLE CASES

#### **Inquest touching the deaths of Terri Harris, her children, and Connie Gent (2023), representing the mother of Connie Gent and the father of Lacey Bennett and John Paul Bennett**

An inquest into their deaths by Peter Nieto, senior coroner for Derbyshire, concluded at Chesterfield Coroner's Court that several serious systemic failures (as well as individual failures) on behalf of the Probation Service contributed to the murders. See press coverage: [BBC News](#), [ITV News](#), [the Guardian](#).

#### **Inquest touching the death of Diane Waplington (2016), representing her family**

Diane was found unresponsive in her cell while remanded to HMP Peterborough, having previously been in and out of mental health institutions for more than 14 years, most recently as an in-patient at Bassetlaw hospital. The jury found her death was by misadventure and they returned a critical conclusion about the care Diane received in prison, categorically stating that the opportunities to divert her away from prison custody were not adequately considered. Further information can be found on [The Parliament website](#)

#### **Inquest touching the death of Tracy Shelvey (2015), representing her family**

Tracy died in February 2014, days after finding out that a man she had accused of raping her had been acquitted of her rape and the rapes of numerous other women. She fell from the roof of a shopping centre. A vulnerable adult, Tracy was known to the local mental health service and Rochdale Borough Council but was failed by both in the wake of the trial. The coroner's conclusion was of accidental death, that Tracy had gone to the car park roof as a protest, feeling that no state agency was really listening to her. The coroner found a number of significant and gross failures by state agencies.

### **Inquest touching the death of Mohamoud Ali (2015), representing the family of Mohamoud Ali**

37 year-old Mohamoud died from SUDEP (sudden unexpected death from epilepsy) on 1 February 2014 in HMP Parc, a prison run by G4S. Despite having suffered several episodes of apparent seizures in December 2012, January 2013, and April 2013, he was never diagnosed. Although Mohamoud had been referred to hospital for assessment by specialist neurologists, the jury found that the prison repeatedly failed to: transport him to appointments, recognise ongoing risks to Mohamoud, ensure that adequate information about Mohamoud was conveyed to specialist neurologists. The jury went on to find that within the prison healthcare department, information sharing was inconsistent and varied, and moreover, that knowledge sharing between prison staff was inadequate.

### **Inquest touching the death of Paul McGuigan (2015), representing Daniel Fitzsimons, a private security contractor in Iraq, employed by G4S under a contract with the US government.**

Mr Fitzsimons was convicted of the murder of Mr McGuigan and is serving a life sentence in Iraq. The scope of the inquest included consideration of the findings of the Iraqi criminal court, as well as examination of the adequacy of the vetting process whereby G4S deployed Mr Fitzsimons to Iraq.

## **ADMINISTRATIVE AND PUBLIC LAW**

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Paul provides advice and representation in judicial review across a number of areas, including the criminal justice system, trafficking, criminal injury compensation claims, inquests, education, and land rights, particularly on behalf of Gypsies and Travellers.

His experience includes judicial review of decisions of public bodies on behalf of trafficking victims, including the National Referral Mechanism. He is also regularly instructed in a wide variety of judicial review claims on behalf of prisoners, including decisions pertaining to parole, sentencing, and welfare in prison.

### **NOTABLE CASES**

#### **Current and recent work includes:**

**A challenge to key aspects of the Secretary of State's policy excluding prisoners who have previously absconded from eligibility for open prison**

**A challenge to the exclusion from the Criminal Injuries Compensation Scheme of persons with unspent convictions**

**A challenge to a prison's failure to provide a disabled prisoner with an adequate wheelchair**

**Challenges to decisions by the Parole Board, refusing release or progression.**

## Recent cases

### ***Reilly v Secretary of State for Communities & Local Government, Hinckley & Bosworth***

***Borough Council* [2015] EWHC 1957** (Admin) (led by Marc Willers QC): representing the claimant, an Irish Traveller who applied to quash the local authority's dismissal of his appeal against refusal of planning permission for change of use of land.

### ***R (Criminal Injuries Compensation Authority) v. First Tier Tribunal* [2015] UKUT 0299 (AAC)**

Successful submission, on behalf of the interested party, to overturn the decision of the First Tier Tribunal against awarding him compensation.

## CLAIMS AGAINST THE POLICE AND PUBLIC AUTHORITIES

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Actions against the police are a principal focus of Paul's practice. He has experience of advising on all types of claims against the police including false imprisonment, assault and battery, trespass to goods and property, malicious prosecutions, police harassment and misfeasance in public office, as well as of claims under the Human Rights Act 1998. He has particular expertise in privacy issues concerning the police.

### NOTABLE CASES

The case of serial killer Stephen Port who murdered four men he met through a dating app. Paul is advising the victims' families in seeking redress for possible operational failures in the police investigation of Port that may have allowed him to continue to murder and rape young men.

## PRISONERS' RIGHTS

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Paul provides advice and representation in judicial review, adjudication hearings, and Parole Board hearings. He also advises on sentencing matters and related claims for false imprisonment as well as all forms of judicial review on behalf of prisoners.

Paul remains committed to representation of prisoners, despite the stark cuts to legal aid provision.

### NOTABLE CASES

Recent work includes advising [Repriev](#) in the case of Andargachew Tsege, a British national and prominent opposition politician in Ethiopia, detained incommunicado in Ethiopia after having been abducted and 'rendered' from Yemen.

## INTERNATIONAL CRIME AND CONFLICT LAW

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Paul's experience in international law includes pre-trial, trial and appeal proceedings before international tribunals - the International Criminal Court (ICC), the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Special Court for Sierra Leone (SCSL).

He has particular expertise in the public law aspects of international criminal law, and recently represented the Libyan Government in two cases before the International Criminal Court, concerning the ICC's jurisdiction in post-revolutionary Libya.

Paul's work was recently cited by the International Law Commission in its [Third Report on Identification of Customary International Law](#).

He was also an author of an [amicus curiae submission to the Constitutional Court of Colombia](#) concerning the application of international humanitarian law and international human rights law in the context of potential criminal liability of state military forces.

Before practising at the Bar, Paul worked for the UN as an Associate Legal Officer in chambers at the ICTY, and as Fellow of the [International Bar Association Human Rights Institute](#). Paul is also one of the founders of the ['Critical Approaches to International Criminal Law'](#) research network.

## EXTRADITION

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Paul has been instructed in extradition cases at both first instance and appellate level.

### NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases](#).

Paul has particular expertise in the public law aspects of international criminal law, and recently represented the Libyan Government in two cases before the International Criminal Court, concerning the ICC's jurisdiction in post-revolutionary Libya:

***Prosecutor v. Saif Al-Islam Gaddafi*** (International Criminal Court; led by Prof. Philippe Sands QC)

***Prosecutor v Abdullah Al-Senussi*** (International Criminal Court; led by Prof. James Crawford AC SC)

**Paul's previous work includes the following:**

***Prosecutor v Stanišić & Simatović, International Criminal Tribunal for the Former Yugoslavia Defence***

Led by Wayne Jordash QC

***Prosecutor v Sesay et al, Special Court for Sierra Leone***

Defence, legal assistant to Wayne Jordash QC & Sareta Ashraph

***Prosecutor v Taylor, Special Court for Sierra Leone***

Assisted with advising Naomi Campbell on legal issues surrounding her testimony and status as witness.

## DISCRIMINATION

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Paul has experience of equality and discrimination work, particularly in the education context.

## BACKGROUND

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Paul has extensive experience of international law in practice. Paul offers expertise in transnational legal issues, and has knowledge of civil law legal systems in practice. Having studied French law at undergraduate level, he also has practical experience in this regard as a result of both his work in international tribunals, and his experience as Stagiaire at Vovan & Associés, in Paris.

In addition to work in international law, Paul also gained experience in the field of domestic public law, having worked as a Research Assistant in the Law Commission's Public Law Team.

Early in his career, Paul was inspired by work on a constitutional challenge to the death penalty in Uganda, led by Keir Starmer QC, Saul Lehrfreund and Katende, Ssempebwa & Co., before both the Constitutional and the Supreme Court. He is keen to further advance the cause of abolitionism through his practice and would be keen to take instructions in this area. He has engaged in voluntary work for several human rights organisations including [The Coalition for Women's Rights In Conflict Situations](#); the [European Human Rights Advocacy Centre](#) and [Reprieve](#).

Before practising at the Bar, Paul worked for the UN as an Associate Legal Officer in chambers at the ICTY, and as Fellow of the [International Bar Association Human Rights Institute](#).

## PUBLICATIONS

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["Exclusion Of Evidence Obtained in Violation of Fundamental Rights In New Zealand & Canada"](#) (2012)

*Journal of Commonwealth Criminal Law*, vol. 1, no. 2, 345-356

[R \(Hassan\) v Secretary of State for Defence](#) (case note) (2011) Oxford Reports on International Law ILDC series 78

["Human Rights in the Balance?"](#) (2010) *Socialist Lawyer*, no. 54, 34-36

["Unity, Diversity, and the Fragmentation of International Law: How Much Does the Multiplication of International Organizations Really Matter?"](#) (2006) *Chinese Journal of International Law*, vol. 5, no. 2, 341-370 (with Mario Prost)

["Justice in Sierra Leone: apathy is folly"](#), *The Guardian*

Paul authored an [amicus curiae submission to the Constitutional Court of Colombia](#) concerning the application of international humanitarian law and international human rights law in the context of potential criminal liability of state military forces.

His work was recently cited by the International Law Commission in its [Third Report on Identification of Customary International Law](#)

## TRAINING AND SEMINARS

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"Moral Condemnation as Policy Goal: (Histories of) International Criminal Law and Development"

[Harvard Law School: Institute of Global Law & Policy Workshop](#) (3rd-10th July, 2012)

"The Aims and Limits of International Criminal Law: an Aretaic Theory of International Adjudication?"

[Osgoode Hall Law School, York University, Toronto, Canada: Challenging Conventions - Speaker Series](#) (28th January, 2012)

"Transitional Justice and Institutional Design: Towards a Structural Theory"

University of Oxford: Taking Stock of Transitional Justice (26th-28th June, 2009)



"International Law in Real Life"

Guest Lecture, Keele University (international law), 2008

"Illegitimacy and the Transitional Promise: Institutional Design of International Courts"

Birkbeck College, University of London: International Political Theory and Critical Legal Thought (21st November, 2008)

"Victims' Human Agency in International Criminal Tribunals"

King's College, London, UK 12th April, 2007

"Time and Human Autonomy: Where is the Root of Legal Legitimacy? "

University of Wollongong, Australia: "Signs of the Times": 6th International Roundtable for the Semiotics of Law (28th-30th June, 2007)

## AWARDS

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Legal Aid Lawyer of the Year Finalist, 2017

Harvard Law School, Institute for Global Law & Policy, Collaborative Research Grant, 2012-2015

International Bar Association Human Rights Institute Fellowship, 2009-2011

Arthur C Helton Fellowship (American Society of International Law), 2008

Hague Academy of International Law Scholarship (public international law), 2008

2007 ELSA World Trade Organisation Moot Court Competition: best written submission

Gray's Inn debating team A, September 2004-June 2005

University of Leicester Music Scholarship, 2000-2004

## BEYOND PRACTICE

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Paul's interest in the law is both practical and academic. He is a docent in human rights & social justice, with [Harvard Law School's Institute for Global Law & Policy](#). His previous academic engagements include research work at Harvard Law School, and teaching at both Durham University and Birkbeck College, University of London (in international law, criminal law, and contract law). Among other things, he has undertaken field

research at the Extraordinary Chambers in the Courts of Cambodia concerning the involvement of victims in international trials.

## EDUCATION

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Harvard Law School, Visiting Researcher

McGill University, Montreal, LLM (Institute of Comparative Law)

University of Leicester, LLB

Law with French Law & Language

Université Jean Moulin, Lyon III, DEUF, Droit

## PROFESSIONAL MEMBERSHIP

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British Institute of International & Comparative Law (BIICL)

American Society of International Law (ASIL)

Human Rights Lawyers Association (HRLA)

INQUEST Lawyers' Group

Police Action Lawyers' Group (PALG)

Haldane Society

## LANGUAGES

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French (fluent)

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