



Michael Polak

Year of call: 2012

Year of silk:

About

Michael is a barrister specialising in criminal, public, and human rights law. Michael has particular skills in the international aspect of these areas having experience in: Submitting communications to the United Nations Special Procedures and Human Rights Council in regards to a barrister who has been abducted by the Bangladeshi Government; Drafting successful representations to the [Commission for the Control of INTERPOLs Files](#) removing Red Notices; As a member of the Foreign and Commonwealth Office Pro Bono Panel set up to promote and protect the human rights of British nationals detained overseas; Conducting research to be used in an appeal at the International Tribunal for the Former Yugoslavia; Working on the Mau Mau litigation in regards to the situation in Colonial Kenya; On secondments with the Public Defenders in Jamaica, the Black Sash in South Africa, and at the Khmer Rouge Tribunal in Cambodia; and Working on a Hague Convention case involving the alleged abduction of a child from Italy to the United Kingdom. In criminal law, Michael accepts instructions for the Defence in sex, violence, and drugs matters. He also regularly appears before the Court of Appeal and can be instructed to pursue appeals against conviction and sentence. Michael also has experience in complex fraud matters and has spent time on secondment at the Financial Conduct Authority where he worked on a matter concerning possible breaches of the listing rules by a major financial institution. Michael also has experience in private prosecutions from their inception to conclusion including the drafting of the information and the summoning of the Police to provide evidence. Michael also accepts instructions in human rights and public law matters including in judicial review, where he has successfully reviewed the [decision of a Prison Adjudicator](#) who failed to provide a fair hearing and in civil claims such as a case that he is currently instructed in on behalf of a Claimant who contracted HIV after being bitten by fellow prisoner. Michael has also developed experience in international human rights litigation and is [instructed to act for a Bangladeshi barrister](#) who has been forcibly abducted by the Government there. This has involved making submissions to United Nations bodies, liaising with the diplomatic community, and briefing the Press about the case. Michael is keen to use his international experience to assist in the fight for human rights internationally and has experience working within the legal systems of South Africa, Jamaica, and Australia as well in the UN system which means that Michael is well placed to conduct cases which involve international aspects. Michael interest and experience extends into international criminal law as he has conducted research for the Radovan Karadzic appeal before the Mechanism UN Mechanism for International Criminal Tribunal, attended a training course at the International Criminal Tribunal for the former Yugoslavia, and worked as an intern with the Defence Support Section of the Khmer Rouge Tribunal. Michael is keen to apply the knowledge gained from these experience as well as on his Public International Law Masters degree with the advocacy experience he has attained in the courts of England and Wales to defend those brought before the international courts and tribunals. Michaels interest and experience in this area led to him being instructed to draft an advice on the situation in Syria and the possible international

criminal and civil law ramifications in regards to the situation there. A closely related area in which Michael also practices is extradition law and cross-border criminal investigations. In extradition, Michael has appeared in multiple applications for the Respondent raising arguments based on the Human Rights Act, procedural bars, and conviction in absence grounds. Michael has also successfully acted for a Pakistani national who was apprehended in Eastern Europe on a Red Notice issued on the request of a Middle-Eastern state to have it removed. Further to this Michael is also the author of leading legal publisher Westlaws Insight article on [INTERPOL Notices](#) explaining the notices and the possibilities as to how they can be removed. International Law Michael has experience in international human rights having submitted communications to the UNHCHR Special Rapporteurs, the Working Group on Enforced or Involuntary Disappearances, and the Human Rights Council. Michael can provide advice on the international human rights procedures and takes a holistic approach to determine whether there are any domestic civil or criminal proceedings, such as a private prosecutions, which can be brought against human rights abusers along with the international litigation and advocacy. Michael is currently [instructed by the family of Bangladeshi barrister](#) Mr Ahmad Bin Quasem, who was defending his father before the International Crimes Tribunal in Dhaka when he was abducted by Government security forces. Further details of the case can be found [here](#) and [here](#). This work has included travelling to Bangladesh to make representations to the international diplomatic community, meeting with Ministers of the British and European Parliaments to discuss the case, submitting international legal communications to the UN bodies, and liaising with the press to ensure that this matter is publicised. Michael also has expertise in challenging INTERPOL Red Notices having drafted the [Westlaw Insight article](#) on this area as well as successfully making representations on behalf of a Pakistani national to have the Red Notice requested by Qatar removed from INTERPOLs files. Michael has also represented those wanted by Eastern European states in extradition proceedings. has conducted preliminary research for the Radovan Karadzic appeal before the UN Mechanism for International Criminal Tribunals, attended a training course at the International Criminal Tribunal for the former Yugoslavia, and worked as an intern with the Defence Support Section of the Khmer Rouge Tribunal. Michael is keen to apply the knowledge gained from these experience as well as on his Public International Law Masters degree with the advocacy experience he has attained in the courts of England and Wales to defend those brought before the international courts and tribunals. Michaels interest and experience in this area led to him being instructed to draft an advice on the situation in Syria and the possible international criminal and civil law ramifications in regards to the situation there. Michaels international experience as set out above, as well as the fact that he has worked around the world in Australia, Cambodia, South Africa, and Jamaica, resulted in Michael being selected for the [Foreign and Commonwealth Offices Pro Bono Panel](#) set up to promote and protect the human rights of British nationals detained overseas. Inquests and Inquiries NH v The Independent Adjudicator, Secretary of State for Justice, and The Chief Magistrate- Michael [successfully judicially reviewed](#) the decision of Independent Adjudicator arguing that he had acted in breach of prison rules and that the proceedings had been conducted was in breach of the applicants Article 6 Convention Right to a fair trial, his legitimate expectations, and was Wednesbury unreasonable. The result of this successful judicial review was that the extra time to serve ordered by the Adjudicator was removed and the applicant was awarded his legal costs. Before commencing pupillage Michael worked as a paralegal for the Secretariat to the Alexander Litvinenko Inquest. He has become familiar with the law relating to inquests and inquiries through this experience. He has also spent time on the West Kingston Commission of Enquiry (Tivoli Enquiry) in Jamaica which examined the circumstances surrounding an incursion by the Jamaican security forces into an inner city community which resulted in the death of over 70 people.

Michael is on the Executive Committee of the Human Rights Lawyers Association (HRLA) . For the previous three years Michael was the Chair of the HRLAs Young Lawyers Committee where he started the annual judicial review competition and journal, the Young Human Rights Lawyer.

Michael is also an elected member of the South-Eastern Circuit and on the Committee of the Middle Temple Young Barristers Committee.

Michael is a visiting Lecturer at Birmingham University Medical School where he teaches subjects such as the law of abortion, patient choice, and euthanasia. Michael has also been invited to provide a guest lecture on criminal law at Birkbeck College, University of London.

Michael has been awarded the following awards and scholarships:

Middle Temple Harmsworth Scholar (Major Scholarship);

Middle Temple International Internship Award; and

South Eastern Circuit scholarship to attend the Gerald T. Bennett Prosecutor and Public Defender Trial Training Program at the University of Florida College of Law;

London School of Economics and Political Science Anniversary Scholarship

Michael also voluntarily work for youth charity the Renaissance Foundation as the Skills for Life Programme Director. This involves putting together and running a practical skills programme with expert speakers and practical exercises for underprivileged young people.

Interpretation of Legislation under the Human Rights Act, November 2016

Westlaw Insight article on INTERPOL Notices, November 2015

Domestic Workers Rights Booklet, You and Your Rights, the Black Sash, South Africa, 2010

Constitutional Rights of Children Booklet, You and Your Rights, the Black Sash, South Africa, 2010

Sierra Leone: Blanket Ban on Political Rallies and Public Meetings Illegal, Article 19, 2010

Net Neutrality: Stronger Rules Needed in US and EU, Article 19, 2011

The Exclusion of Evidence in Criminal Law, Brunel University, January 2017

Visiting Lecturer at Birmingham University Medical School teaching subjects such as the law of abortion, patient choice, and euthanasia, 2015-current

Member, Foreign and Commonwealth Office Pro Bono Panel

Executive Committee, Human Rights Lawyers Association

Executive Committee South-Eastern Circuit

Honourable Society of the Middle Temple

Criminal Bar Association

Young Fraud Lawyers Association

Panel Member, Bar Pro Bono Unit

Member, Law Society International Action Team

European Criminal Bar Association

Amnesty International

Extradition Lawyers Association

Anglo-Australasian Lawyers Society

Cases of note

R v DW

Michael secured a unanimous s18 GBH, Wounding, and Assault Trial acquittal after a 4 days trial at Birmingham Crown Court.

R v H

Michael successfully represented the defendant who was found not guilty in a case of Sexual Touching of Someone under the Age of 13. This case involved pre-recorded evidence and the cross-examination of the 10 y.o complainant.

R v AG

Michael represented an Italian national who was facing 5 counts of sexual assault. Michael obtained the taped interview of the defendant which showed that the transcript was incorrect in that the defendant had not be properly cautioned before the interview commenced despite the transcript stating that he had. Michael successfully argued that the interview could not be relied upon ending the prosecutions case against the defendant.

R v BB

Michael made successful submissions to the Court of Appeal in regards to the length of the sentence and application of an extended sentence for the appellant who had been convicted of a serious armed robbery and burglary. After hearing Michaels submission the Court shortened the

length of sentence.

R v M

Michael appeared in a multi-handed 2 day sentencing hearing in regards to sham marriages which were conducted in two locations on the same day. His defendant was one of a very small number of defendants not to receive an immediate custodial sentence.

P v YA

Michael is currently instructed to privately prosecute an ABH matter which occurred when a taxi driver struck another taxi driver in a dispute over a carparking space causing permanent damage to his vision. Michael undertook all work on this case from its inception including the drafting of the information that was laid before the court, written submissions to the court as to why a summons should be granted, a successful application for a witness summons requiring the Detective Constable to produce all documents that the police have in regards to this incident, and appearing at all hearings in this matter. Michael is particularly keen on using the Public Prosecution procedure to prosecute Police misconduct and other cases where the authorities fail to live up to their duties.

Borough of Redbridge v ATT

Michael represented an Islamic Community Centre for failure to comply with an enforcement notice restricting the hours of operation of the centre. After lengthy mitigation submissions the defendant was fined only 100 per offence, an unusually low fine.

FW v Hampshire Fire and Rescue Service

Michael drafted a number of written representation on behalf of a small business which had been investigated by the Fire Service for a number of breaches of fire safety laws. After Michaels representations the Fire Service agreed to work with the company to remedy the breaches rather than to pursue enforcement actions and prosecute as they had said they would.

RF v MS

Michael successfully represented the mother of an Italian/Russian girl who was the respondent in a Hague Convention child abduction matter. The matter was concluded in the mothers favour.

Michael was instructed by the Treasury Solicitors Department on large scale, ongoing litigation into the alleged abuses by the Colonial Government in Kenya against the Mau Mau as part of the BB scheme.

Treasury Solicitors Department

RB v Ministry of Justice

Michael is currently instructed in a civil Human Rights Act claim against the Ministry of Justice in regards to a Jewish prisoner who alleges that the prison where he was detained failed to follow the policy correctly in not giving him two kosher meals daily.

EG v Ministry of Justice & NHS

Michael is currently instructed in a civil claim by a prisoner who contracted HIV after being bitten by a fellow prisoner who subsequently died from AIDS.