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Election of judges to the European Court of Human Rights

List and curricula vitae of candidates submitted by the Government of the United Kingdom

Communication

Secretary General of the Parliamentary Assembly



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1. List and curricula vitae of candidates submitted by the Government of the United Kingdom¹

Letter from Mr Alexander Moss OBE, Ambassador, Permanent Representative of the United Kingdom to the Council of Europe, to Ms Despina Chatzivassiliou, Secretary General of the Parliamentary Assembly of the Council of Europe, dated 9 May 2025.

[...]

Dear Secretary General,

You wrote to me on 21 April 2023 to note that the term of office of Tim Eicke KC, the judge elected to the European Court of Human Rights in respect of the United Kingdom, will expire on 11 September 2025.

The UK Government has asked me to submit a list of three candidates. [...] Accordingly, I have the honour to submit the following list of candidates:

Mr Hugh MERCER KC

Ms Deok Joo RHEE KC

Mr Sam WORDSWORTH KC

I also attach the curricula vitae of the candidates, as well as a description of the national selection procedure.

[...]

2. Information on the national selection procedure for the list of candidates for election as Judge to the European Court of Human Rights in respect of the United Kingdom

2.1. Background

The term of the current judge at the European Court of Human Rights (ECtHR) elected in respect of the UK, Tim Eicke KC, ends on 11 September 2025. On 21 April 2023, Despina Chatzivassiliou, the Secretary General of the Parliamentary Assembly of the Council of Europe (PACE), wrote to the UK Permanent Representative to the Council of Europe, Alexander Moss OBE, requesting a UK shortlist of three candidates by 24 February 2025. The letter draws attention to Protocol No. 15 to the European Convention on Human Rights (ECHR), which sets out the new age limit of 65 (at the date the shortlist is required to be submitted to PACE – 24 February 2025) for candidates.

The purpose of this document is to set out the UK's national selection procedure, as well as the curricula vitae of the three shortlisted candidates successful in the national selection process.

The national selection exercise was overseen and administered by the Judicial Appointments Commission. This was done at the formal request of the Lord Chancellor in accordance with relevant national legislation, namely section 98 of the Constitutional Reform Act 2005.

The national selection exercise was initiated at the beginning of 2024. Unfortunately, after initially completing the exercise in July 2024, the Lord Chancellor was unable to submit a suitable shortlist and, therefore, invited the JAC to rerun the exercise in a bid to attract a wider range of candidates in a position to submit high quality applications that met the selection criteria. The exercise was rerun at the end of 2024 and was completed in April 2025. The UK requested and was granted an extension of the deadline to submit the UK shortlist to PACE to 12 May 2025.

2.2. Role of the Judicial Appointments Commission

The Judicial Appointments Commission (JAC) is an independent organisation that selects candidates for judicial office in England and Wales.

In respect of this selection exercise, the JAC worked with its counterparts in the Judicial Appointments Board Scotland, and the Northern Ireland Judicial Appointments Commission, to ensure that this was a UK-wide selection process.

1. The curriculum vitae and the information on the national selection procedure were submitted by the Government of the United Kingdom in English and French.

2.3. Selection Procedure

The JAC convened a diverse five-member selection panel for the application process. The selection panel for the rerun exercise was made up of:

- Lord Reed, President of the UK Supreme Court – Chairperson of the selection panel
- Alyson Kilpatrick, Chief Commissioner to of the Northern Ireland Human Rights Commission
- Christopher Bones, Lay member at the JAC
- Sally Langrish, Director General and Legal Advisor to the Foreign and Commonwealth Development Office
- Jerome Glass, Director General of Policy Group at the Ministry of Justice

2.4. Application process

Prior to the formal launch, the application process was advertised widely across the UK, its Territories and Dependencies, through various channels, including social media, and culminated in a webinar with Judge Eicke and Ambassador Moss.

The national selection stage timetable for the rerun exercise:

Opening date for applications	Monday 2 December 2024
Closing date for applications	Monday 13 January 2025
Date for sift	w/c 3 February 2025
Window for language assessment for sifted candidates	w/c 24 February 2025
Dates for interviews	5 March 2025
Longlist recommendations to the Lord Chancellor	w/c 17 March 2025

The candidates were invited to complete an application form on the JAC website. This included a self-assessment in which the candidates were to demonstrate how they met the selection criteria. The candidates were also required to provide a CV using the Council of Europe format, two referees, and relevant pieces of work – the nature of which depended on their professional experience – alongside a summary explaining how those supported their suitability for the role.

A total of 21 candidates applied for the role. Once the application window closed, the JAC secretariat for the selection panel, conducted a non-statutory consultation on the applicants with members of the senior judiciary, the Lord Chief Justice of England and Wales, the Lord President of the Court of the Session and the Lady Chief Justice of Northern Ireland to ascertain suitability.

2.5. Assessment

The selection panel sifted the applications received by the JAC and five suitable candidates were invited to a French language assessment and an interview. The language assessment was carried out by an external provider with professional assessors – for this exercise it was Language Services Direct.

The first part of the interview involved situational questioning based on a given scenario. Candidates were given 30 minutes immediately before their interview to read the scenario and associated questions, and to prepare their responses. During the interview, candidates were asked to give a brief outline of their responses to the questions. A panel member then asked supplementary questions based on candidate's responses. The panel then proceeded to conduct a competency-based interview, lasting up to 50 minutes, using an agreed menu of questions that were specifically drafted to test candidates against the selection criteria.

The assessment criteria used by the selection panel drew from the Council of Europe Committee of Ministers guidelines and PACE resolutions, as follows:

Intellectual capacity:

- High level of legal expertise in one or more of UK's legal systems.
- Ability quickly to absorb and analyse information.
- Knowledge of the UK's national legal systems, public international law and public law.

- The ability, where appropriate, to master unfamiliar areas of law.
- Demonstrable experience and achievements in their field befitting this high profile and prestigious international judicial role.

Personal qualities:

- Integrity and independence of mind.
- Sound judgement.
- Decisiveness.
- Objectivity.
- Ability and willingness to learn and develop professionally.

Ability to understand and deal fairly:

- A thorough understanding of the political context and wider impact of ECtHR judgments on member States.
- An awareness of the diversity of the communities which the ECtHR and domestic courts serve, and an understanding of differing needs.
- Commitment to justice, independence, public service and fair treatment.
- Willingness to listen with patience and courtesy.

Authority and communication skills:

- Ability to express and explain clearly and succinctly to all concerned matters of procedure and judgement.
- Ability to demonstrate at least a passive knowledge of French (i.e. reading, writing and understanding), so as to be able to play a full part in the work of the Court and able to understand case documents in both languages.
- Ability to inspire respect and confidence.
- Ability to maintain authority when challenged.
- Ability to communicate effectively and persuasively with colleagues in the Court.

Efficiency:

- Ability to work constructively as part of a team in an international environment in which several legal systems are represented.
- Ability to engage constructively with judicial colleagues and Court administration. Ability to organise own and others' time effectively and manage available resources.
- Ability to produce clear reasoned judgments expeditiously often at speed and under pressure.
- Ability to work constructively with a support team in the Court, including leadership, managerial and delegation skills.

2.6. Selection of the list of three candidates

Once the selection panel agreed on a list of suitable candidates for the role, the Chair provided the Lord Chancellor with a report of the outcome of the interviews and their recommended list of three candidates to be put forward for election. On this occasion, only three candidates were identified as being suitable for the role. The Lord Chancellor, in consultation with the Foreign Secretary, agreed with the panel's recommendation and decided to put forward to PACE the list of three candidates as set out in the selection panel's report.

Appendix 1 - Curriculum vitae of Hugh MERCER

I. Personal details

Name: MERCER, Hugh

Gender: male

Date and place of birth: 4 December 1962 in Barnard Castle, Co. Durham, UK

Nationality: British

II. Education and academic, and other qualifications

- 1973-1980: King Edward VI Grammar School, Stourbridge
- 1981-1984: Downing College, Cambridge, MA (law)
- 1985: Called to the Bar, with the assistance of a Harmsworth Scholarship, Middle Temple
- 1985-1986: Rotary International Scholar to Brussels
- 1985-1986: Masters (Licence spéciale en droit européen – taught in French, oral exams), Université Libre de Bruxelles

III. Relevant professional activities

a. Description of judicial activities

Appointed as a Deputy High Court Judge pursuant to section 9(4) Senior Courts Act 1981, 1 October 2018 – 30 September 2024.

Allocated to King's Bench Division with permission to sit in the Administrative Court.

I completed c. 6 weeks of sitting per year in 2019-2024 inclusive, which consisted in the main of 3 weeks in King's Bench Division (mixed civil cases) and 3 weeks in the Administrative Court. There has been one successful appeal from my judgments.

In KBD, I have completed a broad cross-section of work from applications to interlocutory work to trials and management of witnesses, approval hearings. The areas of law have been very varied from personal injury to employment, contract-commercial to human rights, as well as cases about protection from eviction, mortgages, receivership. One or both parties have frequently been litigants in person, requiring a different approach from me as a judge in terms of using simple language, avoiding jargon, using short sentences, etc.

In the Administrative Court, I have dealt with a large number (low hundreds) of paper permission applications plus regular oral renewal hearings and substantive hearings, as well as interim relief applications. The areas of law have been exceptionally broad from housing to social security, immigration to human rights, local government powers and duties to education.

b. Description of non-judicial legal activities

November 1987-May 1995: Chambers of Mark Littman QC – small civil-commercial set where I handled anything international in addition to a general civil-commercial caseload.

Since June 1995: Essex Court Chambers – recruited to work in a team with Peter Duffy QC focusing on international work, in particular EU and human rights.

My practice focuses on the most complex issues of EU law, human rights and international law (private and public). Practice has a strong strand of private international law together with public law cases in the field of agriculture, fisheries and environmental law, as well as covering the pollution aspects of shipping under both EU and International law. I served as Attorney General A Panel counsel arguing complex Government cases before being appointed Queen's Counsel in 2008.

Practice has included 11 cases before the House of Lords / Supreme Court together with a significant number of instructions in the CJEU and international arbitrations plus appearing before or writing submissions with overseas colleagues in cases pending before courts and tribunals in Switzerland, Cyprus, Norway, France, Belgium, Spain, Italy, Greece & Guyana.

I led the UK legal team regarding the public international law obligations of the EU to the UK under the Trade and Cooperation Agreement re joint scientific research as part of the Horizon Europe programme.

Regular pro bono work starting as a pupil with the Free Representation Unit (employment-social security cases); taking an EU milk quota case to the Court of Appeal; representing Eleanor Sharpston challenging the termination of her role as Advocate General in the CJEU; currently, representing a disability charity in Northern Ireland challenging a budgetary decision.

Since 1987: Bar of England and Wales

Since 2018: Bar of Northern Ireland

Since 2018: Barreau du Brabant Wallon

Since 2020: Barreau de Bruxelles

Arbitrator (over 30 years' experience – both domestic and international)

Mediator (ADR Group trained)

c. Description of non-legal professional activities

Since 2012: Benchers of Middle Temple (effectively a trustee of the Inn of Court)

2016-2021: Chair, Bar Council Brexit Working Group

Since 2022: Chair, International Committee of the Bar

As part of my engagement with the European legal profession within the Council of Bars and Law Societies of Europe (CCBE):

- 2007-2010 & 2020-2024: Chair of UK Delegation to the CCBE
- 2010-2016: Chair of CCBE Permanent Delegation to CJEU (Bar Liaison committee with CJEU)
- 2016-2020: Chair of CCBE Free Movement of Lawyers Committee
- **Since 2004: Member of UK Delegation to CCBE**

2001: Co-founded The European Circuit (a forum for advocates from all Council of Europe countries)

2016-2019: Leader of the European Circuit

Since 2015: Co-founder Alphalex Avocats, Brussels & Paris-based chambers / law office (Belgian, French and UK members)

IV. Activities and experience in the field of human rights

In my first CJEU case, the judgment significantly developed principle of fair administrative procedures – a rare EU due process case outside the field of competition law, almost ten years before the Charter of Fundamental Rights. A 2000 paper on property law and human rights which I co-wrote with Charles Harpum, Property Law Commissioner, led to instructions to challenge procedural unfairness in Strasbourg and to a Court of Appeal challenge to the Agricultural Holdings Act.

As a junior appearing alone in the House of Lords concerning a prison death, my coroner client considered inquest verdicts to be too narrow. So as to distinguish existing Court of Appeal authority, I developed an argument for a broader verdict under Art 2 ECHR caselaw, using in particular ECHR caselaw only published in French. The landmark *Middleton* judgment of the House of Lords broadened the scope of inquests for deaths in state custody to permit narrative verdicts expressing the jury's conclusion on the central facts before them.

I assisted pro bono the Mothers of Srebrenica re the prosecutor of the ICTY's failure to return their spouses'/ sons' artefacts. Relying on public health, the prosecutor had been disposing of artefacts recovered from mass graves. I successfully required the Prosecutor to return all artefacts to next of kin after their use in investigations.

I have drafted a number of applications to the ECHR and was instructed for a group of interveners which appeared before the Grand Chamber of the ECHR in *Mangouras v Spain*. I am currently instructed by the Northern Ireland Human Rights Commission in the inter-state case brought by Ireland against the UK in respect of the Troubles. I am also instructed by the Human Rights Commission of St Helena in respect of access to justice issues in the courts of St Helena.

I advised by the Northern Irish Human Rights Commission on the legality of the Northern Ireland Legacy Proposals as regards the ECHR aspects of the proposed Troubles amnesty. The advice also identified the Victim's Rights Directive as being both diminished by the proposals and within the Belfast Agreement, thereby supporting my submissions, accepted at first instance and on appeal, that the claimants were entitled, not just to a declaration, but to disapplication of the offending sections. The Government has received permission to appeal to the Supreme Court.

V. Public activities

a. Public office

Not applicable

b. Elected posts

Not applicable

c. Posts held in a political party or movement

Not applicable

VI. Other activities (field, duration, functions)

1992-2005: Foundation Governor, Primary School, Islington, Year 6 link Governor – introduced a series of career talks for 10-11 year olds called *The Why Lectures* for which I invited people from a range of occupations to present what they did in their working lives, why they enjoy it and what they enjoy when not working.

2011-2018: Scout leader. I focused on outdoor activities for scouts – camping, hiking, outdoor exercises and games. I introduced a very successful series of 3 day spring hikes along the North Downs' Way and South Downs' Way – with some scouts walking the entire length of both footpaths.

2019: Charity – Galilee, Israel. Worked to introduce an Icon School into the adult education curriculum for the extra mural studies department of a school & general ongoing support.

2022-2024: Co-host to Ukrainian refugee and her child.

VII. Publications and other works

- 2023: Rights of Defence and the Right to be Heard in Competition Cases, Mercer & Mukherjee as a chapter in Ginsbury & Eicke (eds), *Judicial Review of Competition Cases, Concurrences*
- 2017: HL evidence on conflict of laws: Justice for Families, Individuals and Businesses
- 2010-date: *EU law*, chapter in *Judicial Review*, Supperstone, Goudie & Walker (eds) (one of main commentaries used by public lawyers in England and Wales for administrative law cases)
- 2004: *European Civil Practice*, Layton & Mercer, Sweet & Maxwell (an article by article commentary on the Brussels Regulation on jurisdiction and enforcement of judgments on the basis of CJEU caselaw and also of the caselaw of the national courts of EU member states)
- 2000: Prepared draft chapters to HHJ Dobry for a Report to the Lord Chancellor, *Review of International Legal Relations*

- 1991: *Commercial Debt in Europe*, Guy & Mercer, Longmans (analysing speedy procedures for enforcement of debts and a comparison of interlocutory injunctions available under national civil procedural rules of EU states)

VIII. Languages

Language	English	French	German	Spanish	Italian
Reading	C2	C2	C1	C1	B1
Writing	C2	C1	B1	B1	B1
Listening	C2	C2	B2	B1	B1
Speaking	C2	C2	C1	B2	B1
How acquired?	Mother tongue	Studied partly in French; student job in France; working with French clients; married to a French speaker; social/news	School, student job, work placement in law firm, working with German clients, social/news	Staying with family, reading, working with Spanish clients, law lectures, social/news	Evening classes, reading, working with Italian clients, law lectures, social/news

IX. Other relevant information

Longstanding member of Bar European Group, Franco-British Lawyers, British-German Jurists, British-Italian lawyers, Howard League for Penal Reform, Advisory Board of Fair Trials International, Advisory Council of the Oxford Institute of European and Comparative Law and also supporter of Prison Advice and Care Trust.

X. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court

Yes, I confirm.

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court

Yes, I confirm.

Appendix 2 - Curriculum vitae of Deok Joo RHEE

I. Personal details

Name: RHEE, Deok Joo

Gender: female

Date and place of birth: 15 May 1973 in Seoul, South Korea (lived in UK since 1977)

Nationality: British

II. Education and academic, and other qualifications

- 1989-1991: Westminster School, London
- 1992-1996: Law with Law Studies in Europe (BA Hons), Hertford College, Oxford University: 1993 Law Moderations – 1st Class; Law Finals – 1st class
- 1993: College Scholar, Hertford College
- 1994-1995: Diploma in French Law, University of Paris II (Panthéon-Assas)
- 1996-1997: Bachelor of Civil Law (MA Hons), Hertford College, Oxford University
- 1997: Birkenhead Scholar, Gray's Inn
- 1997-1998: BVC, Inns of Court School of Law
- 1997-1998: Lecturer in EU law, Lady Margaret Hall, Oxford University
- 1998: Call to the Bar of England and Wales
- 1998-1999: Pupillage 4-5 Gray's Inn Square
- 1999-2001: Member 4-5 Gray's Inn Square
- 2000-2001: Judicial Assistant to the Law Lords, House of Lords (Lord Slynn of Hadley)
- 2001-2016: Member 11 King's Bench Walk
- 2002-2004: Référendaire to the UK Judge (Sir David Edward), Référendaire and Chef de Cabinet (Sir Konrad Schiemann)
- 2003-2017: Member of Attorney General's Panel of Government Counsel (C, B and A, successively)
- **Since 2016: Member 39 Essex Chambers**
- **2017: Appointed Queen's Counsel (now King's Counsel)**

III. Relevant professional activities

a. Description of judicial activities

- I have worked at judicial institutions in the UK and in Europe. At the Court of Justice of the EU (in the UK Cabinet) – as a référendaire for Sir David Edward and Sir Konrad Schiemann. For the latter I was also Chef de Cabinet. I dealt with the full range of procedural and substantive issues arising before the Court – including drafting (in French) reports for the hearing, notes for judicial deliberations, draft judgments ('projets de motifs'), negotiating drafts with other cabinets and hosting external visitors (judicial, academic, student); all dozen draft judgments for which I was responsible (including in **Cases C-322/01** and **C-2/01P** – both considered seminal judgments) passed the Court's deliberations in one sitting (generally difficult to achieve) – evidencing my intellectual ability and my thoughtful and inclusive approach (a more recent example is my decisive contribution to the outcome in **Miller 2** – which reflected unanimity amongst all 11 Justices; the work was carried under extreme time pressures, in full glare of media attention).
- Have worked for both Labour and Conservative administrations (including as lead counsel in high profile litigation) and at the same time for Her Majesty's Opposition (eg as lead counsel in Miller 2) – evidencing my integrity and independence (both perceived and actual).

- By temperament and intellectually, I adopt a 'judicial' approach – seeking first fully to understand the architecture of a case (evidence, law, policy considerations, parties' motivations; the interrelationship between the above and their respective weight), before proceeding to assess arguments. The integrity of the law and the appreciation of what is a just and fair outcome are both important considerations.
- As a member (including as Chair) of Liberty's Conference and Appeals Committee (2012-2022), I was called upon to adjudicate on issues (often highly contentious) raised by members or on appeals against exclusion decisions.

b. Description of non-judicial legal activities

- My practice spans constitutional, administrative, human rights, EU and related areas of public international law. Before being appointed Queen's Counsel (2017), I was a member of the Attorney General's Panel of Government Counsel for 14 years; have appeared before UK specialist tribunals and appellate courts (including multiple appearances before the House of Lords/Supreme Court, Court of Appeal), before CJEU – in direct actions and preliminary reference procedures and courts of the British Overseas Territories. Many of my cases have strong European/international dimensions, and often straddle areas of economic and social policy.
- Work for claimants and defendants, private parties, non-governmental organisations, public authorities and regulatory bodies. I am comfortable developing/arguing novel points of law – eg challenge to determination of asylum claims on Diego Garcia – **AAA** (2023, BIOT Supreme Court – *defending* challenge), challenge to prorogation of Parliament – **Miller 2** (2019, UK Supreme Court – *supporting* challenge) – as I am dealing with complex technical/evidential matters (eg rail reform, procurement disputes, infrastructure projects) and cases involving novel technologies (eg environmental law challenge to open release of genetically modified mosquitoes – **Ebanks** (2016, Grand Court, Cayman Islands – for *Claimant*).
- Acted in constitutional cases on balance of powers (i) parliamentary sovereignty and separation of powers: UK (**Miller 2**) (ii) EU legislative competence challenges – acting for UK government (CJEU **C-121/14 UK v Parliament, Council** (transport); **C-440/05 Commission v Council** (environmental protection) (iii) 'access to justice' – defending 'removal window policy' (**FB, Medical Justice**, CA 2020).
- Post-Brexit advisory work for eg the Independent Monitoring Authority on the Rights of EU Citizens (issues under the Withdrawal Agreement); trust companies on EU/UK sanctions regimes; European Bank of Reconstruction and Development.
- Following completion of my studies, I was invited to teach EU law to final (3rd year) students at Lady Margaret Hall, Oxford University.

c. Description of non-legal professional activities

- Active involvement in pupillage recruitment activities – including interviewing applicants for pupillage.
- As an ethnic minority member of the bar, I have seen from experience how important visible diversity is in order to encourage applications from underrepresented groups so I say yes to requests to meet with students and (potential) applicants where possible. Regularly invited to speak with student bodies – eg to Professor Wintemute's students at King's College, London.
- Am frequently contacted by Korean students and young lawyers who I make a point of meeting whenever possible to provide advice.
- I am often asked to participate in official/diplomatic engagements – eg to meet with the South Korean Minister for Justice (London, 2016), to attend the State dinner for the South Korean President (Guildhall, London 2023).

IV. Activities and experience in the field of human rights

Lead cases for government/defendant, involving protection of minority rights/rights of vulnerable:

- Effective protection of rights under (i) customary international law – **AAA** (2023, BIOT Supreme Court); (ii) 'access to justice' principle – **FB, Medical Justice** (CA, 2022); (iii) 'standstill provision' of EU-Turkey Association Agreement – **CA (Turkey), Kotuk** (CA, 2018), **Karagul** (2019) (iv) EU law/European Charter of Fundamental Rights – see asylum cases below.

- Interpretation of EU Asylum directives/EU Charter of Fundamental Rights including (i) Dublin II Regulation (safety of removal to Greece, Article 3 ECHR, EU Charter: **NS** (CA, 2010); to Italy: **Mehrab**) (ii) Procedures Directive and Article 6 ECHR (**S v First-tier Tribunal, 2012**) (iii) Reception Directive (**Refugee Action**, 2014); (iv) Qualification Directive – interpretation of 'internal armed conflict', subsidiary protection (**QD (Iraq)**, CA, 2009); imputed political opinion – **MSM (Somalia)** (CA, 2016).
- Lead asylum/country guidance (CG) cases: (i) **RA, BF** (CA, 2015) – claim for international protection by dependent child, appeal rights and duties under UNCRC (ii) **ST (Iraq) & C1** (CA, 2014) – UK obligation to cooperate with UNHCR; (iii) **MA (Somalia)** (CA, 2010) – safety of route of return (iv) Somalia CG: **HH (Mogadishu: armed conflict)** (UKAIT, 2008); **AM (armed conflict)** (UKSC, 2010).
- Key cases on (i) interpretation of statutory appeal rights: Article 8 ECHR **Mohan** (CA, 2012), **BA (Nigeria)** (UKSC, 2009) (ii) adequacy of asylum support (**Refugee Action**), asylum accommodation, hotels for unaccompanied minors (**ECPAT UK**, 2023), age assessment policies (**BF (Eritrea)** UKSC, 2021; **MA & AM** CA, 2022; **A v Croydon, M v Lambeth** UKSC, 2009 (Article 6); national transfer scheme for unaccompanied children: **Medway** (2023), **Kent** (2023)).
- Public Sector Equality Duty (Equality Act 2010) cases: (i) **ZK** (CA, 2022) – special educational needs provision (ii) **Hotak** (UKSC, 2015) – homelessness, priority need for housing (iii) **Bailey v Brent** (CA, 2011) – closure of Brent libraries.

Full spectrum of rights under ECHR:

- As Government counsel, involved from the outset in human rights cases: (i) **Mr X v NHS bodies** (2002): disclosure of sexual health records for AIDS patients accused of infecting partners, Article 8 (ii) **Taylor v Central Beds** (CA, 2009) – Article 8 ECHR as defence to possession proceedings (iii) **RM vDWP** (2010) religious discrimination challenge to funeral payments (iv) **Boosttower v BIS** (2012) – investigatory powers under Companies Act 1948, Article 6 (v) **Gallastegui v Westminster CC** (CA, 2013) – Parliament Square protest rights (vi) **Justice for Kids v SSHD** (2015) – revisions to PACE Code C, Article 8 ECHR (vii) **LV v MoJ** (2014) – delay in conditionally discharging prisoner detained under MHA 1983, Article 5 (viii) **UKAFPO v Defra** (2013) – reallocation of EU fishing quotas, A1P1, discrimination, legitimate expectations.
- Advisory work shaping (draft) primary legislation to ensure ECHR (and international law) compliance (eg initial proposed measures for a 'BDS Ban' Bill, Procurement Bill/Act 2023).
- Advisory work for both government and Her Majesty's Opposition – on eg Violence against Women and Girls Policy, All Women's Short Lists, windfall taxation.
- Pro bono work for Liberty – see below.

V. Public activities

a. Public office

Not applicable.

b. Elected posts

I have been a (co-opted) member of the Bar Council's Remuneration (1999-2000), European (2006-2007) and International (2016-2020) Committees.

I joined the Remuneration Committee to represent the views of the most junior members of the profession. I was asked to join the European Committee given my expertise in EU law. In this capacity, I often mediated between the sometimes divergent EU and UK perspectives – eg in respect of EU legislative initiatives. On the International Committee, I actively assisted the Bar Council in its international outreach and business development activities in Asia (particularly South Korea) including through taking part in events/seminars during the 2019 IBA conference in Seoul. Frequent host to South Korean lawyers during their visits to London – both as a member of the International Committee and via my chambers, resulting in closer ties (and on occasion instructions to chambers).

Through these activities, and as the first QC/KC of Korean origin, I have been able to reach wide audiences (professional, academic and student) in South Korea, and to promote/lecture on topics of personal interest eg the EU's external competence (including in the area of free trade agreements, its multilateral investment court project), and 'business and human rights'.

c. Posts held in a political party or movement

No membership at any time of any political party. As a member of the AG's panel of counsel (over a continuous period of 14 years and thereafter in silk), I have worked for both Labour and Conservative administrations. At the same time, I have also worked for the Labour Party (advisory and court work) during their time in opposition – most notably in *Miller 2* (2019).

I am a long-standing member of Liberty (the human rights organisation); was elected to Liberty's Council (2007-2011); also elected to Liberty's Conference and Appeals Committee (2012-2022, including as Chair). As a member of Liberty's Council I was actively involved in debating and setting Liberty's policy position on issues such as asylum, children's rights, policing, mental health. Being a member and chair of its Conference and Appeals Committee required careful yet clear handling of often highly sensitive policy and membership issues.

I have also provided, pro bono, legal opinions in support of Liberty's (successful) campaigns – eg against the banning of soup kitchens in Westminster (2011), against the ban on begging and rough sleeping in Oxford via the use of Public Spaces Protection Orders (2015).

VI. Other activities (field, duration, functions)

Longstanding member of specialist bar associations – in particular the Constitutional and Administrative Law Bar Association ('ALBA'), Bar European Group ('BEG').

Elected Committee member (and officer) of ALBA – between 2004 to 2015: elected Membership Secretary (2004-2008), Secretary (2008-2012) and Treasurer (2012-2014); currently a member of the Committee (having been asked to stand for election again in 2023).

As an officer of ALBA, was active in organising its membership, day-to-day running and financial affairs.

I have contributed to ALBA's consultation responses – including on the Independent Review of Administrative Law (2020); involved in preparing ALBA's response to the House of Lords' Constitution Committee's inquiry into the Rule of Law (2025).

As an established member of the public law bar, I have joined with colleagues in writing public letters to the Attorney General over legal aid reform (2013) and the government's criticisms of 'activist' lawyers (2020).

Invited to give papers at ALBA's and BEG's annual conferences (including on 'standing' before the CJEU, and the principle of effective protection – subsequently published in *Judicial Review*); and other professional (eg Procurement Lawyers' Association) and commercial (eg The Lawyer, White Paper Conference) organisations.

VII. Publications and other works

- 'The Principle of Effective Protection – reaching those parts other principles cannot reach' – JR, Dec 2011, Vol.16 Issue 4, p. 440. (Delivered at joint ALBA/BEG Summer Conference, July 2011).
- Contributor, *Liber Amicorum*: 'A True European: Essays in honour of Sir David Edward' (Hart Publishing, 2004).
- The Defendant's Checklist: JR Vol. 22 Issue 4, p.329-337, co-authored with Lisa Giovannetti QC.

Frequently invited to speak on key constitutional developments including:

- to JUSTICE on proposed reform to the Human Rights Act 1998 (2022)
- to ALBA on the Bill of Rights Bill (2022)
- at Hertford College, Oxford University – on *Brexit, the judiciary and the rule of law* – following *Miller 2*.

Examples of other recent events/lectures:

- July 2024: organised and chaired a seminar – with Bronwen Maddox (Chair of Chatham House), Baroness Chakrabarti and others – addressing challenges faced by the new Government (addressing foreign policy, human rights, migration crisis 'post Rwanda' (on which I spoke), environment, energy).
- November 2023: spoke on human rights/ESG counterclaims in investment treaty claims (and UNCITRAL Working Group III reforms), Seoul Alternative Dispute Resolution Festival.
- November 2022: chaired a conference on international arbitration and corporate crime, Seoul.

VIII. Languages

Language	English	French
Reading	C2	C2
Writing	C2	C1
Listening	C2	C1
Speaking	C2	C1
How acquired?	Mother tongue	School (A Level), University (studied law at Paris II for 1 year), CJEU (worked in French as a référendaire for 2 years).

IX. Other relevant information

The present is an extremely delicate and sensitive moment – for the UK, the Council of Europe and internationally – with increasing threats to the rule of law and (threats of) conflict. Particularly following Brexit, the UK's relationship with the Council of Europe (and the ECtHR) is even more vital yet requires particularly careful handling. I appreciate the relationship between rule of law concerns and the separation of powers and the important role of the ECtHR in protecting Convention rights whilst guarding against fragmentation amongst Member States and within the UK.

I also consider that human rights norms should play a greater role within the corporate sector. I have organised/spoken at events/seminars in London and in Seoul – including on 'business and human rights', the EU multilateral investment court project, and human rights counterclaims in investor state disputes – with a focus on rule of law issues.

X. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court

Yes, I confirm.

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court

Yes, I confirm.

Appendix 3 - Curriculum vitae of Sam WORDSWORTH

I. Personal details

Name: WORDSWORTH, Sam

Gender: male

Date and place of birth: 27 June 1964 in Warborough, UK

Nationality: British

II. Education and academic, and other qualifications

BA Honours (First class) English, University College London, 1986;

Common Professional Exam (1988) and Law Society Finals Exam (1999), City of London Polytechnic.

Qualified as solicitor 1991; avocat à la cour, barreau de Paris, 1994; barrister, 1997;

LLM, international law, 2000, London School of Economics.

Became QC (now KC) 2013.

III. Relevant professional activities

a. Description of judicial activities

I sit as arbitrator in international arbitrations in investment treaty disputes (as part of a three-person tribunal) – to date I have sat as arbitrator in six such disputes. In one case, *RWE v Spain*, I was appointed as chair of the tribunal, in a case involving a 300 million (plus) euro claim against Spain (with respect to the withdrawal of renewable energy subsidies).

b. Description of non-judicial legal activities

I am a **public international lawyer**, acting as counsel in cases involving a very wide variety of issues of international law (including human rights issues).

Cases before the ECtHR: *Hanan v. Germany* (instructed by Rights Watch UK, intervening), *Nada v. Switzerland* (instructed by UK, intervening), *Al-Dulimi v. Switzerland* (instructed by UK, intervening), *Hassan v. UK* (instructed by UK), *Al Skeini v. UK* and *Al Jedda v. UK* (instructed by UK); *Al Saadoon v. UK* (instructed by UK).

I have acted in very many cases before the ICJ and other state-state tribunals, including in various cases directly concerning human rights, i.e. in *Application of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) (Armenia v. Azerbaijan)*, and also *(Azerbaijan v. Armenia)*; *Application of the ICSFT and of the CERD (Ukraine v. Russia)* (resigned from case, February 2022); *Application of the CERD (Georgia v. Russia)*; *Ahmadou Sadio Diallo (Guinea v. Democratic Republic of Congo)*. Recent instructions include *Alleged Breaches in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)*, instructed by Germany (re weapons supply to Israel); *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in Sudan (Sudan v. United Arab Emirates)*, instructed by Sudan (re ongoing genocide in Sudan).

Notable cases before the domestic courts that include human rights issues are: *Serdar Mohamed v. Secretary of State for Defence* (UKSC, detention of suspected insurgents in Afghanistan); *Belhaj v. Jack Straw and Ors* (UKSC, alleged complicity in unlawful rendition and torture); *Hussein v. Sec. State for Defence* (EWCA, UK military interrogation techniques); *Equality and Human Rights Commission v. Prime Minister and Others* (Div. Ct, Guidance on Interviewing of Detainees Overseas); *R (Al Haq) v. Sec. State for Foreign and Commonwealth Affairs* (Div. Ct, UK acts in relation to Israel's armed intervention in Gaza); *Hassan v. Sec. State for Trade and Industry* (EWCA, licensing of arms for export to Israel); *R (Al Haq) v. Sec. State for Business and Trade* (Div. Ct, UK licensing of aircraft spare parts that might be used by Israel in air strikes on Gaza).

c. Description of non-legal professional activities

Not applicable

IV. Activities and experience in the field of human rights

For more than 30 years, I have been acting primarily in international and domestic cases where the applicable law (or one of the applicable laws) is international law. The interpretation and application of treaties, including the ECHR, has been the mainstay of my practice. I am regularly instructed by diverse states in cases before the ICJ (eg I currently act in ICJ cases for Azerbaijan, Belize, Germany, Iran) as well by various other states (eg currently Australia, India, Republic of Korea, Nigeria) and individuals in cases before other international and domestic tribunals. I have acted in the past in various cases for the UK including before the ECtHR (see below) and the ICJ (eg *Lockerbie*, *Kosovo*, *Chagos*), but currently act against the UK in cases brought against Iran concerning the downing of Flight PS752. Whilst living in Paris in the 1990s, I worked for the *Fédération internationale pour les droits humains* (responsible for monitoring and responding to abuses in Kenya, Nigeria, Sudan).

Issues of human rights have come into my practice in four separate ways.

First, in ECHR claims, which have typically involved not just considering the meaning and application of the substantive ECHR protections (eg: Art. 2 and 3 – *Al Skeini*, *Al-Saadoon*, *Hassan*, *EHRC v. Prime Minister* (including the content of the ‘real risk’ test in the context of Guidance re detention and interview overseas); Art. 5 – *Al Jedda*, *Serdar Mohammed*; Art. 6 – *Al-Saadoon*, *Al-Dulimi*; Art. 8 – *Nada*) but also in-depth consideration of the extent of a state’s jurisdiction under Art. 1 and/or the interplay with other applicable rules of international law such as UN sanctions regimes or international humanitarian law. See eg *Hassan* (under written pieces) and I later assisted in the application of the basic principle derived from *Hassan* in *Serdar Mohamed* before the UKSC. Also *Hanan v. Germany* where I argued for a functional approach to Art. 1 jurisdiction that focuses on the capacity of the state to protect.

Second, where other human rights treaties have been at issue in state/state or investor-state cases. A recent example has been the cases before the ICJ concerning Armenia and Azerbaijan and alleged breach of the CERD in the context of ethnic cleansing and other forms of discrimination, and how CERD applies in situations of armed conflict.

Third, where an Art. 6 right or equivalent arises in an immunity case (see eg *Argentum v. South Africa* UKSC [2024] 16, paras. 111-116 accepting position that I advocated), or in an investor-state case (such as *Alghanim v Jordan*, *SDM v Lesotho*, *Benabderrahmane v Qatar*) by reference to the FET standard and Art. 14 ICCPR.

Fourth, in cases involving deprivation of property, where it has been necessary to consider and apply customary and treaty protections, including on occasion Art. 1, Prot. 1: ongoing expropriation cases include *Zeph v. Australia* (for Australia) which is the largest ever investor-state claim by value. Recent advisory work includes advising MOD on a potential multi-billion claim with respect to former MOD housing stock; also potential claim against Poland involving its failure to restore property to successors of the pre-1945 owners (investment treaty and ECHR); potential claim against Russia re expropriation of oil concession.

V. Public activities

a. Public office

Not applicable

b. Elected posts

Not applicable

c. Posts held in a political party or movement

Not applicable

VI. Other activities (field, duration, functions)

Teaching since 2003.

I am a Visiting Professor at King's College London, teaching the LLM course on investment treaty arbitration. This involves giving 12x 2-hour lectures per year, the writing, development and updating of which each year takes me considerable time. This is due not just to the many new cases in this field, but also the fact that this is an area of law evolving rapidly by reference to state practice as well as the cases and abundant commentary. I also set questions for the annual exam and supervise the marking process (I used to mark the scripts myself, but no longer do so unless there is a specific issue).

VII. Publications and other works

I have contributed to various works on international law including Halsbury's Vol. 61 on *International Law and Foreign Relations* (sections on treaties at pp. 70-100 and treatment of aliens and foreign investors at pp. 393-416), the forthcoming 11th edition of Oppenheim's *International Law* (sections on territory and investors), and Mustill & Boyd *International Commercial and Investment Treaty Arbitration* (the three chapters on investment treaty arbitration). Certain of the topics that I have covered are of relevance to the work of an ECtHR judge. For example, my work for Mustill & Boyd includes a detailed treatment on applicable laws (the law governing the source of jurisdiction, the law governing procedure, the law governing the substance of a dispute) and the interplay between different sources of international law and also domestic law(s) (including the correct approach to domestic court judgments), which is a key feature of investor-state arbitration (at pp. 721-740). I have also just been invited (and accepted) to write a new chapter on admissibility for the next edition of the highly regarded *Statute of the International Court of Justice: A Commentary*, ed. Zimmermann and Tams.

VIII. Languages

Language	English	French	Italian
Reading	C2	C2	B1
Writing	C2	B2	B1
Listening	C2	C2	B1
Speaking	C2	C2	B1
How acquired?	Mother tongue	Living in France 6 yrs	Lessons, having house in Italy

IX. Other relevant information

I am on the British Institute of International and Comparative Law (BIICL) Public International Law Advisory Panel (formerly as Chair) and am otherwise active in assisting BIICL. I am also on the organising committee for the London Conference of International Law and have been active in organising the three events to date, which have been a great success (attended by 500+ practitioners, academics, students from around the globe). I frequently speak at conferences such as this, including the prestigious annual meeting of the American Society of International Law. I contribute to various publications as discussed further below.

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Yes, I confirm.

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