

Newsletter  
**GUERNICA 37**  
International Justice Chambers



APRIL 2021 | ISSUE NO. 5



**JUSTICE**

‘Representing the interests of victims, we empower them to demand justice both locally and internationally’



**ACCOUNTABILITY**

‘We are committed to conceive and develop strategies necessary to further accountability for human rights abuses globally’



**SUSTAINABILITY**

‘We work on effective atrocity prevention through transnational initiatives, promoting meaningful national transformations’

## A Message from the Co-Heads of Chambers,

We are pleased to introduce this fifth edition of the Guernica Newsletter and to highlight a number of important developments. We are delighted to announce two new members joining Chambers. Sir Howard Morrison CBE, QC, the former British judge at the International Criminal Court and President of the Appeals Chamber joins Chambers after having completed an exemplary term of office in The Hague. John Cubbon, an international lawyer with many years' experience of criminal justice issues arising in fragile and conflict-affected states and having held positions in the United Nations for 19 years returns to the English Bar. We are very fortunate to strengthen Chambers with the addition of two highly experienced practitioners.

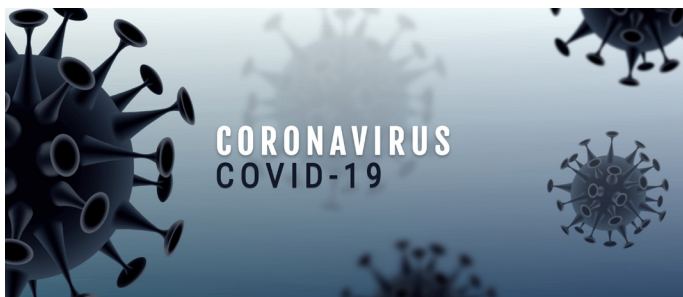
Chambers continues its work on projects related to Egypt, Kosovo, Lebanon, Montenegro, Saudi Arabia, Syria, UAE, Venezuela, Yemen and continues its representation of two whistleblowers, Jonathan Taylor in Croatia and Trevor Kitchen in Portugal.

We continue to expand our recruitment and in April we reopened the Academy Internship Programme where we received in excess of 500 applications. We further concluded interviews for pupils and will be making offers on 7 May 2021 for two candidates to start in Autumn 2021 and two further candidates for Autumn 2022.

This month we issued the latest episode of the Guernica Accountability Podcast with Cherie Blair QC in an episode entitled "Accountability through the lens of Diversity". In May, we expect to release a further two episodes to highlight truth, justice, accountability, and our firm commitment to diversity and opportunity.

We hope you enjoy this edition of our newsletter.

Toby and Almudena



During this difficult time of uncertainty, we would like to assure you that Guernica 37 International Justice Chambers remains committed to all its clients and will take every measure to ensure that they are not affected by the challenges being adopted globally.

Guernica 37 is unique in that, since its inception in 2016, it has operated on a global, largely remote, platform. With its associated offices in London, Madrid, San Francisco and its operational presence in Bogotá, Colombia, it continues to protect the vital interests of its clients – individuals, civil society organisations, corporations, international organisations and States – and will ensure that those rights, including the access to justice, is maintained even during this difficult time.

Guernica 37 will remain open and committed to its clients, notwithstanding the current emergency. We further remain committed to ensuring that the measures taken by States in seeking to contain the spread of the Coronavirus does not exceed the measures strictly necessary and does not impede, frustrate or unfairly restrict the human rights and fundamental freedoms of all.

As a responsible Barristers' Chambers, we will follow the Government and Bar Council guidelines that are consistent with ensuring the measures taken are strictly necessary and proportionate.

We will remain open during the hours of 09.00 to 17.00 Monday to Friday and our emergency 24-hour phone line will remain active during this time. We will endeavour to respond to all requests in an appropriate and timely manner and will provide the option of tele-conference which our administrative staff can arrange.

Should you have any queries please do not hesitate to contact our Clerks at [clerks@guernica37.com](mailto:clerks@guernica37.com).

The Guernica Team



# The Month In International Legal News



The UK Home Office is facing an investigation after failing to reveal the number of British women who have been stripped of their UK citizenships, after travelling abroad to join the Islamic State group (IS). The data was requested by a human rights group that monitors the conditions of British women kept in camps in north eastern Syria, but following the refusal of the Home Office the case has been taken up by the information commissioner.

A Russian court extended the pre-trial detention of activist Mikhail Iosilevich, the first person put behind bars in connection with his prosecution under Russia's abusive "undesirable foreign organisation" law. By the time the extension ends on April 28, Mr. Iosilevich will have spent three months behind bars without being convicted of something that should not be a crime in the first place.

The Appeals Chamber of the ICC delivered its judgments confirming by majority the decision of Trial Chamber VI of 8 July 2019, which found Bosco Ntaganda guilty of 18 counts of war crimes and crimes against humanity committed in Ituri (Democratic Republic of Congo), in 2002-2003.

According to a group of independent UN experts, Russian mercenaries from the Wagner group, a private military contractor, have committed human rights abuses in the CAR while fighting alongside government forces. The UN working group said it was "deeply disturbed"

by the connections between Russian mercenaries and a series of violent attacks that have taken place in the CAR since elections in December.

A UN report concludes that a French airstrike killed 19 civilians and three armed men at a wedding in Mali on 3 January.

The Council of Europe Committee of Ministers adopted a formal Recommendation which provides a framework for member States to better regulate the trade in goods which could be used for capital punishment, torture and other cruel, inhuman or degrading treatment or punishment. The Recommendations include a trade ban on inherently abusive equipment, such as spiked batons, weighted leg irons and body worn electric shock weapons, and stringent trade controls on standard law enforcement equipment that can be readily misused to inflict torture or other ill-treatment, such as pepper spray, tear gas and electric shock projectile weapons.

The Appeals Chamber of the ICC delivered its judgment on the Prosecutor's appeal against Trial Chamber I's decision of 15 January 2019, which had acquitted, by majority, Laurent Gbagbo and Charles Blé Goudé of all charges of crime against humanity for their alleged role in post-election violence in Côte d'Ivoire in 2010-2011.

Seven of Hong Kong's most prominent pro-democracy campaigners have been convicted of unlawful assembly relating to huge demonstrations two years ago.

Alexei Navalny has gone on hunger strike after saying he was denied urgent medical treatment in prison. The Russian opposition leader has complained of a sharp deterioration in his health since his transfer to a prison colony in the Vladimir region to serve a two-and-a-half year sentence on embezzlement charges.

Senior UN officials strongly condemned the widespread violence by Myanmar's security forces against civilians, including children, as the members of the Security Council expressed alarm at the rapidly deteriorating situation in the country.

*Russian President Vladimir Putin has signed a law that will allow him to run for the presidency twice more in his lifetime, potentially keeping him in office until 2036. The Russian president signed the legislation, ending a year-long process to "reset" his presidential terms by rewriting the constitution through a referendum-like process that his critics have called a crude power grab.*

On 23 March, an investigative judge set 6 April as the first trial date for Moroccan investigative journalist and vocal critic Omar Radi, who has been held in pre-trial detention for nine months in Oukacha prison in Casablanca. He will face charges of "harming the national security of the state" and rape.

In a message commemorating the International Day of Reflection on the 1994 Genocide Against the Tutsi in Rwanda, Secretary-General António Guterres underlined that everyone must "take a hard look at today's world and ensure that we heed the lessons of 27 years ago".

A former director of public prosecutions in the UK has called on governments to reject an apparent bid by the UAE to install one of its senior police officers as the next president of Interpol.

The World Peace Foundation published a report that analyses evidence of starvation-related conduct

by parties to the conflict in Tigray (Ethiopia). The report considers the effectiveness of the responses at the international level and outlines preventative and accountability-oriented remedies.

UN investigators believe that Protais Mpiranya, former commander of the presidential guard of the Rwandan army, is hiding in Zimbabwe and are launching a new effort to convince authorities in Harare to allow the fugitive to face trial. He has been on the run for 27 years charged with war crimes, genocide and crimes against humanity.

Prosecutors in Italy have secretly recorded hundreds of conversations between human rights lawyers and their clients in cases related to allegations that NGOs operating rescue boats that saved thousands from drowning in the Mediterranean were complicit in people smuggling.

Israel says it refuses to cooperate with an investigation by the International Criminal Court (ICC) into possible war crimes in the occupied territories. In a letter to the court, Israel says the ICC is "acting without authority" in carrying out the probe.

A Greek crime journalist, Giorgos Karaivaz, has been shot dead near his home in Athens.

The UN rights chief, Michelle Bachelet, stated that the UK armed forces bill could limit accountability for war crimes if it is passed. The High Commissioner for Human Rights urged Parliament to consider that the proposed new Overseas Operations Bill risks threatening human rights obligations.

Brussels is pushing for the UK to not be able to join the Lugano Convention, an international legal pact that determines which countries' courts have jurisdiction over cross-border civil and commercial disputes.

An investigative team from the Organisation for the Prohibition of Chemical Weapons (OPCW) said there were "reasonable grounds to believe" that on 4 February 2018, a Syrian air force helicopter dropped a cylinder that released a toxic gas, namely chlorine, on a residential neighbourhood in the rebel-controlled Idlib region. The OPCW found that it released a toxic gas

cloud that affected 12 individuals and the report stated that people were treated for symptoms that included nausea, eye irritation, shortness of breath, coughing and wheezing.

---

The UN High Commissioner for Human Rights has warned Myanmar could be heading towards a “full-blown” Syrian-style conflict, unless the international community intervenes to stop the violence.

---

According to the UN’s annual state of world population report, twenty countries still permit rapists to marry their victims in order to evade justice. Russia, Thailand and Venezuela are among the countries that allow men to escape criminal prosecution if they marry the women or girls they have raped.

---

The UK military in Afghanistan is expected to leave by 11 September, at the same time as US forces. This would coincide with the 20th anniversary of 9/11 in 2001.

---

According to UN human rights experts, the United States’ anti-terrorism program “Rewards for Justice” is violating the human rights of some of the individuals it targets.

---

The Biden administration imposed a series of new sanctions against Moscow over alleged interference in the 2020 election, a cyberattack against U.S. government and corporate networks, illegal annexation and occupation of Crimea, and human rights abuses.

---

## GUERNICA 37

### Balkan News



Zoran Milanovic, Croatia’s President, stated that he feels that Serbia should not be allowed to join the European Union until they have resolved the missing person issue. According to the War Veterans’ Ministry, 1869 Croatian soldiers and civilians are still missing from the War in the 1990s.

---

Defender of Sarajevo” Jovan Divjak died on the 8th of April 2021 at age 84. Jovan Divjak was a retired General of the Army of the Republic of Bosnia and Herzegovina. He played a vital role in defending Sarajevo during the war in the 1990s.

---

On Thursday, the Human Rights House Zagreb published its annual report where it stated that there was not much headway in the prosecution of war crimes in 2020. It did mention that there has been a slight “shift” in the culture of remembrance at commemorations of war events which used to be exclusively focused on Croats

---

Mile Pazin’s appeal against his sentence for mistreating a civilian prisoner in Stolac in 1993 was rejected by the Bosnian State Court. Mile Pazin was sentenced to one and a half years imprisonment in September 2020.

---

Montenegro’s current government is struggling to keep the support of the parliamentary majority that helped vote it into office.

---

Nebojsa Medojevic, the leader of the Movement for Changes party, accused the former government led by Milo Djukanovic of supporting the Bosnian Serb Army in Srebrenica in 1995.

---

A memorial wall, in former Bllaca refugee camp, dedicated to the thousands of ethnic Albanians who were deported from Kosovo during the war in 1999 was unveiled last week. It represents the suffering of over 440 000 civilians fleeing Kosovo.

---



# The Guernica Accountability Podcast



## Our Previous Episodes

- Episode 1 – The Guernica Accountability Podcast – Introducing The Guernica Group, directly from the voices of those who form part of this initiative.
- Episode 2 – Guatemala – Toby Cadman speaks to Law Professor Naomi-Roht-Arriaza about the Guatemalan Genocide and the historic process that saw a former Head of State put on trial in a national court for Genocide.
- Episode 3 – Syria – Toby Cadman speaks to Waad Al Kataeb, the extraordinary young woman who produced the documentary For Sama, her husband Hamza, a surgeon from the last remaining hospital in besieged Aleppo and Catherine Marchi-Uhel, the Head of the United Nations Mechanism for Syria.
- Episode 4 – The Jesuits Massacre Case – Guernica Co-founders, Almudena Bernabeu and Toby Cadman, discuss the historic Jesuit Massacre Trial before the Spanish National Criminal Court. Almudena has been involved in the case for more than a decade.
- Episode 5 – The Secret Barrister – Guernica Co-founder, Toby Cadman discusses a broken legal system with The Secret Barrister. The Secret Barrister discusses the legal system of England and Wales, how it is broken and how it can be fixed.
- Episode 6 – The Pillars of Justice – Guernica Co-founder, Toby Cadman discusses the four pillars of transitional justice - truth; justice; reparations; and non-recurrence - with Pablo de Greiff.
- Episode 7 – Gender Crimes & Sexual Violence – Guernica Co-founder, Toby Cadman speaks to Michelle Jarvis, Deputy Head of the UN IIIM and discusses her career in international criminal justice.
- Episode 8 – An Unorthodox Barrister - Guernica Co-founder, Almudena Bernabeu speaks to Toby Cadman about his unorthodox career path to the English Bar, human rights, Guernica, Bangladesh, Syria, Kung Fu and the Rolling Stones.
- Episode 9 – In the latest episode of the Guernica Accountability Podcast we discuss sexual violence as a method of war. Patricia Viseur Sellers takes us on a journey, looking at accountability mechanisms and the development of international law and the role it plays in combating gender violence in conflict.
- Episode 10– “Accountability through the Lens of Diversity” - In the latest episode of the Guernica Accountability Podcast we discuss Cherie Blair QC’s extraordinary career in law.

*You can now listen to the latest episode of the Guernica Accountability Podcast on podcast players. Make sure you subscribe to get access to new episodes as soon as they are uploaded.*

## Guernica 37 is Honoured to Announce that Sir Howard Morrison KCMG, CBE, QC has joined Chambers

Guernica 37 International Justice Chambers is delighted and honoured to announce that Sir Howard Andrew Clive Morrison KCMG, CBE, QC has joined Chambers as a member.

Sir Howard is a British lawyer with extensive experience in the field of international law and, particularly, international criminal and humanitarian law, having served as a judge at the International Criminal Tribunal for the former Yugoslavia, the Special Tribunal for Lebanon and the International Criminal Court and having served as defence counsel in a number of leading international cases.

On 16 December 2011, Morrison was elected during the 10th Session of the Assembly of State Parties to the Rome Statute as a Judge for the International Criminal Court (ICC), where he served on the Appeals Chamber for a nine-year term. Importantly, he was appointed President of the Appeals Chamber from 2012 to 2018 and from 2020 until his term ended in March 2021.

Prior to his tenure at the ICC, Sir Howard served as a judge at the International Criminal Tribunal for the Former Yugoslavia (ICTY) from 2009, where he sat as a trial judge in the leading case of *The Prosecutor v. Radovan Karadžić*, among others.

Prior to his appointment to the bench, in 1998, he served as defence counsel at the International Criminal Tribunal for Rwanda (1998-2004) and the International Criminal Tribunal for the Former Yugoslavia (from 2009).

He was appointed Queen's Counsel in 2001 and was made a Circuit Judge in 2004. In 2007, he was appointed Commander of the Order for the British Empire (CBE) for services to International Law and in 2015 he was made Knight Commander of the Order of St. Michael

and St. George (KCMG), for services to international justice and the rule of law.

Sir Howard holds a degree in Law from London University and an Honorary L.L.D. from Leicester University. He was called to the Bar of England and Wales in 1977, having studied at the Inns of Court School of Law. In addition, he is an Honorary Professor of Law at Leicester University and a Senior Fellow of the Lauterpacht Centre for International Law (LCIL) at Cambridge University. He is a Visiting Professor at Northumbria University and a Bencher at Gray's Inn.

At Guernica 37, we believe that Sir Howard's unrivalled expertise and outstanding experience in the field of international criminal law and human rights law will greatly contribute to Guernica 37's mission and he will be a wonderful addition to our team.





---

## Whistleblower Jonathan Taylor still trapped in Croatia after nine months

---

Jonathan Taylor, the British lawyer who exposed the massive corrupt practices of the Dutch oil company SBM Offshore, has been trapped in Croatia for 9 long months and still counting. The INTERPOL Red Notice issued by Monaco demonstrates how the government abused the system in an analogous manner as the governments of Montenegro, Romania, UAE and Egypt, in order to pursue whistleblowers and political dissidents.

The UK Foreign Office conveys its reluctance to intervene in this case and barrister Toby Cadman

pointed out to them where they have openly interfered in such a process.

Mr. Taylor has no regrets for exposing the wrongdoings, but fears that his case will set a sinister precedent for those who consider whistleblowing.

The original article can be found here.

<https://www.guernica37.com/post/whistleblower-jonathan-taylor-still-trapped-in-croatia-after-nine-months>

---

## Guernica Expresses its Deepest Condolences for the Tragic Death of David Beriáin and Roberto Fraile

---



It has been announced that David Beriáin, Roberto Fraile, an Irish national and a local man working on a documentary in Burkina Faso have been killed by extremists believed to have been connected to Al Qaida.

All at Guernica would like to extend our deepest condolences and sympathies to the families of those brutally and senselessly murdered.

The Spanish Prime Minister stated:

“We have confirmation of the worst possible news. All our love to the family and loved ones of David Beriáin and Roberto Fraile, who were murdered in Burkina Faso. And also our recognition of those who, like them, practise brave and essential journalism on a daily basis in conflict zones.”

Angela Quintal, CPJ’s Africa program coordinator stated:

“Authorities in Burkina Faso must thoroughly and transparently investigate the killings of journalists David Beriain and Roberto Fraile and ensure that those responsible are found and brought to justice. Too often journalists are killed with impunity; authorities must ensure that does not happen in this case, and should find the attackers and the planners of this violent act at once.”

Almudena Bernabeu, Co-head of Chambers at Guernica 37 stated:

“I had the pleasure to meet David and the team at 93 meters as Guernica was engaging in supporting one of their documentary projects. Their commitment and deep understanding of the field of accountability and the fight against impunity as well as their passion makes it even harder to confront such lost. We at Guernica call for a thorough and independent investigation into the attack and to ensure that those responsible are held properly accountable before a court of law.”

See the report in the Guardian [here](#) and a statement from the Committee to Protect Journalists [here](#).



# Universal Jurisdiction over Atrocities - What should Ukraine know about this tool?

Updated: Apr 27

Almudena Bernabeu speaking, alongside Wolfgang Kaleck and Giunduz Mamedov, in a webinar about Universal Jurisdiction over Atrocities:

What would Ukraine know about this tool?

#InternationalLawTalks

<https://docs.google.com/forms/d/e/1FAIpQLScFglq75-wcW1jvAp81Mp8Ye2ZXR3L1IVoFSvBqVbZABXiELA/viewform>



## Guernica Submits to El Salvador's Supreme Court the Jesuits Massacre Trial's Judicial File

Today, April 6, 2021, the Guernica Centre for International Justice and Víctimas Demandantes (VIDAS) submitted an amicus curiae brief to the Constitutional Chamber of El Salvador's Supreme Court of Justice (CSJ), as part of the monitoring process that the Court set up to promote compliance with its ruling finding the General Amnesty Law to be unconstitutional[1]. This submission was made to support the Court's assessment of the Salvadoran State's obligations related to the prosecution and sanction of the human rights violations committed during the decade long armed conflict.

Through this action as amicus curiae, we transmitted to the Salvadoran authorities the documentation of the criminal proceedings carried out by the Spanish National Court, in which we acted as private prosecutors, in the case related to the killings of the Jesuits priests (Ignacio Ellacuría, Ignacio Martín-Baró, Amando López Quintana, Segundo Montes, Joaquín López and Juan Ramón Moreno Pardo), and Julia Elba Ramos and Celina Mariseth Ramos perpetrated on November 16, 1989 by members of El Salvador's Armed Forces. In said proceedings, the Spanish National Court sentenced former colonel and former vice minister of Public Security, Inocente Orlando Montano to 133 years of imprisonment as a co-perpetrator of an organized apparatus of power. Montano will effectively remain in

jail for 30 years, the maximum punishment permitted under Spanish law. This judgement was confirmed by the Spanish Supreme Court on February 3, 2021.

In order to fulfill its international obligations, the Salvadoran state must conduct a rigorous investigation into the massacre, ensuring the full discovery of the facts and the establishment of criminal responsibility of all of those involved in these heinous acts and their subsequent coverup, many of whom present in El Salvador.

After 31 years since the signing of the first agreement towards a negotiated solution to the civil war, Guernica and VIDAS file this amicus brief and supporting documentation as part of our contribution to the promotion of justice in El Salvador. We are convinced that these materials contain essential information to support the criminal case in El Salvador, and thus, contribute to satisfy the claims to truth and justice of the Salvadoran people and restore the dignity of all victims.

[1] Judgment of the Constitutional Chamber of El Salvador's Supreme Court of Justice, Proceso de inconstitucionalidad 44-2013/145-2013, 13th July 2016, available at:

<https://www.refworld.org/es/pdfid/59d276aa4.pdf>

Guernica 37 is an innovative International Justice Chambers specializing in transnational litigation involving the enforcement of fundamental human rights protection and international criminal norms in national courts.

## International Criminal Law

International criminal and humanitarian law is at the forefront of Guernica 37's practice. Its members have been involved in several high-profile matters prosecuting, defending and acting for victims before international tribunals, hybrid courts and human rights monitoring bodies including the International Criminal Court (ICC), International Tribunal for the Former Yugoslavia, Bosnia and Herzegovina War Crimes Chamber, Bangladesh International Crimes Tribunal and Kosovo Specialist Chambers. Previous cases have included General Augusto Pinochet, President Uhuru Kenyatta, former President Pervez Musharraf, former Bosnian Vice President Ejup Ganic, General Karake Karenze of Rwanda, the political leadership of Bangladesh Jamaat-e-Islami, and more recently the President of Syria Bashar al-Assad.

## Public International Law

Public International Law is one of the fast growing legal fields. It has been at the cutting edge of legal development in recent years and continues to develop into many interconnected fields. The introduction of the Human Rights Act in the United Kingdom and the increasing reliance on international law in the domestic courts means that expertise in this field is now more important than ever before.

## Extradition, Mutual Legal Assistance and Interpol Red Notices

Guernica 37 regularly advises and represents individuals, foreign governments and judicial authorities in extradition proceedings at all levels. Its members have been involved in a number of high-profile extradition

requests for individuals facing trials in the Balkans, South Asia, Latin America, North America, Africa and numerous Member States of the European Union under the European Arrest Warrant Scheme. Human Rights Act in the United Kingdom and the increasing reliance on international law in the domestic courts means that expertise in this field is now more important than ever before.

## Rule of Law Development

Guernica 37 seeks to adopt a principle to promote international justice through investigation, litigation, and transitional justice initiatives. It does this by building effective global networks, empowering victims and local partners to secure their voice in transitional justice mechanisms. It uses legal accountability to incentivise institutional reform and prevent future abuses. This way it develops transnational legal strategies to overcome entrenched impunity, fostering an exchange of expertise between legal cultures, civil society groups and victim communities to cross-pollinate accountability strategies.

## International Commercial Law, Arbitration & Mediation

International arbitration has enjoyed growing popularity with States and Corporations. There are a number of reasons that parties elect to have their international disputes resolved through arbitration. Guernica 37 is increasingly asked to advise and represent parties in commercial matters seeking to avoid the uncertainties and local practices associated with litigation in national courts. Clients see the more efficient procedures, the relative enforceability of arbitration agreements and awards, the freedom to select and design arbitral procedures, confidentiality and other benefits.

---

---

## Business and Human Rights

Over recent years, corporate responsibility has seen a change of focus. As a global population becomes ever more alive to general principles of individual human rights, they have also become aware of the social and environmental responsibility. Stakeholders, having developed a common understanding, are increasingly adopting responsibility for the issues that corporations are faced with, and seek to highlight such issues and exert pressure where they can. In the area of Business and Human Rights, Guernica 37 provides bespoke advice and assistance on compliance with human rights standards and due diligence policies, advancing the UN Guiding Principles. Guernica 37 further provides advice and assistance to organisations and States in the areas of anti-corruption initiatives, rule of law development, training, institution building, legal reform, and legislative drafting.

---

---

## Anti-Corruption, Bribery & Risk Management

Business and corporate strategy is now more global than it has ever been. With the increase in international trade and associated agreements however, international scrutiny has also increased with businesses and their conduct watched evermore closely. Just as the United States has made the enforcement of the Foreign and Corrupt Practices Act a priority, so too has the United Kingdom Serious Fraud Office sought to target allegations of corruption following the enactment of the Bribery Act. It is essential therefore that businesses are alive to both their domestic and international obligations. Dealing with multi-jurisdictional investigations is now the reality for those companies seeking to conduct business in global market place. We recognise that prevention is better than a cure. Guernica 37 members are perfectly placed to assist businesses in designing and implementing appropriate 'anti-corruption' programmes with policy enactment, and employee training.

---

---

## Government Advisory Work

Guernica 37 International Justice Chambers is a specialist Barristers' Chambers experienced in advising and assisting States as they commence a process of structural reform and transformation following periods of political instability, post-conflict, post-authoritarian regimes or prolonged periods of state institutions controlled by systemic and structural corrupt practices.

---

---

## International Climate Justice

Climate change and the risk of irreversible environmental damage is one of the greatest challenges we face. It impacts on a variety of human rights and fundamental freedoms. It has immeasurable consequences of the right to life, right to health, right to housing, freedom from poverty, right to access clean water and is likely to cause catastrophic internal and external displacement. Climate change and our response to the challenges we face have a disproportionate impact on the poor and marginalised. It has disproportionate impact on women, children and the elderly and is a greater threat in certain parts of the world already at risk through poverty, conflict and the absence of sustainable economic and environmental stability.





## How Kamala Harris Can Find the Solution for the Migration Crisis

*by Carolyn Patty Bloom, Opinion Contributor - Chair of the Board of the Guernica Centre*

Originally published in The Hill on 9 April 2021.

Fifteen years ago, I was trying a case in a courtroom in Tennessee. At the table for the was Nicolas Carranza, the former El Salvador vice minister of defense and director of the Treasury Police. We were listening to the key testimony of my client Daniel. Abducted from a soccer field back in 1983, Daniel had been tortured by the Treasury Police. A United States military adviser had been assassinated. The United States turned up the heat to find his killer. Somehow Daniel was chosen to take the fall.

Decades later, his torture could be the subject of a federal lawsuit against a commander who facilitated his suffering. Daniel asked where the military enablers, like President Reagan, his Central Intelligence Agency director, and others in the United States government were since after all, Carranza testified he was an informant for the Central Intelligence Agency. A 1992 peace deal ended the conflict, and the United Nations Truth Commission was tasked with investigating its scope. The final report was an indictment of the El Salvador military and its death squads. Beyond its mandate, the report did not address the role of the United States military.

Today, Vice President Kamala Harris has been tapped to find solutions to the significant problem of migration from El Salvador and its neighbors to the United States border. She is tasked with determining the root causes and addressing them. To have any success, she must demonstrate to our partners in the Northern Triangle that the United States fully understands that their history is inextricably bound with our own history.

The first task on her agenda should be to create a truth commission with academic experts, faith leaders, human rights investigators, and members of the communities

of people from Central America to sit as members. Its purpose is to come to terms with our role in the human rights tragedies of El Salvador and its neighbors in the Northern Triangle, and to create a full record of effects from our military action and foreign policy.

We know the contours of the story. The conflict in El Salvador was where President Reagan drew his Cold War line in the sand. His administration ignored the decades of brutal military rule in El Salvador, the oppression of campesinos, and the assassinations of Archbishop Oscar Romero, the political leaders of the democratic opposition, labor leader, and church women from the United States working with the displaced.

At the time, El Salvador was the third largest recipient of United States military aid. Military supplies poured into that country, along with United States military advisers. The federal government spent billions of dollars on these efforts. A direct result was the flight of more than a fifth of the population with many seeking asylum in the United States. They got no refuge, however, as almost all of them were denied asylum.

The truth commission should hold public hearings to listen to migrants about the true root causes that forced them from their homes, such as state terrorism, poverty, genocide, and corruption. Expert interlocutors should demonstrate how our foreign and military policy choices fueled the outflows then and still do now. Full declassification of thousands of heavily redacted government documents would start to tell us the story about the real role of the United States in Central America.

Read the full article [here](#).



Guernica 37 International Justice Chambers  
The Bloomsbury Building – 10 Bloomsbury Way – London – WC1A 2SL – United Kingdom  
W <https://www.guernica37.com> E [clerks@guernica37.com](mailto:clerks@guernica37.com)