

# Almudena Bernabeu

(Co Founder) Guernica 37

## Called:

Bar of England and Wales (2022)

Madrid (2017)

California (2002)

Valencia (2001)

## Introduction

Almudena Bernabeu is the Co-founder of The Guernica 37 Group and Joint Head of Guernica 37 Chambers. She is a renowned international lawyer with a long career and expertise in International Criminal Law, Rule of Law Development, Government Advisory Work, Public International Law, Atrocity Crime, Prevention, International Human Rights Law, and Anti-Corruption & Bribery. She has held extensive lectures and seminars about her experience over the last 20 years in the US and Europe.

Ms Bernabeu is a member of the Bar of England and Wales and a member of the Bar of Madrid. She has been instructed to lead prosecutions in cases in front of the Spanish High Court. She has successfully exercised her advocacy in the United States in cases brought under the Alien Tort Statute before US Federal courts and in criminal cases in Europe under the Principle of Universal Jurisdiction. Almudena Bernabeu has led as an advocate multiple landmark cases regarding international crimes occurred in Chile, El Salvador, Colombia, Libya- Yemen, Syria, Peru, Bangladesh, Iraq, Venezuela, Guatemala, The Gambia, Mexico, and others.

Among her multiple accomplishments, Ms. Bernabeu led the investigation before Spanish High Court of the Genocide committed in Guatemala against the Mayan people.



This investigation was instrumental in the conviction of the former Guatemalan dictator Efraín Ríos Montt for genocide.

Ms Bernabeu's contribution to this important case was the subject of the documentary film entitled: "Granito: How to Nail a Dictator". Ms Bernabeu also led the prosecution for the massacre of six Jesuit priests, their housekeeper, and her daughter, by members of the Salvadoran Military High Command.

Ms. Bernabeu investigated and provided essential evidence to secure a civil judgment against Pedro Barrientos Nuñez, a former lieutenant in the Chilean Military responsible for the torture and murder of the popular singer Víctor Jara.

Amongst her numerous international cases, in Peru, Ms Bernabeu advocated and ensured the extradition of two military officials involved in the Accomarca massacre, an essential case for the Peruvian Truth Commission. Further, in relation to Argentina's dirty war, she collaborated in the second extradition of Guillermo Suárez Mason to Buenos Aires where he faced charges of crimes against humanity. Ms. Bernabeu and her team brought the first criminal complaint for crimes committed by the intelligence and security forces of the Bashar Al Assad regime relying upon the Caesar's photographic files.



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Due to her unparalleled contribution to international justice Ms Bernabeu has received numerous awards, including being listed amongst Times magazine 200 most influential people, and the Letelier-Moffit Human Rights prize. In 2017, she received the 26th International Award of the Spanish Federation of Female Directors, Executives, Professionals and Businesswomen.

Almudena holds a LLM degree in International Law from the University of Valencia, where she specialised in Public International Law; Ms. Bernabeu received a *honoris causa* PhD by the University of Santa Clara, in California in 2013.

### Current work

#### Yemen

Member of the legal team investigating the Saudi-led coalition attack on the civilian population in Yemen constituting war crimes and crimes against humanity. Filed an Article 15 Communication with the ICC Prosecutor in August 2021 and a criminal report with the Metropolitan Police Service under universal jurisdiction.

#### South Sudan

Member of the legal team leading an inquiry into an attack on a group of humanitarian workers stemming from the 11 July 2016 attack on the Terrain hotel in Juba, South Sudan

Kosovo Specialist Chambers, Prosecutor v. Nasim Haradinaj  
Counsel for the defence in the trial of the Vice President of the Kosovo Liberation Army War Veterans Association on trial for administration of justice offences.

#### Kosovo Specialist Chambers

Member of the legal team leading the defence of several

suspects under investigation for international crimes allegedly committed during the 1998-1999 armed conflict in the Republic of Kosovo.

#### People's Tribunal for the Murder of Journalists

Leading the prosecution team to bring the indictment in response to the alarming number of journalists who are murdered in relation to their work, and the lack of justice in the majority of these cases. These murders are the ultimate consequence of a hostile environment for press freedom, characterized by harassment, violent attacks, or other attempts at silencing journalists. The People's Tribunal on the Murder of Journalists is organised by Free Press Unlimited, the Committee to Protect Journalists and Reporters without Borders, as part of the initiative A Safer World for the Truth.

#### Libya

Leading an investigation against two Spanish art dealers that were detained with numerous stolen goods of art of Cyrenaic origin. Filed, as a popular prosecution, a criminal complaint before the Spanish National Court. The criminal complaint was filed against those who appear as criminally responsible, throughout all phases of the investigation for war crimes, terrorist financing, membership of a criminal organization, in connection with a crime of smuggling, money laundering, and forgery of documentation.

#### Government of Rwanda

Member of the legal team instructed by the Government of Rwanda to advise on the role of French Officials in the 1994 Rwandan Genocide and to ensure that Rwanda suspects on the territory of France are brought to justice.



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Further, instructed to advise and implement a national reform initiative to strengthen domestic capacity to investigate and prosecute cases of Genocide and Crimes against Humanity.

#### Colombia

Instructed to assist on a project to investigate international crimes that are considered emblematic for both communities and victims. Our investigations seek to collect evidence and information to identify systematic patterns of violence and specific criminal responsibilities to build legal cases to be filed before the Special Jurisdiction for Peace. Further, currently advising the Officer of the Inspector General (Procuraduría de la Nación) on developing a national anti-corruption programme.

#### Syria

Filed the first Article 15 Communication with the ICC Prosecutor based on the legal precedent set by the ICC Pre-Trial Chamber regarding the forced deportation of Rohingya into neighbouring Bangladesh.

#### Venezuela

Instructed to advise the former Attorney General and members of the Criminal and Anti-Corruption Investigation Unit. During 2017-2018 advised the legal team to investigate and document allegations of crimes against humanity. In mid 2018, led the filing an Article 15 Communication with the ICC Prosecutor. The matter is presently under investigation. Further, instructed to investigate corrupt practices, bribery and money laundering of the current Government.

#### Myanmar/Bangladesh

Filed an amicus brief in the ICC determination of jurisdiction on the alleged forced deportation of 500,000 ethnic Rohingya from the Rakhine State into neighbouring Bangladesh. Successfully argued that the forced deportation was an element of the Crime of Genocide and/or Crimes against Humanity.

#### Dr. Abbas Khan v. Syrian Arab Republic

Member of the legal team instructed to lead the investigation into the abduction, torture and murder of a British national by the Military Intelligence of the Syrian Arab Republic.

#### A.H. v. Syrian Arab Republic

Leading the international legal team that brought the first criminal case against nine senior members of the Syrian Military Intelligence.

#### International criminal investigation into the situation in Libya

Member of the legal team leading an international investigation into war crimes and crimes against humanity committed by the Libyan National Army into attacks on the civilian population for the period of 2014-2017 in Benghazi, Libya.

#### Spain v. K.K.

Member of the legal team instructed by the Government of Rwanda to represent the Rwandan Head of National Intelligence and Security, General Karenze, in an extradition request brought by the Government of Spain on charges of genocide and terrorism. The request was successfully defended and the City of Westminster Magistrates' Court dismissed the request in August 2014.



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The 'Caesar' Investigation (2015-2017)

Member of the legal team instructed by the Syrian National Movement to lead an international investigation into the evidence of a former Syrian government official who had documented the mass starvation, torture and execution of several thousand civilian detainees. (2015-2017)

Article 15 application to the ICC prosecution to open a preliminary investigation into the situation in Bangladesh

Member of the legal team investigating crimes against humanity committed by the Security Forces in Bangladesh on the civilian population for the period of 2012-2015.

### Previous experience

Cases and Instructions

Chile, Jara v. Barrientos, No. 6:13-cv-1426-Orl-37GJK. 2014. U.S. District Court for the Middle District of Florida

Cabrera v. Jiménez Naranjo, No. 10-21951-CIV-TORRES (S.D. Fla. Sep. 30, 2014) 2010. U.S., District Court for the Southern District of Florida.

Theodoro Obiang, DP 202 6/2010, 2008-2010, Money Laundering, Connected to arbitrary detention and summary executions. Gran Canaria Regional Court and Gibraltar

Guatemalan Armed Forces, DP Case 331/99, 2008. Spanish High Court.

Ochoa Lizarbe v. Hurtado/Rondon, 402F. App'x 834 (4th Cir.2010) 2007-2009. U.S. District Court for the Southern District of Florida, U.S. District Court for the District of Maryland, and Fourth Circuit Court of Appeals.

Reyes v. Lopez Grijalba, No. 02-22046-CIV, slip up. (S.D. Fl. 2006), 2002-2006. United States District Court Southern District of Florida

Chavez v. Carranza, 413 F. Supp. 2d 891 (W.D. Tenn. 2005). U.S. District Court for the western District of Tennessee, Sixth Circuit Court of Appeals and U.S. Supreme Court.

Doe v. Saravia, 348 F. Supp. 2d 1112 (E.D. Cal. 2004), 2003-2004. U.S. District Court for the Eastern District of California

Cabello v. Fernandez Larios, 205 F. Supp. 2d. 1325 (S.D. Fla. 2002), 2003-2005. U.S. District Court for the Southern District of Florida and Eleventh Circuit Court of Appeals

Romagoza Arce v. Garcia and Vides Casanova, 434 F.3d 1254 (11th Cir.2006) 2002 U.S. District Court for the Southern District of Florida, and Eleventh Circuit Court of Appeals.

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## International Criminal Court

Art 15 Submission on the situation in Venezuela, 17 September 2018

Amicus Curiae on the crisis in Myanmar, 7 June, 2018

Art. 15 Submission on the situation in Libya 15 November 2017

Art 15 Submission on the situation on in Palestina/Gaza 4 April 2018

Art. 15 Submission on the situation in Bangladesh 19 April 2018

Art 15 Submission on the situation in Syria-Jordan, 3 February 2019

## Argentina

Collaborated in the second extradition of Guillermo Suárez Mason to Buenos Aires, where he faced charges of crimes against humanity; and later, prepared the trial against Adolfo Scilingo in Madrid for the crimes committed at the Escuela de Mecánica de la Armada.

## El Salvador

Filed a criminal complaint before the Spanish National Court for the massacre of six Jesuit priests, their housekeeper, and her daughter by members of the Salvadoran Army, that led to the extradition of Colonel Inocente Orlando Montano from the United States to Spain. In 2020, Montano was convicted by the Spanish National Court to over 133 years of imprisonment for this crime. Led the private prosecution of this case, representing victims before the Spanish National Court, while working simultaneously with the Salvadoran civil society to foster and strengthen accountability initiatives in the country.

## Guatemala

Investigated incidents of mass torture and sexual violence against the Ixil Maya community and submitted the evidence collected before the Spanish National Court following the principle of Universal Jurisdiction. These investigations contributed to the conviction of former Guatemalan dictator Efraín Ríos Montt for his responsibility on the Mayan genocide and other acts constitutive of torture, enforced disappearance, state terrorism and crimes against humanity. Ríos Montt was sentenced to 80 years' imprisonment in the first judgement that officially acknowledged the Mayan genocide.

## Peru

Ensured the extradition from the United States to Peru of two members of the military—Major Telmo Hurtado Hurtado and Juan Manuel Rivera Rondón—involved in the Accomarca massacre, an emblematic case that materialised the victims' hopes for justice in the context of the TruthCommission and the Peruvian transition.

## Ecuador

Member of the Ecuadorian Truth Commission—which published its final report 'Sin Verdad no hay Justicia' in 2010—and appointed senior legal advisor in the Direction for the Truth Commission and Human Rights in the Ecuadorian Office for the Prosecutor. Gave a conference called 'The Truth Commission in Ecuador' in the Ministry of the Justice and the Andean University of Ecuador and met the President of the Republic and members of the Ministry of Justice to discuss the transitional strategy in the country.

## Chile

Investigated the assassination of Victor Jara, one of the innumerable atrocities that took place in the Chile Stadium days after Pinochet's coup d'état. As a consequence of these investigations, a U.S. Court found Pedro Barrientos Nuñez, the former lieutenant that participated in the torture and murder of the popular singer, guilty and criminally responsible for Jara's killing

## Syria

Filed the first criminal complaint against senior members of the Syrian security and intelligence forces before the Spanish National Court for the arbitrary detention, torture, enforced disappearance and execution of the brother of a Spanish citizen during the armed conflict, pushing for accountability through the principle of universal jurisdiction, despite Spain's restrictive interpretation. Currently representing victims and leading an international investigation into the Cesar evidence, compiled by a Syrian defector who documented the mass starvation, torture and execution of several thousand civilian detainees in the wide network of Syrian detention centres.

## Colombia

Filed a lawsuit against Carlos Mario Jiménez alias "Macaco"—former paramilitary soldier extradited to the United States—for the assassination of attorney Alma Rosa Jaramillo and popular leader Eduardo Estrada. Appointed judge of the People's Tribunal for Sexual Violence in the framework of the Armed Conflict in Bogota, which concluded that systematic sexual violence had been used as a weapon of war in the Colombian conflict.

Colombian territories of Northern Cauca, Buenaventura, Montes de María and Putumayo to file eleven legal reports on crimes against humanity committed in their regions before the Special Jurisdiction for Peace (JEP) and the Truth Commission (CEV).

## The Gambia

Assisted victims of the international Coalition and the Campaign Jammeh2Justice to hold former President Yahya Jammeh and his accomplices accountable for human rights abuses and international crimes committed in The Gambia.

## Bangladesh

Instructed to design a two-fold strategy to seek justice for Bangladeshi victims of human rights violations and international crimes before foreign national courts and international institutions.

## Honduras

Leading an investigation assisting victims to take legal action in the United States against those responsible for the killing and injury of civilians during counter-narcotics operation in Honduras organised by the U.S. Drug Enforcement Agency in 2012.

## Venezuela

Instructed to present t before the ICC a report on persecution as a crime against humanity as well as a mechanism of analysis of potentially criminal acts committed in Venezuela since 2013; as well as a report on the dynamics of the lethal use of force by the security forces, and litany of atrocities perpetrated against marginalised youth.

## Nicaragua

Instructed to create the Coalition for Justice in Nicaragua (CJN), a platform aimed at achieving the convergence of Nicaraguan human rights organisations, women's rights groups, and other stakeholders to conduct mid and long term efforts to achieve accountability in that country. Provided training and contributed to the planning and dissemination of CJN activities.

## Mexico

Instructed to establish a strategic alliance with Justicia Transicional en México (JTMX) in order to support the development of a documentation and accountability initiative that aims at documenting abuse of power, human rights violations and links between the state and organised criminality in the Mexican state of Nayarit, as of 2008.

## Nigeria

Working in partnership with the Allamin Foundation and lawyers in Borno state on justice and accountability efforts related to human rights violations and the perpetration of crimes against humanity and war crimes by both Boko Haram and the Nigerian Security Forces (NSF).

## Education

University of Valencia, LLM in Law. Degree in International Public Law, Spain 1990-1995

California Bar Association, Legal practice courses and Bar exam, USA 2002

University of California at Hastings, Introduction to American Law, USA 2001-2002

University of Virginia, English, USA 1996

## Memberships

President of The Guernica 37 Centre

List of Counsel of The International Criminal Court 2020

List of Counsel of The Kosovo Specialist Chambers 2020

The Honourable Society of the Middle Temple

Bar of England and Wales (2022)

Bar of Madrid 2017

Bar of California 2002-2012

Bar of Valencia 2001-2017

## Appointments

Co-Founder of Chambers of The Guernica 37 Group

Joint Head of Chambers Guernica 37 Chamber

## Previous Appointments:

Senior International Attorney & Transitional Justice Director at Centre for Justice and Accountability, San Francisco, USA (2002-2016)

Associate Member at 9 Bedford Row International, London, UK. (2014-2016)

Senior Legal Advisor at Attorney General's Office, Ecuador (2012)

Summer Program Director at University Complutense of Madrid, Spain (2009-2011)

Guest professor at University of Salamanca, Spain 2008

Guest professor at University of Central America, El Salvador 2007

Legal advocate, Immigration and Refugee law at Park & Taylor, San Francisco, USA 1999-2002

International lawyer. Immigration and Citizenship at the General Consulate of Spain in San Francisco, USA 2001-2002

Associate, International Law and IP Practice at Burgoyne Consulting L.L.P. Valencia and Alicante, Spain 1995-1999



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Advocate Immigration and Refugee law at the Information Centre for Migrant Workers, Valencia, Spain 1995-1999

Committee and Board Service

Member of the International Council – Spanish federation of Directors, Executives, Professional & Business Woman (FEDEPE), Spain <https://mujeresdirectivas.es>

Chair of the Human Rights Committee – San Francisco Bar Association, USA

Co-Chair of the Human Rights Committee – Madrid Bar Association, Spain

Vice President – Spanish Association for Human Rights (APDHE) [www.apdhe.org](http://www.apdhe.org)

Board Member – Peruvian team of Forensic Anthropology (EPAF), Peru [www.epafperu.org](http://www.epafperu.org)

Board Member – Forensic Anthropology Foundation of Guatemala (FAFG) [www.fafg.org](http://www.fafg.org)

#### Awards

26th International Prize, Spanish Federation of Female Directors, Executives, Professionals and Businesswoman (FEDEPE), 2017

Included as one of the 40 women for Labour Equality, El País Newspaper, Spain, 2017

Included in the top 100 Most Influential Women in Spain of “Yo Dona” Magazine, Yo Dona, Madrid, Spain. 2017

Letelier-Moffitt Human Rights Award, Institute for Policy Studies. Washington D.C., USA, 2015

Honorary PhD in Law, Santa Clara University. California, USA, 2014

Medal of Professional Merit, Madrid Bar Association, Spain, 2014

Included as one of the Top 13 leaders in Spain and Latin America, El País Newspaper. Spain, 2013

SCEVOLA Prize to the professional Ethic and Quality, SCEVOLA, SPAIN, 2013

Human Rights Hero Prize, Program of Torture Victims (PTV), Los Angeles, California, USA, 2013

Legal Katharine & George Alexander Law Prize, Santa Clara University, California, USA, 2012

“Yo Dona” Magazine Prize to the best professional career, Yo Dona. Madrid, Spain, 2012

Finalist to the 100 list most influential people, Time Magazine, USA, 2012

Finalist for the Human Rights National Award, Spanish Lawyers Association, Madrid, Spain, 2011

Professional Achievement Award for my work in Central America, 25th Anniversary Prize of El Rescate, Los Angeles, California, USA. 2008

#### Publications

Secrets, Lies, and the Case of Victor Jara

2017 Authors: Almudena Bernabéu

Magazine/Book: Berkeley Review of Latin American Studies

Editorial: The Center for Latin American Studies at the University of California, Berkeley

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La Querrela Siria Ante La Audiencia Nacional de España  
2017 Authors: Almudena Bernabéu  
Magazine/Book: Teoría & Derecho  
Editorial: Tirant lo blanch

Paz y Justicia Para Siria  
2017 Authors: Almudena Bernabéu  
Magazine/Book: Al Revés y Al Derecho  
Editorial: Infolibre

Sin Justicia No Hay Transición: El Caso Jesuitas De El Salvador  
2016 Autores: Almudena Bernabéu / Carolyn Patty Blum  
Revista/Libro: Al Revés y al Derecho

An Imperfect, Just, and Necessary Peace  
2016 Authors: Almudena Bernabéu  
Magazine/Book: Center for Latin American Studies  
Editorial: UC Berkeley, California, USA

The Road to Spain: The Jesuit Massacre and the Struggle Against Impunity in El Salvador  
2012 Authors: Almudena Bernabéu / Carolyn Patty Blum  
Magazine/Book: Peace and Conflict: Journal of Peace Psychology – Annual Report  
Editorial: American Psychological Association

Many Roads to Justice. Transnational Prosecutions and International Support for Criminal Investigations in Post-Conflict Guatemala.  
2011 Authors: Almudena Bernabéu / Naomi Roth-Arriaza

Magazine/Book: Centro de Estudios Políticos y Constitucionales – Chapter 9  
Editorial: Cuadernos y Debates

Universal Jurisdiction in Spain. The Guatemala Genocide and The Jesuits Case  
2010 Authors: Almudena Bernabéu  
Magazine/Book: Annual Report  
Editorial: Redress, UK

Justicia Transnacional Como un Proceso Híbrido  
2009 Authors: Almudena Bernabéu / Naomi Roth-Arriaza  
Magazine/Book: Centro de Estudios Políticos y Constitucionales – Chapter 12  
Editorial: Cuadernos y Debates

El Peligro de Institucionalizar la Impunidad. La excepción como defensa legal de los Estados Unidos frente al Derecho Internacional  
2009 Authors: R. Diego Díaz-Santos / Matellanes Rodríguez / E. Fabián Caparrós  
Magazine/Book: De los delitos y las penas. La nueva reforma del Código Penal. 21º Forum, Law School, University of Salamanca – Book Chapter  
Editorial: Ratio Legis

Protección de los Derechos Humanos y Lucha Efectiva Contra la Impunidad a través del Principio de Justicia Universal. El Caso Latinoamericano  
2008 Authors: Almudena Bernabéu  
Magazine/Book: Institute for Latin American Studies and Law School, University of Salamanca  
Editorial: Icaria

The Guatemalan Genocide Case in Spain

2008 Authors: Almudena Bernabéu / Naomi Roth-Arriaza

Magazine/Book: Berkeley Review of Latin American Studies, Center for Latin American Studies, UC Berkeley

Tribunales “Domésticos”: La Justicia Universal y la Atención a las Víctimas

2008 Authors: Almudena Bernabéu

Magazine/Book: Spanish Association for Human Rights (APDHE)

Editorial: Icaria

Extraterritorial Jurisdiction as a Source of Justice for Latin America [1]

2007 Authors: Almudena Bernabéu/Naomi Roth-Arriaza

Magazine/Book: Santa Clara Journal of International Law Vol. 5 No. 2

Justicia Universal: Una opción real para las víctimas en la batalla contra la impunidad

2007 Authors: Almudena Bernabéu

Magazine/Book: Lecture, The Hague

Editorial: Hague Papers

Derechos Humanos y Desarrollo. Justicia Universal, El Caso Latinoamericano.

2007 Authors: Almudena Bernabéu

Magazine/Book: Spanish Association for Human Rights (APDHE)

Editorial: Icaria

Derechos y Libertades de los Extranjeros en España

1996 Authors: Almudena Bernabéu

Magazine/Book: Spanish Association for Human Rights (APDHE)

Editorial: CITMI Comunidad Valenciana

### Expertise

International Criminal Law

Rule of Law Development

Government Advisory Work

Public International Law

Atrocity Crime Prevention

International Human Rights Law

Anti-Corruption & Bribery

Extradition & Mutual Legal Assistance

### Languages

Spanish (Native)

English (Proficient)

French (Proficient)

Catalan (Native)