

Newsletter

Guernica 37 Group

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G37

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-Head of Chambers,

We are pleased to introduce the Summer Edition of the Guernica 37 Newsletter and to highlight a number of important developments.

Firstly, we are delighted to announce that Almudena, following her relocation to London, takes up her role as Joint Head of Chambers.

In relation to our growing team, we are delighted to welcome back to Chambers, Ms. Lucia Brieskova. Lucia spent a year in Chambers prior to undertaking pupillage at 9 Bedford Row, and returned to Guernica to pursue her tenancy; we welcome as Associate Member, Carolyn Edgerton, a Canadian lawyer and former ICTY Senior Trial Attorney, who works as a consultant in the field of prosecutorial and investigative strategies for complex criminal cases. Lastly, we are honoured to welcome Ben Emmerson CBE QC, highly experienced international lawyer and former UN Special Rapporteur on Human Rights and Counter-Terrorism for who joins Guernica 37's Advisory Council.

In relation to our work, Guernica 37 filed an Article 15 Communication with the newly appointed ICC Prosecutor, Karim Asad Ahmad Khan QC, into the Situation in the Republic of Yemen. Guernica 37 is requesting the ICC Prosecutor to open an investigation into war crimes and crimes against humanity that occurred in the territory of Yemen by the Saudi-led coalition. This submission contains evidence of the indiscriminate aerial bombardment of civilians, the destruction of physical infrastructure that caused a catastrophic famine and the use of foreign mercenaries in the South of Yemen.

Chambers continues its work on the Kosovo Specialist Chambers with the trial of Nasim Haradinaj commencing in The Hague on 7 October 2021. Chambers is also continuing its work on projects related to Saudi Arabia, United Arab Emirates, Syria, India, Denmark, Lebanon, Venezuela, Romania, Montenegro and South Sudan.

Finally, you will see our new Guernica 37 brand design in this edition and in the coming weeks a new website bringing together Guernica 37 Chambers and Guernica 37 Centre to a single brand G37.

We hope you will enjoy this edition of our newsletter,
Almudena and Toby



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 will remain open and committed to its clients, notwithstanding the current emergency. 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.

Furthermore, our team remain ready to attend to any new needs and demands that the #Coronavirus crisis imposes and stands ready to assist any of those affected, wherever they may be.

Kind regards,
The Guernica Team

We are delighted to announce Almudena Bernabeu as our new Joint Head of Chambers

Almudena Bernabeu

"I am the first woman to emerge from a non-common law legal tradition country to Head a Chambers in London which is entirely consistent with a world where legal cultures combine to the service of truly international work."



Toby Cadman

"Guernica 37 prides itself on being at the cutting edge of the legal profession. We are international in everything we do. We are strong in our beliefs of diversity. That needs to be more than words. I am therefore proud to serve alongside a strong, opinionated and inspirational woman. Almudena has always been at the forefront of everything we do. Now in London she is rightly placed at the forefront of our work."

Bringing Accountability For International Crimes & Human Rights Violations

We do the right work, we do it the right way and we do it with the right people.

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Following its ratification by all 47 Member States, ECHR Protocol No. 15 comes into force on 1 August 2021. The changes introduced by Protocol No. 15 aim to address inefficiencies in the European Court of Human Rights (ECtHR). This Protocol amends the Preamble to the Convention, which now includes a reference to the subsidiarity principle and to the margin of appreciation doctrine. In addition, the 6-month time-limit for submitting an application to the Court after the final national decision will be reduced to four months, starting from 1 February 2022.

A 100-year-old man will stand trial in October accused of 3,518 counts of accessory to murder on allegations he served as a Nazi SS guard at a concentration camp on the outskirts of Berlin during World War II.

A new report released by the UN Human Rights Office (OHCHR) and UN Assistance Mission for Iraq (UNAMI) makes clear that although laws in Iraq criminalise torture and set out procedural safeguards to prevent it, the practice continues in jails throughout the country.

During the latest Security Council meeting on Syria, a senior UN official asserted that identifying perpetrators of chemical weapon attacks and holding them accountable must remain a priority. Resolution 2118 calls for Syria to cooperate with UN partner, the

Organization for the Prohibition of Chemical Weapons (OPCW) and allow access to its territory.

Human Rights Watch (HRW) said that the Afghan government's failure to provide accountability for violence against women and girls has undermined progress to protect women's rights. Gains by Taliban forces as the United States completes its troop withdrawal leaves the current Afghan state, and women's rights in particular, uncertain.

The Foreign Secretary, Dominic Raab, stated that Afghans who worked with British journalists during the war and whose lives are threatened by the resurgence of the Taliban will be eligible to come to the UK under a government scheme.

UN Rights Chief Michelle Bachelet condemned disturbing reports of Taliban violence against communities now under their control in Afghanistan. She said in a statement that there was "fear and dread" across Afghanistan, which had driven people to flee their homes.

A new BBC investigation has revealed the scale of operations by a Russian mercenary group in Libya's civil war, which includes links to war crimes and the Russian military. A Samsung tablet left by a fighter for the Wagner group exposes its key role as well as traceable

fighter codenames, and the BBC has a "shopping list" for state-of-the-art military equipment which expert witnesses say could only have come from Russian army supplies.

Amnesty International has said in a 36-page report that Ethiopian and Eritrean troops have raped hundreds of women and girls during the Tigray war, subjecting some to sexual slavery and mutilation. Some survivors said they had been gang raped while held captive for weeks on end. Others described being raped in front of their family members.

The Sudanese government will hand Omar al-Bashir over to the ICC along with other officials wanted over the Darfur conflict. Bashir, who ruled Sudan for three decades before being deposed in 2019, faces charges of genocide, war crimes and crimes against humanity in Darfur.

Poland's parliament passed a legislation that would put an end to most legal claims for properties confiscated after World War II. The controversial bill has increased tensions between Poland and Israel, which had previously summoned the Polish ambassador over the proposed legislation.

Human Rights Watch (HRW) said that Palestinian armed groups' rocket and mortar attacks during the May 2021 fighting in the Gaza Strip, which killed and injured civilians in Israel and Gaza, violated the laws of war and amount to war crimes.

Amnesty International stated that the Egyptian authorities have failed to hold accountable a single member of security forces for killing at least 900 people during their violent dispersal of sit-ins in Rabaa al-Adawiya and al-Nahda squares.

The UN has urged Afghanistan's neighbours to keep their borders open as the number of civilians fleeing the Taliban onslaught increases. Thousands of those internally displaced have been arriving in Kabul, seeing the capital as their last safe refuge.

There were scenes of panic at Kabul airport as desperate residents tried to flee following the Taliban's seizure of

the Afghan capital. The US army said soldiers shot two armed men, while three people were reported to have died after falling from the underside of a plane they were clinging to shortly after take-off.

The WikiLeaks founder, Julian Assange, has lost a high court battle to prevent the US government expanding the grounds for its appeal against an earlier refusal to allow his extradition to face charges of espionage and hacking government computers. Judges said the weight given to a misleading report from Assange's psychiatric expert that was submitted at the original hearing in January could form part of Washington's full appeal in October.

The Law Society, Bar Council and Bar Human Rights Committee have urged the UK government to offer asylum to female judges and other legal professionals trapped in Afghanistan. In a joint statement today, the professional bodies say they are 'gravely concerned' about the situation in Afghanistan and the fate of all those who are working in the Afghan justice system who now face a 'perilous future' under the Taliban.

The Prosecutor of the ICC, Karim Khan QC, said that he echoes the views expressed by the United Nations Security Council over reported incidents on the territory of Afghanistan that may amount to violations of international humanitarian law under the Rome Statute

Sanctions have been imposed on seven Russian nationals accused of involvement in the nerve agent poisoning of the key Kremlin critic Alexei Navalny. The Foreign, Commonwealth and Development Office (FCDO) announced that the individuals, said to be members of the Russian Federal Security Service (FSB), would be subject to travel bans and asset freezes.



The Croatian Supreme Court announced that it has confirmed the verdict sentencing former Croatian Army soldier Rajko Krickovic to ten years in prison for committing war crimes against Serb civilians in August 1995.

The latest report on North Macedonia published by the Council of Europe's Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) concluded that concerns with respect to living conditions in prisons still remain, despite the fact that minor improvements have been made to Skopje Prison and Idrizovo Prison.

The defendant, Nasim Haradinaj, requested the recusal of top magistrates at The Kosovo Specialist Chambers, The Hague-based court, tasked with trying war crimes committed during the Kosovo war, accusing them of lacking independence and impartiality.

Albania and the United Kingdom have signed a revised agreement to allow the resumption of prisoner transfers from UK prisons to Albanian prisons. This is a step that could potentially affect more than 1,500 Albanians serving time in the UK. Albanian nationals account for the highest percentage of foreign national inmates in the UK.

Montenegrin Deputy Prime Minister Dritan Abazovic called on the Serbian authorities to extradite the fugitive ex-president Svetozar Marovic, emphasising that his

jail sentence expires under the statute of limitations in 2026, meaning that he would be free in five years.

A former Yugoslav commander, Vladimir Lazarevic, convicted of crimes against humanity for ethnic cleansing against Kosovar Albanians, has been declared an honorary citizen by the town of Nis in southern Serbia.

In a recently-published verdict in the trial of wartime Serbian security chiefs Jovica Stanisic and Franko Simatovic, it has been shown that despite its denials, the Serbian State supported the fighting units that committed crimes during the wars in Croatia and Bosnia and Herzegovina.

Serbia's former foreign minister Ivica Dacic said that Serbia had hosted talks between the now former Afghan government and the Taliban three times between 2018 and 2019. The director of East-West Bridge think tank Jovan Kovacic, which reportedly organised the negotiations, confirmed that the information was accurate, backing it up with photos from the meetings.

The Higher Court in Belgrade announced that it has terminated proceedings against Nenad Bubalo, the former deputy commander of the military police of the Bosnian Serb Army's 15th Bihac Brigade, because he has died.

In a press release, it confirmed that Montenegro supported a statement in which about 60 countries called on the new authorities "to respect and facilitate the safe and orderly departure of foreign nationals and Afghans who wish to leave the country". However, Montenegro, unlike other Balkan countries, has said that it is not obliged to accept any Afghan refugees.

Local courts in several EU countries, including Austria, Italy, and Slovenia, have ruled in favour of refugees and migrants who were pushed back over the Balkans external borders. Such verdicts bring hope among human rights organisations and activists that something can be done to stop the practice of unlawful "pushbacks", not just by Croatia on the EU's borders, but between EU neighbours like Austria and Slovenia too.

The Guernica Accountability Podcast



You can now listen to the latest episode of the Guernica Accountability Podcast on Spotify, Google podcasts, Apple podcasts and a number of other podcast players. Make sure you subscribe to get access to new episodes as soon as they are uploaded.

Our 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 – Sexual Violence as a Weapon 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 tenth Episode episode of the Guernica Accountability Podcast we discuss Cherie Blair QC's extraordinary career in law.
- Episode 11– Justice and Reconciliation – Guernica Co-founder, Toby Cadman speaks to Yasmin Sooka and Howard Varney on the pursuit of truth, justice and accountability in South Africa 20 years after the Final Report of the Truth and Reconciliation Commission.

<https://www.guernica37.com/podcast>

Our Expertise

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.

Domestic Crime

Chambers' domestic criminal law expertise includes a wide range of areas including general criminal law, business and financial crime, anti-corruption and bribery, terrorism, and investigations of serious crimes. With members spanning all levels of seniority and different types of expertise, Chambers provides well-rounded representation and advice at all levels on all types of cases, whether being instructed through solicitors and through direct access.

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.



Yemen – A “Forgotten War” and a Humanitarian Cataclysm

by Clarissa Rodio



Six years have passed since the Yemeni civil war began on 26 March 2015: an internal armed conflict between the Saudi-led coalition composed of several Arab partners supporting the Yemeni government and the Iran-backed Houthi rebels. This conflict appears to be a “forgotten war”, an unknown war not only to the public consciousness but also to the media. This is despite the active involvement – direct and indirect – of Western countries as well as their failure in taking a stance against the protraction of this crisis.

In fact, the war has created a humanitarian cataclysm characterised by, *inter alia*, mass starvation, medicine shortages, the use of torture, sexual violence and war-related killings as a result of widespread and indiscriminate attacks that amount to breaches of international human rights law and international humanitarian law.

A pervasive atmosphere of impunity continues to perpetuate as a result of this conflict as well as the escalation of hostilities. So far, there has been some international response – examples include the UN Security Council, which established an arms embargo and urged the Houthis to withdraw from those areas that they had militarily annexed, Security Council resolution 2451 (2018), which was passed endorsing the Stockholm Agreement, and the mandate of the UN Mission to support the Hodeiah Agreement,

which was renewed for one year. Further responses encompass the UN Panel of Experts, who called on the UN Security Council to explore mechanisms for justice and accountability, the European Parliament that urged all EU member states to cease exporting arms to Saudi Arabia, and the government of the United States that announced a discontinuation in its support for Saudi Arabia, although arms sales to the United Arab Emirates would persist.

Since then, the UN Security Council has not passed any resolution related to the situation in Yemen and it appears that even the idea of bringing those responsible for participating in this conflict to justice is at this stage in a precarious position, hence in a state of suspense.

The question is whether justice can be done considering that – except for Jordan, Senegal and the Maldives – Yemen, Saudi Arabia as well as the UAE are not members of the International Criminal Court (ICC). However, those States purportedly complicit in exporting weapons, such as the United Kingdom, France and Germany, are parties to the ICC. These States are even parties to the International Arms Trade Treaty (ATT) and arguably failed to consider or were merely oblivious to the risks as well as the consequences that the transferred weapons might be deployed in order to commit or facilitate serious acts of violence against the civilian population as a whole.

Recently, it has been revealed that the UK’s role was not limited to merely supplying defence equipment to Saudi Arabia as well as to the other forces involved in the Saudi-led coalition, but it was allegedly involved in a more sinister role. Declassified UK unveiled that British troops were seen whilst being stationed at Al-Ghaydah airport in Mahra province of Eastern Yemen where the Saudi forces ran a prison camp in which detainees were subjected to torture and extraordinary rendition. It is still obscure whether the British troops participated in such human rights abuses, but this revelation certainly gives a new incentive to the new ICC Prosecutor to investigate.

In a sense, justice would be categorically narrow due to the mere fact that war crimes and crimes against humanity committed on behalf of those States who have contributed to a large extent in the common plan are effectively outside of the ICC’s jurisdiction. However, the Prosecutor is called on to scrutinise the gravity and the seriousness of the human rights violations committed by all parties to the conflict, which the UN Secretary-General António Guterres has aptly described as “the world’s worst humanitarian crisis”.

Indeed, it is the case that the situation in Yemen is not manifestly outside of the Court’s jurisdiction. It is irrelevant whether the path to justice and accountability would be constricted, because if injustice and impunity

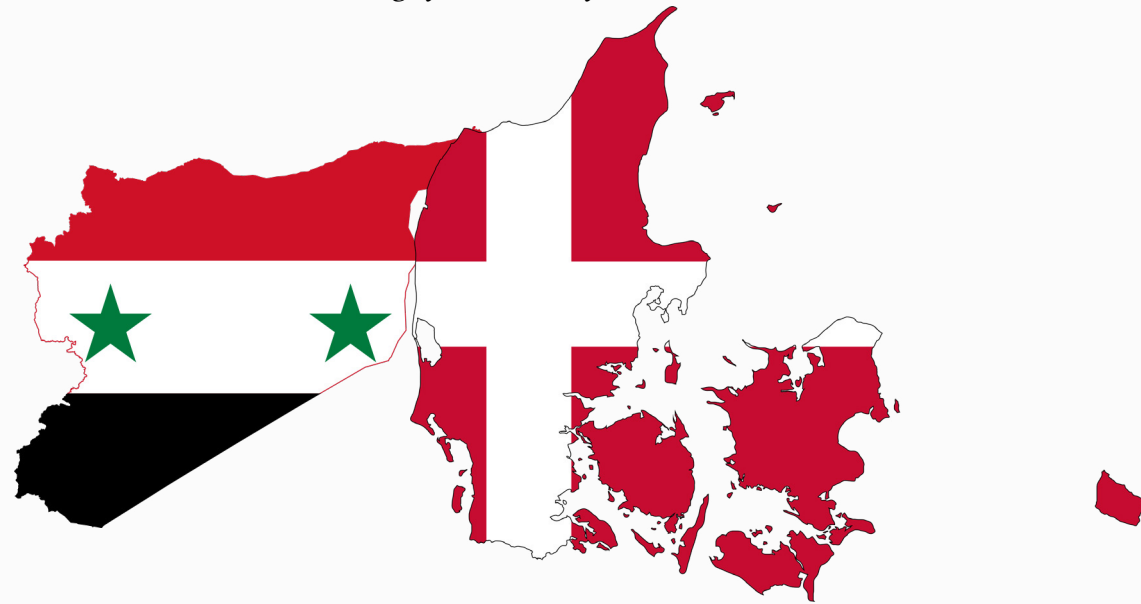
prevail, a dangerous precedent will unequivocally be set to those totalitarian and authoritarian regimes who will effectively avoid punishment for their abhorrent crimes, thereby obtaining the privilege of acting above the law patently due to a global failure of justice. Therefore, when a situation falls within the ICC’s jurisdiction, the Prosecutor is under a statutory duty to open a preliminary investigation pursuant to Article 15 of the Rome Statute.

The UN Security Council could certainly assist the ICC in terms of adopting and expanding targeted sanctions against States that have been actively involved with the Saudi-led coalition, ergo cooperation is imperative and is key to obtaining the global justice that all the Yemeni victims deserve. Furthermore, a form of justice that can be, to some extent, ‘distributed’ can be realised by combining this with the feasibility of the principle of universal jurisdiction in order to bring to justice those involved in carrying out war crimes and torture in Yemen.

The international community must not permit that the Yemeni war effectively becomes designated as a “forgotten war” in a world where the fight for justice and accountability for international crimes ought to outweigh a culture of impunity, which is hitherto enjoyed by those who have fulfilled their self-serving aims above humanity.

Denmark and Syria

Blog by Carl Buckley



The humanitarian crisis that has faced citizens in Syria since the outbreak of the conflict a decade ago is well-known, as is the generosity of some countries in opening their doors to the millions of refugees fleeing for their very lives.

This in turn however as contributed to the emboldening of right wing populist politics, which has sought to exert significant pressure on Governments and characterise this basic humanity of saving lives, as a threat.

Thankfully, there are many countries that have ignored such nonsensical rhetoric, however, there are also those who are seeking or actively thinking about changing their policies with regard to the status of refugees.

One such country is Denmark.

In February 2019, the Danish Immigration Service and the Danish Refugee Council published a country report in which it was argued that government-controlled areas of Damascus and Rif Damascus had become more secure in light of decreasing instances of military violence.

In December 2019, the Danish Refugee Appeals Board confirmed a first instance decision of the Danish Immigration Service to reject the protection request of three Syrian asylum seekers on the basis that there had been a steady improvement in the security situation in the Rif Damascus area since May 2018, the date from which the Assad regime regained full control of the area.

Since 2019, a number of protection requests or extensions that would have otherwise been granted have been refused on the basis that Damascus was no longer considered sufficiently dangerous to give grounds for international protection. Since 2011, approximately 35,000 Syrians have arrived in Denmark, 4,500 of whom have been granted Temporary Protected Status under Article 7(3). Of those, approximately 1,200 come from the Damascus area including the Rif region, all of whom will now be subject to reassessment.

It appears that about 900 Syrian refugees from Damascus were reassessed last year, with a further 350 from the Rif Damascus area now likely to be subject to reassessment this year. At this time, it is unclear how many decisions have been finally rendered on the

reassessments. However, one source notes that as of 20 March 2021, it appears that the Danish Immigration Service (the first instance decision maker) has revoked or not renewed (Temporary-) Protected Status in at least 94 cases. Although not all of those cases have reached the Refugee Appeals Board (the appellate body for the Immigration Service), it appears at this time that 47 of those findings will be upheld, with at least 34 of those cases resulting in final loss of asylum (some cases retained residency on other grounds).

This is despite the fact that noted in the 2019 Danish Refugee Council report that initially suggested an improvement in instances of shelling, insurgent style attacks, and other military clashes in Damascus, serious concerns are highlighted. In particular, a number of checkpoints remain (particularly around the Old City and Mezzeh District), in which forces seek “wanted people, conscripts, and evaders from military service” and have subjected those who originated or formerly resided in opposition areas, or had actual or perceived links with opposition groups to arrest, detention, and/conscription.

Findings made in a 2020 Human Rights Watch report are more extreme, noting that “especially (in) Daraa and

Eastern Ghouta in Damascus Countryside governorate,” Government forces have arbitrarily detained/forcibly disappeared individuals, including “former fighters who had reconciled with the government, family members of armed group commanders, humanitarian workers and families of activists displaced to north-west Syria.”

These findings are supported by the Syrian Network for Human Rights, which stated in a report in August 2019 that between 2014 and 2019, it documented at least 1,916 cases of arrests amongst those returning from places of asylum or residence. Of those detained, the group documented 784 cases of continued detention, 638 of whom were forcibly disappeared, with 15 dying as a result of torture. Although 1,132 detainees were released, many were subsequently re-arrested for the purposes of forced conscription.

The simple fact of the matter, is that any Syrian refugee returned, is at imminent risk of torture and/or death.

Guernica 37 having had a number of conversations with Danish lawyers, is ready to assist in any application to the European Court of Human Rights in an effort to prevent what will in itself, constitute a human rights violation.

The Guernica Academy – The Lifecycle of an Internship

Written by Beth Chalcraft

After completing my law degree in 2020, I took a year out of education as I wanted to gain practical legal experience. The Academy provided me with exactly this – for the 3 month period of my internship, I assisted lawyers with a variety of cases.

Looking back at my experience at the Academy, both the structure and the content of the internship gave me the unique opportunity to learn about how domestic and international law works in practice. Having this kind of experience at this stage of my education is invaluable.

The Beginning

The first aspect of the Academy that stood out to me was the flexibility. Each week, I was able to choose which days I was going to work the following week. This enabled me to pursue other commitments that I had with pro bono work experience projects with ease. I really valued this level of freedom.

I worked closely with Carl Buckley throughout the internship. During my first week, Carl and I discussed

the type of work that I could get involved with that would be most beneficial for my career. In this sense, I felt that the internship went beyond simply undertaking pieces of work; Carl tailored the experience to suit my aspirations. For example, as I am interested in discrimination law, I was able to research a judicial review claim for sex discrimination in relation to differing re-categorisation policies for male and female prisoners. This approach is a testament to the Academy's focus on an individualised experience.

The Experience

I was keen to develop my knowledge of international law as I did not study it at university. Some of the international law work I assisted with includes:

1. Producing a briefing note on different legal avenues for prosecuting an individual and/or his company for pillage committed in the Democratic Republic of Congo;
2. Drafting submissions to the European Court of Human Rights (ECtHR) for a case relating to politically motivated criminal charges in Montenegro; and
3. Researching the ECtHR's position on protective measures being implemented for witnesses at trial in relation to anonymous police officers.

Assisting with these multi-jurisdictional cases exposed me to practical considerations which necessitated a response that was not grounded in the application of the law in usual sense, but rather, took account of the law and relevant other factors in a wider sense. With the pillaging case, for example, I learnt about the geopolitical factors that had stalled the previous criminal investigation. Understanding the way that these factors interact in the context of international law developed my ability to think pragmatically about legal issues.

In terms of domestic law, one of the pieces of work

that I undertook was assisting with drafting advice on quantum. This task in particular developed my legal writing skills; dealing with lots of previous cases with marginally differing fact patterns meant that I had to focus on structuring the advice logically and clearly. As the case related to a prisoner who was placed in the incorrect type of handcuffs during hospital trips, I researched case law relating to prisoners being incorrectly handcuffed during all stages of trips outside of prison. This was a rare opportunity to hone in directly on the facts of cases.

The End

After I completed each task, Carl would give me detailed feedback. Discussing my writing in depth was hugely beneficial for me as it enabled me to adapt my writing from an academic style to one that was more suited to legal practice.

Even though I was only involved in each case in a small way, I felt that any work I did made a real contribution – one of the most enjoyable aspects of the Academy for me. Regularly discussing Carl's caseload with him gave me an insight into exactly what kind of work he undertakes on a day to day basis. This is indicative of the Academy's commitment to providing continuous learning opportunities.

The Future

Being part of the inaugural Academy internship was an exciting and rewarding experience. I feel privileged to have been able to assist with so many interesting cases in a variety of different areas of law.

The practical legal skills that I gained have contributed greatly to my professional development. As I progress through my education and career, I look forward to putting these skills into practice.

Guernica in the news

Denmark could face legal action over attempts to return Syrian refugees. Guernica 37 is working with asylum lawyers and affected families in Denmark to initiate a challenge to the Government policy under the Geneva Convention principle of "non-refoulement". Lawyers who are preparing to take the Danish Government to the European Court of Human Rights over the issue stated that Denmark's attempt to return hundreds of Syrians to Damascus after deeming the city safe will "set a dangerous precedent" for other countries to do the same.

Reported in [The Guardian](#), [The New Arab](#) and [Arab News](#).

The British government has lifted sanctions from a major Syrian businessman with close ties to President Bashar Assad, with human rights activists calling for him to be relisted. The businessman, a cousin of the father of Syrian first lady Asma Assad, is the founder of Akhras Group, which is involved in the commodities and logistics business across the country. He was placed on sanctions lists by the EU in September 2011 as a "prominent businessman benefiting from and supporting the regime." Guernica 37 told the Daily Telegraph that the UK Government should reimpose sanctions on Al-Akhras.

Reported in [The Telegraph](#), [Arab News](#), [Middle East Eye](#), [Middle East Monitor](#) and [The New Arab](#).

Guernica 37, acting for Nasim Haradinaj, the former Deputy Chairman of the Kosovo Liberation Army War Veterans' Association, has requested the recusal of top magistrates at the Kosovo Specialist Chambers in The Hague tasked with trying war crimes committed during the Kosovo war, accusing them of lacking independence and impartiality.

The application for recusal reads: "President Trendafilova's statements at a confidential diplomatic briefing undermine her independent and impartial judicial decision-making and representation of the Kosovo Specialist Chambers and seriously harm the proper administration of justice." The application continued, "Vice President Smith's prior conduct in a high judicial office in the European Union Rule of Law Mission in Kosovo ("EULEX"), including alleged demonstrated abuse of judicial authority and exercise

of political pressure that undermines his judicial decision-making and risks seriously harming the proper administration of justice before the Specialist Chambers".

Counsel for Mr. Haradinaj, Toby Cadman, confirmed to Euronews that he had filed the application for recusal on behalf of his client and that they "expected the court to take it seriously".

Reported in [Euronews](#) and [The Telegraph](#).

Jonathan Taylor, an oil industry whistleblower who was trapped in Croatia for a year has returned home after the country's justice minister overturned a decision to extradite him to Monaco.

Mr. Taylor's UK barrister, Toby Cadman, stated: "This has caused irreparable damage to him personally, professionally and financially. But the impact it will have on whistleblowers and investigative journalists and their ability or their willingness to come forward is equally significant", adding that "there are insufficient protections and support mechanisms for whistleblowers".

Reported in the [BBC](#), [The Telegraph](#), [Whistleblower Network News](#) and the [EU Observer](#).

Guernica 37 has submitted evidence to the International Criminal Court (ICC) calling on the new ICC Prosecutor Karim Khan to open an investigation into War Crimes and Crimes Against Humanity. The allegations include murder, imprisonment, torture, persecution, enforced disappearance and other inhumane acts as crimes against humanity, and wilful killing, torture, wilfully causing great suffering, extensive destruction to property not justified by military means as war crimes. The submission contains evidence of the following events: the attack against a school bus in August 2018, a double missile attack launched in October 2016 against a funeral gathering, and torture and murder of civilians in Aden by Colombian mercenaries under the command of a US private military company contracted to the UAE.

Reported in [The Law Society Gazette](#), [Independent](#), [France 24](#), [The Wall Street Journal](#), [The Telegraph](#), [Middle East Eye](#), [Middle East Monitor](#), [Jurist](#) and [Fars News Agency](#).



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