

Newsletter
GUERNICA 37
International Justice Chambers



MARCH 2021 | ISSUE NO. 4



JUSTICE

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



ACCOUNTABILITY

‘We work hard to conceive strategies to further accountability for human rights abuses globally’



SUSTAINABILITY

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

A Message from our Co-Founders

We are delighted to introduce this fourth edition of the Guernica Newsletter in which we discuss a number of important developments.

We continued our work on Syria, Libya, Lebanon, Kosovo, Venezuela, UAE, and India to name a few, and continued to push our work representing whistleblowers with Jonathan Taylor who remains stuck in Croatia and now Trevor Kitchen who risks extradition to Switzerland.

After several months of investigations by our legal team, the Metropolitan Police confirmed a preliminary investigation has been opened on allegations of incitement, encouragement and otherwise aiding and abetting against the First Lady of Syria, Asma al-Assad.

On 8 March 2021, we celebrated Guernica's strength in diversity with International Women's Day.

At a time where international organisations are coming under increasing criticisms for offering unfunded internships, Academy Programme.

We hope you find it informative and entertaining.

Toby Cadman and Almudena Bernabeu



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 2017, 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.

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.

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 or the Executive Assistant to the Head of Chambers, Chelsea Qu, at chelseaq@guernica37.com.

Kind regards,

Toby Cadman, Co-Head of Chamber

The Month In International Legal News



The Turkish fiancée of slain Saudi journalist Jamal Khashoggi, Hatice Cengiz, is calling for Crown Prince Mohammed bin Salman to “be punished without delay” after a US intelligence report found that the kingdom’s de facto ruler played a role in the murder of the journalist on 2 October 2018 at the Saudi consulate in Istanbul.

Special Rapporteurs Agnès Callamard and Irene Khan believe that Alexei Navalny was poisoned to send a “clear, sinister warning” to anyone wanting to criticise the Government.

Media watchdog Reporters Without Borders (RSF) has filed a criminal case in a German court against Saudi Crown Prince Mohammed bin Salman and four other high-ranking officials for crimes against humanity against journalists.

UN human rights experts have called on Israel to immediately end its efforts to demolish a Palestinian village in the northern Jordan Valley and allow the residents to live undisturbed on their lands.

A Hong Kong court has denied bail to 32 out of 47 pro-democracy activists charged under a Beijing-imposed national security law, ending a four-day marathon court hearing.

Three international human rights groups filed a complaint to the French special war crimes unit about

the use of chemical weapons in Syria by the Assad regime. These organisations include the Open Society Justice Initiative, the Syrian Archive based in Berlin, and the Syrian Center for Media and Freedom of Expression based in Paris.

French senators have begun debating the new security law bill and Amnesty International have expressed their concerns by claiming that if passed, it would establish mass surveillance including via drones, and violate rights to privacy, freedom of expressions as well as peaceful assembly.

The Prosecutor of the ICC, Fatou Bensouda, confirmed in a statement that her Office has started an investigation into crimes allegedly committed in Occupied Palestinian Territory. She added that the investigation will cover crimes within the jurisdiction of the Court that are alleged to have been committed in the Situation since 13 June 2014.

Lady Justice Rose has been appointed to the Supreme Court and will join the UK’s top bench on 13 April 2021. The country’s highest court is comprised of 12 judges: ten men and two women.

The International Bar Association is embarking on a landmark project to uncover the root causes of gender inequality at the most senior levels of the legal profession. The nine-year project is titled 50/50 by 2030 – a reference to the 2030 UN Sustainable Development

Goal No 5 on gender equality. It is being supported by the LexisNexis Rule of Law Foundation.

Amnesty International stated that women across the MENA face daily discrimination and violence as there is an abject failure of governments to stamp out gender-based violence.

The European Parliament (EP) has voted to strip immunity of Catalonia's former regional head of government and two other separatist politicians, taking them a step closer to extradition to Spain, where they are charged with sedition and misuse of public funds.

The Chinese government has breached every single article of the UN Genocide Convention in its treatment of Uighurs in Xinjiang, and bears responsibility for committing genocide, according to a landmark legal report. The report, published by the Newlines Institute for Strategy and Policy think tank in Washington DC, is one of the first independent, non-government legal examination of China's treatment of Uighurs under the 1948 Genocide Convention.

Human Rights Watch (HRW) has urged Uzbek authorities to fill the Central Asian nation's Criminal Code with "meaningful" reforms after a draft failed to remove several impediments to democratic freedoms.

A court in Morocco has decided that an Australian man arrested there last month will be extradited to Saudi Arabia, where his wife and legal team fear he is likely to face severe violations of his human rights. Osama al-Hasani, a former Melbourne imam and consultant in Saudi Arabia, has been detained since early February in a Moroccan prison on the request of Saudi Arabian authorities.

A Gambian man has been remanded in custody in Germany on suspicion he was part of an army hit squad under the orders of ex-Gambian president Yahya Jammeh.

Human Rights Watch (HRW) stated that the Myanmar military junta's access to a new public camera system equipped with facial recognition and license plate recognition technology constitutes a serious threat to basic rights.

The United States has joined Western countries in urging Egypt to end the prosecution of activists, journalists and perceived political opponents under "counterterrorism" laws in a rare criticism of the Middle East country at the United Nations human rights agency.

The UK government has marked the 10th anniversary of the Syrian uprising against Bashar al-Assad by imposing sanctions on six senior Syrian regime figures including Faisal Mekdad, the new Syrian foreign minister.

The EU has begun legal action against the UK over its alleged breach of the NI Protocol. It could lead to the UK having to defend its actions at the European Court of Justice.

A parliamentary committee demands tougher enforcement of updated modern slavery legislation due to the fact that numerous UK companies have operated in "wilful blindness" over the potential use of slave labour of Uighurs in China's Xinjiang region.

An Italian court has cleared Eni and Shell over allegations of corruption in Nigeria. The long-running case centred around the \$1.3bn purchase of an offshore oil block in 2011.

UN human rights experts demanded that Iranian authorities immediately release arbitrarily detained Iranian-Swedish academic Ahmadreza Djalali who is reportedly in a critical condition and near death after months of prolonged solitary confinement.

According to the human rights group Amnesty International, China has forcibly separated Uighur families by taking young children into state orphanages. In a new report, Amnesty has called on China to release all Uighur children being held in orphanages without the consent of their families. The human rights group spoke to parents who left children with relatives in China when they were forced to flee the country.

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.

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.

Guernica 37 International Justice Chambers submits confidential filing with the War Crimes Unit of the U.K. Metropolitan Police Service Counter-Terrorism Command (SO15) to open an investigation against Asma al-Assad

The legal team at Guernica 37 International Justice Chambers has been investigating this matter for a number of months and has submitted two confidential filings with the War Crimes Unit. The filings allege incitement and encouragement. The conflict in Syria is now in its tenth year. The Syrian people who have fought for nothing more than freedom and dignity have been subjugated and denigrated now seek justice. It is important to hold not only those who carry out these horrific crimes accountable but also those who promote, incite, encourage and glorify such acts. It is alleged that one of those influential persons who is encouraged or incited acts of terrorism in Syria is the First Lady, Asma Al-Assad.

We are seeking to ensure that the process of truth and justice is meted out equally to all persons irrespective of status and standing. This is an important step in holding senior political officials accountable for their acts and ensuring that a State, through an independent and impartial legal process, takes responsibility for the acts of its own nationals.

As the matter is under review by the appropriate authorities, and wishing to maintain the integrity and confidentiality of such investigations, it would not be appropriate to comment on the specific allegations or the evidence that supports those allegations, however, as the subject is a British national it is important that she faces prosecution if the evidence supports the allegation and not merely stripped of her citizenship. This is an important process, and it is only right that justice is served before an English Court. We recognise that it would be politically expedient to merely strip any person accused of their citizenship. That will not serve the interests of the hundreds of thousands of civilian victims to the ten-year conflict. Any removal of citizenship should only come after facing a trial before an English Court where the process will be independent and impartial and will look solely at the evidence irrespective of any political considerations.

Read more [here](#).

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.



International Women's Day

This International Women's Day we celebrated our commitment to the struggle of ensuring equality for all women around the world. We honour, celebrate and join all women fighting to achieve a more just and equal world. At Guernica, we will continue untiringly supporting their struggle to guarantee and materialise women's rights, particularly, of those girls and children living in armed conflict and in post-conflict situations.

At Guernica, we take pride in having gender-balanced boards and a team mostly composed of women. This composition has been deliberate and essential to our investigations and litigation given our committed work to support accountability claims by female victims, and our desire to prioritise and further explore gender violence. We maintain a marked gender-based focus in our legal work, raising questions about the different ways violence affected women in the cases we manage in order to design specific justice initiatives.

Guernica 37 International Justice Chambers is, as a matter of fact and pride, one of the few English Barrister Chambers to be a champion of diversity and led by a woman –the highly reputed international criminal lawyer, Almudena Bernabeu–; and we are honoured to have Patricia Viseur Sellers –the Special Advisor for Gender for the Office of the Prosecutor of the International Criminal Court–, as part of Guernica's Advisory Council. We interviewed her in the last episode of our Guernica Podcast, available here.

At a time where women must be given equal rights and opportunities in all parts of life, we at Guernica

recognise that much still needs to be done and we seek to lead by example by promoting such leadership.

On this day, at The Guernica Group, we want to thank all those women –lawyers, practitioners, victims, and leaders– who accompany and inspire us in our common struggle for justice, devoting their time and efforts to overcome and prevent the enduring consequences of gender discrimination and violence.



GUERNICA 37 Balkan News



Montenegrin government dismissed Senior Police Officer, Zoran Lazovic, after the ruling coalition accused him of having ties with Criminal organisations. Six other Police officers were also let go.

The Higher Court in Belgrade has agreed to take over the case of Dragomir Kezunovic, a former Bosnian Serb military police officer, who was convicted by The Bosnian state court for crimes against humanity.

In 2018 two plaintiffs Vukcevic and Baranin, appealed to the European Court of Human Rights, accusing an unidentified police officer from Montenegro's Special Police Unit SAJ of ill-treatment during the protest in Podgorica in 2015. The European Court of Human Rights ruled last week in favour of the plaintiffs and awarded them 7500 euros each.

The European Court of Human Rights in Strasbourg ruled that Croatia violated Article 1 of Protocol number 1 to the Convention for the Protection of Human Rights and the Fundamental Freedom, to the right to the peaceful enjoyment of possessions.

A former Commander of the Kosovo Liberation Army also known as Commander Wolf, Pjeter Shala, was arrested on Tuesday 16 March 2021, in Belgium and is waiting to be transferred to the Kosovo Specialist Court detention centre in The Hague.

Former Kosovan President Hashim Thaci's defence team, argued that his right to a fair trial is being violated; it was argued that the gravity of the violations is so severe that it warrants dismissal of all charges and that Mr Thaci should be released.



GUERNICA
—37—
INTERNATIONAL JUSTICE CHAMBERS

From the entire Guernica 37 team,
we would like to take this opportunity
to wish all our friends, colleagues and partners a very
Happy and Safe Easter Holiday 2021

The Guernica Academy - An Eye Opening Experience

by Faouzia el Soudani

My experience as an intern has been incredibly eye-opening. It has gone beyond my expectations as I felt that I had great control over the work that I wanted to do. For the first 6 weeks, I was thrown into any reading and cases given to me, whereas during the second 6 weeks I was able to choose the work that I wanted to do. This has given me a deeper understanding on how human rights law is applied in domestic jurisdictions. Prior to starting my internship, I read the blogs written by previous interns Kerry and Chelsea. Their accounts have reassured me of the quality of the internship as well as the support that they received. It is fair to say that I never felt unsupported, I was able to ask any questions, no matter how small or silly.

What work did I undertake during my internship?

Guernica Academy allowed me to undertake a mixture of international and domestic work. I found this incredibly valuable. In the first week, I was sent a substantial amount of reading just to familiarize myself with the type of work they undertake.

Although domestic work builds your legal skills i.e. legal drafting, legal research and opinion writing, international work has really tested my intellectual strength. Whether you wish to become a solicitor or a barrister, I think that it is important to showcase your ability to undertake work which is intellectually challenging. For example, assisting on the case concerning Jonathan Taylor was a privilege as well as very intellectually challenging because the INTERPOL Red Notice system is per se quite unfair and sadly it is sometimes used by states as a tool for political vendettas.

Nonetheless, I've undertaken interesting and exciting domestic work which has taught me the importance of adopting a logical approach. For instance, I was asked

to write an advice on the merits of pursuing a claim against the Secretary of Justice on the basis that HMP failed to provide Kosher food to the applicant. I acquired knowledge on PSI (Prison Instructions) policies and I assessed the ECHR jurisprudence as a way to establish whether there was a breach of Article 9 of the ECHR.

Reviewing the 13 witness statements from people that have been tortured and arbitrarily detained in Syria was harrowing but also a privilege to read their resilient stories. This particular experience will resonate with me for the rest of my life because their testimonies are the evidence that the establishment of international human rights law is needed more than ever when grave atrocities happen. For me, this was a reminder that people want and need justice; and the principle of justice should not only be an abstract idea but rather it should be made concrete by us, aspiring and current lawyers.

Overall, during this experience I was able to develop my legal writing skills which is something that you can only develop and learn by dealing with real life examples. The 3 months have been productive and it felt that I was actively making a positive impact on people's lives. Guernica 37 is unique. I appreciated this because Guernica 37's integrity is admirable and being part of a team that tirelessly fights for what is right was a privilege. I have a clear vision of the type of work that I want to undertake. This experience has definitely reconfirmed not only my passion for human rights but my goal in becoming a legal practitioner that is capable of challenging the state/government interference in people's lives domestically and internationally. This experience has further inspired me to specialize in international work in a foreseeable future, because individuals suffering from grave treatment and atrocities need the attention of human rights lawyers more than



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