

Newsletter
GUERNICA 37
International Justice Chambers



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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 the Head of Chambers,

This year we celebrated our fourth anniversary in Chambers. In previous years we have celebrated our anniversary by bringing everyone together in London (2017/2018) and Bilbao/Gernika (2019). This year we had planned to convene in Bogotá, Colombia. We hope to make that a reality in 2021.

In addition to our numerous achievements, some of which are highlighted in this edition, we also introduced The Academy, a 3-month internship programme to those from disadvantaged backgrounds, and the Guernica Accountability Podcast.

As we come to the end of a tumultuous year we continue to confront a pandemic that impacts every aspect of our lives. Many of us have lost loved ones and colleagues to this devastating virus. We must be thankful the tireless and selfless acts of the tens of thousands who have put own health at risk by helping those infected. To those silent heroes we owe everything.

We must hope that 2021 brings greater peace and stability. Regrettably we have to confront the change of #Brexit but we have a #BidenHarris administration to look forward to in the United States and we have a new judge at the International Criminal Court, former advisory council member, HHJ Joanna Korner CMG QC. In 2020 we added to our Chambers' membership with new members Howard Varney, Shannon Raj Singh and Monica Roma Wilson, former pupils Najib Momen, Ibrahim Olabi and Omar Soliman and our Advisory Council was strengthened with HHJ Keith Raynor and Ibro Bulić joining. In 2021 we will be adding further strength to our membership.

Toby Cadman,
Head of Guernica 37 International Justice Chambers



COVID -19



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.

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

The Month In International Legal News



In the case of *Balaskas v. Greece* the European Court of Human Rights held that there had been a violation of freedom of expression.

On 19 November, in the case of *Barbotin v. France* (application no. 25338/16) the European Court of Human Rights held, unanimously, that there had been a violation of Article 13 (right to an effective remedy) of the Convention read in conjunction with Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights.

Spokesperson for the UN High Commissioner for Human Rights, stated that they had been receiving disturbing reports of continued detention of civilians, including humanitarian workers, in Idlib, north-western Syria, in areas under the control of Hay'at Tahrir al-Sham (HTS) and other armed groups. They have also been receiving deeply troubling reports of executions following the detentions and so-called trials by the de facto authorities.

Amnesty International has reported that dozens have been killed and hundreds injured in post-election violence in Côte d'Ivoire since the election on 31 October 2020. It also reports that dozens of opposition members have been arrested and the opposition leader Pascal Affi N'Gguessan has been held in detention with no contact with his family or lawyers.

On 17 November 2020, the Kosovo Specialist Prosecutor made public a redacted version of the Request for

arrest warrants and related orders which was originally filed on 28 May 2020. The Request relates to Hashim Thaci, Kadri Veseli, Jakup Krasniqi and Rexhep Selimi and alleges that they engaged in witness interference using their positions of power and influence over members of the Kosovo Liberation Army (KLA) and population of Kosovo in general.

On 05 November 2020, Hashim Thaçi resigned as President of Kosovo to face war crimes and crimes against humanity charges against him at the KSC in The Hague.

The Australian Defence Force (ADF) publicly released redacted findings from a four-year inquiry into the scope and extent of misconduct by its forces in Afghanistan.

On 12 November 2020, the Australian Prime Minister, Scott Morrison announced the establishment of the Office of the Special Investigator to probe allegations of war crimes committed by the Australian Special Forces in Afghanistan between 2005 and 2016.

On 23 November 2020, the Congolese Operational Military Court, sentenced Ntabo Ntaberi (alias "Sheka") and his co-accused, Nzitonda Habimana Séraphin, to life imprisonment in a landmark judgment. Sheka was one of the leaders of a militia group called Ndu-ma Defence of Congo (NDC), which operated in the eastern province of North Kivu together with allied militias such as the Democratic Forces for the Liberation of Rwanda (FDLR), headed by Séraphin Nzitonda.

Together with other militias, they were accused of orchestrating raids on villages in mid-2010 during which more than 400 people were allegedly raped and almost 300 were killed.

The Australian Home Affairs Minister Peter Dutton announced Mark Weinberg QC has been appointed as the Special Investigator for alleged war crimes in Afghanistan. The appointment follows findings by Justice Paul Brereton that saw there was credible evidence indicating that Australian special forces may have committed 39 murders.

In the case of *Sik v. Turkey* (no. 2) the European Court of Human Rights held that there had been a violation of the right to liberty and security, and a violation of freedom of expression.

After nearly five years of investigations, Italian prosecutors announced that they have collected sufficient evidence to charge four Egyptian security officials, including senior officers from Egypt's abusive National Security Agency for the 2016 kidnapping, torture, and murder of Italian researcher Giulio Regeni in Cairo.

The Swiss Federal Criminal Court opened the trial against Alieu Kosiah, a former Liberian rebel commander. Kosiah is accused of multiple charges of war crimes, including sexual violence, murder and recruitment of child soldiers, allegedly committed between 1989 and 1996 during the first Liberian civil war.

The Prosecutor General's Office of Azerbaijan has announced that four soldiers have been arrested on suspicion of involvement in war crimes during the recent conflict in the Nagorno-Karabakh region. They are accused of defiling the bodies of Armenian soldiers, inhumanely mistreating Armenian troops, and defacing gravestones.

The Prosecutor of the International Criminal Court, Fatou Bensouda, published her annual Report on Preliminary Examination Activities, undertaken by her Office

between 6 December 2019 to 14 December 2020. The report details the progress made to date in the Court's preliminary examinations, including four which have recently been completed – those in relation to the situation in Palestine, Iraq/UK, Ukraine and Nigeria.

Azerbaijan's Prosecutor General, Kamran Aliyev, reported that his office is investigating alleged war crimes committed by Armenian and Azerbaijani forces during the fight over Nagorno-Karabakh.

The Prosecutor of the ICC rejected calls to investigate China for alleged genocide and crimes against humanity against the Uighur community. The Prosecutor concluded that it had no jurisdiction over the case, as China is not a state party to the Rome Statute. In addition, the Prosecutor stated "there was no basis to proceed" with regard to the argument of forced deportations occurring from two ICC member states.

The International Criminal Court (ICC) says that it will not take action against the UK, despite finding evidence British troops committed war crimes in Iraq. A 180-page report says hundreds of Iraqi detainees were abused by British soldiers between 2003 and 2009. But the ICC could not determine whether the UK had acted to shield soldiers from prosecution.

H.H. Judge Joanna Korner CMG QC has been elected as the United Kingdom candidate to serve as a judge of the International Criminal Court, for the term 2021 – 2030. Upon election, Judge Korner stated: "I am delighted and deeply honoured to have been elected as an International Criminal Court judge. My thanks to the State Parties who supported my campaign. I will work with colleagues to promote a fair and efficient Court, fight against impunity and, crucially, help victims achieve justice."

Months after a huge explosion in Beirut's port, the investigation has become mired in politics as powerful forces band together to block efforts to hold leaders accountable. More than four months later, not a single official has accepted responsibility for the blast or publicly explained how a stockpile of explosive material was left unsecured in the Beirut port for six years. In fact, powerful politicians are working to block the judge in charge of the investigation from questioning senior officials, much less holding them to account.

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.

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.



The Human Cost of Whistleblowing

Jonathan Taylor is a British national who, as a lawyer for Dutch firm SBM Offshore in Monaco, uncovered an enormous bribery and corruption scandal that resulted in criminal investigations in five jurisdictions, resulting in fines of more than \$800 million, and the imprisonment of a number of individuals. Despite this, to date, the authorities in Monaco have failed to initiate a single criminal investigation into SBM Offshore or any of its executives. This is hardly surprising considering SBM Offshore is the largest private employer in Monaco and the small tax haven has created an impenetrable environment based on banking secrecy and surreptitious offshore companies that sits oddly outside the close scrutiny of the European Union and its legal framework.

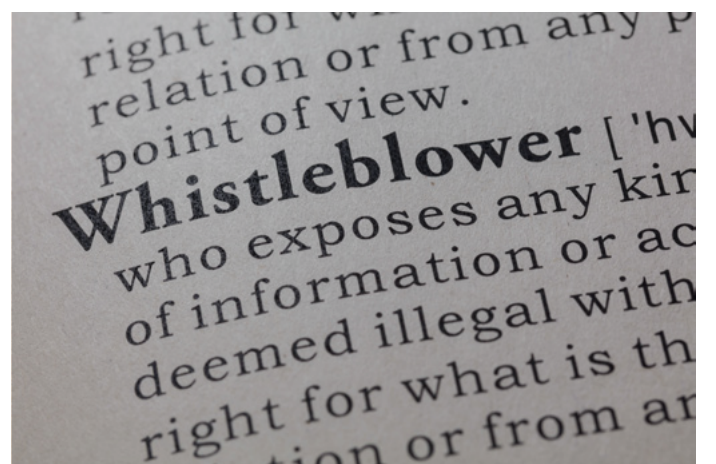
Jonathan has the status as a whistle-blower and a protected witness and ought to receive all the procedural safeguards that a such witness would ordinarily receive.

Regrettably, he has not. He has been exposed and discarded and that must change. We rely on people like Jonathan to make the world a better (and safer) place and we need to show whistleblowers and investigative journalists that our fundamental protections and safeguards actually mean something. On 30 July, Jonathan was arrested on an Interpol Red Notice, issued by Monaco, at Dubrovnik international airport, where he had just arrived for a short holiday with his family. The Croatian authorities were waiting for him as his flight landed. We do not know who tipped them off, but

tipped off they were. The warrant for his arrest alleged he was guilty of bribery and corruption, offences he was alleged to have committed whilst negotiating his departure from SBM Offshore, after having disclosed details of widespread bribery and corruption by oil executives. The allegation is that he attempted to extort sums of money from SBM Offshore to prevent disclosures, despite the fact that those disclosures had already been made. The logic is hard to follow for his legal team, let alone a lay person.

Jonathan is whistleblower. He is a protected witness. He has taken extraordinary steps, putting his own personal safety and the economic security of his family at risk, in order to ensure that those persons who have engaged in corrupt practices on a truly unprecedented scale are brought to justice.

There is no evidence to justify the bringing of criminal charges and, if he were to be extradited, there is a very real risk that he would be the victim of a flagrant denial of justice in Monaco.



From Spring to Winter: Democracy and Human Rights in the Arab Republic of Egypt

The human rights situation in Egypt has sharply declined in 2019-2020. Constitutional amendments have been passed to consolidate authoritarian rule, circumvent the rule of law, remove the judiciary's independence, and expand the power of the Military and State Security Forces

The Egyptian Regime has maintained a nation-wide state of emergency that gives security forces unprecedented powers. State Security forces used torture and enforced disappearances systematically against dissidents from all backgrounds. Egypt's use of mass trials and the death penalty has increased, including death sentences against children and death sentences issued in military trials.

International human rights organisations have raised concerns over the erosion of human rights and fundamental freedoms and the total dismantling of any notion of a democracy.

To address these critically important issues, Guernica 37 International Justice is co-hosting with No Peace Without Justice a panel discussion covering the autocratic rule of the Military Regime, the systematic torture of political prisoners, the lack of fair trial guarantees, elimination of freedom of expression and censoring of the independent media.

Chair:

Niccolo Figa-Talamanca (No Peace Without Justice)

Panelists:

Dr. Maha Azzam (Egyptian Revolutionary Council)

Toby Cadman (Guernica 37)

Dr. Anas Altikriti (Cordoba Foundation)

Carl Buckley (Guernica 37)

Bill Law (Arab Digest)

[Please click on the following link for a recording of the event in English.](#)

The Guernica Group Commemorates the Anniversary of the Jesuits Massacre

From The Guernica Group we would like to remember the victims today and reaffirm our commitment to international justice so crimes like the present one will never be repeated.

This article was posted on elfaro.net in Spanish on Monday November 16, 2020 by Michael Reed Hurtado, and an English translation is available below.

“Death to the communists of the UCA” was the label used in October 1989 to threaten the Jesuit priests of that university, who promoted peace and supported social transformation in El Salvador.

Designated enemies of the state, the priests were profiled to die in the war. A gang of thugs carried out the order that a second man transmitted; It was not just any gang - this, in particular, was part of the Atlacatl Battalion, an elite group of the Salvadoran Army trained in counterinsurgency tactics and deceptive maneuvers by the US Army.

On November 16, 1989, after midnight, the soldiers carried out a simulated guerrilla raid on a residence in the university citadel in a chambona way and massacred six priests, an adolescent and a woman. Although the involvement of some soldiers in the events could not be denied, the decades of propaganda and psychological warfare had and continue to have the desired impact: on the one hand, the justification for the death of “the guerrillas in cassocks” fell (and cala) in a wide sector of Salvadoran society; on the other hand, the involvement of the public power (in the highest spheres) in the planning and cover-up of the crime has had no consequence.

This week marks the 31st anniversary of that massacre that still awaits justice in El Salvador.

<https://www.guernica37.com/post/the-guernica-group-commemorates-the-anniversary-of-the-jesuits-massacre>

HHJ Joanna Korner CMG QC Elected as Judge of the International Criminal Court

On 18 December 2020, former Guernica 37 International Justice Chambers Advisory Council member, HHJ Joanna Korner CMG QC was elected as Judge of the International Criminal Court for the period 2021-2030. Judge Korner brings a wealth of experience to the role, having prosecuted at the highest levels both domestically in the UK, and internationally, including as lead prosecutor in three trials of political and military leaders charged with genocide and crimes against humanity before the International Criminal Tribunal for the Former Yugoslavia (ICTY). Judge Korner was the United Kingdom's candidate for the International Criminal Court's judicial elections in December 2020. She has been at the forefront of legal training across the world, assisting with the management of complex trials, and principles in international criminal law. Her expertise and experience within the international sphere therefore is significant. Justice and the Rule of Law is Judge Korner's passion and thus the essential work undertaken by the ICC can only be enhanced with this recent appointment.



Two Members of Guernica 37 Instructed in One of the First Cases at the Kosovo Specialist Chambers

Toby Cadman and Carl Buckley of Guernica 37 International Justice Chambers have been instructed by Mr. Nasim Haradinaj before the Kosovo Specialist Chamber sitting in the Hague.

On 11 December 2020, a Pre-Trial Judge of the Kosovo Specialist Chambers (KSC), confirmed the indictment that had been previously filed on 30 October 2020 by the Specialist Prosecutor (SPO) against Mr. Nasim Haradinaj and his co-accused, Mr. Hysni Gucati, following a number of allegations concerning the administration of justice.

Mr. Haradinaj's first appearance took place on 15 December 2020, whereupon the matter was adjourned further to enable submissions on release to be filed, and thereafter, a case-conference to be listed.

Mr. Toby Cadman and Mr. Carl Buckley are now instructed as Counsel and Co-Counsel respectively.



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.

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.





One Sock at a Time

Article by Toby Cadman

The conflict in the Syrian Arab Republic has raged for close to ten years. During that time the outside world has largely been a spectator to the suffering of the Syrian people who have been subjected to some of the worst forms of ill-treatment imaginable. More than half a million have been killed, tens of thousands remain detained in secret prisons where torture is practised on an industrial and truly frightening level, civilian neighbourhoods have been subjected to aerial bombardment and ground force attacks, attacks using chemical and other forms of prohibited weapons, and sexual and gender based violence has been incorporated as a weapon of war. More than half the pre-war population have been either killed, detained or forced to flee their homes.

The international community and the systems set up to ensure the mantra “never again” means something has failed the Syrian people. The UN Security Council has become hamstrung where an active participant in the daily atrocities can prevent any international intervention or international accountability. The humanitarian support continues but that is like using a dustpan and brush to sweep up after a devastating earthquake or a kitchen mop to clean up after a Tsunami.

The International Criminal Court was established to deal specifically with this type of conflict and yet it is unable to as a result of jurisdictional limitations. The United Nations, Arab League and OIC are all powerless or uninterested.

The Kingdom of the Netherlands seeks to change that and has initiated a process that aims, innovatively, to bring an end to the impasse and hold the Syrian Government accountable.

The initiative has received mostly widespread support from States and Syrian victims alike. There have; however, been some voices of discontent. These voices are mostly from a position of lack of awareness or understanding of the process and focus on ill perceived notions. For example, one critical voice has focused on the notion that this undermines criminal accountability and risks legitimising a criminal state. Such a proposition is ill-conceived and regrettably displays a distinct lack of knowledge of the process. Other voices have asked “Why now?”, “Why the Netherlands?” or “Why not the ICC?” All of these questions are relevant and can be answered clearly.

The Netherlands has been a longtime advocate of accountability in Syria and was one of the first States to break diplomatic ties with the Assad Regime and has shown no sign of re-establishing diplomatic relations and allowing Syria to become a legitimate State. The Netherlands has been at the forefront of humanitarian efforts and has been active in supporting a number of transitional justice mechanisms including the UN IIIM. The Netherlands was a vocal advocate of efforts in the UN Security Council to refer the situation in Syria to the ICC and to ensure humanitarian protection to

those most in need. This most recent effort is largely as a result of the frustration of the ineffectiveness of those efforts on an international level and the lack of jurisdiction at the ICC.

This effort by the Netherlands is therefore a critically important step to hold the Syrian State accountable for breaches of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It will not establish individual criminal responsibility and it will not amount to a criminal trial. However, the process is an important step in ensuring that impunity does not prevail. The Syrian regime, its Commander-in-Chief, Bashar al Assad, the Branches of Intelligence and Security, the army, law enforcement and the courts, bear responsibility for the breaches and therefore must be held accountable.

It will not frustrate or interfere in any present or future criminal trial on the national or international level. It will not replace criminal accountability; rather it will complement and reinforce those efforts and may provide a path to greater accountability on the national and international level.

The procedure under the UN Convention against Torture requires that the Netherlands first tries to negotiate and if this is unsuccessful to arbitrate the dispute. It is here where much of the criticism lies. This process will legitimise an illegitimate and criminal State. It will not. The fact that the Regime, headed by Bashar al-Assad, is in power and acts as the State does not confer legitimacy. The fact that Assad and his State apparatus holds on to power through the brutal use of force against the civilian population and that there have been fraudulent elections again does not confer legitimacy. Regardless of that fact, for the purpose of the UN Convention against Torture and the jurisdiction of the International Court of Justice, the Regime represents the State and as there has been no reservation filed in respect of Article 30 of the Convention, the International Court of Justice has jurisdiction.

The process was initiated by the Netherlands serving a diplomatic note on the Syrian Government of its intention to hold Syria responsible for breaches of the UN Convention against Torture and that it seeks to negotiate the dispute. That is a requirement that must be exhausted before the claim can proceed further and it must be undertaken in good faith and must be credible. No official response has thus far been received by the Netherlands, although an initial response through

media channels was made by the Ministry of Foreign Affairs accusing the Netherlands as acting as a puppet of the United States of America and that it lacked the moral authority to bring allegations of human rights violations. One can surmise from this response that the negotiations are not likely to proceed and this will trigger step two, arbitration.

It is important to recall that the legal action brought in the United States by the family of the murdered journalist, Marie Colvin, followed a failure by the Syrian State to engage in arbitration proceedings. The result of this failure was an order by a Federal Court in Washington DC ordering the Syrian State to pay \$300m in damages.

The likelihood therefore is that this matter will ultimately end up in front of the International Court of Justice. It remains to be seen whether the Assad Regime will engage in the process in any meaningful way, or at all. Regardless of that engagement this initiative is of critical importance and will provide Syrian victims a much needed voice.

This process is aimed at holding the Syrian Regime accountable for acts of torture that have been committed for almost a decade on a truly astonishing industrial level. It will seek to demonstrate that this was a State policy. It will also more importantly seek to bring an end to the practice and to provide a system of recognition and reparation for the tens of thousands who remain in illegal detention, for those who tragically and senselessly died under torture, and for those who managed to flee Syria and continue to suffer from the physical and psychological scars that will remain with them forever. It is for that reason that this is important.

Recently, during an interview with a torture survivor whose evidence has now been provided to the Netherlands as part of the documentation process, I asked whether he supported this process in light of some of the criticisms that have been made. His response compelled me to write this. He started by asking if I have children. Dreading his next question, I replied that I had two daughters. He then asked, do they tidy up their room. No, I replied, mostly my wife does. He then said thoughtfully, get them to tidy up their room by picking up one thing at a time, one shirt, one sock, one book, each day. It will soon be clean. That is how we will deal with the Syrian Crisis by cleaning our room one sock at a time.



The Guernica Academy: “An Experience Like No Other”

by Kerry Cox

Following on from Chelsea the previous intern at the Guernica Academy, I found comfort and reassurance in reading her blog and learning about the new and exciting activities which she had been involved in.

I applied for this internship with the ambition to develop certain skills and have the opportunity to acquire hands on experience aside from the normal mini pupillage, in a setting that was different from the normal London based opportunities which are unpaid and incur considerable costs when undertaking.

As an intern I was conscious that I might be treated differently and wouldn't feel part of the team, and it was just a tick in the box for them, but this wasn't how I felt.

I have gained skills which I would not have gained anywhere else, and most importantly ones which are transferable and will enhance my academic and professional work.

Throughout my internship I was exposed to a variety of work which I was able to actually work on. This in-

volved the opportunity to draft particulars of claims, Special Rapporteur petitions, advices on merit, grounds for judicial review and INTERPOL red notice challenges. An integral part of the internship was research, which I used to prepare a draft profile, guidance on nolle prosequi which involved research on the principles applied in ICTY and ICTR and the UK.

The dedication and support the Barristers at Guernica 37 showed not just me but their clients is inspiring!

This Academy has without a doubt provided a turning point in equipping me with the skills which are required for me to develop to the next stage.

The full blog post can be found on the Guernica 37 website.



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