

Newsletter
GUERNICA 37
International Justice Chambers



SEPTEMBER / OCTOBER 2020 | ISSUE NO. 1



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

Chambers was established on 1 September 2016 as a unique Barristers' Chambers that specialises exclusively in public international law, international criminal law and international human rights law. Since its establishment Chambers has developed its areas of specialisation to include international commercial law and arbitration, social justice and environmental law, law of privacy, anti-corruption and anti-bribery law and whistleblower protection. Chambers has developed its geographical reach into Latin America, South Asia, the Middle East and North Africa and the Balkans. We provide strategic tailored legal services to a wide range of individuals, organisations and state institutions proven to be carefully structured, need driven, comprehensive in nature, strategic, contextualised to the geographic environment, region and any other relevant circumstances. We approach our work with complete and thorough responsibility and take into careful consideration the global benefits and challenges any work we undertake will have on the communities we serve.

This monthly newsletter will highlight the key areas in which we work, both in Chambers and our non-profit sister organisation The Guernica Centre for International Justice, important weekly international legal news, the latest from our Podcast Series and any other exciting events we have going on at Chambers. We hope you find it useful and informative.

Toby Cadman,
Head of Guernica 37 International Justice Chambers

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.

Kind regards,
The Guernica Team



The Month In International Legal News



14 suspects are currently on trial over the Charlie Hebdo Paris massacre in 2015.

The Trump administration has ordered a series of sanctions against those working, or involved, with the International Criminal Court.

Canada and the Netherlands have declared their intent to assist with the Rohingya case at the UN.

Rwandan genocide financier, Felicien Kabuda, appealed to the French supreme court requesting an appeal of the body's decision to hand him over to international judges in Tanzania.

The UN Commissioner for Human Rights welcomed the decision of Venezuelan President Nicolas Maduro to pardon 110 people, most of them Venezuelan politicians who were imprisoned, in exile or under precautionary measures.

A peace deal was signed between the Transitional Government of Sudan and the majority of the country's armed groups, which was hailed as a major step in ending the suffering and human rights violations and abuses inflicted on the Sudanese people over the past decades.

The European Court of Human Rights has ruled the application in the case of Mahi v. Belgium manifestly ill-founded and declared it inadmissible.

The Mexican Senate took the unanimous decision to recognise the competence of the UN Committee on Enforced Disappearances to examine individual complaints in a significant step in the country's human rights development.

The Special Court of Sierra Leone denied an application by Charles Taylor, Liberia's former President, to be temporarily transferred from the United Kingdom to a safe third country.

Following the discovery of a mass grave at the beginning of September in the Tarhuna province in Libya, the Tripoli-based Government of National Accord announced a second mass grave was found within a week. The province was recently liberated from militias loyal to General Khalifa Haftar.

The former deputy chairman of Rwanda's ruling party during the 1994 genocide - the National Revolutionary Movement for Development - has died in a Senegalese prison.

The public hearings on the preliminary objections raised by the United Arab Emirates in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)* concluded on 07 September. The International Court of Justice (ICJ) will now begin its deliberation.

Prosecutor of the International Criminal Court, Mrs Fatou Bensouda, received a referral from the Government of the Plurinational State of Bolivia regarding the situation in its own territory, in accordance with its prerogatives as a State Party to the Rome Statute. Interim President Jeanine Anez, has asked the ICC to investigate whether deaths linked to the coronavirus pandemic may constitute a crime against humanity. It has accused former President Evo Morales and other members of the Movimiento al Socialismo party of causing deaths by blocking access to medical supplies and oxygen.

of death penalty sentences handed down in the context of protests in 2018 and 2019.

Spain's highest criminal court, the Audiencia Nacional, has convicted Inocente Orlando Montano, a former Salvadoran army colonel, of the murder of five Spanish Jesuits during El Salvador's civil war as part of an attempt to derail peace talks. He was extradited to Spain from the USA and tried under the principle of universal jurisdiction.

The United Nations Commission of Inquiry on Syria released its latest report, documenting human rights violations committed during the first half of this year in Syria. The report highlights different types of violations by various State and non-State actors to the conflict. It suggests that the Syrian government continued to perpetrate crimes against humanity of enforced disappearance, murder, torture, sexual violence and imprisonment.

Former Bosnian Serb politician Momcilo Krajisnik died of COVID-19 at the age of 75. Krajisnik was sentenced to 20 years of imprisonment in March 2009 by the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia for the crimes against humanity of deportation, forcible transfer and persecution of non-Serbs during the Bosnian war of 1992 – 95.

A team of independent UN investigators stated the Venezuelan government has committed serious human rights violations, some of which may amount to crimes against humanity.

The human rights situation in parts of north, northwest and northeast Syria under the control of Turkish forces and Turkish-affiliated armed groups is grim, with violence and criminality rife.

The Government of Comoros filed a request for leave to appeal the decision of Pre-Trial Chamber I (PTC I) of the International Criminal Court (ICC) not to request the Prosecution reconsider their decision not to investigate possible crimes in the Gaza Freedom Flotilla.

Guernica 37 International Justice Chambers is proud to assist the Government of the Netherlands in an important step to ensure that impunity is brought to an end and that there is justice and accountability for all victims of torture in the Syrian Arab Republic. The Government of the Netherlands has taken a critically important first step in addressing the Syrian State's failure to respect its obligations under international treaty law for widespread human rights violations, including acts of torture prohibited by the Convention Against Torture, a treaty to which Syria is a party. Guernica 37 will work alongside the Government of the Netherlands in the collection of evidence and ensuring the input from Syrian victims.

Amnesty International has called on the government of Mozambique to conduct an "independent and impartial" investigation into possible crimes committed by security forces in Cabo Delgado.

In the case of G.L. v. Italy the European Court of Human Rights found that the applicant had sustained discriminatory treatment on account of her disability.

UN human rights experts strongly condemned the summary execution of champion wrestler Navid Afkari in Iran, raising alarm at the latest execution in a series

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.

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.

Episode 5

In the fifth Episode of the Guernica Accountability Podcast, Guernica Co-founder, Toby Cadman discusses a broken legal system with The Secret Barrister, an anonymous figure who wears a black cape and fights crime - but is not Batman. The Secret Barrister discusses the legal system of

England and Wales, how it is broken and how it can be fixed. The English legal system has long been the envy across the globe. When one thinks of the English legal system and its long-standing traditions, one thinks of the very concepts that are found in numerous human rights treaties

that guarantee liberty, security, free speech, free association, fair trial and a host of fundamental rights that are often taken for granted. However, our legal system is under attack and is now confronted with a real challenge to its very existence.

To listen to the podcast click [here](#).



Guernica 37 Assists the Government of the Netherlands in Holding Syria Accountable

Both the Syrian Arab Republic and The Netherlands are party to the Convention Against Torture, which allows state parties to refer the non-compliance to the International Court of Justice, should negotiations and arbitration fail. Guernica 37 has compiled a comprehensive body of evidence that demonstrates systematic torture in Syria, in breach of its international treaty obligations. This filing is particularly important as tens of thousands of civilians remain in Government detention being subjected to acts of torture. The move by the Netherlands puts pressure for these violations to cease, perpetrators to be held to account, and victims to receive reparations.

The step taken by the Netherlands is of critical importance and could offer victims a realistic prospect of truth, justice and accountability on the international level. |



The Coalition for Justice in Nicaragua: Ending with Pacts and Amnesties as Transitional Mechanisms

The Coalition for Justice in Nicaragua (CJN) is an initiative of Nicaraguan organisations, supported by international organisations, to coordinate and act together to advocate for the implementation of accountability processes in relation to events of abuse of power and serious human rights violations that occur in Nicaragua. The Guernica Centre for International Justice is part of this coordination platform which, observing the autonomy of each organisation participating, seeks to implement joint actions that promote justice.

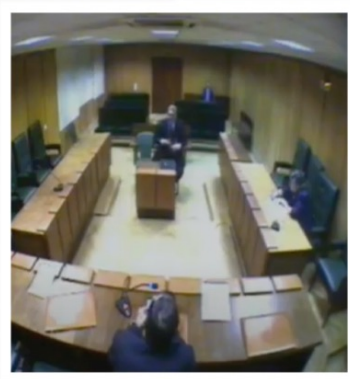
CJN will produce a series of working documents that will address different dimensions of the challenges faced by Nicaraguans to ensure that those responsible for gross human rights violations are held accountable for their actions, and to promote changes and transformations that strengthen the rule of law in Nicaragua. The delivery of this work-papers will take place gradually until the end of 2020, seeking to generate debate and offer clues to prevent impunity from once again colouring the country's institutional history. In this first instalment, we take a look at the use of amnesties and similar measures throughout Nicaraguan history, and promote reflection on the need to overcome the practice of political pacts that have led to impunity. You can download the first document produced by CJN on the Guernica 37 website - available in Spanish only. |

The Jesuit Massacre Trial

After more than 31 years waiting for justice and more than 12 years actively working on the case to trial, today a former member of Salvadoran military high command, Colonel Inocente Montano was found guilty of the massacre of six Jesuits priests and two women in El Salvador in 1989. In a detailed and methodically written judgment of 128 pages, the Spanish National Criminal Court confirmed that the Salvadoran Armed Forces committed the crime of state terrorism when it orchestrated and ordered the killing of Fathers Ignacio Ellacuría, Ignacio Martín-Baró, Amando López, Joaquín López y López, Juan Ramón Moreno, Segundo Montes, their housekeeper Elba Julia Ramos, and her daughter, Celina Maricet Ramos.

Almudena Bernabeu, co-founder of The Guernica Group led the private prosecution with Spanish co-counsel Manuel Olle Sese. The extraordinary journey of this litigation saw the first extradition from the United States of America to Spain of a foreign perpetrator for an international crime, which secured a trial that, despite the challenges of the pandemic, took place in June and July and was live-streamed internationally, allowing the victims, their families and all people in El Salvador to access the historic trial proceedings.

The Court handed down a thoroughly detailed judgment with a significant sentence that provides justice for a crime that, despite the efforts of the victims and their community, impunity prevailed. This trial process changed that. |



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, and Bangladesh International Crimes Tribunal. Previous cases have included General Augusto Pinochet, President Uhuru Kenyatta, former President Pervez Musharraf, former Vice President of Bosnia and Herzegovina 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

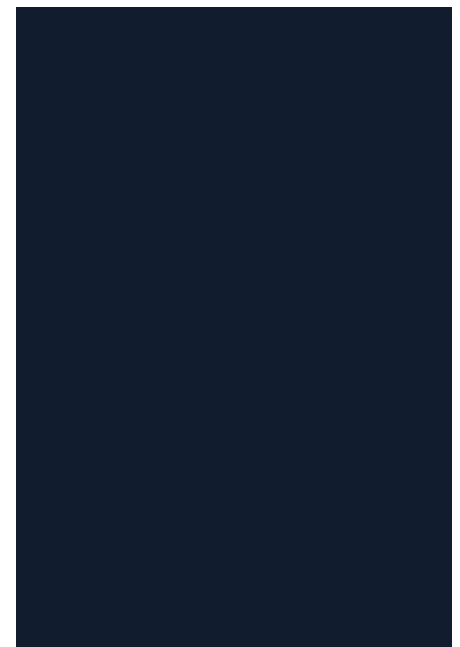
been involved in a number of high-profile extradition requests for individuals facing trials in the Balkans, South Asia, Latin America, North America, Africa and numerous Member States of the European Union under the European Arrest Warrant Scheme. Human Rights Act in the United Kingdom and the increasing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

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.

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.



Extract

Democracy Is Dying in Bangladesh. Targeted Sanctions Could Save It

Article by Toby Cadman

Four years ago, my client was disappeared.

Mir Ahmad Bin Quasem, a Bangladeshi lawyer with opposition party ties, was taken in the dead of night by men in plain clothes from his Dhaka home. His wife, sister, and young daughters tried to intervene and run after him, but were helpless to stop them. They watched as he was dragged into an unmarked vehicle and driven away. They never saw him again.

Today, we have little hope he will ever return. Mir Ahmad was one of three men, all the sons of influential opposition political figures, abducted in August 2016 in similar circumstances. One of the men, Hummam Quader Chowdhury, was released after six months. The other two, Mir Ahmad and Abdullahil Amaan Azmi, have not been seen since their abduction.

This is how democracy dies in Bangladesh, how it has been dying for years.

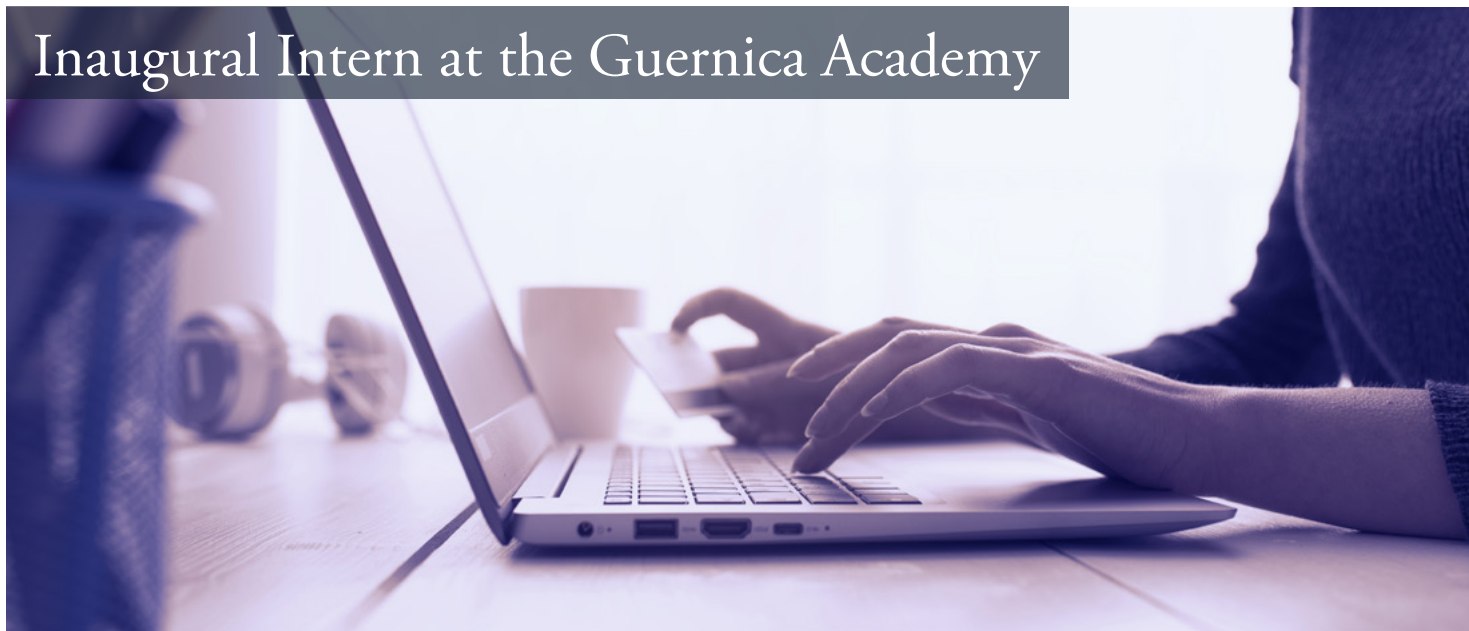
Mir Ahmad's and Azmi's enforced disappearances are part of a widespread and systemic pattern of serious hu-

man rights abuses perpetrated by networks of law enforcement and intelligence agencies acting as political tools for the ruling Awami League. They commit extrajudicial killings, enforced disappearances, and torture at chilling rates, often targeting critics of the ruling party, particularly around elections, or marginalized groups such as the Rohingya refugees. The violence and repression instill fear and silence dissenting voices. And day by day, Bangladesh's fragile democracy disappears.

Perhaps no entity has been a more lethal weapon for the Awami League's repression than the Rapid Action Battalion, or RAB. An elite unit of the Bangladesh Police whose officers are seconded from the Armed Forces and Police, the RAB has militarized law enforcement with devastating impacts on human rights. Since 2015, RAB officers are alleged to have carried out more than 400 extrajudicial killings and more than 80 enforced disappearances. As the U.N. Committee Against Torture bluntly put it, the RAB allegedly commits acts of torture "as a matter of routine policy." |

The full article can be found [here](#).

Inaugural Intern at the Guernica Academy



Miss Chelsea Leonard, Blogs About her 3-Month Experience

Guernica Academy Blog

I have spent the last three months working as a legal intern for Guernica Academy. I worked remotely, three days a week. As a recent law graduate, I was hoping to gain legal experience before commencing the BPC. I have learned more than I ever imagined. I had prepared myself to be completing monotonous tasks, but I was immediately encouraged and given the opportunity to get actively involved in cases. Following cases from researching and identifying the claim/s to drafting documents. It has been a very rich and fulfilling experience. Throughout the internship, the work has been incredibly varied, I have had the opportunity to assist in drafting skeleton arguments, grounds for Judicial review, INTERPOL red notice challenges, advice on quantum, and preparing background research into articles of the ECHR, jurisprudence, and statutory authority. The biggest task I had, and one I was very lucky to be involved in, was to conduct legal research on International Court of Justice jurisprudence citing violations of the UN Torture Convention which contributed to preparing a case against the Syrian government. Gaining insight into the historical and political development of countries such as

Syria, Lebanon, Libya has been incredibly eye-opening and has allowed me to engage with an area of human rights that I had very little knowledge of before starting with Guernica. Coming from a low-income background it can be difficult to undertake mini-pupillages and other forms of unpaid experience to gain exposure within the legal industry. Financially, being able to afford travel to and from Chambers and dedicate hours to unpaid work is not possible for many, myself included. It is incredible that Guernica37 recognises this, and not only that but has taken active steps to bridge the gap for students from low-income backgrounds.

I have gained countless invaluable transferable skills. This experience has been vital for both personal and professional development and has given me a competitive edge going forward in my legal career. I am grateful that the internship was also shaped around me and what I wanted out of it. |

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

Guernica 37 launches Arabic webpage and Twitter account

Guernica 37 has launched a new Arabic page and twitter page to keep our visitors from Arabic speaking parts of the world informed. Your dedicated page can be found here and our exclusively Arabic Twitter feed @GuernicaArabic. |



Guernica 37 launches Guernica Academy

Chambers recognises that there are increasing limitations on qualifying as a lawyer. The increase in costs, lack of public funding and reduced paid internships makes it extremely difficult for graduates to enter the profession. Guernica prides itself on adopting an innovative approach to the practice of law and as a result has decided to launch The Guernica Academy, a new platform aimed at providing practical experience and guidance to graduates of law seeking to enter a highly competitive field of law.

The motivation behind this development, is to offer an opportunity to a number of prospective Barristers/Solicitors, and in doing so, structure the initiative to be as flexible as possible and thus encourage those from non-traditional backgrounds to apply, seeking to ensure that geography and finance is not a barrier.

The only limitation we impose, is that you are either currently in the last year of your law degree as a minimum, but ideally studying or have completed the LPC/BVC, and that you are based in the United Kingdom.

Guernica 37 is offering a position of research assistant/intern, however, we are conscious of the number of prospective applicants, and therefore the position is for a fixed term so as to ensure that we can offer the position to as many as possible.

Guernica 37 will offer one position, but the successful applicant is free to choose how long that position will last, from a period of 1-3 months. In so doing, we can ensure that we offer the experience to a wider number of prospective candidates.

The position will be on a part-time basis, and will require a commitment from the applicant of 20-hours per week.

The position will operate on a remote basis, and therefore 'working from home', however, there will be daily contact (or more as required) with your supervising Barrister, through email and video call.

The position will be paid on the basis of 20 hours per week, and therefore the successful applicant can continue with any other employment currently ongoing, where such employment allows this.

Guernica 37 is currently engaged in a number of countries at the forefront of international human rights and accountability, including Kosovo, Gambia, Colombia, Syria, and across the Middle-East.

Further, members have a number of ongoing domestic instructions with a human rights focus.

The successful applicant will be exposed to domestic human rights law, public law challenges, international human rights, accountability, and transitional justice efforts, and undertake work that is essential to the progression of these matters.

The work will entail research, document review, and the preparation of briefing notes amongst other tasks. |



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