

## Wayne Jordash QC (Associate)



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### Profile

Wayne is a British lawyer and has practiced for 20 years in the international human rights and humanitarian law fields. His clients include governments, international organizations (e.g., the UN and the Council of Europe), NGO's, corporations and individuals. Over the last decade, he has appeared in most of the international tribunals, including the International Court of Justice (ICJ) and the International Criminal Court (ICC) and has extensive experience in advising on international law arising from conflict affected areas and other high-risk environments.

Recently, Wayne provided legal advice to the Bangladeshi, Libyan and Vietnamese governments concerning their international human rights obligations and their compliance with humanitarian law standards. He was part of a team that represented Serbia at the ICJ ( **concerning alleged violations of the Genocide Convention**) in their case against Croatia. He also acted as an advisor to the Principal Defender at the Extraordinary Chambers in the Courts of Cambodia (ECCC), advising on a range of international law issues relevant to the defence of former **Khmer Rouge** members of the Pol Pot regime, including the deputy to Pol Pot (Nuon Chea) and the former Minister of Foreign Affairs, Khieu Samphan. His advisory

work has included providing specialist advice to **Human Rights Watch** on qualified privilege for human rights workers, the Ugandan judiciary on the legality of amnesties in international law, the **International Commission of Jurists** on the prospects of prosecuting a sitting head of state for alleged crimes against humanity and a Columbian NGO on the FARC and ICC related transitional justice issues.

Individual clients have included the head of Serbia's state security (Stanišić) at the **International Criminal Tribunal for the former Yugoslavia** (ICTY), a Rwandan mayor (Bagilishema) and government minister (Bagaragaza) at the International Criminal Tribunal for Rwanda (ICTR) and the leader of the Sierra Leonean Revolutionary United Front's (RUF) rebel army (Sesay) at the Special Court for Sierra Leone (SCSL).

Wayne is one of the founding partners of Globalrightscompliance LLP (GRC). GRC is an advisory firm specializing in the provision of consultancy services in the area of human rights due diligence. His current work includes acting as a key expert in the **Council of Europe's** business and human rights program for legal professionals and partnering with **Action Aid** and the UK's Foreign and Commonwealth **Human Rights and Democracy** Programme to operationalize the UN Guiding Principle on Business and Human Rights (including the introduction of template due diligence and grievance mechanisms) in the Bangladesh garment industry.

Wayne is also the Director of Applied Projects for the **Organization for Intra-Cultural Development** (OICD), an organization that creates and disseminates tools and interventions (e.g. the **EMIC Process**) that utilize the structure and workings of identities to transform conflict and build cohesion.

## **Related practice areas**

Extradition

Criminal Law and Appeals

Public International Law

International Human Rights Law

## **Publications**

Contribution to ***Pluralism in International Criminal Law*** – “Evidentiary Challenges for the Defence in Domestic and international prosecutions of international crimes” (2014)(Oxford University Press).

Business and Human Rights in Conflict Areas – Steps that States and Business Enterprises Can take to Identify, Prevent, and Mitigate the Adverse Human Rights Impacts of Certain Business Activities (2013)( Huygens).

Contribution to the ***Sierra Leone Special Court and its Legacy: the Impact for Africa and International Criminal Law – “How the Approach to JCE in Taylor and the RUF case Undermined the Demands of Justice at the SCSL”*** (2013)(Cambridge University Press).

Joint Criminal Enterprise Liability: Result Orientated Liability (2013) (The Ashgate Research Companion to International Criminal law: Critical Perspectives).

Contribution to ***Taylor on Appeals*** (2012) (Oxford University Press) –“ Grounds of Appeal Against Conviction following Trial on Indictment” - a practitioners textbook dealing with procedural aspects of criminal appeals and review in the English jurisdiction as well as the European Court of Human Rights, the Judicial Committee of the Privy Council and the human rights bodies under the auspices of the United Nations, and Inter-American Commission and Court.

Contribution to Judicial Creativity at the International Criminal Tribunals – ***“The Right to be Informed of the Nature and Cause of the Charges: A Potentially Formidable Jurisprudential Legacy”*** (2010) (Oxford University Press).

***“Failure to Carry the Burden of Proof: How Joint Criminal Enterprise Lost its Way at the Special Court for Sierra Leone”*** (2010)(Journal of International Criminal Justice).

***“Trials in Absentia at the Special Tribunal for Lebanon: Incompatibility with International Human Rights Law”*** (2010) (Journal of International Criminal Justice).

***“Due Process and Fair Trial Rights at the Special Court: How the Desire for Accountability Outweighed the Demands of Justice at the Special Court for Sierra Leone”*** (2010) (Leiden Journal of International Law).

***“The Practice of 'Witness Proofing' in International Criminal Tribunals: Why the International Criminal Court Should Prohibit the Practice”*** (2009) (Leiden Journal of International Law).

## International Crime

Over the last decade, Wayne has been instructed to appear to represent clients at most of the international and hybrid criminal tribunals.

Clients have included a mayor from Rwanda (Baglishema), a government sponsored

businessman(Bagaragaza) and the leader of the Sierra Leonean Revolutionary United Front (RUF) (Sesay).

His practice also includes a wide range of consultancies, e.g., advising on domestic prosecutions of international crimes and related humanitarian law issues. This work has included advising at the ECCC on a range of international law issues relevant to the defence of former Khmer Rouge members of the Pol Pot regime, including the deputy to Pol Pot (Nuon Chea) and the former Minister of Foreign Affairs, Khieu Samphan), advising the Libyan Ministry of Justice (on the viability of domestic prosecutions), the International Commission of Jurists (prosecution of international crimes), and the Cambodian Centre for Human Rights (CCHR) (on a range of international, criminal and human rights law issues for the NGO that works to promote democracy and human rights throughout Cambodia).

Additionally, Wayne lectures worldwide on a range of humanitarian and criminal law issues, including in 2012/13: “Evidentiary Challenges for the Defence in International Criminal Law”, “Case Selection at the SCSL and its Impact upon Legacy”, and “Prosecutorial Responsibilities: Partisan Advocates or Ministers of Justice?”

## Other Serious Criminal Offences

Prior to specializing in international law, Wayne’s practice was principally focused on criminal defence work in the UK courts, including the Privy Council. Examples of his work include:

- R v Wright [June 2001], Central Criminal Court. Prosecution of Alleged Murder.
- R v Redfern [June 1999], Leicester Crown Court. Prosecution of a senior police officer following a 2-year investigation by the National Crime Squad into alleged corruption by serving police officers.
- R v Duberry [January 1999], Hull Crown Court. Prosecution of high profile footballers from Leeds United for Violent Disorder and Grievous Bodily Harm ("The Leeds Football Case").
- R v Brown [January – March 1998], Central Criminal Court. Prosecution of Violent disorder at the London Notting Hill Carnival. See reported case: Brown, The Times August 25, 2000 – The mens rea of Violent Disorder.
- Osman v DPP [July 1997], High Court. Prosecution of Affray. See reported case: Osman v. DPP, The Independent (C.S.) July 26, 1997 DC - The unlawful exercise of statutory powers to search without arrest.