

## Wayne Jordash KC (Associate)



Call: 1995

Silk: 2014

Email: [w.jordash@doughtystreet.co.uk](mailto:w.jordash@doughtystreet.co.uk)

### **Profile**

Wayne is a British, international lawyer and has practiced for 20 years in the international human rights and humanitarian law fields. He has advised clients include governments, international organisations, NGO's, corporations and individuals on their compliance with international human rights and humanitarian law. Representation has included advisory work in the global network of international tribunals, including at the International Court of Justice (ICJ), the International Criminal Court [ICC], the International Criminal Tribunal for the former Yugoslavia [ICTY], International Criminal Tribunal for Rwanda [ICTR], the Special Court for Sierra Leone [SCSL], as well as in the higher Courts of the United Kingdom. He is recognized in the Legal 500 UK 2017 as a Leading Kings Counsel and “one of the world’s leading international criminal lawyers.

Wayne is the President of Global Rights Compliance LLP (GRC) and its associated business and human rights organisation, Business and Human Rights Compliance (BHC). Wayne’s work has involved advising states (e.g., UK, The Netherlands, Ukrainian, Bangladeshi, Libyan, Serbian and Vietnamese governments), multi-lateral organisations (e.g., the UN, EU, Council of Europe), corporations and industry leaders, and civil society, providing a range of

services to build/enhance monitoring, protective and preventative systems to ensure compliance with UN Guiding Principles on Business and Human Rights, ('UNGPs'), international human rights (IHRL) and humanitarian law (IHL).

Wayne has over fifteen years experience working with corporations in conflict affected and high risk regions. He regularly conducts conflict analysis, leads teams of investigators as part of due diligence assessments for multi-national corporations and their supply chains, as well as designing and implementing stakeholder engagement, a variety of grievance mechanisms and remediation.

Recently, his advisory work has also included providing specialist IHL and IHRL legal advice to the UN (on liability of corporations engaged in reconstruction of Syria), Human Rights Watch (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 the Ukrainian Office of the Prosecution on Environmental Crimes and conflict related sexual violence.

### **Related practice areas**

Criminal Law

Public International Law

International Human Rights Law

International Criminal Law

International 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.