

## Jelia Sane



Call: 2013

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### Profile

Jelia practises in the areas of immigration and asylum, human rights, public inquiries and international law. Since 2017, Jelia has been instructed as Junior Counsel to the Independent Inquiry into Child Sexual Abuse (IICSA) on the investigation into the Roman Catholic Church (led by Riel Karmy-Jones QC). Jelia is currently working in Greece as a volunteer legal consultant for **Safe Passage**, an NGO providing advice and representation to unaccompanied child refugees on safe and legal routes to international protection. She maintains her UK practice from a distance and continues to accept instructions.

Jelia has a broad immigration practice and is regularly instructed in appeals and judicial review claims involving asylum, human rights, deportation, trafficking, entry clearance and EEA matters. She has a particular interest in the legal responses to the EU migrant “crisis” and has appeared as junior counsel in the Court of Appeal in *SSHD v ZAT and Ors* [2016] EWCA Civ 810, a landmark judicial review on the family reunifications rights of unaccompanied minors in the Calais ‘Jungle’ (led by Michael Fordham QC). In June 2018, Jelia was awarded a Pegasus scholarship by the Inner Temple to undertake 3 months of pro bono legal work with a refugee rights NGO in Greece.

Jelia is committed to representing vulnerable claimants and has a particular interest in

children's rights. She is frequently instructed in judicial review challenges on behalf of age disputed migrant children, children in need of support and accommodation under the Children Act 1989, as well as asylum appeals involving unaccompanied minors.

Jelia's international practice encompasses a mixture of litigation, consultancy work and capacity-building work, with a focus on international human rights, international criminal law and international humanitarian law. Jelia has advised on cases before the European Court of Human Rights, the Inter-American Commission and Court of Human Rights and the UN treaty monitoring mechanisms and has delivered trainings on international law to lawyers in Mauritania, Nigeria, Colombia and Argentina. She has been selected for the Foreign and Commonwealth Office Panel of Pro Bono Counsel, which seeks to protect and promote the rights of British nationals detained overseas.

Prior to joining Doughty Street, Jelia worked for a number of international organisations and NGOs, including the International Criminal Court, the Extraordinary Chambers in the Courts of Cambodia, the Centre for Justice and International Law in Argentina and the Political Prisoner's Solidarity Committee in Colombia. Jelia holds a first class LLM degree in Public International Law from University College London. She is a native French speaker and is fluent in Spanish and accepts instructions in both of these languages.

## **Education**

LLB Law with Spanish (2:1), University of Sheffield and University of Barcelona (2004-2008)

LLM Public International Law (1st), University College London (2008-2009)

Barrister Professional Training Course (Very Competent), City University (2012-2013)

## **Languages**

French

Spanish

## **Related practice areas**

International Law & Arbitration

Immigration

International Criminal Law

International Human Rights Law

Inquests and Public Inquiries

Children's Rights Group

## Immigration and Asylum

Jelia's specialist practice spans the whole spectrum of immigration law and asylum law, including the Refugee Convention, the European Convention on Human Rights, nationality law, trafficking, EEA law, unlawful detention, deportation, immigration bail and the Immigration Rules. She regularly represents vulnerable claimants, including unaccompanied minors and victims of torture and gender-based violence, before the First-Tier and Upper Tribunals (Immigration and Asylum Chamber and has appeared in the Court of Appeal.

Jelia's specialised knowledge of international criminal and humanitarian law means that she is well placed to advise on exclusion cases under Article 1(A) Refugee Convention. Recent work includes delivering an in-house training on this topic at a leading immigration firm (with Steven Powles) and assisting Alison Pickup in an exclusion case based on allegations of crimes against humanity in Iran and advising on the operation of the defence of duress under international criminal law.

Selected cases include:

- *ZT(Syria) v SSHD [2016] EWCA Civ 180*: Landmark judicial review challenge to a refusal by the SSHD to admit 3 unaccompanied minors and 1 vulnerable dependent adult, all of whom were Syrian and living in the Calais "Jungle", into the UK to be reunited with their relatives. The case raised complex legal arguments on the interplay between Article 8 ECHR and the Dublin III Regulation. (led by Michael Fordham QC, with Charlotte Kilroy, Alison Pickup and Michelle Knorr). Read the press coverage [here](#)
- *R (A) and Ors v SSHD JR/4866/2017*: Successful judicial review challenge to the SSHD's refusal to admit an unaccompanied asylum-seeking minor into the UK for family reunification. The Appellant had been living in the Jungle for several months; his application under the Dublin Regulation had been processed in situ by the Home Office and rejected under the so-called "expedited process" (led by Charlotte Kilroy)
- *R (Antonio Arranz) v National Crime Agency [2017] EWHC 931 (Admin)*: Judicial review challenge to the NCA's decision to extradite a former member of the former Basque separatist group ETA whose extradition had been confirmed by the Divisional Court. The Claimant sought to challenge the action of the Defendant National Crime Agency, in seeking to extradite him to Spain, on the grounds that he had a valid appeal against the refusal of an asylum claim for the purposes of section 39 Extradition Act 2003 (led by Laura Dubinsky)

## International Law

Jelia's international practice is focused on international human rights law, international criminal law and international humanitarian law and she undertakes a broad range of litigation, advisory, consultancy and capacity-building work in these areas, including in French and in Spanish. Recent work has included:

- ***TRIAL International***: Drafting a handbook (in French) aimed at domestic prosecutors and judges in the DRC on the admissibility of audiovisual evidence, including open source evidence and digital evidence, in international criminal proceedings (with Keina Yoshida).
- ***Minority Rights Group International***: Delivering a series of workshops (in French) to domestic practitioners in Mauritania on the prohibition of slavery in international law and avenues for redress before the African and UN human rights systems.
- ***Legal Action Worldwide***: Advising on the liability of non-state actors of pillage as a war crime and crime against humanity in the context of the armed conflict in Somalia (led by Wayne Jordash QC)
- ***Bar Human Rights Committee***: Producing a **fact-finding report** on the treatment and processing of unaccompanied minors during the demolition of the Calais "Jungle" in October 2016 (with Kirsty Brimelow QC, read the Guardian coverage [here](#)); delivering a five-day training on the rights of internally displaced persons under international law to members of the Nigerian Bar Association (with Kirsty Brimelow QC and Dr Tunde Okewale)
- ***Kenya National Commission on Human Rights and Anor v Attorney General and Ors [2017] EKLK***: Providing written advice on applicable international law to Kenyan refugee rights organisations in a successful challenge before the Kenyan High Court to the Kenyan Government's decision to close Dadaab, the world's largest refugee camp, and to repatriate over 400,000 Somali refugees (led by Wayne Jordash QC, with Max du Plessis, Nani Jensen and Tatiana Eatwell)
- ***Inter-Parliamentary Union***: Observing the trial of Oscar Arboleda Palacios, a prominent Colombian politician charged with complicity in paramilitary violence and crimes against humanity, before the Criminal Chamber and the Colombian Supreme Court and drafting a report on the compliance of the proceedings with international fair trial rights standards.

Jelia gained a wealth of experience in international law prior to joining Chambers. In her role as a law clerk to Judge Akua Kuenyehia at the Appeals Chamber of the **International Criminal Court**, Jelia was involved in the drafting of interlocutory appeals in the cases of **Prosecutor v Bemba**

and *Prosecutor v Katanga and Ngodulo Chui*. Subsequently, as an intern in the Office of the International Co-Prosecutor of the **Extraordinary Courts of Cambodia**, she was a member of the prosecuting team in **Case 002** against four senior Khmer Rouge cadres charged with war crimes, crimes against humanity and genocide.

In addition, Jelia worked at the **Centre for Justice and International Law** in Argentina, where she was involved in strategic human rights litigation of cases relating to counter-terrorism, indigenous rights and women's rights, before the Inter-American Commission and Court of Human Rights. More recently, Jelia served as a legal adviser in Colombia for the **Political Prisoners Solidarity Committee**. In that role, she was heavily involved in torture prevention work and monitored and reported on prison conditions. She also provided advice and representation to internally displaced communities and families of victims of enforced disappearances and extra-judicial killings in Inter-American proceedings; and led workshops on transitional justice in the context of the ongoing peace negotiations between the Colombian government and the FARC.

## Public and Administrative Law

Jelia has advised on public law matters in the immigration law context, including fresh claims and age disputes, as well as challenges under the Children Act 1989, and cases at the interface of domestic and international law. Reported cases include:

- *Alseran and Ors v MOD ("Iraqi Civilians")* [2017] EWHC 3289 (QB): Successfully represented two Iraqi civilians who were captured by Coalition forces during the invasion of Iraq in 2003 and unlawfully detained in inhumane and degrading conditions at Camp Bucca (led by Richard Hermer QC). For press coverage see **The Independent**.
- *R (Stewart) v Birmingham City Council* [2018] EWHC 61 (Admin)  
Judicial review challenge to the withdrawal of accommodation and support under section 17 Children Act 1989. The case raised an interesting and complex point, namely the Defendant's failure to consider the effect of the "Right to rent" scheme provided by Part 3 Immigration Act 2014.

## Public Inquiries

Since 2017, Jelia has been instructed as Junior Counsel to the **Independent Inquiry Into Child Sexual Abuse**

("IICSA"). IICSA is a statutory inquiry established in 2014 to examine the extent to which major institutions in England and Wales have discharged their duties to protect children from sexual abuse. Jelja is involved in the investigation into the Roman Catholic Church and specifically into the prevalence of child sexual abuse and child protection failures in schools run by the English Benedictine Congregation (led by Riel-Karmy Jones QC). The Inquiry's report into Ampleforth and Downside schools was published in **August 2018** with further hearings to be held in 2019.