

## Tatyana Eatwell



Call: 2007

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### Profile

Tatyana Eatwell is a specialist in international law. She has an international and domestic practice, with particular expertise in public international law, international humanitarian law, international criminal law and international human rights law. She has a background in domestic criminal law and has acted in high-profile criminal appeals before the UK Supreme Court that concern the interpretation of international law on war crimes and terrorism, and the application of international law in domestic proceedings.

Tatyana advises individuals, non-governmental organisations and international organisations on a wide variety of public international law and international human rights law issues that include arbitrary detention, extra-judicial killing, consular access and diplomatic protection, terrorism and armed conflict, and state responsibility. She is experienced in acting for individuals who seek to engage the Special Procedures mechanisms of the UN Human Rights Council.

Tatyana has appeared as an expert on international law before the UN Working Group on Arbitrary Detention on the subject of consular access and diplomatic protection of dual nationals, and, together with Jennifer Robinson, has provided expert opinion to Agnes Callamard, the UN Special Rapporteur on extrajudicial, summary or arbitrary killings

regarding questions of immunity and jurisdiction arising out of the murder of journalist Jamal Khashoggi.

Before joining the Bar, Tatyana worked for the Department of Legal Aid, Malawi in conjunction with the Centre for Capital Punishment Studies (University of Westminster) representing persons charged with capital offences and those convicted and sentenced to death. She also worked as a Refugee Protection Officer for Mapendo International (now RefugePoint), an NGO that works in partnership with the UNHCR to assist refugees in Kenya.

### **Notable cases include:**

- **R v TRA** [2019] UKSC 51, on the meaning of ‘person acting in an official capacity’ for the purposes of the definition of torture as provided by Art.1 of the UN Convention against Torture and section 134 of the Criminal Justice Act 1988. (Junior counsel, led by Steven Powles QC)
- **Re. Christopher Allen**, dual British-US citizen and journalist killed in South Sudan in August 2017. (Direct Access, led by Caoilfhionn Gallagher QC)
- **Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965**, International Court of Justice, Advisory Opinion of 25 February 2019 (Legal advisor to the African Union)
- **Re. Nazanin Zaghari-Ratcliffe**, British-Iranian national arbitrarily detained in Iran. (Instructed by REDRESS)
- **Zakka v Iran**, Lebanese citizen and US permanent resident arbitrarily detained in Iran. Counsel on matters of international human rights law and represented Mr Zakka in his complaint to the UN Working Group on Arbitrary Detention.
- **R v Gul** [2013] UKSC 64 on the scope of the definition of terrorism in situations of armed conflict. (Junior counsel for the Appellant, led by Tim Moloney QC)

Tatyana can be instructed on a direct access basis under the Bar’s **Direct Access Scheme**.

### **Education**

LLM International Law: Human Rights Conflict and Justice, SOAS (Distinction)

BA (Econ) Social Anthropology, Manchester University (First Class)

### **Languages**

French

## Related practice areas

Criminal Law and Appeals

Public International Law

International Human Rights Law

International Criminal Law

International Media Defence

## Publications and Seminars

Alongside her practice, Tatyana is currently writing her doctoral thesis in Public International Law at the University of Cambridge.

She regularly participates in seminars and conferences on current issues in public international law and international human rights law and has guest lectured on international law and the use of force and on terrorism at the University of Southern California (USA).

### Select publications:

- ***'State Responsibility for Human Rights Violations Committed in a State's Territory by Armed Non-State Actors'*** (The Geneva Academy of International Humanitarian Law and Human Rights Law, December 2018)
- ***'State Responsibility, "Successful" Insurrectional Movements and Governments of National Reconciliation'*** in Summers, J. and Gough, A. (eds.), *Non-State Actors and International Obligations* (Martinus Nijhoff, 2018)
- ***'Human Rights Law' in Clarry, D. (ed.), The UK Supreme Court Yearbook Volume 7: Legal Year 2015-2016*** (Appellate Press, 2018) (co-authored with Geoffrey Robertson QC)
- ***'Criminal Law, Evidence and Procedure'*** (2013) 2 *CJICL* 86 (co-authored with Christopher Sargeant)
- ***'Selling the Pass: Habeas corpus, diplomatic relations and the protection of liberty and security of persons detained abroad'*** (2013) 62 *ICLQ* 727
- *A Compilation of Immigration and Asylum Policies of the Home Office, Vols 1 & 2* (HJA Training & ILPA, 2009)