

## Tatyana Eatwell



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### Profile

#### Career profile

Tatyana is the head of Doughty Street International and a member of the DSC Management Board. Highly experienced in international criminal, humanitarian, and human rights law, she advises States, individuals, and international and non-governmental organisations on a wide range of issues, including diplomatic protection; freedom of expression and the protection of journalists; arbitrary detention; extra-judicial killing; torture; and extraordinary rendition. She has provided expert evidence and advice to national and international bodies, including the United Nations and the UK Parliament's Foreign Affairs Committee.

Tatyana has acted in high-profile criminal appeals before the UK Supreme Court in matters pertaining to the interpretation of international law relating to war crimes, terrorism, and torture, and the application of international law in domestic proceedings. She has also served as specialist human rights counsel in arbitration proceedings.

In appropriate cases, Tatyana can be instructed under the Bar's Direct Access Scheme.

#### What people are saying about Tatyana

“Tatyana is an excellent lawyer who combines a wealth of expertise in international law and human rights with a hard-working attitude and an excellent attention to detail . . . an asset to any legal team.”

“Tatyana is fantastic to work with. She is always strategic and on top of every detail.”

“Tatyana has a very strong international human rights practice. She is also incredibly approachable and accessible and has such deep knowledge.”

“She is incredibly hard-working and is always willing to get stuck in—she is an excellent lawyer and has a really well-founded skill set.”

## **Specialist areas**

### **Education**

PhD in Public International Law, University of Cambridge

LLM (Distinction) in International Law, SOAS

BA (Econ) (Social Anthropology) (1st class honours), University of Manchester

### **Languages**

English

French

### **Related practice areas**

Criminal Law

International Law

Public International Law

International Human Rights Law

International Criminal Law

International Media Law

Sanctions

## **Public international law and human rights**

Tatyana advises States, individuals, international organisations, and non-governmental organisations on a wide range of public international law and international human rights law

issues that include consular access and diplomatic protection; freedom of expression and the protection of journalists; arbitrary detention; extra-judicial killing; extraordinary rendition; the right to a fair trial; terrorism and armed conflict; torture; gender-based violence; sanctions; self-determination; state responsibility; and the extra-territorial application of human rights treaties.

Tatyana advises and represents individuals and organisations before treaty-based and regional human rights complaint procedures, including the European Court of Human Rights and the UN Human Rights Committee, and the UN Committee against Torture, as well as on engagement with the UN Human Rights Council Special Procedures.

## **Human Rights matters relating to sanctions, asset seizure, and allegations of corruption**

Tatyana has acted for high net-worth individuals based in Asia, Europe, the Middle East, and North Africa on matters relating to allegations of sanctions-busting, corruption and money laundering, the freezing and seizure of assets, and related human rights, security, and reputational management concerns. She has experience acting for clients alongside both experts in security and experts in online reputational and digital risk management.

### **Cases include:**

#### ***International law in the domestic courts***

- ***Barnett LBC v AG (a child) [2022] EWCA Civ 1505***, diplomatic immunity, child protection, torture and inhuman treatment (Article 3 ECHR).
- ***R (Kanu) v Secretary of State for Foreign, Commonwealth and Development Affairs [2023] EWCA Civ 796***, extraordinary rendition, diplomatic protection, foreign affairs.
- ***R v Reeves Taylor [2019] UKSC 51***, on the definition of torture as provided by Art. 1 of the UN Convention against Torture and section 134 of the Criminal Justice Act 1988
- ***R v Gul [2013] UKSC 64***, on the scope of the definition of terrorism in situations of armed conflict.

#### ***Arbitrary detention, extraordinary rendition, and State hostage-taking***

- **Re. Jimmy Lai**, British citizen, prominent pro-democracy activist and publisher, imprisoned in Hong Kong (Member of the international legal team for Jimmy Lai and Sebastien Lai, led by Caoilfhionn Gallagher KC) (ongoing).
- **Re. Nazanin Zaghari-Ratcliffe, Instructed by the human rights NGO REDRESS**, worked to secure release of British-Iranian citizen arbitrarily detained in Iran from 2016 to 2022. Mrs Zaghari-Ratcliffe was released on 16 March 2022.
- **Re. Nizar Zakka**, 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. Mr Zakka was released on 11 June 2019.

### ***Justice and accountability for human rights violations and crimes against journalists***

- **Re. Jimmy Lai**, British citizen, prominent pro-democracy activist and publisher, imprisoned in Hong Kong (Member of the international legal team for Jimmy Lai and Sebastien Lai, led by Caoilfhionn Gallagher KC) (ongoing).
- **International Federation of Journalists, Palestinian Journalists' Syndicate**, since December 2020 acts on behalf of IFJ and PJS in the representation of journalists targeted and killed in Palestine in their engagement with international human rights mechanisms in seeking justice and accountability for war crimes and human rights violations committed against them (ongoing).
- **Re. Issam Abdallah**, acting on behalf of the family of Lebanese Reuters journalist killed in southern Lebanon by Israeli tank fire in October 2023 in seeking justice and accountability for his killing (ongoing).
- **Re. Shireen Abu Akleh, Ali Samoudi, and Shatha Hanaysha**, complaints to the International Criminal Court and UN Commission of Inquiry on behalf of Palestinian journalists targeted and killed or seriously injured whilst reporting in Palestine (September 2022).
- **International Federation of Journalists, Palestinian Journalists' Syndicate, and International Centre for Justice for Palestinians**, complaints to the International Criminal Court and UN Commission of Inquiry concerning the targeting and excessive use of lethal force against Palestinian journalists whilst reporting in Palestine (2022).

- **Re. Abu Hussein, Murtaja, Amarneh, and Eshtayeh v Israel**, complaints to UN Human Rights Council Special Procedures concerning the targeting and excessive use of lethal force against above named Palestinian journalists (December 2020).
- **Re. Anton Hammerl, acting on behalf of** the family of dual Austrian-South African citizen, UK resident, and photojournalist in seeking justice and accountability for his killing and disappearance in Libya, April 2011 (ongoing)
- **Mir Shakil-ur-Rahman v Pakistan**, complaint to the UN Working Group on Arbitrary Detention regarding the unlawful detention of prominent media owner.
- **Re. Christopher Allen, acting on behalf of** the family dual British-US citizen and journalist killed in South Sudan in August 2017, seeking justice and accountability for his killing and alleged war crimes committed against him.

## Expert testimony

Tatyana has provided expert evidence and opinion to the United Nations and parliamentary select committees.

- oral evidence to the UN Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, on the targeting of journalists working in Palestine (November 2022);
- oral evidence to the Foreign Affairs Committee on the FCDO's approach to state level hostage situations (July 2022);
- written evidence to the Foreign Affairs Committee Inquiry on Xinjiang Detention Camps, on behalf of the Bar Human Rights Committee (December 2020);
- expert evidence to the UN Working Group on Arbitrary Detention on consular access and diplomatic protection of dual nationals (November 2017); and
- expert opinion to the UN Special Rapporteur on extrajudicial, summary, or arbitrary killings on questions of immunity and jurisdiction arising out of the murder of journalist Jamal Khashoggi (August 2019).

## International Criminal Law and Counter-Terrorism

Tatyana advises and represents individuals and organisations on matters concerning the investigation and prosecution of war crimes, crimes against humanity, and genocide in domestic courts and the International Criminal Court, and on related matters of State responsibility.

Tatyana has acted in high-profile criminal appeals before the UK Supreme Court that concern the interpretation of international law on, for example, war crimes, terrorism, and torture, and the application of international law in domestic proceedings.

### **Cases include:**

- ***Re. Shireen Abu Akleh, Ali Samoudi and Shatha Hanaysha***, complaints to the International Criminal Court on behalf of journalists targeted and killed or seriously injured in Palestine (September 2022).
- ***International Federation of Journalists, Palestinian Journalists' Syndicate, and International Centre for Justice for Palestinians***, complaints to the International Criminal Court concerning the targeting and excessive use of lethal force against Palestinian journalists in the Occupied Palestinian Territories (April 2022).
- ***R v Reeves Taylor [2019] UKSC 51***, on the definition of torture as provided by Art. 1 of the UN Convention against Torture and section 134 of the Criminal Justice Act 1988
- ***R v Gul [2013] UKSC 64***, on the scope of the definition of terrorism in situations of armed conflict.

### **Publications and Seminars**

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

### **Recent publications and engagements:**

- Yazidi Justice Committee, '**State responsibility and the Yazidi genocide**', (co-author), 6 July 2022.

- International Law Association (British Branch) Spring Conference, 'Synergy Between the Law of Treaties and the Law of International Responsibility: So Far Apart but Still So Close', 23 April 2021.
- European Society of International Law (ESIL) Interest Group on International Justice, Journal of International Criminal Justice, 'Torture by Non-State Actors: Rationale(s), Legal Frameworks and Implications', 30 March 2021.
- Hostage Aid Worldwide, Launch Event: Issues related to State Sponsored Hostage Taking, 4 March 2021.
- CREID and Refcemi, 'Religious Inequalities as "Conditions of Life Calculated to Bring about the Physical Destruction in Whole or in Part" Deliberately Inflicted on Religious Minority Groups', 25 February 2021.
- The All-Party Parliamentary Group on Uyghurs, Coalition for Genocide and René Cassin, 'Addressing the Many Faces of Complicity in Genocide', 4 February 2021.
- 'Rebel governors in areas of limited statehood: State responsibility and "agents of necessity"' in Hamid, L. and Wouters, J. (eds.), Rule of Law and Areas of Limited Statehood (Edward Elgar Publishing, 2021).

### **Selected older 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).