

Toby Cadman  
(Co-Founder) Guernica 37



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CHAMBERS

Called: 2001

Qualified to accept Public Access instructions

Licensed to Conduct Litigation

### Introduction

Toby is the Co-founder of The Guernica 37 Group and Joint Head of Guernica 37 Chambers. He is an established international law specialist in the areas of international criminal and humanitarian law, international terrorism, international commercial law, arbitration, anti-corruption, extradition and mutual legal assistance, and human rights law. He lectures extensively on international criminal law, criminal procedure and human rights law and has provided extensive advice and training to judges, prosecutors, lawyers and law enforcement agencies throughout the Balkans, Middle East, North Africa and South Asia.

As an extradition specialist he acts for the prosecution and defence advising and representing individuals, requesting judicial authorities and governments in extradition proceedings both at first instance hearings and extradition appeals in the High Court, Supreme Court and European Court of Human Rights. He is currently instructed in a number of matters before the Administrative Court of England and Wales, the European Court of Human Rights and the UN Human Rights Committee.

He has provided expert evidence and statements in parliamentary, legal and arbitration proceedings in the United Kingdom, European Parliament, United Nations, United States Congress, ICSID, LCIA and World Bank in a

number of conflict and post-conflict situations including Bahrain, Bangladesh, Bosnia and Herzegovina, Chile, Colombia, Croatia, Ecuador, India, Iraq, Ireland, Isle of Man, Kosovo, Libya, Maldives, Montenegro, Myanmar, Pakistan, Palestine, Rwanda, Saudi Arabia, Serbia, Sri Lanka, Switzerland, Syria, Trinidad & Tobago, United Arab Emirates, United States of America and Yemen.

Toby advises on judicial reform, legislative drafting and institution building in Albania, Bahrain, Bangladesh, Bosnia and Herzegovina, Burma (Myanmar), Croatia, Lebanon, Macedonia, Montenegro, Syria and Tunisia. He acts for a number of clients in pro-bono matters in foreign jurisdictions, in particular concerning British nationals abroad. He advises foreign governments, law enforcement agencies, international organisations, corporations and private individuals to develop professional and transparent institutions that protect human rights, combat corruption, and reduce the threat of transborder and transnational crime and develops training curricula for law enforcement, prosecutorial and governmental agencies for the investigation of international crimes. He further offers specialist political and public affairs consultancy services advising clients how best to identify, approach and influence the key decision makers of Westminster, Washington DC, Brussels and further afield.

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Toby's particular area of expertise is international legal obligations and the UN system of protection and in particular pursuing complaints before the UN Special Procedures Branch.

He has appeared and been instructed in matters before the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia, the International Crimes Tribunal Bangladesh, the European Court of Human Rights, the Bosnian War Crimes Chamber, the UN Human Rights Committee and the African Commission on Human and Peoples Rights.

Leading an investigation into the Saudi-led coalition attack on the civilian population in Yemen constituting war crimes and crimes against humanity. Filed an Article 15 Communication with the ICC Prosecutor in August 2021 and a criminal report with the Metropolitan Police Service under universal jurisdiction. ced in international commercial law and arbitration and in 2019 was instructed as counsel in the longest running ICSID arbitration (Victor Pey Casado and President Allende Foundation v. Republic of Chile) and is currently instructed as counsel in a multi-million pound and multi-jurisdiction commercial dispute in the Commercial Court in London (Aersale 27469 Aviation Ltd & Another v. Abdul Wahab & Another).

## Current Work and Cases

### International Legal Work

#### Yemen

Leading an investigation into the Saudi-led coalition attack on the civilian population in Yemen constituting war crimes and crimes against humanity.

Filed an Article 15 Communication with the ICC Prosecutor in August 2021 and a criminal report with the Metropolitan Police Service under universal jurisdiction.

#### South Sudan

Leading an inquiry into an attack on a group of humanitarian workers stemming from the 11 July 2016 attack on the Terrain hotel in Juba, South Sudan

#### Kosovo Specialist Chambers, Prosecutor v. Nasim Haradinaj

Lead counsel for the defence in the trial of the Vice President of the Kosovo Liberation Army War Veterans Association on trial for administration of justice offences.

#### Kosovo Specialist Chambers

Leading the defence of several suspects under investigation for international crimes allegedly committed during the 1998-1999 armed conflict in the Republic of Kosovo.

#### Government of Rwanda

Instructed by the Government of Rwanda to advise on the role of French Officials in the 1994 Rwandan Genocide and to ensure that Rwanda suspects on the territory of France are brought to justice. Further, instructed to advise and implement a national reform initiative to strengthen domestic capacity to investigate and prosecute cases of Genocide and Crimes against Humanity.

#### Colombia

Instructed to assist on a project to investigate international crimes that are considered emblematic for both communities and victims.



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Our investigations seek to collect evidence and information to identify systematic patterns of violence and specific criminal responsibilities to build legal cases to be filed before the Special Jurisdiction for Peace. Further, currently advising the Officer of the Inspector General (Procuraduría de la Nación) on developing a national anti-corruption programme.

### Syria

Leading an investigation into the forced deportation of civilians from the Syrian Arab Republic into the Kingdom of Jordan. Filed the first Article 15 Communication with the ICC Prosecutor based on the legal precedent set by the ICC Pre-Trial Chamber regarding the forced deportation of Rohingya into neighbouring Bangladesh.

### Venezuela

Instructed to advise the former Attorney General and members of the Criminal and Anti-Corruption Investigation Unit. During 2017-2018 advised the legal team to investigate and document allegations of crimes against humanity. In mid 2018, led the filing an Article 15 Communication with the ICC Prosecutor. The matter is presently under investigation. Further, instructed to investigate corrupt practices, bribery and money laundering of the current Government.

### Myanmar/Bangladesh

Filed an amicus brief in the ICC determination of jurisdiction on the alleged forced deportation of 500,000 ethnic Rohingya from the Rakhine State into neighbouring Bangladesh. Successfully argued that the forced deportation was an element of the Crime of Genocide and/or Crimes against Humanity.

### Bosnia-Herzegovina - UK Foreign and Commonwealth Office

Instructed to advise on a project led by Price Waterhouse Cooper on the reform of the Bosnia and Herzegovina Prosecutor's Office in the field of organised crime and corruption to implement recommendations made by the European Commission. Advisory work includes developing capacity to investigate and prosecute high profile political corruption, legislative amendments and drafting a national action plan.

### Government of the Islamic republic of Pakistan

Instructed to lead a joint Pakistan-UK investigation into the murder of a Pakistani national in the UK, allegations of money laundering, proceeds of crime and incitement to commit acts of violence.

### International Bar Association - Human Rights Institute

Instructed to design and lead a training programme for Syrian legal professionals on the documentation, investigation and prosecution of war crimes, crimes against humanity and genocide during the armed conflict in the Syrian Arab Republic

### *Dr. Abbas Khan v. Syrian Arab Republic*

Instructed to lead the investigation into the abduction, torture and murder of a British national by the Military Intelligence of the Syrian Arab Republic.

### *A.H. v. Syrian Arab Republic*

Member of the international legal team that brought the first criminal case against nine senior members of the Syrian Military Intelligence. The case is currently pending before the Spanish National Court in Madrid.

### **International criminal investigation into the situation in Libya**

Leading an international investigation into war crimes and crimes against humanity committed by the Libyan National Army into attacks on the civilian population for the period of 2014-2017 in Benghazi, Libya.

### **United Arab Emirates**

Instructed to lead the investigation into the arbitrary detention and torture of a British national in Dubai, United Arab Emirates.

### ***Spain v. K.K.***

Instructed by the Government of Rwanda to represent the Rwandan Head of National Intelligence and Security, General Karenze, in an extradition request brought by the Government of Spain on charges of genocide and terrorism. The request was successfully defended and the City of Westminster Magistrates' Court dismissed the request in August 2014.

### **The 'Caesar' Investigation (2015-2017)**

Instructed by the Syrian National Movement to lead an international investigation into the evidence of a former Syrian government official who had documented the mass starvation, torture and execution of several thousand civilian detainees. (2015-2017)

### **The Government of the Republic of Maldives (2015-2016)**

Advised the Government on legislative and constitutional reform to the criminal justice system and presented a comprehensive strategic reform report.

### **Article 15 application to the ICC prosecution to open a preliminary investigation into the situation in Bangladesh**

Leading an investigation into crimes against humanity committed by the Security Forces in Bangladesh on the civilian population for the period of 2012-2015.

### **The Cordoba Foundation**

Instructed to produce a series of reports on the Muslim Brotherhood, Freedom and Justice Party and the 2013 military coup in Egypt. Contributed a detailed written submission to the UK Government Review of the Muslim Brotherhood. Releasing three reports in September-October 2015 on the History of the Muslim Brotherhood, the Muslim Brotherhood in Government and the Military Coup.

### **Egypt investigations**

Conducted a series of investigations into the conduct of the military regime of Abdel Fattah el-Sisi under universal jurisdiction with a view to initiating criminal prosecution in the United Kingdom, Spain, The Netherlands and South Africa.

### **African Commission for Human and Peoples' Rights (ACHPR)**

Currently leading a legal team pursuing a human rights case in the ACHPR against the Government of Egypt concerning the closure of the Rafah Border crossing during Operation Protective Edge.

### **UN Commission of Inquiry on the Gaza conflict**

Instructed by the Hemaya Centre for Human Rights and the Arab Organisation for Human Rights in the UK to submit a written submission to the UN Commission of Inquiry.

The submission detailed the conduct of the Israeli Defence Forces (IDF) concluding that it amounted to war crimes and crimes against humanity.

*Government of the People's Republic of Bangladesh v. Nizami & Others (2010-Present)*

Since October 2010 instructed by Bangladesh Jamaat E Islami to represent the political leadership prosecuted by the Bangladesh War Crimes Tribunal.

*Government of the People's Republic of Bangladesh v. S Q CHOWDHURY (2010-Present)*

on charges of crimes against humanity and genocide before the Bangladesh War Crimes Tribunal.

*Kadic & Others v. R.K. (2009-2011)*

Instructed by the US Law Firm Paul, Weiss, Rifkind, Wharton & Garrison LLP to seek recognition of foreign judgment and search and seizure of realisable assets to satisfy damages of US\$750 million awarded by the United States District Court, Southern District of New York and confirmed by the United States Court of Appeal, Second Circuit under the Alien Tort Claims Act for acts of genocide committed during the Bosnian conflict 1992-1995.

*Extradition Work*

Instructed by the Crown Prosecution Service, Special Crimes Division as a Senior Crown Prosecutor to act on behalf of States and Judicial Authorities in extradition and mutual legal assistance requests. Acted on behalf of a number of States including Albania, Argentina, Brazil, Canada, Croatia, India, Kosovo, Serbia, USA and numerous EU States.

**Previous Experience and Cases**

*International Legal Work*

**Mavi Marmara Flotilla case (2014)**

A member of the legal team appearing on behalf of the Turkish Foundation for Human Rights, Freedoms and Humanitarian Relief (IHH) before the Istanbul High Court. The case concerns an attack by the Israeli Defence Forces on the Flotilla in May 2010 in international waters in which 9 civilians were killed and countless injured.

**Iraq Training Programme (May 2014)**

Led a training programme in Erbil, Iraq on enforced disappearance, torture in police custody and documenting human rights abuses in Northern Iraq,

**Pakistan v. President Pervez Musharraf (2013-2015)**

Instructed to advise the former President of the Islamic Republic of Pakistan in relation to allegations of treason.

**MAST-Security/Alexandrian solutions (2013-Present)**

Advised a major private security company in the maritime industry on the use of reasonable force when confronted by piracy off the East and West coast of Africa and the Middle East. Currently for reviewing internal rules and applicable international legal principles on the use of force by private security companies.

**British Foreign and Commonwealth Office (2013-2014)**

Coordinated a transitional justice programme in relation to the Syrian Arab Republic. This included conducting a detailed needs assessment for judges, lawyers and law enforcement officials in the liberated areas, developing institutions for documenting war crimes and training

legal professionals in international humanitarian and human rights law.

#### **British Foreign and Commonwealth Office (2013)**

Lead lawyer for a Foreign and Commonwealth Office investigative mission documenting human rights abuses in Syria. This involved: (i) conducting witness statements in Lebanon, Jordan and Turkey, (ii) drafting of affidavits, (iii) forensic investigation along border between Lebanon and Syria, (iv) liaising with local humanitarian groups and establishing comprehensive referral system, (v) consulting and advising FCO on potential frameworks for documentation of evidence and legal standards to be observed in this regard.

#### **Bahrain Rehabilitation & Anti-violence Organisation (BRAVO) (2012-2013)**

Instructed by a Bahraini human rights group to advise and represent victims of the political uprising in Bahrain and advise on a long-term transitional justice strategy.

#### **Burmese Rohingya Organisation UK (2012-2013)**

Assisted a coalition of Burmese Rohingya organisations in the UK to advise and represent victims of the current uprisings in the Arakan region in Burma/Myanmar and to advise on legal action against the Government of Burma.

#### **Syrian Emergency Task Force (2011-2014)**

Instructed by the Syrian Emergency Task Force to represent victims of the conflict in Syria and advising on a long term transitional justice strategy. Further, responsible for coordinating an investigation into crimes against humanity committed by the current regime within the jurisdiction of the ICC. This also includes briefing the UN Security Council members on a potential referral.

#### ***Aziz & Others v. The Syrian Arab Republic & Others (2011-2015)***

Instructed to represent six Syrian-American plaintiffs in the United States Federal Court in the District of Columbia seeking reparations under the Aliens Torts Claims Act and the Foreign Services Immunities Act for torture and other prohibited acts under international law. Coordinated an international investigation on the search and seizure of realisable assets of members of the Syrian regime.

#### ***Shibli al-Ayssami v. the Syrian Arab Republic & Lebanon (2011-2015)***

Instructed by the family of a former Vice President of Syria who was abducted in Lebanon and extraordinarily rendered to Syria in May 2010. The enforced disappearance is pending before the United Nations Human Rights Council. Coordinated an international investigation on the search and seizure of realisable assets of members of the Syrian and Lebanese defendants.

#### **Education**

London School of Economics, United Kingdom - 2009-2010

Certificate in Law, War and Human Rights

International Bar Association & College of Law - 2006-2008

Professional Diploma in Human Rights & Criminal Procedure

University of Northampton, United Kingdom - 2007-2009

LL.M in International Criminal and Security Law (Distinction)

BPP Law School, United Kingdom - 2000 - 2001

Bar Vocational Course (Bar of England and Wales)

University of Northampton, United Kingdom 1997-2000  
LL.B (Honours)

## Memberships

Bar of England and Wales

Chartered Institute of Arbitrators (CIArb)

The Honourable Society of the Middle Temple

The Criminal Bar Association of England and Wales

Bar Human Rights Committee of England and Wales

International Bar Association War Crimes Committee

Extradition Lawyers' Association of England and Wales

Human Rights Lawyers Association of England and Wales

Administrative Bar Law Association of England and Wales

List of Defence Counsel of the Kosovo Specialist Chambers

## Appointments

Co-founder of The Guernica 37 Group (<https://www.guernica37.com>)

Advisory Board Member of the Commission for International Justice and Accountability

Senior Crown Prosecutor in the Jurisdiction of England and Wales (<http://www.cps.gov.uk>)

Head of the Legal Advisory Section of the Bosnia and Herzegovina Special Department for War Crimes (2004-2009)

## EU POLICE MISSION TO BOSNIA AND HERZEGOVINA

From 2008-2010 served as senior legal advisor to an international police mission on organised crime, war crimes and counter-terrorism. Advised extensively on legislative reform related to financial crime and asset seizure. Responsible for training members of law enforcement agencies and prosecutorial authorities in criminal procedure, human rights and international treaties on investigating serious and organised crime. Member of the law commission responsible for drafting laws and procedures on civil and criminal asset forfeiture.

## SPECIAL DEPARTMENT FOR WAR CRIMES, PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

From 2004-2008 served as the Head of the Prosecution Support Section, Head of the Legal Section for War Crimes and Senior Legal Counsel to the Chief Prosecutor.

## CRIMINAL DEFENCE OFFICE, WAR CRIMES CHAMBER OF BOSNIA AND HERZEGOVINA

From 2003-2004 served as the first Head of the Criminal Defence Office of the War Crimes Chamber.

## UNITED NATIONS INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, RULE 11BIS REFERRAL CHAMBER (2004-2006)

Member of the prosecution team on behalf of the Prosecutor's Office of Bosnia and Herzegovina in the Rule 11bis referrals, the first cases referred by an international tribunal, in the cases of Prosecutor v. Radovan Stankovic; Prosecutor v. Zeljko Mejakic et al.; Prosecutor v. Mitar Rasevic & Savo Todovic; Prosecutor v. Gojko Jankovic; Prosecutor v. Milan Lukic & Sredoje Lukic; and Prosecutor v. Pasko Ljubicic.

## OFFICE OF THE HIGH REPRESENTATIVE TO BOSNIA AND HERZEGOVINA

From 2002-2003 served as legal advisor to an international mission on implementing legislative and constitutional reform. Served as international advisor on the national law commission responsible for drafting laws and procedures on the new criminal code and procedure code. Advised extensively on the adoption of regulations pertaining to civil and criminal asset forfeiture.



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## HUMAN RIGHTS CHAMBER FOR BOSNIA AND HERZEGOVINA (2002-2004)

Served as senior international lawyer to the human rights court in Sarajevo, Bosnia and Herzegovina, advising on a range of human rights issues.

### Awards

Ranked in Chambers and Partners UK Guide for International Crime for the last eight years.

Chambers and Partners 2024:

Experienced practitioner who is highly regarded for his experience advising on complex cases. Specialising in international humanitarian law, he has represented numerous individuals charged with war crimes and is often entrusted to lead inquiries into genocide and acts of terrorism.

Strengths:

"Toby Cadman is an excellent lawyer and strategist who is always one, two or three steps ahead of his opponents. He works extremely hard and his strategic acumen makes a real difference in cases. Most of all he is utterly fearless when standing up to powerful people, institutions and governments." (2023)

"Mr Cadman is an outstanding advocate both inside and outside the courtroom. He is familiar with a wide range of international, regional and national courts and forums." (2024)

"He is an ICL leader." (2024)

### Associated Legal Work and Publications

Transitional Justice in Syria: A Participatory Approach to Needs Identification and Programme Design, Judicial Training Programme, Gaziantep, Turkey (October 2013)

Developing The Rule of Law in Syria, Judicial Training Programme, Antakya, Turkey (April 2013)

Revolution In The Air, 9 Bedford Row International Annual International Law Conference, Chatham House, London (November 2012)

Protecting the Rights of Accused In Domestic Trials for Atrocity Crimes, Columbia Law School (October 2012)

Human Rights In The Developing World: The Implications of the International Crimes Tribunal in Bangladesh, Princeton University (April 2012)

The European Convention on Human Rights and the Montenegrin Criminal Procedure Code - Budva, Montenegro (November 2011)

Conference on Judicial Reform and Rule of Law, International Council of Jurists - London (June 2011)

13th International Criminal Law Summer School - "International Crimes Tribunal Bangladesh: The Devil is in The Detail"; "The Bosnian War Crimes Chamber: the absorption of international laws and trial procedures by a national court trying international crimes" - Salzburg (August 2011)

2nd Biennial War Crimes Conference 2011: "A wolf in sheep's clothing" - London (March 2011)

Principles of fair trial, rights of the defence, freedom of expression and the role of journalists; Bangladesh Supreme Court Bar Association (January 2011)

Human Rights: Perspective Bangladesh – "Ensuring Fair Trials in Accordance with International Best Practice Standards; Bangladesh (October 2010)

Supreme Court Bar Association (October 2010) Member of the UK's International Moot Court team in The Hague (October 2009)

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Principles of fair trial, rights of the defence, freedom of expression and the role of journalists - Montenegro (July 2009)

Defending War Crimes Cases and Defence Case Strategies before the Bosnian War Crimes Chamber, Bosnia and Herzegovina (June 2009)

Extradition and the Framework Decision on the European Arrest Warrant - Croatia (May 2009)

Constitutional Law: Bringing a Case to the European Court of Human Rights - Montenegro (April 2009)

Legal Consultant for the EU Police Mission to Bosnia and Herzegovina to draft State Law on DNA in Criminal Proceedings (2009)

Legal Consultant for the EU Police Mission to Bosnia and Herzegovina to advise on organized crime and terrorism (2008)

International Conference: Bosnia and Herzegovina representative at the Conference on International Criminal Justice in Turin on the International Criminal Court (May 2007)

International Conference: Bosnia and Herzegovina representative at the EuroJust Regional War Crimes Network meeting in The Hague (March 2008)

Council of Europe lecturer on criminal justice, rule of law, human rights, criminal procedure and war crimes for th

Authorised trainer for defence counsel licensed to appear before the Trial and Appellate Divisions of the Court of e

Bosnia and Herzegovina on international humanitarian law and human rights law

Commentary of the Constitutional Court of Bosnia and Herzegovina 1996-2009 (Editor of English edition)

Digest of the Decisions of the Human Rights Chamber 1996-2002 (co-editor of English edition).

Drafted legislative amendments to the Bosnia and Herzegovina State Criminal Code, Criminal Procedure Code, Law on the Protection of Vulnerable Witnesses and Witnesses Under Threat

Law on Transfer of Cases from the ICTY and the Bosnia and Herzegovina Law on DNA in Criminal Proceedings.

Member of the drafting team for the National Strategy for War Crimes Recovery: Bosnia and Herzegovina 1992-1995 adopted on 17 December 2008 by the Bosnia and Herzegovina Council of Ministers.

### Expertise

Extradition & Mutual Legal Assistance

Rule of Law Development

Government Advisory Work

Public International Law

Atrocity Crime Prevention

International Criminal Law

Anti-Corruption & Bribery

International Commercial Law, Arbitration & Mediation

### Languages

English (Native) French (Proficient)

Bosnian/Serbian/Croatian (Conversational)

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