

Human Rights Lawyers Association (HRLA) Bursary Report on an Internship with Fair Trials International

Nathan Adams

From July – October 2015 I have worked as a Legal and Policy Intern at Fair Trials International in London. The internship has been extremely rewarding, and would not have been possible without the generous bursary from the HRLA, for which I am extremely grateful.

I completed an LLB at Cardiff University and an LLM in Public International Law at Utrecht University. Whilst in the Netherlands I completed an internship with the International Federation for Human Rights (FIDH) in The Hague, focusing on the International Criminal Court, monitoring judicial developments and working closely with partner organisations. Having gained invaluable international organisational experience I sought practical experience on a domestic level, which led to voluntary work at Torfaen Citizen's Advice Bureau upon return to Wales. The internship with Fair Trials International has been a complementary mix of these two experiences, involving both international and domestic aspects.

Fair Trials International has a London and Brussels office. Their vision is a world where every person's right to a fair trial is respected, and its mission is to work for fair trials according to internationally recognised standards of justice. It does this through a range of activities which focus on: (A) helping people exercise their rights; (B) providing training and networking opportunities for criminal justice and human rights experts; and (C) tackling the underlying causes of injustice. In the pursuit of this mission I have had a varied and interesting role working with all areas of the Fair Trials team.

I have helped provide casework assistance to members of the public who contact Fair Trials. Often individuals write to Fair Trials and complete questionnaires, detailing their current situation, where they may be on remand awaiting trial, in pre-trial detention, or subject to an extradition request. When contacting Fair Trials, individuals may complain that: they have not had access to a lawyer; they have not had interpretation when unable to speak the local language; they have not had access to their case file; or more broadly about anything ranging from prison conditions to police intimidation. Some cases require routine procedures, whilst others clearly breach fundamental rights like the right to a fair trial or liberty, and may become part of broader campaigns work. Tasks under this role involved engaging in correspondence with members of the public, via letter and email, delivering informational resources, whilst also referring to appropriate third persons where necessary. The experience was enlightening in gauging the importance of Fair Trials work for individuals.

However, Fair Trials Assistance work is changing, it has become more web based, with large amounts of resources available online for specific countries. This movement is practical, given limited resources, and is also motivated by a desire to focus efforts toward systematic change, at a policy level. Fair Trials therefore seeks to address the root causes of the human rights violations it deals with. Campaign and policy work revolves around issues including EU defence rights, Extradition Reform, Pre-Trial Detention and INTERPOL. I have had particular involvement with EU defence rights and Pre-Trial Detention.

As for EU defence rights I have helped Fair Trials in its aim of promoting respect for fair trials rights across the globe. Fair Trials regularly undertakes third party interventions, from an objective point of view. In this light I have worked on four interventions/opinions:

Supreme Court of Cyprus: I researched general case law and practice on third party interventions for use in Cyprus, and drafted a letter to the President of the Supreme Court of Cyprus requesting permission to intervene.

European Court of Human Rights (ECtHR): At ECtHR level I have worked on two interventions. The first involves the [Hungarian Helsinki Commission \(HHC\) v Hungary](#). The HHC are an NGO that were working on a campaign to improve legal aid and data transparency. They therefore requested information from police districts in Hungary on court appointed lawyers. A number of districts refused and Fair Trials intervention focused on the need for criminal justice institutions to provide access to information, as this may in turn increase transparency and drive good practice and increase respect for the right to a fair trial. As for the second I carried out background research for the case of [Ibrahim and others v United Kingdom](#), concerning the 21 July 2005 failed bombing attempt, following the 7 July 2005 attacks in London. The case focuses on issues surrounding admissibility of evidence obtained during police interrogations without access to a lawyer and is highly topical regarding the tension between counter terrorism and human rights.

Supreme Court of Estonia: During my last week I was entrusted with drafting the substance of Fair Trial's opinion in an intervention before the Estonian Supreme Court, in a case concerning the lack of the suspect's and counsel's access to documents prior to a pre-trial detention hearing.

On a more diverse level I helped in the preparation of Fair Trial's campaign event: 'Tackling the overuse of pre-trial detention: A global perspective' on [25th-26th September in London](#). Roles included writing the discussion paper distributed to participants prior to the conference, constructing the conference pack, greeting participants, taking minutes and arranging dinner plans. Participants included practitioners and academics largely from the EU, but also including Latin America and Africa. Pre-trial detention is an infringement on liberty, prior to any finding as to guilt. It should therefore be considered a measure of last resort, after a proper consideration of less onerous alternatives (such as electronic tagging or house arrest). However, the conference emphasised a general overuse of pre-trial detention around the world, and an overlooking of alternatives without proper reasoning. In many countries pre-trial detainees make up the majority of a country's prison population (25% of Europe's prison population are pre-trial detainees), with many spending longer in detention than they would if actually sentenced of their accused crime and in worse conditions. The event therefore provided an insightful international comparative perspective on issues of pre-trial detention. Causes as to overuse were discussed and opportunities for collaboration were explored.

A more long term project involved a large amount of research on the African Human Rights system, particularly case law relating to fair trial rights. The presentation was for all Fair Trials staff and sought to illustrate cases of interest to Fair Trials work. The views and decisions of the African Commission on Human and People's Rights were identified as having played the most significant role on liberty and fair trials cases in Africa, whilst at the African Court on Human and People's Rights the lack of access to the Court for NGO's and individuals was a major problem highlighted (NGOs and individuals only have access if their national state makes a declaration accepting the competence of

the court to hear such claims). Regional economic communities were also explored, determining those which had a court with human rights jurisdiction, and any pertinent cases.

Lastly, more daily roles included monitoring relevant events on social media, including at various EU and Council of Europe institutions. These were brought to the attention of the communications team, and highlighted to the broader team where relevant. Case law of the ECtHR and the CJEU relating to the right to liberty and to a fair trial was also summarised and distributed to members of the Legal and Policy Team.

Overall the internship has been a wholly positive experience. I have worked as part of a proactive team in a pleasant environment, and learned a great deal about diverse areas of law surrounding fundamental fair trial and liberty rights. I am extremely thankful to the HRLA for making this experience possible.