

Reprieve, Abuses in Counter Terrorism Team

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I have always been drawn to working on human rights in the context of counter terrorism – where cracks appear in Governments’ professed commitment to universal human rights and appeals to ‘national security’, as a blanket justification for intrusive measures, become normalised and accepted. During my LLM I had the opportunity to delve deeper into these issues, exploring patterns of continuity in States’ use of the rhetoric of ‘exceptionalism’, or the invocation of ‘emergency’ to justify exceptional powers and practices. The explicit parallels between past and present found in counter terrorism *methods* were particularly disturbing. The ‘five techniques’ used by security services in Northern Ireland during the Troubles formed a blueprint for the Bush Administration’s ‘enhanced interrogation’ techniques, revealed in the US Torture Memos.

Given my interest in these issues, and having been a long time admirer of the human rights NGO Reprieve’s work, I jumped at the chance to attend a talk at my university by their founder, Clive Stafford Smith. Clive’s career began representing poor people facing the death penalty in the US. He went on to be one of three lawyers who sued for access to individuals detained in Guantanamo Bay – one of the darkest stains on the United States’ post 9/11 human rights record and a pinnacle of ‘exceptionalism’. His talk, fuelled by an instinctive sense of justice and a wry take on government hypocrisy, charted Reprieve’s work to seek justice for victims of sharp end human rights violations. Inspired by their work, I approached Reprieve with an idea for a research project. They developed this with me and invited me to work over the summer on their Abuses in Counter Terrorism team. Happily, I was able to take up this opportunity thanks to the generous support of the Human Rights Lawyers Association.

Reprieve is a London based human rights organisation that provides free legal and investigative support to some of the world’s most vulnerable people: those facing execution, and those victimised by States’ abusive counter-terror policies. Within the Abuses in Counter Terrorism team I worked on the Drones project, which aims to end the unlawful use of armed drones for targeted killing. As part of this project, Reprieve assists victims of drone strikes and their families, particularly in Pakistan and Yemen, to achieve justice and accountability. My own research focused on US and UN terrorist sanction lists, regimes which aim to stem terrorist financing by freezing assets of those considered a terrorist threat or a supporter of a terrorist group. I analysed the legal framework and process behind placing individuals on sanction lists, potential rights implications of being listed, evidentiary standards applied, and any safeguards and remedies available to individuals placed on the list. Additionally, I supported caseworkers representing detainees cleared for release but still held in Guantanamo; conducting research and assisting with drafting witness statements. I also assisted with Reprieve’s advocacy around UK’s Universal Periodic Review, drawing on my previous experience working at the UN Human Rights Council.

From the outset, it was clear that I had much to learn from Reprieve's tireless and tenacious team. I was particularly lucky to be volunteering at Reprieve during a two-day brain storming session on how to challenge the US 'kill list'. This session offered a window into the significant challenges national security litigation carries. Advocates must also grapple with the deference of the judiciary to the executive branch on national security issues, on constitutional or institutional competence grounds. This often shields counter terrorism policies from judicial review. Where a State's alleged complicity in another States unlawful acts are at issue, UK courts have been unwilling to offer victims redress. In *Noor Khan* the Court of Appeal rejected the applicant's claim that the UK government's provision of 'locational intelligence' to the US authorities for use in drone strikes is unlawful, on the grounds that it would be a wrong exercise of discretion for the court to grant relief which would 'necessarily entail a condemnation of the activities of the United States'. Furthermore, litigants face expansive Government secrecy claims, which would be unfathomable in most other contexts, facilitated in the UK by Closed Material Proceedings.

For human rights advocates, it can seem that these barriers tilt the scales of justice heavily in favour of the State, hampering access to justice and obstructing accountability and public oversight, which are bedrock principles of democracy. Whilst jarring, it became apparent during the brain storming session that Reprieve has carved out an approach that responds to these obstacles. First, a key takeaway was that working to protect human rights in the context of counter terrorism demands creativity and a lateral approach to analysing facts and framing cases. Secondly, Reprieve deploys a Swiss Army knife of tools – litigation, investigation, research, domestic and international advocacy, communications and campaigns – which they view as complementary. The organisation is, and my experience was, enriched by a cross fertilisation of expertise. This holistic approach cuts across Reprieve's work but, given the challenges associated with national security litigation, becomes particularly important for the Abuses in Counter Terrorism team. Thus, for example, strategic litigation becomes a powerful tool for public education and political engagement when accompanied with a shrewd communications strategy. Accordingly, legal 'successes' may find different expressions: victims may finally have their story heard and Government's may be compelled to defend their position – inside and outside the courtroom.

My time at Reprieve was immensely edifying, and a stepping stone to my current role as Legal and Policy Officer at Rights Watch (UK), a small, dynamic human rights organisation working to ensure measures taken in pursuit of national security comply with the UK's international and human rights obligations. I am currently working on global warfare and domestic counter terrorism measures. The skills and the subject matter knowledge I developed at Reprieve are directly relevant to my current work. This also means that I am continuing to work with many of the brilliant staff at Reprieve who were so welcoming, supportive and never too busy to get a coffee and discuss their projects or my future career aspirations. In particular, I would like to thank my supervisor, Jennifer Gibson, for her guidance and encouragement.

The HRLA Bursary is one of the few of its kind and a much-needed support for aspiring human rights lawyers. I feel hugely privileged to now be working in human rights and counter terrorism, and the HRLA Bursary paved the way. I am extremely grateful to have been a recipient, and I hope that the Bursary will long continue to create opportunities that might otherwise be denied.